

Item 3e **16/00132/FULMAJ**

Case Officer **Adele Hayes**

Ward **Chorley East**

Proposal **Section 73 application to vary condition 3 (approved plans) attached to planning approval 13/00299/FULMAJ to enable re-positioning of the proposed dwellings and to change the approved house types**

Location **Lyons Lane
Chorley
PR6 0PJ**

Applicant **Elmwood Construction LLP**

Consultation expiry: **5 April 2016**

Decision due by: **16 May 2016**

Recommendation

It is recommended that this application is granted conditional approval.

Proposal

1. Full planning permission was granted in November 2012 for the erection a mixed use development on this site consisting of new and refurbished industrial units and 10 residential dwellings (12/00045/FULMAJ). Permission was granted subject to a number of conditions.
2. A Section 73 application, that sought consent to vary conditions nos. 3 and 17 attached to the planning approval, to essentially allow alterations to the approved industrial units and dwellings and removal of the requirement to build the dwellings to Code Level 4 of the Code for Sustainable Homes, was approved in June 2013 (13/00299/FULMAJ). The approved scheme has already been implemented by the commencement of the works on the retained industrial site and the levelling of the residential site and the construction of retaining walls.
3. This is a further Section 73 application to again vary condition no. 3 (approved plans) attached to the permission to enable re-positioning of the proposed dwellings and to change the approved house types.
4. The orientation of the proposed houses has changed and the new layout results in all the units fronting Townley Street and having larger rear gardens. This is to avoid the houses having views over the industrial site and to ensure the deliverability of the scheme as this layout will result in reduced set up costs and upfront costs associated with the cul-de-sac.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Design and appearance;
 - Highway safety; and
 - Impact on the neighbours

Representations

6. The proposal has been advertised on site and in the press and letters have been sent to the occupiers of neighbouring properties. No representations have been received as a result of this publicity.

Consultations

7. The Coal Authority – recommend standing advice.
8. The Highway Authority – no comments have been received.

Assessment

Principle of the development

9. The principle of redeveloping the site with industrial units and housing was originally established as being acceptable by the grant of planning permission in November 2012 and the subsequent Section 73 application. This application purely proposes amendments to the detail of the approval which is addressed below.

Design and appearance

10. The proposal still involves the erection of a total of 10no. dwellings comprising two terraces of three houses and two pairs of semi-detached houses although rather than being set out around a new cul-de-sac, they will front directly onto Townley Street.
11. The proposal creates a better street scene as it fits in more with the orientation of the residential development recently completed on the adjacent site opposite that fronts Charnock Street. The

delivery of this development will effectively complete the residential development of the last remaining piece of derelict land that was formally Lawrences Mill.

12. A single house type is proposed with rear gardens and 2no. off street car parking bays located at the front of each dwelling. The materials used for construction will be a traditional nature, facing brick and roofing tiles, and window frames and doors will be white UPVC.

Highway safety

13. The Highway Engineer at Lancashire County Council has been consulted and has raised no objections.

14. The properties will each have three bedrooms and two spaces each which meets the Council's parking standards.

Impact on the neighbours

15. The application site is relatively flat but rises slightly on a north / south axis. The area of land where the houses will be built is currently in a very poor condition and is covered in demolition rubble due to the mill building having been demolished and its former walls now form a boundary to the residential site.

16. Eldon House, which is sheltered housing accommodation, is located to the south east. Parts of this building currently look towards the application site and have a very poor outlook. It is considered that the resultant relationship with this building and the new dwellings that have been built on the opposite side of Townley Street will be acceptable and will not result in any significant loss of amenity for the future residents within the development or occupiers of existing dwellings or the neighbouring sheltered housing scheme.

17. The proposed dwellings will have a rear aspect facing the Busy Bee's nursery site which is at a higher level and this is considered an acceptable relationship.

Overall Conclusion

18. The total number of dwellings remains unchanged and the acceptability of the principle of residential development on this site was established with the previous grant of planning permission. The proposed amendments to the approved scheme are considered to be acceptable.

19. The removal of the requirement to achieve Code Level 4 has previously been accepted to assist in ensuring that housing continues to be built on this site and it is recommended that this application is approved.

Planning Policies

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

The site history of the property is as follows:

Ref: 92/00096/FUL

Description: Demolition of existing chimney and erection of pre-fabricated boiler flue. Approved 10 March 1992.

Ref: 09/00690/DEMCON

Description: Application for prior determination in respect of the proposed demolition of the former Yarn Supplies Site. Demolition approved: 8 October 2009.

Ref: 12/00045/FULMAJ

Description: Proposed mixed development consisting of 10 new starter industrial units, 3 refurbished existing units within an enclosed employment site together with 10 residential dwellings. Approved: 22 November 2012.

