

Item 3I **16/00390/FUL**

Case Officer **Adele Hayes**

Ward **Chorley East**

Proposal **Erection of a terrace of 3no. three storey houses**

Location **Lyons Lane**
Chorley
PR6 0PJ

Applicant **Elmwood Construction LLP**

Consultation expiry: **15 May 2016**

Decision due by: **27 July 2016**

Recommendation

It is recommended that this application is granted conditional approval.

Proposal

1. This application site forms part of a wider site for which full planning permission was granted in November 2012 for the erection a mixed use development consisting of new and refurbished industrial units and 10 residential dwellings (12/00045/FULMAJ). Permission was granted subject to a number of conditions.
2. A subsequent Section 73 application, that sought consent to vary conditions nos. 3 and 17 attached to the planning approval, to essentially allow alterations to the approved industrial units and dwellings, and remove the requirement to build the dwellings to Level 4 of the Code for Sustainable Homes, was approved in June 2013 (13/00299/FULMAJ). The approved scheme has already been implemented by the commencement of the works on the retained industrial site and the levelling of the residential site and the construction of retaining walls.
3. A further Section 73 application, to again vary condition no. 3 (approved plans) attached to the permission, to enable re-positioning of the proposed dwellings, and to change the approved house types was approved in April 2016.
4. The revised scheme involved a change to the orientation of the proposed houses and the new approved layout results in all the units fronting Townley Street and having larger rear gardens. This avoids the houses having views over the industrial site and will ensure the deliverability of the scheme as this layout will result in reduced set up costs and upfront costs associated with the cul-de-sac.
5. The 10no. dwellings that have already been approved will be arranged in two terraces of three houses and two pairs of semi-detached houses, although rather than being set out around a new cul-de-sac, they will front directly onto Townley Street.
6. This current application seeks planning permission for the erection of an additional 3no. dwellings, built between the two pairs of approved semi-detached dwellings, to effectively form a terrace of seven dwellings.

Representations

6. The proposal has been advertised on site and letters have been sent to the occupiers of neighbouring properties. No representations have been received as a result of this publicity.

Consultations

7. The Coal Authority – recommend standing advice.
8. The Council's Contaminated Land Section – have confirmed that they have no objections.
9. The Highway Authority – no comments have been received.

Main Issues

10. The main issues for consideration in respect of this planning application are:

- Design and appearance;
- Highway safety; and
- Impact on the neighbours

Assessment

Principle of the development

11. The principle of redeveloping the wider site with industrial units and housing was originally established as being acceptable by the grant of planning permission in November 2012 and the

subsequent Section 73 applications. This application now proposes the erection of 3no.additional dwellings.

Design and appearance

12.The proposed dwellings will front directly onto Townley Street and will complement the previously approved dwellings.

13.The resultant development will create a better street scene that will fits in with the orientation of the residential development recently completed on the adjacent site opposite that fronts Charnock Street, and will avoid a gap in the built form along the street. The delivery of this development will effectively complete the residential development of the last remaining piece of derelict land that was formally Lawrences Mill.

14.A single house type is proposed with rear gardens and 2no. off street car parking bays located at the front of each dwelling. The materials used for construction will be a traditional nature, facing brick and roofing tiles, and window frames and doors will be white UPVC.

Highway safety

15.The Highway Engineer at Lancashire County Council has been consulted and has raised no objections.

16.The properties will each have three bedrooms and two spaces each which meets the Council's parking standards.

Impact on the neighbours

17.The application site is relatively flat but rises slightly on a north / south axis. The area of land where the houses will be built is currently in a very poor condition and is covered in demolition rubble due to the mill building having been demolished and its former walls now form a boundary to the residential site.

18.Eldon House, which is sheltered housing accommodation, is located to the south east. Parts of this building currently look towards the application site and have a very poor outlook. It is considered that the resultant relationship with this building and the new dwellings that have been built on the opposite side of Townley Street will be acceptable and will not result in any significant loss of amenity for the future residents within the development or occupiers of existing dwellings or the neighbouring sheltered housing scheme.

19. The proposed dwellings will have a rear aspect facing the Busy Bee's nursery site which is at a higher level and this is considered an acceptable relationship.

Provision of Public Open Space

20. Policies HS4A and HS4B of the Local Plan set out a requirement for a financial contribution towards equipped play space, casual/informal play space and playing fields for all new housing planning permissions in the Borough irrespective of size.

