

Item A. 1	07/01332/FULMAJ	Permit Full Planning Permission
Case Officer	Mrs Nicola Hopkins	
Ward	Chorley South West	
Proposal	Erection of 24No Dwellings	
Location	Parcel 9 Land 106m East Of 74 Keepers Wood Way Chorley	
Applicant	ADACTUS HOUSING GROUP Ltd	
Proposal	<p>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.</p> <p>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 9 two bedroom properties, 9 three bedroom properties and 6 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.</p> <p>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)</p>	
Planning Policy	PPS 3. Policy DP1, Policy DP3, Policy UR7, Policy UR9, Policy ER5. (NWRSS). Policy 7, Policy 12, Policy 21, 'Access and Parking' SPG (JLSP). GN1, EP9, EP10, TR1, TR4, TR18 (ACBLPR).	
Planning History	<p>96/00727/CB4- Regulation 4 outline application for housing, outdoor play space, education facilities, local shopping and community building. Approved</p> <p>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</p> <p>07/00998/FULMAJ- Proposed 24 No dwellings. Refused</p> <p>There have been numerous applications relating to the parcels across the whole of the site and in particular other affordable housing parcels:</p> <p>03/01380/FULMAJ- Erection of 13 houses (Phase 12). Approved 03/01381/FULMAJ- Erection of 18 houses (Phase 11). Approved 07/00999/FULMAJ- Proposed 14No Dwellings. (Parcel 8) Approved</p>	
Representations	4 letters have been received raising the following comments:	

- Loss of privacy through 3 storey dwellings and overlooking
- Loss of light
- Increase in noise/ disturbance
- Project is similar to previously refused scheme
- Properties will have an overbearing impact to the properties on Ashwood Court
- Is there a need for affordable housing in terms of the current market?
- Not taken on board the concerns raised by the residents on Ashwood Court
- Reasons for refusal not overcome by this proposal
- Inadequate space between the existing properties and the proposed dwellings
- Highway safety implications

Consultations

Chorley Community Safety Partnership have no comments to make subject to Secure by Design implementation.

The Ramblers Association there is a definitive footpath within the application site. An alternative route has been suggested

Lancashire County Council (Public Rights of Way Officer) have requested that the developers are made aware of the existence of a public right of way

Director of Neighbourhoods:

- Further risk assessment for landfill gas has been undertaken
- It is expected that the current position of the plots will be acceptable. Gas vents will be moved to locations agreed on the basis of the risk assessment

Lancashire County Council (Highways) the driveways should be 6 metres deep from the edge of the footpath

United Utilities have provided standard comments which will be attached to the recommendation as conditions and informatives along with the following points:

- A public sewer crosses the site and building over it will not be permitted.
- An access strip 6 metres wide will be required for repair and maintenance.

The Environment Agency has no objection subject to the submission of information which accompanied the previous application in respect of contamination and has suggested some conditions/ informatives.

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.

Members may recall that an application for this parcel was considered at Development Control Committee in October 2007. The application was refused as it was considered that the proposed dwellinghouses would adversely impact on the neighbours amenities due to the proximity of the proposed houses to the existing houses.

The applicants have taken this into consideration and amended the scheme to achieve the required spacing standards for new housing developments which requires 21 metres window to window distance, 12 metres window to gable distance and 10 metre long gardens.

The majority of the properties along the eastern boundary of the site originally met the required 21 metre spacing distance and the amended scheme has relocated the property on plot 11 half a metre towards the highway to ensure the 21 metres is achieved for all the properties. As such this satisfies the reason for refusal in respect of the previous application. As the required spacing standards are met for all the proposed dwellinghouses it is not considered that the proposed development will adversely impact on the amenities of the neighbours on Lakeland Gardens.

A number of the neighbours also raised concerns in respect of the proximity of the dwellinghouses on plots 17-24 to the existing dwellings on Ash Wood Court, in particular the property on plot 22. The neighbours are concerned that the properties will lead to loss of light and create an overbearing impact.

Although the properties meet the required 12 metre window to gable wall distance set out in the Council's Approved Spacing Standards the neighbours concerns have been taken into consideration and the agents have been advised that the properties on plot 17-24 should be relocated further away from the properties on Ash Wood Court. As such the layout has been amended to retain 12.5 metres from Ashwood Court to the property on plot 22 and 13 metres to the property on plot 21. These distances exceed the required spacing standard from window to gable wall. The agents have also been asked to provide sectional elevations of the side of these properties when viewed from Ash Wood Court.

The amended application has also amended the properties on plots 3 and 4 and now proposes two storey three bedroom properties when 3 storey properties were originally proposed.

The site will be accessed via Keepers Wood Way which is a residential street. The proposal will extend this street to provide additional residential accommodation. The nearest residential property along Keepers Wood Way to the development is 76 Keepers Wood Way. The owner of this property has raised concerns with the development and in particular the proposed dwelling on plot 1. The neighbours concerns relate to the scale of the property on plot 1, loss of amenity, ground stability, the fact that the original plans detailed a strip of land retained between his property and this development, visibility issues and flooding implications.

The proposed dwelling on plot 1 will be a three storey property however this property will be adjacent to 76 Keepers Wood Way incorporating a similar building line. The property will be approximately 1 metre higher than 76 Keepers Wood Way however the side elevations of the properties will face one another and as a similar building line will be retained it is not considered that the proposal will result in loss of amenity to the detriment of the neighbours. There are no first or second floor windows proposed in the side elevation of the proposed dwelling and as such the proposal will not create overlooking to the detriment of the neighbours amenities.

The whole of this parcel was always proposed for residential development. No adverse highway comments have been received in respect of the scheme and in respect of flooding the Environment Agency were consulted on the scheme who have suggested conditions in respect of reducing the potential for flooding. It will be the developers responsibility to ensure the development is stable and does not impact on the stability of the neighbouring properties.

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 landfill gas. A further risk assessment has been carried out at the site in respect of landfill gas. The Council's Environmental Services Section considers that the current position of the plots will be acceptable and the gas vents will be moved to locations agreed on the basis of the risk assessment

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.

Lancashire County Council Highway Engineers have no objection to the scheme but have requested that 6 metres of driveway space is provided from the edge of the footway. This distance originally was not achieved on all the plots however the agent was made aware that this is required. The amended layout plan detail that 6 metre driveways will be achieved at the majority of the properties apart from the property on plot 13 which still achieves 5.5 metres this is considered to be sufficient to accommodate a car off the highway.

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 to be acceptable. Additionally the scheme has been amended since the previous proposal to ensure that the proposed dwellings are located away from the existing properties to protect the neighbours' amenities.

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 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 Government advice contained in PPS23: Planning and Pollution Control

3. No development shall take place until a scheme for the provision and implementation of a surface water regulation has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme has been implemented in accordance with the approved plans.

Reason: To secure proper drainage and to prevent flooding and in accordance with Government advice contained in PPS25 Development and Flood Risk

4. 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 Government advice contained in PPS23: Planning and Pollution Control

5. 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.

6. 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.

7. 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.

8. 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.

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. 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.

11. 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 and HS4 of the Adopted Chorley Borough Local Plan Review.

12. 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 and HS4 of the Adopted 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 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.

14. 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 Government advice contained in PPS23: Planning and Pollution Control
