

Item 3	08/01166/OUT Outline App Permitted with Legal Agmnt
Case Officer	Mr Andy Wiggett
Ward	Chorley South West
Proposal	Outline application for the erection of two detached houses
Location	Land 50m North East Of Four Leaves Clover Road Chorley
Applicant	Redrow Homes (North) Ltd
Proposal	The application, which is in outline form, proposes the erection of two detached house on a vacant plot of land at the end of Clover Road in Chorley.
Policy	GN1, GN5, HS1.6, HS4, TR4
Planning History	The site formed part of the Gillibrand Master Plan area and is allocated for residential development in the Adopted Local Plan. Planning permission was granted for the wider area including the application site in 1996. Planning permission was granted in 1998 for nine dwellings on the site and in 2001 planning permission was granted for the erection of one dwelling on the land.
Consultations	LCC Highways – no objections Neighbourhoods – the site lies within 50m of a former landfill site (Kingsley Wood). Details of gas control measures should be submitted for approval by LPA. There is a risk of ground contamination and a site survey and risk assessment is required and a suitable condition should be attached Coal Authority – standard comments
Representations	- Informed that no building proposals would be accepted on the land when bought house. - In 1999 the Council and developers entered into an agreement not to allow more than one house to be built on the land. To allow the proposal would be in breach of the agreement. Also wish to object on the grounds of highway safety in that Clover Road is a shared surface. The approved plans for Gillibrand show a footpath/cycleway going through the site.
Applicant's Case	<ul style="list-style-type: none"> • The planning history of the site confirms that residential development on the site is appropriate • Dwellings shown on the illustrative plan indicate that they will not impact on neighbouring houses • The site is in a sustainable location <p>AssessmentThe principle of residential development on the site has been established as part of the Gillibrands Master Plan and subsequent planning applications. The illustrative layout indicates a layout which is acceptable and will not impact on the adjoining houses. The footpath/cycleway can be redirected around the house plots and back onto Clover Road in the event</p>

of it being implemented.

Conditions can be attached to deal with the issue of potential landfill gas ingress and ground contamination.

The Highway Authority has no objection to the development and the erection of two dwellings is not considered likely to generate such a high level of vehicular traffic as to make it unacceptable.

The issue of the legal agreement limiting the number of dwellings to one has been considered and the view has been taken that this does not fetter the discretion of the Council, as Local Planning Authority, to determine the application. Covenants on the land may prevent the permission from being exercised but the applicant will have to take steps to resolve that issue.

Conclusion The development proposed is acceptable. The issue of the legal agreement complicates the matter for the applicant in that without resolution the development cannot take place.

Recommendation Grant permission subject to a S106 agreement.

Recommendation: Outline App Permitted with Legal Agmnt 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 not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: In the interests of safety and in accordance with the guidance set out in PPS23 – Planning and Pollution Control 2004.

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. 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.

5. 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.

6. Before the development hereby permitted is first commenced, full details of the measures to be incorporated into the development to prevent the ingress of landfill gas shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall only be constructed in accordance with the approved scheme of landfill gas ingress prevention measures.

Reason: To protect occupiers from the ingress of landfill gas and in accordance with the guidance in PPS23