

Item 2	09/00354/FULMAJ Permit (Subject to Legal Agreement)
Case Officer	Mrs Nicola Hopkins
Ward	Clayton-le-Woods West And Cuerden
Proposal	Erection of 10 detached dwellings and associated infrastructure on land to the rear of 54-62 Lancaster Lane
Location	Land 50m South Of 54 Lancaster Lane Clayton-Le-Woods
Applicant	Mr Iain Fowler
	1 letter of objection has been received Consultation expiry: 23rd June 2009 Application expiry: 18th August 2009
Proposal	<p>The application relates to the garden areas to the rear of 54-62 Lancaster Lane and proposes the erection of 10 detached dwellings on the site. Until recently there was a bungalow at 54 Lancaster Lane however this was recently demolished and the site is currently fenced off.</p> <p>There is recent planning history at this site and planning permission has been granted for 10 dwellings on the site, similar to this proposal. Access to the site will be achieved via Lancaster Lane in a similar location to the driveway which served 54 Lancaster Lane.</p>
Summary	<p>This application is an amendment to three previously approved planning applications on this site and results in an identical number of dwellings as previously approved on the site. The scheme incorporates amendments to the previously approved highway layout and varies the house types across the development which results in an improved scheme in respect of design, access for vehicles and parking provision. The principle of erecting 10 dwellings on this site has been established and it is considered that this scheme represents an improvement to the three extant planning permissions for this site.</p>
Planning Policy	<p>Planning Policy Statement 1: Delivering Sustainable Development Planning Policy Statement 3: Housing Planning Policy Statement 23: Planning and Pollution Control Planning Policy Guidance 13: Transport Manual for Streets</p> <p>North West Regional Spatial Strategy: Policy DP1: Economy in the Use of Land and Buildings Policy DP3: Quality in New Development Policy UR7- Regional Housing Provision Policy ER5- Biodiversity and Nature Conservation.</p>

Chorley Borough Local Plan Review 2003:

GN1- Settlement Policy- Main Settlements

EP4- Species Protection

EP9- Trees and Woodland

EP10- Landscape Assessment

HS4- Design and Layout of Residential Developments

TR4- Highway Development Control Criteria

TR18- Provision for Pedestrians and Cyclists in New Developments

Sustainable Resources DPD

Sustainable Resources SPD

Planning History

95/00193/FUL (Number 62) - Two-storey side and single-storey rear extensions. Approved May 1995

06/01121/FUL (Number 62) - Erection of garage extension to side, conservatory to rear and formation of pitched roof over existing rear extension. Approved November 2006

07/00124/FUL- (Number 54) Demolition of existing dwelling and the erection of 7 detached houses. Refused April 2007

07/00685/FUL- (Number 54) Demolition of existing dwelling and erection of 5 detached houses and 2 bungalows. Refused September 2007. ALLOWED ON APPEAL

07/00346/OUT- (Number 46 and 48) Outline application for the proposed development to create 5 No. new detached dormer bungalows to include an amended access off the highway between no's 46 and 48 Lancaster Lane. Refused August 2007

07/00951/OUT- (Number 50) Outline application for the erection of 1No detached dormer bungalow and 1No two storey detached house. Withdrawn

07/01423/FULMAJ- Demolition of 54 Lancaster Lane and the erection of 19 No. new dwellings including associated infrastructure on land to the rear of 46 to 60 Lancaster Lane. Refused March 2008. Appeal withdrawn

08/00855/FULMAJ- Demolition of 54 Lancaster Lane and the erection of 19 No. new dwellings including associated infrastructure on land to the rear of 46 to 60 Lancaster Lane. Withdrawn

08/00862/FUL- Proposed construction of 2 detached dwellinghouses with associated infrastructure and plot substitution on plot 5 of previously approved application 07/00685/FUL (now plot 7 on the proposed scheme). Approved October 2008

08/01070/FUL- Erection of one detached dwelling on land to the rear of 62 Lancaster Lane, Clayton Le Woods (utilising access road approved by 07/00685/FUL and 08/00862/FUL.) Approved 20th March 2009

