

Item 4g **12/01001/REMMAJ**

Case Officer **Caron Taylor**

Ward **Astley and Buckshaw**

Proposal **Reserved matters application for the erection of 22 dwellings at the Southern Commercial Area, Buckshaw Village (pursuant to outline permissions 97/00509/OUT and 02/00748/OUTMAJ).**

Location **Southern Commercial Quarter Central Core Ordnance Road Buckshaw Village Lancashire**

Applicant **Mr Neal Dale**

Consultation expiry: **28 November 2012**

Application expiry: **17 January 2013**

Proposal

1. Reserved matters application for the erection of 22 dwellings at the Southern Commercial Area, Buckshaw Village (pursuant to outline permissions 97/00509/OUT and 02/00748/OUTMAJ).

Recommendation

2. It is recommended that this application is approved subject to conditions.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Background information
 - Principle of the development
 - Density
 - Levels
 - Impact on the neighbours
 - Design
 - Open Space
 - Trees, Landscape and Ecology
 - Flood Risk
 - Traffic and Transport
 - Contamination and Coal Mines
 - Drainage and Sewers
 - S106 Legal Agreement
 - Sustainability

Representations

4. No representations have been received.

Consultations

5. **The Environment Agency**
Have no objection in principle to the proposed development subject to conditions.
6. **The Architectural Design and Crime Reduction Advisor**
State they have conducted a crime search of the location and during the period 24/10/2011 to 24/10/2012 there have been recorded crimes within the immediate vicinity of this location including burglary in a building other than a dwelling and criminal damage to vehicles.

7. They support how the opportunity for crime will be designed out at the development such as defining the difference between public and private space with 1m railings at the front of dwellings.
8. They do have concerns in respect of the rear parking courts indicated in the Design and Access Statement. Rear parking courts should be avoided in developments where possible, and if necessary they should be gated to restrict unauthorised access and well lit. They do however support the visibility panels that have been incorporated into the fencing design to provide surveillance over the parking areas if there is not an alternative e.g. parking within the curtilage of the dwelling boundary.
9. **United Utilities**
Has no objection to the proposal subject to conditions.

10. **Lancashire County Council (Highways)**

Area B

The parking level for units B1 to B16 is sub-standard. The 6 units are 4 bedroom dwellings and in accord with the preferred car parking standards they should each support 3no parking spaces giving a total of 18 spaces. In this instance the applicant has only proposed 12no spaces which is a short fall of 6no spaces. In addition, on paper the car park access and layout offers poor accessibility for waste collection and large delivery vehicles. As such the layout will need to support a 3 axle waste vehicle of 10m length; the plan drawing is only showing a small 2 axle vehicle.

11. The Units have front door access onto the access/main road and this arrangement is most likely to lead to occasional and possibly even regular and long term on-street parking at the location including across the footway. The occurrence of on-street parking is already happening and is evident on other parts of Buckshaw Village (e.g. Main Street area). As such it is likely that mechanisms or measures will need to be put in place to stop the parking from happening.

Area C

12. The proposed level of car parking provision is sub-standard for units C1 to C11. The applicant has proposed to provide 2no space per dwelling. However as 5no of the units are 4 bedroom they should each provide for 3no spaces in accord with the recommendations of the preferred car parking standards. As such there is a short fall of 5no parking spaces on the site. As there is little scope for on-street parking in the area, the shortfall will lead to indiscriminate parking causing nuisance and obstruction on the highway.
13. The car park access and layout does not offers accessibility and turning space for waste collection and large delivery vehicles. As such the layout will need to support a 3 axle waste vehicle of 10m length; the plan drawing is only showing a small 2 axle vehicle.
14. The Units have front door access onto the access/main road and this arrangement is most likely to lead to occasional and possibly even regular and long term on-street parking at the location including across the footway. The occurrence of on-street parking is already happening and is evident on other parts of Buckshaw Village. As such it is likely that mechanisms or measures will need to be put in place to stop the parking from happening.

Area D

15. The proposed level of car parking provision is sub-standard for units Units D1 to D5. The applicant has proposed a total of 11no spaces allowing 2no spaces per dwelling with 1no visitor space. As 3 units are 4 bedroom they should each support 3no spaces in accord with the preferred parking standards therefore there is an overall short fall of 2no spaces on the site.
16. Technically there is little scope for long term on-street parking at the location without causing nuisance and obstruction on the highway. The end two number spaces (3 and 4) are tight up against the path and have insufficient manoeuvring space. The Units have front door access onto the main road and this arrangement is most likely to lead to occasional and possibly even

regular and long term on-street parking at the location including across the footway. The occurrence of on-street parking is already happening and is evident on other parts of Buckshaw Village. As such it is likely that mechanisms or measures will need to be put in place to stop the parking from happening

17. Therefore, in light of the above comments, they ask that the Planning Authority take the above concerns/notes into consideration before making any recommendation to grant permission.
18. **Chorley's Waste & Contaminated Land Officer**
Have no objections.

