

**Item A. 1**                      **07/01423/FULMAJ**                      **Permit (Subject to Legal Agreement)**

**Case Officer**                      **Mrs Nicola Hopkins**

**Ward**                                      **Clayton-le-Woods West And Cuerden**

**Proposal**                              **Demolition of 54 Lancaster Lane and the erection of 18No new dwellings including associated infrastructure on land to the rear of 46 to 60 Lancaster Lane**

**Location**                              **Land 50m South Of 54 Lancaster Lane Clayton-Le-Woods**

**Applicant**                              **Wainhomes Developments Ltd**

**Consultation expiry: 27<sup>th</sup> February 2008**  
**Application expiry: 30<sup>th</sup> April 2008**

**Proposal**                              The application relates to the erection of 18 dwellings to the rear of 46 to 60 Lancaster Lane, Clayton le Woods. The proposal incorporates demolishing the existing 54 Lancaster Lane and erecting a replacement bungalow. Access to the site will be achieved off Lancaster Lane on an adopted highway adjacent to the 50 and 54 Lancaster Lane.

The proposed development will occupy the rear garden areas of 46, 48, part of 50, 54 and 60 Lancaster Lane. The scheme incorporates a mixture of detached bungalows, located at the entrance to the site, two storey detached dwellings and a three storey apartment block incorporating three two bedroom apartments.

**Planning Policy**                      PPS 1, PPS 3, PPS 9, PPS 23. Policy ER5 (NWRSS). Policy 7, Policy 21, Access and Parking SPG (JLSP). GN1, GN9, EP4, EP9, HS4, TR4 (ACBLPR)

**Planning History**                      **07/00124/FUL-** (Number 54) Demolition of existing dwelling and the erection of 7 detached houses. Refused April 2007

**07/00685/FUL-** (Number 54) Demolition of existing dwelling and erection of 5 detached houses and 2 bungalows. Refused September 2007

**07/00346/OUT-** (Number 46 and 48) Outline application for the proposed development to create 5 No. new detached dormer bungalows to include an amended access off the highway between no's 46 and 48 Lancaster Lane. Refused August 2007

**07/00951/OUT-** (Number 50) Outline application for the erection of 1No detached dormer bungalow and 1No two storey detached house. Withdrawn

**Applicant's Case**                      The following points have been forwarded in support of the application:

- The application is previously developed land in a highly sustainable location

- The design of the scheme is appropriate for this location and takes full account of the need to preserve the amenity of neighbours
- No unacceptable harm will arise to residential amenity and the appearance and character of the area will benefit from the proposed development
- The continuity offered between the proposed dwelling types will establish an identity for development
- The layout and treatment of the site defines the boundaries between public and private spaces and ensures passive surveillance of the public domain
- The site is very well located and is accessible by a range of means of travel
- The development will further diversify the housing types available within the locality

## **Representations**

**Clayton le Woods Parish Council** object to the scheme on the following grounds:

- Increase in traffic create congestion
- Destruction of wildlife currently using trees and hedgerows
- Out of character with the surrounding properties
- Create loss of privacy

93 letters have been received, however some of these are duplicated, raising the following objections:

- Traffic safety implications and increase congestion
- Out of character with the area
- Greenfield location is not appropriate
- Housing needs are already met in the Borough with large housing estates
- Loss of privacy
- Loss of light
- Increase in noise and disturbance
- Risk of flooding
- Impact on wildlife
- Lead to further developments in the area
- Scheme does not comply with parking standards
- This application pays lip service to the requirement for provision of "affordable housing" on developments of over 9 properties
- Loss of outlook
- What provision will be made for street lighting?
- The proposed road layout will create traffic hazards
- There is no indication of what the 'spare' land will be used for
- How will drainage be dealt with?

## **Consultations**

**Lancashire County Council (Ecology)** have raised the following points:

- Further information is required to ascertain any potential impact
- It is unlikely that great crested newts would occupy habitats within the application area
- It seems unlikely that there will be an impact on bats although conditions have been suggested
- Works during the bird breeding season (March to July inclusive) should be avoided

- It is likely that these proposals will erode the extent and quality of urban biodiversity
- A method statement is required in respect of the impact of the development on hedgehogs
- Habitat connectivity needs to be addressed in the overall design of the development
- It will be beneficial for the scheme to incorporate beneficial biodiversity features

**Lancashire County Council (Strategic Planning)** considers the proposal conforms with Policy 12 of the Structure Plan and have commented on parking arrangements and renewable energy

## **Assessment**

### **Principle of the development**

In accordance with Planning Policy Statement 3: Housing the site is considered to be previously developed land. Previously developed land is land which is or was last occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. PPS3 encourages the redevelopment of previously developed land as opposed to developing Greenfield land. As such the principle of redeveloping the site for residential development accords with Government guidance.