21. In September 2013 the Council adopted The Open Space and Playing Pitch Supplementary Planning Document. The Council's requests for financial contributions towards the provision and improvement of public open space within the Borough are therefore now based upon the standards within Local Plan Policies HS4A and HS4B and the approach in the SPD. The Council has also produced an Open Space Study and Playing Pitch Strategy which provides detailed information on local needs, deficits and surpluses, therefore such requests for contributions are based on a robust and up to date assessment on the level of need and existing provision in the local area.

22.However, following a recent high court judgement, the government has revised the planning practice guidance in relation to tariff style financial contributions. It now advises that tariff style planning obligations should not be sought from small scale and self-build development. Contributions should not be sought from developments of 10 units or less and which have a maximum combined

gross floor space of no more than 1000sq m. This guidance should carry significant weight, however the Court of Appeal Decision clarified the position that Councils should take, and where there is evidence of local need, a contribution may still be sought. The Council's Planning Policy Team advises that there is no evidence of local need to outweigh national policy and it is not, therefore, considered reasonable to require a financial contribution in this instance in accordance with Central Government Guidance

Sustainable Resources

23. Since the Deregulation Act 2015 received Royal Assent on 26th March 2015, the Council has implemented transitional arrangements relating to the Code for Sustainable Homes that has been withdrawn, to continue to require dwellings to achieve an energy efficiency equivalent to Code for Sustainable Homes Level 4, in excess of current Building Control requirements.

24. However, the applicant has previously submitted a viability assessment that established that the approved dwellings can only be constructed to current Building Regulations with no additional energy efficiency measures without rendering the development unviable.

25. The provision of three additional houses will not improve the financial viability of the scheme as CIL will now be imposed on any additional space. In order to ensure that this development is viable, and the proposed rents affordable, it is not considered reasonable to require additional energy efficiency measures in this case.

Community Infrastructure Levy

26. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Overall Conclusion

27. The total number of dwellings will increase by three and the acceptability of the principle of residential development on this site was established as being acceptable with the previous grant of planning permission. Three additional dwellings are considered to be acceptable.

28. The removal of the requirement to achieve Code Level 4 has previously been accepted to assist in ensuring that housing continues to be built on this site and it is recommended that this application is approved.

Planning Policies

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

The site history of the property is as follows:

Ref: 92/00096/FUL

Description: Demolition of existing chimney and erection of pre-fabricated boiler flue. Approved 10 March 1992.

Ref: 09/00690/DEMCON

Description: Application for prior determination in respect of the proposed demolition of the former Yarn Supplies Site. Demolition approved: 8 October 2009.

Ref: 12/00045/FULMAJ

Description: Proposed mixed development consisting of 10 new starter industrial units, 3 refurbished existing units within an enclosed employment site together with 10 residential dwellings. Approved: 22 November 2012.

Ref: 12/01246/DIS

Description: Application to discharge condition numbered 17 (Code for Sustainable Homes) of planning approval 12/00045/FULMAJ. Condition not discharged: 8 February 2013.

Ref: 13/00175/DIS

Description: Application to discharge conditions numbered 7 (ground contamination), 10 (hard-ground surfacing materials) and 11 (external facing materials) of planning approval 12/00045/FULMAJ. Condition discharged: 25 March 2013.

Ref: 13/00299/FULMAJ

Description: Section 73 application to vary condition 3 (approved plans) and condition 17 (code for sustainable homes) attached to planning approval 12/00045/FULMAJ to allow for elevational alterations to the dwellings and industrial units and for the dwellings to be built to Level 3 of the Code for Sustainable Homes. Approved: 25 June 2013.

Ref: 16/00132/FULMAJ

Description: Section 73 application to vary condition 3 (approved plans) attached to planning approval 13/00299/FULMAJ to enable re-positioning of the proposed dwellings and to change the approved house types. Approved: 25 April 2016.

CONDITIONS

The following conditions are suggested:

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.

Reason: To define the permission and in the interests of the proper development of the site.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Title	Ref	Date Received
Site Location Plan	N/A	27 April 2016
Proposed detailed site layout		11 May 2016
Proposed Elevations and Sections	1408/26 004	27 April 2016

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The external facing materials, comprising Weinerberger Brighton Multi bricks, Sandcroft Calderdale dark grey tiles and Veka profile white Upvc windows, shall be used and no others substituted.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. The housing hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s). The eaves height shall not exceed 99.495 datum and the ridge height shall not exceed 109.11 datum.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

5. Before the occupation of the dwellings hereby permitted the driveways and parking spaces shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance.

6.No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents.