

Item 4g **13/01106/FUL**

Case Officer **Mrs Nicola Hopkins**

Ward **Eccleston And Mawdesley**

Proposal **Substitution of house types on plots 26, 30, 36, 41, 46, 48, 49, 50 and 59**

Location **The Carrington Centre New Mill Street Eccleston**

Applicant **Bloor Homes North West**

Consultation expiry: 26 December 2013

Application expiry: 22 January 2014

Proposal

1. This application relates to a plot substitution on 9 of the plots previously granted planning permission as part of application 13/00156/FULMAJ. Bloor Homes will be developing the residential part of this site and have submitted this application.

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
 - Proposed Changes
 - Density
 - Parking
 - Section 106 Agreement
 - Community Infrastructure Levy

Assessment

Principle of the development

4. Full planning permission to redevelop the whole site was granted in August 2013 following an overturned appeal at this site in 2011. The redevelopment involves a new retail shopping parade and the erection of 62 new dwellings. The new retail parade is currently under construction and Bloor Homes will be constructing the new dwellings.

Proposed Changes

5. The application relates to the plot substitution of nine 4 bedroom units to remove house types 401, 415 and 423. Bloor Homes have stated that this is due to poor market demand and feedback when placed on other developments.
6. The layout remains unchanged from the approved layout including the existing access and road alignment which also remains unchanged. The proposed changes incorporate replacing 4 bedroom detached dwellinghouses with alternative 4 bedroom detached dwellinghouses which reflect the character and appearance of the whole scheme as approved.
7. The proposed dwellings respect the interface relationships originally approved on this scheme and the first floor windows with the side elevation of plots 49 and 59 will be obscurely glazed to avoid loss of privacy to the neighbours' amenities.

Density

8. The developable area of the proposed residential part of the site covers 2.47 hectares. The erection of 62 dwellings equates to a density of approximately 25 dwellings per hectare. Policy 5 of the Core Strategy relates to housing densities and states that the authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.
9. The previous approval equated to approximately 23 dwellings per hectare and it is considered that a density of 25 dwellings per hectare is appropriate for this rural location.

Parking

10. All of the dwellings proposed are 4 bedroom dwellings each with driveway space and/or garage accommodation sufficient to accommodate 3 cars in accordance with Policy ST4 of the emerging Local Plan.

Section 106 Agreement

11. As this is a full application there is a requirement for a supplemental Section 106 Agreement to tie these plots into the original obligations.

Community Infrastructure Levy (CIL)

12. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013.
13. The original planning approval for housing at this site pre-dates the levy and as such was not subject to CIL. However this full application proposes new residential development after the levy is applied and as such could be liable for CIL.
14. The Local Planning Authority requires plot substitutions to be dealt with via the submission of a full application as they are not considered minor amendments to the approved scheme and as such could not be dealt with via the submission of a S73 application. However the CIL regulations only specify that the fall back position of approved schemes can only be taken into account in respect of CIL when a S73 application is submitted.

15. In the case of sites within Chorley it is considered that a pragmatic approach is appropriate given that the intention of CIL was never to retrospectively impose CIL charging on approved schemes. As such the extent of approved development is subtracted from the extent of proposed development and CIL is only charged on the uplift created by virtue of the proposed amendments.

16. The total residential floorspace approved and proposed on these plots is set out below:

Plot	Proposed (m²)	Approved (m²)
26	157.23	162.64
30	118.90	134.55
36	148.66	134.55
41	99.08	97.58
46	118.90	97.58
48	118.90	134.55
49	139.43	134.55
50	139.43	134.55
59	139.43	134.55
Single Garage	18 (x 4) 72	18 (x 5) 90
Double Garage	36 (x 3) 108	36 (x 3) 108
TOTAL	1359.96	1363.1

17. As the floor area proposed is less than the floor area approved the CIL charge is nil.

Overall Conclusion

18. The proposed amendments to the scheme are only minor and do not impact on the character or appearance of the scheme as a whole whilst respecting the amenities of the future and existing residents. As such the plot substitutions are recommended for approval.

Planning Policies

National Planning Policies

National Planning Policy Framework

Chorley Borough Local Plan

The Chorley Local Plan Review was adopted in August 2003. It was saved in September 2007

The relevant saved Local Plan policies are:

- GN3: Settlement Policy- Eccleston

- GN5: Building Design & Retaining Existing Landscape Features.
- DC3- Areas of Safeguarded Land
- EP4- Species Protection
- EP9- Trees and Woodland
- EP20- Noise
- HS4- Design and Layout of Residential Developments
- HS8- Local Needs Housing in Rural Settlements Excluded from the Green Belt
- HS21- Playing Space Requirements
- TR1- Major Development – Tests for Accessibility & Sustainability
- TR4- Highway Development Control Criteria
- TR18: Provision for Pedestrians and Cyclists in New Development
- SP6- District, Neighbourhood and Local Shopping Centres