Applicants Case

19. The sites that comprise this application were arguably intended in the outline planning permission for commercial use. However, despite numerous marketing exercises and expenditure by the developer (Eden Park), the current economic slump and predicted slow recovery have meant that these sites are unlikely to be developed for commercial use for many years. The developer has been advised by property agents and community representatives that what Buckshaw Village really needs now is more family housing, and therefore the proposal is for sites to change their intended commercial use to family housing. Despite this change, a considerable amount of commercial/retail space including a large supermarket will still remain within Southern Commercial and it is believed that this will be sufficient to serve the needs of the local community in a sustainable manner. As housing already borders the commercial centre to both the north and west it is considered that the proposal should be seen as being annexed to these existing housing areas – an adjustment of boundaries rather than radical change.

Assessment

Background Information

20. The site, along with the majority of Buckshaw Village was given planning permission by outline applications 97/00509/OUT and 02/00748/OUTMAJ (the latter being a modification of conditions). A reserved matter application was then approved (ref: 08/01100/REMAJ) for Tesco and the surrounding commercial area which included the three sites that make up the current application (referred to as Plots B, C and D in this report).
21. Plot B has been approved as a children's nursery, Plot C as offices and Plot D as apartments. These permissions could still be implemented as they were part of a larger application that included Tesco that has been built. The application now proposes for all three plots to have houses on them.

Principle of the development

22. All three sites are in the mixed use core as shown in the Southern Commercial Masterplan, which is part of the Design Code for this part of Buckshaw Village, which was a requirement of the outline permission. All three plots are within the 'Station Road' area where the character theme is a traditional main street of a small country town incorporating shops, offices, commercial and leisure facilities with living accommodation above.
23. As a mixed use area, the outline permission allows for commercial or housing uses on the plots applied for. Although it may have been envisaged that this may have been in the form of housing over commercial uses, it is not considered that a change to just housing on these parcels is completely at odds with the vision of the Masterplan for this area. The development is therefore considered acceptable in principle. The specific details of each plot will be discussed individually below.

Density

24. The density of the three sites are as follows:
Plot B – 50 dwellings per hectare
Plot C – 45 dwellings per hectare
Plot D – 55 dwellings per hectare
All three of these are considered acceptable in terms of density. They are located in the southern commercial area around the main commercial core where the character of the area is

higher density to create streets where the dwellings are close to the road/pedestrian frontage to create an enclosed more traditional space.

Levels

25. The site has been remediated under previous permissions and is therefore relatively flat. It is therefore that the approval of finished floor levels of the dwellings can be controlled through condition.

Impact on the neighbours

Plot B

26. The properties on this plot will back onto a parking area at the rear. To the side are the Barratt properties recently approved under reference 12/00787/REMMAJ. The nearest property (The Barwick house type on plot 62) will only have non-habitable and secondary windows in its side elevation so the relationship with the proposed property on plot B1 is considered acceptable.
27. The properties opposite the site are the subject of a separate application (ref:12/01005/FULMAJ) also on this agenda. If these properties were to be approved in the layout proposed there would be 18m between first floor habitable room windows of these properties and the properties proposed on Plot B. This is less than the Council's interface guideline of 21m but is considered an acceptable relationship as this part of the Southern Commercial area is intended to reflect a high street/commercial centre where traditionally properties would be closer together. The relationship between facing houses would be greater than the interface between the apartments above the commercial properties approved to the south and is considered an acceptable relationship as the aims of the approved Design Code are considered to carry sufficient weight to outweigh the normal interface distances used by the Council.

Plot C

28. Plot C will back onto its parking court at the rear and far exceeds the interface distance guideline with the properties approved on Parcel N, the nearest properties to the west that Redrow are currently constructing. To the front the properties will face the side of the Tesco building. This plot is therefore considered acceptable in terms of neighbour amenity.

Plot D

29. Plot D has been previously approved as apartments which were set the same distance back from the road as the properties now proposed, which is a material consideration that is given significant weight. Again, the properties will overlook their own parking area to the rear. One of the properties on this parcel (plot D-05) is set back further than the other ones. It is therefore considered necessary to remove permitted development rights for extensions from this property as extension could have an unacceptable impact on the amenity of plot D-04. Subject to this condition Plot D is considered acceptable in terms of neighbour amenity.

