

Item 3	09/00780/FUL	Permit (Subject to Legal Agreement)
Case Officer	Caron Taylor	
Ward	Clayton-le-Woods West And Cuerden	
Proposal	Erection of 3 detached dwellings and associated infrastructure on land to rear of 54 to 64 Lancaster Lane (extension of previously permitted scheme, utilising access road approved by 09/00354/FULMAJ)	
Location	Land 50m South Of 54 To 64 Lancaster Lane Clayton-Le-Woods Lancashire	
Applicant	Wainhomes North West Ltd	
Application No.	09/00780/FUL	
Proposal	<p>The proposal is a full application for the erection of 3 detached dwellings and associated infrastructure on land to the rear of 54 to 64 Lancaster Lane, Clayton-le-Woods. The application is to extend a previously permitted scheme utilising the access road approved by permission 09/00354/FULMAJ.</p> <p>There is recent planning history at this site and planning permission was originally granted for 7 dwellings on the site at appeal and there have been subsequent applications for 3 additional properties and to alter the house types and highway layout, the most recent being 09/00354/FULMAJ.</p>	
Background	<p>Members will be aware of the planning history on Lancaster Lane. Two applications were refused for 7 dwellings. The applicant appealed against the second refusal and the scheme was allowed on appeal (07/00685/FUL). 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. 10 dwellinghouses therefore received planning permission on the site (all utilising the same access). A later application 09/00354/FULMAJ sought amendments to the layout and highway layout of the properties and was approved in August this year. Construction is underway on the site.</p>	
Summary	<p>The application is an extension of 3 additional properties to a scheme of 10 previously approved houses. The three additional properties will be of a similar design to those already approved and will extend the previously approved access road. They will have a similar relationship to the properties on Lancaster Lane and Kirkby Avenue as the properties already approved and now under construction. The application is therefore considered acceptable subject to the signing of a Section 106 agreement.</p>	
Policies	<p>Planning Policy Statement 1: Delivering Sustainable Development Planning Policy Statement 3: Housing</p>	

Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 13: Transport
Manual for Streets
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.
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
Sustainable Resources DPD
Sustainable Resources SPD

Planning History

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 or 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

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

09/00354/FULMAJ- Erection of 10 detached dwellings and associated infrastructure on land to the rear of 54-62 Lancaster Lane.

Approved August 2009

Consultations

Lancashire County Council Highways

Comments will be placed on the addendum.

United Utilities

Have no objection to the proposal.

Chorley Council Contaminated Land Officer

The extended site area is beyond the area studied as part of the ground investigation report submitted for the previously approved applications. They ask if the applicant has done any further investigation works in this extended area where the current three properties are proposed.

The applicant has confirmed that the additional investigation work to this area has been undertaken by their consultant engineers and an addendum has been prepared which will be forwarded.

The comments of the Contaminated Land Officer on this additional report will be added on the addendum.

Representations

At the time of writing one letter of objection has been received. Any further representations will be reported on the addendum. The reasons for objection are:

- They object on the same grounds as their previous objections to the existing development currently being constructed to the rear of no. 54;
- The proposal is out of character with the surrounding area and will result in a loss of amenity to neighbouring existing properties and to the community as a whole;
- They also wish to object to the continuing destruction of green space and wildlife habitats;
- If this extension to the existing scheme gets the go ahead it will unduly prolong the construction period on the site and the disruption and nuisance to which they are currently being exposed will continue for well over a year;
- They request that if the application is approved, a planning condition be attached state that all construction work on the current development of 10 properties is complete before work is allowed to commence on any extension to the current site. This has serious implications for them as they don't want to be subject to the visual intrusion, loss of privacy and amenity, the continuous nuisance etc that they are currently subjected to as a result of the site temporary accommodation being located on their boundary. They are already faced with the prospect of being unable to sit and enjoy what was previously their peaceful garden during the summer and spring months as it is now disturbed by construction noise, toilet smells, raised voices from operatives etc.

Assessment

Principle of the development

The site is located within the settlement of Clayton-le-Woods. The site is currently the garden areas of numbers 62 and 64 Lancaster Lane and is previously developed land as defined by Planning Policy Statement 3: Housing (PPS3). The proposal is therefore acceptable in principle in line with this policy.

