

Item 4c **12/00435/FULMAJ**

Case Officer **Mr David Stirzaker**

Ward **Chorley North East**

Proposal **Erection of 20 affordable residential dwellings with associated infrastructure**

Location **St Josephs Roman Catholic School, Railway Road, Chorley, Lancashire**

Applicant **Edenfield Homes Ltd**

Consultation expiry: 29 June 2012

Application expiry: 31 July 2012

Proposal

1. This application seeks planning permission for the erection of 20 affordable dwellings comprising a mix of two storey dwellings, apartments and bungalows on the former site of St Josephs Roman Catholic School, Railway Road, Chorley.
2. The school building that once stood on the site has been cleared and the majority of the site comprises overgrown grass and hardstanding areas. Most of the boundary trees became the subject of a Tree Preservation Order (TPO) (Chorley TPO No. 12 2009) in 2009.
3. 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 protected trees beyond which is a modern residential estate (St Josephs Close). 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 from east to west. Access to the site would be from a new junction with Railway Road to the west.

Recommendation

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

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Housing Development
 - Density
 - Levels
 - Impact on the neighbours
 - Design
 - Trees and Landscape
 - Ecology
 - Traffic and Transport
 - Contamination and Coal Mines
 - Drainage and Sewers

Representations

6. To date, 4 letters of objection have been received citing the following, summarised, grounds of objection: -

- Railway Road is already congested with vehicles and the entrance in and out of Railway Road is problematic even with the recent alterations that were undertaken.
- The houses being built would overlook adjacent properties on Harpers Lane and would impose on privacy to the rear.
- The proposed dwellings should not have a sight line with adjoining rear windows to ensure privacy is preserved and properties are not overlooked.
- The level of the development is considerably higher.
- The sycamore trees on the boundary of 21 St Josephs Place should be retained to further preserve privacy of adjoining dwellings.
- The proposed site access onto Railway Road will constitute a danger to pedestrians and vehicular traffic. Existing traffic and parking is already hazardous so the development will increase this whilst the new access is also very close to Harpers Lane
- There are too many houses planned for such a small site and the land was previously allocated as open space.
- There would be a loss of parking on Railway Road as many residents have to park on the school side of Railway Road.
- The development would cause the destruction of trees and the natural habitat for the many wild animals that use the ground.
- There would be noise and disturbance during construction works.
- There would be overlooking as the properties are too close to the boundary
- There will be considerable loss of light to the rear of adjoining properties.
- The 1.8m high fence will block out light.
- Bird populations will be lost with the hedge.

7. To date, no letters of support have been received.

Consultations

8. **Lancashire County Council (Ecology)** no comments received to date.
9. **The Environment Agency** do not raise any objections to the application.
10. **The Architectural Design and Crime Reduction Advisor** comments that the measures set out in the Design and Access Statement are supported from a designing out crime perspective. It is also recommended that the properties should seek to achieve Secured by Design accreditation.
11. **Chorley's Conservation Officer** advises that the application site is adjacent to the Grade II listed Church of St Peter, Harpers Lane. This building is a designated heritage asset as defined in Annex 2 to the National Planning Policy Framework (NPPF). Section 12 of the NPPF specifically refers to the 'Conservation of the historic environment'. The application is therefore judged in terms of the potential impact it may have upon the significance of the designated heritage asset.
12. In this case the application site level is set approximately three metres below the ground level of the designated heritage asset. Furthermore the principal elevation of that building, i.e. the front, will remain open and uncluttered as a result of the proposed works. The building is already 'framed' to the right by the houses on Harpers Lane and the proposed development will not alter this, most significant of views. The existence of the stone boundary wall will serve to retain the separation between the two sites. This, coupled with the difference in ground levels and the distances between the proposed development and the designated heritage asset are sufficient such that the significance of that designated heritage asset will be sustained.
13. **United Utilities** do not raise any objections subject to surface water not being allowed to discharge to the foul/combined sewer as stated in the planning application. This prevents foul flooding and pollution of the environment. A condition is therefore recommended requiring the applicant to confirm how surface water will be managed.

