

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 16TH AUGUST 2016, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following reports that were unavailable when the agenda was published.

Agenda No	Item	
B	16/00380/OUTMAJ - LAND SURROUNDING 89 EUXTON LANE, EUXTON	(Pages 53 - 76)
F	16/00036/FUL - SPRING COTTAGE, RIVINGTON LANE, RIVINGTON, BOLTON	(Pages 77 - 84)

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Agenda Item 3b

APPLICATION REPORT – 16/00380/OUTMAJ

Validation Date: 26 April 2016

Ward: Euxton North

Type of Application: Major Outline Planning

Proposal: Outline application for means of access to up to 170 dwellings and community allotments with all other matters reserved

Location: Land Surrounding 89 Euxton Lane Euxton

Case Officer: Adele Hayes

Applicant: Homes And Communities Agency (HCA)

Agent: BDP

Consultation expiry: 3 June 2016

Decision due by: 26 July 2016

RECOMMENDATION

1. It is recommended that this application is approved subject to conditions and an associated Section 106 Agreement to secure the provision of affordable housing, public open space including the provision of allotment land and a financial contribution of £12,000 to enable Lancashire County Council to provide a range of travel planning services

SITE DESCRIPTION

2. The site comprises agricultural fields located to the immediate east of Euxton. It is located approximately 0.5km to the south of Buckshaw Village which has a train station, and equidistant (approximately 3.5km) between Chorley and Leyland town centres.
3. The site is bordered by Euxton Lane to the north, Pear Tree Lane to the east and School Lane to the south. To the west, the site is bounded by the rear of properties along Orchard Close.
4. The village of Euxton has the benefit of a range of shops and services and a railway station (Euxton Balshaw Lane) and falls within close proximity to the M6 and M61 junctions. The site is owned in its entirety by the Homes and Communities Agency (HCA).
5. The application site currently has a field gate giving access to Euxton Lane and a public right of way (footpath 19) runs north-south through the site.
6. Euxton Lane is a classified road (C197) and is categorised as a secondary distributor road with a speed limit of 30 mph. In this location there are footways and shared foot/cycleway provisions on Euxton Lane.

DESCRIPTION OF PROPOSED DEVELOPMENT

7. This application seeks outline planning permission for a residential development comprising up to 170 new dwellings including a minimum of 30% affordable housing provision. A mix of house types including detached, semi-detached homes and terraced homes, all with private gardens are indicated on the submitted illustrative layout. The provision of an area of land to be laid out as community allotments is also proposed.

8. Vehicular access to the site is proposed via a new junction off Euxton Lane. This will be in the form of a new priority controlled junction, incorporating a ghost island right turn facility. In order to provide a minimum ghost island width and 3m wide running lanes in both directions along Euxton Lane, some minor localised widening will be required to the west of the proposed junction location, although this can be achieved entirely within the adopted highway boundary.
10. Full details of the junction layout are provided in the accompanying Transport Assessment and on the submitted drawings. It is intended, as shown on the illustrative masterplan that the site offers sufficient capacity and scope to incorporate measures designed to reduce the impact of vehicles and prioritise pedestrian movement e.g. traffic calming and shared surfaces.
11. The proposed development would complement the existing built up residential area to the north of Euxton Lane, which is currently accessed via two separate priority controlled junctions. These existing access junctions have been reviewed as part of the application proposal with the same design principles adopted in order to provide a consistent highway environment on Euxton Lane along the site frontage.
12. It is not intended to provide any permanent vehicular access into the site from Pear Tree Lane or School Lane, however it is intended to provide pedestrian and cycle links between the site and the existing infrastructure on School Lane. In particular, the development proposes the retention of the Public Right of Way (PRoW) through the site, providing pedestrian access between Euxton Lane and School Lane, although it is proposed to realign the route to provide a traffic free route across the site.
13. The illustrative masterplan submitted with the application shows that the site has sufficient capacity to provide off street parking for all dwellings in line with adopted policy.
14. Emergency access to the site is to be provided via a bollard controlled access point onto School Lane.

RELEVANT HISTORY OF THE SITE

15. There is no recent relevant planning history

REPRESENTATIONS

16.78 representations have been received citing the following summarised grounds of objection:

- there has already been considerable housing development in the area in recent years, not least in Buckshaw Village, meaning that Euxton's services and infrastructure are beyond saturation
- there is already considerable traffic congestion in Wigan Road and School Lane particularly around the school run
- School Lane/Pear Tree Lane are already used as a rat run to avoid the Wigan Road/Euxton Lane traffic lights and the 20mph speed limit is a joke and isn't policed
- if the development took place residents would also use School Lane and Pear Tree Lane as a rat run. Pear Tree Lane junction with Euxton Lane would need improving
- the proposed exit is onto an already busy Euxton Lane where traffic consistently exceeds the speed limit
- additional traffic will increase the risk of accident and injury, particularly to young children as they go to Euxton Primary and St Mary's primary schools
- the local station was not built to accommodate a large number of commuters, so once again there would be congestion as numbers increased and commuters struggled to find legal parking
- the drainage infrastructure cannot cope with existing demands, as seen by the regular flooding of both School Lane and Euxton Lane in recent years
- the proposal would result in the loss of valuable green space to Euxton residents. There should be a green corridor to separate Euxton and Buckshaw Village and enable all to enjoy the visual amenity
- currently there are insufficient school places in both primary and secondary schools in the area. Further development would exacerbate this problem

- it is already very difficult to get appointments at the Doctor's surgery as the Doctors are working at full capacity and this could be worsened by the closure of Chorley Hospital's A&E department. Further housing development on top of this would unnecessarily compound the problem
- at the very least there should be no further housing development in Euxton until the effects of Buckshaw Village are both properly assessed and overcome
- the additional traffic onto School Lane cannot be accommodated during peak times. The school drop off and pick up hours currently result in cars parking from the end of the yellow lines adjacent to Vicarage Close all the way up under the railway underpass to the turning into The Cherries. This reduces the flow of traffic on School Lane to a single lane. There is often severe congestion along School Lane and adding additional traffic will create a dangerous situation on the road. There have been no surveys carried out on the traffic impact during the peak times and there are no proposals in the application on how overloading will be addresses.
- the Church car park adjacent to the community centre on School Lane is already full to capacity and there is insufficient parking in other locations (Papa Luigi car park is also used) There are no proposals in the application on how this will be addresses
- the proposed development will create increased flows of traffic on Pear Tree Lane and School Lane, roads that have no footpaths. This will result in increased danger to pedestrians on roads that are used extensively by pedestrians and dog walkers enjoying the open country aspects. There are no proposals in the application on how this will be addressed
- the development will result in significant loss of open aspects and green areas that are currently enjoyed by the residents of Euxton. The impact assessments in the planning application cannot adequately address this loss by promises of other amenities and maintaining public footpaths
- there has already been huge development at Buckshaw and this new development will add additional overload/demand on local resources
- Local schools are over subscribed
- The A&E Department at Chorley Hospital was dramatically overloaded prior to it closing and the NHS Trust is currently responding to complaints by members of the public who were told of 9 hour waiting times to be seen. There are no proposals in the application on how adequate A&E needs of the new residents will be addresses
- the Ecological Appraisals that are included in the application are inaccurate

CONSULTATIONS

17. **Euxton Parish Council – comment that they Parish Council were** newly aware of the planning application when it met on 19th May and was therefore not able to make a comprehensive response. However, the Council decided to send to Chorley BC the comments that it made to BDP mat the time of their public consultation into the proposed development and these are as follows.

The Euxton Parish Council:

1) opposed this proposed major development in Euxton at the appropriate planning stages, but accepts that the proposals that are the subject of this consultation are generally in accordance with the approved Chorley Local Plan.

2) notes that the layout for the site shown at the consultation is indicative only and may change when a planning application is submitted.

