

14/00933/REMMAJ

Case Officer Caron Taylor

Ward Astley And Buckshaw

Proposal Reserved matters application for the erection of 45no. residential dwellings (including 9no. affordable) and associated landscape and highway works (pursuant to outline permission ref: 13/00126/OUTMAJ).

Location Parcel H1e Group 1
Euxton Lane
Euxton

Applicant Persimmon Homes Lancashire

Consultation expiry: 5th December 2014

Decision due by: 25th November 2014 (extension of time agreed until 23rd December 2014)

Recommendation

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

Representations

In total 3 representations have been received which are summarised below
Objections
Total No. received: 3
One objection has been received from numbers 1, 2 and 5 Junction Terrace on the following grounds: <ul style="list-style-type: none">• The gradual development of Buckshaw Village has caused an influx of traffic running along Wigan Road. The noise disturbance from this is getting gradually worse;• There is a low bridge at the front of their properties and over the last few months numerous oversized vehicles have driven to it only to realise they cannot pass through it and then have to turn around in the road, which is almost impossible. The wall at the front of their properties has been hit on numerous occasions. This situation will get worse and there is concern for the safety of young children;• Noise from ongoing building which is constant throughout the day sometimes at weekends and early or late in the evening along with bright floodlighting shining into their homes in breach of the planning conditions. The proposal will become a constant disturbance and at an increased level as it will be nearer to their properties. They feel the enjoyment of their home, privacy and environment is under constant threat;• Dust and dirt from the site will become problematic in the garden of number 5 Junction Terrace given the distance from the proposal;• The location of the properties and the road running alongside 5 Junction Terrace to the rear of the property will encroach upon privacy they currently enjoy. The closeness of the properties will block light out from the garden to number 5;• Security concerns as a path is proposed which will run alongside the development and onto the road, running directly in front of their houses. They do not see the point of the path as it will not lead to any amenities and will affect the security of the properties and will lead to people hanging around outside their properties resulting in concerns about noise, privacy and security;• The land where the development will take place is the only area of land where local wildlife can find any sort of habitation. A bat house was erected on the site which will obviously need to be either moved or removed altogether which will have a serious

<p>effect on the species in the area. They were assured at the outset that the bat house was placed where it is currently located because that area is quiet and would not be built on.</p>
<p>Following the receipt of amended plans re-notifications were sent out and two objections were received on the following grounds:</p> <ul style="list-style-type: none"> • Bats and their roosts are protected from harm and disturbance under the Conservation (Natural Habitats etc) Regulations 2010 and the Wildlife and Countryside Act 1981 and therefore if planning consent was granted that could lead to an offence being committed; • The local planning authority has a legal responsibility regarding bats and their habitat; • They are concerned that the bat house on Buckshaw Village is being disturbed by the excavation of the surrounding area. The proposed houses appear to be going to be built too close to the bat house with public access too near to it.

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	<p>They have no objections to the proposal. It should however be ensured that parking accords with the prevailing standard.</p> <p>In relation to amended plans they make comments regarding proposed trees overhanging the footways and the shared access at certain points on the site. If issues relating to adoption are to be avoided, these trees should be set back.</p> <p>They note the access into Plots 8 and 49 seem unnecessarily wide. They also ask for the layout of the driveway into Plot 9-14 to be amended to avoid vehicles entering the site inadvertently driving into parked vehicles due to the distorted alignment of the shared access.</p> <p>They also ask for the width and length of parking spaces and areas to be checked to ensure they meet the normal standards.</p> <p>They recommend conditions.</p>
United Utilities	<p>United Utilities will have no objection to the proposal and therefore request no conditions are attached to any approval. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.</p>

Assessment

Background information

1. The original outline permission for the site was approved in 2009 (ref: 08/00910/OUTMAJ) for a mixed use development comprising housing and commercial uses. This application is a reserved matters application, part of the parcel known as H1 and is the most northerly part of this parcel. A design code for the whole site was approved as part of the original application. This application was then amended (ref: 13/00126/OUTMAJ) to remove the requirement for dwellings built post January 2016 to achieve Level 6 of the Code for Sustainable Homes.

