

<b>Item</b>	<b>11/00149/REMAJ</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Astley And Buckshaw</b>
<b>Proposal</b>	<b>Reserved Matters Application for southern part of Parcel L for the construction of 59 No dwellings together with associated works.</b>
<b>Location</b>	<b>Parcel L Buckshaw Avenue Buckshaw Village Lancashire</b>
<b>Applicant</b>	<b>Stewart Milne Homes</b>

**Consultation expiry: 12 May 2011**

**Application expiry: 25 May 2011**

#### **Proposal**

1. This application is a reserved matters application for the southern part of Parcel L for the construction of 59 no. dwellings together with associated works.

#### **Recommendation**

2. It is recommended that this application is granted planning permission, subject to conditions.

#### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Principle of the proposal
  - Appearance, layout and scale
  - Access and parking
  - Impact on neighbour amenity

#### **Representations**

4. One letter has been received from a resident on Spennymoor Close the adjacent parcel bounding with the site to the west. They have the following concerns:
  - Drainage - There is an existing culvert on the site that runs alongside the boundary of 12 Spennymoor Close and into which much of the surface water of the site drains into, together with water from 12 Spennymoor Close itself, which floods on a frequent basis after any prolonged or significant downpour. The application has Plot 26 being built onto/over the edge of the existing culvert, with the gardens of Plot 26, Plot 32 and Plot 33 covering the culvert. They are concerned that the development as shown on the planning application will adversely affect the drainage of 12 Spennymoor Close;
  - Privacy – The proposed development will result in three properties (Plots 26, Plot 32 and Plot 33) directly overlooking 12 Spennymoor Close, with the frontage of a 4<sup>th</sup> house (Plot 34) also overlooking the front garden of 12 Spennymoor Close. In total, at least five houses will overlook 12 Spennymoor Close. The concern relates to a loss of privacy from overlooking properties, the primary plot affecting privacy would be Plot 26.
  - Privacy – Height of proposed development. The proposed floor levels drawing would indicate that each of the proposed plots bordering 12 Spennymoor Close would be higher than 12 Spennymoor Close, with the result that the view from the windows of each plot (upstairs and potentially downstairs) would result in a significant loss of privacy to 12 Spennymoor Close. The primary plots affecting privacy due to the height on which they would be built are Plots 26 and Plot 32.

## **Consultations**

5. Lancashire County Council Highways – made comments on the original scheme and amended plans have been received in response to these. See the access and parking section of this report.
6. Environment Agency – has no objection in principle and state the site has been previously remediated and accepted as validated by BAe Systems as part of Area 10 of the site.
7. United Utilities – has no objection subject to conditions being added to any permission.
8. Chorley Council Waste and Contaminated Land Officer – has no comments to make on the application.

## **Assessment**

### Principle of the development

9. The principle of housing on this site has already been established by the original outline permissions for the whole of Buckshaw Village.

### Appearance, Layout and Scale

10. The parcel is located on the edge of the residential part of Buckshaw Village, being the last residential parcel bounding with the Strategic Regional Site to the east and is relatively flat. The northwest of the site bounds with the southern part of Parcel J, a Barratt parcel that has already been constructed. To the northeast is the rest of parcel L that is currently under construction by Barratt having been granted permission in November 2010 under permission 10/00792/FULMAJ. The parcel bounds with Buckshaw Avenue to the south and southwest.
11. Policy GN2 of the Local Plan applies to the former Royal Ordnance Site. This states that high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village. The site is allocated as a contemporary housing area in the Masterplan approved under the outline permission and the Buckshaw Village Design Code. The Design Code states that contemporary housing areas will be characterised by modern estate development with roads, cul-de-sacs and country lane form of development to appear as more recent village expansion behind traditional streets. It is therefore considered that the proposals as accord with Policy GN2.
12. Policy GN5 covers building design and states that developments should be well related to their surroundings with landscaping integrated into the scheme. The southern boundary of the parcel bounds with Buckshaw Avenue. Parcel J to the west has properties backing onto Buckshaw Avenue, however a landscape buffer is to be planted to screen them from the road. No landscape buffer is to be planted along the frontage of this parcel where it bounds with Buckshaw Avenue so it is considered important that visually it responds to the road rather than turns it back on it. The properties that bound with the road all face on to it or are side on apart from plot 9, however amended plans have been sought increasing the landscape planting along this boundary to provide screening of this plot. In addition a combination of brick walls and Buckshaw Village railings are proposed to boundary with Buckshaw Avenue, rather than close-boarded fences to visually improve the view of the parcel from the west. One of the most prominent properties will be the property on plot 1 at the access point by the roundabout. This will face onto the roundabout but will also have a Juliette balcony on its west elevation to provide visual interest. As this parcel is situated at the roundabout on Buckshaw Avenue it will provide one of the main access points into this part of the residential area of Buckshaw Village, therefore plots 1, 3 and 57 have been orientated to face towards the access point as it is approached from the roundabout.
13. The layout is comprised of detached and semi-detached properties and the adjacent parcels are comprised of similar property styles. The proposals are therefore considered to be in line with Policy GN5 and the Buckshaw Village Design Code.