As per previous applications on this site the density is below 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 designed housing dictates. The immediate surrounding area is characterised by residential dwellinghouses which incorporate large garden areas. It is therefore considered that a lower density is justified on the site taking into account the layout of the surrounding area.

Layout, Design, Scale and Appearance

The design and scale of the proposed properties are in keeping with the previously approved properties on the site, being two-storey detached dwellings. The layout is a continuation of the existing layout along the access road and is considered in keeping with the previously approved scheme in line with policy HS4.

Neighbour Amenity

Three additional properties are proposed to the previously approved scheme. Two will be on the north side of the access road and there will be 11.5m between the first floor windows of the proposed properties and the garden boundaries of numbers 62 and 64 (an amended plan lengthening the garden of the house shown on plot 11 has been received). This complies with the interface guidelines and these two properties will back onto the houses on Lancaster Lane that have sold parts of their gardens to build them.

The other additional property will back onto Kirkby Avenue. There will be 10.5m between the rear first floor windows of this property and boundary of the property behind on Kirkby Avenue and 25.5m between the proposed rear windows and the rear elevation of this property, both of which comply with the Council's interface guidelines for new developments. The property backing onto Kirkby Avenue will have a similar relationship with these properties as houses on the previously approved scheme. It is therefore considered the proposal will have an acceptable relationship with neighbouring properties which will not unacceptably impact on their amenity in accordance with policy HS4.

Highways and Parking

The application proposes the three additional properties will be accessed via an extension to the private drive previously approved. The private drive will therefore serve five properties in total. This is the maximum that can be served off such a drive, but is considered acceptable. The comments of Lancashire County Council Highways are awaited and will be added to the addendum.

In terms of parking the proposed properties will all have four bedrooms or more and therefore require three off-road parking spaces. Each property has a double driveway in front of it, the properties on plots 11 and 12 have a single integral garage and the property on plot 13 has a double integral garage. However, these garages measure approximately 5m by 2.5m which falls short of the guideline size in Manual for Streets of 6m by 3m to allow for storage as well as parking. However, Manual for Streets does allow smaller garage sizes to be considered if other storage and cycle parking is provided for the properties. Amended plans have been received providing a storage shed for each of the three properties and the smaller garages are considered acceptable as alternative storage is provided. A condition will be applied to any permission requiring this storage to be provided.

Sustainable Resources

The Council has adopted a Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document, both of which form part of Chorley's Local Development Framework, the provision of Policy SR1 applies to

this proposal. A Sustainable Resources report accompanies the application and the comments of the Planning Policy team on this policy will be placed on the addendum.

Public Open Space

A commuted sum is required for each of the three properties, which will be secured through a Section 106 legal agreement.

Other

An objector on Kirkby Avenue has requested that if the application is approved conditions should be attached stating that all construction work on the current development of 10 properties is complete before work is allowed to commence on any extension to the current site due to the siting of the temporary accommodation (site cabins) on their boundary. However, conditions must meet the tests as set out in circular 11/95. It is not considered that requiring the existing dwellings to be completed before the further 3 dwellings are started is reasonable due to the way the dwellings are constructed on site.

The applicant advises that the site cabins have been located between plots 8 and 9 as they give easy access to the turning head for deliveries and advise that if planning is approved they will construct the 3 additional units the subject of this application simultaneously with the main site. They estimate that this will extend the overall construction period by approximately 1 month due to the economies of scale. If the dwellings were to be built independently this would dramatically extend the construction timetable by up to 6 months.

Recommendation **Approve (subject to s106 agreement), refuse if s106 agreement not signed by 5th January 2010.**

Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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.

3. 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

4. The development shall be carried out in accordance with the ground investigation report Ref 06203 and its associated addendum report.

Reason: In the interests of safety and in accordance with PPS23.

5. No dwelling hereby permitted shall be occupied until that part of the road which provides access to it from the public highway has been constructed in accordance with the approved plans and the approved planning application reference 07/00685/FUL.

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

6. 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 in accordance with policy SR1 of the Sustainable Resources DPD. 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.

7. No dwelling hereby permitted shall be occupied until the cycle/storage (garden sheds) as shown on drawing no AL007 Rev D stamp dated 23rd November 2009 have been provided for each of the properties.

Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets.

8. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (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.

9. 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.

10. 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.

11. 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.