

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 16TH JULY 2019, 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	
A	19/00417/FULMAJ - LAND ADJOINING CUERDEN RESIDENTIAL PARK, NELL LANE, CUERDEN	(Pages 31 - 54)
6	SECTION 215 ENFORCEMENT REPORT - 141 BLACKBURN ROAD	(Pages 55 - 58)
	Report of the Director (Customer and Digital) enclosed.	

GARY HALL
CHIEF EXECUTIVE

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APPLICATION REPORT – 19/00417/FULMAJ

Validation Date: 1 May 2019

Ward: Clayton-le-Woods West And Cuerden

Type of Application: Major Full Planning

Proposal: Erection of 115 dwellings on land at Nell Lane, Clayton-le-Woods with access taken from Parkhurst Avenue

Location: Land Adjoining Cuerden Residential Park Nell Lane Cuerden

Case Officer: Mr Iain Crossland

Applicant: Mr Anthony Blackwell

Consultation expiry: 3 June 2019

Decision due by: 31 July 2019

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions and a s106 legal agreement to secure the provision of affordable housing and a financial contribution towards the provision of public open space.

SITE DESCRIPTION

2. The application site comprises an area of grassland located to the south of Nell Lane between the Cuerden Caravan Park and Shady Lane and joining up with the development site to the south. The site is located on part of a wider mixed use allocation as defined in the Chorley Local Plan 2012 – 2026, and is positioned to the north of a major development site that continues to be developed, in part, for housing. The character of the area is one of urban rural fringe, however, the immediate area has become increasingly suburban following its allocation within the local plan and subsequent phased residential development.
3. The site is framed by mature trees to the perimeter, and in particular along the border with Nell Lane. The trees are protected by Tree Preservation Orders. The character of Nell Lane is of a rural tree lined lane.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks planning permission for a residential development of 115 dwellings with associated car parking and landscaping on land adjoining Cuerden Residential Park. Vehicular access would be gained from Parkhurst Avenue to the south linking with the existing developments and Wigan Road to the west. The applicant seeks to use Nell Lane for temporary access throughout the construction phase of the development, after which it would be physically closed off other than for pedestrian and cycle access and in the event of an emergency. The dwellings themselves would be of varied design and would include largely detached property types, with some mews houses and apartments.

REPRESENTATIONS

5. Representations in objection have been received from the occupiers of 13no. addresses. These raise the following issues:

- Impact on highway safety.
- Impact on highway capacity
- Impact on amenity of nearby occupiers.
- Impact in ecology / wildlife.
- Impact on bats.
- Lack of infrastructure to support such development.
- Loss of trees and hedgerows
- No need for more housing.
- No access to Nell Lane should be allowed.
- Impact on amenity from construction traffic.
- Why is an emergency access required?
- How would an emergency access be managed?
- Impact from surface water run off / localised flooding.
- Loss of amenity space to caravan park residents.
- Why is this a new application and not an amendment application?
- Lack of education provision.
- The local community have not been informed of these proposals.
- The land is not free to be developed as it is "Recreational Land" used by the residents of Cuerden Residential Park.
- Existing developments are not properly maintained.

6. Representations in support have been received from the occupiers of 2no. addresses.

CONSULTATIONS

7. **Greater Manchester Ecology Unit:** No objection subject to conditions.
8. **Waste & Contaminated Land:** No objection.
9. **Lancashire Highway Services:** The proposed development is acceptable in principle
10. **Lead Local Flood Authority:** No objection subject to condition.
11. **Lancashire County Council Archaeology Service:** No comments received.
12. **United Utilities:** No objection subject to conditions.
13. **Clayton-le-Woods Parish Council:** No comments received.
14. **Lancashire Wildlife Trust (LWT):** Though the broad thrust of the proposals for mitigation and enhancement for the habitats and species populations associated with the application site's ecological network functionality is welcomed LWT raise a conditional objection as it considers the viability of the landscape scheme in providing adequate biodiversity mitigation to be questionable.

