

APPLICATION REPORT – 20/00032/FULMAJ

Validation Date: 16 January 2020

Ward: Wheelton And Withnell

Type of Application: Major Full Planning

Proposal: Section 73 application to vary condition 3 (approved plans) attached to planning permission 12/00084/FULMAJ (Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure) to alter the positioning of plots 34-37 and alterations to elevations.

Location: Chimney And Building Withnell Fold Mill Withnell Fold Withnell

Case Officer: Mr Iain Crossland

Applicant: Mr Simon James, Primrose Holdings Limited

Agent: Tamara Ettenfield, DPP One Ltd

Consultation expiry: 10 February 2020

Decision due by: 5 June 2020 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that this section 73 application is approved subject to conditions and a supplemental section 106 agreement.

SITE DESCRIPTION

2. The application site is located in the Green Belt, at the western edge of the Withnell Fold Conservation Area immediately adjacent to the Leeds-Liverpool Canal. The topography of the site falls in an east to west direction towards the canal with the existing buildings set over a variety of levels. The buildings currently occupying the site are the remains of the former Withnell Fold paper mill, the majority being demolished in 1983. These remaining buildings are thought to have been used for packaging and distribution rather than the manufacture of paper. They have been altered both internally and externally with new, utilitarian buildings added. None of the internal fixtures or fittings remains. As such the site has an industrial character, whilst the locality more generally is made up of a cluster of dwellings and open agricultural land.
3. Planning permission was granted in August 2013 for the refurbishment and restoration of the chimney and associated building to form an office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure. The remaining mill chimney, there were originally two, and the buildings at its base have been refurbished and converted to offices and, therefore, the planning permission has been implemented and remains extant. The remaining buildings are to be demolished and replaced by a residential development of 37 units that retains the same overall massing as the original built form but adopts a sympathetic yet contemporary style using a mix of traditional and contemporary materials.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks to vary condition 3 (approved plans) attached to planning permission 12/00084/FULMAJ (Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure). The amended scheme would alter the positioning of plots 34-37, which comprises a row of town houses, alongside some associated alterations to the elevations. Primarily the alterations would result in the row of houses being split in two and repositioned approximately 12m to the east.

REPRESENTATIONS

5. Representations have been received from the occupiers of 7 addresses citing the following grounds of objection:
 - Loss of privacy
 - Loss of outlook
 - Loss of light
 - Impact on views from properties at Parke Mews.
 - The original scheme was designed following consultation with residents, who were largely supportive of the positioning of plots 34-37.
 - The proposed changes would result in the houses and gardens being too close together with no separation area between gardens.
6. Representations in support have been received from the occupier of one address.
7. Cllr Margaret France has raised concerns about the proposed changes to the position of several houses relative to the properties of Parke Mews.

CONSULTATIONS

8. United Utilities: No comments have been received.
9. Withnell Parish Council: No comments have been received.

PLANNING CONSIDERATIONS

10. Planning permission was granted in 2013 for the refurbishment and restoration of a chimney and associated building to form an office (class b1), the demolition of remaining buildings and the erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure (12/00084/FULMAJ) at Withnell Fold Mill. The restoration of the chimney and associated building took place in addition to the conversion to office use. The planning permission has subsequently been implemented and remains extant. This means that the development can be completed within an indeterminate timescale.
11. Following the works to the chimney there has been a hiatus in the progression of the scheme. During this time, and more recently, investigations have been carried out with a view to delivering the remainder of the scheme. In carrying out these investigations a surface water drainage network has been identified on site that had not been highlighted through previous investigations. Following discussions between the developer and United Utilities it became apparent that the drains cannot be diverted or built over, which impacts on the ability to develop plots 34 to 37 in their approved form.
12. In response to this impediment, and in seeking a practical solution to the issue, it is proposed to split the row of houses in two resulting in two pairs of semi-detached houses. This would allow one of the drains to run through the gap created in the centre of the two blocks. A further drain runs parallel with the canal through the position of the previously approved houses. In response it is proposed to reposition the dwellings approximately 12m further from the canal to the west and closer to the dwellings at Parke Mews to the east. This would avoid the drain to ensure an adequate degree of easement.

