

Item 7 **09/00749/FULMAJ** **Permit (Subject to Legal Agreement)**

Case Officer **Mrs Nicola Hopkins**

Ward **Chorley East**

Proposal **Erection of 37 dwellings (amendment to layout, design, landscaping and external appearance approval as part of planning approval 02/00680/REMMAJ)**

Location **Land Between Froom Street And Crosse Hall Lane Chorley**

Applicant **Mrs Nichola Burns**

1 letter has been received querying the increased traffic levels
Consultation expiry: 11th November 2009
Application expiry: 8th January 2010

Proposal The application incorporates amendments to a previously approved scheme. The previous scheme (02/00680/REMMAJ) incorporated the erection of 161 dwellinghouses. The proposal incorporates amendments to part of the site and seeks to amend the layout, design, landscaping and external appearance of 37 dwellings on the site. A subsequent planning approval at the site amended the originally approved layout and resulted in a scheme which incorporates the erection of 164 dwellings across the whole site.

The site is located between Froom Street and Cross Hall Lane, Chorley and covers a site area of 7.83 hectares. The principle of redeveloping the site for residential use was established as far back as 1988 with the grant of outline planning permission. In addition to this the site is allocated as a housing site within the Adopted Chorley Borough Local Plan Review.

The whole site is 7.83 hectares in size. The proposed amendments would result in the construction of 172 dwellings across the whole site which equates to a density of 22 dwellings per hectare. This part of the site covers 0.83 hectares.

The gross density of the proposed scheme is some 22 dwellings per hectare. This falls well below the Government's recommended minimum density of 30 dwellings per hectare necessary to achieve a relatively efficient use of land. However, this is a somewhat constrained site which reduces the effective developable area. In addition to this the principle of a low density development has already been established at the site and this proposal would actually increase the previously approved density creating a more efficient use of land.

Summary This proposal relates to an amendment to a previously approved scheme. The principle of redeveloping the site was established over 20 years ago and this proposal which results in an increase in the number of dwellings on the site will represent more efficient use of the land.

Planning Policy **Planning Policy Statement 1:** Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Statement 25: Development and Flood Risk
Planning Policy Guidance 13: Transport

North West Regional Spatial Strategy:

Policy DP1: Spatial Principles
Policy DP2: Promote Sustainable Communities
Policy DP4: Make the best use of Existing Resources and Infrastructure
Policy DP5: Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
Policy DP6: Marry Opportunity and Need
Policy DP7: Promote Environmental Quality
Policy DP9: Reduce Emissions and Adapt to Climate Change
Policy RDF1: Spatial Priorities
Policy L4: Regional Housing Provision
Policy L5: Affordable Housing
Policy RT9: Walking and Cycling
Policy EM5: Integrated Water Management
Policy EM15: A Framework for Sustainable Energy in the North West
Policy EM16: Energy Conservation and Efficiency
Policy EM17: Renewable Energy

Adopted Chorley Borough Local Plan Review:

GN1: Settlement Policy- Main Settlements
GN5: Building Design and Retaining Existing Landscape Features and Natural Habitats
GN9: Transport Accessibility
EP4: Species Protection
EP9: Trees and Woodland
EP17: Water Resources and Quality
EP18: Surface Water Run Off
HS4: Design and Layout of Residential Developments
HS5: Affordable Housing
HS6: Housing Windfall Sites
HS21: Playing Space Requirements
TR4: Highway Development Control Criteria
TR18: Provision for pedestrians and cyclists in new developments
Policy SR1: Incorporating Sustainable Resources into New Development
Sustainable Resources Development Plan Document

Planning History **9/88/527-** Outline application for residential development on approximately 8 hectares of land. Approved.

9/90/693- Renewal of outline planning permission for residential development. Approved.

9/93/89- Provision of canal bridge, access road and footways to serve approved residential development site. Approved.

9/93/332- Application for renewal of outline planning consent no 9/90/693 for residential development of approximately 19.5 acres of land. Approved.

96/00391/FUL- Amendment to condition no 1 of outline planning permission 9/93/332 for residential development and open space to alter time period for submission of reserved matters from three to five years. Approved.

