

**Item A1                      07/00684/FULMAJ                      Permit (Subject to Legal Agreement)**

**Case Officer                      Mrs Nicola Hopkins**

**Ward**

**Proposal                      Proposed 25 Residential properties, access alteration and provision of existing residents parking**

**Location                      Land To Rear Of 243-289 Preston Road Clayton-Le-Woods**

**Applicant                      Progress Housing Group**

**Proposal**                      The application relates to the erection of 25 dwellinghouses on land to the rear of 243-289 Preston Road, Clayton le Woods. The scheme incorporates alterations to the access and improvements to Preston Road along with dedicated parking for the residents of Preston Road.

The application site was originally a sand quarry and has been used more recently to accommodate garage accommodation. The site is not strictly considered a brownfield site as the site has had the opportunity to regenerate following the previous uses on the site.

As part of the proposal 30% affordable housing is proposed on the site, this equates to 8 units. The affordable housing will be on a shared ownership scheme and will be in partnership with the Housing Association, Progress Housing Group, who are the applicants for the proposal.

The proposal incorporates 10 different house types, which includes the erection of 9 two storey properties, 4 two and a half storey properties, 6 three storey properties and 6 apartments. The development includes terraced, semi-detached and detached properties and the 6 apartments will be located within a three storey property.

**Planning Policy                      Planning Policy Statement 3: Housing**

**North West Regional Spatial Strategy:**

Policy DP1: Economy in the Use of Land and Buildings

Policy DP3: Quality in New Development

Policy UR7- Regional Housing Provision

Policy UR9- Affordable Housing

Policy ER5- Biodiversity and Nature Conservation.

**Joint Lancashire Structure Plan 2001-2016:**

Policy 7- Accessibility and Transport

Policy 12- Housing Provision

Policy 20- Lancashire's Landscapes

Supplementary Planning Guidance: 'Access and Parking'

**Chorley Borough Local Plan Review 2003:**

GN1- Settlement Policy- Main Settlements

EP9- Trees and Woodland

EP10- Landscape Assessment  
EP18- Contaminated Land  
HS4- Design and Layout of Residential Developments  
TR1- Major Development- Tests for Accessibility and Sustainability.  
TR4- Highway Development Control Criteria  
TR18- Provision for Pedestrians and Cyclists in New Developments  
Managing Housing Land Explanatory Note

**Planning History**    **02/01260/OUTMAJ-** Outline application for residential development. Refused

**05/00888/OUTMAJ-** Outline application for residential development. Refused

**Applicant's Case**    The applicant has submitted the following comments in support of the application:

- The layout reflects the topography of the site focussing development on the lowest part of the former quarry
- The layout reflects the relationship of the site to existing residential development
- A mixture of two and three storey properties are proposed although the three storey properties will be centrally positioned.
- The opportunity has been taken to provide a surfaced pedestrian access to the rear of properties comprising the southern terraced to the east
- The informal parking which currently takes place on land to the rear of the northern terrace will be improved by the provision of eight dedicated parking spaces

**Representations**    18 letters of objection have been received raising the following points:

- Loss of privacy and overlooking
- Noise
- Disturbance
- Loss of light
- Loss of trees and nature conservation
- Impact on traffic and parking
- Traffic/highway safety implications
- Safety implications
- Flooding implications/ drainage issues
- Over development of the site
- Impact on the banking to Woodside Avenue
- Negative impact on the character of the area
- Demand on public services

**Consultations**    **Lancashire County Council (Planning)** have made the following comments:

- The Director of Strategic Planning and Transport considers that the proposal would conform with Policy 12 of the Structure Plan. If the Council are satisfied that the proposed affordable houses makes an essential contribution to the supply of affordable housing then the proposal would comply with strategic planning policy.
- Recommends a geotechnical investigation is undertaken if planning permission is granted to ensure

the stability of the slope and that there is no risk of collapse or rotational failure

