

Item 5 **09/00850/FUL** **Permit (Subject to Legal Agreement)**

Case Officer **Mrs Nicola Hopkins**

Ward **Chorley South East**

Proposal **Re-plan of part of the site including the construction of 8 dwellings, parking court and associated garages (amendment to reserved matters approval 07/01226/REMAJ). Including the erection of 1 additional dwelling.**

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

Applicant **Barratt Homes Manchester**

Proposal The application relates to an amendment to the previously approved reserved matters application 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. Barratt Homes propose to amend part of their site which includes removing a footpath/cycle link to Smith Street which was originally approved.

Summary The proposal incorporates amending the approved layout and removing the footpath/cycle link to Smith Street. A few of the residents along Smith Street raised concerns with this access and it is considered that the amended scheme alleviates these concerns. The proposal results in the addition of an extra dwelling in this location when compared to the previous approval. The proposed 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/REMAJ- Reserved Matters Application for the erection of 200 houses, with associated roads, footpaths, and works. Approved January 2008

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

- The proposal is to rotate plots B80-B83 to allow them a frontage outlook into the development. These units faced the other way due to a continuation of Smith Street and a proposed cycle link both of which have been omitted.

- The proposal includes an extra Maidstone house type attached to plots B84-B86 together with the central roof gable to give these properties interesting elevational treatments
- The existing boundary wall will be retained and made good where required, this will allow the remaining properties surrounding the site a sense of privacy from the development whilst maintaining a good treatment to the development boundary

Representations None received

Consultations None received

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/REMAJ) 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 per 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 amendments to part of the Barratts half of the site. The originally approved scheme incorporated a footpath/ cycle link from the development onto Smith Street, which is a neighbouring residential street. Some of the residents along Smith Street raised concerns with this link and as there is a footpath/cycle link onto Grime Street close to Smith Street it was considered that the link onto Smith Street was not necessary as the nearby link onto Grime Street provided adequate linkages between the site and the surrounding area. The Developers were made aware of the concerns in respect of this link hence the submission of this application and the proposed amendments to this part of the site.

The proposed amendments include:

- Removal of the footpath/cycle link onto Smith Street
- Rotating plots B80-B83 to face into the development and back onto the boundary of the site
- The addition of one property attached to plots B84 and B85

Impact on the Neighbours

The proposed amendments only relate to a small part of the site. All of the properties proposed within this part of the site now face into the development and back onto the side gables of the properties on Smith Street and Poplar Street.

The proposed dwellings are two storey terraced properties which is typical of the properties within the surrounding area. From the rear of plots B84- B86 (including B123) 12.5 metres is retained to the side gable of number 18 Poplar Street. From the rear elevation of plots B82-B83 17 metres is retained to the side gable of 16

Smith Street. These measures exceed the Council's 12 metre window to gable standard spacing distance and as such the proposed dwellings will not adversely impact on the residents amenities.

Internally within the site plots B80-B83 have adequately sized gardens for the type of family dwelling proposed on this plot. Plots B84- B86 (including B123) only have 9 metre long gardens. 16 metres is retained between the front of the dwellings and the houses facing these properties on plots B87-B90 which reflects what was approved previously but does not meet the Council's 21 metre window to window distance. In certain situations reducing the distance between the front of dwellings can create an active overlooked street scene. As these properties overlook the footpath/ cycle link it is considered that a 'tighter' street scene in this location is appropriate. As this relationship has already been approved and relocating the properties further forward to create larger garden areas would further reduce the window to window distance it is considered that the proposed dwellings have adequate garden space to serve the type of dwelling proposed.

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 proposed amendments 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 Maidstone house types are 3 bedroom dwellings which have two allocated parking spaces within the adjacent car parking court. This provision accords with the Council's parking standards. The car parking court is a similar arrangement to the approved scheme.

Plots B80 to B83 have 2 off road parking spaces. Plot B80 has a driveway and garage to the side of the dwelling. The garage measures 6 metres by 6 metres (this is a double garage shared with plot B79) which accords with Manual for Street. 6 metres is retained in front of the garage to accommodate a car whilst the garage door is open, in accordance with Manual for Streets. Plots B81-B83 have 2 dedicated parking spaces each within the parking court.

Although 3 car parking spaces per dwelling should be provided for plots B80 to B83 this parking arrangement matches the approved scheme and as such it would not be possible to refuse this application on lack of parking. Additionally the parking court incorporates 3 visitors spaces which provides additional parking provision within this part of the site.

Design and Appearance

The proposed dwellings are very similar to the approved house types for these plots and as such the proposals are considered to be appropriate for this part of the site.

Trees

This part of the site accommodates a group of 8 trees which have formed part of the site since the factory was on the site. In order to access the proposed parking court two of the trees will have to be removed however the access has been orientated to ensure the majority of the trees can be retained and this arrangement was agreed as part of the approved reserved matters application at the site.

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 application is dealt with as a full application amendments to the original S106 agreement are required to refer to this 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 January 2010**

Recommendation: Permit (Subject to Legal Agreement) 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. 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.

4. 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.

5. The external facing materials detailed on plan reference 400/PM01 Rev A, received 23rd November 2009, 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 of the Adopted Chorley Borough Local Plan Review

6. 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.

7. 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.

8. 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.

9. 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

10. 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.

11. 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

12. 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.

13. 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.

14. 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.

15. 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.

16. The existing soil levels around the base of the trees to be retained shall not be altered.

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

17. Prior to the commencement of the development a schedule for the phased repair/replacement of the boundary walls shall be submitted to and approved in writing by the Local Planning Authority. The information shall include a structural report of the walls/boundary treatment and details of any retaining structures. The development shall be carried out in accordance with the approved schedule of works.

Reason: In the interests of the structural integrity of the site and the visual amenities of the area. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

18. Prior to the commencement of the development full details of the gate treatment, to secure the alleyway between plots B84-B123 and plots B82-B83, shall be submitted to and approved in writing by the Local Planning Authority. The gates shall thereafter be retained in perpetuity with access limited to the occupants of plots B84, B123, B82 and B83.

Reason: In the interests of the visual amenities of the area and to reduce any potential security issues. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

19. Before the development hereby permitted is first commenced full details of lighting proposals for the proposed parking court 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, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5 and EP21A of the Adopted Chorley Borough Local Plan Review.
