

APPLICATION REPORT – 19/00137/REMAJ

Validation Date: 25 February 2019

Ward: Astley And Buckshaw

Type of Application: Major Reserved Matters

Proposal: Reserved matters application for the erection of 128no. residential dwellings (including 12 affordable dwellings) and associated landscape and highway works (pursuant to outline planning permission ref: 14/00927/OUTMAJ).

Location: Group 1 Euxton Lane Euxton

Case Officer: Mike Halsall

Applicant: Persimmon Homes Lancashire

Consultation expiry: 20 December 2019

Decision due by: 7 February 2020

RECOMMENDATION

1. It is recommended that the application is approved, subject to conditions.

SITE DESCRIPTION

2. The Group 1 site is located to the west of Central Avenue and covers an area of 54.34 hectares. It is located to the south west of Buckshaw Village and forms part of the former Royal Ordnance site. It is split between the administrative areas of South Ribble Borough Council and Chorley Borough Council with the larger part of the site within the boundary of Chorley.
3. Outline planning permission was granted in December 2009 for the redevelopment of the Group 1 site for mixed use development comprising housing and commercial uses and associated landscape treatment and highway works (08/00910/OUTMAJ). Permission was granted subject to conditions and obligations contained within a Section 106 Agreement.
4. Three further Section 73 applications (11/00403/OUTMAJ, 13/00126/OUTMAJ and 14/00927/OUTMAJ) to vary condition 29 (access on the A49) of the outline planning permission, to remove the requirement for the dwellings to achieve Code Level 6 and to vary condition no. 30 (construction of main access road) to enable re-positioning of the main access road through the site, were approved on 27 July 2011, 17 July 2013 and 30 March 2015 respectively.
5. Infrastructure has been constructed to deliver serviced land and reserved matters approval has been given for several of the land parcels with construction work ongoing progressively across the site.
6. An application to vary the affordable housing obligations contained in the original Section 106 Agreement dated 22 December 2009 (in so far as they relate to the part of the Group 1 site within Chorley Borough Council's administrative area) was approved in September 2013. The amendments involved a reduction in the affordable housing provision from 20 per cent to 15 per cent and for all of the affordable housing units provided to be in the form of social rented housing.

7. Further applications have been submitted under Section 106A of the Town and Country Planning Act 1990 (as amended) to modify the planning obligation again insofar as it relates to the provision of affordable housing and its delivery timeframe on other land parcels. All of the other obligations within the original Agreement are not affected by these applications.
8. This application relates to parcel H1b(i) and H1(d) which are the final housing parcels for reserved matters consent to be secured. Both parcels are being developed by Persimmon Homes and are separated by Heyford Avenue, with parcel H1(d), located to the north west of H1b(i), covering a much smaller land area. Both parcels are bound by Brookwood Way to the south and west (the main spine road running through the site), beyond which are adjacent housing parcels, now largely completed. The site is bounded by woodland and Buckshaw Brook to the north and east.

DESCRIPTION OF PROPOSED DEVELOPMENT

9. This application seeks reserved matters consent for the erection of 128 no. residential dwellings (including 12 affordable dwellings) and associated landscape and highway works (pursuant to outline permission ref: 14/00927/OUTMAJ). The 15% affordable housing requirement for the Group 1 land parcels would ordinarily have required 19 affordable units for this site, however, there is a surplus of 7 affordable dwellings from previously approved parcels of land relating to the outline consent. This, therefore, reduces the requirement for these two final parcels to 12.
10. Consent is sought for details of appearance, landscaping, layout and scale. Details relating to means of access into the Group 1 site from Wigan Road were approved at the outline stage.
11. The proposed scheme was amended at the request of the case officer during the determination process in order to;
 - increase the number of affordable dwellings proposed from 7 to 12;
 - introduce feature/landmark buildings to prominent locations;
 - changes to the internal road layout, footpaths and parking provision to meet the requirements of LCC Highways and the Council's parking standards; and
 - changes to the proposed fencing.

