

Item	10/00889/OUTMAJ
Case Officer	Mr David Stirzaker
Ward	Chorley North East
Proposal	Proposed residential development of 14 dwellings and access road on the site of the former St. Josephs Primary School
Location	St Josephs Roman Catholic School Railway Road Chorley Lancashire
Applicant	Liverpool R.C. Archdiocesan Trustees Incorporated

Consultation expiry: 17 November 2010

Application expiry: 5 January 2011

Proposal

1. This application, submitted in outline seeks planning permission for the erection of 14 dwellings on the former site of St Josephs Roman Catholic School, Railway Road, Chorley. An earlier application (Ref No. 09/00884/OUTMAJ) submitted in 2009 was withdrawn prior to determination.
2. The application has again been submitted in outline format with all matters reserved apart from access and layout. The final design of the dwellings is not known at this juncture although the Design & Access Statement specifies that the scale of the dwellings will be 2 storey throughout the site. The plans include sections through the site and the layout shows an indicative finished floor level (FFL) for each of the plots.
3. The school building that once stood on the site has been cleared. The majority of the site comprises of overgrown grass and hardstanding areas. Most of the boundary trees have recently been made the subject of a Tree Preservation Order (TPO) (Chorley TPO No. 12 2009).
4. The site is bounded by Railway Road to the west and an area of land housing individual garages and a builder's yard to the southwest. To the south is a tract of trees beyond which is a modern residential estate. St Pauls Church bounds the site to the east and a 'back alley' and a row of terraced properties fronting onto Harpers Lane bounds the northern part of the site. There is a fall in the level of the site of approx. 5m across the site from east to west. Access to the site would be from a new junction with Railway Road.

Recommendation

5. It is recommended that this application be granted outline planning permission.

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - Principle of development
 - Impact on character and appearance of streetscene and locality
 - Neighbour amenity
 - Impact on highway safety & parking provision
 - Impact on protected trees
 - S106 agreement

Representations

7. To date, representations have been received from 5 local residents. A letter has also been received on behalf of the adjacent St Peters Church. The contents of the representations can be summarised as follows: -
- Will cause further congestion on Railway Road
 - The area is built up too much already
 - The application site is not used by youths for drinking etc as suggest by the applicant
 - The land should be made into allotments or a community garden
 - Is it really necessary to build on this land when so many houses are being built at Buckshaw Village
 - Loss of light to rear of property
 - There would be a loss of parking spaces for local residents
 - The properties would be too close to the boundary they face with the properties on Harpers Lane
 - Bats have been seen in the local area
 - Site traffic would cause major problems when the development is being constructed
 - If the development is permitted, each property should have 2 parking spaces
 - Who will be responsible for maintaining the privet hedge on the northern boundary of the site
 - Consideration should be given to the protection of the root zone of the protected trees

Consultation Responses

8. **LCC (Ecology)** state that on the basis of the information submitted with the application, it is unlikely that the development would have a significant impact on ecology.
9. The **Architectural Design & Crime Reduction Advisor** makes recommendations in relation to the safety of residents and reducing crime.
10. **Sport England** do not raise any objections to the application as the land does not constitute a playing field in planning legislation terms hence Sport England consider the consultation to be a non-statutory one. However, it is recommended that a contribution be sought towards enhancing/providing sports facilities through a S106 agreement.
11. **United Utilities** do not raise any objections subject to a condition requiring the applicant to submit details of surface water drainage prior to the commencement of development.
12. The **Environment Agency** do not raise any objections subject to a condition requiring the applicant to submit a scheme of surface water regulation prior to the commencement of development.
13. **LCC (Highways)** comment as follows: -
- The new junction with Railway Road does meet the required standards and provides the necessary sightlines. The traffic generated by this development will not have a measureable impact on the surrounding highway network.
 - The new junction with Railway Road shows a raised table replacing the existing cushion. Whilst this may be acceptable, the impact on the whole traffic calming scheme on Railway Road will need to be considered. It may mean the whole traffic calming scheme will need to be reworked and therefore re-advertised. This will not affect the internal layout but a scheme will need to be provided for approval to deal with the existing cushion. I would therefore ask that a condition be added (if approval is given) that requires a revised traffic calming scheme that includes the new junction and for the whole length of Railway Road to be submitted and approved prior to any work taking place on site.
 - The layout does now meet the standards required both in design and for adoption.
14. The **Director of People & Places** recommends a ground condition survey condition and

that the applicant should consult the Council's 'Waste Storage & Collection: Guidance for new developments' document to address household waste and recycling.

