

Item 4d **13/01144/REMAJ**

Case Officer **Caron Taylor**

Ward **Astley And Buckshaw**

Proposal **Proposed erection of 20 no. dwellings and associated landscaping and highway works (re-plan of part of site previously approved by permission ref: 12/00945/REMAJ)**

Location **Parcel H3 Group 1 West Of Central Avenue And South Of Worden Brook Euxton Lane Euxton**

Applicant **Persimmon Homes Lancashire**

Consultation expiry: 3 January 2014

Application expiry: 4 March 2014

Proposal

1. A reserved matters application for the erection of 32no. residential dwellings was permitted 23rd October 2013.
2. The site is within the part of Buckshaw Village known as Group 1, the area to the west of Central Avenue. The site was given outline planning permission 08/00910/OUTMAJ.
3. The current application is a proposed re-plan of part of the site. 20no. dwellings are proposed.

Recommendation

4. It is recommended that this application is approved.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Background
 - Design and Layout
 - Legal Agreement
 - Trees and Landscape
 - Traffic and Transport
 - Contamination and Coal Mines
 - Drainage and Sewers
 - Sustainability

Representations

6. Five letters of objection has been received on the following grounds:
 - The purpose of having a strict Design Code for parcel H3 of Group 1 site was to ensure any adverse effects on the surrounding ancient woodland and Biological Heritage Site (BHS) are kept to a minimum;
 - The Design Code (page 114) for plot H3 specifically states that "Generally four or five bed properties will be appropriate" with "generous private garden space". Page 13 states that parcel H3 should consist of "Large, detached housing set within secluded areas of the development with limited public access. Each development area will be characterised by the surrounding mature woodland";
 - They feel very strongly that the proposed amended plan does not adhere to the Design Code. By increasing the number of 3 bedroom dwellings from one to twelve is not in keeping with the Design Code and will add unnecessary pressure on to the sensitive surrounding woodland as a result of the increase in dwellings, occupiers and vehicles.

Furthermore, a house on parcel H3 (plot 10) is already occupied, and many other houses on parcel H3 are reserved or bought. These dwellings have been bought/reserved on the basis that parcel H3 will be developed in accordance to the original literature and Design Code, particularly relating to the protection and enhancement of the surrounding BHS. It is therefore not appropriate to amend the plans in this manner, particularly at this late stage;

- Page 114 of the Design and Access Statement (August 2008) associated with this permission states that Parcel H3 will be “exclusive and have larger two and two-and-a-half storey buildings”. It also states that “the size of the plots will allow for generous private garden space and generally four or five bed properties will be appropriate”. I strongly object to the amendments proposed on the basis that it does not conform with the design code, which was specifically drawn up to protect the sensitive surrounding woodland and Biological Heritage Site;
- The Danby house type [a three bed property] that is proposed in the amended plans is 966sqft. This does not constitute the large two and two-and-a-half storey buildings with large gardens that are required as part of the Design Code from the outline permission;
- The proposal will result in an increased density of population and vastly limited garden space. None of the properties in this amendment will face the Fire Pond as specified as a requirement on page 111 of the Design Code. The Design Code also states that the proposed density of properties for parcel H3 should be limited to 20-30, yet this plan would increase the density to 39, which is far above the spirit of the intended density and would destroy the amenity provided to the protected species within the woodland due to the increased population.
- Outlook from properties on the part of the scheme not being amended would be grossly impacted upon by the proposed changes.

Consultations

7. United Utilities

Have no objection to the proposal subject to a condition requiring a scheme for foul and surface water to be submitted and that surface water run-off is restricted to greenfield runoff rates.

Assessment

Background

8. Persimmon state the scheme has changed to create a broader mix of housing. The ‘Danby’ house type was introduced to create a greater spread of properties available as it introduces a three-bed house which was not previously on the site. This reflects the market conditions more accurately to provide a greater choice for people moving into the area.

Principle of the development

9. The site is an allocated housing site in the emerging Local Plan (which it is considered now carries significant weight) as well as being part of the Buckshaw Village Strategic Site. The principle of housing on the site has already been established by the previously permitted outline and reserved matters applications on the site.
10. The scheme is a re-plan of the part of the site furthest from the access off the main spine road. The previous approval permitted 15 dwellings on this part of the site. The current application is for 20 dwellings on the same area. The issue is therefore whether the increase in dwellings is acceptable or not.