REPRESENTATIONS

12. Responses have been received from 19 individuals raising objections to the application on the following grounds (summarised):
 - parking would take place on Brookwood Way, reducing visibility;
 - highway safety;
 - lack of green space;
 - highways infrastructure is inadequate;
 - requires traffic calming measures;
 - increase in traffic congestion;
 - Persimmon having developed too many of the parcels and all the houses look the same, too high density;
 - Buckshaw is split, with the west side higher density with fewer green spaces and streams etc'
 - lack of school places;
 - close to nature conservation area;
 - noise disturbance;
 - visual impact;
 - lack of privacy and overlooking;
 - lack of 4 and 5 bed properties in the area; and
 - too many houses, density is too high.
13. Three response raise conditional objections on the following grounds;

- too few parks for the number of homes and the developer should contribute the provision of more parks;
 - insufficient parking provision;
 - lack of green space;
 - one of the entrances to Brookwood Way should be blocked-off making it residents only as Hudson Drive is used as a 'rat run' and there is no footpath so is dangerous for pedestrians
14. All objections and comments listed above that are material planning considerations are addressed within the following sections of this report.

CONSULTATIONS

15. United Utilities (UU): Have responded to suggest a condition be attached to any grant of reserved matters consent to require a sustainable drainage management and maintenance plan be submitted for the agreement of the Local Planning Authority. UU also suggested the Lead Local Flood Authority be contacted to discuss the drainage proposals as they consider the current proposal appears to show surface water connecting to the sewer system (see below).
16. Lead Local Flood Authority (LLFA): Initially responded to object to the planning application on the basis of insufficient information having been submitted with the planning application and specifically requested information which demonstrates in detail how surface water will be managed on site, especially in the context of the Master Drainage Strategy for the wider development, approved through previous planning applications, including application reference 14/00927/OUTMAJ and 11/00080/DIS. Additional information was submitted by the applicant as requested and the LLFA were reconsulted in December 2019. Any further comments will be reported on the addendum.
17. The drainage strategy submitted with the original outline planning permission for the wider Group 1 site (ref. 08/00910/OUTMAJ) states that *'surface water shall discharge via gravity sewers into the existing watercourses that flow through the site. Suitable attenuation shall be provided by various methods and features to ensure that the development of the Group 1 site does not increase flood risk further down-stream.'*
18. Further to the above, condition 11 attached to outline planning permission ref. 14/00927/OUTMAJ requires that *'the drainage of the site shall be fully implemented and completed in accordance with the approved surface water drainage strategy (submitted as part of discharge of condition application 11/00080/DIS).'* Both the Environment Agency (the body responsible for surface water drainage at the time of the outline applications and the discharge of condition application) and United Utilities responded to the consultations the applications with no objections. The approved surface water drainage strategy forms part of the Design Code based around the current natural drainage catchments on the site, the aim of which is attenuating surface water runoff for all events up to and including a 100-year event, plus a 20% allowance for climate change and attenuation within the site for runoff above the existing 1-year, 15-minute runoff rate.
19. In light of the above, it is considered the issue of drainage does not require any further assessment as part of this application as there is already an approved drainage strategy/system for the site, into which each parcel feeds. This approach is consistent with each of the previously approved reserved matters consents and the current confusion with consultees appears to be due to the passage of time and change in personnel since the previous approvals were given. A condition is recommended to further reinforce the requirement to comply with the existing drainage strategy and the proposed development is considered acceptable with regards to surface water drainage.
20. Lancashire Fire and Rescue Service: Have responded with generic advice as information for the applicant, much of which is covered by Building Regulations and/or advice from LCC Highways (see below).

21. Lancashire Highway Services (LCC Highways): Initially responded to request a number of amendments be made to the proposed development to meet current guidelines. The applicant subsequently revised the scheme to the satisfaction of the Local Planning Authority and so LCC Highways have recommended conditions to be attached to any grant of reserved matters consent.
22. Waste & Contaminated Land: Have responded to state that the site of the proposed development has undergone extensive remediation to render it suitable for development, however the developer should proceed with caution and ensure they are familiar with the nature and extent of the site remediation works.
23. Euxton Parish Council: Have responded to request that any trees on site worthy of retaining are protected by a Tree Preservation Order (TPO).
24. The applicant commissioned a qualified arboriculturist to undertake a tree survey of the application site and the Council's tree officer also visited the site to assess the quality of trees. Some of the trees towards the northern boundary of the site are protected by an Area TPO (TPO Chorley BC TPO 8 (Euxton) 2010).
25. The applicant has proposed to retain and protect the majority of trees along the northern site boundary during construction work and remove ten trees. Some of these are noted within the tree survey as being in poor health, such as; suspected Ash die-back, being dead or being in decline. The Council's tree officer agreed largely with the applicant's assessment, although disagreed with the removal of four of the trees. These trees are located in positions where their retention would conflict with the deliverability of the development.
26. The applicant is proposing to plant an additional 52 trees on-site. On balance, therefore, it is considered that the proposal to plant 52 trees offsets the loss of the ten existing trees and the proposal is considered acceptable in this regard. Trees to be retained can be protected by a condition attached to the reserved matters consent.