Principle of the Development

2. The principle of the development has already been established by the outline permission. The reserved matters are therefore for consideration by this application.

Layout

3. The design code for this part of the site shows this application to be within parcel H1, a village character area.
4. The main spine road, that will eventually link the A49 Wigan Road to Central Avenue, runs through the application site (the route of this road through the site has been amended by application ref: 14/00927/OUTMAJ to its current location as shown in this application, this application has been approved subject to a supplemental Section 106 agreement). The design code shows an informal street to the north of the layout, both of these are shown on the current proposal.
5. Amended plans have been received as part of the application process as it was not considered that the initial plans submitted complied with the design code in terms of layout. The design code shows a landmark building to be positioned on the north boundary of the site where the spine road enters the site from the north, originally this was shown as a standard two-storey property but has now been amended to take the form of a three-storey apartment block, which is considered acceptable. Similar apartment blocks have also been added at the head of the vista where the road bends after it comes in from the north and also on the east. Although the position of the latter two apartment blocks are not shown as landmark buildings in the design code they are considered acceptable as they will act as buildings that people can use to navigate around the wider site.
6. Originally the layout proposed detached dwellings with driveways to the front of them facing onto the main spine road. This was not considered acceptable as the design code states that direct access to the street frontage is an important principle of the village character areas to enhance the character of the street and provide passive surveillance. The amended plans are considered to be in accordance with the design code as the majority of properties facing the spine road are now close to the pavement with parking provided either in side driveways or in a rear parking court.
7. The informal street to the rear will have different types of detached properties with parking on driveways to the front. This is considered acceptable as the design code states that these streets will have different buildings typologies with houses fronting the street with direct access to in-curtilage parking to maintain a high degree of passive surveillance.
8. Overall the amended plans are considered to comply with the design code.
9. In terms of neighbour amenity the only neighbouring properties to the site are 1-5 Junction Terrace, between the site and Pack Saddle Bridge. The proposed properties on the site that will be nearest to them will be plots 1-6 (one of the three storey apartment blocks) and plots 7 and 8 (two storey houses). Residents have raised concerns about the location of the properties and the road running alongside 5 Junction Terrace to the rear of the property will encroach upon the privacy they currently enjoy and that the closeness of the properties will block light out from the garden to number 5.
10. There is a buffer strip between the edge of the application parcel and garden of no. 5 Junction Terrace measuring approximately 19.5m at its narrowest point. The windows in the apartments are further away than this being approximately 25m to the boundary with no. 5 Junction Terrace. The will be over 29m between the windows in the rear of plot 7 and the boundary with the garden of no. 5. The proposed property on plot 8 will only have a bathroom window in its side elevation facing towards the garden of no. 5 and it will be over 20m away. These distances are far in excess of the Council's interface guidelines. Even though one of the buildings is a three storey apartment block due to the distance between it and no. 5 Junction Terrace the relationship is considered acceptable.

Appearance and scale

11. The house types proposed are two-storey though some utilise room in the roof as living accommodation with small front dormers and/or roof lights. The majority of properties

fronting the spine road are small groups of mews or semi-detached properties with a vertical emphasis. There are several different designs of detached properties proposed, mainly on the rear informal street but also several on the spine road. These all have pitched roofs with no hips, some have integral garages with various features such as porches, canopies and front gables.

12. The apartments are to be three-storey with the main part having a pyramid roof and a lower part attached to it having a standard pitched roof with lower ridge and eaves. These are considered acceptable.
13. The design of the properties on the site are considered to be in line with the building types envisaged for this area in the design code. It is considered suitable materials can be controlled by a condition.

Access and parking

14. The principle of the main access through the site via the spine road has already been established. The rear informal street is as envisaged by the design code for this area of the site.
15. Lancashire County Council Highways have commented on the amended plans and these points have been put to the applicant. It is considered that these issues can easily be resolved where necessary and an update will be placed on the addendum.
16. In terms of parking the council's parking standards are set out in policy ST4 of the emerging Local Plan 2012-2026. The blocks of apartments will have six, two bed apartments, each of which will benefit from two parking spaces in line with the standards.
17. The houses will benefit from either two or three off road parking spaces as required by policy ST4 in accordance with their number of bedrooms. Only the Longthorpe house type relies on its integral garage as a third parking space, this does measure the required 3m x 6m internally so can be counted as a space. Its retention can be controlled by a condition. The proposal is therefore considered acceptable in terms of parking and access subject to the comments of LCC Highways being addressed on the addendum.

