

**Item B. 6**                      **07/00347/FUL**                      **Permit (Subject to Legal Agreement)**

**Case Officer**                      **Mr Andy Wiggett**

**Ward**                                      **Chorley South East**

**Proposal**                              **Three terraced dwellings**

**Location**                              **Land 10m South West Of 14 Saville Street Chorley**

**Applicant**                              **Mr D Miller**

**Proposal**                              This application relates to the erection of three terraced dwellings.

**Policy**                                      In reaching this decision the policies in the Development Plan for the area, which currently comprises the Regional Spatial Strategy for the North West, the Joint Lancashire Structure Plan (2005) and the Chorley Borough Local Plan Review 2003, were taken into account. This includes specifically the following policies: in the Local Plan Policies GN1- Settlement Policy, GN5 - Building Design and HS6 - Housing Windfall Sites.

**Planning History**                      None

**Consultations**                              **Lancashire County Council Highways** - Comments that the parking arrangements off Saville Street are not acceptable and needs to be 6m in depth, the footway will need to be rebuilt, questions access off Weldbank Street and bin emptying arrangements.

**Representations**                      Ms L Seddon 18 Saville Street, Chorley - Concerned about the positioning of the houses, they should be built in line with our houses. Will block light for us and not look right in the street.  
Mr And Mrs S Hudson 75 Weldbank Lane, Chorley - the loss of the land on Weldbank Street used for parking for the Mitre pub will increase parking problems in the area.

Mr M Gregory 14 Saville Street, Chorley - Concerned that the houses would block light from my home and garden. The houses should line up with our houses. Do not want an alley way between the new houses and my house.

**Assessment**                              The site is a vacant plot of land between a sub station and terraces of new houses. Opposite is a housing development currently under construction. The rear part of the site is a tarmaced car parking area and turning head for Weldbank Street.

The main issues with regard to determining this application concern the houses' design and the relationship with adjoining property and any likely loss of amenity and the effect on the street scene.

The principle of the development of the site for residential purposes is accepted as the area is becoming predominantly residential and the remaining none residential use, a repair garage across the street, is part of an allocated housing site in the Local Plan.

Objections from neighbours have highlighted their concerns about the fact that the new houses would be set back from the highway by 6m to allow for off road parking spaces. As a result the houses will extend beyond the rear elevation of the adjoining dwellings by 3m. However, this just satisfies the 45 degree guideline in the Council's SPD and as a result is considered acceptable in terms of the amenity of neighbouring property in that the loss of sunlight will be confined to the afternoons as the new houses would be on the western side of the existing houses.

In terms of affect on the street scene, this part of Saville Street does have a building line established by the new houses, however, the substation next to the housing site compromises this and across the street are the access road into a new housing scheme, the repair garage and different house styles beyond that. It is not considered that the set back from the highway of the proposed houses will so adversely affect the street scene as to be unacceptable.

The applicant has submitted amended plans to overcome the objections of the Highway Authority in terms of parking. The question of spaces accessed off Weldbank Street and using land where cars are currently parked is a matter of land ownership. The application indicates that the land is all within the ownership of the applicant. The Mitre pub does have a small car park to the rear of the building and so long as the proposed new houses demonstrate adequate off road parking provision the loss of this piece of land cannot, therefore, be a material factor in determining the application.

It will be necessary for the applicant to enter into a s106 agreement concerning a financial contribution towards equipped play space in line with Council policy.

## **Conclusion**

Developing this vacant piece of land for housing is acceptable in principle and the layout now proposed meets the objections of the Highway Authority. The residents concerns about the relationship of their houses with the new dwellings are understandable but the amenity of their houses will not be affected to an unacceptable degree.

## **Recommendation: Permit (Subject to Legal Agreement) Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the amended plan(s), received on the 9<sup>th</sup> May 2007.

*Reason: To define the permission and ensure a satisfactory form of development.*

3. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

*Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*

4. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

*Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of the appearance of the locality and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

6. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

7. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5, DC8A, DC8B, HT2, HT3, HT7, HS4, HS9, EM3, EM4A and EM5 of the Adopted Chorley Borough Local Plan Review.*

8. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5, DC8A, DC8B, HT2, HT3, HT7, HS4, HS9, EM3, EM4A and EM5 of the Adopted Chorley Borough Local Plan Review.*

9. Before development commences full details of the proposed boundary details shall be submitted to and approved by the Local Planning Authority. Such details as approved shall be implemented in full before first occupation of any dwelling and retained thereafter.

*Reason: In the interests of visual amenity and in accordance with policy GN5 of the Adopted Chorley Borough Local Plan Review.*

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

*Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

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