PLANNING CONSIDERATIONS

27. The acceptability of the proposed development has been established by the original grant of outline planning permission and subsequent S73 applications as detailed above. The outline permission required a Design Code to be submitted to and approved by the Council. The application has, therefore, been assessed as to whether it conforms to the approved Design Code.

Design and layout

28. The importance of high-quality design is reflected in the Central Lancashire Core Strategy (policy 17) and the Chorley Council Local Plan (policy BNE1). The application site is within parcel H1 of the approved Design Code and is part of the 'Village Character Area' as are the surrounding parcels.
29. The approved Design Code shows this application parcel to be residential with an active frontage to the link road (Brookwood Way). It also states that the majority of the houses will be two or two and a half storeys with a wide range of house types and a proposed density of 30-40 dwellings per hectare.
30. The proposed house types are all two or two and a half storey and the layout is equivalent to 44 dwellings per hectare, which is considered to be broadly in compliance with the Code. The Code also states that direct access to the link road is an important principle and the scheme has been designed so that the properties proposed on the southern boundary of the site would have their front elevations facing Brookwood Way. In relation to the streets off the main road, the Code states that these can be formed with house types that are more standard and typical to an individual developer with courtyards and squares. The proposed layout proposes a number of small court yards at the end of cul-de-sacs.

31. The design and layout are, therefore, considered acceptable and in accordance with the Design Code, policy BNE1 of the Chorley Council Local Plan and policy 17 of the Central Lancashire Core Strategy.

Impact on the neighbours

32. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
33. The proposed development would be separated from existing dwellings by Brookwood Way to the south. The Council's minimum interface distances are comfortably exceeded in these instances. Within the site itself, the layout also complies with the Council's interface distances and is considered acceptable so as to not result in harm being caused to the amenity of future occupants. The proposal complies with policy BNE1 in this regard.

Landscaping

34. A landscaping scheme has been supplied with the application which is considered acceptable and its implementation can be controlled by a condition.

Highway safety

35. The site would be accessed from four points along Brookwood Way and two from Heyford Avenue onto cul-de-sacs in accordance with the Design Code. The Council's parking standards require 2/3 bed properties to have two parking spaces. The properties meet this standard. Garages counted as a parking space can be retained for parking and not converted to living accommodation by condition.

Contamination

36. The Group 1 site as a whole has been the subject of a separate application for remediation (ref: 09/00095/FULMAJ) and this is not, therefore, a matter for this application. A precautionary condition is proposed that if during the earthworks exercise further contamination is found in close proximity to the streams and reservoir then the risk to controlled waters be re-assessed.

Sustainability

37. The application is a reserved matters application. The condition applied to the original outline permission for Group 1 (08/00910/OUTMAJ) was varied under permission ref: 13/00126/OUTMAJ to require the scheme to be built to Code for Sustainable Homes Level 4.

Legal Agreement

38. A legal agreement attached to the outline permission secures affordable housing provision across the whole of the Group 1 site. The amount of affordable housing to be provided across the site of a whole has been reduced to 15% through application ref: 13/00649/FUL (permitted 20th September 2013) which was to vary the affordable housing obligations contained in the original legal agreement. This scheme proposes 12 affordable units which will go towards this requirement.
39. The legal agreement also secured a transport contribution, on-site public open space, management details, highway improvements and reserves a school site for a set period if it is needed amongst other things.
40. The infrastructure and affordable housing provision related to the site has, therefore, already been secured through the existing outline permission and legal agreement.

