

<b>Item A. 2</b>	<b>07/00993/REMAJ</b>	<b>Approve Reserved Matters</b>
<b>Case Officer</b>	<b>Mrs Nicola Hopkins</b>	
<b>Ward</b>	<b>Chorley South West</b>	
<b>Proposal</b>	<b>Reserved Matters application for the erection of 149 dwellings with associated works site area 4.8 hectares</b>	
<b>Location</b>	<b>Site N1 Lower Burgh Way Chorley Lancashire</b>	
<b>Applicant</b>	<b>Miller Homes</b>	

**Proposal** This reserved matters application relates to the erection of 149 dwellings at Eaves Green, Chorley. Outline planning permission was granted in June 2006 for the residential development of the site. When outline planning permission was granted the siting of the properties and access to the site were fixed. This reserved matters application relates to the design and scale of the dwellings along with the landscaping.

This scheme does not incorporate a typical residential development, the principles of HomeZone have been incorporated into the scheme. Homezone principles involve the construction of streets where people and vehicles share the road space safely and equally. There is no distinction between footways and roads and street furniture is incorporated into the highway to reduce speeds and create a more aesthetically pleasing environment.

English Partnerships own the majority of the site although Chorley do own part of the site. The submission of this application follows an extensive tendering programme with English Partnerships, Chorley Council, Lancashire County Council and various developers. Miller Homes were chosen as the preferred developer and are the applicants for this reserved matters application.

The site is 4.8 hectares in size including Lower Burgh Way which requires modification. This equates to approximately 31 dwellings per hectare. The site is currently 'Greenfield' and divided by Burgh Lane South. There is a fall on the site running from the North East of the site down to the South West

**Planning Policy** **Planning Policy Statement 1:** Delivering Sustainable Development  
**Planning Policy Statement 3:** Housing  
**Planning Policy Statement 23:** Planning and Pollution Control  
**Planning Policy Guidance 13:** Transport

**North West Regional Spatial Strategy:**  
Policy DP1: Economy in the Use of Land and Buildings  
Policy DP3: Quality in New Development  
Policy UR7- Regional Housing Provision  
Policy ER5- Biodiversity and Nature Conservation.

**Joint Lancashire Structure Plan 2001-2016:**

Policy 7- Accessibility and Transport  
Policy 12- Housing Provision  
Policy 21- Lancashire's Natural and Manmade Heritage  
Supplementary Planning Guidance: 'Access and Parking'  
Landscape and Heritage SPG

**Chorley Borough Local Plan Review 2003:**

GN1- Settlement Policy- Main Settlements  
EP4- Species Protection  
EP9- Trees and Woodland  
EP10- Landscape Assessment  
HS4- Design and Layout of Residential Developments  
TR1- Major Development- Tests for Accessibility and Sustainability.  
TR4- Highway Development Control Criteria  
TR18- Provision for Pedestrians and Cyclists in New Developments

**Planning History**      **93/00121/OUT-** Outline application for residential development. Approved March 1999

**02/00316/REMAJ-** Residential development of 32 dwellings (apartments, town houses and detached dwellings). Withdrawn

**05/00516/OUTMAJ-** Outline application for residential development (4.42Ha) with details of siting and means of access and associated public open space (2.05Ha). Approved June 2006

**Applicant's Case**      The applicants have submitted the following points in support of the application in the form of a Design and Access Statement:

- The immediate area is mainly traditional two storey housing and more recently some three storey mews have been built in the area
- The overall concept behind the indicative scheme has been to produce a design and layout, which not only reflects the scale and character of the surrounding development but which also provides an environment which is both safe and usable and inclusive for all future residents.
- The scheme is based upon home zone principles that place the street and its various components at strategic levels and gives pedestrians priority over vehicles.
- The site is English Partnership's first Home Zone scheme at the urban fringe of Chorley for 149 new units set in a Parkland setting.
- The scheme has been designed to conform to the siting approved at outline stage. Minor deviations from the development plan have occurred, mainly plots 146-149, to take advantage of the topography and vistas in the area.
- Dual aspect dwellings have been introduced on the plots which have two elevations on principle routes.
- The scale and massing incorporates three storey dwellings close to the residential dwelling at the north reducing to two storey dwellings on the southern fringe of the development.
- To the north of the site 'Formal' style dwellings are proposed incorporating slate like roofs and stone effect

render

- As you enter the home zone the style changes to a more village vernacular with plain roof tiles and stone cills
- To the south of the site a 'cottage' style is incorporated with slate like roofs.
- Throughout the whole of the development there is consistent detailing on the eaves and gables which gives the development its own identity
- Chimneys have been introduced to give an interest in the roofscape of the scheme.
- New tree planting with native shrubs and grassed areas will soften the development and create an attractive environment.

