

<b>Item</b>	<b>10/00518/OUT</b>
<b>Case Officer</b>	<b>Liz Beard</b>
<b>Ward</b>	<b>Clayton-le-Woods And Whittle-le-Woods</b>
<b>Proposal</b>	<b>Outline application for residential development with all matters reserved, except for access.</b>
<b>Location</b>	<b>Back Lane Reservoir Back Lane Clayton-le-Woods</b>
<b>Applicant</b>	<b>United Utilities Property Services</b>

**Consultation expiry: 12 August 2010**

**Application expiry: 14 September 2010**

### **Proposal**

This application was deferred at the last meeting of the Development Control Committee and a site visit was requested.

1. The application is an outline application for residential development, for up to 8 no. dwellings, with all matters reserved, except for access at Back Lane Reservoir, Clayton-le-woods in Chorley.
2. The site is just over 0.5 hectares and is at the junction of Fiddlers Lane and Back Lane in Clayton-le-woods. It is a very low density scheme, with only 16 dwellings to the hectare being the density. The current use of the land is as a covered reservoir owned by United Utilities, which is surplus to their requirements. The reservoir protrudes 2.5m above the ground level and there is some plant and hard standing within the site. The existing access is from Fiddler's Lane.
3. Layout is a reserved matter, however, an indicative layout has been provided with the application. There are eight family homes, which will have individual accesses off Fiddler's Lane.
4. The applicants have requested a longer time limit is considered as part of this application in light of the extremely challenging economic climate.

### **Recommendation**

5. It is recommended that this application is granted conditional outline planning approval subject to the associated Section 106 Agreement.

### **Main Issues**

6. The main issues for consideration in respect of this planning application are:
  - Principle of development
  - Design and appearance
  - Layout
  - Impact on neighbouring amenity
  - Highways and parking
  - Impact on the trees
  - Ecology
  - Drainage
  - Site clearance
  - Section 106 Agreement

## Representations

7. 12 letters of objection have been received where they raise the following issues:
- Impact on existing services in the area.
  - Bringing additional driveways on Fiddlers Lane and the path would cause a danger to children walking to school.
  - What safety procedures would be put in place for the dismantling of this reservoir?
  - Site is a habitat for wildlife.
  - Drainage problem as property is below the level of the field.
  - Increase in traffic.
  - Development in constructing driveways to properties would endanger the trees, which have a preservation order on them.
  - Should the properties be more than single storey then I may suffer loss of light and be overlooked.
  - Currently under a hosepipe ban situation and might well have been avoided should United Utilities have expanded their reservoir(s) capacity.
  - Current aspect at the top of Back Lane is un-pressured semi-open space with tree lined road offering a safe, pleasant pedestrian access towards school and country park which will be totally spoilt.
  - Eight new access points on this corner will make a huge difference to the available navigation of this road and will seriously reduce the easy flow of traffic.
  - Loss of privacy and peace, which will result to residents in Carlton Avenue from such a proposal. The land under consideration is much higher than that in Carlton Avenue and will allow overlooking.
  - Sewers which serve Carlton Avenue are already proving inadequate in that there have been several occasions when the pipes have become blocked.
  - Increased likelihood of blocked/jammed passage for traffic including ambulances or fire engines.
  - Roads are barely adequate for existing traffic.
  - Been aware of bat activity on the site since 1958.

Clayton-le-Woods Parish Council have contacted English Heritage and they have put in an application to see if English Heritage will list the structure. It is noted as being of Victorian Architecture and is built of vaulted brickwork and is the oldest remaining reservoir in Chorley.

## Consultations

8. Lancashire County Council (Ecology) states that the main ecological issue arising from the proposal is the overall loss of habitat. The applicant should demonstrate that sufficient habitat will be retained and/ or re-established to ensure that there will be no loss of biodiversity value. The habitats to be retained, enhanced or re-established are the 'Open Mosaic Habitats on Previously Developed Land'. It is suggested that conditions are added where tree felling, vegetation works or other works that may effect nesting birds will be avoided between March and August (inclusive) and no vegetation clearance, site preparation or development work shall take place until a detailed habitat creation/enhancement and management plan has been submitted and approved.
9. The Environment Agency have no objections in principle but suggest that the full justification is given for any decisions regarding pollution linkages as outlined in the Preliminary Risk Assessment report. Taking into account the environmental setting of the site in terms of the geology, hydrogeology and hydrology and the potential source of contamination the site is unlikely to pose a risk to controlled waters. If during development contamination is found then they must cease development and obtain written approval for the remediation strategy from the Local Planning Authority. They promote the use of Sustainable Drainage Systems (SUDS) and the foul drainage from the site must be drained to the foul sewer and surface water drainage from any areas likely to be contaminated should be connected to the foul sewer with consent from United Utilities.
10. Corporate Director of Streetscene, Neighbourhoods and Environment has no objection in principle to the application; however there are some concerns in relation to the drainage

layout which would serve the new properties. Recent problems with the existing private drainage system serving all the properties on the adjacent Carlton Avenue estate suggests that this is not capable of readily receiving additional foul water and that connecting into this existing private system should be avoided.

