

Item 9 **09/00750/FUL** **Permit (Subject to Legal Agreement)**

Case Officer **Mr Andy Wiggett**

Ward **Clayton-le-Woods North**

Proposal **Resubmission of application 09/00150/FUL Amendment to previously approved layout (08/00203/FULMAJ) and erection of 7 detached houses/infrastructure on adjacent plot**

Location **605 Preston Road Clayton-Le-Woods Chorley PR6 7EB**

Applicant **Wainhomes Developments Ltd**

Proposal The application relates to the re-submission of a revised scheme that is an amendment to a previously approved housing scheme to allow for the construction of a further 7 dwellings on the adjacent plot of land. Access will be achieved by constructing a short cul-de-sac off the already constructed road into the site from the A6 Preston Road. The proposal involves the erection of 7 detached houses.

Policy **Chorley Borough Local Plan Review**
GN1- Settlement Policy Main - Settlement
HS4 – Design and Layout of Residential Developments
TR4 - Highway Development Control Criteria
EM6 – Financial and Professional Services
SP6 – District, Neighbourhood and Local Shopping Centres
Chorley into 2016: Sustainable Resources DPD
SR1 – Incorporating Sustainable Resources into New Development
Preferred Core Strategy
PCS1
PCS14

Planning History **08/00203/FULMAJ** – erection of 24no. two storey dwellings including demolition of existing residential property - approved
09/00042/FU - Amendment to previously approved layout (08/00203/FULMAJ) and erection of 7 No detached houses/infrastructure on adjacent plot - refused
09/00150/FUL -Amendment to previously approved layout (08/00203/FULMAJ) and erection of 7 detached houses/infrastructure on adjacent plot - refused
09/00042/FUL – amendment to previously approved layout and erection of 7no.detached houses/infrastructure on adjacent plot - refused

Consultations **Lancashire County Highway Authority** – no comments
Parish Council – concern is expressed regarding additional traffic exiting on to the A6 Preston Road and also emergency vehicles will experience difficulties when visiting the site as there will be restricted use for turning etc due to overdevelopment of the site.
Arboricultural Officer – no trees on the site so no observations to make.

Representations None received

Applicant's Case The application is on previously developed land in a highly sustainable location

- The design of the scheme is appropriate for this location and takes into account the need to preserve the amenity of neighbours
- The proposals conform to the policies of the adopted development plan including GN1
- Planning permission can be granted in the knowledge that no unacceptable harm will arise to residential amenity and that the appearance and character of the area will benefit from the proposed development
- land owner has supplied information on results of the marketing exercise for office development which confirms lack of demand

Assessment Members will be aware of the resolution at the Committee in August of this year to refuse the application. The applicants have appealed against this decision and a Public Local Enquiry is scheduled to be held on the 24th November 2009. Consultants have submitted the required statement and proof of evidence on behalf of the Local Planning Authority and based upon that the Council's Barrister has given a legal view on the validity of the Council's case.

The main issue with regard to the application concerns planning policy. In the Local Plan the site is allocated for office use and is also within the boundary of the Clayton Green District Centre. This was established as part of the New Town master plan and was intended to have an office park as well as provide for shopping and community facilities for the surrounding residential area. The centre is located in an accessible position with bus routes close by. However, the application site has remained as the undeveloped last phase of the office park despite being covered by an extant planning permission and a redesigned office scheme approved in July 2007. The applicants have submitted a marketing report demonstrating the lack of demand for office space at Clayton Green. The site has been marketed from 2005 and the agents conclude that there is an oversupply of available B1 office accommodation including 22000sq ft within the Clayton Green site. It should be noted that the Clayton Green district centre is not unique in this situation and that the Ackhurst Business Park, a much larger allocation, similarly has vacant office space. With the proposed office development at Buckshaw yet to come on stream it is considered that the Clayton Green offices do not have sufficient critical mass to make them an attractive location for firms to occupy given the size of unit available.

A marketing appraisal of the site has been obtained from a locally based Chartered Surveyor to give an independent opinion on the possibility of the site being developed for office use within 5 years. The appraisal concludes that there is no realistic likelihood of the site being developed within a 5 year period and possibly longer. Recently built offices often no more than five years old stand vacant and are available and are likely to be considered more attractive to occupiers as they adequately represent their requirements and are in a more appealing location.

On balance it is considered that the loss of the site for office development and development for seven houses whilst a departure from the development plan is acceptable. Ideally the allocation of the site should be reviewed as part of the LDF but to refuse the application on the grounds of prematurity is unlikely to be successful on appeal. It would be difficult to substantiate a case that the site should continue to remain undeveloped until the adoption of the LDF particularly when past marketing has not produced any meaningful interest. This is a small site and firms looking for office space in the Borough are more likely to choose to locate in the sites identified in the marketing appraisal.

The application proposes an additional 7 dwellings and the substitution of a different house type on the approved layout to facilitate the creation of a short cul-de-sac to give access into the adjoining plot of land. At its basic level the now amended layout is acceptable with regard to the layout of the houses, the access and parking details. The Highway Authority do not object to the use of the new access onto Preston Road. The submitted layout is not to adoption standards but a condition can be attached requiring a management agreement be put in place covering future maintenance of the highway. The cul-de-sac is 53m in length and so complies with guidance set out in Manual for Streets with regard to waste collection carry distances as refuse vehicles need to go down the main access road into the estate.

This is a mixed use area and the site has a large residential care home to the north and to the west and south there is a business park with buildings standing in landscaped grounds. The development of the site for residential purposes will not detract from the character of the area to any extent as the houses will be two storey with a variety of styles which reflects that there is no one predominant design to be found in the area.

There are some weaknesses with regard to the sustainable resources statement and the applicant has been asked to amend this. This can be conditioned to secure the changes.

Conclusion

The Local Plan allocation is quite specific for this site in that the site should be developed for office purposes and form part of a district centre. However it would seem that the original New Town concept of a small office park is not being supported by the market and the planning strategy being implemented by the Local Planning Authority to secure major development at Buckshaw has contributed to this response from those seeking office space. It is not considered that to release this small site will undermine the district centre or reduce the potential for more office employment.

Recommendation **Approve subject to a S106 agreement on the contribution to playspaces.**

Conditions

1. No development shall take place until full details have been submitted of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show on-site measures to be installed and implemented so as to produce a minimum of 10% or locally set targets whichever is the higher) of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling. No development shall commence until the

scheme has been 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 and Chorley Borough Council's Adopted Sustainable Resources DPD.

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. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

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

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

5. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls, including those along the rear of the site which abuts the commercial estate road from plot 10 to plot 8, 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.

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

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

7. 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 private driveway, resident's parking spaces and refuse storage/collection at the site and in accordance with Policy TR4 of the Adpoted Chorley Borough Local Plan Review.

8. 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.