Members will recall that there have been various planning applications along this section of Lancaster Lane, 2 applications on the site of 54 Lancaster Lane and 1 application to the rear of 46 and 48 Lancaster Lane, all of which were refused. There was also an application submitted at 50 Lancaster Lane for residential development however this was withdrawn. The applicants appealed both refusals at 54 Lancaster Lane however they have since withdrawn the appeal against the first application. A Public Inquiry is scheduled for April 2008 in respect of the second refusal of planning permission at 54 Lancaster Lane (07/00685/FUL).

The reasons for refusal in respect of the most recent application at 54 Lancaster Lane and the application at 46/48 Lancaster Lane relate mainly to over development of the site and out of character with the area. It is considered that a comprehensive redevelopment of the site is more appropriate within this location rather than sporadic 'piece-meal' development which would result in various access points off Lancaster Lane and differing designed developments. The current proposal incorporates one main access point off Lancaster Lane, allows for a more spacious development with each of the properties incorporating private garden areas and provides continuity in respect of the design of the properties.

The scheme enables the comprehensive redevelopment of a brownfield site which is considered to be appropriate in principle. The development incorporates the erection of 18 dwellings which results in a density of approximately 28 dwellings per hectare which is below the suggested minimum 30 per hectare minimum within PPS3. However taking into consideration the character of the surrounding area, which is characterised by properties with large garden areas, a development with a density lower than that usually required is considered to be more in keeping with the surrounding area than a high density development.

## **Layout**

As set out earlier the density of the development is considered to be lower than usually required. This however allows for private amenity space to be provided within the curtilage of the properties and a more spacious development in keeping with the character of the area. The majority of the properties are family houses and the fact that private amenity space is provided within the curtilage of the dwellinghouses ensures that development complies with Government advice set out in PPS3.

The originally submitted scheme does not achieve the required spacing standards in respect of some of the plots and the neighbouring properties. The applicants have been made aware of these discrepancies and the layout will be amended to ensure the required spacing distances are met. This will ensure the amenities of the existing and future residents are retained.

In accordance with Policy 7 of the Joint Lancashire Structure Plan 2-3 parking spaces are required for 2/3 bedroom properties and 3+ spaces are required for 4+ bedroom properties. The majority of the properties on the original layout achieve this standard however the applicant have been advised that the layout will need to demonstrate that this standard can be achieved for all the properties and in particular the larger 4/5 bedroom properties.

The Council seek to achieve the comprehensive redevelopment of the site and wish to avoid sporadic, 'piece-meal' development. It is considered that the current proposal represents a comprehensive redevelopment of the site with only one vehicular access point off Lancaster Lane. The range of dwellings proposed caters for a range of households whilst allowing a scheme which is similar in character in terms of the dwellings proposed and the surrounding properties. This includes bungalows at the entrance to the site similar to the properties along Lancaster Lane and two storey dwellings to the rear of the site similar to the properties on Kirkby Avenue.

## **Highways**

It is proposed to construct 18 dwellings on the site with one vehicular access point off Lancaster Lane. The main length of highway into the site will be constructed to an adoptable standard and adopted under a separate Section 38 Agreement with the Highways Authority. Part of the highway with the centre of the development, serving plots 10-18 and plots 6-9, will not be adopted. This will be retained as private and a private management company will be responsible for this element of the site.

As stated earlier in this report it is considered that sufficient off road parking can be achieved for each of the properties and as such the proposal is considered to be acceptable in terms of Policy 7 of the Joint Lancashire Structure Plan. A number of neighbours have raised concerns in respect of the traffic implications of the development and the fact that further congestion will be create along Lancaster Lane. Lancashire County Council's Highway Section have been consulted on the application however at the time of writing the report no comments had been received, the comments will be reported on the addendum.

The application site is located within the settlement area of Clayton le Woods and is considered to be located within a sustainable

location as the site is located close to local amenities and is well served by public transport. In addition to this there is an existing cycleway located close to the site and several primary schools in the area. The location of the application site is considered to be sustainable and as such accords with the Government's sustainability principles.

### **Affordable Housing**

The proposal incorporates the erection of 18 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 5 affordable housing units. The original scheme incorporated 3 two bedroom flats and 2 four bedroom detached properties which were allocated as the affordable housing units. It is considered that the provision of 5 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 Council's Strategic Housing Section has raised concerns in respect of the type of units proposed and requested that bungalows were provided. The applicants have been advised that 3 two bedroom flats on shared ownership basis and 2 three bedroom bungalows on a rented basis would be appropriate in respect of need in the area. The provision of affordable housing will be controlled by the Section 106 Agreement associated with the development.