- A ground investigation should be carried out to ensure stability and the need for remedial measures
- The site lies within a suburban landscape type identified under Policy 20 of the JLSP. The site was previously densely landscaped however this has been removed, taking this into account the proposals are in principle acceptable in landscape terms. The spoil mounded under the tree canopy should be removed or spread away. The slopes should be planted with trees and shrubs. Additional tree planting should be provided within the site.
- Recommends that a tree specialist assesses the mature trees on the south west boundary to assess the long term impact of regrading and any safety implications.
- Provision should be made for walking, cycle and public transport access.
- The level of parking proposed complies with the adopted JLSP Parking Standards. Provision for mobility impaired, motorcycles and cycles will be required.

**Whittle le Woods Parish Council** object on the following grounds:

- Concerned proposed properties will experience access problems
- Three storey properties are not in keeping with the surrounding area
- Over development of the site
- What price is considered to be affordable?
- Parish Council wished to retain the Moratorium and this application clearly contravenes this

**Environment Agency** do not object subject to certain conditions relating to:

- A scheme of surface water regulation
- Advise that SUDS should be utilised

**Chorley Strategic Housing** raised concerns in respect of the mix of affordable units proposed on site. Three bed units will be required

**Lancashire County Council (Traffic)** raised the following comments:

- The pedestrian island should be relocated to between the boundary of 272 and 274 Preston Road.
- The cycle lane on the south side of Preston Road should be removed through the junction and the footway should be converted to shared footway/cycleway
- However the plan is considered acceptable on the basis of a Section 278 Agreement

**Lancashire County Council (Highways)** have made the following comments:

- The first section of road which is block paved is acceptable however it then deteriorates. Shared surfaces are not acceptable. A 4.5 metre road might be acceptable but with footways and turning heads.
- The driveways shown are too short and will result in cars overhanging the highway

- The drive to plot 25 is shown on a radius which is not acceptable
- The access point to the private courtyard must have the full width kerbing at 90 degrees to the drive
- How will this courtyard be maintained?
- What are the refuse collection arrangements?
- How is visibility envisaged to the south of the access point as residents park on the pavement?
- Works to Preston Road would be subject to a Section 278 Agreement. Agreement that the works shown are acceptable should be established prior to granting planning permission.

## **Assessment**

### **Principle of Redeveloping the Site**

In accordance with Planning Policy Statement 3: Housing land which was previously used for mineral extraction would fall to be considered as brownfield land, and as such the preferred choice for redevelopment, if provision for restoration has been made through the provisions of development control. The site subject to this planning application was formally a quarry however although the site has been cleared and levelled this was not part of a formal restoration process. The site has been left to regenerate itself and as such does not fall under the definition of brownfield land within PPS3.

However this application site is located within a predominantly residential area within the settlement area of Clayton le Woods. The site is surrounded by residential properties and is accessed between two residential terraced properties via Preston Road. Taking into consideration the nature of the surrounding area and the fact that the site was previously developed land it is considered that residential use is, in principle, appropriate within this location.

### **Planning History**

There have been two previous planning applications at the site for the redevelopment of the site for residential dwellings (02/0160/OUTMAJ and 05/00888/OUTMAJ). Both applications were refused. The first application was refused for three reasons, which related to the oversupply of housing in the Borough, impact on highway safety and evidence that the scheme could be adequately accommodated on the site. The second application was solely refused on the impact of the development on the oversupply of housing in the Borough.

As such the issues relating to highway safety and creating an acceptable form of development for the site were overcome in respect of the second application although the Council's Windfall Housing Policy was still applicable. The Council's Windfall Housing Policy has now been relaxed and scheme for residential developments over 15 units may be considered acceptable if they contribute to the provision of affordable housing in the Borough.

### **Highway Issues**

There is already access to the site in the form of an unadopted access way located between 267 and 269 Preston Road. This access way serves the properties along Preston Road and there are informal parking areas located to the rear of the properties.