3) was pleased to see that:

- no vehicular access (except for emergency - see 6) below) will be taken from School Lane or Pear Tree Lane
- all (except 2) existing trees, hedges and ponds are to be retained

4) expects that these two design principles will be retained if the layout of the development changes from that shown at the consultation and, indeed, that the exiting natural features should be supplemented by additional planting etc as appropriate

5) Agrees that a single access off Euxton Lane is the preferred means of serving the development but notes that the relatively short distance from the Wentworth Drive junction opposite makes a complex layout for drivers and pedestrians. It has been suggested to the

Council that a roundabout junction combining both accesses might be preferable. The Council does not express a view but trusts that LCC would wish alternatives to be examined so that they can be satisfied that the alternative chosen is the best.

6) is concerned that the emergency access is with School Lane and asks that an alternative emergency access onto Euxton Lane be examined. If the School Lane proposal is retained then the design must ensure that, except in emergency, it is not suitable for use by vehicles, including motor cycles.

7) is aware that some residents would not welcome the presence of community allotments adjacent to their own premises. Allotments can be untidy and unattractive. The Council suggests that the allotments should be positioned so that they are surrounded by new properties where the occupants can choose to live alongside them rather than adjacent to existing properties, as is the case on the consultation plans.

8) considers that the allotments should be provided with adequate on-site parking so that users will not need to park on estate roads or on surrounding roads. The particular location shown at the consultation could encourage parking on School Lane unless good on-site provision is made. The Council further considers that, given the location of these allotments they should be governed by strict rules regarding their management and appearance.

9) notes that the existing public footpath across the site has been retained but, on the layout shown at the exhibition, is retained in the road corridor. It is in effect a roadside footway rather than a footpath and would have to be provided in any case as a part of the road. The footpath across the site should be relocated to offer a generally road traffic free alternative across the site. For example on the layout shown at the exhibition it could be relocated alongside existing hedges to the east of its current location.

10) is sure that all interested parties will be aware of the flooding after the recent exceptional weather. This led to a recurrence of a long standing flooding issue at the railway bridge over Euxton Lane (which Council had understood to be resolved) and also the flooding of gardens at Orchard Close and of parts of Pear Tree Lane and School Lane. The Council feels that additional developed area in the vicinity of these problems can only exacerbate them, even if techniques for minimising surface run off are adopted. For this reason Council requires that no development commences until these issues are resolved so that the Environment Agency, Lancashire County Council, United Utilities, Chorley Borough Council and Network Rail (as appropriate) are satisfied that it would not increase the likelihood or the severity of flooding in any of these locations.

In addition the Parish Council was also concerned at the impact that this development and others will have upon the road network in the village. The junction of Wigan Road with Euxton Lane and Runshaw Lane is one of particular concern. The Council accepts that the proposed development will only cause a small percentage increase in traffic movements here but feels that the same will apply to all proposed developments in the area and that the cumulative effect of small increases will be very significant. This junction does not adequately cater for peak hour traffic at the present time and the Council was surprised to find that the developers calculations do not show it as being overloaded (para 7.4.10 of the transport Assessment) and wonders if this rather awkward junction, where the opposing east west arms do not line up with each other, and where two lanes provided close to the junction rapidly become one, has been correctly represented in their modelling.

18. **Lancashire County Council Archaeology Service** - comment that the Historic Environment Desk Based Assessment accompanying this application indicates there is moderate potential to encounter Prehistoric, Roman, Medieval and post-Medieval remains within the site. Well-preserved archaeological deposits of these periods could be of regional or possibly national importance, but the Desk Based Assessment suggests that in this case they are likely to be of no more than medium (i.e. county or regional) significance. The report states that at the time of survey close inspection of these features was not possible and thus full assessment could not be undertaken. It goes on to suggest that further archaeological fieldwork may be required to establish the full archaeological potential of the site.

19. Lancashire Archaeological Advisory Service (LAAS) would therefore recommend that a phased programme of archaeological investigation, as suggested in section 5 (Conclusions and Recommendations) is undertaken. It is recommended that the first phase of this work should include geophysical surveying and trial trenching. Subsequent phases of work should then be designed to address the issues revealed by these initial investigations. We do not consider that this work needs to be undertaken prior to consent and concur with the Conservation Officer's comments that it can be conditioned. A watching brief is not appropriate at this first stage, as it would not provide sufficient certainty with regard to the archaeological implications and thus risk subsequent discoveries causing significant delays to the construction a staged programme of archaeological work is recommended.
20. **Greater Manchester Ecology Unit** - raise no objections and recommend conditions
21. **Lancashire Highway Services** - raise no objections and recommend conditions
22. **Regulatory Services - Environmental Health** – no objections and advises that the applicant should undertake further investigation in accordance with the recommendations made in the Preliminary Geo-Environmental Risk Assessment report (April 2016).
23. **Strategic Housing** – comments that there is a policy requirement of 51 Affordable dwellings of which 36 should be social rented (mainly 2 bedroom houses) and 15 shared ownership (mainly 3 bedroom houses). All affordable dwellings should meet the Nationally Described Space Standards and be transferred to 1 registered provider.
24. **Council's Tree Officer** – comments that trees within the site comprise a mix of young through to mature. The majority of trees are graded medium quality. The trees offer screening value around the boundary of the site with a high habitat value within the local area. A small number of trees are graded poor due to their condition. Two multi stemmed ash trees are graded U Category as they are dead/dying.

Collectively the trees and tree groups on the east, south and west boundaries screen the planned development from the adjacent residential areas.

The proposed layout of the planned development retains most of the trees and tree groups. The Root Protection Area of G4, G7, G8, G10, G18, G19, G20 are likely to be compromised.

It is recommend that trees graded C within the submitted Arboricultural Survey Report that tree defects action is taken with and monitoring. Category U trees should be removed.

25. **Environment Agency** – have confirmed that they have no comments
26. **Lead Local Flood Authority** - has no objection to the proposed development subject to the inclusion of conditions.
27. **Lancashire County Council (Education)** – comment that based upon the latest assessment, taking into account all approved applications, LCC are seeking a contribution £875,844.45 for 65 primary school places.

PLANNING CONSIDERATIONS

28. Principle of the development
29. The site is located within the settlement area of Euxton as identified within the Local Plan where there is a presumption in favour of appropriate sustainable development. Policy V2, Settlement Areas, of the Local Plan identifies that development within settlement areas may be for an appropriate use such as housing, offices, community facilities or Green Infrastructure. This should be read in conjunction with other policies and proposals in the plan and with Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1 Euxton is identified as an Urban Local Service Centre where some growth and investment will be encouraged.

30. The site is allocated for housing development (HS1.39) within the Local Plan and as such, in principle, developing the site for housing accords with Policy 1 of the Adopted Core Strategy and the Adopted Local Plan and is considered to be acceptable.

31. Access and Highway Safety

Vehicular Access

32. There is no existing formal vehicular access into the site although informal gated entrances and tracks through natural gaps in the perimeter hedgerows along School Lane and Pear Tree Lane provide access to the fields.
33. The site is bordered by Euxton Lane to the north, Pear Tree Lane to the east and School Lane to the south.
34. Euxton Lane is approximately 9-10m wide with a continuous and well-lit footway on both sides of the road. A shared cycle/footway begins adjacent to the site and is approximately 3.5m wide. The shared footway/cycleway runs along the northern edge of the carriageway for the extent of the site.
35. The road is currently subject to a 30mph speed limit along the site frontage and adjacent to the location of the proposed site access which increases to 40mph to the east of the site beyond the Euxton Lane/Pear Tree Lane priority controlled junction.
36. Pear Tree Lane has a carriageway width of approximately 5m with no adjacent footway or cycleway along the duration of its length. This road predominantly provides access for residential properties and farmland. Pear Tree Lane is subject to the National Speed Limit, however the layout of the road and the accesses along its length provides a traffic calming effect.
37. School Lane is a single carriageway width of approximately 5-6m in the vicinity of the site, but increases to 7m as it approaches the western extent of the road. It is subject to the national speed limit and has no footways or street lighting along the eastern extent of the road. As the carriageway passes the south-west corner of the site, the road becomes subject to a 30mph speed limit, and is introduced to 2m well-lit footpaths.

Pedestrian Access

38. There is a PRow which passes through the site providing pedestrian access from Euxton Lane (to the north) through to School Lane (to the south).

