

**Item 2**                      **09/00070/OUT Permit Outline Planning Permission**

**Case Officer**            **Mrs Nicola Hopkins**

**Ward**                      **Chorley South East**

**Proposal**                **Outline application for the erection of three dwellings (renewal of outline planning permission 06/01145/OUT)**

**Location**                **Land A At The Rear Of 63 And 67 Bolton Road Chorley PR7 3AU**

**Applicant**               **Mr J Brennan**

**Consultation expiry: 23<sup>rd</sup> March 2009**

**Application expiry: 31<sup>st</sup> March 2009**

**Proposal**                The application is an outline planning application for the erection of three dwellings on land to the rear of 63-67 Bolton Road, Chorley. This application is a renewal of an identical previously approved application (06/01145/OUT) which was approved under delegated powers in March 2007.

This outline application relates to access and layout. Matters relating to design, scale and landscaping will be dealt with at reserved matters stage. The purpose of this renewal application is due to the fact that the time period for submitting reserved matters in respect of the previous application expired in March 2009.

**Summary**                The principle of redeveloping the site for housing has been established by the previous grant of planning permission. This application is very similar to the previous application and involves the redevelopment of brownfield land which is considered to be appropriate in accordance with Government guidance.

**Planning Policy**        **National Guidance: PPS3, PPS23**

**North West Regional Spatial Strategy: Policies DP1, DP4, DP7, RDF1**

**Adopted Chorley Borough Local Plan Review: GN1, GN5, EP9, EP17, EP18, EP19, HS4, HS1.8**

**Planning History**      **98/00538/OUT-** Outline application for residential development of 5.3 ha. Approved 2000

**00/00329/REM-** Reserved Matters application for the erection of 107 dwellings and associated works. Approved 2000

**01/00212/REM-** Reserved Matters Application for the erection of 70 dwellings on plots 9-11, 14-65, 73-84, 86-87 and 93 and variation to house type on plots 17-19, 50-51, and 56-59 (amendment to 9/00/00329/REM to increase the slab levels of the houses). Approved 2001

**01/00823/REM-** Substitution of house types on plots 8-25 and the addition of plots 8a, 9a, 10a, 11a, 12a, 13a, 14a, 15a, 16a, 17a and 18a. Approved 2002

**03/00060/FULMAJ-** Substitution of house types on plots 35-53 and the addition of plots 39A and 44A. Approved 2003

**06/00910/OUT-** Outline application for the erection of five houses. Withdrawn

**06/01145/OUT-** Outline Application for 3No dwellings. Approved March 2007

**Representations**

None received

**Consultations**

**Corporate Director (Neighbourhoods)** no objection subject to a condition relating to contamination

**Lancashire County Council (Highway Engineer)** have no highway comments that affect the principle of development.

**Assessment**

**Principle of the Development**

As this application relates to the renewal of a previously approved planning application the main issue to consider is whether relevant Planning Policy has changed since the original grant of planning permission.

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 such the principle of redeveloping the site accords with Government guidance.

Additionally when outline planning permission was granted for the adjacent housing estate the application included the site subject to this application. Therefore the principle of housing development on this site has already been established. The owner of the land did not want to sell the site at the time of the reserved matters application and therefore this site was removed from the surrounding development.

It is considered that the principle of redeveloping the site for housing was established with the original grant of outline planning permission for the new housing estate (98/00538/OUT) and the previous grant of outline planning permission relating specifically to this site (06/01145/OUT). The site falls to be considered brownfield land in accordance with current Government guidance and as such the redevelopment of the site is considered to be appropriate.

**Housing Development**

The application is an outline application dealing with siting and access. Design, scale and landscaping will be dealt with the Reserved Matters Stage in the event that outline planning permission is granted.

The proposal incorporates the erection of three detached dwellings accessed via the road serving the adjacent housing estate. There are higher land levels on the site when compared with the adjacent dwellinghouses and as such locating dwellings at the current land levels could potentially detrimentally impact on the neighbours amenities.