Community Infrastructure Levy (CIL)

41. The application is not subject to CIL as it is a reserved matters application subject to an outline planning permission granted prior to its introduction.

CONCLUSION

42. The reserved matters details are considered acceptable and the application is recommended for approval. The proposal is considered to comply with the outline permission and associated Design Code for Group 1 and is recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 14/00927/OUTMAJ **Decision:** PEROPP **Decision Date:** 30 March 2015
Description: Section 73 application to vary condition no. 30 (Construction of main access road) of planning permission no. 13/00126/OUTMAJ to enable re-positioning of the main access road through the site).

RELEVANT 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.

Suggested conditions

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 the outline planning permission or this approval of reserved matters.

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

2. The proposed development must be begun not later than two years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Title	Plan Ref	Received On
Location Plans - H1d H1b(i)	GRP1.PP.H1d.H1bi	15 January 2019
Planning Layout	H1bi.PH.PL01 Rev B	20 November 2019
THE ALNWICK HOUSE TYPE, LANCASHIRE ELEVATIONS	ALN	20 November 2019
THE MONKTON HOUSE TYPE, LANCASHIRE ELEVATIONS	MON	20 November 2019
THE HANBURY HOUSE TYPE, LANCASHIRE ELEVATIONS	HAN	20 November 2019
THE HANBURY HOUSE TYPE (hipped), LANCASHIRE ELEVATIONS	HAN	20 November 2019
THE MOSELEY HOUSE TYPE, LANCASHIRE ELEVATIONS	MOS	20 November 2019
THE RUFFORD HOUSE TYPE, LANCASHIRE ELEVATIONS	RUF	20 November 2019
THE CHATSWORTH HOUSE TYPE, LANCASHIRE ELEVATIONS	CHA	20 November 2019
THE HATFIELD HOUSE TYPE, LANCASHIRE ELEVATIONS	HAT	20 November 2019
THE SOUTER HOUSE TYPE, LANCASHIRE ELEVATIONS	SOU	20 November 2019

THE CLAYTON CORNER HOUSE TYPE, LANCASHIRE ELEVATIONS	CLA Cr	20 November 2019
THE ROSEBERRY HOUSE TYPE, LANCASHIRE ELEVATIONS	ROS	20 November 2019
THE CHEDWORTH HOUSE TYPE, LANCASHIRE ELEVATIONS	CHE	20 November 2019
THE CHEDWORTH (corner bay), LANCASHIRE ELEVATIONS	CHE (V4)	20 November 2019
THE CHEDWORTH (hipped), LANCASHIRE ELEVATIONS	CHE (V5)	20 November 2019
Boundary Treatment Plan	H1bi.PH.302	20 November 2019
Landscape Proposal 1 of 3	5946.01 Rev A	21 November 2019
Landscape Proposal 2 of 3	5946.02 Rev A	21 November 2019
Landscape Proposal 3 of 3	5946.03 Rev A	21 November 2019
Surface Treatment Plan	H1bi.PH.303 Rev A	20 November 2019

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

4. Before the development hereby permitted is first commenced (other than site preparation works) 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 plan(s). 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.

5. The external facing materials, detailed on the approved materials schedule received on 20.11.2019 shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

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

6. 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.

7. 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.

8. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

Reason: To safeguard the trees to be retained.

9. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent

mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

10. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

11. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

12. Before any dwelling is occupied the visibility splays measuring 2.0 metres by 33 metres in both directions to be provided, measured along the centre line of the associated drives from the continuation of the nearer edge of the adjacent spine road carriageway, to the satisfaction of the Local Planning Authority. The land within these splays shall be adopted as part of the adopted highway and constructed as footway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

13. No development shall be commenced until an estate street phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with the policies of the Local Plan.

14. No dwelling within phase each phase shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with the policies of the Local Plan.

15. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such

time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with the policies of the Local Plan.

16. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with the policies of the Local Plan.

17. The private car parking and manoeuvring areas to be marked out in accordance with the approved plan, before occupation of the associated dwelling and permanently maintained thereafter.

Reason: To allow for the effective use of the parking and turning areas.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent Orders or statutory provision re-enacting the provisions of the Order, all garages shown on the approved plans shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highways Authority.

Reason: To allow for the effective use of the parking areas.