

Item A. 3 07/01051/FULMAJ Permit Full Planning Permission

Case Officer Mrs Nicola Hopkins

Ward Chorley East

Proposal House type substitutions, the erection of 3 additional dwellings and minor revisions to roads serving plots 84 - 161. Part amendment to the originally approved layout ref 9/02/00680/REMMAJ (site area 7.83 hectares)

Location Land Between Froom Street And Crosse Hall Lane Chorley

Applicant Morris Homes North Ltd

Proposal The application incorporates amendments to a previously approved scheme. The previous scheme (02/00680/REMMAJ) incorporated the erection of 161 dwellinghouses. This proposals incorporates resiting some of the properties on plots 84-161, alterations to the road layout, substitution of house types and the erection of 3 additional units resulting in a development of 164 dwelling units.

The site is located between Froom Street and Cross Hall Lane, Chorley and covers a site area of 7.83 hectares. The principle of redeveloping the site for residential use was established as far back as 1988 with the grant of outline planning permission. In addition to this the site is allocated as a housing site within the Adopted Chorley Borough Local Plan Review.

The site is 7.83 hectares in size which equates to approximately 20 dwellings per hectare.

Planning Policy Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 23: Planning and Pollution Control

Planning Policy Statement 25: Development and Flood Risk

Planning Policy Guidance 13: Transport

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'

Landscape and Heritage SPG

Chorley Borough Local Plan Review 2003:

GN1- Settlement Policy- Main Settlements

EP4- Species Protection

EP9- Trees and Woodland

EP10- Landscape Assessment

EP13- Under-used, derelict and unsightly land

HS1.5- Housing Allocations

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

9/88/527- Outline application for residential development on approximately 8 hectares of land. Approved.

9/90/693- Renewal of outline planning permission for residential development. Approved.

9/93/89- Provision of canal bridge, access road and footways to serve approved residential development site. Approved.

9/93/332- Application for renewal of outline planning consent no 9/90/693 for residential development of approximately 19.5 acres of land. Approved.

96/00391/FUL- Amendment to condition no 1 of outline planning permission 9/93/332 for residential development and open space to alter time period for submission of reserved matters from three to five years. Approved.

98/00207/OUT- Renewal of outline planning permission 9/93/332 for residential development. Approved

98/00208/FUL- Renewal of planning permission 9/93/89 for provision of canal bridge, access road and footways to serve residential development site. Approved

02/00680/REMAJ- Reserved Matters application for proposed housing development consisting of 161 dwellings and public open space Approved

02/01123/FULMAJ- Modification of condition 1 on planning permission 9/98/00207/OUT for residential development, to extend the period of time in which reserved matters can be submitted by one year. Withdrawn

06/01057/FULMAJ- Substitution of house types and minor amendments to plots 1, 8, 10, 14, 15, 17, 31 and 32, and amendments to approved layout (02/00680/REMAJ). Approved

06/01187/TPO- Crown reduce or remove assorted trees (removed trees to be replaced) some covered by TPO4 (Chorley) 2003. Approved October 2006

06/01301/FUL- Erection of electric substation to serve approved residential development. Approved

07/00538/FUL- Proposed amendments to approved layout
9/02/00680/REMMAJ. House type substitution to plot 25.
Approved

Applicant's Case

The following comments have been forwarded by the applicants in the form of a Design and Access Statement:

- The site is accessed off Eaves Lane and Crosse Hall Lane as per the planning approval (02/ 00680/REMMAJ).
- A Section 278 Agreement has been entered into for highway junction and highway improvements to both Eaves Lane and Crosse Hall Lane
- A further two links to Crosse Hall Lane and From Street allow three emergency access points
- A reinforced concrete bridge has been erected over the Leeds Liverpool Canal to enter the site.
- Within the development the road hierarchy ensures traffic speeds are kept to a minimum, a series of formal and informal footpath links ensure that pedestrian permeability is promoted.
- An informal footpath link is provided through the development with a pleasant riverside walk through public open space
- Access and hierarchy of the roads ensures that potential users, no matter what their disability, age or sex can move around the entire site with an easy understanding of space and orientation.
- Residential units are designed to Part M of the current Building Regulations and where levels have allowed steps to front doors have been kept to a minimum and level thresholds to dwellings provided, with either ramped access to fronts or rears.

Representations points:

2 letter of objection have been received raising the following

- Loss of views
- Shouldn't have been permitted in the first instance as the site is a Green Belt area
- Loss of wildlife and habitats
- Loss of trees and birds
- Increase in pollution
- Enough houses in Chorley already
- The changes proposed are unclear. What will be the impact on the site, river or surroundings

Consultations

The Ramblers Association have made the following comments:

- It is assumed that footpath 19, currently obstructed by a temporary works site, will be reinstated on its original line through what appears to be grass and trees. It will join footpath 4 in the vicinity of the new road crossing Black Brook. No mention of made of the foot bridge across Black Brook and further clarification of this is required.
- Footpath 4 appears to be completely obliterated by the development. Pavements through the scheme could form footpaths but for this to be acceptable unless the pavement are designated as rights of way and designated on the definitive map. This would require a footpath diversion to be submitted to LCC.

