

Item 4e **12/00585/FULMAJ**

Case Officer **Adele Hayes**

Ward **Chisnall**

Proposal **Variation of condition 3 on planning permission
11/00783/MAJ, substitution of house types**

Location **Pole Green Nurseries Church Lane Charnock Richard
ChorleyPR7 5NH**

Applicant **Arley Homes North West Ltd**

Consultation expiry: **25 July 2012**

Application expiry: **5 September 2012**

Proposal

1. This application seeks consent for a variation of condition no.3 (approved plans) of planning permission 11/00783/MAJ and essentially involves a change of house types on several of the plots.
2. The proposal still involves the erection of a total of 30 dwellings on this site that previously formed part of the former Pole Green Nursery site.
3. The acceptability of the principle of redeveloping the site for residential development was established with the previous grant of planning permission in November 2011.
4. Access will be gained through the applicant's adjoining development which has been built on the former Dog and Partridge site.

Recommendation

5. It is recommended that this application is granted conditional planning approval subject to a supplemental Section 106 Agreement

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Design and appearance
 - Affordable housing
 - Density
 - Impact on the neighbours
 - Open space
 - Highway safety

Representations

7. 2 letters have been received citing the following grounds of objection:
 - The developer should not be allowed to change the approved plans

- Changes to approved schemes are frustrating

Consultations

8. **Charnock Richard Parish Council** - no objection.
9. **The Environment Agency** – no comments to make
10. **Director People and Places** - no comments to make
11. **United Utilities** – no comments received
12. **Lancashire County Council (Highways)** - no objection to revised layout

Assessment

Principle of the development

13. The application site forms part of the former Pole Green Nursery site which was accessed via Church Lane, Charnock Richard. Planning permission was granted June 2010 (10/00267/FULMAJ) to relocate the growing elements of the nursery to the opposite side of Church Lane.
14. The approved relocation has resulted in a vacant site and planning permission was granted in November 2011 for a residential development comprising 30 dwellings. Therefore the acceptability of the principle of development has been established and this application is for the consideration of plot substitutions only.

Design and Appearance

15. The proposals incorporate the erection of 30 dwellings incorporating 21 detached dwellings, 2 semi-detached dwellings and 7 terraced dwellings. The mix includes 2 three bedroom properties, 6 four bedroom properties, 15 five bedroom properties and 7 two bedroom properties.
16. The revised house types have been previously approved either on this site or the adjoining site. Fencing and landscaping have been kept to the same standards as those previously approved.
17. The submitted layout accords with the Council's spacing standards and the layout ensures that the dwellings each have sufficiently sized rear gardens.

Affordable Housing

18. In accordance with Policy HS8 of the Chorley Local Plan, the approved scheme provided 7 affordable units.
19. These were to be provided under the provisions of a S106 Agreement which was drafted to be less descriptive and included both a Shared Ownership and Rent to Buy model.

Density

20. The site covers 0.93 hectares. The proposal still involves the erection of 30 dwellings which equates to approximately 32 dwellings per hectare. The adjacent site covers 0.9 hectares and has been developed at a density of 31 dwellings per hectare. The proposed density remains acceptable.

Impact on the Neighbours

21. The general layout arrangements have essentially been retained as per the previously approved scheme and finished floor levels and interface distances are as per the approved scheme.
22. The proposed dwellings on plots 27-30 will be lower than the existing dwellings on the adjacent site (Phase 1) (a maximum of 0.75m) and the spacing distances between the proposed and existing dwellings exceed the Council's standard distances. As such this level difference will not have an adverse impact.
23. The properties on plots 28 and 29 (Harbury and Newbury house types) are 2.5 storey dwellings with a rear dormer window. This window will face the properties on phase 1 of the development. However these windows will serve bathrooms and an obscure glazing condition will be attached to secure the amenities of the neighbours.
24. The properties on plots 1-10 back onto the dwellings on Meadowlands and will be built at a slightly higher land level than the existing properties. The nearest two properties are plots 5 and 19 Meadowlands. Plot 5 will be 1.46m higher than 19 Meadowlands and as such a greater separate distance is required in accordance with the Council's Spacing guidelines. In this case approximately 26.5 metres will be retained between the rear facing elevations of the dwellings (the standard is 21 metres) and approximately 14 metres will be retained between the rear elevation to the boundary of 19 Meadowlands garden area (the standard is 10 metres).
25. The greatest level difference is between plot 6 and 17 Meadowlands (1.48 metres) where approximately 31 metres is retained between the rear facing elevations and approximately 13.5 metres will be retained to the rear garden boundary of 17 Meadowlands which is in accordance with the Council's spacing standards.
26. As such it is considered that the level differences are adequately accommodated within the site and will not result in a significant adverse impact on the level of amenity for the future or existing residents.
27. In addition there are established mature trees, which are the subject of a tree preservation order, along the western boundary of the site (along the footpath). These trees represent a positive feature and are to be retained. Furthermore, given their distance from the rear of the proposed dwellings and the edge of the root protection areas, they will not be adversely affected by the revised proposal.
28. The properties on plots 1, 2, 3, 4, 5, 9, 10, 28 and 29 are 2.5 storey (Newbury, Harbury and Portland house types) dwellings with a rear dormer window. All of these windows serve bathrooms/ shower rooms and as such a condition will be attached requiring these windows to be obscurely glazed to protect the level of residential amenity enjoyed by the occupiers of neighbouring properties.