14. **Lancashire County Council (Highways)** raised a number of issues with the application which the applicant has sought to address by amending the layout. In particular, the first 10m of the access road has been widened from 4.5m to 5.5m and the dimensions of the parking spaces associated with plots 1, 3, 13, 16, 17, 18, 19 and 20 have been increased to provide adequate parking spaces for each property.
15. **Sport England** advise that they do not wish to make any comments on this particular application.
16. **Chorley's Waste & Contaminated Land Officer** recommends the imposition of a condition requiring the applicant to undertake an investigation of the site to establish if there is any contamination and if so, undertake appropriate mitigation measures. In terms of waste storage and collection, no objections are raised.
17. **Lancashire County Council (Education)** have requested a commuted sum for primary school places generated by the 6 no. additional dwellings on the site over the 14 no. dwellings already approved towards primary school places.
18. **The Coal Authority** no comments to date.

Assessment

Principle of the development

19. The acceptability of the principle of developing this site has been established by virtue of planning permission no. 10/00889/OUTMAJ which permitted the erection of 14 no. dwellings on the site. This permission remains extant.
20. Two parts of the site are identified by Policy LT14 of the Local Plan Review which seeks to protect recreational open space. This matter was considered during the determination of the 2010 outline application and Sport England were consulted who advised that the land did not constitute a playing field so Sport England considered the consultation to be a non-statutory one. In relation to this latest application, Sport England have not raised any objections.

Density

21. The site area extends to 0.46 hectares so the 20 dwellings proposed equate to a density of 43 dwelling per hectare. The surrounding area is predominantly made up of traditional and more modern terraced and semi-detached properties generally of similar sizes to those proposed. The density of the development is therefore considered to be consistent with that of the surrounding area.

Levels

22. The level of the site falls steadily from east to west by approximately 2.5m and the greatest difference in levels is between the southern end of the site and the properties on St Josephs Place. At this point, the difference in levels between the site and these existing properties is approximately 2m.

Impact on the neighbours

23. 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 address 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. Also, the trees to the south of the site, which are protected, will act as a buffer between the new properties and those on St Josephs Place.
24. To the western side of the site, on the opposite side of Railway Road, there 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 just over 17m and the new dwellings will be slightly elevated above the level of the road. This 17m interface distance does fall 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 evident with the existing properties just south of the application site. Furthermore the previously approved scheme had the same interface distances.

25. Amendments have been secured to ensure that the interface distances, in terms of plots 5 to 8 (the two storey dwellings), are at least 27m from the rear of nos. 20 and 21 St Josephs Place to the south. This is to accord with the Council's Spacing Standards where there is a level difference between existing and proposed dwellings. In addition the interface distance between the proposed dwellings on plots 17 and 18 and the existing dwellings to the north has been increased.

Design

26. The layout of the site in terms of the junction position on Railway Road and the road layout follows that previously approved by 10/00889/OUTMAJ with a courtyard at the end of the access road serving 5 no. dwellings.
27. As with the previous application, the proposed dwellings will front onto Railway Road with a block of 3 dwellings to the south of the junction and a pair of semi detached properties to the north of the junction.
28. 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.

Trees and Landscape

29. As already stated, a 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.

Ecology

30. The application includes an Ecological Survey and Assessment.

Traffic and Transport

31. Access to the site will be from Railway Road between plots 3 and 19. The first 10m of the access road is required to be 10m wide by LCC (Highways) after which the road width is reduced to 4.5m wide.
32. To the north of plot 12 is a turning head which will enable a refuse collection vehicle to enter and leave the site in a forward gear.
33. In terms of car parking, LCC (Highways) have not raised any objections to the reduced level of car parking associated with plots 5 to 8. These 2 bedroom properties will have one parking space each with an additional 2 no. visitor parking spaces shared between the properties. Throughout the rest of the site, all 2 or 3 bedroom properties benefit from 2 spaces whilst the 4 bedroom properties benefit from 3 parking spaces.

Contamination and Coal Mines

34. Part of the site falls within a Coal Authority referral area. The applicant has submitted a risk assessment with the application which has been sent to the Coal Authority for comments.