## **Representations**

**4 letters** have been received raising the following comments:

- Lack of privacy created by the introduction of three storey properties
- The village green has the potential to attract youths creating noise and disturbance- would it not be more preferable to have this facility in a central location?
- Loss of views- ruin the area
- Increase in noise, traffic and disturbance
- Increase in traffic will create congestion and result in loss of safety for pedestrians
- Too many houses
- Impact on wildlife

## **Consultations**

**Lancashire County Council (Planning)** have commented that the principle of the development was established with the grant of outline planning permission

**Lancashire County Council (Landscape)** have made the following comments:

- The applicant has not submitted a landscape and visual impact assessment in respect of the application and as such it is therefore not appropriate to determine the application
- The site is in a relatively prominent location and is situated within an ancient enclosure landscape character area. therefore the development should conserve and enhance key environmental features
- The site is located within an industrial foothills and valleys landscape character area. The development would result in the loss of approximately 4 hectares of rural 'greenspace' and a significant expansion of the adjacent suburban landscape character type
- A scheme like the one proposed could only really work if the recommendations set out in the Landscape and Heritage SPG are incorporated into the scheme.
- The scheme is unacceptable in landscape and visual terms as it would result in the loss of a significant area of landscape character, does not enhance the rural local distinctiveness, create a significant visual intrusion, result in the loss of historic landscape character, increase separation between ecological areas and reduce landscape tranquillity.
- It is considered that some development could occur but the following recommendations should be considered.

Reduce number of dwellings to 90, enhance visual and ecological linkage, provide adequate mitigation buffer zones, create reasonable separate distance between the footpath and the site, create a strong structural landscape, provide open space which is not surrounded by roads, incorporate new hedgerows, maximise opportunities for tree planting, site lighting and roads away from the boundaries, incorporate elements of the historic landscape character.

**Natural England** have made the following comments:

- Object because of the lack of ecological information
- Not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation
- Satisfied that the proposal will not impact on any of Natural England's other interests including National Trails

An Ecological Assessment of the site has previously been carried out and Natural England have granted a Newt Licence at the site. This information was forwarded to Natural England following the receipt of their objections and Natural England have confirmed that this information alleviates their concerns.

**Lancashire County Council (Archaeology)** have no comments to make on the application

**United Utilities** have made the following comments:

- No objection providing the site is drained on a separate system, with only foul drainage connected into the foul sewer
- The applicant must discuss full details of the site drainage proposals with United Utilities
- Surface water should drain to the watercourse/soakaway/ surface water sewer and may require the consent of the Environment Agency
- A water mains extension may be required which would be rechargeable to the applicant
- A separate metered supply to each unit will be required at the applicants expense and all internal pipework must comply with current water supply (water fittings) regulations 1999
- The applicant should be made aware of potential difficulties caused by trees and should consider this when planting trees close to underground cables
- The applicant should take account of Avoiding Dangers from underground services and avoidance of danger from overhead electrical lines
- The cost of diverting apparatus will be borne by the developer

**The Director of Streetscene, Neighbourhoods and the Environment** has requested that possible sources of contamination are identified prior to the commencement of the development.

**Lancashire County Council (Ecology)** have made the following comments on the scheme:

- It is not clear if the proposal involves the felling of

trees. The ecological assessment indicates that a number of trees have the potential to support bat roosts. If these trees will be felled then no favourable recommendation can be made until the presence of bat roosts has been established.

