

**Item 4i**                      **12/00185/FULMAJ**

**Case Officer**            **Nicola Hopkins**

**Ward**                        **Clayton-le-Woods And Whittle-le-Woods**

**Proposal**                 **Application for substitution of house types on plots 44, 51, 65, 80, 81, 91, 94, 100, 104 and 105 (10 houses in total) previously approved as part of application 10/00745/FULMAJ**

**Location**                **Group 4N Land 150 Metres West Of Sibbering's Farm Dawson Lane Whittle-Le-Woods Lancashire**

**Applicant**                **Redrow Homes (Lancs)**

**Consultation expiry:** **25 April 2012**

**Application expiry:** **23 May 2012**

### **Proposal**

1. This application relates to the substitution of house types on plots 44, 51, 65, 80, 81, 91, 94, 100, 104 and 105 (10 houses in total) of land known as Group 4N. These dwellings were previously approved as part of application 10/00745/FULMAJ.
2. Full planning permission was granted at the site in April 2010 and work to construct the dwellinghouses has commenced.

### **Recommendation**

3. It is recommended that this application is granted conditional planning approval subject to the associated Section 106 Agreement

### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Proposed amendments
  - Major Developed Site in the Green Belt
  - Affordable Housing
  - Density
  - Impact on the neighbours and Listed Buildings
  - Design
  - Open Space
  - Ecology
  - Traffic and Transport
  - S106
  - Sustainability

### **Consultations**

5. **Lancashire County Council (Highways)** has no objection
6. **Whittle le Woods Parish Council** raise no major issues but the Parish Council would like to reiterate that they feel that two-storey housing is more in keeping with the street scene of this development than three-storey, particularly round the periphery.

### **Assessment**

#### Principle of the development

7. The principle of redeveloping the site, known as Group 4 North, was established with the grant of outline planning permission in March 2008 and the subsequent grant of full planning

permission in April 2010. A small portion of the site (0.4 hectares) forms part of the main Buckshaw Village development. The principle of redeveloping this part of the site was established with the grant of outline planning permission for the Village in 1997 (subsequently amended in 2002).

### Proposed Amendments

8. The proposed amendments include:

- Plot 44- substituting a 4 bedroom Richmond house type with a 4 bedroom Marlborough house type both of which are 2 storey properties. Increasing the FFL from 71.90 to 72.85
- Plot 51- substituting a 5 bedroom Cheltenham house type with a 5 bedroom Hampstead house type both of which are 2.5 storey properties. Increasing the FFL from 71.80 to 71.90
- Plot 65- substituting a 4 bedroom Richmond house type with a 4 bedroom Marlborough house type both of which are 2 storey properties. Increasing the FFL from 71.20 to 72.10
- Plot 80- substituting a 4 bedroom Richmond house type with a 4 bedroom Marlborough house type both of which are 2 storey properties. Increasing the FFL from 68.90 to 69.30
- Plot 81- substituting a 5 bedroom Highgrove house type with a 5 bedroom Blenheim house type both of which are 2 storey properties. Increasing the FFL from 68.90 to 69.40
- Plot 91- substituting a 5 bedroom Cheltenham house type with a 4 bedroom Westminster house type both of which are 2.5 storey properties. Increasing the FFL from 70.50 to 71.20
- Plot 94- substituting a 4 bedroom Richmond house type with a 4 bedroom Marlborough house type both of which are 2 storey properties. Increasing the FFL from 69.70 to 70.25
- Plot 100- substituting a 5 bedroom Cheltenham house type with a 5 bedroom Hampstead house type both of which are 2.5 storey properties. Increasing the FFL from 70.60 to 70.80
- Plot 104- substituting a 4 bedroom Richmond house type with a 4 bedroom Marlborough house type both of which are 2 storey properties. Decreasing the FFL from 71.20 to 71.10
- Plot 105- substituting a 5 bedroom Cheltenham house type with a 5 bedroom Hampstead house type both of which are 2.5 storey properties.