PLANNING CONSIDERATIONS

Principle of the development

15. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
16. The application site forms part of an allocated mixed use site for housing and employment covered by policies HS1.31 and EP1.15 of the Chorley Local Plan 2012 - 2026. The total area of the mixed use site allocation is approximately 38Ha and the proportion that is estimated for employment development is 15Ha under policy EP1.15. This suggests that the remaining 23Ha is available for housing development under allocation HS1.31.

17. To date a number of housing developments have been approved across the area of the site allocated as mixed use and whilst there have been no proposals for employment development, approximately 15Ha of land would remain available within the allocation for employment uses when accounting for previous planning permissions for housing and including the current application. The application site would effectively divide the remaining undeveloped area of the allocation into two separate parts. The proposed development is laid out in such a way that the access road could be extended in order to provide a link with land to the east. This is essential in order that the parcel of land to the east does not become sterilised and without access to Wigan Road. The proposed layout plan and indicative extension of the internal access road to provide access links indicate a clear intention and possibility of extending access to the parcel of land to the east. It is therefore considered that on the basis of the proposed layout the future development potential of the remaining site allocation would not be prejudiced. On this basis, an adequate area of employment land, in line with the policy requirement, could still be realised across the site. The balance of the remaining undeveloped land will be reviewed as part of the ongoing local plan update process.
18. A further consideration in relation to the delivery of housing on this part of the mixed use allocation is that planning permission (ref. 12/00872/FULMAJ) for 52 mobile park homes was granted in August 2013, and thereby established the acceptability of the principle of development other than for employment use on part of the application site within the allocation.
19. The housing allocation HS1.31, that includes the application site, estimates that the whole allocation will provide 699 dwellings in total. The planning permissions that have been approved within the allocation to date already exceed this figure. It should be noted, however, that the housing allocation numbers detailed in policy HS1 are indicative and that the housing requirement is a minimum to ensure enough housing is provided through the Local Plan period. It is considered that in this case, the greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plan) housing figures are not to function as ceilings.
20. Consequently, the development of housing on this site is considered to be in compliance with the development plan and is acceptable in principle.

Design and impact on the character of the area

21. The proposed development would be located to the east of a residential caravan park, and to the north of recent residential housing developments some of which have been completed and others that are under development. Otherwise the site is bound by Nell Lane to the north and open land to the east. As such the site is most visually prominent from the north at Nell Lane.
22. There are mature trees and hedgerow along this boundary of the site and as such the dwellings would be set well back from the highway and any views from Nell Lane would be filtered by the trees and hedgerow that would be retained, in addition to new hedgerow that would also be planted. The dwellings closest to Nell Lane would face the highway, with an intervening estate road, other than at plot 41, which would be closer to Nell Lane and would be a dual aspect property that would respond well to this positioning providing a frontage to Nell lane and detail facing the new estate road. This would result in a positive relationship with Nell Lane that is not obtrusive in the context of this lane of rural character.
23. The proposed development consists of a single main access road, which branches into several cul-de-sacs. The majority of the proposed dwellings would be detached although there are a number of mews style properties and some apartments to the eastern part of the development. The estate roads and layout follow a logical pattern and would incorporate a range of dwelling types and designs that would provide character and interest, whilst the dwellings themselves would include some consistent materials and details that would provide a level of coherence across the new estate.

24. The design of the dwellings themselves is traditional in appearance and includes red brickwork and white render to reflect the existing local vernacular and character. Features such as gables, bay windows, porches, varying set backs, projecting brick dentil courses and hanging tiles would be applied to provide diversity and interest. It is noted that there is a range of property types in the area and that the proposed dwellings reflect the scale of existing dwellings and the suburban setting. In particular, this reflects more recent development to the south.
25. The properties would all have garden areas providing sufficient space for the storage of bins and driveway parking. Some of the properties would also have detached garages situated in inconspicuous positions. The frontages would be open plan contributing to an open and uncluttered street scene, and boundary treatments have been selected so that prominent side gardens would have screen walls rather than fences enclosing them.
26. The density of the development would be relatively low, but reflects the evolving suburban character of the area and density of nearby housing estates.
27. There are numerous mature trees and hedgerows to the periphery of the site, which would largely be retained in accordance with the proposed landscaping and tree protection plan, which would help to frame the development within the landscape to some extent. There are also trees and hedgerows within the site that would be retained. It is noted that around 60m of hedgerow would be removed adjacent to Nell Lane, however, this would be replaced with a new hedgerow of native species mix. The substantial retention of more mature landscaping features as proposed, and addition of new landscaping would help to add character to the development and would help to retain some local character.
28. Overall, the layout and design of the proposed development in addition to the retention of trees and hedges and introduction of new landscaping feature would result in an attractive housing development. It is therefore considered acceptable and appropriate to the existing surrounding development and is in accordance with policy 17 of the Core Strategy.