15. **Planning Policy** advise that some of the land on the site is designated as recreational open space in the Local Plan by Policy LT14.
16. The **Arboricultural Officer** does not raise any objections to the application.
17. The **Conservation Officer** advises that with the separation distances, at between 23m for the nearest house and 20m for the associated garage, together with the difference in levels such that the finished floor level of the proposed development is set 2.71m below that of St Paul's Church, the impact upon the significance of this designated heritage asset (Grade II Listed) will be acceptable thus the significance of St Paul's Church will be maintained as a heritage asset.
18. The **Parks and Open Spaces Officer** advises that Harpers Lane Recreation Ground is in need of investment and 100% of the developer's contribution would be used towards an extension to the existing play facilities to provide play value for the occupants of the new dwellings.

Assessment

Principle of development

19. The site is in the main settlement area of Chorley covered by Policy GN1 of the Local Plan Review. Two parts of the site are identified by Policy LT14 of the Local Plan Review which seeks to retain recreational open space. This is from when the site was occupied by St Josephs Primary School but as stated, the school building has now been demolished. Planning Policy advise that whilst the site is identified in the Council's existing open space database, it is identified as land associated with a Primary School with limited access. The database does not specifically identify the site as casual informal playspace, amenity green space, as a playground or as a playing field/sports pitch. Therefore, whilst the development would result in a loss of designated open space, the site is not currently included within provision figures for the three types of open space as identified in Appendix 4 of the Local Plan Review.
20. Policy LT14 therefore seeks the retention of this land for its recreation and amenity value. However, the land is currently in poor condition and is predominantly hidden from surrounding residential areas. Policy LT14 states that development which involves the loss of such land should only be permitted if it meets one of 3 criteria. The first criteria requires it to be demonstrated that the retention of the site is not required to satisfy a current or future recreational need and there is a clear excess of this type of facility for the catchment and the site has no special significance in the interests of sport. The second criteria requires that an equivalent or enhanced new facility is provided in a convenient location to serve the catchment before the existing facilities cease to be available. The third criteria is not applicable in this case as it relates to proposals to develop only part of a site.
21. In light of Policy LT14, Sport England have been consulted on the application and as already stated, no objections are raised in relation to the application as the land does not constitute a playing field in planning legislation terms hence Sport England consider the consultation to be a non-statutory one. However, it is recommended that a contribution be sought towards enhancing/providing sports facilities through a S106 agreement. The S106 agreement has been drafted to specifically require the commuted sum to be used towards improvements to the Harpers Lane Recreation Ground which is a short distance from the site and the Council's Parks and Open Spaces Officer is in agreement with this. This satisfies the second criteria of Policy LT14. However, it could also be argued that the development also satisfies the first criteria as the site has no special significance in the interests of sport, a point exemplified by the comments of Sport England and it is not specifically identified as casual informal playspace, amenity green space, as a playground or as a playing field/sports pitch

22. Having regard to the above, on balance, it is considered that the principle of the development of this site for residential purposes is acceptable.

Impact on the character and appearance of the streetscene and locality

23. The layout of the development is restricted by the limited dimensions of the southern part of the site which is narrower than the rest of the site. The layout will present a frontage of development to Railway Road comprising of a pair of semi-detached properties on the left hand side of the access road and a terrace of 3 properties on the right hand side. The level of the semi-detached properties will be approx. 90cm above the road whilst the terraced properties will sit approx. 75cm above the road. This is a result of the higher level of the site and the fall across it from east to west of approx. 5m. However, there will be a gradual fall in the level of the new properties along the Railway Road frontage from north to south that will ensure the development frontage assimilates into the streetscene as these properties will line through with the properties to the south. Suitable boundary treatments to Railway Road will ensure the development has an attractive frontage reflective of the local character as will the use of appropriate materials.
24. The internal layout follows the topography of the site wherein slab levels increase with the level of the land. Dwellings are proposed backing onto the Harpers Lane properties, the floor levels of which also increase as the level of Harpers Lane increases to the east. Properties also back onto the church yard to the east but the level of the properties will be just under 2m below the level of the church and the distance of the dwellings from the church is considered sufficient by the Conservation Officer to ensure the setting of St Paul's Church is not detrimentally harmed by the development. A turning head at the southern end of the site leads to 3 properties which back onto a tract of trees that divide the site and the properties to the south on St Josephs Place. There is a small area of informal space adjacent to the garages serving plots 1, 2 and 3 that the applicant advises will be maintained by a management company. The existing privet hedge on the northern site boundary is also shown as being retained on the site plan.
25. The layout is considered appropriate and has been designed in response to the constraints presented by the site whilst the frontage to Railway Road will provide a positive contribution to the streetscene. On this basis, it is not considered that the development will cause detrimental harm to the character and appearance of the streetscene and the locality.