Open Space

29. In accordance with Policy HS21 of the Chorley Local Plan proposals for new housing development will be required to include provision for outdoor play space. In appropriate developments of less than 1 hectare a commuted sum from the development may be secured for use in the provision or improvement of open space facilities in the locality.

30. This is considered to be appropriate in respect of this application and in accordance with the Council's Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments. These guidelines state that where fewer than 100 dwellings are to be built in a housing development it is not normally expected that an equipped play area will be provided on-site.
31. The off-site play space contribution is a tariff based approach and equates to £1,379 per dwelling which results in a contribution of £41,370 from this development. The Council's Parks and Open Spaces Manager has confirmed that this contribution would be used for additional investment into the current play provision in Charnock Richard to provide adequate facilities for the new (and existing) residents.
32. Chorley Council does not have any play areas in the village however any contribution could be used on the Parish Council sites. In this regard the Parks and Open Spaces Manager would be seeking input regarding design.
33. Whilst it is not proposed to provide additional play space in the area the S106 Agreement associated with the previous planning permission required a commuted sum as a contribution towards the improvement of existing facilities. A supplemental agreement will be required to secure this contribution.

Highway safety

34. The County Council's Highway Engineer has raised no objections to the proposed changes to the house plots but raised objections to the proposed road layout as originally submitted on the basis that the turning head (adjacent plots 13-15) had been reduced and was of insufficient size to suitably cater for all servicing vehicles.
35. The turning head was a point of concern when 11/00783/MAJ was assessed and it was deemed sub-standard in size. The turning head has therefore been revised and improved to ensure an adequate turning facility and the County Highway Engineer has removed his objection.

Overall Conclusion

36. The acceptability of the principle of residential development on this site was established with the previous grant of planning permission. The amendments to the layout and house type substitutions are considered to be acceptable.

Planning Policies

National Planning Policies:

National Planning Policy Framework

North West RSS:

Policy DP1, Policy DP2, DP4 and RSS Parking Standards

Adopted Chorley Borough Local Plan Review

Policies: GN4, GN5, DC5, EP9, EP22, HS4, HS5, and HS8.

Central Lancashire Core Strategy

Policies: 1, 7, 17, 27,

Supplementary Planning Guidance:

- Design Guide

Planning History

06/00484/FUL: Erection of retrospective greenhouse (16m x 27m). Approved June 2006

10/00667/FUL: Demolition of existing glasshouse and erection of replacement twin span polytunnel in the south-eastern corner of the site. Approved December 2010

11/00783/FULMAJ: Full planning application for the erection of a residential development comprising of 30 new houses and associated access, car parking and landscaping arrangements. Approved 25 November 2011

