

Item A. 1 **06/01371/FULMAJ** **Permit (Subject to Legal Agreement)**

Case Officer **Mrs Nicola Hopkins**

Ward **Adlington & Anderton**

Proposal **Residential development comprising of 19 houses and 6 flats and associated works (Amendment to part of that previously approved on application nos. 03/00214/FUL and 03/00529/FULMAJ)**

Location **Vale Works Star Lane Horwich Bolton Greater Manchester**

Applicant **Barratt Manchester**

Background Bolton Metropolitan Borough Council granted permission, subject to a Section 106 Agreement, for the demolition of industrial buildings and erection of 141 dwellings on land at Crown Lane/Star Lane, Horwich in 1999. An adjoining area of this former industrial site lies within Chorley Borough, the boundary of which is defined by the River Douglas on which planning permission has also been granted in the past for residential development.

Permission was sought in 2003 to erect 20 dwellings and 9 two-bed flats on the part of the site falling within Chorley Borough situated at the north western end of the larger development (reference 03/00529/FUL). An application for a further 61 dwellings in the area to the south of the site and falling with Bolton MBC was also considered by them at that time. The element of the site within Chorley consisted of the access road from the point where it crosses the River Douglas at the eastern end of the site to the point where it crosses back into Bolton at the western end. Off this spine road on its northern side will be two cul-de-sacs serving the 29 units which will comprise of 1 no. 4-bed detached, 10 no. 3-bed semi-detached, 9 no. 3-bed terraced (3 rows of 3 dwellings) and one block of 9 no. 2-bed flats. Those permissions were granted planning permission subject to a legal agreement and various conditions in August 2005.

An additional application, also submitted at that time, also within Chorley, reference 03/00214/FUL, was submitted and approved for 3 dwellings on an adjoining piece of land.

A further application was submitted in April 2006 (06/00494/FULMAJ) for the substitution of certain plots within the site. The reason for the application was that the site was previously going to be developed by both Barratt Homes and Fairclough Homes. Since that time Faircloughs have relinquished their interest in the site and Barratt Homes will now develop the entire site. As a consequence, Barratt Homes are seeking to substitute the Fairclough house types with their own. This application was considered by Development Control Committee in 2006 and the members agreed to approve the application subject to a Section 106 Agreement.

Proposal This application is an amendment to the application submitted in

April 2006. The Section 106 Agreement attached to the previous application (06/00494/FULMAJ) was never completed and the application was subsequently withdrawn. The current application proposes alternative locations for some of the houses which are necessary due to the location of the aqueduct across the site and the need for an easement associated with the aqueduct. It was previously believed that the aqueduct was in a different location than it actually is.

The proposal comprises 22 semi-detached and terraced 3 bedroom properties, 6 two bed apartments, 2 three bed detached houses and 1 four bed detached house.

Planning Policy

The site is excluded from the Green Belt and within the settlement area wherein Policy GN1 of the Adopted Local Plan Review states that there is a presumption in favour of appropriate development.

PPS3 requires that housing proposals be assessed against a number of criteria. As well as encouraging the re-use of previously developed sites and empty or underused buildings, consideration should also be given to a site's location and accessibility of potential development sites to jobs, shops and services by travel modes other than the car and the potential for improving such accessibility. Priority is to be given to urban sites.

Policy HS6 of the Local Plan states that residential development of unallocated sites within settlement boundaries will be permitted subject to:

- The overall housing requirement of the Lancashire Structure Plan for this Borough not being exceeded; and
- Various criteria (relating to accessibility, infrastructure, compatibility with surrounding uses, amenities of local residents, adequacy of access and drainage) being satisfied.

Planning History

In addition to the applications referred to above, the following previous applications are also relevant:

9/99/00791/FUL – Erection of 24 dwellings and associated screen planting – approved on land to the east of the site.

9/01/1052/FUL – Erection of 16 dwellings (substitution to plots F59 to F74 of planning permission 9/99/00791).

Representations

1 letter of objection has been received raising the following points:

- A significant increase in properties is planned from the original development
- The phase 2 access road was supposed to be via Star Lane which is not the case
- The continual increase to the development thus increasing the health and safety of the residents in terms of volume of vehicles and access for Emergency services
- Allowing planning permission would create further disturbance, noise and loss of privacy.

Consultations

Director of Street scene, Neighbourhoods and the Environment (Environmental Health)- has no objection to the proposal

The Environment Agency originally had concerns in respect of the potential flood risk of the development. However Michael Lambert Associates have provided further information to the Agency which relays their fears in respect of flood flows across the site.

