

Item 4i **11/01094/FULMAJ**

Case Officer **Adrian Morgan**

Ward **Chorley South West**

Proposal **Proposed substitution of house types and re-plan of plots 1 to 15 Birkacre Park (previously approved as part of planning application reference 07/00993/REMMAJ) including the erection of 4 additional dwellings.**

Location **Site N1 Lower Burgh Way Chorley Lancashire**

Applicant **Miller Homes Ltd**

Consultation expiry: **1 February 2012**

Application expiry: **16 March 2012**

Proposal

1. Substitutions of house types and re-plan of plots 1 to 15 Birkacre Park (previously approved as part of planning permission reference 07/00993/REMMAJ) including the erection of 4 additional dwellings.

Recommendation

2. It is recommended that the application be approved.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Impact on the neighbours

Representations

4. 2 representations objecting to the proposal have been received from neighbouring residents. The grounds of objection are:
 - The additional building height will change the view from the objector's third storey bedroom window.
 - Light to the front of his house may be compromised.
 - Additional units will mean additional families, noise and traffic volume.
 - Additional traffic and car parking problems will be caused.
 - Additional traffic will compromise road safety as children play on the streets.
 - The development was planned for 4 & 5 bedroomed homes and smaller units should not be allowed.
 - Property value may be affected negatively by additional and smaller units.
 - The developer should not be allowed to deviate from the original plan to increase density.

Consultations

5. **Environment Agency** – responded to say has no comments to make.
6. **Lancashire County Council (Highways)** – no objection. Although car parking provision falls short of usual current standards and relies on shared visitor spaces, the original planning approval for the whole development included a similar theme.

Assessment

7. Principle of the development
The Eaves Green Home Zone development was originally developed as collaboration between the Council and English Partnerships (now known as the Homes and Community Agency) for the

erection of 149 dwellings on the site. Reserved matters approval was granted in November 2007 (application 07/00993/REMAJ) and construction of the dwellings, along with the landscaped areas, has commenced.

It is now proposed to re-plan plots 1-15 of the original approval. The proposal consists of the following amendments: -

- The erection of 4 additional dwellings
- Replacing 4 attached dwellings with two sets of semi-detached properties on plots 10-13
- Re-siting and substituting the approved dwellings on plots 5-9
- Replacing the dwelling on plots 1 with an apartment block of 6 apartments
- Replacing the 2 semi-detached dwellings on plots 2 and 3 with one detached dwelling
- Re-siting and enlarging the garage adjacent to plot 4
- Providing additional parking within the parking court adjacent to plot 1

8. An early version of the present proposal was originally submitted to the Council to enable pre-application stage comments to be made with respect to its provisions. At this stage, suggestions were made by the Council relating to various concerns it had with the amendments, and suggestions made on how to improve the proposal. These comments and suggestions related to garden sizes, car parking provision and arrangement, privacy distances, elevational and frontage treatments, landscaping and the heights of the detached house (plot 7) and block of flats (plots 1-6).
9. The present proposal takes account of these pre-application comments and largely incorporates the changes suggested. It is considered that the proposed amendments would now conform to the essential character of the wider development and would not undermine the qualities of the scheme as was originally granted planning permission.
10. The main change from the approved scheme would be the addition of four more units and the increase in height of the apartment building at the south-west corner of the development from two to three storeys. The detached house on plot 7, immediately east of the apartment block would also be increased in height, from two to two and a half storeys. As, however, apart from at the east side of the development, all other buildings in the scheme previously approved were already two and a half or three storey height, it is considered that this additional height would not seem incongruous in the development.
11. As the additional units have been accommodated into the scheme without compromising the fundamental design qualities of the development or causing conflicts in terms of the car parking solutions adopted for the development; privacy distances or other such matters, their addition is considered to be acceptable in principle.

Impact on the neighbours

12. The main impact that the additional units would generate would be the additional storey on the apartment block at the south-west corner of the development and half-storey on the detached house immediately east of it. The approved Homezone design of the wider development already compromises the Council's approved spacing standards in some situations and the additional storey would not generate materially relevant additional overlooking issues. The top floor windows of the apartment block would face the buildings own grounds; a car parking area; a sub-station and open land.
13. With respect to the occupiers of existing houses to the north of the site boundary; the closest any building in the proposed development would be to any existing houses would be approximately 24 metres, and no existing house would be closer than approximately 42 metres away from the apartment building that would be increased in height by one storey. It is, therefore, considered that the proposed amendments would have no materially different impact on the residents of existing houses than the previously approved scheme would have had in terms of outlook or loss of light.
14. In terms of car parking and traffic; the proposed amendments include additional car parking for the four additional units and retain the highway design and traffic management features of the wider Homezone scheme. Given that the Homezone layout is specifically designed to promote highway

safety and shared use of space; Lancashire County Council Highways has raised no objections to the proposals; and the small number of additional units involved, it is considered that the proposals would not generate materially different levels of traffic than the previously approved scheme or be worse in terms of road safety.