Landscaping

18. The detailed landscaping of the site can be controlled by a condition, noting the comments made by LCC Highways in relation to trees overhanging that may pose adoption problems. The applicant has been made aware of this issue.

Other issues

19. Residents have raised concerns about a path that is proposed which will run alongside the development and onto the road, running directly in front of their houses. They do not see the point of the path as it will not lead to any amenities and will affect the security of the properties and will lead to people hanging around outside their properties resulting in concerns about noise, privacy and security. The path is outside the red edge of this application and therefore does not form part of it, however the permeability of the Group 1 site, both for cyclists and pedestrians is considered essential to make it as sustainable as possible.
20. In terms of wildlife and trees, the site has been completely cleared and remediated under planning approval ref: 09/00095/FULMAJ ready for development so it is not considered there will be a detrimental impact on either.
21. The comments regarding bats and the bat house are noted. The bat house is not within this application site. The bat house was erected on land immediately to the north of the application as mitigation for the loss of roost as a result of decommissioning the buildings previously on the Group 1 site. The location and design of the bat roost was the result of a separate application (09/00084/FUL) and advice was sought at that time from Lancashire County Council Ecology. The report from the time states that the applicant was applying to Natural England for a licence to demolish the existing buildings on the

site as part of the site remediation works and as part of that licence they will assess the adequacy of the proposed bat house as compensation for the demolished buildings prior to issuing a licence. It was known at that time that the land the subject of this application would be developed. It is therefore considered that the council have met its duty under the Habitats Regulations.

Overall Conclusion

22. The application is recommended for approval subject to conditions.

Planning Policies

23. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
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	22 December 2009
09/00084/FUL	Erection of a bat house at group one, Buckshaw Village.	Permitted	9 April 2009
09/00095/FULMAJ	Land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village (site area 54.34 hectares).	Permitted	22 December 2009
11/00403/OUTMAJ	Section 73 application to vary condition 29 (access on the A49) attached to outline planning approval 08/00910/OUTMAJ	Permitted	27 July 2011
13/00126/OUTMAJ	Section 73 application to vary condition no. 17 (Code for Sustainable	Permitted	17 July 2013

	Homes) of planning permission no. 11/00403/OUTMAJ to remove the requirement for dwellings built post January 2016 to achieve Level 6.		
14/00927/OUTMAJ	Section 73 application to vary condition no. 30 (Construction of main access road) of planning permission no. 13/00126/OUTMAJ to enable re-positioning of the main access road through the site.	Under consideration (permitted subject to supplemental legal agreement being signed)	