### Major Developed Site in the Green Belt

9. The site is designated within the Local Plan as a Major Developed Site in the Green Belt. It is noted that Planning Policy Guidance Note 2 which related to Green Belts has been replaced by the NPPF which does not refer to major developed sites in the Green Belt. The NPPF does however state that redevelopment of previously developed sites (brownfield land) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development is appropriate development.
10. When outline planning permission was granted building and structures still existed on the site however these have since been demolished and the site remediated.
11. In October 2000 planning permission was granted (00/00717/FUL) for engineering operations comprising building decontamination and demolition across the Royal Ordnance Site which included this site. The combined area of building footprint and blast structures/ mounds which previously existed on the site equated to approximately 2.59 hectares.
12. When planning permission was previously granted for 110 dwellings and associated garage accommodation on the site the footprint created covered 1.42 hectares. The previous approval at this site permitted one additional dwelling which results in the erection of 111 dwellings on the site. The height of the factory buildings which originally existed on the site ranged between 2m and 16 metres. The proposed development incorporates the erection of 2 and 2.5 storey dwellings with a maximum ridge height of 10 metres which ensures that proposed dwellings will not exceed the height of the previous buildings on the site.
13. It is not considered that the proposals will have a materially greater impact than the previous use on the openness of the Green Belt and the proposed dwellinghouses will not exceed the height of the previous buildings on the site in accordance with the NPPF.

### Affordable Housing

14. This site is within the Green Belt however it does not fall to be considered a rural settlement within the Council's Adopted Local Plan. As such there is no specific affordable housing

planning policy within the Local Plan which relates directly to the site. When the development of this site was initially considered it was treated as somewhat of a 'hybrid' site. The Council has specific planning policy relating to sites within rural settlements, Policy HS8. This site falls to be considered rural in nature due to its Green Belt allocation however as this Policy requires 100% affordable/ specialist types of accommodation and this site is not a rural settlement the Council did not consider it appropriate to require 100% affordable housing in respect of this site.

15. It was considered, however, suitable to require 30% affordable housing on this site due to its rural character. It was also agreed that the affordable housing would be provided off site as the proposed scheme incorporated large dwellings for which there is only a limited affordable housing need within the Borough. On a scheme of 100 dwellings this would achieve 30 affordable units and the S106 attached to the outline approval for the site included a commuted sum payment of £2.5 million which it was calculated would provide 15 rented units and 15 shared ownership/ intermediate accommodation. This was, however, agreed prior to the completion of the Council's Housing Need Survey.
16. When Redrow Homes submitted the full planning application at this site they stated that they wished to provide units rather than a commuted sum payment as originally agreed and a Section 106 Agreement was completed which reflected this. The S106 Agreement achieves 30 units which equates to 30% of Group 4 North (although this application is for 111 dwellings this is only achieved by incorporating part of the original Buckshaw Village site which has a separate S106 Agreement for which further obligations on this part of the site cannot be requested). It is considered that the proposals are acceptable in terms of planning policy and achieve an acceptable proportion of affordable houses for this 'hybrid' green belt site.

#### Density

17. The site is 8.41 hectares in size which equates to approximately 13 dwellings per hectare. The net density (excluding the three areas of public open space and highway infrastructure) is 14 dwellings per hectare.

#### Impact on the neighbours and Listed Buildings

18. There are two immediate neighbours to the site, Jones Farm and Sibberings Farm, both of which are Grade II Listed Buildings. The other immediate neighbours to the site are the houses already constructed on the opposite side of Old Worden Avenue and the properties already under construction on this site. It is not considered that the proposed dwellings will impact on the amenities of the dwellings on Buckshaw Village
19. In respect of the two listed buildings both of these properties were, when planning permission was originally granted at this site, unoccupied derelict properties. However the buildings have been renovated into single dwellinghouses. Jones Farmhouse does not actually border this application site as the properties adjacent to the boundary with Jones Farmhouse are currently under construction in line with the original full planning approval.
20. This application relates to plot 44 which is sited to the west of Sibberings Farm. The proposed changes to this plot include substituting a 4 bedroom Richmond house type with a 4 bedroom Marlborough house type both of which are 2 storey properties. This plot is separated from Sibberings Farm by an area of public open space and it is not considered that the proposals will adversely impact on the amenities of the occupiers of Sibberings Farmhouse or the setting of this Listed Building.

