

Item 4j **13/00401/REMMAJ**

Case Officer **Nicola Hopkins**

Ward **Adlington And Anderton**

Proposal **Section 73 application to vary condition 7 attached to reserved matters approval 11/01024/REMMAJ (boundary treatments).**

Location **Grove Farm Railway Road Adlington ChorleyPR6 9RF**

Applicant **Bellway Homes Ltd**

Consultation expiry: **12 August 2013**

Application expiry: **9 August 2013**

Proposal

1. This is a section 73 application to vary condition 7 attached to reserved matters approval 11/01024/REMMAJ. This condition related to the approved boundary treatments at the site. The wall and fencing erected adjacent to Adlington Community Centre however does not accord with the approved details and this application has been submitted to regularise the situation.

Recommendation

2. It is recommended that this application is granted conditional reserved matters approval

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Condition 7
 - Other matters

Representations

4. Adlington Town Council have made the following comments:
 - The plans show a height for the proposed close boarded fence of 2.1m, however a local resident has expressed concern that the fencing between the site and the Community Centre is in fact being erected on top of a brick retaining wall, giving a total height in some places of 2.8m, which the Council considers to be excessive and which will lead to a loss of light for sections of the Community Centre building, which also includes a nursery facility.
 - Concern has also been expressed that there is an inconsistency in proposed boundary height along the boundary line with the Community Centre car park, so that a "step up" effect would be created which would be visually incongruous from the Community Centre car park.
 - I would also be grateful if you could confirm the date for the opening of the park and ride facility. The Council had understood that this would be available (under the conditions of the permission) once 26 dwellings had been started on the site. In January that there were 16 plots under construction, and building has been continuing since then. The Council is keen to see the facility being made available to residents.
5. Adlington and District Community Association have raised the following concerns:
 - The fence and wall next to the car park is actually 2.8 metres high. The association will accept a fence, including the wall, which is 2.5 metres high
 - The fence adjacent to the community centre is actually 2.4 metres high which takes light away from the nursery play area and the lower hall
 - The fence is only 2.8 metres away from the building which contravenes the planning approval and the inspectors report.

- The fence should be reduced to 1.8 metres tall

Assessment

Condition 7

6. Condition 7 of reserved matters approval 11/01024/REMMAJ stated:
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.
7. The approved details incorporated the retention of the existing boundary wall along the north-eastern boundary of the site, which included the boundary with the community centre.
8. What has actually been constructed on site is a 0.7m high wall with 2.4 metre high close boarded fencing on top (2.8 metres high in total) adjacent to the community centre car park and a 2.4 metre high close boarded fence adjacent to the community centre building. The fencing 'steps down' from the boundary treatment adjacent to the community centre car park, which includes the wall, to the treatment adjacent to the building itself.
9. The plans originally submitted with this application detailed a 2.1 metre high fence along the community centre car park boundary and a 1.8 metre fence along the remainder of the north western site boundary. The applicants were advised that this did not reflect the as built situation on site and the plans have been amended accordingly.
10. The concerns raised by both the Town Council and the Community Association relate to incorrect plans, which has been addressed, and to loss of light to the car park, children's play area and community centre building.
11. It should be noted that although the fence and walling which has been erected within the housing site extends to 2.8 metres and 2.4 metres high when viewed from the community centre site, the fencing is not this high as the community centre land is at a higher land level than the housing site. The wall and fencing which has been erected matches the height of the metal palisade fence which the community centre already had along its boundary with the housing site.
12. The 2.8 metre high wall and fence which has been erected extends along the boundary with the community centre's car park. The fence erected replicates the height of the green palisade fence which has been in situ for a number of years. It is appreciated that a palisade fence allows views and light through however as the wall and fence as erected only directly impacts on a car park loss of light created by a solid boundary treatment is not considered to be an issue and ensures that a private rear garden area is provided for the future residents.
13. The Community Association have requested that the boundary fencing be lowered in height however this would result in a wooden fence with the existing palisade fence protruding above which would, from a visual perspective, have a greater impact.
14. The orientation of the community centre hall dictates that light will mainly be secured later on in the day as the sun sets. A number of the first floor windows on the elevation which faces the housing site have been boarded up however the associations concerns relate to loss of light to the lower hall. Given the proximity of the building to the existing palisade fence it is considered that light within this area was already restricted prior to the new fencing being erected.
15. Similarly due to the location of the nursery's outside play area light is already relatively restricted and as the nursery only runs until 3pm Monday to Friday the time of the day when it could be considered that loss of light to this area created by the fence which has been erected would occur will be after the outside area is in use. As such it is not considered that the fence has a greater degree of impact on the play area than the previous situation on site.
16. It is considered, from a visual impact perspective, that a fence which replicates the height of the existing green palisade fence is the most appropriate solution. It is not considered that the