Assessment

The previously withdrawn application related to the substitution of house types for those previously approved and the principle of these substitutions was considered acceptable although the application was never determined as the Section 106 Agreement was never completed.

This application incorporates the substitution of the house types along with the relocation of some of the properties to accommodate the aqueduct across the site. In addition the number of units has been reduced compared with the previously approved application.

In relation to affordable housing, the previous permission secured 17 affordable units. The applicant is proposing to provide the same number of units as part of this scheme, albeit on slightly different plots.

Conclusion

In summary it is considered that the proposed plot substitution and the resiting of some of the properties raises no new issues over and above that considered at the time of the previous application. Given that the principle has already been established by that approval, the current application is recommended for approval subject to the imposition of the same conditions and the applicant entering into a further S106 Agreement to secure the same matters as the legal agreement signed pursuant to the previous permission.

Recommendation: Permit (Subject to Legal Agreement) Conditions

1. This consent relates to the following plans:

| Plan Ref. | Received On: | Title: |
|----------------------------|-------------------------------|--|
| PL01/311 | 25 th January 2007 | Location Plan |
| 2006/PAL/04 | 25 th January 2007 | Planning and Landscape Layout |
| 2278/DET/02 1.8m | 4 th January 2007 | 2006 Palmerston Plans and Elevations |
| GF2 | 3 rd November 2006 | Brick Piers and High Close Boarded Fence |
| GF1 | 3 rd November 2006 | Low Feather Edged Fence |
| RD2 22095/T00 Survey | 3 rd November 2006 | Standard Feather Edged Fence |
| 2006/BUK/01 | 3 rd November 2006 | Railing Details Topographical |
| Elevations | 5 th March 2007 | 2006 Buckingham Plans and |

| | | |
|---------------------------|----------------------------|--------------------------------------|
| 2006/BUH/01 Plans | 5 th March 2007 | 2006 Buchanan and Elevations |
| 2006/ENN/01 Elevations | 5 th March 2007 | 2006 Ennerdale Plans and |
| 2205/FA3/01 | 5 th March 2007 | 2005 Falkirk Plans and Elevations |

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

2. 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.

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To protect the appearance of the locality and 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.

4. 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 No.HS4 of the Adopted Chorley Borough Local Plan Review.

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

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.

6. No development shall take place until:-a) a scheme for monitoring landfill gas migration has been submitted to and approved in writing by the Local Planning Authority;b) all monitoring specified in the approved scheme (submitted under a) above),

has been carried out and the results of the monitoring exercise, together with recommendations and specific proposals to render the site capable of development for housing have been submitted to the Local Planning Authority; and c) the Local Planning Authority has given written approval to the development proceeding having regard to the results of the monitoring exercise and the recommendations and proposals submitted under b) above), and the carrying out of any required works in a manner and to a timetable to be agreed in writing with the Local Planning Authority. Upon completion of the works of remediation and treatment, a Validation Report shall be submitted to the Local Planning Authority.

Reason: In the interests of safety and in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.

7. Before the development hereby permitted is first commenced, full details of the measures to be incorporated into the development to prevent the ingress of landfill gas shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall only be constructed in accordance with the approved scheme of landfill gas ingress prevention measures.

Reason: To protect occupiers from the ingress of landfill gas and in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.

8. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

9. 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.

10. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the 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 Adopted Chorley Borough Local Plan Review.

11. The integral/attached garage shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

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. TR8 of the Adopted Chorley Borough Local Plan Review.

12. The windows in the first floor of the western elevation of the dwelling on plot B1, first floor of the southern elevation of the dwelling on plot B6, first floor of the southern elevation of the dwelling on plot 87F and the first floor of the western elevation of the

dwelling on plot 86F shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter.

Reason: In the interests of the privacy of occupiers of neighbouring property.

13. There shall be no direct vehicular or pedestrian access of any kind between the site and the M61 motorway. To this end a close-boarded fence or similar barrier not less than two metres high shall be erected along the frontage of the site with the motorway details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works associated with the development hereby permitted. The approved fence shall be erected, prior to the substantial completion of the development, a minimum of one metre behind the existing motorway boundary fence on the developer's land and independent of the existing fence and retained thereafter.

Reason: The use of a motorway by pedestrians is prohibited by law, a fence of the type specified is considered to be the minimum safety requirement for this type of development adjacent to the motorway

14. There shall be no development on or adjacent to any motorway embankment that shall put any embankment or earthworks at risk.

Reason: To protect the stability of the motorway.

15. 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 and EM2 of the Adopted Chorley Borough Local Plan Review.

16. 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.
