

Item A.2 **08/00433/FULMAJ** **Permit (Subject to Legal Agreement)**

Case Officer **Mrs Nicola Hopkins**

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

Proposal **Erection of 25 residential properties, access alteration and provision of existing residents parking to the rear of 243 - 289 Preston Road,**

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

Applicant **Wainhomes Developments**

Proposal The application relates to the erection of 25 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. A subsequent application was submitted in January 2008 for 27 dwellings on the site which was refused at Development Control Committee in April 2007.

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 8 two storey properties, 4 two and a half storey properties, 7 three storey properties and 6 apartments. The development includes terraced and semi-detached properties and the 6 apartments will be located within a three storey property.

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

07/01355/FULMAJ- Erection of 27 residential properties, access alteration, and provision of existing residents parking. Refused April 2008

Representations

Clayton le Woods Parish Council wish to reiterate their previous objections which relate to increased traffic exiting onto Preston Road

10 letters of objection have been received raising the following comments:

- Three storey properties out of character
- Create overlooking, loss of light and loss of privacy
- 25 houses will have an effect on the character of the area
- Impact on highway safety and parking
- Lack of parking
- Impact on wildlife, nature conservation and trees
- Impact on drainage and flooding
- No children's play facilities in the area
- A smaller number of two storey dwellings would be more in keeping with the area
- The plans are not available on the web-site
- Too many properties- overdevelopment
- The parking facilities offered to the existing residents is not sufficient
- The properties on Preston Road have a right of access to the rear
- The FFL have increased by approx 0.5-0.75 metres
- Concerned with access to the back of the properties on Preston Road
- No provision for cycle storage
- Is the affordable housing provision the best balance for the community?

Consultations

United Utilities have no objection to the proposal subject to various conditions/informatives

Corporate Director (Neighbourhoods) has made the following comments:

- Condition relating to contamination required
- The applicant should consult the Council's 'Waste Storage and Collection: Guidance for New Developments' document in order to address household waste and recycling.
- The bin storage details are acceptable

Lancashire County Council (Planning) the principle has been established and Director has no comments to make

Lancashire County Council (Highways) have made various comments on the scheme, the road width and the parking spaces. Through further consultation with the Engineer he considers that the scheme is acceptable to enter into a legal agreement.

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.

Planning permission was granted for the erection of 25 dwellings on this site in October 2007. The current scheme is identical to the approved layout with the only change being the fact that the applicants, Wainhomes Developments, have substituted the approved house types with their own house types.

The site covers 0.8 hectares and as such the erection of 25 dwellings results in a density of approximately 31 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 four previous planning applications at the site for the redevelopment of the site for residential dwellings (02/0160/OUTMAJ, 05/00888/OUTMAJ, 07/00684/FULMAJ and 07/01355/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. The permission is extant and could still be implemented. The submitted scheme is identical to the approved layout apart from the house types which have been substituted to Wainhomes house types and there have been some minor changes to the parking layout in the south-east corner of the site.

A subsequent application was refused in April 2008 for the erection of 27 dwellings on the site as it was considered this would lead to overdevelopment and the number of parking spaces was not sufficient. The current scheme however is identical to the approved scheme in terms of number of dwellings and there is an increase in the number of car parking spaces compared to the approved scheme.

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 legal agreement with the Highway Authority.

In respect of the internal road layout the scheme is identical to the previously approved scheme. The Highway Engineer has made comments on the scheme however he was not aware that planning permission has been granted and could still be constructed for an identical highway layout. The Highway Engineer does consider that the site is generally acceptable and adequate to enter into a legal agreement with the Highway Authority. The applicants, however, have amended the scheme to accommodate the Engineer's suggestions, where possible.

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 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.

The scheme provides for slightly less than 2 car parking spaces per property which is considered acceptable as parking standards are now expressed as maximums and due to the highly sustainable location of the site. Additionally 8 dedicated car parking spaces will be provided behind the northern terrace for the residents along Preston Road.

Full details of the bin storage provision for the apartments have been submitted. Bin storage associated with dwellings will be located within the private curtilages. The Council's Environmental Services Section have confirmed that the bin storage details for the proposed apartments are acceptable.

Housing Provision

The proposal incorporates the erection of 25 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 25 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 originally 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. 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.

The layout of the scheme is identical to the approved scheme the only change is the fact that the house types have been changed and minor changes to the parking layout in the south west corner of the site. A number of concerns have been raised about the introduction of three storey properties however the erection of three storey properties in the site was established by the grant of planning permission in 2007 which incorporated three storey properties.

The current scheme incorporates a mix of two, two and a half and three storey properties. The location of these properties and the heights of the properties are identical to the approved scheme. The house on plot 1 is two and a half storey although the height has been altered to ensure it appears as a two storey dwelling. The proposed dwelling is only 0.2 metres higher than the approved dwelling. The properties closest to 241-267 Preston Road are all two storey and are 0.4 metres lower than the dwellings which were previously approved on these plots.

The principle of three storey properties has already been established at the site with the grant of planning permission and as the amended scheme incorporates three storey properties in identical locations to the approved scheme, which could still be constructed, the scheme is considered acceptable.

Impact on the neighbours amenities:

The layout of the dwellings is identical to the approved scheme which accords with the Council's approved spacing standards. As such it is not considered that the proposal will adversely impact on the neighbours amenities.

One neighbour has raised concerns with the proposed Finished Floor Levels and the fact that they have increased compared to the previously approved application. The proposed finished floor levels are slightly higher than the previously approved scheme however the properties on plots 24 and 25 are actually lower in height than the approved scheme and adequate separation distances are retained between the proposed properties and the existing properties.

A number of the neighbours have raised concerns in respect of access to the rear of the properties along Preston Road. This is a private issue between the residents and the developers however the Design and Access Statement, as amended, states that a surfaced pedestrian access to the rear of the southern terrace to the east will be provided to enable residents to take their bins to a bin collection site at the southern end of the terrace.

Conclusion

It is established that the principle of redeveloping the site for residential purposes is acceptable. The current scheme is identical to the approved scheme at the site in terms of dwelling layout and dwelling numbers and as such the proposal is considered to be acceptable.

**Recommendation: Permit (Subject to Legal Agreement)
Refuse if Section 106 Agreement is not signed prior to 28th July 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. 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.

3. 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.

4. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the 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.

5. 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.

6. 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.

7. 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.

8. 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

9. 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

10. 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 07/029 AL0001A. 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.

11. 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

12. 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.

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.
