

Item **10/00820/FULMAJ**

Case Officer **Mr David Stirzaker**

Ward **Chorley East**

Proposal **Amendment to siting, design, landscaping and external appearance of planning consents 09/00749/FULMAJ and 02/00680/REMMAJ for residential development of site**

Location **Land Between Froom Street And Crosse Hall Lane Chorley**

Applicant **Morris Homes Ltd**

Consultation expiry: 10 November 2010

Application expiry: 10 December 2010

Proposal

1. The application incorporates amendments to a previously approved scheme. The previous scheme (02/00680/REMMAJ) incorporated the erection of 161 dwelling houses. An amendment to the original plans gained planning permission for 164 dwellings and a re-plan of the central part of the site permitted earlier this year (Ref No. 09/00749/FULMAJ) resulted in an increase to the number of dwellings across the site to 172. The current proposals incorporate amendments to the northern part of the site and seek to amend the layout, design, landscaping and external appearance of dwelling. The northern part of the site to which this application has been amended since the original permission was granted with the last changes on this part of this site being permitted in 2007 (Ref No. 07/01051/FUL).
2. The site is located between Froom Street and Cross Hall Lane, Chorley and covers a site area of 7.83 hectares. The principle of redeveloping the site for residential use was established as far back as 1988 with the grant of outline planning permission. In addition to this the site is allocated as a housing site within the Adopted Chorley Borough Local Plan Review.
3. The proposed amendments would result in the construction of 163 dwellings across the whole site which equates to a density of 20.8 dwellings per hectare. This part of the site which is the subject of this application covers 1.68 hectares.
4. The Government no longer recommends a minimum density of 30 dwellings per hectare following changes to PPS3 although this is a somewhat constrained site due to level changes across it which reduces the effective developable area. This is also due to Black Brook running through the centre of the site. However, whilst there is a reduction of 9 dwellings across the present application site, an increase of 8 dwellings was permitted earlier this year so overall, the number of dwellings across the whole site would be 163. In total, this is 2 more than originally permitted in 2002.
5. The applicant advises that the area of the site which is the subject of this application has a very poor mix of housing which consists of over 70% 2.5 and 3 storey mews properties with 3 bedrooms. This restricts the ability to sell the dwellings as it provides for a very niche market. The applicant advises that current market research has also confirmed that there is little demand for 3 storey townhouse living, as families are now gravitating to a more traditional 2 storey property with ground floor living accommodation linked to good sized gardens. The mix has been revised to reflect this demand but also to offer good repairing solutions to a number of weaknesses identified in the current scheme.

Recommendation

6. It is recommended that planning permission be granted subject to the signing of a section 106 legal agreement.

Main Issues

7. The main issues for consideration in respect of this planning application are:
- Principle of the development
 - Proposed amendments
 - Highways and parking
 - Ecology
 - Trees and vegetation
 - Section 106 agreement
 - Affordable housing
 - Public rights of way
 - Sustainability
 - Levels

Representations

8. No representations have been received from local residents. If any comments are received, they will be reported in the Addendum.

Consultations

9. The Director of People and Places does not raise any objections to the application.
10. LCC (Highways) have not made any comments on the application so any comments received will be reported in the Addendum.
11. LCC (Ecology) do not raise any objections to the application and state that removal of a culvert will allow the retention of 90m of bank side habitat so the ecological impact is a positive one. A condition is recommended requiring annual water vole surveys to be carried out with the results informing possible changes to the water vole method statement and habitat management plan.
12. Natural England do not raise any objections to the application subject to the submission and approval of an up to date method statement and management plan prior to works commencing on site. This can be made the subject of a condition.
13. LCC (Archaeology) do not raise any objections to the application.
14. United Utilities do not raise any objections to the application.
15. The Environment Agency does not raise any objections to the application.
16. British Waterways do not raise any objections to the application.

Assessment

Principle of the development

17. The principle of redeveloping the site for residential development has been established for a number of years. Outline planning permission was originally granted in 1988 to develop the site for residential purposes. Reserved matters were granted at the site in 2003 (02/00680/REMAJ). This permission related to the erection of 161 dwellings and the development is currently under construction on site.

Proposed amendments

18. The application relates to a part amendment to the previously approved scheme. The amendments relate to the northern part of the site which is adjacent to the canal and From Street. Black Brook runs through the centre of the site. The following amendments are proposed when compared to the originally approved scheme:
- There is no longer an access road over Black Brook linking the plots on the east and west of Black Brook towards the northern end of the site
 - The number of dwellings across this portion of the site is being reduced from 41 to 32
 - All of the properties apart from the ones on plots 88 and 89 are now detached and consequentially there are no longer any terraced properties with parking courts proposed
 - On the western side of Black Brook, 15 detached properties will replace 4 blocks of terraced properties (24 dwellings in total)
 - On the eastern side of Black Brook, 15 detached and 2 semi detached properties will

replace 14 detached properties and 3 terraced properties

- The majority of the dwellings will have 4 bedrooms with a small number having 3 and 5 bedrooms

19. With regards to the relationship with the approved housing, the only concern was the relationship of the property on plot 71 to the garden of plot 55 so the property on plot 71 has been moved to address this issue. The layout has also been amended at the northeastern corner to ensure that the dwellings still front onto the footpath link with Froom Street as per the originally approved plans to ensure there is natural surveillance. Bin collection points have also been provided to ensure Manual For Streets carry and collection distances are met.