### Access and Parking

14. Policy TR4 of the Local Plan outlines the highway development control criteria. Amended plans have been received in response to the comments of LCC Highways, which they have made further comments on.
15. The internal size of the garages has been increased so they count as parking spaces to avoid on-street obstructing pedestrians if on the footway or interfering with the natural movement of cyclists and other motorists. The size of the turning heads within the development has also been increased and the cul-de-sacs have been widened at certain points to enable a service vehicle and a car to pass each other.
16. The layout of plots close to the access with Buckshaw Avenue have been amended to ensure they have in curtilage turning areas to prevent backing out on to the road at these points. The amended plans have also added cycle and pedestrian access points on to Buckshaw Avenue from the two cul-de-sacs to maintain cycle and pedestrian permeability.
17. LCC have asked that restrictions be placed on planting across the frontages of the properties to safeguard long-term visibility requirements, this can be secured by planning conditions along with the removal of permitted development rights for the erection of fences walls and gates to the front/side of certain properties.
18. LCC have also asked for more explanation of the traffic calming measures on the road going through the parcel to the northeast as they considered the road narrowing initially proposed was not the right choice of treatment and they suggested raised table junctions and plateaus. The amended plans now propose to use the same raised tables that LCC have accepted on the adjacent Barratt parcel (the north part of Parcel L), so it is considered that they are acceptable.
19. Garage sizes to the four bed properties have been increased internally, and although they are not the full 6m x 3m recommended in Manual for Streets (to allow for parking and the storage of bicycles), garden sheds are provided in the rear gardens of these properties for storage and they are therefore considered acceptable. Parking spaces where they are against buildings or walls/fences have been increased in size to allow more clearance for occupiers to get out of their vehicles. The tandem parking spaces at plots 1 and 2 which LCC were concerned were impractical have been retained, however individual turning areas for each plot have been added.
20. The small turning areas for plots 7/8 and 32/33 have also been retained however as they only serve two properties each, and the house types have been amended where necessary to ensure sufficient parking is provided, they are now considered acceptable.
21. The north part of Parcel L currently under construction by Barratt was conditioned to ensure the road would link through to this parcel. The road on this parcel will also therefore be conditioned to ensure it is constructed prior to the occupation of the dwellings adjacent to where it links to ensure access from the roundabout on Buckshaw Avenue through the parcel into the rest of the housing areas is secured.
22. Subject to conditions the layout, access and parking are therefore considered acceptable in accordance with Policy TR4 and Manual for Streets.

