

Item 4g **11/00999/FULMAJ**

Case Officer **Adrian Morgan**

Ward **Heath Charnock And Rivington**

Proposal **Section 73 application to vary conditions 1 (approved plans) and 24 (list of approved plans) attached to planning approval 11/00168/FULMAJ**

Location **Weldbank Plastic Co Ltd Westhoughton Road Heath Charnock Chorley Lancashire**

Applicant **Arley Homes North West**

Consultation expiry: **21 December 2011**

Application expiry: **14 February 2012**

Proposal

1. This application is a Section 73 application to vary conditions 1 (Approved Plans) and 24 (List of Approved Plans) attached to the previous planning permission, reference 11/00168/FULMAJ.
2. The proposed scheme, which incorporate 16 detached 4 and 5 bedroomed dwellings and a row of four 2 bedroomed terraced properties, was approved in 2011 (planning permission reference 11/00168/FULMAJ) and this applications seeks a new permission incorporating amendments that are mainly related to adapting the scheme to take account of the position of a mine shaft that exists on the south-eastern part of the site.
3. The site is occupied by Weldbank Plastics and the business is still operating from the premises. It is intended that the business will relocate.

Recommendation

4. It is recommended that this application is granted conditional planning approval subject to the associated Section 106 Agreement.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Condition 1 Approved Plans
 - Condition 24 list of Approved Plans

Representations

6. 1 letter of objection has been received, objecting on the basis that Eller Brook, which runs to the south of the site, is already overloaded during heavy rainfall.
7. **Heath Charnock Parish Council** responded to say it had no objections to the proposal but nevertheless questioning the wisdom of allowing more surface water to drain into Eller Brook.

Consultations

8. **Lancashire County Council (Highways)** – no highway objections
- Assessment**

Principle of the development

9. The development of the site for housing has already been approved under the previously planning permission reference 11/00168/FULMAJ. This application seeks only to make changes to the approved scheme necessitated mainly by the discovery that the position of a mine shaft on the site is different than previously expected.

The changes proposed consist of: -

- a change of orientation and house type on plot 10 in order to locate a garage adjoining the previously approved garage on plot 9 and, thereby, provide a wider driveway and avoid any building over the mine shaft. This reorientation on plot 10 will result in the house facing directly side-on to the driveway and frontage of the house on the neighbouring plot 9, though not its front elevation or windows. This arrangement is not ideal but as neither any existing houses or the main garden on plot 9 will be affected, it is considered acceptable given the special circumstances with respect to needing to avoid the mine shaft.
- changes of house types on plots 2, 3, 12 & 19. On plot 2 from a 2.5 storey to a 2 storey dwelling with a single storey rear outrigger; on plot 3 to one with the addition of a single storey rear outrigger, on plots 12 and 19 to ones with the addition of accommodation in the roof space. Externally, from the street, the revised house types appear almost identical to the previously approved types.
- the plans now indicate the position of the entrance gates to the development. They have been located so as to allow vehicles to stop in front of the gates without intruding onto the public highway at Danesway.

Affordable Housing

10. The four affordable housing units included in the previously approved permission will remain unchanged.

Impact on the neighbours

11. The proposed changes from the approved scheme should have no material impact upon neighbouring residents.

Drainage & Flood Risk

12. Two representations have been received expressing concerns about Eller Brook, however, the changes proposed in this application will have no materially different impact with relation to surface water or flooding than the previously approved scheme for the site.

Traffic and Parking

13. The proposed changes from the approved scheme do not include additional dwellings and should have no material impact upon traffic generation. The proposals comply with car parking policy requirements; requiring no additional parking provision than the approved scheme.

Section 106 Agreement

14. A supplemental legal agreement will tie any planning permission to the provisions of the S106 agreement associated with the previously approved scheme.

Overall Conclusion

15. It is considered that the proposed changes to the previously approved scheme are relatively minor and will have no material impact on neighbouring residents. The main change would be the repositioning of the house on plot 10. This repositioning would result in a slightly

uncomfortable solution, however, the only potentially negative impact would be overlooking of the front garden and driveway of the house on plot 9 of the development. There would be no impact on existing properties. Given the special circumstances with respect to needing to avoid the mine shaft, the proposed change is considered acceptable.

Planning Policies

National Planning Policies:

Policies: PPS1, PPS3, PPS4, PPS9, PPG13

Regional Spatial Strategy:

DP1, DP2, DP3, DP4, DP5, DP7, DP9, L4

Adopted Chorley Borough Local Plan Review

GN1, EP4, EM9, HS4, HS21, TR4

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Sites for Chorley- Issues and Options Discussion Paper December 2010

CH0157- Weldbank Plastics

Planning History

No recent planning history.