Applicant's Case

The following points have been submitted in support of the application:

- It is proposed that the existing approved development of 10 dwellings will have an upgraded road pattern with turning head
- All of the proposed property will be 3/4/5 bedroom but there

will be a mix of 8 dwelling types

- A landscaping scheme will be put in place that will incorporate additional planting along the boundaries
- The inclusion of a mix of dwelling types will provide the necessary mix which will further reflect the character of the area.
- Off street parking is provided with all properties having access to a garage
- The application is previously developed land in a highly sustainable location
- The design of the scheme is appropriate for this location
- No unacceptable harm will arise to residential amenity and the appearance and character of the area will benefit from the proposed development.

Representations **Clayton le Woods Parish Council** have no comments to make

1 letter of objection has been received raising the following points:

- All comments have been said previously
- Impact on appearance, privacy, noise, character and highway safety

Consultations **Lancashire County Council (Highways)** object to the scheme on highway safety grounds

Corporate Director (Neighbourhoods) has no objections subject to conditions in respect of contamination

Lancashire County Council (Planning Contributions Officer) has commented in respect of Section 106 contributions

Chorley Council Planning Policy have commented on the submitted Sustainable Resources Statement

Assessment **Principal of the Development**

The site is located within the settlement area of Chorley. In accordance with Planning Policy Statement 3: Housing the site is considered to be previously developed land. Previously developed land is land which is or was last occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. PPS3 encourages the redevelopment of previously developed land as opposed to developing Greenfield land. As such the principle of redeveloping the site for residential development accords with Government guidance.

Additionally the principle of redeveloping the site with detached dwellinghouses was established with previous various applications on the site which have been approved. Members will recall that there have been various planning applications along this section of Lancaster Lane. The first proposal involved the erection of 7 dwellings at 54 Lancaster Lane. Two applications were refused and the applicant appealed the second refusal (07/00685/FUL) which was allowed on appeal. The decision is a material planning consideration when assessing any further applications at the site. Following the appeal decision an application was submitted (08/00862/FUL) to erect two dwellings to the rear of 60 Lancaster Lane associated with the development allowed on appeal. This application was approved. A further application was then submitted to erect one dwelling to the rear of 62 Lancaster Lane

(08/01070/FUL) which was approved. There is, therefore, extant planning permission for the erection of 10 dwellinghouses on land to the rear of 54-62 Lancaster Lane with a single vehicular access via 54 Lancaster Lane.

The submitted application reflects the previous approvals at the site and proposes the erection of 10 detached dwellings on the site. The current proposal incorporates an upgraded access road with turning head which will enable refuse vehicles to enter the site. The access road, however, will be a privately managed road (similar to the previous approvals) which will not be adopted.

The site covers 1.2 acres (0.49 hectares), the erection of 10 dwellings equates to approximately 20 dwellings per hectare which is lower than the 30 dwellings per hectare minimum set out in PPS3. However PPS3 does allow for lower densities where the characteristics of the area and the desirability of achieving high-quality well design housing dictates. The immediate surrounding area is characterised by residential dwellinghouses which incorporate large garden areas. A lower than average density on this site ensures that family housing can be achieved with adequate private amenity space which is in keeping with the surrounding area.

Proposed Amendments

As set out earlier there are extant planning permissions for the erection of 10 detached dwellings on the site. The amendments proposed as part of this planning application when compared to the previous approvals are as follows:

- The access road has been widened to accommodate a 5.5 metre wide carriageway with 2 metre wide footpaths on either side for the first 20 metres into the site. Thereafter the highway width reduced to 4.5 metres (at its narrowest point) with a 2 metre footpath only on one side of the carriageway. The previously approved access road was just over 4 metres wide
- The scheme now incorporates a turning head
- The garage accommodation for the properties on plots 1 and 2 has been amended to provide a detached double garage rather than two single garages
- The property on plot 4 has been replaced (the previous proposal incorporated a Cambridge House Type) with a Newton House type. The Cambridge as approved was a four bedroom family dwelling as is the proposed Newton House type.
- The extent of the rear garden area for plot 3 has been amended slightly
- The property on plot 5 now incorporates a detached double garage
- The property on plot 7 (originally a Cambridge House Type) has been replaced with a 4 bedroom Scott House type.
- The property on plot 8 (originally a Eton House Type- 4 bedroom dwelling) has been replaced with a four bedroom Oxford House type
- The Cambridge House types proposed on plots 6, 9 and 10 are five bedroom dwellings whereas the previously approved Cambridge house types were four bedroom dwellings (although the footprint of the proposed dwellings is only slightly larger than the approved scheme and mainly involves internal alterations to achieve 5 bedrooms)

- The property on plot 5 is slightly closer to the boundary with 60 Lancaster Lane but still exceeds the minimum spacing distances with this property.
- The properties on plots 6-8 retain a greater spacing distance between the proposed properties and the common rear boundary.
- The properties on plots 9 and 10 are sited slightly closer to the rear common boundary but still exceed the minimum spacing standards.
- The bin collection point has been removed.

Highways

The Highway Engineer at Lancashire County Council has objected to the scheme on the grounds of highway safety. His comments include the road should be made upto adoptable standards, the size of the garages, the length of the drives, the sightlines, access for refuse vehicles/ emergency vehicles and parking requirements. The main issue to consider however is that planning permission has been granted for 10 dwellings on the site served via a private access road. Although part of the highway is shown to adoptable standards not all of the access road would meet adoptable standards and the applicant has confirmed that the highway will be retained as a privately managed road. Additionally the scheme achieves a carriageway width of 5.5 metres with 2 metre wide footways for a distance of 20 metres into the site as Lancaster Lane is a local distributor road which is specified as a requirement by the Highway Engineer.

The scheme incorporates a mixture of detached double garages and internal garages. The previously approved scheme incorporated mainly internal garages apart from the two proposed bungalows and the house on plot 5. All of these garages measured approximately 2.5 by 5 metres internally which is similar to the internal garages proposed as part of this scheme. This is below the Manual for Streets guidelines however taking into account the fact that the extant planning permission incorporates similarly sized garages it is not considered to be unacceptable in this situation.

Additionally the properties with internal garages, on plots 3,4,6, 7, 9 and 10, incorporate driveway space which will enable vehicles to be parked off the highway and ensure that adequate parking space is incorporated in respect of the size of the dwellings proposed. the proposed driveway space is clearly defined on the site. The parking wasn't as clearly defined on the previous approvals.

The remainder of the properties has detached garage accommodation. These garages measure in excess of 6 metres by 6 metres which accords with Manual for Streets and will enable a car to be parked within the garage with sufficient room to store a bike.

To ensure that adequate visibility splays are achieved and that a refuse vehicle can adequately enter the site plans have been submitted which demonstrate the route of the refuse vehicle/ emergency vehicle and visibility splay. The Council's Waste & Contaminated Land Officer has confirmed that the swept path analysis plans are adequate and a refuse vehicle will be able to enter the site. The access junction achieves in excess of 2.4 by 40 metre sight lines as set out in Manual for Streets. As such it is considered that the proposals adequately achieve the necessary

sight lines and access for refuse vehicles and will not create any highway safety implications.

The proposed scheme incorporates a widened access road, sufficient space for a refuse vehicle (which negates the need for a bin collection point) and adequate parking provision. It is considered that the current scheme is an improvement to the previously approved scheme. Although the Highway Engineer has objected to the proposal it is considered that this scheme achieves the majority of the points set out within his comments and ensures an improved scheme for the site. Further comments have been requested from the Highway Engineer following the receipt of the swept path analysis plans.