Design

30. The Design Code states that the style of the buildings in the Station Road area will be eclectic from the late 19th Century to present day, with building heights of 2 to 4 storeys with residents parking to the rear in garage or parking courts.
31. The proposed houses are all arranged in perimeter terraces with more prominent properties at the head of vistas and are either two or two and a half storeys in height.
32. Each property will have a small enclosed area in front of it separating it from the immediate street by railings and a rear garden overlooking a rear car parking court. Rear gardens will be fenced, however, the fencing at the rear of the garden is proposed to be lower than normal with decorative trellis or similar above to allow natural surveillance of the car parking areas.
33. The design and layout of the properties is considered acceptable. Their design and height will form a transition from the taller commercial units with apartments above to the lower density housing outside the commercial core.

Plot B

34. Plot B continues the development down from the Barratt development north of the site (Parcel M) recently approved under permission reference 12/00787/REMMAJ with six townhouses to meet the commercial units with apartments above to the south. Although semi-detached properties have been approved to the north they are close together and the terraced properties proposed on this plot will form an acceptable transition from these to the higher commercial area to the south. The properties will have room in the roof with a ridge height of approximately 11m with the commercial properties rising to 16.5m immediately to the south. This is therefore considered an appropriate design solution between the previously approved sites on either side.

Plot C

35. Plot C forms a prominent corner location adjacent to Tesco and within the main central core of the commercial area.

36. There are eleven properties of three different house types proposed on the plot. The largest will be in the form of a pair of semis that will be sited on the prominent corner designed so they have a 45 degree arrangement and 'turn the corner'. These will be two and a half storeys high with front gables at second floor and balconies. It is considered these are suitable properties to be on a prominent corner, creating a feature property at the head of a vista. The adjacent properties will be a mixture of three other house types of varying styles that will all be sited close to the road with small frontage gardens and railings, some with small balconies and others with front gables or small flat roof dormer windows. All the properties will in the form of a terrace in an overall L-shape.

Plot D

37. Plot D is situated to the east of Station Road around the corner from the commercial units to the north of Tesco. This was originally approved a twelve two-bed apartments, three storeys high, with parking to the rear. The proposal is for five dwellings of two house types that will be separated from the commercial units with apartments above to the west by a gap. House type E will be sited adjacent to the commercial units and will be a two-storey dwelling but with a two and a half storey front gable, with Type F a two-storey property with steep pitch next to it, in a row of mews. Again, this mix of house types will create a transition down from the higher commercial units and is considered acceptable. The house on plot D5 will be set back on the site to respond to the corner of the site.

Open Space

38. There is no open space proposed within the development. As the site already benefits from outline permission for mixed use residential/commercial, it is not considered that a commuted sum payment could be justified in this instance.

Trees, Landscape and Ecology

39. The site has been remediated and cleared for development. There are therefore no issues in this respect.

Flood Risk

40. The site is not in a flood risk area as identified by the Environment Agency. A flood risk assessment was submitted as part of the outline for the site as a while. The proposal is therefore considered acceptable in this respect subject to conditions.

Traffic and Transport

41. The parking for all the properties in the form of rear parking courts as is envisaged in the Design Code for the area. The comments of the Police Liaison Officer are noted, but the layout and character of the area does not lend itself to in curtilage parking. The Liaison Officer does however support the visibility panels if rear parking courts are used and these will be conditioned to ensure they are implemented and retained.

Plot B Parking

42. Parking for the six properties will be shared with the adjacent mixed-use development already approved to the rear/south of the properties. The scheme has also allowed an additional two parking spaces to be created overall and is similar to the layout previously approved, but alters the access point to be between the last house and commercial units rather than between the houses.
43. The nursery originally proposed had parking to the rear which also served the apartments above the shops to the south and commercial uses. Altogether (nursery, apartments and commercial units below) had 48 parking spaces, a cycle store and bin store. The layout now proposed provides for 50 parking spaces to serve just the apartments and commercial units (including cycle store and bin store), therefore 2 more than previous approved and without them also being used for the nursery. The houses proposed on the site of the nursery are four bedroom dwellings, which the Council's parking standards state should have 3 spaces each – therefore 14 spaces in total. The proposed layout shows 12 spaces for these dwellings i.e. 2 spaces each. However, the parking now proposed needs to be compared to the parking layout previously approved. There are now 62 parking spaces on the site for the three uses: apartments, commercial and housing as opposed to the 48 spaces previously approved for three uses: apartments, commercial and nursery. It is considered that a children's nursery would attract similar levels of parking to the six houses now proposed when staff and people dropping children off are considered. Therefore although lower than the Council's normal standards the parking provision now proposed is considered an improvement on the previously approved layout and therefore is considered acceptable.
44. The applicant has been made aware of the issues raised by LCC Highways in relation to large vehicles and has been asked to show that it is suitable for larger vehicles. This will be reported on the addendum.