Design and Layout

11. The Design Code states that the entrance to Woodland Green plots should be defined with individual building types, with change of surface at key locations to define character and control traffic. Parcel H3 should have houses fronting the Fire Pond with an informal streetscape to reflect the secluded setting.
12. In line with the Design Code the amended the layout will still see that properties either front onto or are side onto the Fire Pond to the south of the site. The Design Code required this to create an active frontage and passive surveillance of the mature woodland and public spaces. In this respect it is not considered the proposed amendment is particularly different to the previously approved layout. Although there will be a house on plot 29 side onto the fire pond, it is still

considered there are sufficient properties providing surveillance of the area to the south of the site.

13. The Design Code also states that the development on Plot H3 will be exclusive and have larger two and two and a half storey buildings. Generally four or five bed properties will be appropriate. Although the application now proposes an additional five dwellings and an increase in the number of smaller three bedroom dwellings, they are set within the site, rather than on the site frontage that is highly visible from the main road. It is not considered an additional five dwellings will have an unacceptable impact on the surrounding woodland than the scheme previously approved in terms of the pressure put on it.
14. Although there is an increase in smaller dwellings, with fewer bedrooms, the Design Code is a guidance document to work from, it is not a strict set of rules. It was produced at the beginning of 2011 almost three years ago and needs to have a certain degree of flexibility in it when it relates to a site that has such a long development period (the outline permission or Group 1 allows reserved matters application to be submitted for 10 years from the date it was issued in 2008). It is not considered that the amendments proposed will change the overall character of parcel H3 from that previously proposed as it will still be viewed as an exclusive parcel set within the woodland. The boundary treatments of the parcel will remain the same as previously approved, either hedges or avoiding properties backing onto the woodland to and therefore reoadways adjacent to it, therefore not requiring a boundary treatment with it. The proposal is therefore considered acceptable in this respect.
15. The amended layout uses the same house types as previously approved on this part of the site and the rest of parcel H3, incorporating front gables, porches, vertically proportioned windows with heads and sills, it just has a greater number of smaller dwellings with fewer bedrooms. Some properties will incorporate integral garages, while others have detached garages.
16. As stated above the boundary treatments are important on this parcel given its relationship with the woodland. The Environment Agency has advised that close boarded fencing should be avoided on the site boundaries. The amended layout maintains the orientation of the properties so they do not back onto the woodland, avoiding as much as possible the need to have rear boundaries backing onto the woodland. As per the previous scheme, although some side gardens bound with the woodland the boundary treatments here will be hedgerows, which will be controlled by condition.

Legal Agreement

17. A legal agreement attached to the outline permission secures affordable housing provision across the Group 1 site. Affordable housing will not be provided on this small parcel which has a character of larger dwellings but the developers will still need to incorporate the requirements across the other parts of the site. 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.
18. The infrastructure and affordable housing provision related to the site has therefore already been secured through the outline permission.

Trees and Landscape

19. The site is surrounded by trees and a Biological Heritage Site BHS. These issues were extensively discussed at outline stage. In terms of this reserved matters application the important issue is the interface between the site and the surrounding woodland. The properties will front onto the Fire Pond to the south and the woodland to the east avoiding the need for boundaries with the woodland. There will be two plots that are side on to the woodland within the current application boundary (30 and 31) and therefore require a boundary treatment to enclose their rear gardens. This will be in the form of a native hedge incorporating a steel post and wire fence to be secure, but also in keeping with the woodland setting. This is considered acceptable and is in line with the Design Code on boundary treatments.

Traffic and Transport

20. The re-planned layout maintains the previously approved road layout with some alterations

where the shared surface cul-de-sacs terminate.

21. The Council's parking standards require 2/3 bed properties to have two parking spaces and 4 bed properties to have three spaces. Garages will count as a space providing they are large enough to be a usable space. Amended plans have been received widening the driveways on a number of plots so they are double rather than single driveways. Garages counted as a parking space will be conditioned to prevent them being converted without express planning permission being granted.

Contamination and Coal Mines

22. The site has been the subject of a separate application for remediation (ref: 09/00095/FULMAJ) and 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.

Drainage and Sewers

23. A drainage strategy in relation to surface water and flood risk 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. There will be provision of attenuation on site in existing ponds with an additional attenuation feature in the northwest of the site. Standard piped drainage within the site will drain surface water runoff from hard standing areas to the attenuation areas.

24. A condition will be applied requiring specific details to be submitted for the scheme.

Sustainability

25. The proposal is a Reserved Matters application and therefore condition 16 of the outline permission for Group 1 (08/00910/OUTMAJ) requires details of how the proposal will meet the requirements of Policy SR1 that was in force at that time to be submitted. This policy is no longer in force, having been replaced by Policy 27 of the Core Strategy which is slightly different. Therefore it is considered that a condition be applied to the permission relating Policy 27.