#### Design

21. The development represents a low density development however due to the nature of this Green Belt location it is considered that a low density development was more in scale and keeping with the surrounding landscape and would enable to retain an open, rural feel which easily integrates into the surroundings. It was considered that this low density will achieve high quality, well designed housing in a sustainable location, close to open space and where the scheme creates a distinctive character which relates well to its surroundings.

22. The scheme proposes the erection of high quality large detached dwellings. The developers, Redrow Homes, have developed a bespoke range of house types for this parcel of land which will be distinctive from the other Redrow dwellings found on Buckshaw Village. The proposed amendments subject to this application are to incorporate Redrow's Heritage range in line with what is being constructed on the remaining part of the site. The site will be served by buses which have a proposed route along the loop road (Old Worden Avenue) which serves the site and incorporates informal open space along with adequate gardens for family dwellings. It is considered that a low density development respects the Green Belt location by retaining an open feel whilst providing a new and distinctive house type within the Village.
23. The scheme has been designed to ensure that the Council's minimum spacing standards are adhered to which ensures that the amenities of the future residents are protected.

#### Open Space

24. Due to the previous use of this site any redevelopment requires remediation of the site. An application was submitted to Lancashire County Council in 2007 for remediation which was approved and the site has been remediated. A number of trees on the site required removal as part of the remediation works however a number of trees were considered worthy and capable of retention and these trees have been protected by a Tree Preservation Order to ensure their continued retention. (Tree Preservation Order 3 (Whittle le Woods) 2007)
25. As part of the open space provision on the site it is proposed to form an informal area of Public Open Space within the trees which will be retained. In addition to this a small area of open space will be provided within a central location on the site and will form a Village Green area.
26. In accordance with Policy HS21 of the Adopted Chorley Borough Local Plan developments of over 100 units are required to provide 630 square metres of equipped play space, 1140 square metres of informal open space and 4260 square metres of playing field provision.
27. The informal open space will be provided on site. The previous full planning approval for this site had an associated S106 Agreement which incorporated a payment of £310,000 for the provision of community facilities, playing fields and towards the provision and maintenance of an equipped children's play area. A supplemental S106 will be associated with this application tying this application into the obligations.
28. The management of the open space areas on the site will be dealt with by the private management company who will manage the site.

#### Ecology

29. The main ecological impact on this site was during the remediation works. As part of the remediation application ecological surveys of the site were undertaken which included mitigation/ compensation proposals for habitat loss and impacts on protected species. Various conditions and a Section 106 Agreement was entered into with Lancashire County Council relating to mitigation/compensation for ecological impacts. In addition to this the great crested newts mitigation measures will be monitored under a DEFRA Licence.
30. Following a High Court judgement it is clear that the Council has a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
  - a. the activity must be for imperative reasons of overriding public interest or for public health and safety;
  - b. there must be no satisfactory alternative and
  - c. favourable conservation status of the species must be maintained.
31. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.

32. The impact on great crested newts was addressed as part of the remediation application which led to a Licence being issued by Natural England and a newt fence being erected. It is considered that the measures in place (including newt fencing), agreed as part of the remediation application, will ensure a favourable conservation status of great crested newts. As such it is considered that the requirements of the Habitats Directive have been addressed.

#### Traffic and Transport

33. The Highway Engineer at Lancashire County Council has been consulted on the application and has no objections.
34. The scheme incorporates a mix of four and five bedroom dwellings. In July 2010 the Secretary of State (SoS) revoked the Regional Spatial Strategies (RSS) which resulted in the North West RSS no longer forming part of the Development Plan for Chorley Borough. However in November 2010 the High Court judged that this revocation was unlawful. At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.
35. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government has indicated that it intends to revoke RSS by April 2012.
36. This notwithstanding however the Council does not yet have a local document setting out the parking standards within the Borough and as such utilise the North West Regional Spatial Strategy draft parking standards. This document requires dwellinghouses with in excess of 4 bedrooms to incorporate a minimum of 3 off road parking spaces. The proposed scheme achieves off road parking in the form of detached garages, integral garages and driveway space. In accordance with Manual for Streets for a garage to be considered as a parking space (and to ensure both a car can be accommodated whilst providing storage space) the garage should measure 6 x 3 metres (single garage). The detached garages across the scheme accord with the Dimensions set out within Manual for Streets 2 however the integral garages do not meet these standards. In these situations however adequate driveway space is incorporated to accommodate cars off the highway.
37. Where driveway space is provided in front of the garage a minimum of 6 metres is retained to ensure a car can be parked clear of the highway whilst the garage door is open. It is considered that the proposed scheme provides adequate parking for the size and number of dwellings proposed.

