

Item A.1 **07/01355/FULMAJ** **Permit (Subject to Legal Agreement)**

Case Officer **Mrs Nicola Hopkins**

Ward **Clayton-le-Woods And Whittle-le-Woods**

Proposal **Erection of 27 residential properties, access alteration, and provision of existing residents parking,**

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

Applicant **Wainhomes Developments**

Consultation expiry: 5th March 2008

Application expiry: 1st May 2008

Proposal The application relates to the erection of 27 dwellinghouses on land to the rear of 243-289 Preston Road, Clayton le Woods. The scheme incorporates alterations to the access and improvements to Preston Road along with dedicated parking for the residents of Preston Road.

Members will recall that planning permission was granted in October 2007 to redevelop this site for residential use. The current scheme is identical in layout to the previously approved scheme. The only amendment is an increase in the number of units from 25 to 27 which is achieved by replacing one unit with three flats. The previous scheme can still be implemented and the principle of residential redevelopment of the site has been established.

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

As part of the proposal 30% affordable housing is proposed on the site, this equates to 8 units. The affordable housing will be on a shared ownership and rented basis and will be controlled by a Registered Social Landlord.

The proposal incorporates 8 different house types which includes the erection of 7 two storey properties, 4 two and a half storey properties, 7 three storey properties, 1 one bedroom flat, 2 two bedroom flats and 6 apartments. The development includes terraced and semi-detached properties and the 6 apartments will be located within a three storey building.

Planning Policy PPS 3, PPS23, Policy DP1, Policy DP3, Policy UR7, Policy UR9, Policy ER5 (NWRSS). Policy 7, Policy 12, Policy 20, 'Access and Parking' SPG (JLSP). GN1, EP9, EP10, HS4, TR1, TR4, TR18. Managing Housing Land Explanatory Note (ACBLPR)

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

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

07/00684/FULMAJ- Proposed 25 Residential properties, access alteration and provision of existing residents parking. Approved October 2007

Applicant's Case The following comments have been submitted in support of the application:

- The proposal reflects the approved scheme and only substitutes the

granted planning permission house types with its own, this has led to a slight increase in units from 25 to 27

- The principle of residential development of the site is acceptable
- The site can be developed without harm to the amenity of the existing residents
- The three storey properties are limited to more centrally positioned plots
- The informal parking which currently takes place on the land will be improved by the provision of 8 dedicated places
- The site is easily accessible by means of transport other than the car
- The site includes 30 private parking spaces which averages at slightly less than two spaces per unit

Representations

Councillor Morgan has requested that the application is considered at DC Committee

Clayton le Woods Parish Council reiterate the objections raised in respect of the previous scheme on increased traffic exiting onto Preston Road

11 Letters of objection have been received raising the following comments:

- Three storey properties not in keeping with the area
- Impact on car parking in the area- inadequate parking
- Loss of light
- Overlooking
- Loss of privacy
- Noise and disturbance
- Highway Safety- increase in congestion
- Too many houses
- Create a hazard to pedestrians
- What provisions are made for recycling?
- How will affordable housing be provided with no RSL involved?
- No facilities for children included within the plans
- Stability of land
- Who will have control over the residents parking spaces?

Consultations

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

- Considers that the proposal conforms with Policy 12 of the JLSP
- 10% renewable energy should be incorporated into the scheme

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

- Great crested newts could therefore potentially occupy habitats within the application area therefore an assessment of the suitability of the site to support great crested newts should be carried out
- It seems unlikely that any bat roosts would be directly affected by the proposals
- Works during the bird breeding season (March to July inclusive) should be avoided
- Surveys for reptiles should be undertaken which follow recognised guidelines e.g. Froglife Advice Sheet 10
- Maintaining and enhancing habitat connectivity within the application area and the wider landscape needs to be addressed in the overall design of the development.
- Landscaping and restoration schemes should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans

United Utilities have no objection to the scheme subject to various conditions and informatives.

The Environment Agency have no objection subject to conditions relating to contamination

Assessment

Principle of Redeveloping the Site

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

This notwithstanding however the site has planning permission for 25 residential units. It is not considered that an increase in the number of units to 27 represents a significant increase in density and will not adversely impact on the character of the area. The site is located within a predominantly residential area within the settlement area of Clayton le Woods and is surrounded by residential properties. As such the principle of redeveloping the site for residential use has been established.

The site covers 0.8 hectares and as such the erection of 27 dwellings results in a density of approximately 34 dwellings per hectare. This accords with Government advice set out in PPS3 which requires a minimum density of 30 dwellings per hectare. Taking into consideration the character of the surrounding area, which is relatively high density, a high density development is considered to be appropriate in this location.

Planning History

There have been three previous planning applications at the site for the redevelopment of the site for residential dwellings (02/0160/OUTMAJ, 05/00888/OUTMAJ and 07/00684/FULMAJ). Both of the first two applications were refused. The first application was refused for three reasons which related to the oversupply of housing in the Borough, impact on highway safety and evidence that the scheme could be adequately accommodated on the site. The second application was solely refused on the impact of the development on the oversupply of housing in the Borough.

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

The third application was approved last year for the erection of 25 dwellings. As such the principle of redeveloping the site for housing has been established.

Highway Issues

There is already access to the site in the form of an unadopted accessway located between 267 and 269 Preston Road. This accessway serves the properties along Preston Road and there are informal parking areas located to the rear of the properties. As part of the development it is proposed to improve this accessway by creating a formal highway situation with tarmaced

road surfaces and footways.

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

In respect of the internal road layout the scheme is identical to the previously approved scheme which was amended in accordance with comments made by the Highway Engineer in respect of the previous scheme.

