

**Item 5**                      **09/00867/FULMAJ**                      **Permit (Subject to Legal Agreement)**

**Case Officer**                      **Mr Andy Wiggett**

**Ward**                                      **Clayton-le-Woods And Whittle-le-Woods**

**Proposal**                              **Erection of 14 residential properties with associated infrastructure and provision of car parking for existing residents**

**Location**                              **Land To Rear Of 243-289 Preston Road Clayton-Le-Woods**

**Applicant**                              **Wainhomes Developments**

**Proposal**                              The application relates to the erection of 14 detached and semi-detached houses on land to the rear of 243-289 Preston Road, Clayton le Woods. The scheme incorporates alterations to the access and improvements to Preston Road along with dedicated parking for the residents of Preston Road.

Planning permission was granted in 2008 for 25 dwellings on the site including the same access arrangements as now proposed.

The application site was originally a sand quarry and has been used more recently to accommodate garage accommodation. The site is not strictly considered a brownfield site as the site has had the opportunity to regenerate following the previous uses on the site.

The proposal consists of two and three storey properties, nearly all of which will be four bedroom types. The three storey houses are the semi-detached three bedroom type which are located at the rear of the site.

**Policy**                                      **Chorley Borough Local Plan Review**  
GN1, GN5, HS4, HS6, TR4, SPD – HDG  
**Planning Policy Statements 1, 3, 23**

**Planning History**                      **02/01260/OUTMAJ-** Outline application for residential development. Refused

**05/00888/OUTMAJ-** Outline application for residential development. Refused

**07/00684/FULMAJ-** Proposed 25 Residential properties, access alteration and provision of existing residents parking. Approved October 2007

**07/01355/FULMAJ-** Erection of 27 residential properties, access alteration, and provision of existing residents parking. Refused April 2008

**08/00433/FULMAJ-** Erection of 25 residential properties , access alteration and provision of residents parking. Approved July 2008

**Consultations**                              Parish Council – no objections  
United Utilities have no objection to the proposal subject to various conditions/informatives

Neighbourhoods – due to the nature of the processes carried out on the land (former quarry) there is a potential for ground contamination. Appropriate conditions should be attached to the permission to secure adequate steps are in place to deal with this.

### **Representations**

One letter objecting to the proposal has been received stating that the development would spoil the light coming into their property, spoil the view and reduce the value of the house. The development would add to the traffic hazards in the area.

### **Applicant's Case**

- Planning permission already exists on the site for residential development
- Access concerns have been overcome
- A low density scheme will complement the high density terraced development offering more variety of house types in the area.

### **Assessment**

In accordance with Planning Policy Statement 3: Housing, land which was previously used for mineral extraction would fall to be considered as brownfield land, and as such the preferred choice for redevelopment, if provision for restoration has been made through the provisions of development control. The site subject to this planning application was formally a quarry however although the site has been cleared and levelled this was not part of a formal restoration process. The site has been left to regenerate itself and as such does not fall under the definition of brownfield land within PPS3.

Planning permission was granted for the erection of 25 dwellings on this site in July 2008. The current scheme has been designed to reflect a changed view of the local housing market.

The site covers 0.8 hectares and as such the erection of 14 dwellings results in a density of approximately 17.5 dwellings per hectare. This is below the guide figure of 30 dwellings per hectare set out in PPS3 but the point made by the applicant is valid in that a lower density scheme will complement the high density terraced houses that are next to the site and offer more choice in the local area.

There have been five previous planning applications at the site for the redevelopment of the site for residential dwellings. Both of the first two applications were refused. The first application was refused for three reasons which related to the oversupply of housing in the Borough, impact on highway safety and evidence that the scheme could be adequately accommodated on the site. The second application was solely refused on the impact of the development on the oversupply of housing in the Borough.

As such the issues relating to highway safety and creating an acceptable form of development for the site were overcome in respect of the second application.

The third and fourth applications were approved for the erection of 25 dwellings. The permissions are extant and could still be implemented.

### **Highway Issues**

There is already access to the site in the form of an unadopted accessway located between 267 and 269 Preston Road. This

accessway serves the properties along Preston Road and there are informal parking areas located to the rear of the properties. As part of the development it is proposed to improve this accessway by creating a formal highway situation with tarmaced road surfaces and footways.

Alterations are to be made to Preston Road to serve the site, this includes the provision of a dedicated right turning lane in the middle of Preston Road to serve the site and a pedestrian refuge. The works to Preston Road will be subject to a separate legal agreement with the Highway Authority. The access arrangements have not altered since the previous approval and as such are considered acceptable. The scheme provides for the full standard of car parking spaces, additionally 8 dedicated car parking spaces will be provided behind the northern terrace for the residents along Preston Road.

### **Neighbour Amenity**

The current scheme meets the council's interface distances in particular the blank side walls on plots 1,13 and 14 which are directly behind the houses on Preston Road, where there is a 15m distance to habitable room windows. The previously approved layout also had blank gables at similar distances away and this was not considered to result in an unacceptable degree of overshadowing.

### **Other Issues**

There are steep slopes located adjacent to the site. To ensure that the slopes are stable and won't create further problems for the future residents or the existing residents a Grampian style condition will be attached to the recommendation requiring a geotechnical investigation prior to any development on site. This will investigate any risk of collapse and future problems which could occur with the commencement of the development. The investigation will also identify methods to ensure the stability of the slopes and the continued protection of the mature trees located at the top of the slopes.

### **Conclusion**

The revised proposal uses the same access details as previously approved but reduces the number of dwellings to 14. This results in a lower density scheme with much larger plots which it is considered will complement the terraced houses adjoining the site and hence provide more variety and choice in the local housing market.

### **Recommendation: Permit (Subject to Legal Agreement) 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. 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.*

3. 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.*

4. 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.*

5. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

*Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

6. Prior to the commencement of the development a geotechnical investigation of the slopes adjacent to the application site shall be undertaken to ensure the stability of the slope. The investigation shall also include the trees located to the south west boundary to assess the long term impact of the regrading and any safety implications. This investigation shall be submitted to and approved in writing by the Local Planning Authority. Any remedial works required to ensure the continued stability of the ground shall be implemented prior to the commencement of development of the site.

*Reason: To ensure the continued stability of the surrounding land and in accordance with Policy EP15 of the Adopted Chorley Borough Local Plan Review*

7. 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.*

8. 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 details shall include the future management of the proposed existing residents parking spaces detailed on plans reference 07/170 AL005. The site shall thereafter be managed by the approved Management Company.

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

9. No development shall take place until :

- a) a methodology for investigation and assessment of ground contamination has been submitted to and approved in writing by the Local Planning Authority. The investigation and assessment shall be carried out in accordance with current best practice including British Standard 10175:2001 "Investigation of potentially contaminated sites – Code of Practice". The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works, a validation report containing any validation sampling results have been submitted to and approved in writing by 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 Government advice contained in PPS23: Planning and Pollution Control*

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. No dwelling hereby permitted shall be occupied until the highway alterations to the site access and Preston Road have been completed in accordance with the details shown on plan reference AL(00)-001 , or as otherwise agreed in writing by the Local Planning Authority.

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

12. 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*

13. 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 and to prevent flooding and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review, Policy 24 of the Joint Lancashire Structure Plan and Government advice contained in PPS25: Development and Flood Risk*

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