Impact on neighbour amenity

29. There is a sufficient degree of separation between the proposed development and the existing dwellings on Nell Lane and Shady Lane to ensure that the Council's spacing guidelines are met. As such it is considered that the proposal would not result in any loss of amenity for existing residents or the future residents within the development.
30. There are a series of caravans / mobile homes along the western boundary of the site. The rear gardens to the proposed dwellings at plots 24 to 41 would adjoin the mobile home park, as would the side and rear of plot 1 to the south. The relative positioning and degree of separation between these proposed dwellings and the mobile homes is such that there would be no unacceptable impact on outlook, light or privacy and that the amenity of existing residents of the mobiles homes and future residents of the proposed dwellings would not be harmed.
31. In terms of the interface distances between the proposed properties themselves, these are considered to be acceptable in relation to the Council's guidelines taking into account the level changes across the site. The proposal is, therefore, considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed dwellings.
32. The development would have no direct vehicular access to Nell Lane, therefore the development would result in negligible additional traffic movements along Nell Lane. An emergency access to Nell Lane would be retained, which could only be used in exceptional circumstances. It is recommended that a scheme for the closure of this access to Nell Lane be required by condition as part of any grant of planning permission.
33. It is recognised that the proposed development would effectively result in a continuation of Parkhurst Avenue, which would result in additional traffic movements through the estate

road. However, it is not considered that the traffic generated by additional housing would not result in such a weight of traffic so as to cause unacceptable harm to residential amenity through noise and disturbance. In addition this impact must be considered in the context of what is an wider development allocation, whereby further development is expected in response to the delivery of the Chorley Local Plan 2012 - 2026.

Impact on highways/access

34. The proposed development was subject to a pre-planning consultation with Lancashire County Council (LCC) Highways leading to a Transport Assessment (TA) and a supplementary Highways Technical Note being submitted setting out the transport issues of the proposed development and a Framework Travel Plan providing a framework for a Residential Travel Plan to be submitted at a later date.
35. The site is to the south of Nell Lane, adjoined to the west by Cuerden Residential Park and has frontage extending up to the junction of Nell Lane and Shady Lane. It is bound to the south by a residential housing estate that remains under development, and from which access would be gained.

Site access (Parkhurst Avenue)

36. The previous 87 dwelling development was to be accessed from Nell Lane, but the current 115 dwelling development would be accessed from Parkhurst Avenue to which the spine road of the new development would be extended to connect.
37. Parkhurst Avenue is a recently constructed access road serving the new residential developments south of the proposed site. It is approximately 541m in length and has an average carriageway width of 6.0m with 3.0m wide footways on both sides for approximately the first 200m of its junction with the A49 Wigan Road. From this point, the footways on both sides have reduced widths of 2.0m for the rest of the length of the road. There are no dropped kerbs and tactile pavings at any of the junctions along Parkhurst Avenue. These together with the junctions within the proposed development would be required to make the proposal acceptable.
38. The geometric parameters of Parkhurst Avenue at its junction with Wigan Road are described in paragraph 3.1.2 of the submitted TA where the junction radii is stated as 20m. Although the junction is substantially large, as there are currently no markings separating the exit lane into two, I would disagree with the applicant that the wide exit lane is to enable two vehicles to exit at the same time. There is a right turn lane provision on Wigan Road to facilitate turning into Parkhurst Avenue and dropped kerbs and tactile pavings; and a pedestrian refuge are present at the junction to facilitate safe pedestrian crossing of the road. The pedestrian refuge, however, has no tactile provisions to warn and guard the blind and partially sighted people of the need to treat the entry and the exit lanes differently when crossing at the junction. As a result of lack of tactiles at the refuge, people with vision impairments would assume the entry and exit lanes are 'one' and would continue walking from one end of the junction to the other without exercising the necessary caution at the refuge. This should therefore be addressed to make the proposed development acceptable. The exit lane should also be marked appropriately if it is intended to allow simultaneous left and right turning manoeuvres.
39. The junction of Wigan Road and Parkhurst Avenue is considered suitable in layout to accommodate traffic generation associated with the proposed development. Its capacity to accommodate the trips to be generated by the proposed development is dealt with later in the response.
40. It should be noted that Parkhurst Avenue as a whole is currently not an adopted highway and as LCC does not adopt developments served by un-adopted roads, the proposed development would not be accepted for highway adoption until such time that Parkhurst Avenue has been adopted. Nonetheless, the applicant is advised to provide the layout of the development to an adoptable standard.