- Would be pleased to assess how the developer intends to balance public safety and access to the rights of way during the development.

The Director of Streetscene, Neighbourhoods and the Environment (Neighbourhood Quality) has no comments to make on the scheme

The Director of Streetscene, Neighbourhoods and the Environment (Environmental Protection) have made the following comments:

- The development should be carried out in accordance with the approved Ground Investigation and Remediation Strategy
- If further, previously unidentified, contaminated material is detected on site then work should cease until further surveys have been undertaken.

United Utilities have no objection to the substitution of house types

The Environment Agency have commented that the site falls within a Flood Zone 3 area. The flood risk maps were issued after the original application was granted. In view of this and the nature of the application we have no objection to the proposal

Assessment

The principle of redeveloping the site for residential development has been established for a number of years. Outline planning permission was originally granted in 1988 to develop the site for residential purposes. Reserved matters were granted at the site in 2003 (02/00680/REMAJ). This permission related to the erection of 161 dwellings and the development is currently under construction on site. This application relates to a part amendment to the previously approved scheme. The amendments relate to the southern half of the site, which is adjacent to the M61, and incorporates alterations to the highways, alterations to the siting of the properties and the addition of three extra dwellinghouses on the site which results in a development of 164 houses.

Access to the site is via Crosse Hall Lane. A bridge crossing the canal has recently been constructed and serves as the main access to the site. Planning permission was granted for this bridge in 1998 (98/00208/FUL). Pedestrian access is also retained onto From Street and Crosse Hall Lane. These access points will act as emergency access points for vehicles but will be gated to ensure that these access points are not utilised by public vehicles.

This is not an easy site to develop due to the significant levels changes across the site, the fact that the site is bounded by the canal and the M61 and the fact that the Black Brook bisects the site. This half of the site subject to this application is immediately adjacent to the M61. The motorway has been 'designed out' of the scheme by means of a long mound along its length. This should help to reasonably effectively screen the houses from the motorway and mitigate noise levels within the development. Details of this mound and the means of protecting the houses from noise were required as a condition on the previous reserved matters application. This condition has been discharged and the agent has resubmitted this information for this application.

The houses are served from a series of cul de sacs off a single spine road. In addition to this emergency access points are to be provided to From Street and Crosse Hall Lane, coupled with pedestrian access points picking up the existing public footpaths. The Highways Engineer considered that this arrangement would be acceptable when assessing the previous application. Although the internal road arrangement has been amended slightly for this proposal the amendments are only minor and will not result in highway safety issues.

A few trees on site were considered to be worthy of retention and a Tree Preservation Order was placed on these trees. The previously approved scheme detailed a small open area adjacent to the motorway between two properties and a protected tree was to be retained on this site. The amended scheme however does not retain this open area or tree. Following further discussions with the applicants this tree has already been removed and permission was granted to remove this tree in October 2006 (06/01187/TPO). The tree was an Ash Tree and a replacement tree will be required in accordance with the permission. The applicant has confirmed that the landscaping proposed at the site will incorporate a significant number of new trees which will act as a adequate replacement for the trees which have been lost.

The gross density of the proposed scheme is some 20 dwellings per hectare. This falls well below the Government's recommended minimum density of 30 dwellings per hectare necessary to achieve a relatively efficient use of land. However, this is a somewhat constrained site as mentioned previously which reduces the effective developable area. In addition to this the principle of a low density development has already been established at the site with the previous approvals.

A lot of the conditions attached to the original reserved matters planning approval have been discharged and the agent has submitted the details which enabled the condition to be discharged in respect of this application.

An original Section 106 Agreement was secured at the site for the provision of on site affordable housing along with a commuted sum for off site affordable housing. The legal agreement also covered open space provision. The agreement was originally signed in 1999 and a supplementary agreement was signed in 2003 requiring the payment of additional commuted sums.

In respect of the affordable housing the legal agreement specifies 20 low cost housing on site with a floor area of less than 85 square metres and 2 bedrooms or less. The house types originally agreed as the on site included the Thorpe, Bereford and Didsbury. It was envisaged that the size of the properties ensured that the properties would be affordable. The Thorpe and Bereford accord with the stipulations within the legal agreement and due to the nature of the properties extensions would be limited ensuring that the size of the properties is retained and will remain as affordable. The Didsbury, as submitted, however is a three bedroom property and does not meet the criteria of the Section 106 Agreement. In addition to this these house types could easily be extended creating a larger property which would no longer be considered as 'low cost'.

In addition to this the amendments to the layout and house types proposed for this application results in a reduction in the number of affordable units provided across the whole of the site, the number has been reduced to 13. The applicant has been made aware that this is not acceptable and the scheme will require amending to ensure that 20 units are provided on site in accordance with the legal agreement.

There are two public rights of way which cross the site, footpath number 4 and footpath number 19. Due to the location of the dwellinghouses the route of footpath number 4 will be blocked. There is currently a temporary footpath diversion in place whilst the construction work is ongoing. The applicant has been advised that a permanent diversion will be required, this will be dealt with by Lancashire County Council.

