

Item 4e **12/00392/FULMAJ**

Case Officer **Adele Hayes**

Ward **Chorley South East**

Proposal **Application for amendments to previously approved reserved matters approval, ref: 07/01228/REMMAJ, incorporating substitution of plots R201-R280 (80 apartments) with 18 dwellinghouses and 34 apartments together with associated roads, sewers and landscaping (52 dwellings in total)**

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

Applicant **Redrow Homes (Lancashire) Ltd**

Consultation expiry: **6 June 2012**

Application expiry: **16 July 2012**

Proposal

1. This application seeks consent for the substitution of house types on plots R201–R208 previously approved on the Redrow part of this site. The proposal involves substituting 80 apartments with 18 dwellinghouses and 34 apartments. The acceptability of 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 (07/01228/REMMAJ) 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 and development is at an advanced stage.

Recommendation

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

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Design and appearance
 - Impact on the neighbours
 - Parking
 - Section 106 Agreement

Representations

4. 1 letter has been received citing the following grounds of objection:
 - The secondary vehicular access is not suitable and will encourage a 'rat run'.

Consultations

5. **Lancashire County Council (Highways)** have no objection
6. **Environmental Health** have no objection

7. **Environment Agency** have no objection

8. **United Utilities** have no objection

Assessment

Principle of the development

9. Outline planning permission with all matters reserved, except for access, was approved in April 2005 for residential development. All reserved matters have been approved by way of subsequent reserved matters applications.
10. There has also been several previous applications on the site for various re-plans.
11. Therefore the acceptability of the principle of development has been established and this application is for the consideration of a further re-plan.

Background Information

12. Planning permission was originally granted to Redrow Homes to erect 200 dwellings on their part of the site and eighty apartments were approved (plots R201-R280) on this part of the site.
13. Redrow Homes have confirmed that they have responded to the housing market down turn by reviewing the product they build to best reflect market demand and also have proceeded with the design of a new house type range.
14. The frontage plots to Pilling Lane were originally approved to be apartment blocks. With the apartment market currently being subdued with the withdrawal from the market of many first time buyers and investors it is now proposed to change the mix of properties and to include dwellings.

Design and Appearance

15. The orientation arrangements have essentially been retained as per the previously approved design so that all four aspects of the site have a strong street scene. The size and number of the apartment blocks have been reduced significantly in response to market conditions and dwelling type demands. The revised design incorporates traditional 2 / 2.5 storey detached, semi detached and terraced dwellings comprising 3 and 4 bedroom house types. Fencing and landscaping have been kept to the same standards as those previously approved.

Impact on the Neighbours

16. The closest neighbouring properties are located on Pilling Lane, Lighthouse Lane and within the development itself. It is considered that the relationship with these properties would be acceptable and would not result in a reduction in the level of residential amenity currently enjoyed by the occupiers of any of these dwellings or a greater degree of harm when assessed against the approved apartment scheme. There is not a significant difference in levels across this part of the site and proposed slab levels are considered to be acceptable.

Parking

17. The County Council's Highway Engineer raised concerns about the level of visitor car park indicated on the originally submitted plans and consequently the applicant was requested to revise the proposed arrangements.
18. The level of visitor car parking to the 30 apartments has been improved from 6no. spaces to 12no. spaces which is considered to be acceptable.
19. The road layout is considered to be acceptable and the turning head is of adequate size. The level of car parking provision for the proposed dwellings is at 200% i.e. 2 spaces per dwelling which is acceptable and the garages are also suitably sized.

Section 106 Agreement

20. The original outline planning approval was subject to a Section 106 Obligation which dealt with financial contributions for off-site works, affordable housing and a plot overage payment for units constructed in excess of 400 units on the development. As reserved matters approval has been granted at the site and the date for submitting reserved matters has expired, this plot substitution 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.
21. In addition Lancashire County Council has requested a developer contribution towards education provision although this has not been raised previously.
22. Redrow have been asked to consider the request and have commented that the requested contribution is neither reasonable nor justified. In addition Redrow comment that their parcel of land on the former Lex site was originally planned to accommodate a total of 200 dwellings (07/01228/REM). Since that reserved matters approval, Redrow have re-planned various parts of the site in response to changing market demands, but to date the overall effect has been fairly neutral in terms of unit numbers (e.g. 09/00594/FUL and 10/01015/FUL). However, the current application seeks to re-plan an area originally proposed for 80 apartments with a mixture of houses and apartments, resulting in a net loss of 28 units.
23. Redrow contend that such a significant reduction in unit numbers has a huge negative impact on the viability of the scheme and Redrow would not be proposing such a drastic change had the market for apartments not dried-up. The current re-plan scheme would allow the Company to recoup only an element of its original investment in the land purchase. Against this background, Redrow consider that the request for a financial contribution towards education provision is unreasonable.
24. Redrow are committed to delivering the development in its entirety which is at an advance stage on the wider site. On balance, and in this instance, the Local Planning Authority does not consider it is reasonable to seek such a significant amendment to the Section 106 Obligation previously entered into at this stage of the development process. The Council considers that it is important to deliver this site to completion and to ensure delays are kept to a minimum which is supported by the National Planning Policy Framework and other national guidance.