**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:
506-102 Rev F	12 June 2012	Planning Layout
ASPULL-2/101 A	12 June 2012	Aspull House Type (plots 16-22)
PRESTBURY-4/103	12 June 2012	Prestbury House Type (plots 7 and 11)
DURHAM-4/101	12 June 2012	Durham House Type (plot 6, 8 and 12)
HALE-4/101	12 June 2012	Hale House Type (plot 13)
GRANTHAM-5SA/101	12 June 2012	Grantham House Type (plot 30)
NEWBURY-5/101	12 June 2012	Newbury House Type (plots 1)
NEWBURY-5/102	12 June 2012	Newbury House Type (plots 4, 9 and 29)
NEWBURY-5/103	12 June 2012	Newbury House Type (plots 2 and 5)
WAVERTON-5/102	12 June 2012	Waverton House Type (plot 27)
HAMPTON-3/101	12 June 2012	Hampton House Type (plots 14 and 15)
HARBURY-5/101	12 June 2012	Harbury House Type (plots 3 and 24)
HARBURY-5/102	12 June 2012	Harbury House Type (Plot 23)
HARBURY-5/103	12 June 2012	Harbury House Type (Plot 25 and 28)
PORTLAND-5/101	12 June 2012	Portland House Type (plots 10 and 26)
SG/DETAIL/101	12 June 2012	Single Garage
DG/DETAIL/101	12 June 2012	Double Garage
ESD BT-04	12 June 2012	1800 High Closeboard Fence
ESD BT-05	12 June 2012	1500 High Closeboard Fence with 300mm Trellis
ESD BT-28	12 June 2012	1800 High Brick Wall with Tile Crease
506-104 Rev D	12 June 2012	Planning Site Sections
506-103 Rev E	12 June 2012	Streetscenes
5969/Ph2 A	12 June 2012	Topographical Survey
506-101 A	12 June 2012	Location Plan
506-501 C	12 June 2012	Materials Layout

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

3. No dwelling on plots 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, and 29 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. The integral and detached garages hereby permitted on plots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 23, 24, 25, 26, 27, 28, 29 and 30 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

5. 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.

6. 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.

7. 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.

8. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.

Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos.EP9 of the Adopted Chorley Borough Local Plan Review.

9. 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 areas 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.

10. 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.

11. The development hereby permitted shall incorporate the recommendations within Section 4 of the Ecological Considerations Report, undertaken by Bowland Ecology dated August 2011, (including the removal of trees and shrubs outside the bird breeding season and incorporating the erection of bat and bird boxes within the scheme). Any measures incorporated shall be retained in perpetuity.
Reason: To maximise the potential for ecological enhancements and opportunities at the site in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.
12. 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:

 - Site compound and contractor parking and management of contractors parking to ensure parking does not overspill onto surrounding roads.
 - 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.
13. 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 1 January 2013 and Level 6 for all dwellings commenced from 1st January 2016).
Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
14. 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 Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
15. 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 Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document
16. 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 Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
17. 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.

18. 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.

19. There is a potential for ground contamination at this site. Due to the size of development and sensitive end-use, no development shall take place until:

a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 '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 any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

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.

20. The external facing 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.

21. The noise mitigation measures should be carried out as outlined in the following report 'Noise Assessment Charnock Richard Phase 2 No. AAL/BS11056' by Acoustic Associates dated 2 August 2011.

Reason: To protect the amenity of future occupiers.

22. Prior to the occupation of dwellinghouses hereby permitted full details of the noise barrier to be erected along the site boundary and railway line shall be submitted to and approved in writing by the Local Planning Authority. The noise barrier shall be retained in perpetuity thereafter.

Reason: To protect the amenity of the future occupiers.

23. All windows in the dormer window within the dwellings rear elevation on plots 1, 2, 3, 4, 5, 9, 10, 28 and 29 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.

24. 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 1-10 (inclusive) and 27-30 (inclusive) 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.

25. Prior to the commencement of the development full details of the on-site surface water storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall be retained in perpetuity thereafter.

Reason: To secure proper drainage and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review.

26. The foundations of the dwellings hereby approved shall be of a traditional shallow ground bearing type and not of a “driven” or “impact” type unless it is identified during an assessment of ground conditions that piling is necessary. In the event that piling is required full details of the proposed piling activities shall be formally submitted, as a discharge of condition application, to the Local Planning Authority, prior to the commencement of the development. The details shall include which plots are affected, full details of the reasons why piling is required and full details of the proposed activities. The Local Planning Authority will then consult with residents on the discharge of condition application and if there are objections then the discharge application should be referred to the Chair and Vice Chair of the Development Control Committee for a decision about reference to committee. The agreed scheme shall be maintained at all times to the satisfaction of the Local Planning Authority.

Reason: - The applicants have confirmed that piling will not be required as such in order to protect the amenities of the neighbouring properties full details of any piling activities are required prior to the construction of the foundations on site. In accordance with saved policies GN5, HS4 and EP20 of the Adopted Chorley Local Plan Review.

27. No development shall take place until details of the proposed drainage strategy, including full details of the existing drainage ditch, have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review.