

**Item 5**                      **09/00441/FULMAJ**                      **Permit (Subject to Legal Agreement)**

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

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

**Proposal**                              **Substitution of house types and inclusion of electricity sub-station, (amendment to part of site - reserved matters approval 07/01226/REMMAJ).**

**Location**                              **Formerly Multipart Distribution Limited Pilling Lane Chorley**

**Applicant**                              **David Wilson Homes North West**

1 letter of objection has been received  
Consultation expiry: 14th July 2009.    Application expiry: 7th September 2009.

**Proposal**                              The application relates to the substitution of house types at the former Multipart site, Pilling Lane. Planning permission was granted in January 2008 for the erection of 400 dwellings on the whole site. The site was split into two with Barratt Homes gaining planning permission for half the site and Redrow Homes gaining planning permission for the other half.

The half of the site subject to this planning application relates to the Barratts half of the site. David Wilson Homes have taken over part of this site and will be developing part of the site with their house type product hence why this application for substitution of house types has been submitted.

**Summary**                              The proposal incorporates substituting previously approved Barratt house types with David Wilson house types (as David Wilson Homes will be developing part of the site). The proposal results in a loss of 3 dwellings when compared to the previous approval. The proposal changes are very minor and are considered to be acceptable.

Planning Policy

PPS 1, PPS3, PPS23, PPG13. Policy DP1, Policy DP3, Policy UR7, Policy ER5 (NWRSS). Policy 7, Policy 12, Policy 21, Access and Parking SPG, Landscape and Heritage SPG (JLSP). GN1, EP4, EP9, EP10, HS4, HS19 (ACBLPR)

**Planning History**                      04/00934/OUTMAJ- Residential development including roads, sewers, open space, landscaping and associated works. Approved 07/01226/REMMAJ- Reserved Matters Application for the erection of 200 houses, with associated roads, footpaths, and works. Approved January 2008  
08/00419/REMMAJ- Substitution of house types and amendment to layout (amendment to part of site - reserved matters approval 07/01226/REMMAJ). Approved June 2008

**Applicant's Case**                      The following points have been submitted in support of the application:

- The development has been designed to provide a high quality scheme with its own unique identity and coherent character whilst incorporating some of the

detailing and styles found on buildings in the area.

- The layout does not affect any trees
- The density and mix of development reflects national guidance contained in PPS3
- The proposal adheres to the general design principles established through the reserved matters application in terms of storey heights, scale and massing.
- The principle for residential development on this site has been established by the extant outline and reserved matters permissions
- The proposed phase 2 scheme simply replaces the already approved dwellings with similar David Wilson house types.

**Representations** 1 letter has been received raising concerns with the development of the whole site. Concerns are raised in respect of the reference to cycle access onto Smith Street within the submitted Design and Access Statement

**Consultations** United Utilities have no objection  
Lancashire County Council (Highways) have no objection to this substitution provided the driveways are 6m in length at Plots D126 and D127, to ensure parked vehicles are clear of the highway areas.

**Assessment** **Principle of the Development**  
The principle of redeveloping the site for residential development was established with the grant of outline planning permission in April 2005 and the subsequent grant of reserved matters (07/01226/REMMAJ) in January 2008. The proposal incorporates the redevelopment of a brownfield site within a sustainable location. The whole site is approximately 10.1 hectares in area. 400 dwellings equates to approximately 40 dwellings pre hectare which is higher than the minimum 30 dwellings per hectare recommendation set out in PPS3. The site represents high density development which accords with the advice contained in PPS3.

#### **Amendments to the Approved Scheme**

The application relates to house substitutions and amendments to part of the Barratts half of the site. This application has been submitted as David Wilson Homes have taken over part of the site from Barratt Homes. The house substitutions are to enable David Wilson house types to be incorporated. The proposed amendments include:

- 17 originally approved dwellings will be substituted with 15 David Wilson House Types
- A double garage was originally proposed to serve both plots B122 and B123. This has been replaced with a detached single garage to serve plot 122
- Originally a pair of semi-detached dwellings were proposed on plots 172 and 173. One plot will be lost due to the need to put a sub-station on the site and the other plot will be accommodated by a detached dwelling.
- The proposals result in an overall loss of three dwellings compared to the approved scheme
- 12 four bedroom properties and 8 three bedroom properties will be replaced with 10 four bedroom properties and 7 three bedroom properties.

- One four bedroom 2 storey dwelling will be replaced with a sub station
- Four 2.5 storey properties and two 3 storey properties have been replaced with four 3 storey properties.
- The properties backing onto Southdowns Road are approximately 700mm higher than the properties previously approved on this part of the site.