Impact on the Neighbours Amenities

As set out previously some of the properties have been re-sited to accommodate the amendments to the highway. However the scheme still achieves the required spacing standards with all of the properties achieving the required spacing standards and the majority of the properties exceeding the required 10 metre length of garden and the 21 metres window to window distance. As such it is not considered that the proposal will adversely impact on the neighbours amenities.

Section 106 Agreement

As this is a new application which incorporates the erection of 10 new dwellinghouses with more than one bedroom there is the requirement for the development to contribute to the provision of equipped play space in the Borough. This requirement is set out within the Council's Interim Planning Guidelines for New Equipped Play Areas associated with Housing Developments.

As such there is a draft Section 106 Agreement associated with this development which requires a commuted sum of £22,734 which will contribute to equipped play space in the Borough. As this requirement is a material planning consideration the Section 106 Agreement will require completing and signing before the 13-week determination date or the application will be refused.

Trees

There are a number of trees on the site which are protected by Tree Preservation Order 6 (Clayton le Woods) 2007. These are detailed on the plans for retention and are sited away from the proposed dwellings to ensure their retention as part of the development. One of the trees is sited quite close to the proposed detached garage associated with Plot 5 however the trees is still 4.5 metres away from the garage and the proposed garage is in a similar location to the previously approved garage on this plot.

Sustainable Resources

Following the adoption of the first policy document, Sustainable Resources DPD (and the accompanying Sustainable Resources SPD), within Chorley's new Local Development Framework (LDF), the new style Local Plan, September 2008 a Sustainable Resources Statement has been submitted as part of the planning application. This document covers energy, transport, pollution, materials, water and ecology.

The Council's Planning Policy Section have reviewed this document and are satisfied that criteria (a) and (d) of Policy SR1 have been satisfied. This criteria relates to energy use/efficiency and storage provision for recyclable waste and composting. However criteria (b) of the Policy which requires a 10% reduction of carbon emissions has not been demonstrated. This criteria requires the reduction to be achieved through low carbon or renewable technologies which are not mentioned within the submitted document.

To ensure that a 10% reduction is achieved as part of the scheme an appropriately worded condition will be attached to the recommendation.

Conclusion This proposal is an amendment to three previously approved schemes on this site and results in an identical number of properties being erected as previously approved. The scheme results in an improvement to the previously approved schemes as the current highway layout enables a refuse vehicle to enter the site and adequate space for vehicles to pass. As such the proposal is considered to be acceptable.

Recommendation **Permit (Subject to the S106 Agreement)**
Refuse if the Section 106 Agreement is not signed by 18th August 2009

Conditions

1. 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.

2. 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.

3. 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.

4. 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.

5. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

6. 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 HS9 of the Adopted Chorley Borough Local Plan Review.

7. 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 HS9 of the Adopted Chorley Borough Local Plan Review.

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 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.

Reason: To ensure the satisfactory management of the private driveway and refuse storage/ collection at the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

9. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. 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.

10. 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.

11. The garages 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. TR4 of the Adopted Chorley Borough Local Plan Review

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

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

13. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.

14. 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 in writing 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.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Planning Policy Statement 23 Planning and Pollution Control

15. The access road hereby approved shall be constructed in accordance with a 'macadam no dig construction' method, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, within the tree root zone of the tree adjacent to the site (within the garden area of Number 50 Lancaster Lane). The construction of the access road shall be in accordance with the approved method of construction unless otherwise agreed in writing by the Local Planning Authority.

16. Prior to the commencement of the development full details of the predicted energy use of the development expressed in terms of carbon emissions shall be submitted to an approved in writing by the Local Planning Authority. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot by means of low carbon sources. Details shall be submitted for on-site measures to be implemented including rainwater/brown water recycling, the implementation of sustainable urban drainage systems and the provision of storage space for recyclable waste materials and composting. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Supplementary Planning Document

17. The development hereby approved shall be carried out in accordance with the measures set out within the Development Report Sustainable Resources document received 10th June 2009. The measures set out relate to energy use/efficiency of the dwellings hereby approved and storage provision for recyclable waste

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Supplementary Planning Document