### **Trees and Ecology**

There are various buildings on the site which will be demolished and trees some of which are mature healthy specimens. Additionally 54 Lancaster Lane will be demolished. As there is the potential for bats roosts in buildings and trees a Bat Survey of the site has been submitted. This however only relates to 54 Lancaster Lane and was carried out at the time of the last application. As the site now incorporates the neighbouring garden areas any demolition and/or tree works/ removal will require an extended bat survey. The applicants have been made aware of this and are of the understanding that no further demolition or tree works are required hence negating the need for further bat surveys. Confirmation that this is the fact will be sent by the applicants.

Lancashire County Council Ecology Section have commented on the scheme as set out above. In respect of bats and birds it does not appear that the development will have any adverse impact and appropriate conditions and informatives have been attached to the recommendation. The applicant has been advised of the requirement for a method statement in terms of hedgehogs. Landscaping will be incorporated into the scheme which will enable beneficial biodiversity features to be incorporated mitigating and enhancing the loss of the urban biodiversity raised as a concern by the Ecologist. This will be addressed as conditions and informatives.

There are trees on site which are protected by a Tree Preservation Order. Although it does not appear that these trees will require removal as part of the development a Tree Constraints Plan has been requested which will detail the location of the trees in respect of the proposed dwellings. This should demonstrate that the health of the trees will not be affected by the development and the future amenities of the residents will not be affected by the trees.

### **Response to the neighbours concerns**

This application along with the previous applications has generated a lot of concerns from the residents to the site. The main issues of concern are the impact on highway safety, the impact on the character of the area, the appropriateness of the location, impact on wildlife and the impact on the existing residents.

Although a number of the neighbours state that site is 'Greenfield' the site actually falls under the definition of Brownfield land within PPS3 and as such the principle of redeveloping the site for residential purposes is considered to be acceptable. Additionally the site is considered to be a sustainable location as it is close to local amenities and is served by public transport. As such the redevelopment of the site accords with the Government's sustainability objectives in terms of developing appropriately located sites as oppose to Green Belt land.

The development will clearly increase traffic in the area and the Highway Engineer at LCC has been consulted in respect of the highway safety implications of the scheme. His comments will be reported on the addendum. Comments have been raised about the amount of parking provided on the site however the scheme will accord with the Joint Lancashire Structure Plan guidelines in terms of family accommodation.

The character of the area is characterised by residential properties with large garden areas. This development will occupy a large part of the garden areas of 46-60 Lancaster Lane and although the proposals will incorporate private garden areas these will not be as large as the existing garden areas. The scheme is, however, relatively low density when compared to Government guidance which allows for a more spacious development with private garden areas. additionally the scheme allows for continuity in terms of the design of the properties.

The bat survey which has been submitted does not consider that there will be any impact on protected species and details have been requested in respect of any proposed tree works. Additionally further landscaping will be incorporated on the site which will benefit wildlife in the area.

Although the originally submitted scheme does not meet the required spacing standards for all the properties the applicant has been advised of the required distances and it is considered that a scheme can be achieved on this site which protects the amenities of the existing and future residents.

### **Conclusion**

It is established that the redevelopment of the site for residential development is considered to be acceptable in principle. It is considered that the scheme represents a comprehensive form of development and satisfies the reasons for refusal in respect of the

previous applications. The proposed development reflects the character of the surrounding area and adequately takes into account the needs of the existing and future residents. As such the scheme is considered acceptable.

**Recommendation**    **Permit (subject to a legal agreement)**  
**Refuse prior to 30th April if the legal agreement is not signed**

### **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 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.*

3. 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.*

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. 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.*

8. 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.*

9. 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.*

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

*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No 7 of the Joint Lancashire Structure Plan*

11. The garage hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. 7 of the Joint Lancashire Structure Plan*

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 dwellings 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. Prior to the demolition of the bungalow, in the presence of a qualified Ecologist, the roof tiles of the bungalow shall be lifted by hand and their undersides checked for the possible presence of bats. If bats are detected work on site shall cease until a full bat survey of the building has been undertaken and any necessary mitigation methods to ensure the continued protection of bats have been identified. This survey shall be submitted to and approved in writing by the Local Planning Authority. The work thereafter shall be carried out in accordance with the mitigation methods identified in the report.



*Reason: To ensure the continued protection of protected species and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.*

14. No development shall take place until a desktop study in order to identify any potential sources of land contamination associated with the development has been carried out and approved in writing by the Local Planning Authority. If the potential for contamination is confirmed further studies by the developer to assess the risks and identify and appraise the options for remediation will be required.

*Reason: To protect the environment and to prevent harm to human health by ensuring that the land is remediated to an appropriate standard in accordance with Government advice contained in PPS23: Planning and Pollution Control*

15. 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 site shall thereafter be managed by the approved Management Company.

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

16. No dwelling hereby permitted shall be occupied until that part of the road which provides access to it from the public highway has been constructed in accordance with the approved plans.

*Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*

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