fence adversely impacts on the parking area or play area for the reasons set out above.

17. In respect of the impact, through loss of light, on the lower hall a site visit has been carried out to view this impact. The community association use the lower hall which has windows and a door facing the fencing which has been erected. To address the concerns raised and to improve the relationship between the housing site and the community centre building Bellway Homes were asked whether it was possible to lower the height of the fencing within this part of the site to 2/ 2.1 metres. In response to this request Bellway Homes have confirmed:
 - The 2.4m high boundary erected alongside the existing community centre was constructed to the height of existing palisade fence and affects Plot 5 which unfortunately is occupied.
 - Lowering this fence will create us some issues with our occupiers so would it be possible to leave this in-situ as indicated?
18. Taking into consideration the above comments as a compromise it was considered that replacing the top 400mm of the fence by trellis work would be a suitable way forward as this will still ensure that the fence matches and partially screens the existing palisade fence but also allows some light through for the community centre. However Bellway Homes have confirmed that *the suggested amendment to the as-built fence is not ideal as the unsightly steel palisade behind would still be visible and due to the plot now being occupied we cannot offer this amendment as an 'enhancement' to the owner.*
19. Whilst lowering the height of the fence and replacing this with trellis would benefit the amount of light afforded to the community centre it is not considered that without this amendment the scheme is unacceptable as due to the orientation of the building it is not considered that the fence as erected will have such a degree of impact which warrants refusal.
20. It is noted that the community association have referred to the Inspector's decision notice and in particular paragraph 34 which states:

I have had regard to the concerns raised regarding the relationship between the neighbouring community centre and the nearest proposed dwellings. However, I consider that it would be possible to design and site those dwellings so as to ensure that: they would not unacceptably reduce the light received by the community centre facilities; and, the living conditions of future residents would not be unacceptably harmed by noise arising from the community centre. These matters could be adequately controlled through the reserved matters approval process.
21. When the reserved matters approval was considered the siting of the dwellings, in proximity to the community centre, was assessed to ensure that they did not reduce the light received by the community centre in accordance with the Inspector's decision. The concerns raised now relate to the impact of the boundary treatments and not the dwellings themselves which is what the Inspector in this case was referring to. It is appreciated that boundary treatments form part of the dwelling unit as a whole however the loss of light impact in the case of the community centre has been addressed above. It is also considered that a close boarded fence, as erected, which replicates the height of the community centre's fencing creates a more effective noise barrier which was also part of the Inspector's consideration.

Other matters

22. The Town Council have queried when the park and ride facility will be available. The Section106 obligations for the Park and Ride Facility are as follows:
 - Upon construction of the 26th dwelling the area is to be fully surfaced & marked out
 - Upon occupation of the 26th dwelling this area is to be transferred.
23. Bellway Homes have confirmed the following completions/ construction update:
 - Show units – 2no. units (Plots 1 & 2)
 - Occupied units - 5no. units (Plots 3, 5, 62, 63 & 67)
 - Stock plots (completed units not sold) – 5no. units (Plots 4, 6, 64-66)
 - Units under construction and to be occupied within the month: 10no. units (Plots 7-9, 40-47)
 - Units under construction (not sold) – 11no. units (Plots 48-58)

24. As such the trigger point for transferring the facility has not yet been reached although Bellway Homes have confirmed that they will advise the Council when the 26th dwelling has been occupied. Bellway Homes have made the assumption that this may be achieved later on in the year.

