

Item A.7 07/00998/FULMAJ Permit Full Planning Permission

Case Officer Mrs Nicola Hopkins

Ward Chorley South West

Proposal Proposed 24 No dwellings

Location Parcel 9 Land 106m East Of 74 Keepers Wood Way Chorley

Applicant Adactus Housing Group

Proposal The proposal incorporates the residential development of one of the parcels of land which make up the Gillibrand Housing Development (known as Parcel 9). The proposal relates to the erection of 24 dwellings all of which will be affordable housing units.

The site is approximately 0.62 hectares in size and forms part of the wider residential development of the area. The development will consist of 10 two bedroom properties, six three bedroom properties and eight four bedroom properties. The two and three bedroom properties will be two storey in height whilst the four bedroom properties will be three storey in height. The development consists of detached, semi-detached and terraced properties.

Outline planning permission was granted at the site in 1997 for housing, outdoor play space, education facilities, local shopping and community building (96/00727/CB4)

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 21- Lancashire's Natural and Manmade Heritage
Supplementary Planning Guidance: 'Access and Parking'

Chorley Borough Local Plan Review 2003:

GN1- Settlement Policy- Main Settlements
EP9- Trees and Woodland
EP10- Landscape Assessment
EP16- 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

Planning History

96/00727/CB4- Regulation 4 outline application for housing, outdoor play space, education facilities, local shopping and community building. Approved

98/00301/REM- Reserved matters application for site reclamation & erection of 505 houses; incl. garages, roads, sewers, public open space, play areas, landscaping, community centre & shop(s). Amend condition 8 of outline planning permission. Approved

There have been numerous applications relating to the parcels across the whole of the site and in particular other affordable housing parcels:

03/01380/FULMAJ- Erection of 13 houses (Phase 12). Approved

03/01381/FULMAJ- Erection of 18 houses (Phase 11). Approved

There is also an application for Parcel 8 which is reported elsewhere on this agenda:

07/00999/FULMAJ- Proposed 14 No Dwellings. Pending consideration

Representations

8 letters of objection has been received raising the following points:

- Loss of outlook
- Devalue properties
- Current road network cannot handle the traffic
- Overlooking and loss of privacy
- Lack of local services in the area
- Loss of light
- Create an overbearing impact
- Environmental impacts and risk of flooding

Consultations

Chorley Community Safety Partnership have no observations to make

United Utilities have made the following comments:

- A public sewer crosses the site and will not be permitted to build over it
- An access strip no less than 6 metres wide will be required for maintenance or replacement
- A diversion of the public sewer at the applicants expense may be required
- Deep rooted shrubs and plants should not be planted in the vicinity of the sewer
- The site should be drained on a separate system with foul drainage only connected to the foul sewer
- Surface water should discharge to the watercourse/ soakaway and may require the consent of the Environment Agency
- A separate metered supply will be required to each unit
- The applicant must undertake a complete soil survey as an when land proposals have progressed to a scheme design ie

development and results submitted along with a application for water.

The Director of Streetscene, Neighbourhoods and the Environment has made the following comments:

- The site falls within 50 metres of a former landfill site
- All development within 50metres of the Lawnwood Tip requires gas protection measures
- No development will be permitted within 10 metres of the Lawnwood site
- The proposed development will require incorporation of a comprehensive design to prevent the ingress of landfill gas

The Director of Strategic Planning and Transport (Lancashire County Council) has made the following comments:

- The development responds to a local affordable housing family need
- The proposed development is in accordance with the JLSP 'Parking Standards' and reflect a design led approach as identified in PPS3 paragraph 16
- Provision should be made for mobility impaired parking, motorcycles and bicycles
- Public Footpath 1 lies to the north of the site and it is important to assess the impact on it.
- Policy EM17 of the draft regional spatial strategy for the North West requires that all residential developments of 10 or more units should incorporate renewal energy production to provide at least 10% of the developments predicted energy requirements. It is considered that the 10% target should be met unless the applicant is able to demonstrate that this achievement is not possible
- It is considered that the proposal conforms with the Structure Plan

Lancashire County Council (Public Rights of Way) have made the following comments:

- It appears that a public right of way falls within the site
- It would therefore appear that a diversion will be required in order to complete the development
- Public footpaths must not be obstructed during the development or on the completion of the development
- It is the responsibility of the land owner to ensure that the necessary procedures are followed for the legal diversion of a public right of way
- The grant of planning permission does not constitute the diversion of a Public Right of Way

The Ramblers Association has made the following comments:

- It is unclear whether a public footpath falls with Parcel 9 and this should be cleared up prior to the commencement of the development.

The Environment Agency has made the following comments:

- The proposal is contrary to Policy EP16 of the Adopted Chorley Borough Local Plan Review
- The former use of the land was for landfill however the application is not supported by a contamination report
- Our objection would be overcome if it can be demonstrated

that any risk from contamination has been dealt with.