On site open space is proposed as part of the whole scheme in the form of informal open space and equipped play space. A commuted sum is required in respect of the provision of off site playing field provision.

Conclusion

The principle of developing the site for residential purposes was established nearly 20 years ago and the redevelopment of the site is currently ongoing. The amendments to the originally approved scheme proposed as part of this application are considered to be minor and it is not considered that the addition of three extra units will adversely impact on the development or the area as a whole. As such the amendments are considered to be acceptable.

Recommendation: Permit Full Planning Permission Conditions

1. The proposed development must be begun not later than two 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 drainage from the proposed development shall run off into the motorway's drainage system, nor shall any such new development adversely affect any motorway drainage.

Reason: To maintain the stability of the motorway and in accordance with Policy Nos. EP15 and EP18 of the Adopted Chorley Borough Local Plan Review

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

Reason: To maintain the stability of the motorway and in accordance with Policy No. EP15 of the Adopted Chorley Borough Local Plan Review.

4. Before the development hereby permitted is first commenced there shall have been submitted to and approved in writing by the Local Planning Authority a scheme for incorporating archaeological features at the site within the development.

Reason: In the interests of retaining features of archaeological interest at the site.

5. No vehicles shall access the site for the purposes of the construction of the development hereby permitted until after the completion of the development permitted by planning permission 9/98/00208/FUL (for the provision of a new access road and canal bridge) dated 17 February 1999 and thereafter all vehicles entering and leaving the site in connection with the construction of the development hereby permitted shall only do so

via the new access road and canal bridge permitted under planning permission 9/98/00208/FUL, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the amenities of local residents and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

6. The development shall be carried out in accordance with the approved scheme for protecting the proposed dwellings from noise from the M61 motorway has been submitted to. The approved schemes referred to are W2715/PJ/22291 (received 19th August 2002) and HB155/04/07/NEW (received 27th September 2002). All works which form part of the approved scheme shall be completed before any of the permitted dwellings are occupied.

Reason: In the interests of the amenity of future occupants of the proposed dwellings and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.

7. Before any development associated with the erection of houses on plots 84 to 164 are commenced the acoustic and screen mound alongside the M61 motorway, as shown on the previously approved plans, shall have been formed in full. Prior to the first occupation of any dwellings on plots 91 to 134 the previously approved scheme of landscaping to the acoustic and screen mound and a screen fence to its base shall have been implemented in full.

Reason: In the interests of the amenities of the future occupiers of houses within the development and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review

8. Before any development hereby permitted is first commenced the temporary protective metal fencing along the full length and both sides of Black Brook shall have been erected in accordance with the approved details. The fencing, thereafter, shall remain in place at all times during the course of the permitted development being carried out, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the watercourse and prevent debris and construction material from encroaching into this area and in accordance with Policy EP17 of the Adopted Chorley Borough Local Plan Review.

9. The development hereby permitted shall be carried out in accordance with the approved schemes for preventing the use by motorised traffic (except in the case of an emergency) of the pathway link between From Street and the estate road adjacent to plot 91 and the pathway link between Crosse Hall Lane and the estate road adjacent to plot 136. Prior to the first occupation of any dwelling within plot 91 and 129-145 the said pathways shall have been fully tarmac surfaced, the approved means of preventing its use by motorised traffic implemented in full and it shall have been made available for use by the public.

Reason: In the interests of highway safety and the amenities of local residents and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review

10. Before the development hereby permitted is first commenced there shall have been submitted to and approved in writing by the Local Planning Authority a method statement for providing protection to protected species during the course of the development and a ten year plan (including provision for protecting all protected species and their habitats) for the maintenance and management of all areas other than garden curtilages and highways. Thereafter, the approved method statement and ten year maintenance and management plan shall be fully complied with and implemented in full.

Reason: In the interests of the visual amenities of the development, the amenities of future residents and nature conservation and in accordance with Policies GN5 and EP4 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS9.

11. The development hereby permitted shall be carried out in accordance with the approved scheme for the provision and implementation of a surface water regulation system to limit surface water run off from the completed development to existing rates.

Reason: To reduce the increased risk of flooding and in accordance with Government advice contained in PPS25: Development and Flood Risk.

12. The development hereby permitted shall be carried out in accordance with the approved details of the measures to be taken, during the period of construction, to prevent mud and other debris being carried onto the public highway by vehicles leaving the site. The agreed measures shall be implemented in full before commencement of the development and retained in operation until such time as the development is complete.

Reasons: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

13. the development hereby permitted shall be carried out in accordance with the approved details of the existing and proposed ground levels (including bank profiles) within the open space area to be formed alongside Black Brook, the provision to be made for fencing of the brook / land alongside it and the phasing of its provision. The open space area levels shall be formed and the fencing installed in accordance with the approved details.

Reason: In the interests of the safety of future users of the open space area.

14. The site shall be remediated fully in accordance with recommendations made in the Ground Investigation and Remediation Statement Ref: 588/02 Chorley, Crosse Hall Mill Farm (May 2004) by Woodford Consulting Engineers Ltd.

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 Government advice contained in PPS23: Planning and Pollution Control

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

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 Government advice contained in PPS23: Planning and Pollution Control