As part of the application it is proposed to improve this access way by creating a formal highway situation with tarmaced road surfaces and footways.

Additionally alterations will be required to Preston Road to serve the site, this includes the provision of a dedicated right turning lane in the middle of Preston Road to serve the site and a pedestrian refuge. The works to Preston Road will be subject to a separate Section 278 Agreement with the Highway Authority. The Highway Engineer at Lancashire County Council (Traffic Section) has assessed the proposed highway alterations and considered that the submitted information is sufficient to form the basis of a Section 278 Agreement.

In respect of the internal highway layout the Highways Engineer (Highway Section) initially had a number of concerns with the proposed layout, which are listed above. The agent for the application was made aware of this and amendments have been made to the scheme.

A number of the neighbours have raised concerns in respect of the highway safety implications of the scheme and the parking issues. Currently the residents of Preston Road park on the pavement area along Preston Road and to the rear of their properties adjacent to the application site. However the Highway Engineers do not consider that the proposal will create any highway safety implications particularly taking into consideration the alterations proposed to Preston Road. As part of the scheme parking provision is proposed to the rear of the properties on Preston Road for the existing residents. The future management of this parking will be undertaken by the Private Management Company, which will manage the site. Details of this company will be required as a condition.

The application site is located within the settlement area of Clayton le Woods and is located close to local services and public transport routes. In addition to this there is an existing cycleway located along Preston Road. The location of the application site is considered to be sustainable and as such is considered acceptable.

### **Housing Provision**

The proposal incorporates the erection of 25 new dwellings. In accordance with Policy 12 of the Joint Lancashire Structure Plan and the explanatory memorandum planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable housing. In accordance with the Council's Managing Housing Land Explanatory Note a minimum provision of 30% affordable/ special needs housing will be required on schemes of 15 dwellings or more.

As part of the scheme it is proposed to accommodate 8 affordable housing units. The original scheme incorporated 6 two bedroom flats and 2 two bedroom semi-detached properties which were allocated as the affordable housing units. It is considered that the provision of 8 affordable housing units will make an essential contribution to the supply of affordable housing in the Borough and as such the proposal accords with Policy 12 of the Joint Lancashire Structure Plan.

The Councils Strategic Housing Section initially raised concerns in respect of the type of units proposed and requested that 3 bedroom units were provided. Following the receipt of these concerns the scheme has been amended to provide 6 two bedroom units in the form of 6 apartments of 2 three bedroom semi-detached properties. In addition to this the scheme has been altered to provide a mix of shared ownership and rented affordable housing units. The provision of affordable housing will be controlled by the Section 106 Agreement associated with the development.

**Impact on the character of the area:**

As set out above a number of objections have been received from the neighbouring residents in respect of the proposed development. The layout of the scheme incorporates 25 new residential dwellinghouses which will occupy the lower part of the quarry site. Each of the properties, apart from the flat accommodation incorporates private garden areas within the curtilages and these areas are considered adequate to serve the future residents. In addition to this the immediate surrounding area comprises of terraced properties with minimal private amenity space. As such it is considered that a dense form of development compliments the character of the surrounding area.

As the site was formally used as a quarry there are various land levels across the site. In accordance with Policy 20 of the Joint Lancashire Structure Plan the site is identified as a Suburban Landscape. The site was until recently covered by mature trees, grassland and rough ground. The mature trees have now been removed and the site regraded. It is clear that the development will have some impact on the residents of Preston Road as the proposal will create buildings, hardstanding and parking on a previously open area of land. However given that the mature trees have been lost and the site is surrounded on two sides by housing the scheme is considered acceptable, in principle, in landscape terms.

There are steep slopes located adjacent to the site. Lancashire County Council Planning Section have raised concerns in respect of the stability of these slopes and the potential impact on the mature trees located at the top of the slope. In addition to this the houses on Woodside Avenue are located at the top of the slope so the future stability of these properties is a consideration.

