

24 June 2008

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 24TH JUNE 2008

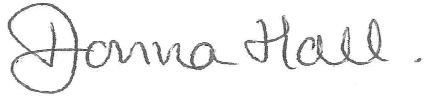
The following reports were tabled at the above meeting of the Development Control Committee.

Agenda No Item

10. **Addendum (Pages 1 - 28)**

Addendum (circulated at the meeting)

Yours sincerely



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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

COMMITTEE REPORT			
REPORT OF	MEETING	DATE	ITEM NO
Corporate Director (Business)	Development Control Committee	24/06/2008	

ADDENDUM

ITEM A1: 08/00320/OUTMAJ - Croston Timber Works Goods Yard, Station Road, Croston, Leyland, PR26 9RJ - Outline planning application for the residential redevelopment of the site comprising of 45 dwellings (comprising of mix of apartments in 3 storey block, 2, 2.5 and 3 storey dwelling houses), and means of access into the site

Proposal

This application proposes the redevelopment of the former Woodworks site at the northern end of Station Road within the rural settlement of Croston. The application is submitted in outline format wherein only access is being applied for at this stage. However, in accordance with Circular 01/2006, an indicative layout plan has been submitted detailing a mix of 2, 2.5 and 3 storey town houses, detached and semi-detached dwellings and a 3 storey block of apartments resulting in a total of 45 units on the site. An indicative layout is detailed in the Design & Access Statement submitted with the application. In terms of affordable housing, 11 shared ownership apartments are to be provided.

Background

The application site represents approx. 0.75 hectares of land to the north end of Station Road in Croston and is bounded by the railway line, the Croston station car park and Langdale Avenue to the south. Access is adjacent to the De Trafford Arms Public House off Station Road. The buildings on site were previously, although not recently, used as a woodworks (approximately 500 sq m). This use ceased in 1992. The site had become very overgrown although just recently the vegetation and self seeded trees have been cleared. However, the site still has the appearance of being abandoned and prior to being fenced off had attracted youths to congregate in the abandoned building/s.

Outline planning permission was first granted in June 1997 for 19 dwelling and this was renewed for the same number in July 2000. An application for reserved matters was submitted in June 2003, but this indicated 31 dwellings and was invalidated, with advice that the submission should relate to only 19 dwellings. The applicant did not respond to correspondence resulting in the outline planning permission lapsing and the reserved matters submission being withdrawn.

The site was identified in the former Local Plan by Policy H6 as a site occupied by a non-conforming use wherein its redevelopment for residential purposes was considered suitable. However, the allocation of the site was not carried forward in the Adopted Local Plan Review.

Applicants Case

Following the recommendation made to Development Control Committee to refuse planning permission based on the previous indicative layout, the applicant has now provided further amended plans, which are now being presented to Members for consideration. The amendments comprise of the following: -

- A further reduction in the number of dwellings on site from 50 to 45 comprising of 4 no. 3 bed 2 storey semi-detached properties, 2 no. 4 bed 3 storey detached properties, 14 no. 3 bed 2.5 storey town houses, 9 no. 3 or 4 bed 3 storey town houses and 16 no. 2 bed apartments in a 3 storey apartment block
- Reduction in the height of some of the dwellings from 2.5 storey to 2 storey
- Provision of 2 large detached 3 storey dwellings at the site entrance as opposed to 4 terraced 3 storey dwellings
- Additional car parking spaces across the site
- Redesigned layout to enable a refuse vehicle to enter and leave the site in forward gear
- Increase in the separation distance between the dwelling in the

The applicant has also submitted existing levels details with 4 site sections, which illustrate the difference in levels between the properties on Langdale Avenue and the site.

The applicant has also submitted an amended Design & Access Statement in addition to the originally submitted Planning Statement, Transport Assessment and a Noise and Vibration Assessment in support of the application.

The applicant also carried out a consultation exercise wherein a public exhibition was held at Bishop Rawshtorne High School on 14th January of this year to engage with local residents and address any concerns expressed at the time. The applicant states that 26 written responses were received as a result of the exhibition which raised various concerns relating to the number of units proposed, the height of the development, need for more bungalows, the level of car parking provision and the sewerage/infrastructure capacity. The applicant states that the scheme has been amended as a result of comments received wherein the height of the apartment block has been reduced from 4 to 3 storeys in height. In addition, the proposed dwellings in the western corner of the site have been reduced

from 3 to 2.5 storeys in height to reduce the impact on the adjacent properties on Langdale Avenue.

The applicant states that the amended design and layout of the development has been carefully considered and that it will remove the existing dilapidated buildings and issues of anti-social behaviour associated with these and deliver a high quality residential environment, which will provide a positive contribution to the wider character of the village. The applicant states that this will not only materially improve the character and visual appearance of both the site and local area but will have a positive impact upon the amenity of local properties. The site is well related to local shops, services and public transport facilities.

The Transport Assessment concludes that the development will provide a substantial improvement to the existing access off Station Road, will provide an improved formal access into the railway station car park, the proposed site access arrangements can adequately cater for the proposed development traffic and that the proposals will have a negligible impact on the surrounding local highway network.

The Noise and Vibration Assessment concludes that the proximity of the site to the railway line and the existing levels of noise it creates need not be considered a determining factor when granting planning permission.

National Planning Policy

PPS1 - Sustainable Development

PPS3 - Housing

Department of Transport Guidance: Manual for Streets

Joint Lancashire Structure Plan

Policy 7 (JLSP) - Accessibility & Transport

Policy 12 (JLSP) - Housing Provision

SPG (To Policy 7) - Access & Parking

Chorley Borough Local Plan Review

GN4 - Settlement Policy – Other Rural Settlements

GN5 - Building Design & Retaining Existing Landscape

Features

EP16 - Contaminated Land

EP18 - Surface Water Run Off

EP19 - Development & Flood Risk

HS4 - Design & Layout of Residential Developments

HS6 - Housing Windfall Sites

EM4 - Protection of Employment Sites in Rural

Settlements

TR4 - Highway Development Control Criteria

HS6 - Housing Windfall Sites

TR18 - Provision for Pedestrians & Cyclists in New

Development

SPG - Design Guidance

Ref No. 96/00470/OUT – Outline application for housing. Planning permission was granted on 11th June 1997 for the erection of 19 dwellings.

