

**Item 4c**                      **11/00879/FULMAJ**

**Case Officer**              **Mr Matthew Maule**

**Ward**                         **Astley And Buckshaw**

**Proposal**                    **Application for the variation of condition 11 (balcony details) attached to planning approval 07/00483/FULMAJ**

**Location**                  **Land South Of Parcel 7 And Parcel F Euxton Lane Euxton Lancashire**

**Applicant**                  **Miller Homes**

**Consultation expiry: 23 November 2011**

**Application expiry: 4 January 2012**

### **Proposal**

1. This application is a section 73 application to vary condition 11 attached to planning approval 07/00483/FULMAJ.
2. Full planning permission was granted in July 2007 to redevelop the land known as Land south of Parcel 7 and Parcel F, Euxton Lane, Euxton, for the erection of 139 dwellings. The scheme incorporated the erection of 78 dwelling houses comprising of detached properties, semi-detached properties, terraced properties and flats over garages together with the erection of 61 apartments located in three apartment blocks.
3. Seventeen conditions were attached to this full planning permission. Condition 11 stated that: "Prior to the commencement of the development full details of the timber 'Juliet' balconies proposed on the apartment blocks shall be submitted to and approved in writing by the Local Planning Authority. The balconies thereafter shall be constructed and maintained in accordance with the approved plans".
4. This application seeks permission to vary condition 11 by substituting the material used for the 'Juliet' balconies from timber to GRP.

### **Recommendation**

5. It is recommended that this application is granted conditional planning approval.

### **Main Issues**

6. The main issues for consideration in respect of this planning application are:
  - Design and impact on the street scene; and
  - Impact on neighbours.

### **Representations**

7. The initial consultation letters sent to the occupiers of neighbouring properties described the proposal as an application to vary condition 11 attached to planning approval 07/00483/FULMAJ. Neighbouring properties were subsequently re-consulted on an amended description for the proposal which referred to the application seeking permission to vary condition 10 attached to 07/00483/FULMAJ. This second description of the development was however incorrect as the application does, as originally noted, seek permission to vary condition 11 rather than condition 10. It is however considered that the neighbour consultation undertaken has been sufficient as the occupiers of neighbouring properties have been provided with the required 21 days to comment on the application as correctly described.

8. Only one letter of representation has been received in relation to the consultation on the proposed development. This letter is from the occupants of no. 5 Holland House Way and does not object to the application but instead raises a question in relation to the proposed replacement material.
9. No representations have been received from the Parish Council.

### **Consultations**

10. Chorley Council Design Advice – have stated that the substitution of GRP for timber is an appropriate choice for this development and that the simple yet robust design allied to a robust material would sit well with the overall design concept for the development. They therefore conclude that the application is acceptable.
11. Coal Authority – Standing advice

### **Assessment**

#### Design

12. Planning Policy Statement 1 (PPS1) seeks to ensure that development is well designed and adopts the Government's principles of sustainable development. Paragraph 34 states that "Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted".
13. The importance of ensuring that new development is well-designed and built to a high standard is also emphasised in PPS3 and by policy DP7 of the Regional Spatial Strategy.
14. Policy GN5 of the Local Plan also underlines the importance of securing high standards of design in new development. It states that the design of proposed development will be expected to be well related to their surroundings and that the appearance, layout and spacing of new buildings should respect the local distinctiveness of the area. In addition, policy HS4 of the Local Plan requires proposals for residential development to, inter alia, provide for a high quality and interesting visual environment and to respect the surrounding area in terms of scale, design, layout building style and facing materials.
15. The Chorley Design Guidance Supplementary Planning Guidance states that the materials used for walls and roofs, and other forms of detailing should be appropriate for the locality. It states that materials and features that are of a contemporary character can be appropriate, but must show regard for their context.
16. The application site occupies a prominent position that is visible from both Central Avenue and Buckshaw Avenue. To reflect the prominence of their location, the apartment blocks themselves are intended as landmark buildings that form an important feature of the Buckshaw Village development. It is therefore imperative that the apartment blocks are faced with high quality facing materials in order to ensure that the buildings make a positive contribution to the streetscene.
17. To ensure that the apartment blocks achieve a high design quality and can be considered to form landmark buildings, it was proposed that timber 'Juliet' balconies would be incorporated into the apartment blocks to 'break up' the elevations and add visual interest to the development.
18. Due to the potential maintenance issues associated with standard timber balconies, the applicant proposes to substitute the material used for the 'Juliet' balconies from timber to GRP. Samples of the material have been provided to the Council and it is considered that the