Highways & parking

20. Access to the site is via Crosse Hall Lane. A bridge crossing the canal has been constructed and serves as the main access to the site. Planning permission was granted for this bridge in 1998 (98/00208/FUL). Pedestrian access is also retained onto Froom Street and Crosse Hall Lane. These access points will act as emergency access points for vehicles but will be gated to ensure that these access points are not utilised by public vehicles.

21. The revised layout incorporates mostly 4 bedroom properties with a small number of 3 and 5 bedroom properties all with traditional drives and either integral or detached garages. The originally approved scheme included 3 parking courts serving the terraced properties on the western side of Black Brook.

22. The dwellings proposed all have sufficient levels of parking available and in terms of refuse collection, bin collection points are to be provided to ensure the carry and collection distances accord with guidance in Manual For Streets whilst there is adequate space for a refuse collection vehicle to turn around at the head of the cul-de-sacs.

Trees & vegetation

23. Some of the trees across the wider site are the subject of Tree Preservation Orders. However, there are no such trees within the application site and the boundaries of the development with Froom Street and the canal are the same as the originally approved plan whilst the open land on either side of Black Brook is also the same as the approved plans. The reduction in the number of dwellings and density of the development does however provide more space for landscaping to the property frontages on either side of Black Brook which is an improvement over the originally approved plans hence there are no concerns with this aspect of the application.

24. The absence of a link between the plots on the eastern and western side of Black Brook will improve the visual amenities of the site by retaining a greater amount of open space between the plots facing each other.

Section 106 agreement

25. An original Section 106 Agreement was secured on the site for the provision of on site affordable housing along with a commuted sum for off site affordable housing. The legal agreement also covered open space provision. The agreement was originally signed in 1999 and a supplementary agreement was signed in 2003 requiring the payment of additional commuted sums.

26. As the approval of the reserved matters has obviously been granted on the site and the date for submitting reserved matters has expired, this application is dealt with as a full application. As such a supplemental S106 agreement is required to tie this application into the Section 106 obligations.

Affordable housing

27. In respect of the affordable housing the legal agreement specifies 20 low cost houses on site with a floor area of less than 85 square metres and 2 bedrooms or less. The house types originally agreed as the on site included the Thorpe, Bereford and Didsbury. It was envisaged that the size of the properties ensured that the properties would be affordable. However the legal agreement was signed a number of years ago and this model of affordable housing no

longer accords with the Council's definition of affordable housing. As such these properties do not form part of the Council's affordable housing numbers.

Public rights of way

28. A public right of way (Foot Path No. 4) runs through the site and this will be diverted following almost the same line as per the originally approved plan for this part of the site wherein it will link up with Froom Street to the north with a 3m wide path/cycleway which can also be used as an emergency access to the site. On this basis, there are no concerns with this part of the application.

Sustainability

29. Since the grant of reserved matters approval in 2003 the Council now has an adopted Development Plan Document and Supplementary Plan Document on Sustainable Resources which requires the submission of a Sustainability Statement. The applicants have submitted a Sustainability Statement as part of this application. However, the dwellings which could be constructed on the application site are subject to the 2002 building regulations. The applicant has however specified that the dwellings which are the subject of this application would be constructed with energy efficiency improvements to reduce carbon emissions by 10-15% over the dwellings that could be constructed under the older Building Regulations. The same issue was encountered with the application permitted in 2009 (Ref No. 09/00749/FULMAJ) for a re-plan of another part of the site. This permission included a specific condition requiring the applicant to submit full details of predicted energy use so as to reduce carbon emissions in accordance with Policy SR1 of the Development Plan Document in light of the fact that there is an extant permission on the site for dwellings that could be built to 2002 Building Regulations. The same condition is therefore recommended in relation to this application.

Levels

30. The areas of development proposed cover the same areas of the site as already approved. The site is at a lower level than Froom Street and the canal but in terms of the positions of the dwellings, there is not a significant difference between the approved layout and the one now proposed.

Overall Conclusion

31. The principle of developing the site for residential purposes was established nearly 20 years ago and the redevelopment of the site is currently ongoing. The amendments to the originally approved scheme proposed as part of this application are considered to be acceptable and it is not considered that the reduction in the number of units will adversely impact on the development or the area as a whole as the overall number of houses on the site once fully completed will still be 2 more than originally approved. As such the amendments are considered to be acceptable.