Site Access Proposals

39. Site access is proposed by means of a priority controlled junction on Euxton Road with ghost island right turn provision and a pedestrian refuge, as shown on the submitted drawing (TPMA1394-100). The junction is located 43 m west of the existing Wentworth Drive junction. In order to provide a ghost island some localised widening will be required to the west of the proposed junction, but this widening can be achieved within the adopted public highway.
40. The Wentworth Drive junction includes a pedestrian crossing refuge island on the western arm of the junction; the development proposal originally omitted this refuge from the access drawing and provided a refuge island closer to the new junction. However, the LCC Highways engineer indicated that they would not wish to see the existing island at Wentworth Drive removed. Given this location where Euxton Lane widens with the provision of right turn lanes, it was requested that any new refuge is located to the west of the proposed junction to give protection to turning vehicles at the junction in addition to providing a convenient pedestrian facility on the desire line to Wigan Road. An amended drawing for the junction was requested to include a pedestrian refuge on the west arm of the Euxton Lane junction and retention of the pedestrian refuge island to the west of the Wentworth Drive junction. The scheme has been amended accordingly.

41. Emergency access is proposed onto School Lane to the south of the site, but no detail is provided for this access.
42. The masterplan indicates a pedestrian link to Euxton Lane in the vicinity of the bus stop (west bound on the eastern section of the Euxton lane frontage) The TA indicates the existing PROW linking Euxton Lane to School Lane will be maintained, but with a slight amendment to *"become less direct and commodious than the current alignment" and this route will need to be safeguarded.*
43. The Highway Authority has advised that the junctions on Euxton Lane will work satisfactorily without the need for a roundabout which has been suggested by Euxton Parish Council.

Traffic Impacts

44. The applicant, as part of their transport statement, has supplied a TRICS output. TRICS is the national standard system used to predict trip generation and analysis of various types of development. The output supplied by the applicant predicts the traffic generation for the proposed development will have a weekday peak traffic flow of 94 vehicles during the a.m. peak and 98 vehicles during the p.m. peak period.
45. It is anticipated that, with development there will be additional traffic on the local highway network, but at the closest major junctions to the site this increase would amount to less than 1 vehicle per minute in the peak hours at the Wigan Road (Bay Horse) and the Central Drive signal junctions. The applicant has demonstrated that the proposed development would not have severe impact on the expected operation of local highway junctions/links. This analysis is considered to be on the low side for this location, but it is not considered that this proposal will have a severe impact on highway capacity, even if the TRICS output was adjusted to the additional traffic it would not be significant.
46. The TA indicates sight lines of 2.4 x 43m in both directions and this accords with table 7.1 form Manual for Streets and the classified speed of the road of 40 mph, however, it should be noted that visibility in excess of the required y distance measured along the kerb edge of Euxton Lane is achievable.
47. The County Council's five year database for injury related vehicular collisions indicates there have not been any reported incidents at the proposed access to the new development. The five year data base for the immediate vicinity of the site includes 2 reported incidents which appear to be due to driver error and not related to highway condition, layout or design. It is, therefore, considered that the development should have a negligible impact on safety in the immediate vicinity of the site if the junction meets all LCC requirements.

Accessibility by Sustainable forms of Transport

48. To accord with the key principles of the Framework, the site requires connectivity to the existing built environment, especially the provision of links to schools/employment together with other local services/community facilities. Development should also be located to where there is access to good public transport services, or have the potential to provide sustainable public transport systems.
49. Essentially, the developer must provide an integrated network of functional and safe routes for pedestrian/cycle access that provide links with local facilities and to Chorley town centre, to create an environment that should encourage walking/cycling as a key mode of travel. The site is fortunate to have good pedestrian/cycle provision on Euxton Lane and it is considered that the proposed site is in a reasonably sustainable location with good access to public transport services (bus and rail) and acceptable pedestrian and cycle routes to Euxton, Buckshaw Village and Chorley.

Internal Layout /Highway Adoption

50. The planning application is for outline planning permission with access only applied for at this stage, with internal layout subject to the reserved matters application. If the internal road layout is to be adopted it should be designed in accordance with current design guidance and in agreement with LCC. In particular, garages should be a minimum of 6x3m any garage smaller than this should not be counted as a parking space. Turning heads in the cul-de-sacs should be designed to accommodate large rigid type vehicles such as a refuge vehicle with Tracking provided in the submissions.
51. If the developer is to offer the new roads for adoption then they should ensure that the roads are constructed to an adoptable standard and include 2m wide footways/ service verges. The road giving access to the allotments should not be a shared surface road it must provide separate carriageway and footway (unless a separate pedestrian access to the allotment is provided). Further advice regarding the County Council's adoptable standard can be provided at the reserved matters stage.

Travel Planning

52. A Full Travel Plan will be required when the site is developed and on a development of this size LCC would normally request a contribution of £12,000 to enable Lancashire County Council to provide a range of travel planning services.

Flood Risk and Water Resources

53. The entire site is located within Flood Zone 1 on the Environment Agency's Flood Map, indicating a low risk of flooding from fluvial and tidal sources.
54. There are a number of drainage ditches located on the site. The main drainage ditch begins in the north eastern corner of the site and runs in a north to south direction adjacent to Pear Tree Lane, just outside the red line boundary. This drainage ditch is approximately 3m wide and 1m deep and is fed by a 400mm diameter culvert that is thought to serve the highway drainage located in Euxton Lane.
55. The drainage ditch that runs along the eastern site boundary then makes a 90° turn into the site and runs in an east to west direction towards School Lane. The drainage ditch then runs along School Lane and through 200mm diameter culverts used to provide farm access onto the site.
56. There is a small field pond located near to the south east corner of the site associated with the un-named watercourse.
57. There is an existing 375mm diameter public combined sewer (managed by United Utilities) that crosses the site to the west.
58. The ditches and pond are to be retained and conditions are recommended to mitigate against any flood risk.

Ecology

59. The ecology surveys and assessments that have been carried out to inform the application have been undertaken by suitably qualified consultants and are to appropriate and proportionate standards. No further surveys need to be carried out before determining the application.

Great crested newts

60. Great crested newts have been recorded 410m south of the site (common frog, common toad and smooth newt have all been recorded within 500m-1km of the site). The pond in the centre of the site provides potential breeding habitat for amphibians. The hedge and tree habitat, dense scrub and tall ruderal herb/rank grassland provide commuting, foraging and refuge habitat for amphibians. Three ponds are present within the farmland 250m from the site and a further 10 ponds are present within 500m of the site.

61. However, the specially protected species great crested newt has been shown to be absent from the pond on the site, although the species is present in the wider area. There are some habitats on the site with some potential to provide feeding and shelter for newts, so it is possible that great crested newts may be found on the application site and therefore could be harmed by the development proposal.
62. Great crested newts and their habitat are protected under UK and European legislation and are a material consideration when determining planning applications. If great crested newts are likely to be found on the site and may be harmed by the development, then under the Conservation of Habitats and Species Regulations 2010 which enacts the Directive into the UK, a licence may be required from Natural England to derogate the terms of this legislation. Before a licence can be granted three tests must be satisfied. These are:
63. That the development is “in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment”;
64. That there is “no satisfactory alternative”;
65. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.
66. In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their function. Defra Circular 2/2002 gives guidance to local authorities on how these issues should be considered. All three tests must be satisfied before planning permission is granted on a site. The first two tests are essentially land-use planning tests, although current government advice is that housing developments over a certain size may be considered to be of over-riding public interest. As regards the third test, it is noted that -
67. A mitigation strategy for the avoidance of harm to amphibians has been prepared and submitted as part of the application. This strategy is acceptable. No amphibian breeding ponds or optimal terrestrial habitat will be lost to the scheme. Connectivity between ponds in the wider landscape will be retained.
68. Given the above it is considered that the third test above can be satisfied – that is, the local conservation status of great crested newts is capable of being protected if the development is permitted
69. Nevertheless further precautions as regards great crested newts are justified and a suitable condition is suggested.