use of GRP would eliminate the maintenance issues associated with the balconies but would continue to create the visual appearance originally sought by 'breaking up' the elevations.

19. The Council's Urban Design Advisor has commented that he considers the substitution of GRP for timber to be an appropriate choice for this development and that the simple yet robust design allied to a robust material would sit well with the overall design concept for the development. He therefore concludes that the application is acceptable.
20. It should be noted that the Council has resisted proposals for metal Juliet balconies in discussions with the developer and has considered several other designs and materials before this design was proposed.
21. The proposed material substitution is therefore considered to be acceptable and the proposal is considered to be in accordance with Policy GN5 and HS4 of the Local Plan.

#### Impact on the neighbours

22. The 'Juliet' balconies would be visible from surrounding properties. Nevertheless, it is considered that the material substitution would not cause any significant detrimental harm to the amenity of neighbouring residents. Furthermore, no letters of objection have been received from the occupants of neighbouring properties.

#### **Overall Conclusion**

23. The alternative material proposed for the 'Juliet' balconies is considered to be acceptable and it is therefore recommended that the application be approved subject to conditions.

#### **Planning Policies**

National Planning Policies:  
PPS1, PPS3

Adopted Chorley Borough Local Plan Review  
Policies: GN5, HS4

Supplementary Planning Guidance:  
• Design Guide

Joint Core Strategy  
Policy 17

#### **Planning History**

The site history of the property is as follows:

Ref: 07/00483/FULMAJ

Decision: PERFPP Decision Date: 18 July 2007

Description: Proposed private residential development consisting of 139 No 2, 3, 4 and 5 bedroomed dwellings

Ref: 08/00078/FUL

Decision: PERFPP Decision Date: 28 March 2008

Description: Substitution of house type to plots 24 & 25 on Parcel F,

Ref: 08/00524/FUL

Decision: PERFPP Decision Date: 16 July 2008

Description: Substitution of house types on plots 25, 112, 120, 124, 125 and 128 on Parcel F, Buckshaw Village (part amendment to original approval 07/00483/FULMAJ),

Ref: 10/00435/FULMAJ

Decision: PERFPP Decision Date: 19 August 2010

Description: Proposed re-plan of plots 44, 111-113 and 124-128 of previous approval (07/00483/FULMAJ) to replace 9 dwellings with 13 dwellings

Ref: 11/00417/FUL

Decision: PERFPP Decision Date: 29 July 2011

Description: Application for a material amendment to planning application 07/00483/FULMAJ to change the approved facing materials

Ref: 11/00418/FUL

Decision: PERFPP Decision Date: 29 July 2011

Description: Application vary condition 4 (approved facing materials) of planning approval 10/00435/FULMAJ

Ref: 11/00879/FULMAJ

Decision: PCO Decision Date:

Description: Application for the variation of condition 11 attached to planning approval 07/00483/FULMAJ