98/00207/OUT- Renewal of outline planning permission 9/93/332 for residential development. Approved

98/00208/FUL- Renewal of planning permission 9/93/89 for provision of canal bridge, access road and footways to serve residential development site. Approved

02/00680/REMAJ- Reserved Matters application for proposed housing development consisting of 161 dwellings and public open space Approved

02/01123/FULMAJ- Modification of condition 1 on planning permission 9/98/00207/OUT for residential development, to extend the period of time in which reserved matters can be submitted by one year. Withdrawn

06/01057/FULMAJ- Substitution of house types and minor amendments to plots 1, 8, 10, 14, 15, 17, 31 and 32, and amendments to approved layout (02/00680/REMAJ). Approved

06/01187/TPO- Crown reduce or remove assorted trees (removed trees to be replaced) some covered by TPO4 (Chorley) 2003. Approved October 2006

06/01301/FUL- Erection of electric substation to serve approved residential development. Approved

07/00538/FUL- Proposed amendments to approved layout 9/02/00680/REMAJ. House type substitution to plot 25. Approved

07/01051/FULMAJ- House type substitutions, the erection of 3 additional dwellings and minor revisions to roads serving plots 84 - 161. Part amendment to the originally approved layout ref 9/02/00680/REMAJ (site area 7.83 hectares). Approved

Applicant's Case

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

- The proposed re-plan incorporates replacing 29 dwellings with 37 dwellings.
- The proposal incorporates replacing larger dwellings with smaller townhouses and mews properties
- There is a reduced demand for large detached properties. first time buyers prefer more traditional 2 storey dwellings or 3 bedroom properties

Representations

1 letter has been received querying whether there are any plans to deal with increased traffic along Haworth Road

Consultations

Lancashire County Council (Planning Contributions) have

commented on the scheme

United Utilities have no objection

The Ramblers Association have raised concerns in respect of the impact on footpath 19 and the diversion along a tarmac footpath

Natural England have commented on protected species and the need for surveys

Lancashire County Council (Ecology) have no further comments to make other than those made in respect of application 02/00680 and the requirements to protect the Black Brook and protected species.

The Environment Agency have no objection

Lancashire County Council (Strategic Planning) have commented on housing, minerals and waste and renewable energy. They raise no objection

British Waterways have no objection

Corporate Director (Neighbourhoods) has no comments to make

Lancashire County Council (Archaeology) have no comments to make

The Council's Arboricultural Officer has no objection to the proposals

Assessment

Principle of the Development

The principle of redeveloping the site for residential development has been established for a number of years. Outline planning permission was originally granted in 1988 to develop the site for residential purposes. Reserved matters were granted at the site in 2003 (02/00680/REMMAJ). This permission related to the erection of 161 dwellings and the development is currently under construction on site. The site is approximately 25% complete.

This is not an easy site to develop due to the significant levels changes across the site, the fact that the site is bounded by the canal and the M61 and the fact that the Black Brook bisects the site.

Proposed amendments

This application relates to a part amendment to the previously approved scheme. The amendments relate to the northern part of the site, which is adjacent to the canal and the Black Brook. The following amendments are proposed when compared to the approved scheme:

- 8 additional properties
- Plots 35-40 now front onto the new estate road
- Plot 34 incorporates multiple aspects
- Courtyard parking is incorporated
- Dual aspect properties have been incorporated to provide a frontage to Black Brook
- Plots 41-55 have been re-planned to front onto the canal

Along the canal the proposal incorporates split level houses (the houses appear two storey when viewed from the front and three storey from the rear) which front onto the canal. This design solution utilises the asset of the canal and provides overlooking whilst accommodating the level changes on the site.

Properties have been repositioned to front the highway which will create an active street scene and create natural surveillance to the public right of way.

The extent of formal highway (including footways) has been extended along the boundary with the Black Brook to serve the proposed dwellings. It is not considered that this will have any further adverse impact on the Brook when compared to the approved layout and the scheme still incorporates a footpath link along the Brook.

The amended siting of the properties still retains the required spacing distances with the adjacent dwellings and will not adversely impact on the neighbours amenities. It is considered that the scheme is a more efficient use of brownfield land.

Highways and Parking

Access to the site is via Crosse Hall Lane. A bridge crossing the canal has been constructed and serves as the main access to the site. Planning permission was granted for this bridge in 1998 (98/00208/FUL). Pedestrian access is also retained onto Froom Street and Crosse Hall Lane. These access points will act as emergency access points for vehicles but will be gated to ensure that these access points are not utilised by public vehicles.