Overall Conclusion

25. Although the wall and fencing erected exceeds the height of the boundary treatment originally envisaged for this part of the site it is considered from a visual perspective that replicating the height of the existing palisade fence is an appropriate treatment for this part of the site. It is not considered that refusal on the grounds of loss of light could be sustained in respect of the fence and wall which has been erected. As such the variation of condition is recommended for approval.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies:GN1, GN5, HS4

Central Lancashire Adopted Core Strategy

Policy 17

Planning History

5/2/90- Additions and alterations to cottage. Approved August 1953

5/2/426- Proposed Bungalow. Approved August 1966

9/77/357- Storage Shed for Steel Materials. Approved July 1977

00/00467/MAS- Siting of 15m lattice tower. Prior approval not required

02/00323/OUT- Outline application for one detached house and garage. Withdrawn

09/00721/OUTMAJ- Outline application for residential redevelopment (for at least 75 dwellings) and a 'park and ride' parking area for Adlington Railway Station. Withdrawn

10/00439/OUTMAJ- Application for outline planning permission (access only) for the erection of up to 75 dwellings and a park and ride parking area for Adlington Railway Station. Refused, Appeal allowed

11/01024/REMAJ- Reserved matters application for the erection of 67 dwellings and a Park and Ride Car Park. Approved February 2012

11/01025/DIS- Application to discharge conditions 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 attached to outline planning approval 10/00439/OUTMAJ. Conditions discharged

12/00295/DIS- Application to discharge conditions 14, 15 and 17 attached to planning approval 11/01024/REMAJ. Conditions discharged

Recommendation: Approve Reserved Matters Conditions

- 1. All windows in the ground and first floor of the building's north-east elevation (plots 13 and 32) 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, HS4 and HS9 of the Adopted Chorley Borough Local Plan Review.

2. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained.

Reason: To prevent pollution of the water environment and in accordance with Policy Nos. EP17, EP18, EM2 and EM3 of the Adopted Chorley Borough Local Plan Review.

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 (submitted as part of discharge of condition application 11/01025/DIS).

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. The external facing materials detailed on the approved plans shall be used.

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.

5. 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.

6. The development hereby permitted shall be carried out in accordance with the submitted Code for Sustainable Homes Pre-Assessment dated 16th November 2011 (submitted as part of discharge of condition application 11/01025/DIS). 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: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Adopted Central Lancashire Core Strategy

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. The replacement tree planting shall be carried out in accordance with the approved landscaping of the site and no later than the end of the first available planting season after completion of the individual plots (details submitted as part of discharge of condition application 11/01025/DIS).