Overall Conclusion

25. The acceptability of the principle of residential development on this site was established with the grant of outline planning permission and subsequent reserved matters approvals. The amendments to the layout and house type substitutions to the application site are considered to be acceptable.

Other Matters

Waste Collection and Storage

26. All of the properties subject to this application have kerb-side frontage and as such waste collection is not considered to be an issue.

Planning Policies

National Planning Policies:

National Planning Policy Framework

North West RSS:

Policy DP1, Policy DP3, Policy UR7, Policy ER5

Adopted Chorley Borough Local Plan Review

Policies: GN1, EP4, EP9, EP10, HS4, HS19

Supplementary Planning Guidance:

- Design Guide

Planning History

04/00934/OUTMAJ Residential development including roads, sewers, open space, landscaping and associated works. Approved April 2005.

07/01227/REMAJ Reserved matters application for the construction of access road, public open space, children's play area and associated landscaping. Approved January 2008.

07/01228/REMAJ Reserved matters application for the erection of 200 houses, with associated roads, footpaths and works. Approved January 2008.

09/00594/FULMAJ Re-plan of part of the site including the construction of 42 dwellings, garages and associated works (amendment to reserved matters approval 07/01228/REMAJ), including arrangements to existing parking areas to serve Plots 343-351 and 371. Approved November 2009.

10/00404/FULMAJ Re-plan to plots R281 to R323/R351/R358 to R376/R388 to R400 (76 no. dwellings, garages and associated works). Approved July 2010.

10/01015/FUL Application for plot substitution of plots R319, R320, R321, R322 and R323 previously approved as part of planning application 07/01228/REMAJ. Approved 02/02/11.

11/00071/FULMAJ: Re-plan to plots R282 - R299 (18 No dwellings) and an additional 3 No dwellings (Plots R401 - R403). Approved April 2011.

12/00094/FULMAJ Substitution of house types on plots R281 and R302-306 (approved as part of applications 10/00404/FULMAJ and 11/00071/FULMAJ) and the addition of plot R404 (7 dwellings in total). Approved April 12

12/00430/FUL Substitution of house type on plot R304. Approved June 2012

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 approved plans are:

Plan Ref.	Received On:	Title:
4081-11-02-003 Rev J	16 April 2012	Location Plan
4081-11-02-001 Rev Z2	16 April 2012	Planning Site Layout
The Brecon	16 April 2012	D Series Brick DS3H098
The Brecon	16 April 2012	D Series Render DS3H098
The Kenilworth (ground / first floor)	16 April 2012	D Series DHSB11
The Kenilworth (second floor)	16 April 2012	D Series DHSB11
The Kenilworth (elevations)	16 April 2012	D Series Brick DHSB11
The Kenilworth (elevations)	16 April 2012	D Series Render DHSB11
The Broadway (ground / first floor)	16 April 2012	D Series DHSB03
The Broadway (elevations)	16 April 2012	D Series Brick DHSB03
The Broadway (elevations)	16 April 2012	D Series Render DHSB03
St Thomas Alton 2	16 April 2012	Ground and First Floor Plans
St Thomas Alton 2	16 April 2012	Elevations
L4081APT-901a Rev A	16 April 2012	Floor Plans
L4081APT-901a Rev A	16 April 2012	Elevations

C-SG01-1-001Rev E	16 April 2012	Single garage
n/a	16 April 2012	Double garage
Lex-11-02-003 Rev J	16 April 2012	Boundary Treatment Plan
C-SD0806	16 April 2012	Freestanding Brick Walls
C-SD0812	16 April 2012	Screen Wall / Fencing
C-SD0921	16 April 2012	Fixing Details and Typical Railing Panel
C-SD0900	16 April 2012	Post and Rail Fencing
C-SD0906	16 April 2012	Close Boarded Fencing

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

3. 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.
4. 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.
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. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details 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 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
7. 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.

- 8. 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.
- 9. 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.
- 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