11. United Utilities have no objections providing that the site must be drained on a separate system. Only foul drainage should be connected to the foul sewer. Surface water should be discharged to the soakaway/watercourse/surface water sewer with consent from the Environment Agency. A survey needs to be carried out to ensure that all pipework from the old reservoir is correctly capped off. A water main crosses the site, as we there is a need to access it we will not permit development in close proximity to the main. The level of cover to the water mains and sewers must not be compromised either during or after construction.
12. Lancashire County Council (Highways) has no objections to the proposal and had pre-application discussion with the applicant.
13. Chorley's Waste & Contaminated Land Officer having viewed the preliminary risk assessment that accompanied the application the following comments were provided. Any residential development at this site should proceed in accordance with the report recommendations. A minimum of a watching brief should be maintained during site clearance and should pay particular attention to composition of the made ground beneath the brick lining of the reservoir, any made ground within the embankments surrounding the reservoir and any material used to infill the reservoir. If evidence of contaminants are identified then further sampling and remediation is required. Should any unusual ground conditions be identified then this information should be reported to the Local Authority. Any material used to infill the reservoir should be suitably chemically validated prior to its use along with any soil and top soil brought onto the site. All dwellings should have gas protection measures installed. These should include ventilation of confined spaces within buildings, well constructed reinforced cast in situ floor slabs, clear or granular filled sub-floor void vented into atmosphere, uprated damp proof membrane such as 200g fitted by professional contractor and validated by a third party and minimum penetration of ground slab by services with sufficient lapped and taped joints.
14. Chorley Council's Arboriculture Officer trees T1 to T5 are the prime consideration here, as they front the site and are part of the Tree Preservation Order. There are several effective techniques for putting a driveway over the root plate of a mature tree, but the preferred option, if available, is to avoid it. Plot 1 has a large garden and the driveway could go between tree T1 and T1a. The proposed removal of the suppressed Sycamore, T5a would leave room to straighten out the drive of Plot 2 and so move the drive entrance further away from the base of tree T5, which would mean a smaller percentage of the root zone being covered. Group G1, at the rear of plot 1 would benefit from the proposed thinning, leaving the remaining trees to fill out over the next few years. Transplanting of young trees on the boundary of the site is supported.

## **Assessment**

### Principle of Development

15. The site is located within the main settlement of Clayton-le-Woods, where Policy GN1 of the Local Plan Review is of relevance. There is a presumption in favour of development subject to the consideration of other policies and proposals. The surrounding area is a residential area, with the exception of the other reservoir located across the road, which is also owned by United Utilities. The site was also previously granted planning permission in March 1995 (ref. 94/00679/OUT), which was an outline application, with no specification of numbers of dwellings proposed. This application is for eight houses, which puts the density at 16 dwellings per hectare. Although it is a low density scheme there is a tree preservation order on the site which further constrains the development potential. Also there is a grass verge to the front of the site, with a footpath running through it. This has been retained and is also included in the application site. The surrounding development is low density family housing and this housing reflects that of the surrounding area, therefore in general terms the principle of residential development on this site is acceptable.

### Design and Appearance

16. The application is an outline application; therefore the design and appearance of the proposal will be looked at reserved matters stage. In general terms the layout of the housing is acceptable, however, the design of the ramps and the sloping of the front gardens has been raised as an issue with the applicant. There is the opportunity to redesign this element at the reserved matters stage.

### Layout of Development

17. A Design and Access Statement accompanies the application and explains the design rationale to the scheme. Whilst design and appearance are a reserved matter an indicative layout has been provided to assess whether eight dwellings can be developed without compromising neighbour amenity.
18. The layout shows eight detached properties, with individual driveways off Fiddler's Lane and Back Lane. The sections provided with the application specifically shown Plot 5 in relation to the existing property to the rear (11A Carlton Avenue), with a privacy distance of 26 metres, and Plot 3 in relation to 17 Carlton Avenue with a privacy distance of 24 metres. This complies with the standards as outlined in the Council's Design SPG.
19. The side elevations of Plots 1 and 8 maintain over 12 metres between the side elevations of the existing properties at 21 Fiddlers Lane and 66 Back Lane.