Ref No. 00/00355/OUT - Outline application for 19 dwellings (Renewal of 9/96/470). Planning permission was granted on 6th July 2007.

Ref No. 03/00661/REMMAJ - Reserved Matters for 31 dwellings and associated works. This application was withdrawn on 11th August 2003 as it obviously did not accord with the outline permission hence could not be considered as a Reserved Matters application.

Ref No. 03/00846/FULMAJ - Erection of 28 houses with associated roads and sewer. This application was refused on 26th September 2003 mainly on windfall housing grounds.

Croston Parish Council object to the application. The comments submitted can be summarised as follows: -

- The density of the development is too high and would impact detrimentally on existing services including drainage and sewerage provision
- The applicant fails to mention that the previous outline planning permissions were for only 19 and 28 dwellings
- A need for apartments in the village is not evidenced in the Parish Plan
- The height of the properties proposed are not in keeping with those found in Croston
- The high density of the development and the low level of parking spaces will lead to problems on this site that are already experienced on other new build developments in the village
- Garages are rarely used for parking and end up being used as garden sheds
- The actual parking requirement is well in excess of the 1.5 per dwelling average
- The development could lead to residents parking on the Railway Station car park potentially leading to charging thus hitting local commuters
- The recycling area at the car park may have to be moved to make way for parking spaces
- The number of vehicles associated with the development will impact on traffic flows through the village and increase congestion
- The developer has incorrectly referred to rail services being more frequent than they actually are
- The developer incorrectly states that there are 4 schools in the village but two of these have recently closed
- The development will increase pressure on the schools
- The doctors surgery is close to capacity
- The report gives the impression that there are many shops of diverse range

- A barn owl is nesting in the main building

LCC (Ecology) advise of the need for an initial bat survey, which the applicant has carried out. This has been accepted by LCC (Ecology) and concludes that there are no Bats on the site. LCC (Ecology) have also advised that a Barn Owl survey should be carried out prior to development commencing and made the subject of a planning condition. In relation to Great Crested Newts, the advice is that the development is unlikely to impact upon populations of them hence a survey is not required.

Strategic Housing raise no objection to the 11 shared ownership affordable apartments proposed on the site but make recommendations in relation to the requirements of the Section 106 agreement.

LCC (Strategic Planning) raise no objections to the principle of the development and consider that it conforms to the Joint Lancashire Structure Plan provided that

Planning Policy section advise that the development accords with Policy GN4 in that affordable housing is proposed as part of the development and that the site is previously developed land that has not been cleared.

The **Corporate Director (Neighbourhoods)** advises of the need for Desk Study to investigate potential contamination and advises that adequate waste storage and collection facilities should be provided.

The **Architectural Liaison Officer** raises no objection but advises that consideration should be given to incorporating the design specification of 'Secured by Design'.

LCC (Highways) do not have any objections to the principle of the development subject to securing a developer contribution of £49,000 towards improvements to the adjacent bus stops, evening bus services, provision of a shelter at the station and lighting to the station car park and the imposition of various highway related conditions.

The **Environment Agency** raises no objections to the application subject to the imposition of a condition relating to surface water regulation and ground contamination investigation.

Network Rail raises no objection but suggest various conditions and informatives in relation to the development due to the railway line bounding the northwestern site boundary.

United Utilities raise no objections but do advise that the site should be drained on a separate system with only foul drainage connected into the foul sewer and that surface water should discharge to the watercourse/soak away/surface water

sewer and may require the consent of the Environment Agency.

The **Regeneration and Urban Design Manager** has made comments on the originally submitted plans and suggested an alternative layout. In response to this, the applicant has submitted an amended Design & Access Statement, which justifies the 3 storey elements of the development and has also submitted an amended layout.

The **Coal Authority** offers Standing Advice.

Representations

To date, 30 individual letters and comments made through the public access system raising objections have been received. A duplicate letter signed by 154 different Croston residents has also been received again raising objections to the development. The contents of the objections can be summarised as follows: -

- The density of the development is too high and not in line with the type of housing identified in the Croston Parish Plan
- Not enough car parking is being provided
- The additional traffic associated with the development will only make the problems of parked cars on the roads in Croston worse
- The position of the access will make it hazardous to old and young alike in Croston
- There are a number of inaccuracies with the application in that there are only 2 schools in Croston, 2 convenience stores, 2 hairdressers, a pharmacy and a school outfitters and they are not situated together and public transport is not as frequent as stated
- The development would put a strain on the sewerage system and local schools
- The trees on the site have been cleared
- Access into the site is totally unacceptable
- The building in the yard is currently home to a Barn Owl and a number of Bats
- Croston does not have the amenities to cope with more housing
- The site sits approx. 2m above the adjacent properties to the south on Langdale Avenue
- The development will impact on the privacy of local residents adjacent to the site
- Croston already has a major problem with flash flooding and the development will increase the risk of flooding

- Any housing on the site must meet the needs of local people
- Properties on Langdale Avenue will experience a loss of light and also experience loss of privacy through incumbent noise and disturbance
- No employment opportunities are being provided
- The high density nature of the development will lead to increased commuting and pollution
- Whilst the provision of affordable apartments is laudable, the apartments by virtue of some being affordable, could affect local property values and the word 'ghetto' could be applied to such a strategy
- Croston has existing problems with water and power supplies and these points are not addressed in the application
- The existing properties on Langdale Avenue have enjoyed privacy for many years
- Modern 3 storey houses and flats are not in keeping with the historic village of Croston
- Has the site been tested for toxins

ASSESSMENT

PRINCIPLE OF DEVELOPMENT

The site lies within the Croston settlement area and in accordance with Planning Policy Statement 3: Housing, the site is considered to be previously developed land and as such, previously developed land is that which is or was last occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. In this case, the land was last used as woodworks and the buildings remain on site. PPS3 encourages the redevelopment of previously developed land as opposed to developing Greenfield land hence the principle of redeveloping the site for residential development accords with Government guidance in PPS3. The development also accords with the objectives of Policy No. 12 of the Joint Lancashire Structure Plan in that it makes a contribution to the supply of affordable housing in Croston with 11 of the apartments being set aside as shared ownership apartments.