15. Any potential impact that new developments may have on the value of existing property is impossible to quantify and is, anyway, not a material consideration for planning purposes.

Overall Conclusion

16. The changes proposed to the previously approved scheme would not undermine its accordance with the layout and design principles set out by English Partnerships and Chorley Council and as such the scheme is considered to be acceptable.

Planning Policies

The site is allocated within the Local Plan as a housing allocation (HS1.3).

Relevant Planning Policies are: -

National Planning Policy: PPS1, PPS3, PPG13

Local Planning Policy: GN1, GN5, EP10, HS1, HS4, TR1, TR4, TR18, SR1, Sustainable Resources Development Plan Document, Sustainable Resources Supplementary Planning Document

Supplementary Planning Guidance: Design Guidance

Relevant planning history

93/00121/OUT- Outline application for residential development. Approved March 1999

02/00316/REMAJ- Residential development of 32 dwellings (apartments, town houses and detached dwellings). Withdrawn

05/00516/OUTMAJ- Outline application for residential development (4.42Ha) with details of siting and means of access and associated public open space (2.05Ha). Approved June 2006

07/00993/REMAJ- Reserved Matters application for the erection of 149 dwellings with associated works site area 4.8 hectares. Approved November 2007

08/00777/DIS- Application to discharge conditions 4, 5, 10 & 12 of planning approval ref: 07/00993/REMAJ. Discharged August 2008

11/00478/FUL- Proposed substitution of house types and re-plan of plots 1 and 10-13 Birkacre Park (previously approved as part of planning application reference 07/00993/REMAJ) including the erection of 2 additional dwellings. Withdrawn

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. **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
3. **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 and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.
4. **Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul**

water drainage/disposal have been completed in accordance with the approved details.

Reason: To ensure proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.

5. 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.
6. 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 area(s) 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.
7. The external facing materials detailed on the approved plan(s) 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, and HS4 of the Adopted Chorley Borough Local Plan Review.
8. The hard surface materials detailed on the approved plans 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, and HS4 of the Adopted Chorley Borough Local Plan Review.
9. Before any development hereby permitted is first commenced, full details of the surfacing, drainage and marking out of all car park and vehicle maneuvering areas shall have been submitted to and approved in writing by the Local Planning Authority. The car park and vehicle maneuvering areas shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle maneuvering areas shall not thereafter be used for any purpose other than the parking of and maneuvering of vehicles.
Reason: To ensure adequate on site provision of car parking and maneuvering areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review.
10. No development shall take place until a scheme for the provision of public open space and play areas has been submitted to and approved in writing by the Local Planning Authority; the scheme to be submitted to include full details of all 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 Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.
11. Before the development hereby permitted is first commenced, full details of the phasing of provision and equipping of public open space and play areas shall have been submitted to and approved in writing by the Local Planning Authority; the

provision and equipping of such areas to be thereafter carried out in strict accordance with the approved details.

Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.

12. 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.
13. 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.
14. Prior to the felling of trees on site a Licensed Ecologist will be required to survey the trees for the presence of bats. If bats are found to be present then full details of the trees and proposed mitigation methods required to ensure the continued protection of the bats shall be submitted to and approved in writing by the Local Planning Authority. The tree works thereafter shall be carried out in accordance with the approved mitigation methods.
Reason: To comply with the practical effect of the Wildlife and Countryside Act 1981 and in accordance with policy EP4 of the Chorley Borough Local Plan Review 2003.
15. Before development commences full details of mitigation measures required to be implemented by the specialist ecology report received on 28 June 2005, as submitted by The Environment Partnership with regard to the protection of protected species on and in the vicinity of the site (including any proposed phasing of measures) shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved including any phasing of measures shall be implemented in full and retained thereafter.
Reason: To comply with the practical effect of the Wildlife and Countryside Act 1981 and in accordance with policy EP4 of the Chorley Borough Local Plan Review 2003.
16. 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 highway features and areas of open space and in accordance with Policies TR4 and HS21 of the Adopted Chorley Borough Local Plan Review.
17. Prior to the occupation of the dwellinghouses hereby approved the lighting columns, detailed on plan reference PL864.100-05 or as may otherwise be agreed in writing with the Local Planning Authority, shall be erected and operational.
Reason: In the interests of the visual amenities of the area and the amenities of the future occupiers. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.