13. In addition to the repositioning of the dwellings there would be some internal rearrangement leading to some alteration of the window and door openings, although the general arrangement would remain the same.
14. The proposed repositioning and elevational alterations would have little impact on the appearance of the development as a whole and would continue to reflect the essence of the approved scheme. In addition, there would be no greater impact on the Green Belt as the scale and volume of the dwellings would remain the same. It is, however, noted that there would be an impact on the occupiers of dwellings at 5 to 12 Parke Mews as the dwellings at plots 34 to 37 would be repositioned approximately 12m closer to these properties and situated at a 2.7m higher level than previously approved.
15. The proposed amendment would result in the dwellings at plots 34 to 37 being located approximately 23m from the existing dwellings at Parke Mews and at least 12m from rear garden boundaries to these properties. They would also be repositioned at a higher level, but would continue to remain at a lower level relative to those dwellings at Parke Mews. The degree of separation that would be achieved is compliant with the guidelines sought by the Council from new developments, which requires a separation distance of 21m between dwellings in such instances, and a separation of 10m from garden boundaries.
16. Whilst it is recognised that the proposed amendments would result in a more noticeable impact on the occupiers of 5 to 12 Parke Mews, the proposed amendments comply with the Council's interface guidelines, and have the added mitigation of being in excess of the interface distances, whilst remaining situated at a lower level relation to Parke Mews. It is, therefore, considered that the impacts on outlook, light and privacy are of an acceptable level, given that the interface guidelines are designed to maintain appropriate levels of outlook, light and privacy between residential properties.
17. As part of the application the revised site plan makes provision for 4no. visitor car parking spaces adjacent to the canal and to the west of plots 34 to 37. This amounts to a change in the location and a reduction from the 12 parking spaces referred to in the original planning permission. It is noted, however, that the visitor parking spaces are not a requirement of the Local Highway Authority and were provided as a benefit as part of the development, therefore, whilst the numbers would be reduced some benefit would remain through additional parking for visitors. Given the necessity to alter the siting of plots 34 to 37 and the levels constraints on this part of the site, it is considered that the reduction in visitor parking as a benefit to the overall scheme is acceptable.
18. A phasing plan has been submitted as part of the application splitting the development into three distinct phases in order to facilitate its delivery. It is proposed that a number of conditions are altered to reflect this phasing and it is considered that the phasing of the development would have no harmful impact on the principle of the development or any associated impacts.

Other matters

19. Impact on views from properties at Parke Mews: Plots 34 to 37 would be more visible from Parke Mews as a result of the proposed amendments, and would affect views from Parke Mews, however, the impact on views is not a material planning consideration.
20. The original scheme was designed following consultation with residents, who were largely supportive of the positioning of plots 34-37: The proposed amendments are in response to the discovery of drains, the position of which was not known at the time the original scheme was consulted on. The proposed amendments can only be assessed on their planning merits at this point in time.
21. The proposed changes would result in the houses and gardens being too close together with no separation area between gardens: It is acknowledged that rear garden boundaries would be closer together, however, there is no requirement for separation between gardens.

CONCLUSION

22. The amended scheme would be a minor alteration in the context of the overall development, and the proposed changes would have no greater impact on the Green Belt or character of the area locality. Although there would be a greater impact on nearby neighbouring occupiers the impact on amenity is considered to remain acceptable. The application is, therefore, recommended for approval subject to conditions and a supplemental section 106 agreement.

RELEVANT HISTORY OF THE SITE

Ref: 83/00403/FUL **Decision:** REFFPP **Decision Date:** 23 August 1983
Description: Demolition of mill chimney and boiler house within conservation area

Ref: 91/00433/FUL **Decision:** PERFPP **Decision Date:** 9 July 1991
Description: Refurbishment for office use

Ref: 96/00770/FUL **Decision:** PERFPP **Decision Date:** 22 January 1997
Description: Refurbishment of existing building for office use

Ref: 02/00057/FUL **Decision:** PERFPP **Decision Date:** 15 March 2002
Description: Refurbishment of existing building for use as office

Ref: 12/00084/FULMAJ **Decision:** PERFPP **Decision Date:** 29 August 2013
Description: Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure

Ref: 12/00085/CON **Decision:** PERCAC **Decision Date:** 29 August 2013
Description: Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure

Ref: 16/00447/DIS **Decision:** PEDISZ **Decision Date:** 22 June 2016
Description: Discharge of conditions 4 (facing materials), 5 (windows & Doors), 6 (Archaeological building record) re 12/00084/FULMAJ for refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure

Ref: 19/00304/DIS **Decision:** PEDISZ **Decision Date:** 11 September 2019
Description: Application to discharge conditions nos. 7 (site investigation) and 12 (contamination) of planning permission ref: 12/00084/FULMAJ (Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hard standing, landscaping and infrastructure)