Ref: 12/01246/DIS

Description: Application to discharge condition numbered 17 (Code for Sustainable Homes) of planning approval 12/00045/FULMAJ. Condition not discharged: 8 February 2013.

Ref: 13/00175/DIS

Description: Application to discharge conditions numbered 7 (ground contamination), 10 (hard-ground surfacing materials) and 11 (external facing materials) of planning approval 12/00045/FULMAJ. Condition discharged: 25 March 2013.

Ref: 13/00299/FULMAJ

Description: Section 73 application to vary condition 3 (approved plans) and condition 17 (code for sustainable homes) attached to planning approval 12/00045/FULMAJ to allow for elevational alterations to the dwellings and industrial units and for the dwellings to be built to Level 3 of the Code for Sustainable Homes. Approved: 25 June 2013.

CONDITIONS

The following conditions are suggested:

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.

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

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

Drawing Title	Plan Ref	Date Received
Site Location Plan	0922 10	15 February 2016
Proposed detailed site layout	001	15 February 2016
Proposed Elevations and Sections	1408 26 002	15 February 2016
Lighting design	n/a	26 April 2013

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

3. Before occupation of any of the units 7 – 16 inclusive (as shown on the approved plans) by a use falling within in class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), a noise assessment and mitigation measures shall be submitted to and agreed in writing by the Council for that unit. The occupation of that unit shall thereafter only be carried out in accordance with any approved mitigation measures.

Reason: To ensure that the units that may cause disturbance to residential properties have appropriate noise insulation installed.

4. The existing units to be refurbished (marked units 1 - 6 inc. on the approved plan) have a B2 use class.

Reason: For the avoidance of doubt and to define the permission.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 8, Class A) or any Order revoking or re-enacting that Order, no internal alterations involving the removal of walls between the individual units shall be carried out in respect of units 7 – 16 inclusive hereby permitted, which would enlarge them so that any single unit has a ground floor area of more than 200m².

Reason: To prevent a proliferation of over large units in this area when significant weight has been given to the creation of smaller starter units.

6. Should, during the course of the development, any poor, odorous or discoloured ground be encountered, it should be reported to a suitably qualified professional to examine and determine if further testing is deemed necessary before development proceeds. A new clean cover soil layer to gardens should be provided to 450mm minimum depth.

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.

7. No materials or equipment shall be stored on the employment site other than inside the buildings.

Reason: In the interests of the visual amenity of nearby residential properties and to protect them from disturbance associated with outside storage, and also to keep the vehicle turning areas clear.

8. Before the employment part of the development hereby permitted is first occupied, the covered cycle parking shall be provided in accordance with the approved plan. The cycle parking shall not thereafter be used for any purpose other than the parking of cycles and motorcycles.

Reason: To ensure adequate on site provision of cycle parking.

9. The hard surfacing materials, comprising grey concrete paving flags to the external footpaths and porous tarmac to the driveways, shall be used and no others substituted.

Reason: To ensure that the materials used are visually appropriate to the locality.

10. The external facing materials, comprising Weinerberger Brighton Multi bricks, Sandcroft Calderdale dark grey tiles and Veka profile white Upvc windows, shall be used and no others substituted.

Reason: To ensure that the materials used are visually appropriate to the locality.

11. 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.

12. The lighting scheme for the proposed employment part of the site shall only be carried out in conformity with the approved details 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.

13. The employment units hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s). The ridge height shall not exceed 96.76 datum.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

14. The housing hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s). The eaves height shall not exceed 99.495 datum and the ridge height shall not exceed 109.11 datum.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

15. Before the occupation of the dwellings hereby permitted the driveways and parking spaces shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance.

16. 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, to provide reasonable standards of privacy to residents.

17. The employment part of the development hereby approved shall not be opened for trading until the highway improvements detailed on the approved plans (the existing access shall be physically and permanently closed and a large corner radius provided to the north west corner of Townley Street) have been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

18. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas on the employment site should 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 watercourse.

19. The use of the employment units hereby permitted shall be restricted to the hours between 8am and 7pm on weekdays, between 9am and 1pm on Saturdays and there shall be no operation on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the amenities of nearby local residents.

20. The employment units hereby permitted shall be restricted to the hours between 8am and 7pm on weekdays, between 9am and 1pm on Saturdays and there shall be no operation on Sundays or Public Holidays.

Reason: To safeguard the amenities of nearby local residents.

21. Prior to occupation of the housing hereby permitted, the retaining wall between the housing and employment parts of the site shall be constructed and the existing unit (1 – 6 as marked on the approved site plan) shall be refurbished and the yard area, parking, boundary treatment and landscaping to the employment site implemented.

Reason: The housing has been considered to be justified within an employment site due to the creation of an appropriate mixed use of housing and employment units.