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. Prior to the commencement of the construction of any of the dwellings hereby permitted the new access to the site from Railway Road shall be constructed in accordance with the approved plans.
 Prior to the commencement of the construction of any of the dwellings hereby permitted the park-and-ride facility shall be constructed in accordance with the approved plans to base course level for use as a temporary site compound.
 Prior to the commencement of the construction of any more than 26 of the dwellings hereby approved the park-and-ride facility shall be completed in accordance with the approved details, made available for use as a park-and-ride facility and retained thereafter for that purpose.
Reason: In the interests of highway safety and the proper development of the site. In accordance with Policies TR4 and TR13 of the Adopted Chorley Borough Local Plan Review.
10. The development hereby permitted shall be completed in accordance with the remediation and risk management measures detailed in section 14 of the Field Investigation Report for Grove Farm, Adlington, dated July 2011 (Report No. 11BEL013/GI- submitted as part of discharge of condition application 11/01025/DIS). Following the completion of the works a validation report, to confirm the placement of the 600mm clean cover system in all the gardens and landscaped areas (apart from those gardens and landscaped area identified on plan reference BEL49 200 Rev P1 which requires a 300mm clean cover system), to confirm the suitability of imported soil material and to provide the results of the additional leachate testing, shall be 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 Government advice contained in PPS23: Planning and Pollution Control.
11. The development hereby permitted shall be completed in accordance with the approved surface water and foul water drainage schemes (submitted as part of discharge of condition application 11/01025/DIS).
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.
12. The development hereby permitted shall be completed in accordance with the submitted Method Statement (undertaken by Pinnacle dated November 2011) and the amended Method Statement in respect of the eradication of Japanese Knotweed (submitted as part of applications 11/01025/DIS and 12/00295/DIS).
Reason: To ensure the eradication of Japanese Knotweed in accordance with the Wildlife and Countryside Act 1981 (as amended).
13. The development hereby permitted shall be completed in accordance with the amended Habitat Creation and Management Plan (submitted as part of application 12/00295/DIS).
Reason: To protect/conservate the habitat/amenity value of this site in accordance with Government advice contained in the National Planning Policy Framework
14. The scheme to safeguard the interests of protected species shall be implemented in accordance with the approved replacement bat roosts details, approved as part of application 12/00757/DIS.
Reason: To protect/conservate the habitat/amenity value of this site in accordance with Government advice contained within the National Planning Policy Framework
15. The approved plans are:
- | Plan Ref. | Received On: | Title: |
|------------------|-----------------|-----------------------|
| TDD/001 Rev C5 | 17 January 2012 | Engineering Layout |
| LDS204-01B | 30 January 2012 | Planting Plan 1 of 2 |
| LDS204-02B | 30 January 2012 | Planting Plan 2 of 2 |
| 3PI073 | 12 January 2012 | Pilkington House Type |
| BHWL091/01 Rev R | 1 February 2012 | Planning Layout |

BHWL091/01 Rev A	12 January 2012	Street Scenes
BHWL091/03 Rev A	1 February 2012	Hard Surfacing Layout
BHWL091/05 Rev A	1 February 2012	Parking Layout
BHWL091/04 Rev K	19 July 2013	Fencing Layout
BH/NW/SL/DG/01 Rev A	12 January 2012	Double Garage
BH/NW/SL/DG/04	12 January 2012	Double Garage
BH/NW/SL/DG/05	12 January 2012	Double Garage
BH/NW/SL/SG/01 Rev A	12 January 2012	Single Garage
BH/NW/SL/SG/04	12 January 2012	Single Garage
BH/NW/SL/SG/05	12 January 2012	Single Garage
BH/NW/gf/BR/01 Rev A	12 January 2012	Bat Roost Building
TDD/011 Rev C2	21 November 2011	Park and Ride Car Park Layout
4LA129	21 November 2011	Larch House Type
4KE133	21 November 2011	Keats House Type
4KE131	21 November 2011	Keats House Type
4LA129	21 November 2011	Larch House Type
4FA124	21 November 2011	Fairhaven House Type
4FA124	21 November 2011	Fairhaven Special House Type
3WE103	21 November 2011	Weston House Type
3RU081	21 November 2011	Rufford House Type
3LA094	21 November 2011	Lansdown House Type
3CH073	21 November 2011	Chatsworth House Type
2ST062	21 November 2011	Studley House Type
LDS204-03	21 November 2011	Tree Pit Detail
101 Rev P1	24 January 2012	Drainage Layout
BEL49 200 Rev P1	6 February 2012	Plan indicating which gardens require capping
BH/NW/GF/FD-01	22 July 2013	700mm high retaining wall with 2.1m high close boarded fence/ 2.4m close boarded fence
BH/WL/SD/FD001 Rev A	10 May 2013	1.8m Close Boarded Fence
BH/WL/SD/FD015	10 May 2013	2-2.4m High Close Boarded Fence
BH/WL/SD/FD023 Rev B	10 May 2013	1.8M-2.2m High Brick Wall
BH/WL/SD/FD035	10 May 2013	450-900mm high knee rail fence

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

16. 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, 6, 7, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 27, 28, 29, 30, 31, 56, 57, 58, 59, 60, 61 and 67 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.