In terms of Policy EM4 (Protection of Employment Sites in Rural Settlements) of the Local Plan, this site has previously been granted planning permission for residential redevelopment (Ref Nos. 96/00470/OUT and 00/00355/OUT) and whilst these were never taken forward, by virtue of this it is considered that the principle of the residential redevelopment of this site has long been established. Moreover, Policy H6 of the previous Local Plan actually identified the site as one suitable for residential redevelopment as and when it became available as it was considered not to be compatible with the surrounding uses.

The site is positioned directly adjacent to Croston railway station and several bus stops hence for a site within a rural settlement; the sustainability of the site, given it is in a rural settlement is above average. Moreover, a developer contribution requested by LCC (Highways) could go in part towards improving evening bus services. The development is therefore considered to be in line with the broad sustainability objectives set out in PPS1.

Affordable Housing

The applicant is proposing to make 11 of the apartments proposed shared ownership affordable units. No objections have been raised by Strategic Housing in relation to this and as detailed, in accordance with Policy 12 of the Joint Lancashire Structure Plan and Policy GN4 of the Local Plan, the provision of the affordable apartments across meets the objectives of these Policies thus also establishes the principle of the development. The affordable units would be transferred to a Housing Association who would then manage the affordable apartments thereafter.

Design & Density Issues

The final design of the development across the site is reserved for approval at a later stage and would be one of the elements detailed in a Reserved Matters application if outline planning permission were to be granted. Only access is being applied for at this stage although Circular 01/2006 stipulates that the Design & Access Statement should form part of the approval hence conditions can be utilised to ensure the future development of a site is carried out in accordance with the principles set out in the supporting Design & Access Statement and indicative site plan.

The development now proposed will now comprise of a mix of 2.5 and 3 storey town houses, 2 storey semi-detached and 3 storey detached properties along with a 3 storey apartment block accommodating 16 no. 2 bed apartments. The site is approx. 0.75 hectares in size and the provision of 45 dwellings on it equates to a density of approx. 60 per hectare.

This high density is in part due to the provision of the apartments in the northeastern corner of the site as otherwise the density would be much lower if the site comprised wholly of town houses. The linear terraced rows of properties fronting the internal road are reflective of the local character prevalent along Station Road hence so is the density. In terms of the 3 storey elements, namely the town houses, the apartment block and the detached properties at the site entrance, it is considered that the applicant has demonstrated this aspect of the development can now be accommodated on the site without being wholly out of character with the Croston locality. Moreover, the 3 storey detached dwellings at the site entrance and at the head of the parking court will act as focal points that

will help to create a sense of place and identity for the development. However, as stated, the final design of the dwellings is reserved for approved but the 2 dwellings at the entrance could be designed to reflect typical mill owner's properties and pick up on the traditional detailing found on properties in the older part of the village.

In terms of the 3 storey development proposed, similar height development can be found on the redeveloped Jubilee Mill Works site off the new Moor Road mini roundabout just before the railway station which is just a short distance away to the north east of the application site and 2.5 storey development can also be found on the redeveloped Orchard Mill site off Westhead Road which is towards the southern end of Croston much closer to the Conservation Area.

In terms of the internal layout relationship between proposed properties within the development, the intervening distance between the rows of terraced properties fronting the internal road will be less than the usual 21m. However, this is reflective of the type of terraced development that can be found in Croston and is in line with the guidance found in section 5.4 of Manual for Streets which sets out typical road widths. For example, it states that between mews properties, the distance should be 7.5m to 12m whilst between properties on a residential street; the distance should be between 12m to 18m. The distances proposed are therefore considered to be consistent with the design guidance contained in Manual for Streets hence there are no concerns with this element of the development.

The layout comprises of a linear internal road with slight deflections which serves the properties fronting onto either side of it with a terrace of 3 no. 3 storey town houses and 2 no. 2 storey semi-detached properties located at the eastern end of the site fronting onto a parking court. The general layout of the site reflects the predominant terraced properties on Station Road but also reflects guidance in Manual for Streets and is also a result of the constraints placed on the development of the site by virtue of its shape and dimensions. At the western end of the development, turning space for bin and service vehicles has now been provided and in response to concerns from the Parish Council and local residents, additional parking spaces provided. Also, there is now a focal point designed into the scheme by virtue of the 3 storey development at this end to add visual character and create a sense of place and identity for the development rather than the same house type simply being repeated as per the previous scheme.

The same can be said for the 2 no. 3 storey properties proposed at the entrance to the site as opposed to the previous scheme, which detailed a terrace of twice the number. Again, the focal point here would be by virtue of the mass of the buildings and the anticipated design in the form of large mill owner's properties. This element of the development

is considered to be a marked improvement over the previous scheme.

The properties on the left hand side of the development fronting the internal road comprise of a mix of 2 and 2.5 storeys. In particular, the first dwellings are only 2 storeys in nature now and comprise of a pair of semi-detached properties following by the 2.5 storey properties. This overcomes the previous concerns with the dominance of 2.5 storey properties in this position.

In terms of the apartment block, the elevation to the railway station car park will provide an important frontage to the development and will, as with the 2 no. 3 storey detached properties, provide a focal point from outside of the site hence the design of the apartment block will require careful consideration at the reserved matters stage.