Other Issues

26. The Council cannot prevent a developer from applying to amend a previously approved scheme and must determine such applications on their merits.

Overall Conclusion

27. The principle of the development has already been established by outline permission 08/00910/OUTMAJ. The re-plan of part of the site is considered to comply with the Design Code for Group 1. The application is therefore recommended for approval subject to conditions.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Emerging Local Plan

Policy: V1

Planning History

12/00945/REMMAJ Reserved matters application for the erection of 32no residential dwellings and associated landscaping treatment and highway works (pursuant to outline permission reference 08/00910/OUTMAJ)

08/00910/OUTMAJ. Outline planning application for the redevelopment of land at Group One (Site Area 54.34 Hectares), Royal Ordnance Site, Chorley for mixed use development comprising housing and commercial uses (including uses A1, A2, A3, B1, B2, C1, C2 and C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2006) and associated landscape treatment and highway works. Permitted December 2009.

**Recommendation: Approve Reserved Matters
Conditions**

1. 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) or on the boundary of the site. *Reason: To protect the appearance of the locality and to ensure a satisfactory relationship is maintained with the immediate surroundings.*

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

Plan Ref.	Received On:	Title:
CC/H3E/LW/01 Rev A	10 th December 2013	Planning Layout
CC/HHT01	10 th December 2013	The Hilliard House Type
CC/LHT	2 nd December 2013	The Lewis House Type
CC/DHT	2 nd December 2013	The Danby House Type
CC/BGHT	2 nd December 2013	The Burgess House Type
CC/CVHT	2 nd December 2013	The Calvert House Type
CC/BHT	2 nd December 2013	The Burton House Type
PL/CONS-01	24 th January 2014	Typical Optional Conservatory
CC/SGD/1 Rev A	24 th January 2014	Garage Details

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

3. If during the earthworks further contamination is found in close proximity to the streams and reservoir (that has not been covered by the existing remediation strategy at the site) then the risks to controlled waters will need to be re-assessed. If so the development shall cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority and the development shall then only be carried out in full accordance with the approved remediation proposals. *Reason: Shallow groundwater has been found as perched water bodies within the made ground and granular layers within the glacial clays. Hotspots of contaminated groundwater have been identified. However, there is no evidence of a continuous shallow groundwater body that is in continuity with the surface waters at the site. To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use.*

4. The development hereby permitted shall not commence until full details of foul and surface water drainage arrangements including a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first occupation of any dwelling on the site and retained and maintained as such at all times thereafter. *Reasons: To reduce the increased risk of flooding.*

5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) 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.*

6. Before the commencement of any particular dwelling, full details of the onsite measures to be installed and implemented for that property to reduce carbon emissions of predicted energy use by the figure set out in Policy 27 of the Core Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of the predicted energy use of the development expressed in terms of carbon emissions and how energy efficiency is addressed. The approved details shall be implemented in full and retained thereafter. *Reason: To ensure the development is in accordance with Government advice contained in the NPPF and Policy 27 of the Core Strategy.*

7. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable

Homes Level required by Policy 27 of the Core Strategy (Level 3 for all dwellings commenced from 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st January 2016). *Reason: To ensure the development is in accordance with the NPPF and in accordance with Policy 27 of the adopted Core Strategy.*

8. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification. Within 6 months of completion of that dwelling a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority. *Reason: To ensure the development is in accordance with the NPPF and in accordance with Policy 27 of the adopted Core Strategy.*

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A) or any Order revoking or re-enacting the Order, no extensions shall be undertaken that would be built off the rear elevation of the conservatories approved under this permission (for clarity the rear elevation is defined as the elevation parallel with the rear elevation of the dwelling), without express planning permission being granted. *Reason: To protect the amenity of adjoining properties.*

10. 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 the approved plans, shall have been submitted to and approved in writing by the Local Planning Authority. This shall specifically include details of the hedge with stock proof fence shown on the approved site layout. 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.*

11. 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.*

12. Before the dwellings hereby permitted are occupied the driveways and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways 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.*

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be inserted or constructed at any time at first floor level or above in the northeast elevation of the Hilliard House Type on plot 33 hereby permitted. *Reason: To protect the amenities and privacy of the adjoining properties on plots 42-44.*

14. The integral/attached or detached garage(s) of any properties hereby approved that have 4 or 5 bedrooms shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, unless the property still has three off-road parking spaces. *Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and to safeguard the visual amenity of the area.*