### Neighbour Amenity

23. The parcel will bound with other properties to the northeast and northwest only as the properties on the east boundary will bound with the Strategic Regional Site (SRS) and a landscaping buffer is proposed along the boundary with plot 9 of the SRS when it is developed which is considered will ensure the amenity of the properties is protected to a reasonable level.
24. To the northeast the proposed properties comply with the Council's interface distances taking into account that they are set slightly lower than those currently under construction. To the northwest the parcel will bound with numbers 10, 11 and 12 on Spennymoor Close which are

already occupied. The proposed layout complies with the interface distances for nos. 10 and 11 Spennymoor Close. Number 12 Spennymoor Close has objected to the application on the grounds of loss of privacy and overlooking. They state that all the plots bounding with their property will have a higher floor level than their house, however the property proposed on plot 26 will have a finished floor level 0.05m lower than their property, and although the properties on plots 32 and 33 will be higher, this is only by 0.05m. As there is such little difference between the floor levels between the existing and proposed properties there is no need to increase the Council's interface distances when assessing the proposal in accordance with the adopted standards.

25. The objector states that plots 26, 32 and 33 will directly overlook their property. Plot 33 only looks onto the side gable and front garden of their property and the length of its garden complies with the 10m interface distance, which is considered acceptable. The rear elevation of plot 32 does face towards their rear garden, but again complies with the interface distance between a window and a boundary of 10m. Plot 26 is orientated to ensure it fronts onto Buckshaw Avenue and its rear elevation therefore faces towards the rear elevation of 12 Spennymoor Close. Plot 26 is set very slightly lower than the objector's property and has one window at first floor level in its rear elevation serving a bedroom. There will be 20m between this window and the rear windows of 12 Spennymoor Close, however this is considered acceptable as the properties are not directly facing each other but are offset. The objector has also stated that no. 34 will overlook the front garden of their property, however it is not considered that front gardens should expect the same level of privacy as a rear garden as views of it are already gained from the street. The relationship between 12 Spennymoor Close and the proposed properties is therefore considered acceptable.

26. Within the site the interface distances between the properties are met. It is therefore considered the application complies with Policy HS4 of the Local Plan.

#### Other Issues

27. The objector at 12 Spennymoor Close has raised the issue of a drainage culvert that runs alongside the boundary of their property, into which much of the surface water of the site drains into, together with water from 12 Spennymoor Close itself, which floods on a frequent basis after any prolonged or significant downpour. They state the application has Plot 26 being built onto/over the edge of the existing culvert, with the gardens of Plot 26, Plot 32 and Plot 33 covering the culvert. They are concerned that the development as shown on the planning application will adversely affect the drainage of 12 Spennymoor Close.

28. The case officer has contacted the developer about this and they are not aware of a culvert on the site and they can find no record of one, and all surface water will be picked up by the approved drainage details. The situation on site has been checked by the case officer and although there is a rough trench close to the boundary with 12 Spennymoor Close it is not a formal culvert serving the development and it is not part of the Buckshaw Village SUDS system. Putting proper drainage on the site is therefore likely to improve the situation for the neighbouring property.

#### **Overall Conclusion**

29. The application is considered acceptable in relation to policies GN2, GN5, HS4 and TR4 of the Local Plan subject to conditions.

#### **Planning Policies**

##### 30. National Policies

PPS3, PPG13, PPS23

##### 31. Adopted Chorley Borough Local Plan Review

Policies: GN2, GN5, HS4, TR4.

#### **Planning History**

**97/509/OUT:** Outline application for mixed use development (granted in 1999)

**Recommendation: Approve Reserved Matters  
Conditions**

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting the Order, there shall not at any time in connection with the development hereby permitted, be erected or planted, or allowed to remain, upon the land hereinafter defined, any building, wall, fence, hedge, tree, shrub or other device above a height of 1m above the crown level of the adjoining highway. The piece of land affected by this condition shall be the parts of the front gardens of plots 1, 2, 3 within the 40m forward visibility splay shown on drawing no. 1183SMH/BPL/PL01.

*Reason: To ensure adequate visibility, in the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*

2. The existing ditch on the site adjacent to no. 12 Spennymoor Close (where plots 26, 32, 33 will be positioned) shall not be filled in until the surface water drainage scheme for the site is implemented.