Bats

70. There are records of common pipistrelle in the locality and the hedge and tree habitats in particular provide potential foraging and commuting habitat for bats. There are also a number of mature trees that have features potentially suitable for roosting bats. Bat activity surveys identified that bats utilise the majority of the field boundary features onsite, with the greatest activity identified along the boundaries in the western and southern halves of the site.
71. Bat activity surveys were professional and are considered to be adequate to provide an overview of bat use of the site. It is noted that representations have been made in connection with the adjacent planning application concerning bats. This representation indicates that the site may be very important for bats, but this view is based on a small number of surveys undertaken more than 20 years ago. It is, therefore, considered to give much greater weight to the more recent surveys. These surveys indicated that the most important habitats for bats on the site (hedgerows, trees and wetlands) are capable of being retained and/or recreated as part of the development, and there is extensive suitable bat foraging habitat around the application site. It is considered that the development proposal is capable of being implemented without having a

significant impact on local bat populations, providing that valuable habitats are retained, recreated or enhanced.

Nesting Birds

72. A total of 33 species recorded during the survey were generally common and widespread species which are typical of the habitats present within the site and adjacent habitats. None of the species recorded were observed in high densities and a high proportion of the records were made off-site.
73. Whilst the bird community recorded from the site is not exceptional, all nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended). To avoid any harm to nesting birds any vegetation clearance required should be undertaken outside of the optimum period for bird nesting (March to July inclusive).

Habitats

74. There are no national or international sites within 1km of the site. There are however two locally designated sites; Buckshaw Wood and Grassland BHS (Biological Heritage Site) lies 480m north of the site and the adjoining Worden Wood BHS lies 890m north of the site. Due to the lack of direct connectivity and the distances between the proposed development site and the BHS's and the habitats in the wider landscape, it is considered development of the site would not result in a negative impact upon these features.
75. The application site is dominated by species-poor improved agricultural grassland that is not of substantive ecological value, although there are habitats on the site that have some local value for wildlife, including hedgerows, trees and wetlands. These habitats are capable of being retained and/or recreated as part of the scheme. No part of the site is designated for its nature conservation value, and the site is not adjacent to or close to any designated sites.
76. It is recommended that a comprehensive Landscape Creation and Management Plan for the site be prepared which can be secured via condition.

Trees

77. There are a number of trees on the site and as such the application is supported by an Arboricultural Impact Assessment/Method Statement. 3 individual trees, 5 groups of trees, 1 hedgerow and 1 area of woodland have been assessed as part of the Statement. Only one of the trees (T1) and the hedgerow along with the woodland are categorised as higher quality trees.
78. A total of 20 individual trees and 20 groups have been recorded within the site and comprise a mix of young, semi-mature, early mature and mature trees. The majority of the trees present are oak, however; the site also supports ash, sycamore, acer, holly, small-leaved lime, hazel, grey willow, hawthorn, plum, silver birch, and goat willow. Sections of hedge support a dense understorey, including; elder, crab apple, ivy, and saplings of the above tree species. The trees and woody vegetation include primarily native species, (as might be expected with a rural edge / agricultural context) although not all species may be strictly indigenous to this geographical area.
79. As part of the tree survey the majority of trees have been graded as 'B' Category being of medium quality and value, due to their screening value around the boundary of the site and their habitat value within the site and the local area.
80. A moderate proportion of the trees within the survey area were graded as 'C' Category due to their condition, including split and lost limbs, the volume of dead wood within the canopy and the presence of ivy.
81. Trees to the immediate east of the public right of way (PRoW) are covered by Tree Preservation Orders (TPO).

Heritage and Conservation

82. There are no listed buildings present on the site, however, the grade II listed late 18th Century Houghton House Farmhouse is located immediately adjacent to the south eastern corner of the site on the junction of School Lane and Pear Tree Lane. The setting of this farmhouse, surrounded by associated open fields with wood lined lanes and farm outbuildings (now converted to residential) contributes to its significance.
83. Paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the '*Special considerations affecting planning functions*'. Section 66 states: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
84. *Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.*
Section 72 states:
In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
85. The provisions referred to in subsection (1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.
86. The Framework (National Planning Policy Framework, DCLG, March 2012): Section 12 Conserving and Enhancing the Historic Environment is also relevant. Annex 2 to the Framework defines a number of terms including 'designated heritage assets' which includes listed buildings, conservation areas and registered parks and gardens.
87. Paragraphs 128, 129, 131, 132, 133, 134, 135, 136, 137 and 138 of the Framework are potentially relevant. In this case the following paragraphs are considered pertinent:
88. Paragraph 128 states that, '*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*'
89. Paragraph 129 states that, '*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*'
90. Paragraph 131 states that, '*in determining planning applications, local planning authorities should take account of:*
- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *The desirability of new development making a positive contribution to local character and distinctiveness.*'

91. Paragraph 132 states that, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset.'*
92. This application is accompanied by an extremely thorough and extensive 'Historic Environment Desk Based Assessment' that does include a site walkover that covers part of the site, the boundary area and further areas within a 500metre buffer zone around it.
93. It confirms that there are no scheduled monuments, listed buildings or other designated heritage assets within the site itself and only one within close enough proximity to possibly be affected by the proposed development. This is Houghton Farm house which is located approximately 20 metres south of the site.
94. It does conclude that there is potential for the site to contain heritage assets as yet undiscovered, including the possible site of the Roman Road between Preston and Wigan. There may be the possibility of other buried archaeology being located within the site that is of a more recent period, however this is considered to be less likely.
95. Therefore, subject to a number of conditions relating to archaeology and enhanced landscaping. The proposed development of this site is considered to be acceptable and in accordance with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the relevant paragraphs of the Framework and the stated local planning policies. In particular, it is considered that the appearance (in this case the setting) of the adjacent listed building will be preserved and that the significance of this designated heritage asset and any other heritage assets in the vicinity or discovered during the course of development within the site will be sustained

Affordable housing

96. Policy 7 of the Core Strategy requires a minimum proportion of 30% affordable housing on market housing schemes in non-rural areas. Paragraph 43 states that a range of special housing and support options are required for older and vulnerable people who require assistance to maintain their independence. Criterion (e) of Policy 7 states that special needs housing, including extra care accommodation, will be required to be well located in communities in terms of reducing the need to travel to care and other service provision and a proportion of these properties will be required to be affordable.
97. The applicants should provide 30% affordable housing on the site which equates to 51 affordable units. Where it is proposed that the affordable housing provision should be on-site, but where the calculation does not equate to whole units, the actual provision will be rounded up or down to the nearest number. (para 49 –Central Lancashire Affordable Housing SPD Oct 2012.
98. The 2009 Strategic Housing Market Assessment (SHMA) estimated that there is an annual shortfall of 723 affordable properties a year borough wide in Chorley, but it does not set out the levels of need in different settlements. However, it clearly indicates high levels of affordable housing need in the Borough as a whole. Therefore, it is considered important to seek 30% affordable housing on appropriate sites, which also accords with Core Strategy Strategic Objective SO8 which aims to significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas. There is a significant need in Chorley Borough.
99. However, given the wider context together with the issues facing Registered Providers (RPs) with the rent increase and the lack of RPs willing to accept shared ownership as an intermediate home ownership product, consideration has been given to how the Council can work within the adopted policy framework to achieve an affordable housing contribution which meets demand and the Council's aspirations and is deliverable.
100. It is important to avoid a situation where secured affordable housing provision needs to be re-negotiated because an RP will not engage with a developer later on.

101. It is considered that in this case the standard policy mix of 70:30 (social rented to shared ownership) will not be deliverable and so officers have sought to negotiate provision on the approximate basis of :

- 4.7% commuted sum to be spent on affordable housing within the borough to achieve the Council's policy objective of specialist housing provision
- 15.3% (26no.) social rent units
- 10% (17no.) intermediate home ownership units (a specific product to be agreed at a later date).

102. This is considered to be appropriate for this site due to the uncertainty of the market and the unknown impact and demand for starter homes. This approach is considered to be within the Council's policy framework as the Affordable Housing SPD allows some flexibility where there are other policy objectives .