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

1. The approved plans are:

Plan Ref.	Received On:	Title:
PS-01	02/02/2012	Red-edged plan
PS-02	02/02/2012	Site plan
PS-03	08/02/2012	Block Plan
PS-04	23/03/2012	Apartment plans
PS-05	02/02/2012	Apartment elevations
PS-06	02/02/2012	Plot 10 plans
PS-07	02/02/2012	Plot 10 elevations
PS-08	02/02/2012	Plot 11 Plans
PS-09	02/02/2012	Plot 11 elevations
PS-10	02/02/2012	Plot 12 plans
PS-11	02/02/2012	Plot 12 elevations
PS-12	02/02/2012	Plots 13 & 14 plans
PS-13	02/02/2012	Plots 13 & 14 elevations
PS-14	02/02/2012	Plot 15 plans
PS-15	02/02/2012	Plot 15 elevations
PS-16	02/02/2012	Plot 16 plans
PS-17	02/02/2012	Plot 16 elevations
PS-18	02/02/2012	Plot 17 plans
PS-19	02/02/2012	Plot 17 elevations
PS-20	02/02/2012	Plot 18 plans
PS-21	02/02/2012	Plot 18 elevations
PS-22	02/02/2012	Plot 19 plans
PS-23	02/02/2012	Plot 19 elevations
PS-24	02/02/2012	Plot 20 plans
PS-25	02/02/2012	Plot 20 elevations
PS-26	02/02/2012	Plots 21 & 24 plans
PS-27	02/02/2012	Plots 21 & 24 elevations
PS-28	02/02/2012	Plots 22 & 23 plans
PS-29	02/02/2012	Plots 22 & 23 elevations
PS-30	02/02/2012	Plots 25 – 33 plans & elevations
PS-31a	02/02/2012	Proposed plot boundary treatment
PS-32	02/02/2012	Proposed drainage plan
PS-33	02/02/2012	Street scene elevations
PS-37	02/02/2012	Proposed sections
PS-38	02/02/2012	Site plan in context
PS-40	18/04/2012	Proposed access plan
WFM/19/12/001A	05/05/2020	Plan, elevations and site layout
WFM/19/12/002	16/01/2020	Site section
WF/20/04/001	30/04/2020	Phasing plan

Reason: To define the permission and in the interests of the proper development of the site.

2. The development of any new build elements within a phase hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) within that phase 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 the National Planning Policy Framework

3. Before the development of any new build elements within a phase hereby permitted commences, full details of the treatment of all the proposed windows and doors within that phase shall have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include the proposed method of construction, the materials

to be used, fixing details (including cross sections at a scale of 1:1) and their external finish including any surrounds, cills or lintels.

Reason: In the interests of the character and appearance of the building and in accordance with the National Planning Policy Framework.

4. The development hereby permitted shall be carried out in full accordance with the remediation proposals approved under application reference 19/00304/DIS and shall be verified post completion. 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.

5. The development of any new build elements and associated demolition hereby permitted shall not commence until the applicant has submitted to and received approval from the local planning authority in writing a 'Construction Traffic Management Method Statement' that shall include details relating to:

- Access arrangements;
- Construction vehicle routing;
- The management of junctions with and crossings of the public highway;
- The timing of delivery vehicle movements;
- Details of banksmen/escorts for abnormal loads;
- Temporary warning signing;
- Proposed accommodation works and where necessary a programme for their subsequent removal and the Reinstatement of street furniture, where required along the route;
- Traffic management on the existing highway network.
- Provide bond for full value of reinstatement.
- Approval is secured by the main contractor for the passage of all construction vehicles over all highway Structures from the relevant responsible authorities (ie canal, railway, highway over-bridge etc).
- The development shall be carried out in accordance with the approved Construction Traffic Management Method Statement, unless otherwise approved in writing by the local planning authority.

Reason: To ensure the safety of both residents and construction staff throughout the period of construction and to define acceptable timings for vehicle movements in order to safeguard the amenity of local residents.

6. The development of any new build elements and associated demolition hereby permitted shall not commence until the applicant has provided and received approval in writing from the Local Planning Authority details of the proposed access arrangements to include:

- A layout to ensure the provision of a 4.5 metre wide shared surface;
- A pedestrian safety rail/barrier;
- The footway layout at the entrance to the site;
- Traffic calming measures.

Reason: To ensure traffic safety for both vehicular and pedestrian movements in to, out of and within the site

7. No part of the development hereby permitted shall be occupied or used until a means of vehicular access has been constructed to at least base course level in accordance with the approved plans.

Reason: In the interests of highway safety.

8. Before the development of phase 3 hereby permitted commences the mitigation measures outlined in the ecological surveys entitled:

- Pennine ecological: Withnell Fold Mill, Chorley, Lancashire – Ecological Survey, Evaluation and Impact Assessment. November 2008, with updates in 2012;
- Mulberry: Arboricultural Implications and Method Statement ref PM/AIS/03/01/12;
- Ecology Services UK Ltd: Bat Survey 14 October 2010;
- 'Tree Survey'

shall be implemented in full, subject to any amendments required by Natural England at the licensing stage, and shall have been agreed in writing by the local planning authority.

Reason: To safeguard Ecology including protected species.

9. The development hereby permitted shall be carried out in full accordance with the approved scheme to deal with the risks associated with the contamination of the site approved under application reference 19/00304/DIS. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted to the Local Planning Authority. The scheme shall be implemented as approved, and any changes to these components require the express consent of the local planning authority.