### **Impact on the Neighbours**

The properties which back onto Southdowns Road (which are existing two storey residential properties) consist of 2 and 2.5 storey properties which identical in terms of storey height as the previous approval. Although the finished floor levels of the proposed dwellings will be a maximum of 700mm higher than the previously approved scheme the properties to the rear on Southdowns Road are at a higher land level than the application site. The siting of the proposed dwellings ensure that the Council's Spacing standards are exceeded ensuring that the amenities of the future and existing residents are retained. The level changes between the site and the adjacent land are significant and cross sections plans have been submitted with the application which demonstrate the change in land levels to the boundary of the application site (the boundary with Southdowns Road). The current land levels will be reduced which further reduces the impact on the residents of Southdowns Road. Where the level changes aren't as significant the rear garden areas will be graded down towards the rear of the proposed dwellings and a 1.8 metre high wall will be erected at the rear boundary. Where the level changes are more significant (plots 131-138) a retaining wall will be constructed within the garden areas of the properties with steps up to the higher part of the garden area. The retaining wall will be approximately 1 metre high and a 1.8 metre high close boarded fence will be erected along the rear boundary. The four 3 storey properties which are proposed to replace six 2.5 storey properties are sited within the development site and do not back onto the existing properties along Southdowns Road. In excess of 15 metres is retained between the main rear elevation of the property (this house type does incorporate a rear extension however this is only single storey) and the boundary which ensures that the proposals will not adversely impact on the property on plot 140 (which incorporates a two storey semi-detached dwelling).

### **Highways and Parking**

The proposed highway layout to serve the properties subject to this application is identical to the previous layout and approval of the highway layout does not form part of this planning application as it already has approval. The plot substitutions involve the erection of 3 and 4 bedroom properties. In accordance with the Council's parking standards 2 off road parking spaces are required for three bedroom properties whilst 3 off road parking spaces are required for 4+ bedroom properties. The properties on plots 126-127 incorporate integral garages, the properties on plots 122, 130, 131 and 134-138 incorporate detached single garages and the properties on plots 124-129 and 172 do not include garage accommodation but have off road driveway space. In order to adequately accommodate a car and bicycle the garage accommodation should measure 6 metres by 3 metres and 6 metres of driveway space is required per car. The originally submitted scheme did not incorporate adequately sized garages and some of the properties did not provide adequate driveway

space for the parking of vehicles in respect of the size of the dwelling. The applicant was made aware of the requirement and the plans have been amended to accommodate sufficient parking space.

### **Design and Appearance**

As set out previously the amended house types accord with the previously approved plans in respect of the storey height along the part of the site which backs onto existing residential dwellings. The proposal does incorporate replacing six 2.5 storey properties with four 3 storey properties however these properties face the central square which will accommodate the play area and will back onto other proposed dwellings on the site. It is considered that three storey properties in this location will create a strong visual character around the main square whilst maintaining adequate separation distances with the surrounding properties. The proposal also incorporates the erection of an electricity sub-station (replacing an approved dwelling). This will be a single storey brick built structure with a tile roof which will be in keeping with the character and appearance of the site and as such is considered to be acceptable.

### **Response to the Neighbours Concerns**

The neighbours concerns mainly relate to the development of the whole site and conditions attached to previous approvals. The residents along Smith Street were not consulted on this plot substitution application as it only relates to part of the site and the part it relates to is sited away from the part of the site which borders Smith Street. The Design and Access Statement does refer to a cycle access onto Smith Street however the applicant has confirmed that the reference only remained in the Design & Access Statement generically and the current application does not relate to this part of the site. As such it is not a matter for this application however it will be addressed in a future replan application. Barratt Homes will be developing this part of the site and they are happy to remove the link. Any future application from them will remove it. The applications have confirmed that the cycle/pedestrian link to Smith Street will be removed in accordance with the wishes of the residents, Councillors and officers

### **Section 106 Agreement**

The original outline planning approval incorporated a Section 106 Agreement which was directly related to that outline permission and subsequent reserved matters applications. As reserved matter approval has been granted at the site and this plot substitution application is dealt with as a full application amendments to the original S106 agreement are required to refer to this (and the previous) plot substitution application.

**Conclusion** The principle of residential development was established with the grant of outline planning permission and reserved matters approval. The amendments to the layout and house type substitutions to the application site are considered to be minor and as such the scheme is considered to be acceptable.

**Recommendation** Approve Full Planning Permission (Subject to the Section 106 Agreement

Refuse if the Legal Agreement is not signed by 7th September

## 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 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.*

3. 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.*

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. The external facing materials detailed on the approved plans shall be used and no others substituted without the prior written approval of the Local Planning Authority.

*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.*

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 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.*

8. 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.*

9. The development hereby permitted shall be carried out in accordance with the measures set out within the action plan of the Residential Travel Plan dated April 2009 (submitted under application 09/00374/DIS).

*Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review.*

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 site shall thereafter be managed by the approved Management Company.

*Reason: To ensure the satisfactory management of the unadopted highways and public open space and in accordance with Policies TR4 and HS21 of the Adopted Chorley Borough Local Plan Review.*

11. The site shall be remediated in accordance with BAE Environmental Remediation Strategy Report (Reference: A0356-02-R1-1). Upon completion of the remediation works a verification/ completion report containing any validation sample results shall be 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. 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.*

13. 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: In order to safeguard the residential amenity and character of the area and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review*

14. Prior to the commencement of the development full details of the proposed residents consultation procedure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information on how the residents will be kept informed on the progress of the development prior to commencement and during the development period. Additionally details of the main contact / site manager during the development shall be provided to the Local Planning Authority and the residents prior to the commencement of the development. The residents consultation plan shall be implemented and completed in accordance with the approved procedure.

*Reason: To ensure that the existing residents are fully aware of the progress of the development*

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