Public Open Space

103. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, based upon the standards within the Local Plan Policies HS4A and HS4B and the approach in the SPD, the various open space typologies will be required as follows:

Amenity greenspace

104. The standard is 0.73 ha/1000 population (not 0.74 as stated) therefore the amount of on-site provision required is slightly less – 0.298ha. The applicants state that they are providing 0.62ha, some of which is in the form of green corridors. However, green corridors are a separate typology and would not be included in the required on-site provision. The area of amenity greenspace around the pond therefore needs to be at least 0.298ha to meet the requirement.

105. The applicants have calculated the maintenance cost based on the cost per dwelling, however if more amenity greenspace is provided than required for the number of dwellings (i.e. greater than 0.298ha) the maintenance cost would be greater and would be calculated using the cost per m² (£4). If the Council are to adopt the green corridors, a separate maintenance fee would have to be calculated for these areas.

Provision for children/young people

106. This provision should normally be made on-site. However, the applicants are proposing that a contribution for off-site provision is made and a scheme will need to be identified to meet the pooling restrictions.

Parks and gardens

107. No contribution is required.

Natural/semi-natural greenspace

108. No contribution is required.

Allotments

109. The proposal involves the provision of allotment land on-site. There is a Local Plan allocation for 0.4ha of allotments on the site and this allocation will be brought forward using contributions from many other developments not just this one.

Playing pitches

110. An off-site contribution of £271,830 is required.

Design and layout

111. The application is for outline planning permission and the only matter not reserved is access. It is proposed that access to the site will be gained via Euxton Lane. As only access is being applied for, the design and layout aspects of the proposals cannot be considered in detail. However the application is supported by an Illustrative Masterplan. The indicative layout demonstrates the development form that is anticipated will be taken forward at reserved matters stage and provides for a residential development of up to 170 dwellings with a good mix of housing sizes and tenures.
112. Woodland, mature trees, hedgerows, ponds and watercourses are important and characteristic features within this lowland landscape. To maintain the landscape character and aid the integration of the proposed development into the site and wider landscape, such existing features are proposed to be retained. Although landscaping has been reserved for further consideration through future reserved matters submissions, the proposed landscape strategy will seek to retain most landscape features within the development, although access to the eastern and south eastern fields will need to be created through the existing hedgerow (central east field boundary) and through the band of trees that separate the south eastern corner of the site.
113. To illustrate how these principles may be achieved positively on the site an illustrative landscape mitigation strategy plan has been produced which demonstrates how the new built form does not dominate the landscape, but responds to the local landscape character.
114. A central belt of existing mature trees (which are all subject to a TPO), a pond, watercourse, open space, and a diverted public right of way will form the main landscape feature, central to the proposed development. A secondary feature will be created around the area of marshy grassland / ephemeral pond present to the south east of the site. Landscape amenity strips will also be formed along the Euxton Lane and Pear Tree Lane boundaries.
115. Street tree planting is also proposed throughout the site in order to support and reinforce the 'well wooded' character of the local landscape. This will help to maintain the quality of the setting for the proposed scheme.
116. Development frontages are indicated to overlook areas of open green space. Orientating dwellings to overlook the key routes through the site will help to enhance levels of natural surveillance and improve the visual aspect of the development.
117. Whilst matters of siting are not for consideration at this stage, there is a sufficient degree of separation between existing properties residential property along Euxton Lane, and the residential properties along Orchard Close to the west of the site, and the developable area of the site to ensure that the Council's spacing standards will be respected. As such it is considered that the proposal will not result in any loss of amenity for existing residents and the future residents within the development.
118. In order to establish and quantify the existing noise climate at and within the vicinity of the site, a baseline noise survey was carried out in September 2015. The results of the baseline survey are presented in the Noise Assessment which accompanies this application. The prevailing noise source affecting the site was noted to be road traffic noise in particular from Euxton Lane adjacent to the northern site boundary.
119. The noise assessment concluded that when built-out the majority of the site is predicted to be exposed to external noise levels of ≤ 55 dB LAeq,16h and therefore is considered suitable for residential development without mitigation. Properties located within a 55m strip of land adjacent to Euxton Lane, together with any properties directly behind, would benefit from provision of mitigation measures to reduce noise levels within external amenity areas. This may include location of external amenity areas to the rear of properties away from transportation noise sources thereby maximising the screening afforded by the building itself.

Sustainable resources

- 120. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:
- 121. *“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”*
- 122. *“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”*
- 123. As such, there is a requirement for the proposed dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Community Infrastructure Levy (CIL)

- 124. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council’s Charging Schedule.
- 125. Lancashire County Council have requested a contribution of £875,844.45 towards primary places. Although the comments of the Education Authority are noted, education is covered by CIL and the developer will pay CIL on the residential properties. As a result a request for further information justifying their request has been made, including with how the request meets the legal tests set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). No further evidence has been provided, so it is not considered that the request can be sought from the development.

CONCLUSION

- 126. This is an allocated housing site within the Adopted Local Plan and as such the principle of housing on this site is acceptable. The Highway Authority are satisfied with the proposed access arrangements and all other detailed matters will be assessed at reserved matters stage. As such the scheme is recommended for approval.

RELEVANT POLICIES: 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 Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Suggested Conditions

No.	Condition
Approved plans	

1.	<p>The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.</p> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>																					
2.	<p>The development shall be limited to no more than 170 properties and shall be carried out in accordance with the following plans and documents:</p> <table border="1" data-bbox="424 499 1401 846"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Site Boundary</td> <td>(SK)MP002</td> <td>26 April 2016</td> </tr> <tr> <td>Proposed Junction Design</td> <td>TPMA1394-100 Rev B</td> <td>11 July 2016</td> </tr> <tr> <td>Illustrative Masterplan</td> <td>(SK)MP003</td> <td>26 April 2016</td> </tr> <tr> <td>Landscape Mitigation Strategy Plan - Sheet 1 of 2</td> <td>(SK)LP002 Landscape</td> <td>26 April 2016</td> </tr> <tr> <td>Landscape Mitigation Strategy Plan - Sheet 2 of 2</td> <td>(SK)LP002</td> <td>26 April 2016</td> </tr> <tr> <td>Indicative Drainage Strategy</td> <td>WIB15624CSA040002</td> <td>26 April 2016</td> </tr> </tbody> </table> <p><i>Reason: To define the permission and in the interests of proper development.</i></p>	Title	Drawing Reference	Received date	Site Boundary	(SK)MP002	26 April 2016	Proposed Junction Design	TPMA1394-100 Rev B	11 July 2016	Illustrative Masterplan	(SK)MP003	26 April 2016	Landscape Mitigation Strategy Plan - Sheet 1 of 2	(SK)LP002 Landscape	26 April 2016	Landscape Mitigation Strategy Plan - Sheet 2 of 2	(SK)LP002	26 April 2016	Indicative Drainage Strategy	WIB15624CSA040002	26 April 2016
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Reserved Matters																						
3.	<p>Before the development hereby permitted is first commenced, full details of the reserved matters to be approved (namely the siting, design, landscaping of the site and the external appearance of the dwellings) shall be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted shall be begun two years from the date of Reserved Matters approval.</p> <p><i>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.</i></p>																					
4.	<p>Prior to excavation of the foundations for the development hereby approved samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>																					
5.	<p>Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.</p> <p><i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>																					
6.	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. Access to be based on the in principle scheme Drawing no. TPMA1394–100 Rev B Proposed Junction design.</p>																					

	Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
7.	No part of the residential development hereby approved shall be occupied until the approved scheme referred to in Condition 6 above has been constructed and completed in accordance with the scheme details. Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
8.	The new estate road/access between the site and Euxton Lane shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site. Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
9.	No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established. Reason: To ensure future management and maintenance of the proposed streets is secured.
10.	No development shall commence until an Interim Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Interim Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority. Reason: To ensure that the development provides sustainable transport options.
Archaeology	
11.	No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.
Code for Sustainable Homes	
12.	All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