### **Recommendation: Permit Full Planning Permission**

#### **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 using the external facing materials approved by application 11/00418/FUL.**  
*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.*
3. **The development hereby permitted shall only be carried out in conformity with the landscaping detailed on plans reference 109-01A and 109-02A, received 18<sup>th</sup> December 2007**  
*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 development hereby permitted shall only be carried out in conformity with the construction details for the hardsurfacing areas detailed on plan reference ED/012A, received on 18<sup>th</sup> December 2007.**  
*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.*
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 dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).**  
*Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class F and Schedule 2, Part 2, Class B) or any Order revoking or re-enacting the Order, no hard surfacing shall be provided within any curtilage that is adjacent to a highway of any dwelling hereby permitted, nor shall any means of access to a highway be formed, laid out or constructed to any dwelling hereby permitted (other than those expressly authorised by this permission).  
*Reason: To protect the appearance of the locality, in particular to avoid the proliferation of frontage parking and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
8. 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: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 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.*
10. The 'Juliet' balconies hereby permitted shall only be constructed using the materials submitted and detailed on the approved plans.  
*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.*
11. The development hereby permitted shall only be carried out in conformity the submitted details of the cycle parking provision (detailed on plan reference STD/CS01) received on 18 December 2007. The cycle parking provision shall be in accordance with the approved details.  
*Reason: To ensure adequate on site provision for cycle parking and in accordance with Policies No. TR18 and HS4 of the Adopted Chorley Borough Local Plan Review.*
12. The development hereby permitted shall only be carried out in conformity the submitted bin store details (plan reference BSD/001), received 18<sup>th</sup> December 2008. The bin storage thereafter shall be constructed and retained in accordance with the approved plans.  
*Reason: To ensure that adequate refuse storage is provided on site and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.*
13. 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.*
14. The development hereby permitted shall only be carried out in conformity the surface water drainage arrangements detailed on plan reference ED/001D, received 18<sup>th</sup> December 2007. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.  
*Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.*

15. The first floor windows on the rear elevation (east elevation) of the Melville House type (Plot 131 of Plan reference PL/01N) shall be fitted with obscure glazing and obscure glazing shall be retained at all times thereafter.

*Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review*

16. The development hereby permitted shall only be carried out using the railings detailed on plan reference BRP/001 received 18<sup>th</sup> December 2007

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

17. The approved plans are:

Plan Ref.	Received On:	Title:
PL/01	5 October 2011	Planning Layout
6251(PL) B	3 July 2007	Apartment Block A Plans and
Elevations Apt A 006	5 October 2011	Apartment Block B Elevations
Apt B 007	5 October 2011	Apartment Block B Elevations
6251(PL) B	3 July 2007	Apartment Block B Floor Plans
Apt C 007	5 October 2011	Apartment Block C Elevations
6251(PL) B	3 July 2007	Apartment Block C Floor Plans
6251 03 C	16 July 2007	Apartment Elevations
6251(PL) 10	30 May 2007	Darwin (Special) Elevations
6251(PL) 09	30 May 2007	Darwin (Special) Floor Plans
6251(PL) 03A	3 July 2007	Scott Elevation
6251(PL) 02A	3 July 2007	Scott Floor Plans
109-01A	24 April 2007	Planting Plan 1 of 2
109-02A	24 April 2007	Planting Plan 2 of 2
	24 April 2007	Location Plan
6251(PL) 04	24 April 2007	London Plans and Elevations
6251(PL) 07	24 April 2007	Jerome Floor Plans
6251(PL) 08	24 April 2007	Jerome Elevations
6251(PL) 11	24 April 2007	Buchan Plans and Elevations
6251(PL) 12	24 April 2007	Beckett Plans and Elevations
6251(PL) 13	24 April 2007	Tarporley Plans and Elevations
6251(PL) 14A	3 July 2007	Kipling Plans and Elevations
6251(PL) 15	24 April 2007	Twain Plans and Elevations
SD/SW4	16 July 2007	Screen Wall and Fence
MEL/ENG/PD/1000	3 July 2007	Melville Planning Drawings
A1a	2 June 2010	Proposed Site Layout
ML/01	17 May 2011	Materials Layout
A1c	2 June 2010	Boundary Treatments
A1d	2 June 2010	Esk House Type
A1e	2 June 2010	Esk House Type 2/06/2010
A1f	2 June 2010	Milne House Type
A1g	2 June 2010	Milne House Type
A1h	2 June 2010	Rolland House Type
A1i	2 June 2010	Rolland House Type
A1j	2 June 2010	James House Type
A1k	2 June 2010	James House Type

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