The development in terms of its layout and density is now therefore significantly less cramped than previously proposed and more space is now available to provide additional parking and turning facilities for a refuse collection vehicle. It is therefore considered that the design, layout and density of the development is acceptable and accords with the objectives of guidance in PPS1 and PPS3 and the other Policies in the development plan.

Impact on Neighbour Amenity

Whilst only access is being applied for, the submitted indicative layout in the Design & Access Statement specifically details the position and scale of the dwellings and Circular 01/2006 stipulates that the future development of a site should be carried out in accordance with the principles set out in the said Design & Access Statement.

The 2 and 2.5 storey dwellings are all proposed approx. 21m from the properties to the south on Langdale Avenue where the rear elevations face these properties. The applicant has submitted levels details, which show that the site is a maximum of 0.85m higher than the slab levels of these properties adjacent to 26 and 28 Langdale Avenue wherein a property is sited gable on to the rear elevations of these properties.

This difference in levels is not of such significance that it presents problems with ensuring the slab levels of the proposed dwellings are at such a level so as to not result in the relationship between the development and these properties being unacceptable as the slab level of the proposed dwellings can be controlled through any plans approved following the submission of a reserved matters application. In terms of the relationship between the pair of semi-detached properties 26 and 28 Langdale Avenue and the gable of the proposed dwelling in the southwestern corner of the site, this distance

will be approx. 15m instead of the originally proposed 12m. The dwelling nearest these properties will also now be 2 storey in nature as opposed to 2.5 storey and the site here is approx. 0.85m higher than these properties hence the 15m space between the two is considered an acceptable interface and in accordance with the Council's Spacing Standards.

In terms of the relationship with 8B Langdale Avenue, a recently constructed and extended true bungalow (Ref Nos. 02/01125/FUL / 06/01114/FUL), the rear elevation of the nearest property will be approx. 15m away and 8B Langdale Avenue lies close to and behind a timber fence which has been constructed on top of a low retaining wall so views into the habitable room windows of this property in its elevation facing the site from the first floor windows in the proposed dwellings will not be attainable and the first floor windows in the said nearest dwellings are approx. 15m from the boundary with 8B Langdale Avenue. The level details submitted by the applicant show that the site sits approx. 0.65m above the level of this property hence the interface distance of 15m is considered acceptable in order to safeguard the amenities of the occupier of this property.

The properties running from between 8B Langdale Avenue and 26 to 28 Langdale Avenue sit a maximum of 0.7m below the level of the site and as already stated, the slab levels of the dwellings proposed can be controlled through the reserved matters application which requires details of all slab levels to be submitted. If it is determined that the slab levels of the proposed dwellings need to be reduced, this can easily be achieved as there is not a significant difference in levels to be overcome. Alternatively, the siting of the dwellings can be moved slightly to address any interface issues.

In terms of the relationship between the apartments and Station House, the apartment block will be sited approx. 14m from the garden curtilage boundary of station house and in terms of the property itself, at its nearest point will be approx. 23m away, which is considered a suitable distance to safeguard the residential amenities currently enjoyed by the occupier/s of this property as the land level is uniform between the two unlike other parts of the site. The internal layout of the apartment block will have to ensure that any habitable room windows in the apartments, especially those on the top floor are sited in positions that do not allow for unacceptable levels of overlooking into the garden area of Station House although as with levels, this is a matter for final consideration at the reserved matters stage.

Highways

LCC (Highways) have no objections in principle to the development subject to securing a contribution of £49,000 from the developer towards improving the bus stops, evening bus services, station car park lighting and for the provision of a

shelter on the railway station platform. The applicant has agreed to pay these sums, which will be secured through a Section 106 Legal Agreement.

In relation to the actual development, as already detailed, only access is being applied for at this stage and the application proposes upgrading the existing ad-hoc access into the site and the railway station car park. The new access will essentially create a significantly upgraded and improved entrance from Station Road that will serve the site and the railway station car park and comprise of a properly constructed carriageway at a width of 5.5m with formal kerbed radii of 6m and a 2m wide footpath on both sides. The access is the same as approved on previous applications, albeit these were never implemented.

The amended internal layout of the site now has more of a 'Home Zone' feel with shared surfaces and a kink in the road that will help to reduce traffic speeds in line with guidance in Manual for Streets. The layout also breaks away from the more typical tarmac road and footpath layout commonly found on new developments and through the use of materials other than tarmac, this helps to create a more inclusive space where the layout is designed not only for the motor vehicle, but for residents thus striking a better balance between the two.

Also, the improved level of parking across the site comprises of 73 no. spaces (not including integral garages for some of the properties) to serve 45 dwellings. This improved level of provision is now considered to be acceptable and whilst some of the town houses benefit from 2 no. spaces comprising of a driveway and integral garage, in reality, it is unlikely that the integral garages will actually be used for the parking of a car hence the additional parking spaces will accommodate vehicles that would otherwise be parked on the street or the railway station car park. The apartments benefit from 1 no. space each with 5 additional spaces for visitors. The level of car parking provision has been sought as a direct response to the comments received from neighbours and the Parish Council. Sufficient space is also now provided to enable refuse and service vehicles to enter and leave the site in a forward gear.

On this basis, it is considered that the design and layout of the development now provides the best solution for the site in terms of parking and access.

Drainage, Surface Water & Flooding

No objections have been raised by the Environment Agency and United Utilities. However, concerns have been expressed by the Parish Council and residents in relation to the capacity of the drainage network and flooding. These matters will have been duly considered by the above consultees. The Environment Agency advise that a condition should be

imposed requiring a scheme to attenuate surface water run off rates to existing levels to reduce the increased risk of flooding be submitted and approved prior to development commencing. In effect, this will mean that the surface water entering the drain system will be controlled to current levels. United Utilities advise that surface water must be drained on a separate system and should discharge to a watercourse/soakaway/surface water sewer, which may require the consent of the Environment Agency. It is also stated that if surface water is discharged to the public surface water sewerage system, then the flow rate may have to be attenuated to a maximum discharge rate first determined by United Utilities. On this basis, there are no concerns regarding drainage and surface water run off.