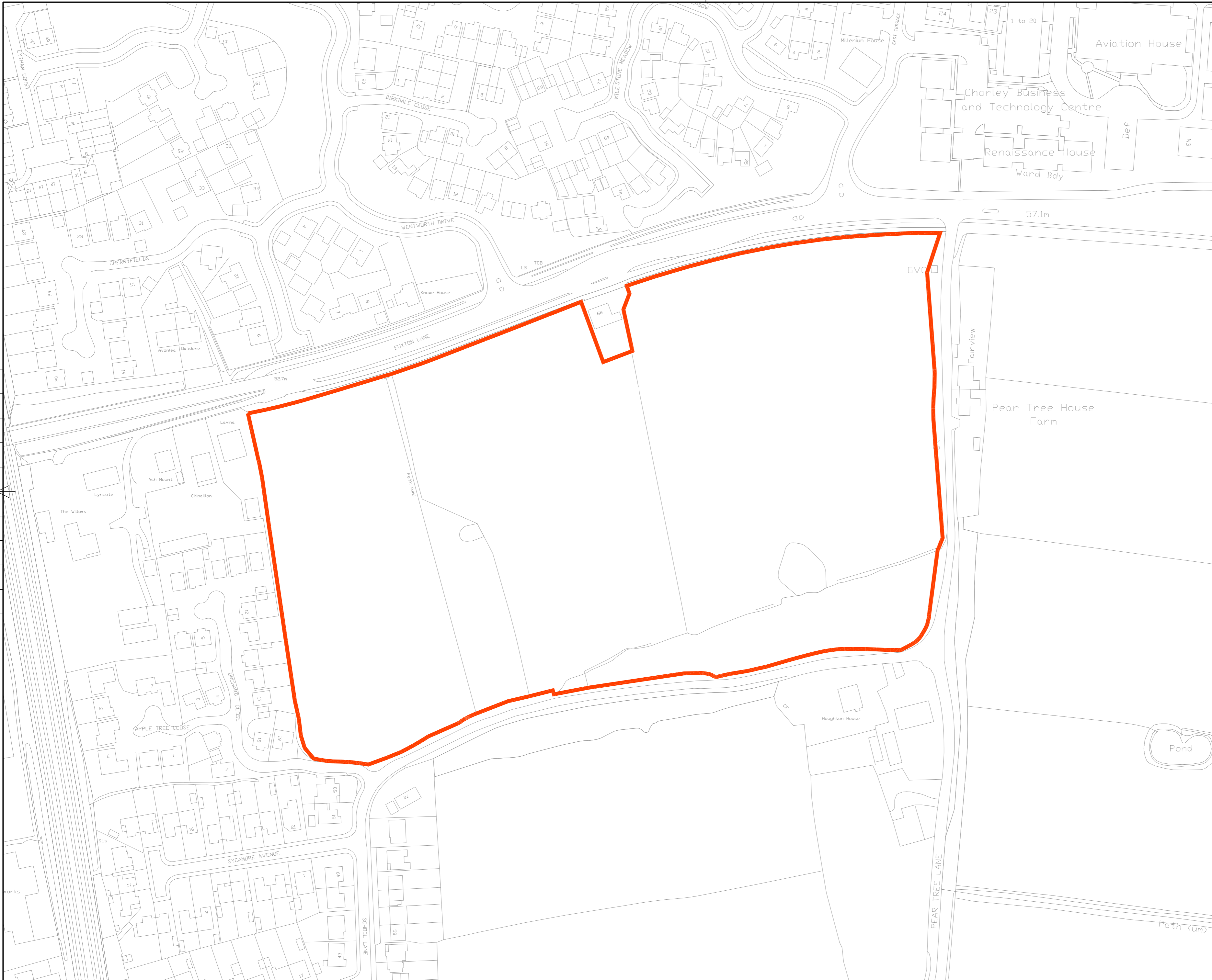
<p>13.</p>	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</p>
<p>14.</p>	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
<p>Construction</p>	
<p>15.</p>	<p>No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> 1. the parking of vehicles of site operatives and visitors 2. hours of operation (including deliveries) during construction 3. loading and unloading of plant and materials 4. storage of plant and materials used in constructing the development 5. siting of cabins 6. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate 7. measures to control the emission of dust and dirt during construction 8. a scheme for recycling/disposing of waste resulting from demolition and construction works <p><i>Reason: In the interests of highway safety and to protect the amenities of the nearby residents</i></p>
<p>16.</p>	<p>Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site, or road sweeping provision provided to the satisfaction of</p>

	<p>the LPA.</p> <p>Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.</p>
Ecology	
17.	<p>The Amphibian Mitigation Strategy for amphibians prepared by ‘TEP’, report ref. 5060.Eco.PearTree.004, shall be implemented in accordance with the approved details. The implementation of this Strategy may require a Licence to be obtained from Natural England</p> <p><i>Habitats</i></p> <p><i>Reason: To ensure that habitats are suitably protected at all times during any works on site.</i></p>
18.	<p>No trees or shrubs will be removed or soil stripping commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no bird nests are present which has been agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the protection of nesting birds during the construction period.</i></p>
Trees and Landscaping	
19.	<p>An application for reserved matters approval shall include a comprehensive Landscape Creation and Management Plan for the site and shall include the following details –</p> <ul style="list-style-type: none"> • Details of new pond / wetland creation • Details of how retained hedgerows, trees and wetlands are to be protected during any construction period • Planting plans, taking into account the need to contribute to landscape connectivity and the creation of a coherent local ecological network • Written specifications (including cultivation and other operations associated with plant and grass establishment) • Schedules of plants, noting species, planting sizes and proposed numbers / densities where appropriate • Implementation timetables. <p>Reason: To conserve biodiversity and to ensure the provision of amenity afforded by appropriate landscape design.</p>
20.	<p>Prior to any site clearance or soil stripping all trees to be retained shall be protected by 1.2m high fencing as specified in paragraph 8.2.2 of the British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit off 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 areas to be fenced. All excavations within the areas so fenced shall be carried out by hand.</p> <p><i>Reason: To safeguard the trees to be retained.</i></p>

<p>21.</p>	<p>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 dwellings or the completion of the development within the relevant Phase, whichever is the earlier, 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.</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>
<p>Flooding and Drainage</p>	
<p>22.</p>	<p>As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority.</p> <p>1. Surface water drainage scheme which as a minimum shall include:</p> <p>a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + 30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;</p> <p>b) The drainage scheme should demonstrate that the surface water run-off must not exceed the existing greenfield rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.</p> <p>c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);</p> <p>d) Flood water exceedance routes, both on and off site;</p> <p>e) A timetable for implementation, including phasing where applicable;</p> <p>f) Site investigation and test results to confirm infiltrations rates;</p> <p>g) details of water quality controls, where applicable.</p> <p>7</p> <p>The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>Reasons</p> <p>1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</p> <p>2. To reduce the risk of flooding to the proposed development, elsewhere and to future users.</p> <p>3. To ensure that water quality is not detrimentally impacted by the development proposal.</p>
<p>23.</p>	<p>No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.</p> <p>Reasons</p> <p>1. To ensure that the drainage for the proposed development can be adequately maintained.</p> <p>2. To ensure that there is no flood risk on- or off-the site resulting from the</p>

	<p>proposed development or resulting from inadequate the maintenance of the sustainable drainage system.</p>
<p>24.</p>	<p>No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:</p> <ul style="list-style-type: none"> a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as: <ul style="list-style-type: none"> i) on-going inspections relating to performance and asset condition assessments ii) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime; c) Means of access for maintenance and easements where applicable. <p>The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.</p> <p>Reasons</p> <ul style="list-style-type: none"> 1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development 2. To reduce the flood risk to the development as a result of inadequate maintenance 3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
<p>Car parking</p>	
<p>25.</p>	<p>The car parking spaces for each dwelling shall be surfaced or paved, drained and marked out all in accordance with the approved plan before it is first occupied. The car park 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>

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NOTES

■ Site boundary

REVISION / DESCRIPTION	DRAWN	AUTHORISED DATE
KEY PLAN		

CLIENT

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PROJECT Pear Tree Lane		SCALE 1:1250@A2
DRAWING TITLE Site Boundary		DATE March 2016
JOB NUMBER 2006948	DRAWING NUMBER (SK)MP002	REVISION



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Agenda Item 3f**APPLICATION REPORT – 16/00036/FUL**

Validation Date: 1 June 2016

Ward: Heath Charnock And Rivington

Type of Application: Full Planning

Proposal: Application for temporary erection of a marquee from mid-April to 13th September 2016 (marquee already erected) on the former playground area at the site, to be used for wedding receptions on Fridays and Saturdays only (with a maximum capacity of 80 guests), as well as for the continued use of the cafe/gallery already permitted on other days of the week.