Although only siting and access are being considered at this stage plans have been submitted demonstrating the proposed land levels and two storey dwellings. The land level of the site will be lowered to be more in keeping with the adjacent housing estate. By lowering the land levels it is considered that two storey dwellings can be accommodated on the site whilst maintaining the amenities of the neighbours and the future occupants.

### **Trees**

There are two sycamore trees along the north west boundary of the site which are covered by a Tree Preservation Order. On site it initially appears that there are three trees however one of the trees has a double trunk. When the original application was submitted a site visit was undertaken with the Council's Grounds Maintenance North Area Manager and he confirmed that the trees on site are protected however the Sycamore nearest to the proposed houses is in a poor state and dying. He has also confirmed that the Sycamores will survive on the proviso that the houses are constructed at a minimum of three metres away from the trees. However as the proposal incorporates changes to the land levels this will clearly impact on the trees. A condition will be attached to the planning permission requiring the replacement of the trees on the site.

In addition to the Sycamore trees there is also Ash tree adjacent to the application site which is a good specimen and worthy of retention. Due to the proposed levels changes across the site the development has the potential to impact on this tree however this tree has been protected by Tree Preservation Order 1 (Chorley) 2007. The agent for the application has been advised that this tree will require retention and the tree has been incorporated onto the layout plan.

### **Impact on the Neighbours**

The proposed dwellings will be located at a similar land level as the existing neighbours' dwellings in order to maintain the neighbours amenities. The house on Plot 1 replicates the building line of the neighbouring property at 47 Redwood Drive. No windows will be permitted in the side elevation of this property which serve habitable rooms and as such this property will not result in loss of amenity to the existing residents.

Over 37 metres is retained between the rear elevation of the dwellings and the rear of the dwellings on Bolton Road which exceeds the Council's 21 metre spacing standard required. Over 14 metres is retained between the front elevation of 15 Rosewood Close and the side elevation of the property on plot 3. There is a requirement to retain a minimum of 12 metres window to gable distance which, as demonstrated, the property on plot 3 maintains in respect of the existing dwellings on Rosewood Close.

45 Redwood Drive is sited at a lower land level than the application site and when the previous application was approved

the property on plot 3 was relocated further back into the site to maintain over 11 metres from the front elevation of the property to the common boundary. This was to ensure the neighbours' amenities were maintained taking into account the varying land levels. The originally submitted layout did not incorporate this set back however the plans have been amended to incorporate this set back.

The proposed dwellings can be accommodated on the site whilst maintaining and exceeding the required spacing standards and as such it is not considered that the proposed dwellings will adversely impact on the amenities of the existing or future residents.

### **Highways**

The Highway Engineer at Lancashire County Council has assessed the plans and considers that the scheme is acceptable. He has commented however that the proposed method of accessing the proposed properties from will be via a dropped crossing, not a radius entrance as shown. This will be a less expensive method than that shown and is the most appropriate way of accessing the site.

The agent for the application was made aware of this and the layout plan has been amended accordingly.

### **Conclusion**

The principle of redeveloping the site has already been established and redevelopment for housing is considered to be acceptable. Relevant Planning Policies have not changed which would result in the proposals now being unacceptable. As such the proposed renewal of the outline planning application is considered to be acceptable.

**Recommendation**    **Approve Outline Planning Permission (subject to the Section 106 Agreement)**

### **Recommendation: Permit Outline Planning Permission Conditions**

1. An application for approval of the reserved matters (namely design, scale, and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

*Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), 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.*

3. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.

*Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*

4. 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 area(s) 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.*

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 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.*

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. 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.*

10. 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 and Government advice contained in PPS25: Development and Flood Risk.*

11. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

*Reason: To ensure proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.*

12. Prior to the commencement of the development a copy of a desk top study of the site identifying any potential sources of land contamination associated with this development shall be submitted to and approved in writing by the Local Planning Authority. If the potential for contamination is confirmed, further studies by the developer to assess the risks and identify and appraise the options for remediation will be required.

*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 Government advice contained in PPS23: Planning and Pollution Control*

13. 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.*