Planning Policies

32. National Planning Policies:

PPS1, PPS3, PPS23, PPS25, PPG13

33. Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / EP4 / EP9 / EP17 / EP18 / HS3 / HS4 / HS5 / HS6 / HS21 / TR4

34. Supplementary Planning Guidance

Design SPG

Interim Playspace Guidelines

35. Local Development Framework

Policy SR1: Incorporating Sustainable Resources into New Development

Sustainable Resources Development Plan Document

Sustainable Resources Supplementary Planning Document

Planning History

36. The site has been the subject of the following planning applications: -

- 9/88/527 - Outline application for residential development on approximately 8 hectares of land. Approved.
- 9/90/693 - Renewal of outline planning permission for residential development. Approved.
- 9/93/89 - Provision of canal bridge, access road and footways to serve approved residential development site. Approved.
- 9/93/332 - Application for renewal of outline planning consent no 9/90/693 for residential development of approximately 19.5 acres of land. Approved.
- 96/00391/FUL - Amendment to condition no 1 of outline planning permission 9/93/332 for residential development and open space to alter time period for submission of reserved matters from three to five years. Approved.
- 98/00207/OUT - Renewal of outline planning permission 9/93/332 for residential development. Approved.
- 98/00208/FUL - Renewal of planning permission 9/93/89 for provision of canal bridge, access road and footways to serve residential development site. Approved.
- 02/00680/REMAJ - Reserved Matters application for proposed housing development consisting of 161 dwellings and public open space Approved
- 02/01123/FULMAJ - Modification of condition 1 on planning permission 9/98/00207/OUT for residential development, to extend the period of time in which reserved matters can be submitted by one year. Withdrawn.
- 06/01057/FULMAJ - Substitution of house types and minor amendments to plots 1, 8, 10, 14, 15, 17, 31 and 32, and amendments to approved layout (02/00680/REMAJ). Approved.
- 06/01187/TPO - Crown reduce or remove assorted trees (removed trees to be replaced) some covered by TPO4 (Chorley) 2003. Approved October 2006
- 06/01301/FUL - Erection of electric substation to serve approved residential development. Approved.
- 07/00538/FUL - Proposed amendments to approved layout 9/02/00680/REMAJ. House type substitution to plot 25. Approved
- 07/01051/FULMAJ - House type substitutions, the erection of 3 additional dwellings and minor revisions to roads serving plots 84 - 161. Part amendment to the originally approved layout ref 9/02/00680/REMAJ (site area 7.83 hectares). Approved.
- 09/00749/FULMAJ - Erection of 37 dwellings (amendment to layout, design, landscaping and external appearance approval as part of planning approval 02/00680/REMAJ). Approved.

**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 be carried out in accordance with the approved details of the measures to be taken, during the period of construction, to prevent mud and other debris being carried onto the public highway by vehicles leaving the site. The agreed measures shall be implemented in full before commencement of the development and retained in operation until such time as the development is complete.
Reasons: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
3. All vehicles entering and leaving the site in connection with the construction of the development hereby permitted shall only do so via the new access road and canal bridge permitted under planning permission 9/98/00208/FUL, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the amenities of local residents and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

4. The site shall be remediated fully in accordance with recommendations made in the Ground Investigation and Remediation Statement Ref: 588/02 Chorley, Crosse Hall Mill Farm (May 2004) by Woodford Consulting Engineers Ltd.
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
5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
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.
6. 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 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 and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
7. 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.
8. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (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.
9. 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.
10. 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.

11. Prior to the commencement of the development details of appropriate mitigation measures to prevent pollution of the waterway during and after the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in accordance with the approved details.
Reason: In order to avoid contamination of the waterway and ground water from wind blow, seepage or spillage at the site. In accordance with Policy EP5 of the Adopted Chorley Borough Local Plan Review.
12. 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.
13. 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.
14. 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, to prevent flooding and to prevent pollution to the waterway. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS25: Development and Flood Risk
15. Before any development hereby permitted is first commenced the temporary protective metal fencing along the full length and both sides of Black Brook shall have been erected in accordance with the approved details. The fencing, thereafter, shall remain in place at all times during the course of the permitted development being carried out, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the watercourse and prevent debris and construction material from encroaching into this area and in accordance with Policy EP17 of the Adopted Chorley Borough Local Plan Review.
16. The development hereby permitted shall be carried out in accordance with the approved scheme for the provision and implementation of a surface water regulation system to limit surface water run off from the completed development to existing rates.
Reason: To reduce the increased risk of flooding and in accordance with Government advice contained in PPS25: Development and Flood Risk.
17. Prior to the commencement of the development full details of the predicted energy use of the development expressed in terms of carbon emissions shall be submitted to and approved in writing by the Local Planning Authority. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions in accordance with policy SR1 of the Sustainable Resources DPD. No development shall commence until the scheme has been submitted to and approved in writing

by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Supplementary Planning Document