Neighbour amenity

26. There is residential development to the north and south of the site although neither directly bounds the site. To the south there is a tract of trees which are the subject of the said Tree Preservation Order whilst to the north is a 'back alley type' arrangement providing access to the rear of the properties on Harpers Lane. The slab levels of the dwellings facing the Harpers Lane properties are not significantly higher than the slab levels of these properties. Whilst the slab levels of the dwellings facing St Josephs Place are higher, there is an average intervening distance of 30m whilst there is also a tract of trees between the existing and proposed development.
27. The layout of the development, in terms of the relationship with the properties to the north and south of the site has been designed in such a way to meet the Council's Spacing Standards and thus provide suitable levels of privacy for the occupiers of the proposed dwellings whilst ensuring that existing residents bounding the site do not experience a detrimental loss of residential amenity through overlooking, loss of light, overbearing impact or overshadowing. As stated, the trees to the south of the site will also act as a buffer between the new properties and those on St Josephs Place.
28. To the western side of the site, on the opposite side of Railway Road are existing residential terraced properties. The window to window distance between these existing properties and the dwellings that will front onto Railway Road will be by just over 17m and the new dwellings will be slightly elevated above the level of the road. This 17m interface distance falls short of the Council's normal 21m window to the window distance

guideline. However, this type of arrangement is typical of Railway Road wherein residential development fronts onto both sides of the road at a similar distance from each other as is the case with the existing properties just south of the application site and the windows in the new dwellings will not be overlooking the rear areas of the existing dwellings.

Impact on highway safety & parking provision

29. Access to the site will be from Railway Road to the east via a new junction. LCC (Highways) advise that the junction with Railway Road meets the required standards and provides the necessary sightlines whilst the traffic generated by the development will not have a measurable impact on the surrounding highway network.
30. The new junction with Railway Road is proposed to incorporate a raised junction to replace the existing speed hump. However, LCC (Highways) advise that this element of the scheme will need to be considered meaning the traffic calming scheme along Railway Road may need to be reworked. This will not affect the internal layout but a scheme will need to be provided for approval to deal with this issue and propose a revised scheme of traffic calming if deemed necessary. This can be made the subject of a planning condition.
31. Each property will have an adequate level of car parking and all garages have dimensions of 6m by 3m thus encouraging their use, in so far as possible, as a parking space. LCC (Highways) advise that the layout now meets the standards required both in design and for adopted.

Trees

32. As already stated, a recent TPO on the site provides protection for the boundary trees on the southern part of the site. This is in addition to an existing TPO covering the trees in the church yard to the east. The application is accompanied by a Tree Survey and a plan detailing Root Protection Zones. This demonstrates that the development is sited so as not to cause detrimental harm to the health of the trees. The Tree Survey does propose the felling of 5 trees on the site but the reasons for felling the trees are considered valid and the Council's Arboricultural Officer does not raise any objections to the layout of the development and the felling of the 5 trees.

Section 106 Agreement

33. The legal agreement will secure a contribution towards the provision of off-site play areas comprising of £1327 per dwelling. The agreement will specify that the contribution is used to improve Harpers Lane Recreation Ground which is in close proximity to the application site.