Ecological Issues

LCC (Ecology) requested that an initial Bat survey be undertaken and this has now been accepted by LCC (Ecology) wherein the presence of bats on the site was not detected. LCC (Ecology) also recommend a condition requiring a Barn Owl survey to be undertaken prior to development commencing. No issues are raised in relation to Great Crested Newt surveys although an informative is recommended making the applicant aware that if their presence is detected, Natural England should be contacted for advice. An informative is also recommended in relation to works that could impact on breeding birds.

Conclusion

On the basis of the above report and amended plans, it is considered that the residential redevelopment of this site in the format now proposed is acceptable and accords with the objectives of the requisite Planning Policies detailed in this report.

Recommendation

On the basis of the above, it is recommended that outline planning permission should be granted subject to the signing of a Section 106 agreement and the following conditions. If the Section 106 agreement is not signed by 7th July 2008, given it is a material planning consideration, planning permission should be refused.

Conditions

1. Prior to the commencement of the development hereby permitted, full details of how all dwellings/apartments will be constructed to comply with Level 3 of the Sustainable Code for Homes shall have been submitted to and approved in writing by the Local Planning Authority, unless it can be demonstrated that the achievement of this is not actually possible. The development shall only be carried out in accordance with the approved details thereafter.

Reason: To ensure the properties are energy efficient and in accordance with Policy No. EP22 of the Chorley Borough Local Plan Review.

2. The development hereby permitted shall not commence until a Construction Methodology has been submitted to and approved in writing by the Local Planning Authority in liaison with Network Rail. The Construction Methodology address all of the issues raised in the comments from Network Rail dated 30th April 2008 appended to this decision notice.

Reason: To ensure the safety, operational needs and integrity of the railway.

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 (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. 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. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

4. The application for approval of the reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans and where the slab levels of the proposed dwellings directly adjacent to Langdale Avenue are to be 0.5m or more above that of the existing housing, the spacing guidelines within Appendix 2 of the Council's "Guidelines for new housing developments" should be increased by 1m for every 0.25m difference in slab level. 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.

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 take into account the comments from Network Rail dated 30th April 2008 and 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 samples of all external facing materials to the proposed buildings (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 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 and HS4 of the Adopted Chorley Borough Local Plan Review.

9. Any integral garages in the dwellings hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. 7 of the Joint Lancashire Structure Plan

10. The development hereby permitted shall only be carried out in accordance with the details set out within the Design and Access Statement dated 19th June 2008 and the indicative site plan dated 17th June 2008 unless an alternative or variation to the Design and Access Statement or site plan has first been submitted to and approved in writing by the Local Planning Authority wherein the development shall only thereafter be carried out in accordance with the amended Design and Access Statement and/or site plan.

Reason: To provide a satisfactory form of development and in accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

11. Prior to the commencement of the development full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.

Reason: To ensure the satisfactory management of the unadopted highways and public open space and in accordance with Policies TR4 and HS21 of the Adopted Chorley Borough Local Plan Review.

12. No development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system has been submitted to and approved by the Local Planning Authority in consultation with the Environment Agency to attenuate surface water run off rates to existing levels. The scheme shall be completed in full accordance with the approved details prior to the occupation of any of the dwellings and shall be retained and maintained as such at all times thereafter.

Reason: To reduce the increased risk of flooding and in accordance with Policy Nos. EP18 and EP19 of the Chorley Borough Local Plan Review.

13. The new estate road between the site and Station Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of

Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review and Policy 7 of the Joint Lancashire Structure Plan.

14. Before the use of the site hereby permitted is brought into operation, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The wheel wash facilities shall only be removed from the site following written approval from the Local Planning Authority.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.

15. The proposed estate road from the site to Station Road shall be constructed to a (minimum) width of 5.5m with 6.0m radius kerbs and 2m footways to both sides of the estate road to a minimum point across the estate road that lines through with the frontage of the De Trafford Arms.

Reason: In the interest of highway safety and in accordance with Policy TR4 of the Chorley Borough Local Plan Review.

16. The existing access to the Railway Station shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access which shall be completed in full prior to the first occupation of any of the dwellings and/or apartments hereby permitted.

Reason: To limit the number of access points to, and to maintain the proper construction of the highway and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.

17. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. If it is proposed that surface water is to be discharged to the public surface water sewerage system, full details of the surface water drainage system including flow discharge rate shall first be submitted to and approved in writing by the Local Planning Authority in liaison with United Utilities. The surface water drainage system shall thereafter only be implemented in accordance with the approved details and maximum discharge rate specified by United Utilities.

Reason: To secure proper drainage and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.

18. The development hereby permitted shall not commence until a survey of the site to identify the presence of Barn Owls has been submitted to and approved in writing by the Local Planning Authority in liaison with LCC (Ecology). If the survey identifies the presence of Barn Owls on the site, a schedule of mitigation measures shall be proposed and implemented in full to ensure the ongoing protection and safe translocation of the Barn Owl/s prior to the commencement of works on site.

Reason: To determine the presence of Barn Owls and propose suitable mitigation measures as Barn Owls are listed in Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and are therefore protected species and in accordance with Policy No. EP4 of the Chorley Borough Local Plan Review.

19. No development approved by this planning permission shall be commenced until:
- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site.
 - c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority.
 - d) A Method Statement and remediation strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the local planning authority: unless otherwise agreed in writing by the local planning authority.

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors and to enable a risk assessment to be undertaken, refinement of the conceptual model, and the development of a Method Statement and Remediation Strategy. In relation to c) & d), to ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site and in accordance with Policy EP16 of the Chorley Borough Local Plan Review.

20. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Reason: To ensure the safety, operational needs and integrity of the railway.

21. All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property.

Reason: To ensure the safety, operational needs and integrity of the railway and in accordance with Policy No. EP18 of the Chorley Borough Local Plan Review.

22. Prior to the commencement of development, full details of a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary shall have been submitted to and approved in writing by the Local Planning Authority in liaison with Network Rail. The fence shall be erected prior to the occupation of any dwellings and/or apartments on the site and shall be maintained/renewed as such at all times thereafter and Network Rail's existing fencing/wall must not be removed or damaged.

Reason: To ensure the safety, operational needs and integrity of the railway and in accordance with Policy No. GN5 of the Chorley Borough Local Plan Review.

23. The reserved matters application shall include details of suitable crash barriers and/or high kerbs to prevent vehicles accidentally driving/rolling on to the railway or damaging the line side fencing where new roads, turning spaces or parking areas are situated adjacent to a railway which is at or below the level of the development.

Reason: to ensure the safety, operational needs and integrity of the railway and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.

24. An application for approval of the reserved matters (namely the scale and external appearance of the buildings and the layout and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Please Note: This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning the Area Surveyor South on 01772-658560 or writing to the Area Manager South, Lancashire County Council, Cuerden Way, Bamber Bridge, Preston PR5 6BS quoting the planning application number. The Area Manager South, Lancashire County Council, should also be consulted regarding the approval of street works details.

Please Note: If evidence of Bats and/or Great Crested Newts becomes apparent during the course of construction works, Natural England (01772 865224) should be immediately contacted for advice on mitigating any impact on these species which are afforded protection under the Wildlife and Countryside Act 1981 (as amended).

Please Note: Your attention is drawn to the comments received from United Utilities.

Please Note: The Desk Study Report should include a desk study and site reconnaissance (walk over) in accordance with Planning Policy Statement 23: Planning and Pollution Control 2004. Further guidance and advice on producing the report can be obtained from the Council's Contaminated Land Officers on 01257 515737/515661.

Please Note: Consideration should be given to the implementation of the development in accordance with the specifications of 'Secured by Design'. For further information, please contact the Architectural Liaison Officer on 01257 515333.

Please Note: The attached comments from Network Rail dated 30th April 2008 should be taken into account when preparing the Reserved Matters application and developing the site.

Please Note: Environment Agency Informatives: -

We recommend that surface water attenuation should be by use of SUDS (sustainable drainage system), in accordance with Annexe F (Managing Surface Water) of PPS25 (Development and Flood Risk). These not only attenuate the rate of surface water discharged to the system but help improve the quality of the water. They can also offer other benefits in terms of promoting groundwater recharge and amenity enhancements. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach.

Any SUDS should be carried out in accordance with the latest Sustainable Urban Drainage Systems as specified in Sustainable Urban Drainage Systems - Best Practice (CIRIA Report C523) and Sustainable Drainage Systems, Hydraulic, Structural and Water Quality Advice (CIRIA Report C609), Appendix E, in ' Sustainable Urban Drainage Systems Design Manual for England and Wales (CIRIA Report C522), and the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk.

We recommend that the developer considers the following, as part of the scheme:-
Water management in the development, including, dealing with grey waters
Use of sustainable forms of construction including recycling of materials
Energy efficient buildings

We. Also, recommend that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that is required in order to assess risks to controlled waters from the site. More information can be found on our website at www.environment-agency.gov.uk for more information.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- i.) Duty of Care Regulations 1991
- ii.) Hazardous Waste (England and Wales) Regulations 2005
- iii.) Waste Management Licensing Regulations 1994 (as amended)
- iv.) Pollution Prevention and Control Regulations (England and Wales) 2000
- v.) Landfill (England and Wales) Regulations 2002

The developer should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

ITEM A2: 08/00433/FULMAJ- Land To Rear Of 243-289 Preston Road Clayton-Le-Woods

1 further letter of objection has been received raising the following comments:

- The development is in Clayton le Woods not Whittle le Woods
- The development is similar to the previously refused scheme and will form a cramped form of development and will constitute overdevelopment
- There is no provision for vehicular access to the Southern Terrace
- The three storey properties will overlook the properties on Woodside Avenue
- Vehicular access is required to the rear of the southern terrace not just pedestrian access
- The application is for too many houses.

ITEM B2: 08/00475/LBC - Listed Building Consent for removal of the 'Flying Arches' on Chorley - Preston railway line, in order to facilitate essential engineering works

Comments have now been received from LCC Archaeology: Agree with the need for a detailed photographic record of the arches prior to their removal, but also recommend that this be included in a short report outlining the need for the work, along with a brief description of the structure and its history, accompanied by original drawings. They recommend that this is secured by condition.

Comments have also been received from English Heritage: Accept the premise that a need has arisen to elevate the arches, but object to the proposals due to lack of information regarding methodology and timescale for re-instatement of the arches. If the Council is minded to grant permission recommend permission a condition should be imposed requiring a Level 3 metrically accurate measured survey of each of the arches and analytical buildings reports as well as a photographic record.

Comments are still awaited from other consultees.

The officer's recommendation remains as per the original report, and that the conditions be changed as follows:

Amend condition 2 to read:

No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a scheme of building recording and analysis. This shall include: the making of a photographic record of the building, a Level 3 metrically accurate measured survey of each of the arches and an analytical buildings report. This must be carried out by a professionally qualified, archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority. Upon completion the photographic record of the building shall be submitted to the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site and in accordance with PPG15.

Delete condition 5 (as English Heritage have advised that it is outdated).

The Council's Conservation Officer has also recommended that a further condition be added:

Notwithstanding the details already provided no work shall take place on the site until the applicant, or their agent or successors in title have submitted to and been approved in writing by the local planning authority a detailed methodology statement for the storage of the arches.

Reason: The building/site is of historic and architectural interest and to safeguard the integrity of the arches during their removal and in accordance with PPG15.