Emergency access (Nell Lane)

41. In addition to Parkhurst Avenue serving as the main access to the site, the applicant proposes to form a new access to Nell Lane at the location of the proposed site access for the yet to be decided application, 18/00917/FULMAJ. But, while it is stated in paragraph 5.2.4 of the 2019 TA that this access would only be used for accessing a temporary site sales area during initial construction stage of the development, after which it would be gated or restricted by bollards to serve as an emergency access, paragraph 4.3 of the 2019 Design and Access Statement states that construction vehicles would also utilise the access during construction stage of the development. The two conflicting statements should be clarified, as Nell Lane is narrow with no footways and passing places; and has substandard visibility at its junctions with Wigan Road and Shady Lane. The proposed layout of the emergency access would also not be suitable to accommodate construction traffic. The response therefore assumes that construction traffic would use Parkhurst Avenue.
42. The concept and location of the proposed emergency access is acceptable, however, rather than being gated once the site sales is over, the access should be restricted to everyday vehicular use with rising or collapsible bollards, which can be raised or lowered for vehicles in emergencies while allowing everyday use by pedestrians and cyclists. It is suggested the LPA secures a commitment from the applicant of time frame within which use of the access in connection with the site sales would cease.
43. The width of the proposed emergency access is not indicated, but appears on plan as approximately half the width of the proposed internal shared surfaces i.e. approximately 2.4m. This is not adequate for fire appliances and other large emergency vehicles and would not safely accommodate shared use in connection with the temporary site sales office and pedestrians/cyclists. To accommodate large fire appliances, the Fire and Rescue Service recommends a minimum carriageway width between kerbs of 3.7m (MfS section 6.7). The proposed emergency access should therefore be widened in accordance with this requirement.
44. The distance to bus stops near Wigan Road/Lydiat Lane are closer to the site than those near Wigan Road/Parkhurst Avenue and pedestrians/cyclists heading in the direction of Shady Lane would use this access, it is therefore essential that a safe access is provided. It is considered the access should be provided conventionally to replicate that agreed for application, 18/00917/FULMAJ with 2.0m wide footways extended from the site round both radii for the short distances agreed as shown in submitted drawing, Figure TA14 rev B (28/09/18) of the previous application. This is to provide safety for those leaving the site from threats of moving traffic on Nell Lane.
45. The proposed visibility splay of 2.0m x 43m should also be increased to 2.4m x 43m in line with application, 18/00917/FULMAJ and as previously agreed it is welcomed that the applicant would provide a 3.0m wide pedestrian/cycle lane through the site from the emergency access to connect Nell Lane at the existing field access close to Shady Lane. The pedestrian/cycle lane should be lit and although it was previously agreed that the pedestrian/cycle route would not be adopted by LCC, it has been reconsidered that the route should be provided to adoptable standard and offered for highway adoption, so that it can be maintainable at public expense.

Existing conditions:

46. The applicant's description of the existing site information is similar to that provided in the 2018 TA and appears exhaustive with the baseline conditions established to assist the understanding of the context of the development proposal. The existing site information include description and plans of the proposed development site in relation to the surrounding area and the local highway network.
47. The survey of traffic flows conducted on 19 September 2018 at the first three of the junctions listed in paragraph 3.2.1 of the 2018 TA have been retained in the baseline transport data with further surveys carried out on 3 April 2019 to establish traffic turning and flows at Wigan Road/Parkhurst Avenue and Wigan Road/Dallington Avenue roundabout (for movements in and out of Dallington Road). The three junctions were not previously assessed in the 2018 TA.