*Reason: The ditch is currently preventing surface water off the site from effecting no. 12 Spennymoor Close and therefore to prevent flooding to this property and in accordance with Policy EP18 of the Adopted Chorley Borough Local Plan Review.*

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

Drawing Number:	Date:	Title:
W0248-117-4D-02	28 April 2011	House Type W0248-117-4D
W0248-112-4D-02	28 April 2011	House Type W0248-112-4D
W0248-127-4D-02	28 April 2011	House Type W0248-127-4D
W0248-131-4D-02	28 April 2011	House Type W0248-131-4D
S09-98-3D-23	21 February 2011	House Type S09-98-3D R/M Finish Elevations
S09-98-3D-23	21 February 2011	House Type S09-98-3D M Finish Elevations
S09-98-3D-36	21 February 2011	House Type S09-98-3D Ground and First Floor
S09-90-3D-26 Rev C	21 February 2011	House Type S09-90-3D M Finish Elevations
S09-90-3D-36	21 February 2011	House Type S09-90-3D Ground and First Floor
S09-90-3D-23 Rev C	21 February 2011	House Type S09-90-3D R/M Finish
S09-82-3ET/S-23 Rev B	21 February 2011	House Type S09-82-3ET/S R/M Finish
S09-82-3ET/S-26 Rev B	21 February 2011	House Type S09-82-3ET/S M Finish
S09-82-3S-36 Rev A	21 February 2011	House Type S09-82-3S Ground and First Floor
1183SMH/BPL/PL01 Rev F	28 April 2011	Site Layout and Landscaping Scheme
S09-SD-05-31	26 April 2011	Detached Garage Details
1183SMH/BPL/ED1	21 February 2011	Enclosure Details
10/08/02/1	21 February 2011	Proposed Floor Levels
1183SMH/BPL/MS01 Rev C	28 April 2011	Materials Schedule Plan
3953.01 Rev B	10 May 2011	Landscape Proposals Sheet 1 of 2
3953.02 Rev B	10 May 2011	Landscape Proposals Sheet 2 of 2

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

4. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on approved plan Drawing Number 10108/02/1.

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN2 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. The railings used on the development shall be the 'Buckshaw Village railings' as used on other parcels on Buckshaw Village.

*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. 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.*

7. The development hereby permitted shall only be carried out in conformity with the approved material details as shown of drawing ref: 11835MH/PPL/MS01.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN2 and HS4 of the Adopted Chorley Borough Local Plan Review.*

8. 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 Nos. GN2 and GN5 of the Adopted Chorley Borough Local Plan Review.*

9. During the development, if contamination which has not previously been identified, is found to be present at the site no further development shall be carried out until a Method Statement has been submitted to and approved in writing by the Local Planning Authority detailing how this unsuspected contamination will be dealt with. The development shall then only be carried out in accordance with the Method Statement.

*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 PPS23.*

10. Before the properties hereby permitted are first occupied, the car 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 with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*

11. Prior to the occupation of plots 41, 42, 43, 44 or 45 the access road shown on the approved plans through to the north part of parcel L shall have been constructed and brought into use for all vehicle types.

*Reason: To ensure access to the parcel from the south is secured and in accordance with Policies GN2 and TR4 of the Adopted Chorley Borough Local Plan Review.*

12. The integral garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

*Reason: To ensure the properties have sufficient off street parking and in order to safeguard the residential amenity and character of the area and protect highway safety in accordance with Policies HS4 and TR4 of the Adopted Chorley Borough Local Plan Review*

13. No dwelling shall be occupied until the garden sheds as shown on approved plan 1183SMH/BPL/PL01 Rev F have been provided on the plots shown.

*Reason: The integral garages on these plots have been permitted at a size less than normally required, and so to ensure the garages are kept freely available for the parking of cars and in accordance with Policy Nos.HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.*

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (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.*

15. Prior to the occupation of plots 9 or 10 the cycleway/footpath link through to Buckshaw Avenue as shown on the approved plans shall be provided and retained at all times thereafter. Prior to the occupation of plots 24, 25, 26, 27 or 28 the footpath link through to Buckshaw Avenue as shown on the approved plans shall be provided and retained at all times thereafter.

*Reason: To ensure access to the parcel from the south is secured and in accordance with Policies GN2 and TR4 of the Adopted Chorley Borough Local Plan Review.*

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

*Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

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