Location: Spring Cottage Rivington Lane Rivington Bolton BL6 7SB

Case Officer: Caron Taylor

Applicant: Mr David Jones

Agent: N/A

Consultation expiry: 13 July 2016

Decision due by: 19 August 2016

RECOMMENDATION

1. That the application is refused.

SITE DESCRIPTION

2. The application site is a two-storey building and its grounds and is situated approximately 200m outside the village of Rivington within the Green Belt and within the boundaries of Lever Park. It is accessed via a private track off Rivington Lane. There is limited visibility of the building from the road as it is surrounded by trees with a small car park to the front.
3. The application is part retrospective as a marquee has already been erected on a raised area of hard surfacing (formerly a playground) to the rear of the property and is being used to hold a limited number of wedding receptions until 13th September this year. Some of these have already taken place, with others booked. The applicant advises they did not realise that permission was needed.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. Application for temporary erection of a marquee from mid-April to 13th September 2016 (marquee already erected) on the former playground area at the site, to be used for wedding receptions on Fridays and Saturdays only (with a maximum capacity of 80 guests), as well as for the continued use of the cafe/gallery already permitted on other days of the week.

RELEVANT HISTORY OF THE SITE

5. In 2010 (re: 10/00487/FUL) permission was granted to use the building as part living accommodation and part café/gallery. Prior to this the building was used as a nursery school since 1990, with various planning applications relating to this use. Before this it was a dwelling.

6. REPRESENTATIONS

Five letters of support on the following grounds:

- We live on 300yds away and have found the business to be respectful to the area;
- Spring Cottage is private and therefore not overlooked by houses or visitors;
- Enterprises of this nature should be encouraged;
- The marquee is positioned on a tarmacked area that does not damage the land;
- The residents of Spring Cottage have assured us that there will be no impact on the environment and minimal noise;
- We have visited the property and viewed the marquee which lies within woodland and invisible to the visiting public;
- Previous weddings have taken place without local impact;
- The owners intend to employ local people (including our daughter) which will positive for the village;
- Spring Cottage and the grounds have been renovated and hugely improved by the current tenants;
- We believe that such a property needs a function to prevent it returning to a state of unsightly decay;
- The marquee is sympathetic to its green surroundings;
- It is a canvas structure that could be removed at a moment's notice;
- It won't have any impact on Lever Park;
- The site should be required to sign post their access to prevent vehicles slowing on the road trying to work out where to turn off or travelling up other private drives by mistake.

7. Councillor Kim Snape has written in support of the application:

'I took the pleasure of visiting this business and the setting is far enough away from any properties to not be overlooked and thus unlikely to cause any problems to neighbours. In addition to that the family running the business are local residents of Rivington and care for the area and their neighbours in this vicinity and have much demonstrated the controls they have in place should any problems occur.'

Furthermore, previous to the family working on this property it was in an unworthy condition and as the council is strongly pushing an agenda of decreasing the number of long term empty and derelict properties this property fits into this agenda and is a great example of what can be done and I hope the council supports that.'

In terms of the operations of the business I understand that the family have taken the liberty to pro-actively invite all stakeholders in the area, neighbours and local businesses to meet with them. Also they are working closely with the council's business support team. As a council and personally as a local Councillor this is the sort of business we should be encouraging and it's great to see a small family run local enterprise doing so well and eager to do more to support the community they are in.'

From a highway perspective as parking is an issue in the village I also note they have parking provision so again this wouldn't impact on the village.'

CONSULTATIONS

8. Environmental Health

See body of report.

9. Lancashire Highway Services

See body of report.

PLANNING CONSIDERATIONS

Principle of the Development

10. The site is in the Green Belt outside Rivington village.
11. As stated above a marquee has been erected on an area of hard standing to the rear of the building and a bar is available within the building itself (it is separated from the main building). The change of use of a building of permanent and substantial construction in the Green Belt is not inappropriate providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. The use of the existing building associated with weddings is considered acceptable in principle.
12. Turning to the marquee that has been erected this is positioned on an area of hardstanding elevated approximately 2m above the level of the building on a former playground. The marquee will have been erected for approximately five months once the weddings finish in September.
13. Marquees can be considered a building operation in planning terms. Each case needs to be considered on its own merits considering its size, permanence and physical attachment as to whether a building operation has occurred or it is merely the placing of a 'chattel' on land.
14. The marquee measures 12m by 8m and 4.4m high so is of substantial size. Cases of marquees that have been found to be development demonstrate that a marquee does not have to be on site all year round when considering its permanence. The marquee will have been erected for approximately five months once the weddings finish in September. The marquee is fixed to the ground via a metal pad that is screwed into the ground that holds the uprights for the marquee. In addition it has an internal wooden interlocking floor laid over the existing tarmac. Considering these factors together it is considered the marquee does not have a fleeting character but falls to be considered as a building.
15. In accordance with the National Planning Policy Framework (the Framework) new buildings are inappropriate in the Green Belt unless they fall within one of the exceptions listed, which this would not. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
16. It is accepted that the proposal is a new business, the marquee has already been erected and some wedding receptions have already taken place. The Council always try to support new businesses where possible, both in planning terms and through its economic development team. The proposal would bring some economic benefits to the area. Approximately ten members of staff are employed over the summer on top of family members as well as supporting other local businesses who will be suppliers. This is given weight in the planning balance but it is not considered that they outweigh the harm to the Green Belt.

Design and Layout

17. The marquee is of a standard rectangular design with dual-pitched roof, constructed of white PVC type material and larger windows. The design is considered acceptable and the marquee is not readily visible from outside the site.

Layout and Neighbour Amenity

18. A number of wedding receptions have already been held in the marquee and grounds of the building. Chorley Council's Environmental Health Officer advises they have visited the premises several times while the business has been operating and have seen the location and size of the marquee. There have not been any noise complaints to date.

19. The site is set within woodland approximately 200m outside the village of Rivington, which is considered likely to have low background noise levels particularly in the evening when weddings receptions are taking place.
20. The applicant advises that they would ensure that any music systems are plugged into their private system with a sound limiting device and nearby neighbours are supportive of the business. The applicant also states that they are aware that noise is not only measured by music and that they also need to make sure guests are respectful to neighbours when exiting each event. Music will be toned down from 11pm onwards to encourage guests to start getting ready to leave. As advised above, guests will be recommended to use taxis to leave Spring Cottage and they are more than happy to ring up taxi services to arrange this. Guests will be asked to leave quietly and will be reminded to be respectful to neighbours in the village should they pass through.
21. The site has a premises licence which is inclusive of recorded and live music. Although it is possible to limit the level of recorded music through a limiting device, live instruments such as drums cannot be as easily controlled and the nature of the marquee means that sound insulation measures are much less easily implemented.
22. Noise is also likely from people leaving the venue and the number of vehicles leaving together late in the evening, including the coming and going of taxis and mini-buses. It is considered this could cause a degree of harm to the peaceful character of the area.
23. Without any noise assessment having been submitted with the application it is not possible to fully assess that the proposal will not cause unacceptable harm to surrounding properties and the character of the area or whether appropriate mitigation measures can be put in place or not and the proposal is therefore contrary to Policies EP3 and BNE1 of the Chorley Local Plan 2012-2026 which seeks, amongst other things, to ensure that proposals do not cause an unacceptable degree of noise disturbance to surrounding land uses.
24. This view is endorsed by the Council's Environmental Health Officer who states that the events may vary greatly in the type of entertainment provided, it would be therefore difficult to state whether an excessive disturbance would arise at nearby noise sensitive properties. They would therefore require an acoustic report to demonstrate whether the proposed activities would cause an excessive disturbance at nearby sensitive properties. The report should demonstrate the existing background noise levels, the nearest noise sensitive properties, the effect of the topography of the land and the mitigation measures that they intend to put in place to ensure it doesn't cause an excessive disturbance.