Traffic flows and queues

48. Based on the AM peak period of 07:30-08:30 and PM peak of 16:30-17:30, maximum traffic flow of 1180 vehicles per hour occurred during PM peak at Wigan Road/Lydiat Lane of which 515 vehicles headed north and 665 south. HGV/Bus component of the flows was between 2-3%.
49. At Wigan Road/Parkhurst Avenue, maximum peak traffic flow was in the region of 100 vehicles per hour equating to 1-2 vehicles per minute. Of this, 29 vehicles per hour headed into Parkhurst Avenue with 73 per hour exiting onto Wigan Road during the AM peak. 67 and 28 vehicles per hour respectively entered and exited Parkhurst Avenue in the PM peak.
50. The 2019 traffic survey includes survey of queues at 5 minute intervals at Wigan Road/Parkhurst Avenue and Wigan Road/Lydiat Lane. During the 12-hour survey period, maximum queues of 4 vehicles were recorded between 07:30-07:35 and 08:25-08:30 at Parkhurst Avenue/Wigan Road equating to 1-2 vehicles per minute.
51. The queue levels at Wigan Road/Lydiat Lane were the same as those contained in the 2018 TA. Within the 12 hour survey period, the maximum number of vehicles in a queue counted at 15:45-15:50 were 4. The maximum queue occurred on the approach to the junction from Lydiat Lane where 9-12 vehicles were counted during the AM peak and 8-13 vehicles during the PM peak. From both directions of Wigan Road towards the junction, queues were typically of 10 vehicles.

Accident analysis

52. The traffic accident analysis in the 2019TA is the same as that of 2018. A total of 24 accidents occurred within the area studied and although the applicant stated a total of 25 in paragraph 3.3.2 of 2019TA, the list provided on Table TA3.1 shows 24 accidents. The analysis is acceptable, but mitigation would be required at the accident 'cluster' areas. This would be the installation of the pedestrian phase to the existing traffic described under 's278 works' below.

Sustainability/Accessibility by none car modes:

53. The National Planning Policy Framework (the Framework) as revised, requires developments that generate significant amounts of traffic to promote sustainable modes of travel, safe access and improvements to existing transport networks. It is also key objectives of both Lancashire County and Chorley Councils to tackle emissions, congestion and poor air quality by encouraging walking, cycling and public transport use by ensuring that development proposals influence travel choices and improve accessibility.

Walking

54. This aspect of the assessment is no different from that of 2018 and the applicant has retained the list of destinations to local shops, amenities and services which were previously pointed out to be outside the recommended acceptable walking distances from the centre of the site.
55. There was no interconnectivity between the development proposed under application, 18/00917/FULMAJ and the existing developments to the south. As a result a remote pedestrian/cycle link was to have been provided. This is no longer the case, as the current proposed 115 dwelling development would be connected to the existing developments in the south, affording pedestrians/cyclist safer and direct route with good surveillance through the estate when travelling from Nell Lane to Parkhurst Avenue and vice versa.
56. As noted in the previous highway response, the bus services provided at the stops near Wigan Road/Parkhurst Avenue and those near Wigan Road/Lydiat Lane are the same, therefore as the stops at Wigan Road/Lydiat Lane are nearer the site, residents would naturally prefer the shorter walking route. If the emergency pedestrian access is provided as described above, it should ease access and ensure safety for pedestrians who would use Nell Lane to access the bus stops.

Cycling

57. There are minimal cycling routes in the area, however as indicated above, the interconnectivity of the proposed and the existing developments would encourage cycling as an alternative mode of travelling to cars in the area. This goal can be achieved with the provision of the emergency access as described above and the proposed pedestrian/cyclists route through the site from the emergency access towards Shady Lane.