Central Lancashire Core Strategy (adopted July 2012)

Policies to be given weight are:

- Policy MP clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate otherwise taking into account Policy MP a) and b).
- Policy 1 Locating Growth
- Policy 4 Housing Delivery
- Policy 7 Affordable Housing
- Policy 9 Economic Growth and Employment
- Policy 10 Employment Premises and Sites
- Policy 11 Retail and Town Centre Uses and Business Based Tourism
- Policy 25 Community Facilities
- Policy 22 Biodiversity and Geodiversity
- Policy 17 Design of new buildings
- Policy 27 Sustainable Resources & New Developments

Emerging Local Plan

Publication Chorley Local Plan 2012 - 2026

Relevant Policies are:

- ST3: Road Schemes and Development Access Points
- ST4: Car Parking Standards
- HS1: Housing Site Allocations
- HS2: Phasing of Housing Development
- HS4A: Open Space Requirements in New Housing Developments
- HS4B: Playing Pitch Requirements in New Housing Developments
- EP7: Development and Change of Use in District and Local Centres
- BNE1: Design Criteria for New Development. Criteria a, b, c, d, f, g and h are relevant to the proposal.

Supplementary Planning Guidance

- The Central Lancashire Supplementary Planning Document Design Guide (adopted October 2012) is relevant as it aims to encourage high quality design of places, buildings and landscapes in the Borough. This supersedes the Chorley Design Supplementary Planning Guidance (July 2004)
- The Central Lancashire Supplementary Planning Document Affordable Housing (adopted October 2012)

Planning History

87/00242/COU: COU of shop unit to office. Approved May 1987

89/00524/FUL: Creation of 3 shop units and alteration of internal walkway. Approved August 1989

89/01151/COU: Change of use of one conservatory unit inside centre to office use. Approved January 1990

94/00730/COU: Change of Use from Shop (Class A1) to Financial and Professional Services Office (Class A2). Approved October 1994

94/00731/COU: Change of Use from Shop (Class A1) to Cafe/Hot Food Take Away (Class A3). Approved November 1994

99/00115/COU: Change of use from printing factory to gym. Approved April 1999

00/00661/COU: Change of use from retail to Internet/Cyber cafe. Approved October 2000

05/00794/COU: Change of use from A1 (shop) to A4 (wine bar). Approved September 2005

11/00366/OUTMAJ: Outline application for the erection of a replacement Local Centre Parade, Supermarket and up to 40 residential dwellings with associated areas of parking and servicing (all matter reserved apart from access). Full application for the relocation of existing pond to provide enhanced new pond. Refused September 2011. Allowed on appeal March 2012.

12/00927/DIS: Application to discharge conditions 22 (habitat linkages), 30 (archaeological programme), 43 (amended Biological Heritage Site appraisal) and 45 (replacement pond construction) of permission reference 11/00366/OUTMAJ (this was an outline application for the erection of a replacement Local Centre Parade, Supermarket and up to 40 residential dwellings). Discharged 2012

13/00068/DIS: Application to discharge conditions 17 (tree survey) and 30 (archaeological work) attached to planning approval 11/00366/OUTMAJ. Discharged 2013

13/00156/FULMAJ: Erection of a replacement local centre including associated parking and servicing areas and the erection of 62 residential dwelling. Approved August 2013

13/00557/DIS: Application to discharge conditions 6 (Development Strategy and Phasing- whole development), 12 (Design Stage Assessment), 15 (Ground and finished floor levels-whole development), 16 (Access to 228 The Green), 18 (Landscaping for retail phase and pond), 21 (Boundary treatment- retail site), 22 (Facing materials- retail site), 23 (Ground materials-retail site), 24 (Toad mitigation), 25 Habitat linkages), 27 (Drainage- whole development), 29 (Ground contamination), 46 (Site access and off site highway improvement works), 49 (Foundations/steelwork- retail phase), and 50 (Bin Storage- retail phase) attached to planning approval 13/00156/FULMAJ. Discharged 2013

13/01083/DIS: Application to discharge conditions 18 (landscaping), 20 (tree replacement), 21 (boundary treatments), 22 (external facing materials), 23 (hard surfacing materials), 29 (site investigations), 44 (acoustic report) and 45 (Estate Street Phasing and Completion Plan) attached to planning approval 13/00156/FULMAJ. Pending consideration

13/01110/DIS: Application to discharge condition 14 (carbon reduction statement) attached to planning approval 13/00156/FULMAJ (retail phase only). Discharged 2013

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 development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Plot	Drawing Reference	Received date
Planning Layout		TG/E_PL01	18 th December 2013
Location Plan		TG/E_LP01	22 nd November 2013
Floor Plans and Elevations Cottage Brick	41	400.C-PL01	22 nd November 2013