#### Section 106 Agreement

38. When full planning approval was granted for this site there was an associated S106 Agreement. As this application proposes amendments to the approved scheme a supplemental S106 Agreement will be entered into ensuring that the obligations of the S106 also tie into this planning application.

#### Sustainability

39. When the previous outline planning approval was granted the Council did not have an adopted Policy in respect of sustainable resources however the Section 106 Agreement associated with this site required the Developers to demonstrate the predicted energy use of the development in terms of carbon emissions and to demonstrate how energy efficiency will be addressed.
40. To discharge this clause Redrow Homes produced an Energy Efficiency Statement which was submitted to the Council. This document was considered adequate to address the S106

Clause and this recommendation includes a condition requiring compliance with this approved document.

### **Overall Conclusion**

41. The amendments to the scheme involve the incorporation of Redrow's Heritage Range of dwellinghouses. As set out above the amendments are considered to be acceptable and will still result in a low density, high quality development providing large detached dwellinghouses within Buckshaw Village.

### **Planning Policies**

#### National Planning Policies:

National Planning Policy Framework

#### Adopted Chorley Borough Local Plan Review

Policies:

GN2, GN5, DC1, DC6, EP4, EP9, EP10, HS4, HS8, TR1, TR4, TR18

Supplementary Planning Guidance:

- Design Guide

#### Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

### **Planning History**

**00/00717/FUL:** Engineering operations comprising building decontamination and demolition. Approved October 2000

**07/00402/CTY:** Land reclamation and remediation earth works to create a development platform and enhance recreational space provision. Approved September 2007

**07/00953/OUTMAJ:** Outline application for the redevelopment of the site (7.87 hectares) for 102 dwellings with associated highway infrastructure and landscape treatment. Approved March 2008.

**08/01207/FUL:** Construction of a gabion retaining wall. Approved January 2009

**09/00454/TPO:** Pruning of Oak tree in Buchshaw Village Area G4 North. Approved August 2009

**09/00585/FULMAJ:** Erection of 110 dwellings with associated highway infrastructure, open space and landscape treatment. Including a part amendment to the road layout previously approved as part of reserved matters approvals 05/00523/REMMAJ and 05/00525/REMMAJ. Withdrawn

**09/00739/FULMAJ:** Erection of 110 Dwellings with associated infrastructure, open space and landscape treatment including a part amendment to the road layout previously approved as part of reserved matters approvals 05/00523/REMMAJ and 05/00525/REMMAJ. Approved April 2010

**10/00346/DIS:** Application to discharge conditions 5, 9, 12, 13 & 15 of planning approval 09/00739/FULMAJ. Discharged May 2010

**10/00745/FULMAJ:** Planning application for 87 no. detached dwellings together with associated works (replan of part of site approved by Planning Permission ref. 09/00739/FULMAJ). Approved December 2010

**10/00945/MNMA:** Application for a minor non-material amendment to planning approval 09/00739/FULMAJ to un-hand plot 30 so that the side entrance is adjacent to the properties driveway. Approved November 2010

**11/00835/FUL:** Application for substitution of two house types on plots 43 and 53 together with associated works (originally approved under planning approval ref: - 10/00745/FULMAJ). Approved November 2011

**12/00164/MNMA:** Application for a minor non-material amendment on plots 50, 63, 73, 76, 88, 95, 96, 101 and 106 to update Balmoral and Westminster house types to the latest 2012 edition of this house type (originally approved under permission 10/00745/FULMAJ). Approved.