### Impact on Neighbouring Amenity

21. The proposal site and existing reservoir is currently at a higher level than the residential development, to the rear, on Carlton Avenue. The proposal shows extensive engineering works to remove the reservoir and take the ground level, to where the proposed houses would be situated, to just around 1.5m above slab level of the existing houses in Carlton Avenue. The cross sections, as mentioned above, shown Plot 3 to be 1.25m above the slab level of 17 Carlton Avenue and Plot 5 to be 1.5m above the existing slab level of 11A Carlton Avenue.
22. Due to the proposal site being at a slightly higher level the proposed houses had to be moved beyond the standard 21 metres as outlined in the Council's Design SPG. Where the slab levels are 0.5 metres or more above that of a neighbouring or existing house the spacing should be increased by 1 metre for every 0.25m difference in slab levels. Appendix 1 of the Design and Access Statement provides a detailed breakdown of the differences in slab levels between the proposed and existing houses and a breakdown on differences when considering ridge heights. By changing the pitch of the roof from 30 degrees to 22 degrees this lowers the ridge level by 0.6m. The table in Appendix 1 of the Design and Access Statement shown how this change reflects in the interface distances required. It shows that if based on slab levels alone then the development meets the required interface distances and the same is true if measured by using ridge heights of roofs with a 22 degree pitch. However, when measuring interface distances by using ridge heights of roofs where there is a 30 degree pitch there a several plots that do not meet the minimum requirements. This is a consideration for the detailed design stage but this shows that the privacy distances can be accommodated within the scheme but it will involve a significant amount of material being taken off the site.
20. The indicative layout also shows a 10 metre garden length, which complies with the standards within the Design SPG. There are large gardens to the front of the proposed dwellings which, as discussed above, provides for the houses to be moved forward on the site.
25. When looking at the above it is considered that the privacy distances can be accommodated without compromising the amenity of existing neighbours, at the detailed design stage.

### Highways and Parking

34. The Highways Engineer had pre-application discussion with the applicant. The existing road is designed in such a way that vehicle speeds are low. The driveways coming directly off Back Lane have adequate visibility and the layout is considered to be a suitable design solution in highway safety terms.
35. There is adequate parking shown within the curtilage of each of the dwelling houses.

The issue of highway safety for local school children was raised. Following a number of meetings and discussions between the Parish Council, Lancashire County Council (School Travel Officer) and United Utilities it has been agreed by the applicant to:

- Move the school signs. Currently, one of the school signs is barely visible to vehicular road users and therefore it needs moving to a more appropriate location to improve awareness of the school.
- Formalise the point for crossing the road at the north west corner of the site, which could be delivered through new white stud road markings.
- Reinststate the barriers which were partially removed when one of the dropped kerbs was constructed.

These have been shown on the amended plans, and a Grampian style condition can be added to ensure that these works are carried out.

#### Impact on the Trees

35. The application is supported by an arboriculture survey. This shows that three individual trees, four groups of trees and a hedge will have to be removed, as well as some thinning of the G1 area. None of these are subject of the Tree Preservation Order. The trees that are to be removed are highlighted as having low retention values.
36. The proposed access to driveways to Units 1 and 2 extend over the root protection areas. These works can be achieved providing that there are special working methods utilised where these encroachments occur. These would have to be detailed in an Arboriculture Method Statement. However, in answer to the comments provided the applicant has amended the scheme to straighten the driveway on Plot 2. The driveway of Plot 1 cannot be relocated to between Trees T1 and T1a as then this would not meet the visibility splay requirements. There appears to be room within the site to avoid the trees with the driveways when looking at the detailed design and layout at the reserved matters stage. It is considered that the site can be developed without having a detrimental impact on the trees that are subject of a Tree Preservation Order.

#### Ecology

37. A Phase 1 Habitat and Desk Study was provided with the application. Lancashire County Council's Ecologist raised the issue that adequate mitigation is required for the loss of habitat. The loss of Mosaic Grassland is the habitat in question. The applicant has had discussions with the Ecologist where it is suggested that the grassland could be replanted on the other reservoir site owned by United Utilities over the road or within the Manor Park school grounds. A condition can be added to ensure that a management plan is provided prior to the commencement of development.

#### Drainage

38. The neighbouring properties have raised concerns in relation to drainage in the area, where the drains have become blocked on a number of occasions. This has been reiterated by the Director of Streetscene, Neighbourhoods and Environment. United Utilities have provided comment that they do not object to the proposal providing that the site is drained on a separate system. Only foul drainage should be connected to the foul sewer. Surface water should be discharged to the soakaway/watercourse/surface water sewer with consent from the Environment Agency.
39. The applicant has consulted with United Utilities who have confirmed that the foul drainage can be connected to the public foul sewer within Back Lane. It is proposed that the surface water drainage will be accommodated through grey water recycling and soakaways or a connection to the public surface water drain. Conditions can be added to ensure that a suitable drainage scheme can be developed prior to the commencement of development at the reserved matters stage.