Drainage and Sewers

35. The Environment Agency and United Utilities have not raised any objections to the application. United Utilities do however request that a condition requiring details of surface water drainage to be submitted to the Council prior to the commencement of works on site so

as the Council, in liaison with United Utilities, can be satisfied that the development will not result in foul flooding and pollution of the environment.

Section 106 Agreement

36. The legal agreement will secure a contribution towards the provision of off-site play areas comprising £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.
37. A contribution of £23271 will also be secured towards school places. However, given the fall back position of 14 no. dwellings on the site for which there is no requirement to make an education contribution, the education contribution can only relate to the additional 6 no. dwellings over the development approved in 2010.
38. Planning permission is sought for the erection of 20 affordable dwellings which will be secured through the S106 agreement. This is because the provision of affordable housing was a material consideration in the assessment and consideration of the planning application. The delivery of affordable housing is a corporate priority and it is important ensure that the site isn't subsequently acquired by another developer who may build market housing.

Overall Conclusion

39. The acceptability of the principle of the development of this site for residential purposes was established when planning permission was granted for 14 dwellings. Working within the constraints of the site, a satisfactory layout has been achieved to accommodate the 20 dwellings now proposed and as with the previous application, the frontage to Railway Road will make a positive contribution to the streetscene subject to suitable materials.
40. The layout is therefore considered to be such that the development will not have a detrimental impact on the amenities of existing neighbours as the Council's interface distances are met to the north and south of the site. 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.

Other Matters

Sustainability

41. Policy SR1 requires new developments to be built to meet Level 3 of the Code for Sustainable Homes (CfSH) and from 2013, to meet Level 4 of the CfSH. Dwellings which are the subject of Homes and Communities Agency (HCA) funding, as is the case here, are required to be built to meet Level 3 by the HCA.

Waste Collection and Storage

42. The site plan details dedicated waste storage areas for each of the properties whilst bin collection points are also detailed. No objections have been raised by the Council's Waste and Contaminated Land Officer in relation to waste collection and storage.

Planning Policies

National Planning Policies:

National Planning Policy Framework (NPPF)

Adopted Chorley Borough Local Plan Review

Policies: GN5 / DC1 / EP4 / EP9 / EP18 / EP19 / HS4 / HS6 / HS21 / TR4 / LT14

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

Joint Core Strategy

Sites for Chorley- Issues and Options Discussion Paper December 2010

Planning History

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)

10/00889/OUTMAJ - Proposed residential development of 14 dwellings and access road on the site of the former St. Josephs Primary School (Permitted)

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. The approved plans are:

Plan Ref.	Received On:	Title:
0001 Rev F	22 June 2012	Site Plan
S-S-01 Rev A	22 June 2012	Proposed Street Scenes
S-S-02 Rev A	22 June 2012	Proposed Site Sections

Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.

3. Due to the proposed sensitive end-use (residential housing with gardens) and the proximity of the development site to land that is potentially affected by contamination (infilled ground; former mill; builders yard), the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).

4. 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 1 January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1 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.

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. 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, including the existing retained trees and hedgerows detailed on the approved landscaping scheme as well as newly planted trees and plants which within a period of 5 years from the completion of the development or during the course of construction works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of matching size, stature and species unless an alternative is approved in writing by the Local Planning Authority following the submission and consideration of an updated landscaping scheme.
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.
7. 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 12 April 2012 and all hedgerows shall also be protected by the same type of fencing. 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.
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. 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.
10. The existing soil levels around the base of the trees and hedgerows 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.

11. 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 March 2012.
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.
12. 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.
13. 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.
14. Prior to the commencement of the development hereby permitted, a plan detailing the location of the site compound shall have been submitted to and approved in writing by the Local Planning Authority. The site compound shall include parking facilities for contractor's vehicles and visitors to the site and shall be located in a position on the site that remains available for use throughout the construction period. The site compound and parking facilities shall be provided prior to the commencement of development and shall be retained as such until the development has been completed.
Reasons: To minimise the amount of additional parking on Railway Road during the construction period and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.