Public Transport

58. The subject was dealt with in the 2018 TA and the applicant was requested to provide improvements to two bus stops to upgrade them to quality and disability compliant standards.
59. The applicant has stated they believed developer funding may have already been secured towards the bus stop improvements, but as stressed in the highway response to the previous application, the bus stop improvements are essential to the delivery of sustainable outcomes of the current proposed development, therefore, irrespective of whether or not a developer contribution has already been requested elsewhere, whichever development comes forward first would deliver the improvements. It should be noted that no funding is being requested towards bus service improvements.

Proposed development:

60. The proposed development is has a total of 115 dwellings and includes 81 units of private residential units comprising of 13, 3-bedrooms and 68, 4-bedrooms. The development includes 34 affordable private residential units comprising 8, 1-bedroom, 13, 2-bedrooms and 13, 3-bedrooms. The development would be a mix of individual or terraced houses and would include 8 apartment units.

Internal Layout and Parking

61. The proposed layout is shown on submitted plan, LEYL/15/04/01 dated 23/09/18. It shows that the spine road of the development would be extended to connect Parkhurst Avenue. The proposed layout would be of 5.5m carriageway width with 2.0m wide footways on both sides. As shown on plan, the layout would include 4.8m wide shared surfaces with 1m wide service strips. For reasons of adoption, the turning head at the emergency access should have 2m wide service strip around it.
62. Parking would be provided compliant with Local Authority standard to include cycle storage. The proposed layout should be provided to the LCC specification for construction of estate roads to ensure satisfactory access and in order to be acceptable for adoption under section 38 agreement of the highways act 1980.
63. The layout is satisfactory in terms of speed control measures, turning, servicing, delivery and waste collection. I must however point out that in many of the swept path diagrams shown at appendix TA4 (2019 TA), the vehicles have overrun the available turning areas. This shows that the turning heads have not been provided to recommended sizes and would need to be altered in order to be accepted for s38 highway adoption.

Traffic generation, distribution and assignment

64. The peak hour trip rates used in the prediction of the proposed development trip generation were previously agreed with LCC for purposes of TA analysis relating to previous planning application, 10/00414/OUTMAJ – Land east of Wigan Road, Clayton-Le-Woods. The agreed trip rates were applied to the 115 dwellings to predict that the proposed development would generate 67 two-way trips in the AM peak and 76 two-way trips in the PM peak, equating to just over one vehicle going in and out of the site per minute. The estimation of the proposed development trip generation is shown in Table TA6.1 (para 6.2.2 of the 2019 TA).
65. The estimated % distribution of the proposed development generated traffic was based on a common methodology which used journey to work data from the 2001 Census adopted in the TA accompanying application, 10/00414/OUTMAJ – Land east of Wigan Road, Clayton-Le-Woods. As this methodology was then agreed with LCC, the applicant used the agreed distribution pattern, shown in appendix TA5 of the 2019 TA to assign the predicted development trips.

66. The estimated trip generation (Table TA6.1) was applied to the predicted assigned trips shown on Figure TA11 to produce the predicted development trip assignment shown in Table TA6.2, which shows trips to be generated by the proposed development would result in increases in traffic on the surrounding highway network. The maximum increase would be during PM peak within the vicinity of Wigan Road/Parkhurst Avenue where 34 and 42 vehicles would head north and south respectively of Wigan Road.
67. 30 two-way trips is usually appropriate for identifying the level of impact below which the need for a formal assessment may not be needed. Adopting the '30 two-way trip threshold' as basis of a materiality test of traffic impact for the TA study junctions, as listed in Table TA6.1, shows that the proposed development is estimated to generate an increase in traffic of more than 30 vehicles (2-way) at four of the TA study junctions. It is therefore considered additional impact assessment would be required at the four junctions.

Traffic Impact

Traffic growth and assessment years

68. The TA considers the impact of the proposed development in 2021 (the year the development is predicted to be completed and occupied) and 2028 (ten years post completion) taking into account background traffic growth.
69. Based on AM peak of 07:30-08:30 and PM peak of 16:30-17:30, the background traffic growth has been estimated using locally adjusted National Transport Model (NTM) forecasts. The adjusted growth factors obtained are as follows:
- 2019-2021 growth - weekday AM peak - 1.0210
- weekday PM peak - 1.0186
 - 2019-2028 growth - weekday AM peak - 1.0850
- weekday PM peak - 1.0803

Committed developments

70. The TA considers impacts due to committed developments in the area. The committed developments are shown on Table TA7.1, paragraph 7.2.7 of the TA. Majority of the committed developments have been completed except a couple, but to ensure robustness, the TA assumes all committed developments have been completed. The baseline transport position was therefore assessed using the information set out in the consented development studies. This approach is acceptable.