- The ecological assessment indicates that hedgerows and a line of trees should be retained in the development or their loss mitigated. It is not clear whether this recommendation has been implemented.
- Concerns were raised originally in respect of the impact on the BHS woodland surrounding the site e.g increased recreational use. It is not clear whether these concerns have been addressed. There may well be a reduction in biodiversity value which would have to be recorded.
- Works during the bird breeding season (March to July inclusive) should be avoided

## **Assessment**

The principle of redeveloping this site for residential purposes was established with the grant of outline planning permission in June 2006 (05/00516/OUTMAJ). With the grant of planning permission the siting of the properties and access to the site were fixed. This reserved matters application deals with the outstanding issues which include design and landscaping.

The site is an allocated housing site within the Adopted Chorley Borough Local Plan. The road layout within this development has been designed in accordance with the Home Zone Design Guidelines prepared by the Institute of Highways Incorporated Engineers (IHIE).

### **Layout**

The siting of the proposed dwellinghouses was established at outline stage along with access to the site. The proposal incorporates the erection of 149 dwellings which equates to approximately 31 dwellings per hectare, this accords with the density guidelines set out in PPS3. The submitted scheme largely accords with the layout approved at outline stage with some minor deviations in the siting of the properties mainly on properties 146-149.

There are various land level changes across the site and the nature of the surrounding area ensures that the site is very prominent. In particular the southern boundary of the site forms a very prominent edge to open countryside.

The submitted scheme reflects the local vernacular and landscape characteristics. The scheme incorporates a mix of 2, 2 and a half and three storey properties. The three storey properties are sited to the north of the site whilst all the properties along the southern edge are retained at 2 storey to lessen the impact of the development on the surrounding countryside.

The principles of Homezone incorporates no clear definition between roads and footways ensuring that there is no priority in respect of highway users and the street furniture within the highways helps to reduce speeds promoting a safe environment. Due to the design and layout of the scheme the Council's approved spacing standards will not be achieved across the site. In particular facing properties across highways will not achieve the

required 21 metres window to window distance. This is due to the detailed Homezone design and the approved layout which is fixed. However in respect of the rear window distances the required spacing standards have been retained, where possible, to ensure that a decent level of privacy is retained for the future occupiers.

### **Design**

The scheme has been designed to compliment the surrounding countryside character. There are three different house styles across the site. To the north of the site the properties follow a 'Formal' design incorporating slate roofs, stone effect render to the ground floors and artstone window cills, heads and jambs.

Within the centre of the site, as you enter the Homezone, the property style becomes more of a 'Village' vernacular with plain tile roofs, stone cills and brick arched heads. Along the southern boundary of the site the style changes to 'Cottage' style with slate roofs, brick arched window heads and brick plinth stretched cills.

Render is used throughout the development to add an element of interest and variety. In accordance with the site specific requirements for the site formulated by English Partnerships with Chorley Council chimneys have been introduced throughout the scheme to create interest and relieve the monotony of long rooflines.

Due to the restrictive nature of the layout there are a large number of bespoke house types which have been designed to ensure that the approved layout can be achieved.

A number of the plots throughout the site have two elevations on primary frontages. In these situations the proposed dwellings have been designed with dual aspects. This allows for a continuation of the street scene as well as natural surveillance and creates more visual interest within the area.

As stated earlier the layout includes a variety of 2, 2 and half and 3 storey properties. In addition to this three storey apartment blocks are proposed at the entrance to the site fronting Lower Burgh Way and at the north east corner of the site. These blocks incorporate six apartments each. Some of the neighbours have raised concerns in respect of three storey buildings in this location. However it is considered that the location of the three storey properties/ apartment blocks are important feature points for the whole development and properties with strong urban forms are required to create a sense of place and provide visual interest. It is not considered that two storey properties could achieve this. The properties will be located an adequate distance away from the existing residential properties to ensure that the proposed dwellings do not adversely impact on the neighbours amenities in terms of loss of privacy.

In design terms the scheme compliments the local vernacular and accords with the site specific requirements set out by English Partnerships and Chorley Council

### **Highways**

The principles of Homezone incorporates shared highway surfaces with no clear definition between roads and footways. Street furniture is incorporated into the highways, these features

along with the design of the internal highway network ensures that speeds are reduced to 10 mph.

The highway layout incorporates a looped access through the homezone to give permeability to the development with a number of squares, courtyards and cul de sacs accessed off this loop. A bus loop will be provided to the northern edge of the site with a centralised village green area.