Overall Conclusion

34. The 'principle' of the development of this site for residential purposes is considered to be acceptable. The layout of the development is satisfactory and the frontage to Railway Road will make a positive contribution to the streetscene subject to suitable design and materials. The layout is such that the development will not have a detrimental impact on the amenities of existing neighbours. The level of parking associated with each dwelling will ensure the likelihood of on street parking and additional parking on Railway Road is minimised and the new access to the site from Railway Road has been confirmed as being suitable to serve the development whilst the layout is also considered to be satisfactory. The development has been designed in such a way that the existing protected trees will not suffer in terms of health thus ensuring these trees continue to make a positive contribution to the visual amenities of the locality whilst also serving as a screen to some parts of the development whilst also enhancing its setting.

Planning Policies

35. National Planning Policies:
PPS1, PPS3, PPS5, PPG17
36. Adopted Chorley Borough Local Plan Review

Planning History

37. The site has been the subject of the following planning applications: -
- 97/00624/FUL – Single storey extension (Permitted)
 - 09/00884/OUTMAJ - Outline application for the erection of 14 dwellings and access road at former St Joseph's primary school (Withdrawn)

Recommendation: Grant outline planning permission subject to the signing of a Section 106 Legal Agreement

Conditions

1. Before the development hereby permitted is first commenced, full details of the following reserved matters (namely the appearance of the development, the landscaping of the site and the scale of the dwellings) 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, HS4 and TR4 of the Chorley Borough Local Plan Review.

2. Prior to the commencement of the development hereby permitted, a plan detailing the traffic calming measures on Railway Road with the new junction serving the development shall have been submitted to and approved in writing by the Local Planning Authority (in liaison with LCC Highways). The traffic calming measures detailed on the approved plan shall have been implemented in full prior to the first occupation of any of the dwellings hereby permitted.

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

3. Due to past processes and activities upon/adjacent to the above site, notably a former cotton mill and infilled ground, there is a potential for ground contamination. Due to the sensitive end use, no development shall take place until:

- a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2001 'Investigation of potentially contaminated site - 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 shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals 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 Chorley Borough Local Plan Review.

4. 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.

5. 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 and HS4 of the Chorley Borough Local Plan Review.

6. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to the ground levels and the finished floor levels of the dwellings adjoining the site), 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 Chorley Borough Local Plan Review.

7. The approved plans are:

Plan Ref.	Received On:	Title:
09/109/L01	6 October 2010	Location Plan
Plan A	27 October 2010	Tree Protection Plan
09/109/P02	29 November 2010	Proposed Site Layout & Sections
S07/422 Rev A	6 October 2010	Topographical Land Survey

Reason: To define the permission and in the interests of the proper development of the site.

8. 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 the approved plans) 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 HS5 of the Chorley Borough Local Plan Review.

9. Notwithstanding the details of the submitted plans, the proposed driveways to the dwellings shall be constructed using permeable materials on a permeable base, the details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials and construction specification and shall be retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off. In accordance with Policy No. GN5 and EP18 of the Chorley Borough Local Plan Review.

10. The development shall only be carried out in accordance with the recommendations contained in section 5 of the Environmental Research & Advisory Partnership Ecological Survey & Assessment dated June 2008.

Reasons: To ensure that the development does not result in significant ecological impacts and in accordance with Policy EP4 of the Chorley Borough Local Plan Review.

11. 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 the approved 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 Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.

12. The existing soil levels around the base of the trees to be retained shall not be altered.
Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Chorley Borough Local Plan Review.
13. 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 positioned as set out on the approved Tree Protection Plan dated 27th October 2010. 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 No. EP9 of the Chorley Borough Local Plan Review.
14. The development hereby permitted shall not commence until full details of surface water drainage arrangements including a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first occupation of any dwelling on the site and retained and maintained as such at all times thereafter.
Reasons: To reduce the increased risk of flooding and in accordance with Policy No. EP18 of the Chorley Borough Local Plan Review.
15. 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 dwellings 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 Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.
16. All detached 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 (as amended).
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 Chorley Borough Local Plan Review.
17. 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.
18. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to

Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

19. All windows in the north facing elevations of plot 5, plot 9 and plot 11, the south facing elevation of plot 1 and the west facing elevation of plot 6 and the north facing elevation of plot 9 shall be fitted with Pilkington Level 5 obscure glass (or a glass with the same level of obscurity from an alternative manufacturer) and shall be non-opening. Non opening obscurely glazed windows shall be retained at all times thereafter.

Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.

20. An application for approval of the reserved matters (namely the appearance of the development, landscaping of the site and scale of the dwellings) 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.