To ensure that the slopes are stable and won't create further problems for the future residents or the existing residents a grampian style condition will be attached to the recommendation requiring a geotechnical investigation prior to any development on site. This will investigate any risk of collapse and future problems which could occur with the commencement of the development. The investigation will also identify methods to ensure the stability of the slopes and the continued protection of the mature trees located at the top of the slopes.

A number of concerns have been raised in respect of the introduction of three storey properties on the site as it is not considered that these will be in character with the surrounding area. The three storey and two and a half storey properties, however, are located further into the site away from the entrance

from Preston Road and the properties on Preston Road. The existing site levels increase further back into the site. A plan has been submitted with the application detailing the proposed finished floor levels of the properties. The properties immediately to the rear of the terraced properties on Preston Road will be sited at a land level very similar to the terraced properties. Although the finished floor levels to the rear of the site rise slightly the proposal incorporates the existing contours of the quarry, which has been regraded recently, and these properties are located away from the existing residential properties. It is considered that the proposal will compliment the character of the surrounding area and although three storey properties are proposed it is considered that the siting of these properties will ensure that the scheme respects the character of the surrounding area.

**Impact on the neighbours amenities:**

There were a number of concerns with the original proposal in respect of the proximity of the proposed dwellings to the existing terraced properties on Preston Road. A few of the properties did not meet the required spacing standards and as such would detrimentally impact on the neighbours amenities. The agent was made aware of this and the scheme was subsequently amended.

The surrounding area is characterised by residential properties and as such the principle of developing the site for housing is considered acceptable. Although it is established that the proposed development will have some impact on the neighbours, in terms of outlook from their properties, taking into consideration the condition of the existing site and the former use of the site it is not considered that the proposed development will adversely impact on the neighbours to a degree which warrants refusal.

There will be an increase in vehicles visiting the site however Preston Road is a busy main road, which connects Chorley to Clayton le Woods and the neighbouring Borough and the area immediately adjacent to the site is used as an informal parking area currently whilst the site itself was formally occupied by a garage colony. It is not considered, therefore, that the proposed development will impact on the neighbours amenities, through noise and disruption created by additional vehicle movements, to a degree which warrants refusal.

**Conclusion**

It is established that the principle of redeveloping the site for residential purposes is acceptable. The scheme is considered acceptable in terms of highway safety and it is not considered that the proposal will adversely impact on the neighbours amenities. In terms of character of the area it is considered that the scheme reflects the character of the area and will not create an incongruous development.

**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. 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.*

3. 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.*

4. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans 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 of the Adopted Chorley Borough Local Plan Review.*

5. 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 previously submitted plans and specification) 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 of the Adopted Chorley Borough Local Plan Review.*

6. 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 dwelling(s) 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 No. HS4 of the Adopted Chorley Borough Local Plan Review.*

7. 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 previously submitted 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 No. HS4 of the Adopted Chorley Borough Local Plan Review.*

8. Prior to the commencement of the development a geotechnical investigation of the slopes adjacent to the application site shall be undertaken to ensure the stability of the slope. The investigation shall also include the trees located to the south west boundary



to assess the long term impact of the regrading and any safety implications. This investigation shall be submitted to and approved in writing by the Local Planning Authority. Any remedial works required to ensure the continued stability of the ground shall be implemented prior to the commencement of development of the site.

*Reason:* To ensure the continued stability of the surrounding land and in accordance with Policy EP15 of the Adopted Chorley Borough Local Plan Review

9. 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.

10. Prior to the commencement of the development full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the future management of the proposed existing residents parking spaces detailed on plans reference 07/029 AL0001A. The site shall thereafter be managed by the approved Management Company.

*Reason:* To ensure the satisfactory management of the private driveway, residents parking spaces and refuse storage/ collection at the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

11. 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.

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