## Site Clearance

A survey needs to be carried out to ensure that all pipework from the old reservoir is correctly capped off. A water main crosses the site, however, this is disused, as confirmed by United Utilities.

The Environment Agency stated that there is the possibility that the reservoir has been in-filled and raised issues in relation to pollutant linkages and the minor aquifer. Leyden Kirkby Associates (consultants employed by the applicant) have confirmed that the reservoir has not been in-filled and the risk to the aquifer is considered low given the site history, geology, hydrogeology and hydrology. A condition can be added to ensure that if during the site clearance any contamination is found then this has to be reported to the Local Planning Authority and appropriate remediation and mitigation measures will be required to be carried out.

## Section 106 Agreement

The applicant has agreed to enter into a Section 106 to provide a financial contribution of £10,616 in lieu of providing on-site playspace and open space.

## **Overall Conclusion**

40. The site is appropriate for residential development and it has been satisfied that eight houses can be accommodated on the site without compromising neighbour amenity and highway safety. However, the detail of the design and layout will need to be looked at during the reserved matters stage.

## **Other Matters**

### Sustainability

41. Sustainability issues will be considered as part of any reserved matters application.

### Extension to the Time Limit to Commence Works

The applicants have requested a longer time limit is considered as part of this application in light of the extremely challenging economic climate. This is an issue that is related to market forces as opposed to planning, and it is not a planning reason. Therefore it is not felt that this is an adequate reason for a longer time limit to be imposed.

### Historical Significance

Since the application has been submitted there has been some information submitted in relation to the background to the reservoir, including some pictorial information. It is noted as being of Victorian Architecture and is built of vaulted brickwork and is the oldest remaining reservoir in Chorley. English Heritage has been contacted by the Parish Council and they have put in an application to see if English Heritage will list the structure. As the structure is not listed at present it is not a material planning consideration, however, given that there is some historical significance then this could be recorded and an information board could be provided on the site. This can be conditioned accordingly.

## **Planning Policies**

### National Planning Policies:

PPS1 and the Climate Change Supplement, and PPS3.

### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, EP9 and HS4

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

### Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document

- Sustainable Resources Supplementary Planning Document

## Planning History

94/00679/OUT Outline application for demolition of reservoir structure and development of the site for housing. Approved March 1995.

04/00880/FUL Installation of 17.8m monopole, 6 antennas, 1 Nortel 3G cabinet, 1 D5 Nokia cabinet and associated equipment. Refused September 2004.

## Recommendation: Permit Full Planning Permission Conditions

1. All details in relation to the works for highway safety, as specified in the CBRE CB Richard Ellis Letter dated 22 September 2010, para c) on Neighbour responses, and as specified on plan no. 599007 Rev A shall be carried out prior the occupation of the proposed development.  
*Reason: In the interests of highway safety and to comply with Policy GN5.*
2. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.  
*Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*
3. Before the development hereby permitted is first commenced, full details of all reserved matters (namely the siting, design, external appearance of the building(s), and the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.  
*Reason: The permission is in outline only and in accordance with Policy Nos. GN5 and HS4, of the Adopted Chorley Borough Local Plan Review.*
4. 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 plan(s). 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.*
5. 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 Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.*

6. There shall be no tree felling or vegetation works that may effect nest birds carried out between March and August (inclusive) unless an absence of birds has been confirmed by surveys.

*Reason: To ensure the protection of nesting birds and to comply with Policy EP4 of the Chorley Local Plan Review.*

7. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

*Reason: To ensure proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.*

8. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

*Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 and HT9 of the Adopted Chorley Borough Local Plan Review.*

9. Prior to the commencement of development a method statement shall be provided to show how the removal of the trees and any works around the trees is to be carried out. This shall be agreed in writing by the Local Planning Authority.

*Reason: To safeguard the visual amenity of the area and the safeguard the appearance and health of the trees.*

10. There shall be no vegetation clearance, site preparation or any other development work carried out until a detailed habitat creation/enhancement scheme and management plan is provided and agreed in writing by the Local Planning Authority. The management plan shall show that 0.1 ha of the acid grassland can be relocated off-site, within the vicinity of the application. The development shall not be occupied until such a scheme has been implemented and thereafter the acid grassland shall be maintained in accordance with the habitat management plan.

*Reason: The ensure that it can be demonstrated that sufficient habitat will be retained and/or re-established to ensure that there is no loss of biodiversity value and to comply with Policy EP4 of the Chorley Local Plan Review.*

11. 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 and EP19 of the Adopted Chorley Borough Local Plan Review.*

12. No development shall take place until a programme of archaeological work has been implemented in accordance with a scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority.

*Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately excavated and the remains recorded and in accordance with Policy Nos. HT11 and HT12 of the Adopted Chorley Borough Local Plan Review and HE12 of PPS5.*