

Item A.1 **08/00928/OUTMAJ** **Outline App Permitted with Legal Agmnt**

Case Officer **Mr Andy Wiggett**

Ward **Chorley North West**

Proposal **Proposed erection of 19 No two storey dwellings and associated works**

Location **Rydal House Chorley Hall Road Chorley PR7 1RJ**

Applicant **Lancashire County Council**

Proposal The application is in outline form for the erection of 19 dwellings and involves the demolition of and reuse of the site of a Social Services building on Chorley Hall Road. The application includes details of the house types and their location. Access will be taken from Chorley Hall Road.

Policy **Regional Spatial Strategy to 2021** – Policy L4 Regional Housing Provision
Chorley Borough Local Plan Review –Policies HS4, HS5, HS6, TR4, HS21

Planning History **06/00303/CTY** – Erection of two storey detached eight bedroomed house, garden and car parking - approved

Consultations **Highways Authority** – in its present form the application should be refused. The access and roadway should be to an adoptable standard including visibility splays, adequate levels of off road parking spaces and parking space dimensions.
Architectural Liaison Advisor – concerned about the underpass between plots 13 and 14 and the associated bin stores. This type of design is known to be the subject of criminal and anti-social behaviour. Note that the development is to be to Secured by Design standard.
Environment Protection – There is the potential for ground contamination from activities adjacent to the site. A Grampian condition should be attached requiring that a full ground contamination investigation and assessment be carried out together with any necessary remediation works.
Coal Authority – standard comments

Representations 7 objections have been received raising the following issues

- Concern that the proposed housing will affect the privacy of the adjoining nursery. Can a suitable fence be provided?
- Extra traffic will be generated by the development. Chorley Hall Road cannot cope. Dangerous access conditions onto the A6 will be made worse.
- Two storey properties will overlook the adjacent bungalows and ruin their privacy
- Concerned as to the status of the mound on the site
- Design of the layout is out of character with the area
- Development is at too high a density

Applicant's Case

- The buildings are no longer needed for their original purpose
- The site is in a sustainable location within the settlement boundary
- It is intended that the houses will be constructed to achieve Level 3 on the Code for Sustainable Homes
- The scheme will be designed to Secure by Design standards

Assessment

The main issues raised by this application concern design and appearance, impact on the amenity of adjoining properties, highway matters and environmental concerns.

Design and Appearance

The application includes details of the layout for 19 dwellings together with an indication of the house types which would comprise 18, 3 bed 5 person houses and 1, 4 bed, 6 person house. This would be accessed from a single point on Chorley Hall Road and lead in to a cul-de-sac with parking courts at the head of the cul-de-sac. No details of the external appearance of the houses has been submitted and this will be dealt with at the reserved matters stage. However, although the development across the road is made up of bungalows and there are bungalows to the east of the site, the property to the rear and west further along Chorley Hall Road is made up of two storey property. It is not considered that the development of the site as proposed will have an adverse effect on the street scene.

Neighbour Amenity

The nearest proposed house would be 25 m from a bungalow opposite on Chorley Hall Road and it is considered that this is a sufficient distance not to adversely affect the amenity of the bungalows although the site is about a metre in height above them. With regard to No. 4 Chorley Hall Road, the houses satisfy the 10m guideline in relation to the boundary fence and garden area. This equally applies in relation to Nos. 13 and 17 Preston Road. The proposed dwellings would be at least 24m from the property on Highfield Road North and it is not considered that their amenity will be affected by the development. The proposed houses would be located some 17.5m from the adjoining property No.6 Chorley Hall Road but at a 45degree angle. In this situation it is not considered that the amenity of that property will be affected.

Highway Considerations

The Highway Authority considered that the originally submitted scheme was not acceptable and the applicant has since prepared a new layout which overcomes most of the objections raised. The only exceptions are with regard to the width of the access road which does not meet the County standards for adoption. However, in the Manual for Streets it is acceptable to have an access road at the 5m in width indicated, as this is the minimum required to allow a car and commercial vehicle to pass. It will,

therefore, be necessary for a condition to be attached requiring details of a maintenance agreement for the internal roads and parking areas to make the application acceptable to the Local Planning Authority. The amended layout now shows satisfactory visibility splays onto Chorley Hall Road.

Several objectors have raised the issue of the inadequacy of the width of Chorley Hall Road to the east of the site towards Preston Road and its ability to cope with the extra traffic generated. They also claim that the development will give rise to traffic problems in trying to gain access to Preston Road. However, there have been no objections from the Highway Authority on these grounds.

Environmental Issues

The Corporate Director (Neighbours) has stated that there is a potential for ground contamination and requested that a Grampian condition be attached requiring a ground condition survey and any recommended remedial measures be carried before development commences.

As there are several mature trees on the site, which will be retained, it is recommended that a condition be attached requiring a survey of the buildings to be demolished for the presence of bat roosts and any compensation measures necessary to make the development acceptable. As the site consists entirely of buildings and mown grass it is not considered necessary to require an ecological survey.

Conclusion

The County Council no longer requires the buildings currently on the site. It is considered that the amended scheme satisfies the Council's development guidelines with regard to amenity and with conditions, can be made to meet the comments put forward by consultees. A residential use of the site is considered appropriate and without support from the Highway Authority a refusal on traffic grounds could not be substantiated. There is a need for a legal agreement to be entered into to secure the necessary contribution towards playspace provision in the area and for 20% of the houses to be affordable.

Recommendation: Outline App Permitted with Legal Agmnt Conditions

1. No development shall take place until a survey has been carried out by a competent person of the existing buildings on the site for the presence of bats. The results of the survey shall be made available to the Local Planning Authority and any recommendations for compensation measures should a bat roost be found agreed in writing by the Local Planning Authority before development commences. The necessary works shall be carried out before building work on site commences.

Reason: to secure the preservation of protected species in accordance with Policy EP3 of the Adopted Chorley Borough Local Plan Review.

2. Before the development hereby permitted is first commenced, full details of the following reserved matters namely design and appearance and landscaping shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The permission is in outline only and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

3. 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.

4. 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.

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. 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 driveway, resident's parking spaces and refuse storage/collection at the site and in accordance with Policy TR4 of the Adopted Chorley Local Plan Review.

7. No development shall take place until:

- (a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with 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 Site – 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 mitigation 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 shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such

time as further remediation proposals 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 in accordance with the guidance in PPS23.

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 to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

9. The development hereby permitted shall be carried out in accordance with the amended plan received on the 5th November 2008.

Reason: To define the permission and ensure a satisfactory form of development.

10. 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.

11. The application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show the on-site measures to be installed and implemented so as to produce a minimum of 10%, or locally set targets (whichever is the higher) in place at the receipt of the reserved matters, of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area, in line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1 and Chorley Borough Council's Sustainable Resources DPD.