Linked Flows

71. The impact of link flows were assessed, based on the 1994 IHT 'Guidelines for Traffic Impact Assessment' criteria which provides percentage impact thresholds above which more detailed impact assessment is required. Using the 5% assessment threshold in the Guidelines, the applicant predicted the anticipated changes in link flows for the AM and PM peak periods of the opening year (2021) as shown in Table TA7.2. The result of the assessment shows link flow increases below 3.5% at all the locations indicated. The TA considers that since the link flow increases are less than 3.5% and maximum impact on the routes shown in Table TA7.2 would amount to less than 1 vehicle trip every two minutes, no additional impact assessment should be required.
72. The link flow assessment result is generally accepted, however, additional impact assessment would be required at the following critical locations of high flow increases shown in Tables TA6.2 and TA7.2 of the 2019 TA.
- Wigan Road (South of Parkhurst Avenue)
 - Wigan Road (North of Parkhurst Avenue)
 - Wigan Road (South of Dallington Avenue)
 - Wigan Road (South of Lydiate Lane)
 - Parkhurst Avenue

Junction capacity

73. Capacity assessments have been carried out for the junctions shown at (TA para. 7.4.1). The assessment was carried out for the 2028 base flows + development flows scenario

using PICADY for the priority junctions and LINSIG3 for the signalised junction of Wigan Road and Lydiate Lane. The result of the junction capacity assessment are as follows.

- Wigan Road/Parkhurst Avenue – junction would operate with a level of spare capacity with predicted maximum RFC of 0.29 (left turn exit) and 0.2 (right turn into Parkhurst Avenue).
- Wigan Road/Lydiate Lane (signalised junction) – The baseline position is that based on a three stage traffic signal cycle of 70 seconds, the junction could operate with spare capacity for the AM and PM peaks with maximum queue levels of 8-13 vehicles on the approach from Lydiate Lane during the PM peak.
- Wigan Road/Nell Lane (Ghost island) – junction would operate with spare capacity with predicted maximum RFC of 0.26 occurring at Wigan Road (South) during the PM peak.

74. The TA considers that even with the addition of traffic expected from the proposed development, no material change is anticipated in the way the junctions in the study area operate.

Section 278 agreement of the highway act 1980

75. The measures considered necessary to deliver sustainable development are set out under 'Traffic impact mitigation and highway improvements' above. If the application is approved by the Local Planning Authority, a s278 agreement for off-site highway improvements is expected to be entered into by the applicant and LCC Highways. This agreement is appropriate where improvements are required in the public highway, paid for by the developer (costs to include design fees, safety audits, amendments to street lighting and traffic signalling equipment and all other risks associated with the highway improvements required by the development so that public funds are not used in the provision of these features).

76. The measures which are repeated below will be subject to detailed design and the s278 works would be conditioned to the planning approval to be delivered prior to commencement of development unless otherwise agreed with LCC and the LPA.

- Works associated with the formation of the new 3.7m wide emergency site access to Nell Lane and the short sections of footways in both directions of the emergency access along Nell Lane.
- Installation of pedestrian phase to the existing traffic signal at A49 Wigan Road/Lydiate Lane to mitigate traffic accidents and facilitate pedestrian access to public transport and the wider highway network as part of the overall access strategy.
- Measures to improve visibility at Shady Lane/Nell Lane.
- Improvements to two bus stops south of A49 Wigan Road/Lydiate Lane to include:
 - disability compliant raised kerbs and boarding area
 - provision of bus stop bays, worded markings and clearways
 - new shelter
 - commuted sum towards maintenance of the bus shelter for a period to be agreed with LCC Highways (to be secured through s106 agreement)

Travel Plan

77. The applicant has submitted a Framework Travel Plan seeking to promote use of sustainable transport modes such as walking, cycling and public transport and manage the impact of the proposed development on the highway network in order to reduce the need as much as possible for physical improvements. The submitted Framework Travel Plan meets LCC's submission criteria, therefore, a Full Travel Plan should be developed along the timescales outlined within the Framework Travel Plan.