The scheme incorporates a mixture of 1, 2, 3 and 4 bedroom dwellings. The applicants have been advised that garages should measure 6x3 metres in accordance with Manual for Streets to be considered a parking space, amended plans have been submitted in accordance with these measurements. Additionally within the parking court the proposed garages have been replaced with timber framed carports which provide sufficient parking space and soften the appearance of the expanse of hard standing to these areas.

The applicants have also been advised of the parking requirements for the size of the dwellings proposed. The majority of the properties have adequate parking provision however two of the 4 bedroom dwellings only have two parking spaces. Increasing the driveway space further would remove all landscaping to the front of these dwellings which would create an oppressive appearance. Additionally the approved scheme for this part of the site, which could still be constructed, incorporated the previous parking standards and this scheme incorporates an improvement to the approved scheme. It is considered that 2 parking spaces for these two dwellings is acceptable in this situation.

Ecology

Natural England have commented in respect of bats as it is not clear whether the issue of bat roosts in the trees was addressed at the time of the original outline and reserved matters application or whether the amendments to the layout will have ecological impacts. As such they are advising that an Ecological Survey

should be undertaken. However although there were trees originally on this part of the site they were not considered worthy of retention and as such were not protected by the Tree Preservation Order on the site. Due to the fact that there are no trees on site the proposals will not impact on bat roosts and there is, therefore, no need for additional surveys particularly taking into account the Ecologists comments below.

The Ecologist at LCC has confirmed that they have commented previously upon aspects of the earlier application (02/00680). The Ecologist has also confirmed that provided that the current amended proposals do not compromise in any way the protection of Black Brook (condition 4 of permission 02/0068), or implementation of the approved method statement for the protection of protected species, and the management of areas other than gardens and highways (as required by condition 12), then I have no further comments to make at this time.

In order to ensure that the scheme does not adversely impact on the Ecological assets of the site the same conditions will be attached to the recommendation. It is not considered that the proposals will adversely impact on the ecological assets of the site.

Trees and Vegetation

A few trees on site were considered to be worthy of retention and a Tree Preservation Order was placed on these trees. These trees are not however affected by the development subject to this planning application.

The Council's Arboricultural Officer has confirmed that the proposed changes do not impact upon the existing trees in any significant way and as such he is satisfied with the amendments.

Section 106 Agreement

An original Section 106 Agreement was secured at the site for the provision of on site affordable housing along with a commuted sum for off site affordable housing. The legal agreement also covered open space provision. The agreement was originally signed in 1999 and a supplementary agreement was signed in 2003 requiring the payment of additional commuted sums.

As reserved matter approval has been granted at the site and the date for submitting reserved matters has expired this application is dealt with as a full application. As such a supplemental S106 agreement is required to tie this application into the Section 106 obligations.

Lancashire County Council Planning Contributions team have requested for environmental improvements and waste management. The Section 106 for this site however was agreed a number of years ago and no further obligations can be requested in respect of this site.

Affordable Housing

In respect of the affordable housing the legal agreement specifies 20 low cost housing on site with a floor area of less than 85 square metres and 2 bedrooms or less. The house types originally

agreed as the on site included the Thorpe, Bereford and Didsbury. It was envisaged that the size of the properties ensured that the properties would be affordable. However the legal agreement was signed a number of years ago and this model of affordable housing no longer accords with the Council's definition of affordable housing. As such these properties do not form part of the Council's affordable housing numbers.

Public Rights of Way

There are two public rights of way which cross the site, footpath number 4 and footpath number 19. Footpath 19 is affected by this development however it is proposed to divert this footpath along the footway which is not a significant diversion to the current route. There is currently a temporary footpath diversion in place whilst the construction work is ongoing. The applicant has been advised that a permanent diversion will be required, this will be dealt with by Lancashire County Council.

The Ramblers Association have raised concerns in respect of the replacing a rural footpath with a tarmac footpath. The originally approved scheme included incorporating the footpath through an area of Public Open Space however this was adjacent to the highway footway, partly behind the sub station and to the rear of dwellinghouses. The amended footpath will be overlooked by dwellinghouses fronting the highway, which is more acceptable from an urban design perspective, is no longer located to the rear of the sub-station and is likely to be the preferred route for pedestrians as it is safe and overlooked. As such the footpath diversion is considered to be acceptable.