**12/00264/MNMA:** Application for minor non-material amendment to planning application 10/00745/FULMAJ to change the roof tiles on plots 40 to 110. Approved April 2012

The following planning history relates to the Buckshaw Village development:

**97/00509/OUT:** Outline application for mixed use development (granted in 1999)

**02/00748/OUT:** Modification of conditions on outline permission for mixed use development

**05/00523/REMMAJ:** Formation of phase 1 of link road to serve residential development. Approved

**05/00525/REMMAJ:** Formation of phase 1 of link road to serve residential development (duplicate of planning application 05/00523/REMMAJ). Approved

**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 approved plans are:

Plan Ref.	Received On:	Title:
BVG4N-PLAN01 Rev Z	26 March 2012	Detail Site Layout
1172-G4N-WLW-MP01 Rev I	23 February 2012	Materials Plan
	23 February 2012	Location Plan
D4H161	23 February 2012	The Westminster Floor Plans
D4H161	23 February 2012	The Westminster Elevations
D5H189	23 February 2012	The Marlborough Elevations
D5H189	23 February 2012	The Marlborough Floor Plans
D5H186	23 February 2012	The Hampstead 5
D5H223	23 February 2012	The Blenheim Elevations
D5H223	23 February 2012	The Blenheim Floor Plans
C-SD0808 Rev A	23 February 2012	Free Standing Brick Walls
C-SD0906	23 February 2012	Close Boarded Fencing
C-SD0902 Rev A	23 February 2012	Knee Rail Fencing
3804.05 Rev B	26 March 2012	Landscape Plan Sheet 3 of 4
3804.06 Rev C	26 March 2012	Landscape Plan Sheet 4 of 4
3804.03 Rev B	26 March 2012	Landscape Plan Sheet 1 of 4
3804.04 Rev B	26 March 2012	Landscape Plan Sheet 2 of 4
4240-DG2	26 March 2012	Double Garage
BVG4N-PLAN01 Rev Z.2	3 May 2012	Boundary Treatments

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

3. 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.***

4. 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.***

5. 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 BS5837:2005 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), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.

***Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.***

6. The external facing materials detailed on the approved plans shall be used and no others substituted. (For clarification the Ibstock Western Red Multi Stock referred to on the approved plans is actually Weston Red Multi Stock)

***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.***

7. 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 and EM2 of the Adopted Chorley Borough Local Plan Review.***

8. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

***Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.***

9. The 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.

***Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking***

10. The development hereby permitted shall be carried out in accordance with the approved habitat creation and management plan and the proposed landscaping should comprise only native plant communities appropriate to the area and should enhance habitat connectivity, in accordance with guidance given in Lancashire County Council's Supplementary Planning Guidance on Landscape and Heritage (Appendix 10).



***Reason: To ensure that the retained and re-established habitats that contribute to the Biodiversity Action Plan targets are suitably established and managed.***

11. The development hereby permitted shall be carried out in accordance with the Residential Travel Plan (dated July 2010 undertaken by Singleton Clamp & Partners). The measures in the agreed Travel Plan shall be complied with.  
***Reason: To reduce the number of car borne trips and to encourage all modes of sustainable travel and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review***
12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.  
***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 the National Planning Policy Framework***
13. The management and maintenance responsibilities of the development hereby permitted shall be carried out in accordance the submitted 'Management and Maintenance Arrangements for Open Space' dated April 2010  
***Reason: To ensure the satisfactory management of the unadopted highways and public open space and in accordance with Policies TR4 and HS21 of the Adopted Chorley Borough Local Plan Review.***
14. The development hereby approved shall be carried out in accordance with the approved surface water regulation system.  
***Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained in the National Planning Policy Framework***
15. The development hereby approved shall be completed in accordance with the submitted Energy Efficiency Strategy received 17<sup>th</sup> April 2009 (planning reference 07/00953/OUTMAJ).  
***Reason: To ensure the proper planning of the area. In accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.***
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2 Part 1, Class E), or any Order revoking or re-enacting the Order, no garage, shed or other outbuilding shall be erected (other than those expressly authorised by this permission) on plots 44 and 65.  
***Reason: To protect the appearance of the locality, to ensure continued protection of the trees on site and in accordance with Policy Nos. HS4 and EP9 of the Adopted Chorley Borough Local Plan Review.***