AGENDA ITEM 5 – Planning Appeals and Decisions Notification

The decision for the appeal against the refusal of planning permission for the demolition of the existing dwelling and the erection of 5 detached houses and 2 bungalows, at 54 Lancaster Lane, Clayton-Le-Woods has been received. The appeal has been allowed and an award of costs has been granted against the Council. The decision is appending this Addendum.



Appeal Decision

Inquiry held on 8 April 2008

Site visit made on 9 April 2008

by **Brendan Lyons** BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
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Decision date:
23 June 2008

Appeal Ref: APP/D2320/A/07/2059426

54 Lancaster Lane, Clayton-Le-Woods, Leyland PR25 5SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Wainhomes Developments Ltd against the decision of Chorley Borough Council.
- The application Ref 07/00685/FUL, dated 5 June 2007, was refused by notice dated 13 September 2007.
- The development proposed is the erection of 5 detached houses and 2 bungalows.

Preliminary matters

1. At the Inquiry an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.
2. At the Inquiry, the parties submitted a signed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, containing obligations relating to payment by the appellant in lieu of on-site provision of open space and the use of those funds by the Council.

Decision

3. I allow the appeal, and grant planning permission for the erection of 5 detached houses and 2 bungalows at 54 Lancaster Lane, Clayton-Le-Woods, Leyland PR25 5SP in accordance with the terms of the application, Ref 07/00685/FUL, dated 5 June 2007, and the plans submitted with it, as amended, subject to the conditions set out in the Schedule attached to this decision.

Main issue

4. The main issue is the effect on the character and appearance of the area.

Reasons

5. The appeal site comprises a bungalow and large garden, which originally formed part of a ribbon of development in a semi-rural area that has now been absorbed by suburban expansion. It is proposed to build a replacement bungalow and to add another bungalow and five houses behind, all accessed from a private drive.
6. The Council accepts that the site is classed as previously developed land and that there is no objection in principle to residential development. The same

- would apply to the very long rear gardens of other houses on the south side of Lancaster Lane, which together would amount to a significant area of backland.
7. The Council's reason for refusal of the planning application describes the proposal as an overdevelopment of the site, out of character with the area. The reason specifically refers to the area's characteristic large gardens. However, the Council's evidence to the Inquiry accepted that the large gardens are now an anomaly, and that the original ribbon development should not be preserved.
 8. Any additional housing on the site would inevitably affect the density and pattern of development. National guidance in Planning Policy Statement 3: *Housing* (PPS3) is that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. This advice is echoed in Policy HS4 of the Chorley Borough Local Plan Review (LP) which sets criteria for residential development.
 9. As shown by the sequence of historic maps provided by the appellant, each wave of development of this area has opened up land in a slightly different way: the original inter-war ribbon in a pattern that would now be seen as a rather profligate use of land; the later exploitation of gaps in the ribbon with cul-de-sac roads; and more recently the New Town expansion. It should not be surprising, and in my view not inappropriate, for the development of the remaining backland to adopt a further variation.
 10. In so far as it would consist of bungalows and detached two-storey houses rather than apartments or other more intensive form of development, the proposal would reflect the character of surrounding property. The appellant has also provided maps showing that the plot depths, ratio of building to plot size and relationship of gardens would not be dissimilar to other plots nearby, particularly where access roads have been inserted.
 11. The Council's evidence outlined a concern that the proposal would replicate the form of neither the original ribbon nor the newer housing to the south. This does not seem to accord with the supporting text of LP Policy HS4, which states that *It is..important that developers create new residential environments with distinct identities, rather than duplicating designs and layouts which have previously been used.*
 12. Development of the site in accordance with the predominantly semi-detached form of housing found in the New Town development would almost certainly result in a higher density than the appeal proposal, and hence also be seen as an overdevelopment. It would also be more out of character than the appeal proposal with the generally detached houses on Lancaster Lane.
 13. The Council has not yet adopted a specific policy setting a range of densities across the plan area, as advocated by PPS3. The proposed density of just under 20 dwellings per hectare (dph) would be considerably lower than the national indicative minimum target of 30 dph. The Council agrees that the area encompasses more than the plots to the south of Lancaster Lane with their exceptionally low density, which it accepts cannot be sustained. In my view, the proposed density would not be inconsistent with the wider area, and insistence on a lower density would not be justified.

14. The form of development would reflect the earlier cul-de-sac pattern, but at a more intimate scale without the need for dedicated footways. The single-sided nature of the layout would not be unacceptable in principle, but would rely on high quality design of landscaping and site boundaries to provide a satisfactory common area and outlook from the houses. This could be secured by a planning condition, as could better considered arrangements for refuse storage and collection.
15. Although it did not form part of the reason for refusal of the application, the Council argued at the Inquiry that the proposal should be rejected because it did not form part of a comprehensive development of the backland area to the south of Lancaster Lane. While a more comprehensive development might have benefits as a more efficient use of land, I am not persuaded, for the reasons set out above, that it is necessary in the interests of protecting the character of the area, by reflecting the New Town development to the south.
16. The potential precedent for a series of individual private accesses onto Lancaster Lane is the main concern raised by the Council. The precise harm that this would cause is not identified. There is no objection on highway grounds to the proposed intensification of access at the appeal site and I have no reason to assume that increased access elsewhere along the road would be dangerous. In any event, subsequent applications would have to be considered on their own merits. Even if approval of the appeal proposal set a pattern of private drives serving houses to the rear of the original line of frontage buildings, the character of the area might be altered to a degree but not necessarily harmed.
17. The appeal site appears to be the largest single plot in the area and hence most likely to be developed independently. In my view, it would be laid out comprehensively, in terms of LP Policy HS4(a), in that all parts of the land would be used and none would be sterilised to prevent its later development. Its development would not prevent comprehensive development of other blocks of land to its east and west, which would require site assembly.
18. There was some debate at the Inquiry over whether the proposed layout would allow later adaptation to accommodate a wider access road to adoptable standard serving a larger site. It was suggested that a condition could be imposed requiring land to be reserved for this purpose. Such a condition would be difficult to draft in a form to meet the tests of Circular 11/95. However, as I have concluded that the lack of more comprehensive development would not be inherently harmful, and as the Council has subsequently refused an application for a more comprehensive scheme, I consider that the condition would not be necessary or reasonable.
19. The Council has suggested a number of other conditions, which I have also considered in the light of Circular 11/95. Those relating to the agreement of materials, landscaping and boundaries are necessary and reasonable for the reasons given by the Council. Any enclosures for bins can be included with boundaries. The management of refuse can be included in a condition on the details and operation of a company to manage the private drive and common areas of the site, which is required for the reason suggested by the Council. It was agreed at the Inquiry that removal of permitted development rights for extensions and alterations would be reasonable. I agree with the appellant that