Suggested Conditions

No.	Condition																																													
1.	<p>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.</p> <p><i>Reason: To protect the appearance of the locality and to ensure a satisfactory relationship is maintained with the immediate surroundings.</i></p>																																													
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 633 1307 2024"> <thead> <tr> <th data-bbox="320 633 684 689">Title</th> <th data-bbox="684 633 967 689">Drawing Reference</th> <th data-bbox="967 633 1307 689">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 689 684 790">Planning Layout</td> <td data-bbox="684 689 967 790">H1e-G1E/PL01 Rev A</td> <td data-bbox="967 689 1307 790">21st November 2014</td> </tr> <tr> <td data-bbox="320 790 684 913">Group One Apartments Ground Floor Plan</td> <td data-bbox="684 790 967 913">APT-01</td> <td data-bbox="967 790 1307 913">21st November 2014</td> </tr> <tr> <td data-bbox="320 913 684 1037">Group One Apartments First Floor Plan</td> <td data-bbox="684 913 967 1037">APT-02</td> <td data-bbox="967 913 1307 1037">21st November 2014</td> </tr> <tr> <td data-bbox="320 1037 684 1160">Group One Apartments Second Floor Plan</td> <td data-bbox="684 1037 967 1160">APT-03</td> <td data-bbox="967 1037 1307 1160">21st November 2014</td> </tr> <tr> <td data-bbox="320 1160 684 1283">Group One Apartments Elevations 1 of 2</td> <td data-bbox="684 1160 967 1283">APT-04</td> <td data-bbox="967 1160 1307 1283">21st November 2014</td> </tr> <tr> <td data-bbox="320 1283 684 1406">Group One Apartments Elevations 2 of 2</td> <td data-bbox="684 1283 967 1406">APT-05</td> <td data-bbox="967 1283 1307 1406">21st November 2014</td> </tr> <tr> <td data-bbox="320 1406 684 1473">The Hatfield House Type</td> <td data-bbox="684 1406 967 1473">HAT</td> <td data-bbox="967 1406 1307 1473">21st November 2014</td> </tr> <tr> <td data-bbox="320 1473 684 1641">The Longthorpe House Type Plans and Elevations</td> <td data-bbox="684 1473 967 1641">LON</td> <td data-bbox="967 1473 1307 1641">21st November 2014</td> </tr> <tr> <td data-bbox="320 1641 684 1697">The Rufford House Type</td> <td data-bbox="684 1641 967 1697">RUF</td> <td data-bbox="967 1641 1307 1697">27th August 2014</td> </tr> <tr> <td data-bbox="320 1697 684 1753">The Morden House Type</td> <td data-bbox="684 1697 967 1753">MOR</td> <td data-bbox="967 1697 1307 1753">27th August 2014</td> </tr> <tr> <td data-bbox="320 1753 684 1821">The Moseley</td> <td data-bbox="684 1753 967 1821">MOS</td> <td data-bbox="967 1753 1307 1821">27th August 2014</td> </tr> <tr> <td data-bbox="320 1821 684 1888">The Souter House Type</td> <td data-bbox="684 1821 967 1888">SOU</td> <td data-bbox="967 1821 1307 1888">27th August 2014</td> </tr> <tr> <td data-bbox="320 1888 684 1955">Plot divisional fence</td> <td data-bbox="684 1888 967 1955">SDF11</td> <td data-bbox="967 1888 1307 1955">21st November 2014</td> </tr> <tr> <td data-bbox="320 1955 684 2024">1.8m High Timber Screen</td> <td data-bbox="684 1955 967 2024">SDF05</td> <td data-bbox="967 1955 1307 2024">21st November 2014</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Planning Layout	H1e-G1E/PL01 Rev A	21 st November 2014	Group One Apartments Ground Floor Plan	APT-01	21 st November 2014	Group One Apartments First Floor Plan	APT-02	21 st November 2014	Group One Apartments Second Floor Plan	APT-03	21 st November 2014	Group One Apartments Elevations 1 of 2	APT-04	21 st November 2014	Group One Apartments Elevations 2 of 2	APT-05	21 st November 2014	The Hatfield House Type	HAT	21 st November 2014	The Longthorpe House Type Plans and Elevations	LON	21 st November 2014	The Rufford House Type	RUF	27 th August 2014	The Morden House Type	MOR	27 th August 2014	The Moseley	MOS	27 th August 2014	The Souter House Type	SOU	27 th August 2014	Plot divisional fence	SDF11	21 st November 2014	1.8m High Timber Screen	SDF05	21 st November 2014
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	Fence		
	1.8m High Brick Screen Wall Detail	SDW08	21 st November 2014
	1200mm High Bow Top Fence	SDF02	21 st November 2014
	Dwarf Wall and Railing Details	DWRD.01	21 st November 2014
	<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>		
3.	<p>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.</p> <p><i>Reasons: To reduce the increased risk of flooding.</i></p>		
4.	<p>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.</p> <p><i>Reason: To protect the amenity of adjoining properties.</i></p>		
5.	<p>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.</p> <p><i>Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents.</i></p>		
6.	<p>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.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</i></p>		
7.	<p>The integral garages of the properties on plots 19 – 23 inclusive and plots 51 and 50 hereby approved 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 has three off-road parking spaces..</p> <p><i>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and nuisance caused by on-street parking and to safeguard the visual amenity of the area.</i></p>		