Although a number of concerns have been raised by neighbours in respect of the access and parking arrangements consideration has to given to the fact that access to the site off Preston Road has already been granted planning permission. The access and parking arrangements have not altered since the previous approval and as such are considered acceptable.

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

Housing Provision

The proposal incorporates the erection of 27 new dwellings. In accordance with Policy 12 of the Joint Lancashire Structure Plan and the explanatory memorandum planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable housing. In accordance with the Council's Managing Housing Land Explanatory Note a minimum provision of 30% affordable/ special needs housing will be required on schemes of 15 dwellings or more.

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

Impact on the character of the area:

As set out above a number of objections have been received from the neighbouring residents in respect of the proposed development. The layout of the scheme incorporates 27 new residential dwellinghouses which will occupy the lower part of the quarry site. Each of the properties, apart from the flat accommodation incorporates private garden areas within the curtilages and these areas are considered adequate to serve the future residents. In addition to this the immediate surrounding area comprises of terraced properties with minimal private amenity space. As such it is considered that a dense form of development compliments the character of the surrounding area.

As the site was formally used as a quarry there are various land levels across the site. In accordance with Policy 20 of the Joint Lancashire Structure Plan the site is identified as a Suburban Landscape. The site was until recently covered by mature trees, grassland and rough ground. The

mature trees have now been removed and the site regraded. It is clear that the development will have some impact on the residents of Preston Road as the proposal will create buildings, hardstanding and parking on a previously open area of land. However given that the mature trees have been lost and the site is surrounded on two sides by housing the scheme is considered acceptable, in principle, in landscape terms.

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

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

A number of concerns have been raised in respect of the introduction of three storey properties on the site as it is not considered that these will be in character with the surrounding area. The three storey and two and a half storey properties, however, are located further into the site away from the entrance from Preston Road and the properties on Preston Road. The existing site levels increase further back into the site. A plan has been submitted with the application detailing the proposed finished floor levels of the properties. The properties immediately to the rear of the terraced properties on Preston Road will be sited at a slightly higher land level than the terraced properties. The finished floor levels to the rear of the site rise slightly and the proposal incorporates the existing contours of the quarry, which has been regraded recently. The properties at a significantly higher land level are located away from the existing residential properties. It is considered that the proposal will compliment the character of the surrounding area and although three storey properties are proposed it is considered that the siting of these properties will ensure that the scheme respects the character of the surrounding area.

Ecology Impacts

The Ecologist at Lancashire County Council has requested several surveys of the site including a survey of the nearby ponds in respect of Newts and a Reptile Survey. However the site already has planning permission to erect residential dwellinghouses which could be constructed without the surveys required by the Ecologist.

In respect of the Great Crested Newts there are no records of great crested newts within 500m of the application area. There are several ponds within this distance, which have not been surveyed for Newts. PPS9 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. In this situation planning permission has already been granted for the site. Under the Wildlife and Countryside Act 1981 (as amended) and The Conservation (Natural Habitats, &c.) Regulations 1994 it is an offence to kill, injure or take a great crested newt. This will be added as an informative to the recommendation and will be the developers responsibility to ensure the continued protection of Newts

In respect of the potential for reptiles on the site this will also be added to the recommendation to advise the developers of their responsibilities and that efforts will be required to avoid killing/injuring reptiles during the proposed works.

Details of the proposed landscaping will be required as part of a condition. An informative will be attached to the recommendation advising that the proposed landscaping should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans.

Impact on the neighbours amenities:

There were a number of concerns with the original proposal in respect of the proximity of the proposed dwellings to the existing terraced properties on Preston Road. However the properties meet the Council's required spacing standards.

The surrounding area is characterised by residential properties and as such developing the site for residential use will be in character with the area.

A number of concerns have been raised by neighbours in respect of the impact of the development on the existing residents. However the current scheme has not altered significantly to the approved scheme. The property on plot one has been amended during the application stage to create a property which, although two and half storey, reflects the scale and massing of a two storey property similar to the height of the dwellings along Preston Road.

The fact that the layout is very similar to the previously approved scheme, particularly the elements of the layout adjacent to existing residential properties, ensures that the scheme follows the principles of a scheme which was deemed acceptable in October 2007. As the principle of residential redevelopment has been established at the site the current scheme is considered to be acceptable and will not adversely impact on the neighbours amenities.

Conclusion It is established that the principle of redeveloping the site for residential purposes is acceptable. The current scheme does not represent a significantly different scheme than the approved scheme at the site and as such the proposal is considered to be acceptable.

Recommendation **Permit subject to Section 106 Agreement**
Refuse if Section 106 Agreement is not signed prior to 1st May 2008

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. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To protect the appearance of the locality and 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. 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.

4. 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.

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

9. 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.

10. Prior to the commencement of the development a geotechnical investigation of the slopes adjacent to the application site shall be undertaken to ensure the stability of the slope. The investigation shall also include the trees located to the south west boundary to assess the long term impact of the regrading and any safety implications. This investigation shall be submitted to and approved in writing by the Local Planning Authority. Any remedial works required to ensure the continued stability of the ground shall be implemented prior to the commencement of development of the site.

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

11. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review, Policy 24 of the Joint Lancashire Structure Plan and Government advice contained in PPS25: Development and Flood Risk

12. Prior to the commencement of the development full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the future management of the proposed existing residents parking spaces detailed on plans reference 07/170 AL-001B. The site shall thereafter be managed by the approved Management Company.

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

13. No dwelling hereby permitted shall be occupied until that part of the service 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.

14. No dwelling hereby permitted shall be occupied until the highway alterations to the site access and Preston Road have been completed in accordance with the details shown on plan reference AL(00)-001 , or as otherwise agreed in writing by the Local Planning Authority.

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

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

16. 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.
