

Item 9	08/01070/FUL	Permit Full Planning Permission
Case Officer	Mrs Nicola Hopkins	
Proposal	Erection of one detached dwelling on land to the rear of 62 Lancaster Lane, Clayton Le Woods (utilising access road approved by 07/00685/FUL and 08/00862/FUL	
Location	Land 73m South Of 62 Lancaster Lane Clayton-Le-Woods	
Applicant	Wainhomes Developments	
	3 letters of objection have been received Consultation expiry: 24th February 2009 Application expiry: 20th March 2009	
Proposal	<p>The application relates to the erection of one detached dwellinghouses on land to the rear of 62 Lancaster Lane. The proposed property will be accessed via the site which was granted planning permission on appeal (07/00685/FUL) and a previous planning application for 2 detached dwellinghouses (08/00862/FUL).</p> <p>The site forms part of the rear garden area associated with 62 Lancaster Lane. The application site is 0.08 hectares in area.</p>	
Summary	<p>The principle of redeveloping the rear garden areas within this area has been established by the appeal which was allowed. This proposal represents an amendment to and extension of the proposal allowed at appeal. It is not considered that the addition of two houses will have an adverse impact and as such the proposal is considered to be acceptable.</p>	
Planning Policy	PPS 1, PPS 3, PPS 9, PPS 23. Policy ER5 (NWRSS). GN1, GN9, EP4, EP9, HS4, TR4. Managing Housing Land Explanatory Note (ACBLPR)	
Planning History	<p>95/00193/FUL (Number 62) - Two-storey side and single-storey rear extensions. Approved May 1995</p> <p>06/01121/FUL (Number 62) - Erection of garage extension to side, conservatory to rear and formation of pitched roof over existing rear extension. Approved November 2006</p> <p>07/00124/FUL- (Number 54) Demolition of existing dwelling and the erection of 7 detached houses. Refused April 2007</p> <p>07/00685/FUL- (Number 54) Demolition of existing dwelling and erection of 5 detached houses and 2 bungalows. Refused September 2007. ALLOWED ON APPEAL</p> <p>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</p>	

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 Withdrawn

07/01423/FULMAJ- Demolition of 54 Lancaster Lane and the erection of 19 No. new dwellings including associated infrastructure on land to the rear of 46 to 60 Lancaster Lane. Refused March 2008. Appeal withdrawn

08/00855/FULMAJ- Demolition of 54 Lancaster Lane and the erection of 19 No. new dwellings including associated infrastructure on land to the rear of 46 to 60 Lancaster Lane. Withdrawn

08/00862/FUL- Proposed construction of 2 detached dwellinghouses with associated infrastructure and plot substitution on plot 5 of previously approved application 07/00685/FUL (now plot 7 on the proposed scheme). Approved October 2008

Applicant's Case

The following points have been submitted in support of the application:

- The application is previously developed land in a highly sustainable location and is therefore appropriate for residential development
- The design of the scheme is appropriate for this location and takes full account of the need to preserve the amenity of neighbours
- The proposals conform to the policies of the adopted development plan
- 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 the development
- The development would further diversify the housing types available within the locality, giving access to properties suited to an ageing population with easy access to local shops and facilities.

Representations

3 letters of objection has been received raising the following points:

- The site does have protected priority species
- The proposal would require the inclusion of affordable housing
- Will set a precedent for further additions to the development
- The access road is not acceptable- private driveway is inadequate
- Loss of privacy, overlooking, amenity and destruction of the character of the area
- No landscaping or tree protection scheme put forward
- Will create a 'berlin wall' effect when viewed from existing properties
- Where are the positive benefits of the development
- The developments pays no heed to the environment
- Potential impact on bats and great crested newts

Consultations

Lancashire County Council (Highways) have objected to the scheme on the fact that the access is unacceptable and will be unable to be served by the bin wagons

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, two applications on the site of 54 Lancaster Lane, one application to the rear of 46 and 48 Lancaster Lane and one application to the rear of 46-60 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 applicant appealed the second refusal at 54 Lancaster Lane which was allowed on appeal. The decision is a material planning consideration when assessing any further applications at the site. Following the appeal decision an application was submitted (08/00862/FUL) to erect two dwellings to the rear of 60 Lancaster Lane associated with the development allowed on appeal. This application was allowed and resulted in a development of 9 new dwellings accessed from Lancaster Lane adjacent to 50 Lancaster Lane.