Clearly the road layout does not constitute a standard highway solution however the layout of the scheme has been discussed extensively throughout the outline planning process and the tender process. Lancashire County Council Highways Section have indicated that they would be willing to enter into a Section 38 Agreement and adopt the highways. The applicants have confirmed that any features within the Highway which LCC are not willing to adopt, such as trees, seating etc, will be maintained by the Private Management Company which will maintain the whole of the development.

Different materials are proposed for the highway areas which create variety and define the different uses of the areas. Precast concrete sett paving is proposed for the parking areas, public shared areas and pedestrian surfaces and granite sett paving is proposed for the public squares. A granite sett paving band indicates the threshold to the home zone, precast concrete sett paving is used for the pedestrian priority paving band and conservation kerbs will be introduced throughout the scheme. To give definition each area is identified by a change in the colour of the material to be used or a change in the pattern which the material will be laid.

There will be four main gateways into the site which will define the change from a standard highway to the shared vehicular/pedestrian Homezone areas. Two off the bus loop, one of the eastward extension of Yew Tree Close and one off Lower Burgh Way. It is proposed to erect piers at these points to indicate the change into the Homezone area.

Features within the highway include seats, bollards, trees and lighting columns. The trees will be planted in trees pits to ensure their continued protection. The trees will be semi-mature native species. The lighting columns range in height from 4 metres to 6 metres dependent on where they are located.

Burgh Lane South dissects the site and acts as a right of way for the properties located to the south of the site. This right of way will be retained as part of the scheme although two vehicular access points and a pedestrian access will be created across the Lane to allow permeability of the site.

### **Landscaping**

The scheme incorporates three main areas of landscaping, the village green to the northern edge of the site, the southern landscaped area and the eastern landscaped area. In addition to these areas of landscaping/ trees will be incorporated throughout the development.

Most of the public open space will be implemented by a landscape contract, which will be let by the developers, but will be designed,

tendered and supervised by landscape consultants appointed by English Partnerships. The Landscape Consultants are Scott Wilson and the areas of landscaping have already been designed.

The village green and southern landscaping area are included within the landscape contract. The village green will represent the 'arrival' point into the development and will form the centre of the bus loop. The southern open space forms the boundary between the development and the open countryside. The western area of this open space will be characterised by a simple treatment of small groups of trees and grass with wildflowers. The eastern area of this open space offers the best opportunity to add to the local biodiversity. An oak copse will be planted against Burgh Lane South and the remaining area will comprise of grass, wildflowers and copses with occasional benches.

Miller Homes will provide the enhancement of Burgh Lane South and the eastern boundary public open space. There is an existing row of Sycamore trees along the western boundary of Burgh Lane south, the majority of these trees will be retained although a few will be removed to allow access. It is envisaged that the hedge along the eastern boundary will be planted up and trees will be planted along the back to create an avenue effect although detailed plans of the treatment of Burgh Lane South and the eastern landscape have yet to be submitted. The Landscape Architects appointed by Miller are Planit.

The groups of trees located on the site, detailed on the tree survey, have already been removed. Protection measures will be required as a condition for the trees to be retained on site.

The Landscape Architect at LCC has raised a number of concerns with the proposal as set out above. These concerns relate mainly to the loss of the landscape area and the impact on the surrounding area. A number of suggestions have been put forward which would improve the scheme however these suggestions would incorporate amendments/ alterations to the siting of the properties and the access arrangements. This arrangement has already been agreed by granting outline planning permission and it would not be possible to incorporate the landscape architects suggestions in line with the approved scheme. It is proposed to incorporate further landscaping and improve the biodiversity of the area. Additionally existing trees/ hedgerows will be retained and enhanced improving the character and visual amenities of the scheme.

## **Ecology**

The Ecologist at LCC has raised a few concerns with the proposal. These relate to impact on bats, trees/ vegetation loss and local biodiversity. An Ecological Assessment of the site has been undertaken which states that development of the site is unlikely to impact upon roosting bats however it is considered likely that bats may use the site for foraging.

Two trees will be lost along Burgh Lane South however one of these is a young example. For any trees which require removal the ecological assessment recommends that survey should be undertaken to confirm the presence/ absence of bats. This will be subject to a condition.