Elevations Cottage Render	36	416.C-PL03	22 nd November 2013
Elevations Cottage Brick	26	422.C-PL02	22 nd November 2013
Floor Plans Cottage	26	422.C-PL03	22 nd November 2013
Floor Plans and Elevations Cottage Brick	30, 48	430.C-PL01	22 nd November 2013
Floor Plans and Elevations Cottage Render	46	430.C_PL02	22 nd November 2013
Floor Plans Cottage	36	461.C-PL01	22 nd November 2013
Floor Plans and Elevations Cottage Brick	49, 50, 59	419.C-PL01	22 nd November 2013
Double Garage (SP) Side Gable Version		G02[SG]01	20th February 2013
Single Garage (SP) Side Gable Version		G01[SG]01_SP	20th February 2013
Materials Layout		C079_07_B	18 th December 2013
Fencing Layout		C079_04_B	18 th December 2013
1.8M Close Board Ecology Timber Fence Detail		001_24	18 th December 2013
2.0m Close Board Acoustic Timber Fence		001_20	18 th December 2013
1.8m Overlap Ecology Timber Panel Fence		001_25	18 th December 2013
0.45m Timber Knee Rail Fence		001_23	18 th December 2013

Reason: For the avoidance of doubt and in the interests of proper planning

3. All windows in the first floor of the south elevation of plots 49 and 59 hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority. *Reason: In the interests of the privacy of occupiers of neighbouring property.*

4. All dwellings commenced prior to 31 December 2015 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1 January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development.*

5. Prior to the commencement of each phase of the residential development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level. *Reason: In the interests of minimising the environmental impact of the development.*

6. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development.*

7. Prior to the commencement of each phase of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating. *Reason: In the interests of minimising the environmental impact of the development.*

8. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall be carried out strictly in conformity with the approved details. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*

9. 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 accordance with Policy TR4 of the Chorley Borough Local Plan Review 2003*

10. A scheme of landscaping (including habitat creation, enhancement and management) for each phase or sub-phase shall be submitted the Local Planning Authority for approval in writing prior to the commencement of that phase or sub-phase of development. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, paved or hard landscaped and details of any changes of ground level. The scheme shall include the retention/replacement of hedgerows and trees to maintain the extent of Habitat of Principal Importance, and bat foraging and commuting habitat, and bird nesting opportunities. The scheme shall also include details of long-term management of features including hedgerows and ponds. Landscaping and restoration schemes should aim to protect, enhance, expand and connect existing habitats. Landscaping and restoration schemes should also aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the area. *Reason: In accordance with guidance contained within the National Planning Policy Framework, Policies 17 and 22 of the Central Lancashire Core Strategy 2012 and Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003*

11. All planting, seeding or turfing comprised in the approved details of landscaping above shall be carried out in the first planting and seeding seasons following the occupation of the dwellings hereby permitted, 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. *Reason: In the interest of the appearance of the locality.*

12. The development hereby permitted shall be constructed in accordance with the approved external facing and roofing materials detailed on the approved plans. *Reason: To ensure a visually satisfactory form of development.*

13. Prior to the commencement of the development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained. *Reason: To ensure a visually satisfactory form of development.*

14. No building shall be erected within 3 metres of any public sewer. *Reason: To protect existing service infrastructure. In accordance with Government guidance contained within the National Planning Policy Framework*

15. There is a potential for ground contamination at this site (this location includes a former cotton mill). Due to the scale of development and proposed sensitive end-use (residential housing with gardens), prior to the commencement of the development, the matters below must be addressed:

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 the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).*

16. Should, during the course of any phase of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development phase should cease until such time as further remediation proposals 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 the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).

17. 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 BS5837:2012 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). 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.*

18. The demolition and construction works associated with the development hereby permitted shall not take place except between the hours of:

- 0800 to 1800 Monday to Friday
- 0800 to 1300 on Saturdays.

No demolition or construction activities shall take place on Sundays or Public and Bank Holidays.

Reason: To safeguard the amenities of local residents, to protect nearby noise sensitive buildings

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwellings on plots 26, 30, 36, 41, 46, 47, 49 and 59 porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission. *Reason: In the interests of amenities of the existing and future residents.*

20. 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. *Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.*

21. The garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation. *Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.*

22. Prior to the first use of the residential development hereby permitted, a Residential Travel Plan shall be submitted to and approved in writing by, the local planning authority. The Plan shall be generally in accordance with document submitted with the application entitled *Proposed Redevelopment of the Carrington Centre, Ecclestone Framework Travel Plan*. The measures in the agreed Travel Plan shall then thereafter be complied with unless otherwise agreed in writing by the Local Planning Authority. *Reason: To reduce the number of car borne trips and to encourage the use of public transport.*