

Item 4	10/00027/REM	Approve Reserved Matters
Case Officer	Mr Andy Wiggett	
Ward	Chorley East	
Proposal	Erection of 9 Dwellings with new access, road driveway and parking court (Reserve Matters application 08/00100/OUT)	
Location	St James C Of E Primary School Devonport Way Chorley PR6 0TE	
Applicant	J B Loughlin (contractors) Ltd	
Proposal	The application is for the approval of the reserved matters set out in the outline permission for 9 dwellings granted in February 2008. The reserved matters were layout, scale, external appearance and landscaping. The access was approved as part of the outline permission.	
Background	This application follows a refusal of an earlier submission in January of this year due to the adverse impact of one of the dwellings adjacent to the property on Eaves Lane.	
Policy	Chorley Borough Local Plan Review: GN1 – Settlement Policy – Main Settlements GN5 – Building Design HS4 – Design and Layout of Residential Developments SPD – Householder Design Guidance	
Planning History	08/00100/OUT – outline application for demolition of training centre building and erection of 9 dwellings with new access road, driveways and car parking court – approved 09/00920/REM - Reserved Matters Application for 9 Dwellings House Design, Layout and Landscaping - refused	
Consultations	Neighbourhoods: I have reviewed the attached Phase 1 desk study report (Ref.CL1557, dated 30th November 2009) submitted by LKC in support of application 09/00920/REM I am satisfied with the contents of the report in making an initial appraisal of site conditions, however LKC has identified potential for ground contamination at this site and makes recommendations for further investigation prior to re-development. I therefore refer to and agree with the recommendations made in section 6.2 of this report for further site investigation works, and require a Phase 2 intrusive investigation, guided by the Phase 1 report. Remedial works will be required where necessary, in accordance with recommendations made in the Phase 1 & 2 investigations. Any remedial works will require validation and approval. Architectural Design and Crime Reduction Advisor: I have concerns with the access passage to the rear on plots 5/6/7, I would ask that a gate be placed at the side of plot 5 to restrict access for residents only. The scheme should be to Secured by Design standards.	
Representations	Four letters of objection received raising the following issues:	

- The difference in level between the site and adjacent houses will lead to loss of privacy, overlooking and loss of light.
- Views of Healey Nab will be obscured and the development will result in a feeling of congestion and overcrowding.
- Concerned that the development will cause highway safety problems in the surrounding area as a result of the extra vehicles parking on the road and close to the exit of Devonport Way.
- Need for Traffic Regulation Orders on that stretch of highway.
- The development is out of place with the surrounding area.
- The proposed trees will grow and take light from the adjoining houses.
- The site levels should be reduced by 1m which would enable the brick retaining walls that are in a poor condition to be removed.

Applicant's Case

- There is an outline approval on the site for nine dwellings
- The site is within a predominantly residential area and in a sustainable location
- The density of the scheme at 39 dwellings per hectare follows the guidelines in PPS3
- The scheme has full provision for off-street parking

Assessment

The outline application indicated the number and location of the dwellings on the site, however, the layout has been amended in this reserved matters application by deleting the proposed three storey house so that all the units will now be two storey but the density remains the same at 39d/ha. The issue that led to the refusal of planning permission in January, namely the relationship of the house on plot 9 with the adjacent property to the west on Eaves Lane has been resolved by changing the house type and moving it further away from the habitable windows so that at 14.5m this satisfies the Council's interface distance. This allows for the 1m difference in levels.

The details submitted, that is of the design of the houses, landscaping, visibility splay on Devonport Way and hard surfacing are all satisfactory. The houses are to be constructed of facing brick with concrete roof tiles and white UPVC windows under brick soldier arches. They will relate to the flats opposite but not to the stone built cottages on Eaves Lane, however, the school was built of brick and there will be no adverse impact on the street scene.

The issue of highway safety was addressed at the outline stage and the S106 agreement includes a contribution towards traffic management on Devonport Way.

The issue of reducing the site level is a valid one but in view of the outline planning permission not one that the Local Planning Authority can require without the agreement of the applicant. The applicant is not willing to reduce the level of the site but the development is reliant on the maintenance of the original retaining walls put in as part of the erection of the school in Victorian times. The walls are not in good condition and it is recommended that their repair be secured by a Grampian condition requiring a structural survey report on them and the necessary works being carried out before development of the site commences. This

condition is justified because the redevelopment of the site for which permission is sought could not be carried out without the maintenance of the existing ground levels and the walls having satisfactory structural integrity to allow the dwelling's foundations to be positioned close to them.

The comments of the Contaminated Land Officer are relevant given the history of the site's development and it is necessary to condition further site investigation and a Phase 2 intrusive investigation and any remedial works found to be necessary

Conclusion

The principle of developing the site and the manner in which it could be carried out have been established by the grant of outline planning permission following the signing of a S106 agreement. The details submitted are acceptable and the issues raised by objectors about access dealt with at the outline stage, overlooking by the amended house type and location and maintenance of ground levels by a condition on the structural integrity of the retaining walls.

Recommendation: Approve Reserved Matters Conditions

1. Before development of the site hereby permitted commences, a survey of the retaining walls around the site shall be carried out by a suitably qualified person of their stability and capability of accommodating the development proposed without affecting neighbouring land. The report shall be submitted to and agreed by the Local Planning Authority and recommendations to show how any instability might be overcome shall be implemented in accordance with the assessment.

Reason: The Local Planning Authority has reason to believe that the land and walls may be unstable or likely to become so and is adopting the precautionary principle to development as advised in PPG 14 Development on Unstable Land and on accordance with the provisions of Policy EP15 of the Adopted Chorley Borough Local Plan Review.

2. Notwithstanding the submitted plans a gate shall be provided, before occupation of the dwellings, at the south east corner of plot 5 on the access footpath to the rear of plots 5 – 7.

Reason: to assist in the prevention of crime and to promote community safety in accordance with the provisions of Policy HS4 of the Adopted Chorley Borough Local Plan Review.

3. 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 the guidance set out in PPS23: Planning and Pollution Control