Adjacent sites:

Danesway:

89/00914/OUT- Outline application for 1.7 acres of land for residential purposes. Approved June 1990

93/00316/OUT- Renewal of outline planning permission no 9/89/914 for residential development of 1.7 acres of land. Approved September 1993

93/00835/REM- Erection of 23 dwellings. Approved February 1994

95/00523/FUL- Erection of 9 detached houses. Approved October 1995

Mercer Court:

09/00106/FUL- Resubmission of application 07/01270/FUL for erection of two detached dormer bungalows (revision of house types). Approved April 2009

Kings Lea:

87/00255- Outline application for erection of 19 dwellings on 1.07 ha of land. Approved June 1987

87/00638- Erection of 19 dwellings inc garages roads and sewers. Approved October 1987

88/00466/FUL- Substitution of house types plot 2 and 6. Approved August 1988

Recommendation: Permit (Subject to Legal Agreement)

Conditions

- 1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.**
Reason: To define the permission and in the interests of the proper development of the site.
- 2. 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.

3. No dwelling on plots 10, 11, 13, 14 and 18 hereby permitted shall be occupied until garden sheds have been provided in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. The garden sheds shall be retained in perpetuity thereafter.

Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets

4. Notwithstanding the submitted details prior to the occupation of the dwellings hereby permitted the planting and fence on the highway frontage of the site to Westhoughton Road and within a visibility splay, which is drawn from a point 4.5m measured along the centre line of Danesway from the continuation of the nearer edge of the carriageway of Westhoughton Road to a point measured 70m in the south eastern direction along the nearer edge of the carriageway of Westhoughton Road from the centre line of Danesway, shall be permanently maintained at a height not greater than 1m above the crown level of the carriageway of Westhoughton Road.

Reason: To ensure adequate visibility at the junction and adequate visibility is maintained for the neighbouring property. In accordance with Policy TR4 and advice contained in Manual for Streets.

5. Prior to the occupation of the dwellings hereby permitted the existing vehicular access on Westhoughton Road (Plot1) shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

Reason: To maintain the proper construction of the highway and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review

6. No development shall take place until:

a. a methodology for investigation and assessment of ground contamination has been submitted to and approved in writing by the Local Planning Authority. The investigation and assessment shall be carried out in accordance with current best practice including British Standard 10175:2001 "Investigation of potentially contaminated sites – Code of Practice". The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;

b. all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;

c. the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works, a validation report containing any validation sampling results 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 and in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.

7. Notwithstanding the submitted details prior to the commencement of the development full details of the boundary treatment adjacent to the watercourse (plots 5-9) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the boundary treatments will be implemented in accordance with the approved details

Reason: To protect/conserv e the habitat/amenity value of this watercourse in accordance with Government advice contained in PPS9.

8. Himalayan balsam is present within the application area. Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause Himalayan balsam to grow in the wild. Therefore a programme of control/eradication of these species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The programme shall accord with Environment Agency Guidelines and shall include proposed measures to prevent the spread of Himalayan balsam during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved programme.

Reason: To ensure the eradication of Himalayan balsam in accordance with the Wildlife and Countryside Act 1981 (as amended).

9. During the construction period temporary fencing shall be erected along the bank top of the brook to protect the river corridor and prevent debris and construction material from encroaching into this area. Prior to the commencement of the development full details of the temporary fencing shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall thereafter be retained during the construction period in accordance with the approved details.

Reason: to ensure the protection of Eller Brook during the construction period.

10. 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. The scheme shall also demonstrate maintenance and enhancement of biodiversity, incorporating recommendations of paragraphs 5.8.4 – 5.8.8 of the report 'Land at Weldbank Plastic Co Ltd, Westhoughton Road, Heath Charnock. Ecological Survey and Assessment (including a licensed bat survey)' (ERAP, January 2011).

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 and Government advice contained in PPS9.

11. Prior to the commencement of the development full details of bat roosting opportunities to be incorporated into the new development shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.

Reason: To mitigate the loss of potential bat roosting opportunities in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS9.

12. Prior to the commencement of the development full details of the communal bin collection points to serve plots 5, 6, 7, 8, 9, 10 and 11 and 14, 15, 16 and 17 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include their location and the proposed hardsurfacing materials/ details of the enclosure. The collection points shall only be utilised for the storage of bins on bin collection days and shall be free of bins at all other times. The collection points shall thereafter be retained in perpetuity.

Reason: To ensure adequate refuse collection facilities are provided on site and in the interests of the visual amenities of the area. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

13. Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including the private highway, parking areas and bin collection points, shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company in accordance with the approved arrangements.
Reason: To ensure the satisfactory management of the private highways, parking areas and the storage of bins at the collection points at the site. In accordance with Policies GN5 and TR4 of the Adopted Chorley Borough Local Plan Review.
14. Prior to the commencement of the development a scheme and programme for the site enabling and construction phase of the development shall be submitted to and approved by the Local Planning Authority. The scheme and programme shall cover:
a. Site compound and contractor parking and management of contractors parking to ensure parking does not overspill onto surrounding roads.
b. Construction operating hours including deliveries and site construction staff.
The approved scheme and programme shall be implemented.
Reason: To ensure that noise and disturbance resulting from hours of operation and delivery does not adversely impact on the amenity of existing residents.
15. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st January 2016).
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
16. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
17. No dwelling shall be occupied until a letter of assurance, detailing how each plot will meet the necessary code level, has been issued by an approved code assessor and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Prior to the completion of the development a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document
18. Prior to the commencement of the development full details of the on site measures to reduce the carbon emissions of the development, through the use of renewable or low carbon energy sources/ technologies, by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to

Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

19. The integral and detached 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 to ensure adequate off street parking is retained. In accordance with Policies HS4 and TR4 of the Adopted Chorley Borough Local Plan Review
20. 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
21. The development hereby permitted shall be carried out in accordance with the precautionary measures for tree works outlined in paragraphs 5.5.3 – 5.5.6 of the report 'Land at Weldbank Plastic Co Ltd, Westhoughton Road, Heath Charnock. Ecological Survey and Assessment (including a licensed bat survey)' (ERAP, January 2011).
Reason: To ensure the continued protection of bats as part of the development. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and The Conservation of Habitats and Species Regulations 2010
22. The development hereby permitted shall be carried out in accordance with the mitigation measures for bats in buildings during demolition as recommended in paragraphs 5.5.9 – 5.5.13 of the report 'Land at Weldbank Plastic Co Ltd, Westhoughton Road, Heath Charnock. Ecological Survey and Assessment (including a licensed bat survey)' (ERAP, January 2011).
Reason: To ensure the continued protection of bats as part of the development. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and The Conservation of Habitats and Species Regulations 2010
23. The development hereby permitted shall be carried out in accordance with the measures for the protection of retained trees, other vegetation and Eller Brook, as recommended in section 5.3 the report 'Land at Weldbank Plastic Co Ltd, Westhoughton Road, Heath Charnock. Ecological Survey and Assessment (including a licensed bat survey)' (ERAP, January 2011).
Reason: To protect/conservate the habitat/amenity value of this watercourse and trees in accordance with Government advice contained in PPS9
24. The approved plans are:
The approved plans are:
- | Plan Ref. | Received On: | Title: |
|-----------------------|------------------|--------------------------------|
| 317-101 | 15 November 2011 | Location Plan |
| 317-102 Rev M | 15 November 2011 | Planning Layout |
| 317-103 Rev F | 15 November 2011 | Streetscenes |
| 1055-901 Rev E | 15 November 2011 | General Arrangements |
| 317-104 Rev B | 15 November 2011 | Planning Site Sections |
| 5896/01 | 15 November 2011 | Topographical Survey |
| 317-H736-2/101 Rev A | 15 November 2011 | Aspull 2 Bed House |
| 317-H1207-4/101 | 15 November 2011 | Hale 4 Bed House |
| 317-H1540-4S/101 | 15 November 2011 | Appleton Side Garage (Plot 16) |
| 317-H1589-5/103 Rev A | 15 November 2011 | Bowden 5 Bed House (Plot 15) |

317-H1672-5/101 Rev A	15 November 2011	Newbury B (Plots 11, 14 & 18)
317-H1672-5/102 Rev A	15 November 2011	Newbury B (Plots 10 & 13)
317-H1836-5/101 Rev A	15 November 2011	Waverton (Plot 1)
317-H1836-5/102 Rev A	15 November 2011	Waverton (Plots 17 & 20)
317-H1843-5/101 Rev A	15 November 2011	Portland (Plot 4)
317-H1207-4/102	15 November 2011	Hale (Plot 10)
317-H1384-4/101	15 November 2011	Hale+ (Plot 2)
317-H1782-5/101	15 November 2011	Westminster (Plot 3)
317-H2174-5/101	15 November 2011	Harbury (Plot 19)
317-H2174-5/102	15 November 2011	Harbury (Plot 12)
317-TG/DETAIL/101	15 November 2011	Twin Garage (Plots 9 & 10)
317-DG/DETAIL/101	15 November 2011	Double Garage (Plots 1, 2, 3, 4, 17 & 20)
STD DETAILS- SD-??	15 November 2011	1800 High Closeboard Fence
STD DETAILS- SD-??	15 November 2011	1500 High Closeboard Fence with 300mm trellis
STD DETAILS-SD-15-W01	15 November 2011	1800 High Brick Wall with Tile Crease
<i>Reason: To define the permission and in the interests of the proper development of the site</i>		

25. 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.
26. 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.
27. 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.
28. The external facing materials detailed within the submitted Design and Access Statement shall be used and no others substituted. Namely Ibstock Old English, Ibstock Beamish Blend and Ibstock Ravenhead Red Smooth bricks and Russell Grampian roof slates, colour slate grey.
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.
29. The ground surfacing materials detailed on the approved plans shall be used and no others substituted.
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.

- 30. 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 on plots 1, 2, 3, 4, 5, 16, 17 and 20 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.
- 31. 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.
- 32. The two bathroom windows in the first floor of plot 15's rear elevation shall be fitted with obscure glass 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.
- 33. Prior to the commencement of the development full details of the proposed retaining wall within the north east corner of the site, including levels and sections, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.**
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.