Reason: To protect controlled waters from contamination.

10. No development of any new build elements within a phase shall commence until details of the proposed surface water drainage arrangements within that phase have been submitted to and approved by the Local Planning Authority in writing. No phase of the development shall be occupied until the approved surface water drainage arrangements relating to that phase have been fully implemented.

Reason: To secure proper drainage and to prevent flooding and to ensure flood risk is not increased elsewhere as a result of the development.

11. Prior to the occupation of any dwelling within phase 3 hereby permitted a scheme for the provision of public open space and play areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall include full details of any landscaping, earthworks, play and other equipment to be provided.

Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy No. HS21 of the Adopted Chorley Borough Local Plan Review (2003).

12. Before the development of any new build elements within a phase hereby permitted is first commenced, full details of the surfacing, drainage and marking out of all car parking and vehicle manoeuvring areas within that phase shall have been submitted to and approved in writing by the Local Planning Authority. The car parking and vehicle manoeuvring areas shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car parking and vehicle manoeuvring areas shall not thereafter be used for any purpose other than for the parking of and manoeuvring of vehicles. The submitted details shall also include signage to indicate that the four car parking spaces to the west of Plots 34 to 37 shall only be used by visitors to the Leeds and Liverpool Canal. The signage shall be erected prior to first occupation of Plots 34 to 37 in accordance with the approved details, and shall be maintained in a condition satisfactory to the Local Planning Authority at all times thereafter..

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and In order to ensure that access to the canal is improved and to encourage its use as a leisure and recreation resource for pedestrians and cyclists.

13. Before the development hereby permitted is first occupied, the car parking and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with

the approved plan. The car park and vehicle manouvering areas shall not thereafter be used for any purpose other than the parking of and manouvering of vehicles.

Reason: To ensure adequate on site provision of car parking and manouvering areas.

14. The integral garages shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.

15. Before the development of any new build elements within a phase 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 plan(s)) within a phase shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied within a phase before all walls and fences within that phase 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.

16. No dwelling within a phase hereby permitted shall be occupied until a scheme of landscaping within that phase 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 (in accordance with existing guidelines e.g BS 5837: 2005); 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. The scheme shall be implemented in full thereafter. The scheme shall demonstrate, amongst other things: adequate retention, protection and enhancement of bat foraging and commuting habitat; replacement pond creation and tree planting/woodland enhancement to offset tree losses.

Reason: In the interests of the amenity of the area and to be in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended) and The Natural Environment and Rural Communities Act 2006.

17. 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 within that phase 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.

18. No dwellings within a phase hereby permitted shall be occupied until details have been submitted to and been approved in writing by the Local Planning Authority regarding the design of external lighting to be installed within that phase, notwithstanding the details already submitted. The details shall include the model/make, exact dimensions and the fixing details of the lighting to be used and the proposed hours of illumination. Only the approved lighting scheme shall thereafter be used within the development. The scheme shall demonstrate avoidance of artificial illumination of bat foraging and commuting habitat (including but not limited to the canal, woodland edges and bat roost entrances).

Reason: To secure the appearance of the development and to safeguard the amenity of residents and to comply with the Conservation of Habitats and Species Regulations 2010 (as amended).

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorized by this permission).

Reason: To protect the appearance of the locality.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (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 dwelling(s) 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.

21. 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.

22. The development of phase 3 hereby permitted shall not commence until:
The prior acquisition of a licence from Natural England for the derogation of the protection of bats under the Habitats Directive, has been submitted to and accepted in writing by the Local Planning Authority.

*Reason: To ensure compliance with the following legislation:
The Conservation of Habitats and Species Regulations 2010 (as amended).*

- *The Wildlife and Countryside Act 1981 (as amended).*
- *The Natural Environment and Rural Communities Act 2006.*
- *The National Planning Policy Framework, 2012 (NPPF)*
- *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within the Planning System (DEFRA 01/2005, ODPM 06/2005).*

23. The development of phase 3 hereby permitted shall not commence until:
A mitigation/compensation scheme for impacts on nesting swallows/swallow nest sites has been submitted to and approved in writing by Chorley Council in consultation with specialist advisors. The approved scheme shall be implemented in full. The scheme shall demonstrate that the site will continue to support swallow nesting during the operational lifetime of the scheme.

Reason: To be in accordance with the following legislation:

- *The Conservation of Habitats and Species Regulations 2010 (as amended)*
- *The Wildlife and Countryside Act 1981 (as amended)*
- *The Natural Environment and Rural Communities Act 2006*
- *The national Planning Policy Framework 2012 (NPPF)*
- *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system (DEFRA 01/2005, ODPM 06/2005).*