The scheme proposes to retain and enhance the existing trees and hedgerows on site along with enhancing the biodiversity of the area. The proposal incorporates native plant species and as such it is not considered that the proposal will adversely impact on protected species or the local biodiversity.

The site is located close to Great Crested Newts Habitats and as such any development has the potential to impact on newts. The Ecological Survey raised this issue and a Licence has been granted by Natural England for newt fencing and newt trapping on and close to the site. These methods will ensure that newts are not present on the site. This work has already been undertaken and it is considered that the precautionary measures implemented will ensure that the development will not injure or kill Great Crested Newts. Long term amphibian exclusion fencing will be installed along the north and east boundaries of the site which will be maintained until the development is completed.

### **Impact on the neighbours**

A few letters of objection have been received from local residents raising a number of concerns including loss of view, noise and loss of wildlife. The site is allocated within the local plan and the principle of redeveloping the site was established with the grant of outline planning permission.

The siting of the properties was set at outline stage along with the number of properties. The siting of the properties ensures that the scheme will not result in loss of amenity to the detriment of the neighbours amenities.

### **Conclusion**

The residential redevelopment of this site was established with the grant of outline planning permission. The scheme accords with the layout and design principles set out by English Partnerships and Chorley Council and as such the scheme is considered to be acceptable.

### **Recommendation: Approve Reserved Matters Conditions**

1. The proposed development must be begun not later than two years from the date of this permission or not later than five years from the date of the outline planning permission (reference 05/00516/OUTMAJ)

*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. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

*Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review*

3. No development shall take place until details of the proposed 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 in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.*

4. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

*Reason: To ensure proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.*

5. 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.*

6. 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 area(s) 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.*

7. The external facing materials detailed on the approved plan(s) shall be used and no others substituted without the prior written approval of the Local Planning Authority.

*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.*

8. The hard surface materials detailed on the approved plans shall be used and no others substituted without the prior written approval of the Local Planning Authority.

*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.*

9. Before any development hereby permitted is first commenced, full details of the surfacing, drainage and marking out of all car park and vehicle manoeuvring areas shall have been submitted to and approved in writing by the Local Planning Authority. The car park and vehicle manoeuvring areas shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. 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. TR8 of the Adopted Chorley Borough Local Plan Review.*

10. No development shall take place until a scheme for the provision of public open space and play areas has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted to include full details of all play and other equipment to be provided.

*Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.*

11. Before the development hereby permitted is first commenced, full details of the

phasing of provision and equipping of public open space and play areas shall have been submitted to and approved in writing by the Local Planning Authority. The provision and equipping of such areas to be thereafter carried out in strict accordance with the approved details.

*Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.*

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

*Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission).

*Reason: To protect the appearance of the locality and in accordance with Policy No HS4 of the Adopted Chorley Borough Local Plan Review.*

14. Prior to the felling of trees on site a Licensed Ecologist will be required to survey the trees for the presence of bats. If bats are found to be present then full details of the trees and proposed mitigation methods required to ensure the continued protection of the bats shall be submitted to and approved in writing by the Local Planning Authority. The tree works thereafter shall be carried out in accordance with the approved mitigation methods.

*Reason: To comply with the practical effect of the Wildlife and Countryside Act 1981 and in accordance with policy EP4 of the Chorley Borough Local Plan Review 2003.*

15. Before development commences full details of mitigation measures required to be implemented by the specialist ecology report received on 28 June 2005, as submitted by The Environment Partnership with regard to the protection of protected species on and in the vicinity of the site (including any proposed phasing of measures) shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved including any phasing of measures shall be implemented in full and retained thereafter.

*Reason : To comply with the practical effect of the Wildlife and Countryside Act 1981 and in accordance with policy EP4 of the Chorley Borough Local Plan Review 2003.*

16. Prior to the commencement of the development full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.

*Reason: To ensure the satisfactory management of the unadopted highway features and areas of open space and in accordance with Policies TR4 and HS21 of the Adopted Chorley Borough Local Plan Review.*

17. Prior to the occupation of the dwellinghouses hereby approved the lighting columns, detailed on plan reference PL864.100-05 or as may otherwise be agreed in writing with the Local Planning Authority, shall be erected and operational.

*Reason: In the interests of the visual amenities of the area and the amenities of the future occupiers. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*

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