This current proposal incorporates the addition of a further dwellinghouse on land to the rear of 62 Lancaster Lane which will be associated with the two previously approved schemes and will, if approved, result in a development of 10 new dwellinghouses. All of the previously approved dwellings and this proposed dwelling will be accessed via one access junction from Lancaster Lane.

Layout

The layout results in a relatively low density development. The whole site, including the two previously approved sites, equates to approximately 0.48 hectares. The erection of 10 dwellings on this site results in a density of approximately 20 dwellings per hectare. This is below the 30 dwellings per hectare set out within PPS3 however a low density development is considered to be appropriate on this site as it allows a more spacious development with each property incorporating private garden areas.

The Inspector commented on the layout and integration into the surrounding area in his decision in respect of the appeal at 54 Lancaster Lane. He commented that each wave of development in the area had opened up land in slightly different ways. He, therefore, did not consider it inappropriate for the development of the further backland to adopt a further variation.

The proposal is a cul de sac arrangement which incorporates one access point off Lancaster Lane. The Appeal Inspector commented that the previous scheme would reflect the earlier cul-de-sac pattern within the area. The appeal at 54 Lancaster Lane was allowed and as such could be commenced, subject to compliance with the conditions. If similar applications were submitted on the adjacent plots it would be difficult to resist them and would create various access points off Lancaster Lane. The

Appeal Inspector did not consider this to be a concern however it is considered that the current proposal will ensure that only one access point onto Lancaster Lane will be required which will benefit the character of the area and vehicle movements along Lancaster Lane.

Highways

The Highways Engineer at Lancashire County Council has objected to the scheme in respect of the access arrangements however this scheme involves an extension to a development which can be constructed as it was allowed on appeal and as part of the previously approved application. This application does not include the highway access off Lancaster Lane which will serve the development as this will be constructed as part of the previous approvals. The Highway Engineers concerns relate directly to the suitability of the access from Lancaster Lane which is not being considered as part of this planning application and can be constructed as part of the approved scheme. As such there are no grounds for refusal on highway safety. It is not considered that one additional dwelling served off this access road will have a detrimental impact on highway safety in the area.

The proposed dwellinghouse incorporates an integral double garage and parking space to the front of the garage accommodation. The internal garage space is relatively small and not suitable for a large car however this house type has been approved elsewhere on the site, there is outside in curtilage parking space provided and a condition will be attached requiring the garage to be retained as a garage. As such the parking proposed is considered appropriate for the size of dwelling proposed.

In respect of refuse collection it is not intended that the development or highway will be adopted and therefore will be maintained by a private management company. The Highway Engineer has raised concerns about refuse vehicles entering the site however, as set out earlier, the access arrangements have planning approval. It is appreciated that refuse vehicles will be unable to enter the site however refuse collection will have to be managed by the private management company responsible for the site. Full details of the Management Company, including details of refuse collection management, will be required by condition. A refuse collection point is proposed as part of the development allowed on appeal.

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.

Impact on the Neighbours

The proposal incorporates the erection of a two storey, four bedroom, detached dwellinghouse. The property is a Cambridge

house type which has been approved on adjacent parcels of land and as such will integrate well into the character of the whole development.

11 metres of rear garden space is proposed and 23 metres is retained between the rear of the proposed dwellinghouses and the rear elevation of 31/33 Kirkby Avenue. 14.5 metres is retained between the front elevation of the property and the private garden area retained as part of 62 Lancaster Lane. All of these distances accord with and actually exceed the Council's required spacing standards and as such the proposal will maintain the amenities of the existing and future residents.