Highways

25. Lancashire County Council Highways advise that the existing site access is a Bridleway (BW7), which seems narrow but with good visibility and given its short distance from Rivington Lane, they advise that additional traffic due the proposal is of no major highway concern. They also advise, taking the current level of traffic flows on Rivington Lane and the surrounding highway network into account, it is not considered the proposal would negatively impact the highway network in terms of capacity and traffic generation.
26. The site has a small car park in front of the existing building. Policy ST4 of the Local Plan sets out the Council's parking standards, however the proposed use does not fall within any of the categories set out in the policy.
27. The application applies for use of the venue for up to 80 guests. The site allows parking for approximately 20 cars. Although it is noted that the applicant advises that they take measures to encourage car sharing and the use of minibuses, and it is accepted that some guests will use taxis to and from the venue as they will be drinking, the Council cannot control or enforce this through conditions and it is likely that many guests will use private vehicles to attend the venue. The applicants cannot prevent people attending the

venue arriving in their own vehicle. Parking in the immediate area of the venue is at a premium as the area is very popular with walkers and other visitors, throughout the week, but particularly at weekends. It is considered that the amount of parking available to the venue in relation to the capacity applied for leads to a risk of visitors parking on surrounding roads and tracks outside the application site where parking is already at a premium. In addition many of the tracks around the site are owned by United Utilities (as is the application site), rather than being adopted highway (though Rivington Lane is an adopted C-road), so the use of the surrounding tracks for parking could be prevented by the landowner.

28. Therefore although it is noted that LCC Highways do not object to the proposal it is not considered that the use of taxis as the main form of transport can be controlled by conditions or be required by the applicant of visitors and the Council are not therefore satisfied that there is sufficient off-road parking for the venue within the boundaries of the application site and the proposal is therefore contrary to Policy EP3 and BNE1 of the Local Plan 2012-2026.

CONCLUSION

29. Although some weight is given in favour of the application in relation to the economic benefits of the proposal, it is not considered that this is sufficient to outweigh the harm to the Green Belt caused by the inappropriateness of the marquee.
30. In addition the Council are not satisfied, without an appropriate noise assessment being undertaken that sound from the venue will not have an unacceptable impact on the residential properties or the character of the area.
31. In terms of parking the venue has limited parking for the number of guests expected to attend and the Council cannot control through conditions (or the applicant cannot prevent) that guests do not visit the venue in private cars, or must car share. The Council are not therefore satisfied that there is sufficient off-road parking for the venue within the boundaries of the application site and this may lead to parking on surrounding roads, where parking is already at a premium, especially at weekends or on surrounding tracks not within the control of the applicant.

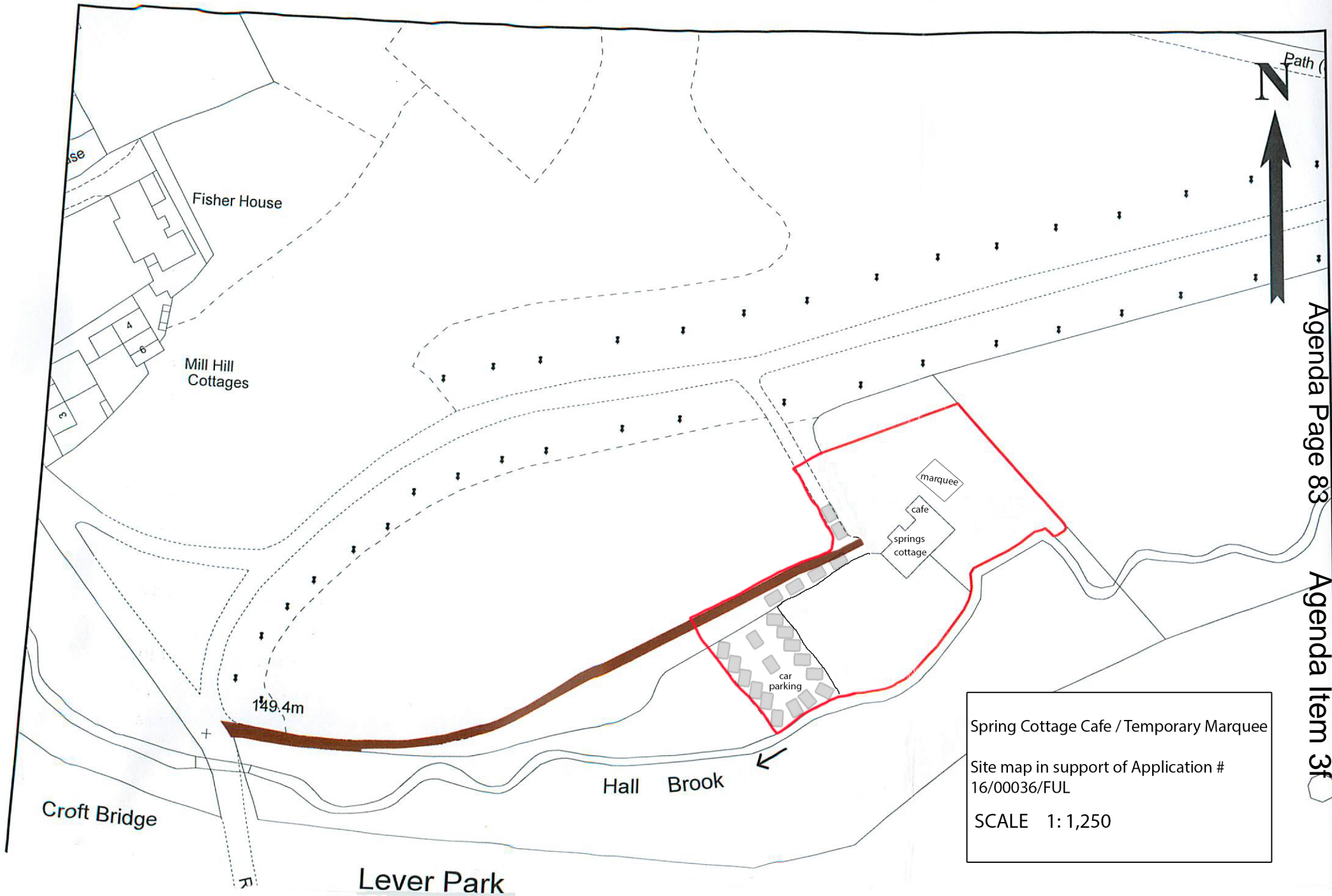
- 32. RELEVANT POLICIES: In accordance with S.38 (6) Planning and Compulsory Purchase Act (2004), the application has been determined in accordance with the development plan [the Central Lancashire Core Strategy (2012) and the Chorley Local Plan 2012-2026 unless material considerations indicate otherwise. Consideration of the proposals has also had regard to guidance contained with the National Planning Policy Framework (the Framework). The specific policies/guidance considerations are contained within the body of the report.**

Reasons for Refusal

33. Although some weight is given in favour of the application in relation to the economic benefits of the proposal, it is not considered that there are very special circumstances sufficient to outweigh the harm to the Green Belt caused by the inappropriateness of the marquee. The proposal is therefore contrary to the National Planning Policy Framework.
34. In addition the Council are not satisfied, without an appropriate noise assessment being undertaken that sound from the venue will not have an unacceptable impact on residential properties or the character of the area. The proposal is therefore considered contrary to Policy EP3 and BNE1 of the Chorley Local Plan 2012-2026.
35. The Council are not satisfied that there is sufficient off-road parking for the venue within the boundaries of the application site for the number of guests proposed and this may lead to parking on surrounding roads where parking is already at a premium, especially at weekends, or on surrounding tracks not within the control of the applicant. The proposal is therefore considered contrary to Policy EP3 and BNE1 of the Chorley Local Plan 2012-2026.

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SPRINGS COTTAGE, RIVINGTON



Spring Cottage Cafe / Temporary Marquee
Site map in support of Application #
16/00036/FUL
SCALE 1:1,250

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