

Item 2 **08/01134/FUL** **Permit (Subject to Legal Agreement)**

Case Officer **Mr Andy Wiggett**

Ward **Clayton-le-Woods North**

Proposal **Erection of 2 No. two storey houses, 2 No. bungalows and a new means of access**

Location **Lilac Mount 704 Preston Road Clayton-Le-Woods ChorleyPR6 7EJ**

Applicant **Mr John Dickenson**

2 letters of objection and a petition from five households objecting to the proposal have been received
Consultation expiry: 21st December 2008
Application expiry: 1st January 2009

Proposal The application proposes the erection of four detached dwellings and new means of access. The site is the long rear garden of a detached house on Preston Road Clayton-le-Woods. The existing large garage would be demolished to allow for the extension of the existing private drive.

Policy GN1, GN5, HS4, TR4

Planning History **97/00265/FUL** – Single storey rear extension to form bedrooms and lounge - approved
03/00229/FUL – Erection of single storey rear extension – approved
08/00602/OUT – Outline application for the change of use of the existing dwelling and garage block to create 5 dwellings. Additionally the erection of four detached bungalows - withdrawn
08/00878/FUL – Erection of 6 detached houses and conversion of part of existing dwelling to 2 apartments – refused

Consultations Neighbourhoods – require a condition to secure a report identifying any potential sources of contamination on the site and where appropriate necessary remediation measures.
Parish Council – consideration should be given to the amenity of neighbouring properties to the rear.

Representations Local Councillor – objects on the grounds of inadequate access.

- noise and disturbance from access drive and increased vehicular movements
- loss of privacy
- loss of natural light
- environmental impact of street lighting
- effect on TV reception

Applicant's Case The application site is in a sustainable location on a main bus route and close to shops

- the buildings will have been designed to complement their surroundings and built of similar materials

- access has been designed to standards required by the County Highways Authority with adequate visibility splays of 2.4m x 90m
- a dedicated refuse storage area has been provided at the front of the site

Assessment

The main issues to have regard to in determining the application are effect on neighbour amenity, access and highway considerations and design and appearance.

Neighbour Amenity

Previous applications on this site have proposed detached houses which did not meet the Council's interface distances particularly with regard to the properties to the northwest on Daisy Meadow. The application could not satisfy the 12m distance of a blank two storey gable to habitable rooms in adjoining houses as there would be a 1.9m difference in levels. The applicant has now submitted an amended plan substituting bungalows for the two storey houses. This now satisfies the guidelines and it is also considered advisable to condition a 2m high fence be erected on the boundary with the properties on Daisy Meadow so as to eliminate the potential for overlooking from a side bedroom window. The remaining two storey houses would have blank elevations approximately 20m away from property in Daisy Meadow to the north west but only about 11m from a dwelling to the south east. In this instance, the difference in levels is such that this is considered acceptable as the orientation of the proposed new house is not directly parallel with the neighbouring house and this will not result in excessive overshadowing.

Access and Highway Considerations

The applicants have had extensive negotiations with the County Highway Authority resulting in the submitted scheme of a 3m wide private access drive with turning head and passing bay and visibility splays of 2.4m by 90m. The application shows a refuse collection point with space for five bins directly off Preston Road so that refuse vehicles do not have to enter the site. The existing 3m private drive is shown as widened to 4.5m at its junction with Preston Road so that two vehicles can pass.

Design and Appearance

The dwellings would be of conventional design and constructed of red facing brick and grey roof tiles. These would be in keeping with those of surrounding properties. The private drive would be lit by low level bollards.

Conclusion

The current amended application is now considered acceptable in that previous concerns with regard to vehicular access have now been resolved to the satisfaction of the Highway Authority. The revised layout has bungalows to overcome any potential adverse impact on the properties on Daisy Meadow. The design of the new dwellings is acceptable.

Recommendation Permit subject to a S106 agreement and written confirmation from the County Highway Authority that the scheme meets their requirements. If no agreement is forthcoming the application should be refused.

**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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the 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 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 and HS4 of the Adopted Chorley Borough Local Plan Review.

3. 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 and HS4 of the Adopted Chorley Borough Local Plan Review.

4. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

5. 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.

6. 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.

7. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: In the interests of safety and in accordance with the guidance set out in PPS23 – Planning and Pollution Control 2004.

8. 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 (notwithstanding any such detail shown on previously submitted plans) 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 No. GN5 of the Adopted Chorley Borough Local Plan Review.