Response to the neighbours concerns

Several concerns have been raised by neighbours to the application site. The Ecologist has previously commented on the redevelopment of the back gardens along Lancaster Lane with particular reference to protected species. In respect of Great Crested Newts the Ecologist has previously commented that Great Crested Newts have been recorded in the area, however it is unlikely that they will occupy habitats within the application sites. There are trees on site which have the potential to support bat roosts however these trees are protected under TPO 6 (Clayton le Woods) 2007 and will be retained as part of the development. The originally submitted layout did not detail the protected trees however an amended plan has been requested incorporating the trees. As such any potential bat roosts will not be affected by the development. Any future residents wishing to remove the trees will require an application to the Local Authority and adequate justification will be required.

Affordable housing will not be required as part of this development, even if the whole scheme was being applied for, i.e. the erection of 10 dwellings, affordable housing would not be required. Following the adoption of the NW Regional Spatial Strategy, which superseded the Joint Lancashire Structure Plan, the relevant Planning Policies are Policy L5 of the Regional Spatial Strategy and Policy HS5 of the Adopted Local Plan. These Policies require 20% on site affordable housing however this requirement only applies if the total number of dwellings is 15 or more. This figure is derived from Government advice contained in PPS3.

The access road serving the proposal and the adjacent parcels of land will be a private access road which will be managed by a private management company. The Appeal Inspector accepted that this solution was acceptable. As the refuse vehicles will not be able to serve the whole site management arrangements will have to be enforced to ensure the bins are sited in a suitable location on collection days. This will form part of a condition.

An extension to an approved residential development ensures that all the proposed dwellings will utilise one access road. The Appeal Inspector did not raise any concerns with various access junctions off Lancaster Lane and as such it would be difficult to refuse applications for new residential development in the rear garden areas with individual access points off Lancaster Lane on highway safety grounds. This proposal ensures that only one access junction is required off Lancaster Lane which will benefit highway safety and the character of the area.

The site falls to be considered brownfield land and as such its redevelopment is considered acceptable in accordance with Government advice contained in PPS3: Housing. Full details of the proposed landscaping will be dealt with by condition. As set out earlier the scheme exceeds the Council's required spacing distances ensuring that the amenities of the existing and future residents are protected.

Section 106 Agreement

As this proposal incorporates the erection of 1 new dwellinghouse with more than one bedroom there is the requirement for the development to contribute to the provision of equipped play space in the Borough. This requirement is set out within the Council's Interim Planning Guidelines for New Equipped Play Areas associated with Housing Developments.

As such there is a draft Section 106 Agreement associated with this development which requires a commuted sum of £2526 which will contribute to equipped play space in the Borough. As this requirement is a material planning consideration the Section 106 Agreement will require completing and signing before the 8 week determination date or the application will be refused.

Conclusion

The principle of redeveloping the site for housing has been established by the appeal which was allowed. This scheme represents an extension to that development and the subsequent adjacent extension to the scheme, which was granted planning permission last year, which were both considered acceptable. The proposal will incorporate one additional dwelling served off one access drive via Lancaster Lane. It is not considered that the proposal will adversely impact on highway safety, neighbour amenities or the character of the area 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 20th March 2009

Recommendation: Permit Full Planning Permission 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 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.

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. Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including storage and collection of refuse, shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company in accordance with the approved arrangements.

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

7. Before the development is commenced the site shall be investigated for ground conditions, soil and groundwater contamination and landfill gas in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The investigation shall be undertaken to the satisfaction of the Local Planning Authority and details of all results, assessment and measures needed to render the development safe shall be submitted to and approved by the Local Planning Authority before the development is implemented. All such measures shall be implanted before the development is commenced or in accordance with a timetable to be agreed with 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 Planning Policy Statement 23 Planning and Pollution Control

8. 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.

9. 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 and the approved planning applications references 07/00685/FUL and 08/00862/FUL.

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

10. 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.

11. 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.

12. The garages 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. TR4 of the Adopted Chorley Borough Local Plan Review

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to D), 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.