Resident concerns

One letter has been received querying whether any measures would be incorporated to deal with the increased traffic along Haworth Road. Haworth Road is one of the highways which has been created as part of the whole development. It was always proposed to serve the western half and part of the southern part of the site via this route. Therefore the traffic implications were considered at the time of the original application. It is not considered that the relatively small increase in the number of dwellings will significantly impact on traffic generation on the site.

Sustainability

Since the grant of reserved matters approval in 2003 the Council now has an adopted Development Plan Document and Supplementary Plan Document on Sustainable Resources which requires the submission of a Sustainability Statement. The applicants have submitted a Sustainability Statement as part of this application. Further comments from the Council's Planning Policy Section are awaited in this regard.

Levels

As set out earlier this site is not easy to develop due to various land levels across the site and the fact that the Black Brook and the Canal divide the site. The proposed finished floor levels of the dwellings subject to this application are similar to the surrounding properties and there will be no loss of amenity resulting from significant level changes.

The main level change is between the site and the canal boundary. To deal with this change split level houses are

proposed along the canal which will enable the dwellings in this location to overlook the canal whilst providing an appropriate design solution for this part of the site.

Conclusion The principle of developing the site for residential purposes was established nearly 20 years ago and the redevelopment of the site is currently ongoing. The amendments to the originally approved scheme proposed as part of this application are considered to be minor and it is not considered that the addition of eight extra units will adversely impact on the development or the area as a whole. As such the amendments are considered to be acceptable.

Recommendation **Permit Full Planning Permission**
Refuse if the S106 Agreement is not signed by 8th 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. All vehicles entering and leaving the site in connection with the construction of the development hereby permitted shall only do so via the new access road and canal bridge permitted under planning permission 9/98/00208/FUL, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of local residents and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

3. Before any development hereby permitted is first commenced the temporary protective metal fencing along the full length and both sides of Black Brook shall have been erected in accordance with the approved details. The fencing, thereafter, shall remain in place at all times during the course of the permitted development being carried out, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the watercourse and prevent debris and construction material from encroaching into this area and in accordance with Policy EP17 of the Adopted Chorley Borough Local Plan Review.

4. Before the development hereby permitted is first commenced there shall have been submitted to and approved in writing by the Local Planning Authority a method statement for providing protection to protected species during the course of the development and a ten year plan (including provision for protecting all protected species and their habitats) for the maintenance and management of all areas other than garden curtilages and highways. Thereafter, the approved method statement and ten year maintenance and management plan shall be fully complied with and implemented in full.

Reason: In the interests of the visual amenities of the development, the amenities of future residents and nature conservation and in accordance with Policies GN5 and EP4 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS9.

5. The development hereby permitted shall be carried out in accordance with the approved scheme for the provision and implementation of a surface water regulation system to limit surface water run off from the completed development to existing rates.

Reason: To reduce the increased risk of flooding and in accordance with Government advice contained in PPS25: Development and Flood Risk.

6. The development hereby permitted shall be carried out in accordance with the approved details of the measures to be taken, during the period of construction, to prevent mud and other debris being carried onto the public highway by vehicles leaving

the site. The agreed measures shall be implemented in full before commencement of the development and retained in operation until such time as the development is complete.

Reasons: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

7. The site shall be remediated fully in accordance with recommendations made in the Ground Investigation and Remediation Statement Ref: 588/02 Chorley, Crosse Hall Mill Farm (May 2004) by Woodford Consulting Engineers Ltd.

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 Government advice contained in PPS23: Planning and Pollution Control

8. 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 amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

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 Government advice contained in PPS23: Planning and Pollution Control

9. 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 dwelling(s) 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.

10. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To protect the appearance of the locality and 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.

11. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (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.

12. 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.

13. 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.

14. 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

15. Prior to the commencement of the development details of appropriate mitigation measures to prevent pollution of the waterway during and after the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in accordance with the approved details.

Reason: In order to avoid contamination of the waterway and ground water from wind blow, seepage or spillage at the site. In accordance with Policy EP5 of the Adopted Chorley Borough Local Plan Review.

16. 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.

17. 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.

18. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

Reason: To secure proper drainage, to prevent flooding and to prevent pollution to the waterway. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS25: Development and Flood Risk