- a comparable restriction on sheds and outbuildings would be unduly onerous, and not justified. It was also agreed that a condition requiring a desktop study on the risk of contamination would be reasonable, but that the wording put forward by the Council was imprecise. I have adopted a form recommended in Annex 2 of PPS23. It was agreed that a further condition on the protection of bats, which had been requested by the County Council and recommended in the Council's committee report, was reasonable and necessary.
20. The provisions of the submitted legal agreement would be in accordance with LP Policy HS21 and with the Council's Interim Planning Guidelines for New Equipped Play Areas. I am satisfied that the obligations meet the tests set out in Circular 5/2005: *Planning Obligations*.
 21. Subject to the above conditions and taking into account the provisions of the legal agreement, I consider that the proposal would not be an overdevelopment of the site, out of character with the area, and would comply with LP Policy HS4 and with advice in PPS3.
 22. Other than the effect on the character of the area and the risk of precedent, the primary concern raised by local objectors to the proposal relates to traffic generation and highway safety. I do not doubt that significant traffic can be experienced on Lancaster Lane, although this was not the case when I visited the site. However, a traffic survey produced by the appellant suggests that the road operates within its capacity, and the highway authority has raised no objection. The extra traffic attributable to the development would be comparatively very small, the access point already exists and there would be no additional parking on Lancaster Lane. I therefore attach little weight to this concern.
 23. The proposed layout would meet the Council's standards for space between buildings. Therefore there should be no unacceptable effect on living conditions in neighbouring houses, through overlooking and loss of privacy or light. There would be some increased overlooking of gardens, but no more than is commonly found in suburban areas. The outlook from No.25 Kirkby Avenue, to the south of the site, would be affected but not to an unacceptable degree. The proposed houses would not in my view have an overbearing effect on either No.25 or its neighbour, No.23.
 24. Protected trees in the vicinity of the site would not be affected and there would still be considerable green space to support wildlife. The provision of additional houses does not conflict with the development plan.
 25. Having taken these matters, and all others raised, into account, my conclusion is that the appeal should be allowed and planning permission granted.

Brendan Lyons

INSPECTOR

Appeal Ref: APP/D2320/A/07/2059426**54 Lancaster Lane, Clayton-Le-Woods, Leyland PR25 5SP****Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details 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 using the approved external facing materials.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to D), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted.
- 4) Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences, walls and refuse enclosures to be erected, (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. 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. Other fences, walls and enclosures shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.
- 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.
- 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.
- 7) Before the development is commenced the site shall be investigated for ground conditions, soil and groundwater contamination and landfill gas in accordance with details to be submitted to and approved by the Local

Planning Authority. The investigation shall be undertaken to the satisfaction of the Local Planning Authority and details of all results, assessment and measures needed to render the development safe shall be submitted to and approved by the Local Planning Authority before the development is implemented. All such measures shall be implanted before the development is commenced or in accordance with a timetable to be agreed with the Local Planning Authority.

- 8) Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including the storage and collection of refuse, shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company in accordance with the approved arrangements.
- 9) During the demolition of the existing bungalow, No.54 Lancaster Lane, a Licensed Bat Worker shall be present during the removal of roof slates and ridge tiles. The slates and tiles shall be removed by hand to ensure that no harm/injury occurs to bats which may be present.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Giles Cannock of Counsel Instructed by Samantha Marland-Fitzgerald,
Borough Solicitor, Chorley Borough Council

He called
Mr Andrew Wiggett Principal Planning Officer,
BA DipTP MRTPI Chorley Borough Council

FOR THE APPELLANT:

Mr Vincent Fraser QC Instructed by Mrs Denise Emery,
Emery Planning Partnership

He called
Mrs Denise Emery Emery Planning Partnership
BA (Hons) MRTPI 4 South Park Court, Hobson Street, Macclesfield,
Cheshire SK11 8BS

INTERESTED PERSONS:

Mrs H Howley 33 Kirkby Avenue, Clayton-Le-Woods,
Leyland PR25 5SQ

Mr J Smith 67 Spring Meadow, Clayton-Le-Woods,
Leyland PR25 5UR

Mrs A Brock 58 Lancaster Lane, Clayton-Le-Woods,
Leyland PR25 5SP

Mrs E Spurr 25 Kirkby Avenue, Clayton-Le-Woods,
Leyland PR25 5SQ

DOCUMENTS

- 1 Council's letter of notification of the Inquiry and list of those notified.
- 2 Petition from the Residents of Lancaster Lane, Clayton-Le-Woods and the surrounding areas – submitted by Mrs Spurr.
- 3 Letter from the Government Office for the North West and Schedules of Policies contained in the Chorley Local Plan 1996-2006 Saved and Not Saved after 27 September 2007.
- 4 Council's Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments.
- 5 Signed Statement of Common Ground.
- 6 Copy of signed Section 106 Agreement.
- 7 Extracts from the adopted Chorley Borough Local Plan Review.
- 8 Letters submitted by Mr J Smith.