Lancashire County Council (Ecology) have made the following comments:

- There appears to be relatively few ecological concerns associated with the development
- Works during the bird breeding season should be avoided
- Maintaining and enhancing habitat connectivity within the application area and wider landscape needs to be addressed in the overall design for the development
- Opportunities should be maximised for building in beneficial biodiversity features
- Landscaping proposals should comprise of only native species

Assessment

The application site incorporates one of the remaining parcels of land which form part of the Gillibrand Housing Estate development. The principle of developing the site for housing was established with the grant of planning permission in 1997 (96/00727/CB4) and therefore the development, in principle, is considered to be acceptable.

The proposal incorporates the erection of 24 residential dwellinghouses all of which will be affordable and managed by Adactus Housing Group Ltd who are the applicants for the scheme. It has always been the intention, since the original grant of planning permission, that this site would accommodate affordable housing units and this site will aid in achieving the Council's affordable housing targets.

Concerns were raised with the originally submitted application and the impact of the development on the neighbours amenities. There are existing residential properties to the east (Lakeland Gardens), west (Ashwood Court) and south (Grundys Farm) of the application site. When the scheme was originally submitted it was considered that due to the siting of the properties the proposed development would adversely impact on the neighbours amenities. The proposed development did not accord with the Council's Approved Spacing Standards and as such would have resulted in loss of amenity to the detriment of the existing and future occupants. The agent for the application was made aware of this and the scheme was subsequently amended.

The proposed dwellinghouses have been resited to achieve greater distances between the proposed and existing dwellinghouses. Although the distances retained do not strictly accord with the spacing standards particularly in respect of the length of gardens retained it is considered that the amended scheme does accommodate space within the curtilage of each property which reduces the impact on the neighbours. The layout of the site produces issues in respect of providing residential accommodation and the necessary access to the site as the site is very constrained. In addition to this the properties on Lakeland Gardens are built very close to the site and do not accord with the Council's Spacing Standards. It is considered that the provision of affordable housing will make a valuable contribution to the needs of the Borough which outweighs the fact that the distances retained do not strictly accord with the Spacing Standards.

United Utilities have raised concerns in respect of the public sewer which crosses the site. Permission will not be granted to build over this sewer and as such an amendment to the scheme layout may be required or a diversion of the sewer. The agent for the application was made aware of this and it has been determined to divert the sewer. An application has been submitted to United Utilities in respect of this diversion.

Lancashire County Council's Public Rights of Way Officer has raised the fact that a Public Right of Way appears to cross the site and as such a diversion will be required in order to proceed with the application. The grant of planning permission does not constitute the diversion of a public right of way and the correct legal procedures will have to be undertaken to ensure the diversion if carried out. This will be attached as an informative.

In terms of design the proposal incorporates a mixture of two and three storey properties and will consist of detached, semi-detached and terraced properties. The majority of the three storey properties will be sited to the southern boundary of the site and the properties which will be viewed from Lakeland Gardens and Ashwood Court will be mainly two storey although 2 of the properties along the boundary with Lakeland Gardens will be three storey.

There is a slight slope across the site from the west of the site up to the east of the site although this slope is not significant. The properties on Lakeland Gardens are sited at a slightly higher land level than the application site. Due to the slight difference in land levels and the fact that sufficient garden lengths are retained on this element of the site ensures that the proposed development will not adversely impact on the amenities of the occupiers of Lakeland Gardens. There is a mix of dwelling types and sizes located across the Gillibrands Housing Estate and it is not considered the introduction of three storey properties in this location will adversely impact on the character of the area.

The application site is located adjacent to a former landfill site, the Lawnwood Tip, and as such there is the potential for the ingress of land fill gas. There are two gas venting stacks located to the northern boundary of the site which are visible on site. To prevent the ingress of landfill gas comprehensive design features will be required to be incorporated into the scheme and no development will be permitted within 10 metres of the stacks. It is considered that this is achievable and the scheme will not impact on the stacks adjacent to the site.

It was originally thought that there were two gas vents actually on the site however after speaking to the Council's Environmental Services Section they are not aware of any vents on the site.

The Environment Agency have raised concerns in respect of the fact that the site was formally a landfill and the risk of contamination. To alleviate their concerns a condition will be attached to the recommendation requiring the submission of a contamination survey which will be forwarded to the Environment Agency for comment

Conclusion

The principle of developing the site for housing was established in 1997 and this parcel was always proposed to accommodate

affordable housing. The scheme will achieve additional affordable housing for the benefit of the Borough and as such the scheme is considered acceptable.

Recommendation: Permit Full Planning Permission 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. 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.

3. 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.

4. 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.

5. 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.

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 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.

7. 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.

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 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.

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

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

10. 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.

11. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

12. 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.

13. No development shall take place within 10 metres of the gas vent stacks to the north of the application site. Reason: In the interests of safety and in accordance with Policy EP16 of the Adopted Chorley Borough Local Plan Review

14. Before the development hereby permitted is first occupied details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be in accordance with the approved details.

Reason : To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.