Plot C Parking

45. The office development previously approved had 52 parking spaces. 11 townhouses are now proposed on this plot with a mixture of two, three and four bed properties. In accordance with the parking standards there should be 27 spaces (allowing three spaces for a four bed property). The layout proposes 22 spaces in a communal parking court. This is below the Council's normal standards, but again the previous approval for offices must be taken into account and the location of the site, very close to amenities and Buckshaw Parkway Station. For these reasons it is not considered the Council could refuse the application on parking standards.
46. The applicant has been made aware of the issues raised by LCC Highways in relation to large vehicles and has been asked to show that it is suitable for larger vehicles. This will be reported on the addendum.

Plot D Parking

47. This plot was previously approved as 12, two bedroom apartments, with 11 spaces i.e. one space each. The current layout is now for 5 townhouses with 11 spaces, The parking standards set out 13 spaces would be required for properties of the size proposed but the layout now proposed incorporates more parking for the number of dwellings than previous approved and is therefore an improvement on the parking numbers. The number of spaces for the adjacent apartments and commercial units remains as per the previous approval, so the scheme does not result in a reduction elsewhere on this part of the site.
48. The parking for Plot D is already under construction as part of the commercial development with apartments approved in 2008.

Contamination and Coal Mines

49. The site has been remediated for development, although as is normal practice a precautionary condition will be added if unexpected contamination is discovered in the course of development. It is not within a Coal Mining Referral or Standing Advice Area.

Drainage and Sewers

50. Drainage and sewers have been planned for the site as a whole. The proposal is considered acceptable in relation to this subject to the conditions requested by Untied Utilities.

Section 106 Agreement

51. A Section 106 is not required in relation to the application, which is submitted pursuant to outline permissions 97/00509/OUT and 02/00748/OUTMAJ that has an associated Section 106 agreement.

Sustainability

52. The site is a reserved matters application pursuant to an outline permission. At that time there was no requirement in terms of sustainable resources in new developments. As such the Council could not impose such requirements on this reserved matters application.

Overall Conclusion

53. The application is considered to comply with the Design Code for the Southern Commercial Area. Although some previously approved commercial units will be replaced with residential it is still considered that there are sufficient commercial units on this part of Buckshaw to retain the vision of a commercial centre. The application is therefore recommended for approval subject to conditions and the parking and layout issues being overcome which will be reported on the addendum.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: GN2, GN5

Joint Core Strategy

Policy 17: Design

Planning History

97/00509/OUT: Outline application for mixed use development (housing, employment, shopping, leisure & commercial uses, open spaces, roads, sewers, community facilities & rail station) & indication of junction improvements on surrounding road network. Permitted 1999.

02/00748/OUTMAJ: Modification of conditions on outline permission for mixed use development (housing, employment, shopping, leisure & commercial uses, open spaces, roads, sewers, community facilities, road improvements & rail station). Permitted December 2002.

08/01100/REMAJ: Reserved Matters Application for the Southern Commercial Area, Buckshaw Village. Including retail uses, residential, car parking, related infrastructure and landscaping. Permitted January 2009

Recommendation: Permit Full Planning Permission Conditions

1. 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.

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

Plan Ref.	Title:	Received:
8430-002 P008 Rev A	Site Sections – Street Elevations (B, C, D)	17 October 2012
8430-002 P010 Rev B	House Type A	17 October 2012
8430-002 P011 Rev B	House Type B	17 October 2012

8430-002 P013 Rev B	House Type E	17 October 2012
8430-002 P014 Rev B	House Type F	17 October 2012
8430-02 P015 Rev B	House Type G	17 October 2012
8430-002 P003 Rev B	Site Plan Plot B	17 October 2012
8430-002 P004 Rev A	Site Plan Plot C	17 October 2012
8430-002 P005 Rev A	Site Plan Plot D	17 October 2012
8430-002 P006 Rev A	Site Plan – Overall Sites B, C, D	17 October 2012

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

3. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN4 of the Adopted Chorley Borough Local Plan Review.
4. 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 Government advice contained in the National Planning Policy Framework.
5. Before the properties hereby permitted are first occupied, the car parking areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan to serve that property. 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.
6. No development shall take place until details of the proposed foul and surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.
Reason: To secure proper drainage and to prevent flooding and to ensure that the surface water runoff, at the developers proposed discharge rate, has been accounted for when the original surface water infrastructure was designed and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review and the NPPF
7. 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 of the Adopted Chorley Borough Local Plan Review.
8. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab 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 only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

- 9. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.**
Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.
- 10. 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.
- 11. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. 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. This shall include full details of the rear boundary fencing with the parking courts and the include details of fencing that will allows natural surveillance of the parking courts as well as rear pedestrian gates. 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.