78. For a development of this size, we would normally request a contribution of £18,000 secured through s106 to enable Lancashire County Council to provide the following range of services.

- Appraise the Travel Plan(s) submitted to the Council pursuant to the Planning Permission and provide constructive feedback;

- Oversee the progression from Framework to full Travel Plan in line with agreed timescales;
 - Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.
79. The revised Framework stresses the need for development proposals to give priority first to pedestrian and cycle movements and so far as possible to facilitating access to high quality public transport. Therefore in reviewing the submitted TA and the associated documents, LCC Highways must ensure that appropriate opportunities to promote sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the highway network or on highway safety, can be cost effectively mitigated to an acceptable degree as required by the Framework.
80. In conclusion, LCC highways considers the issues identified as relatively straight forward and within the developers ability to resolve. Therefore, although the proposed development is acceptable in principle, the implementation of the additional measures are essential to address the impact of the development and necessitate the need for associated conditions to be attached to any grant of planning permission.

Ecology and trees

81. Due to the nature of the application site, the application is supported by an ecological survey and assessment, as well as supplementary reports. These have been reviewed by the GMEU Ecologist. They advise that whilst ecology issues relating to the site could be resolved, the proposal must adequately mitigate or compensate for the loss of ecological features on the site.
82. The 4.47 hectare (ha) site comprises one field of unmanaged semi-improved grassland with tall-herb vegetation, marshy grassland and bramble scrub and two fields of managed improved grassland with boundary hedgerows and mature trees. Nell Lane is present to the north, Cuerden Residential Park and pony grazed improved grassland lies to the west and fields of improved grassland are present to the east. An active construction site is present to the south.
83. The ecology report states that the site and the adjacent land has no statutory or non-statutory designation for nature conservation and no designated sites would be directly or indirectly adversely affected by the proposals.
84. No species-rich habitats are present. No rare or uncommon plant species were detected at the site. None of the semi-improved grassland habitats and tall-herb vegetation within the site are of significant interest in terms of their plant species composition.
85. The semi-mature and mature trees on the site boundaries are of local value as they function as minor wildlife corridors and provide habitat for animal life. The retention and protection of the trees is considered feasible within the remit of the development proposals, and is reflected in the tree protection plan.
86. With regards to the presence of bats a number of trees were assessed as being at low to moderate risk, however, following more detailed surveys, the risk level was downgraded to low. Reasonable avoidance measures are recommended for the removal of three trees on the site. The proposals present an opportunity to enhance the value of the site for roosting bats through appropriate landscaping. Whilst the findings and recommendations set out in the applicant's ecology survey are accepted it is recommended that a condition is attached to any grant of planning permission requiring that the removal of trees shall be carried out in accordance with the details contained in the Ecological Survey and Assessment Report.
87. It is considered that the proposed development presents a low risk to great crested newts, as there are numerous barriers between the site and a pond known to contain newts.

88. Despite substantial retention a number of trees and hedgerows would need to be removed to facilitate the development. This has the potential to affect bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended, therefore it is an offence to damage or destroy such features whilst in situ. It is therefore recommended that a condition be attached to any grant of planning permission requiring the removal of such features outside the bird nesting season 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 active bird nests are present which has been agreed in writing by the Local Planning Authority. It is noted that trees and hedgerow would be planted through the landscaping of the site, which would help to return the nesting opportunities that are initially lost.
89. A number of invasive species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended were recorded on the site including Japanese knotweed, rhododendron, monbretia, cotoneaster and Virginia creeper. It is an offence to introduce or cause to grow wild any plant listed under this schedule. As such it is recommended that a condition is attached to any grant of planning permission requiring a method statement detailing eradication and/or control and/or avoidance measures for Japanese knotweed, rhododendron, monbretia, cotoneaster and virginia creeper prior to any earthworks taking place.
90. Section 170 of the Framework states that the planning system should contribute to and enhance the natural and local environment. The development would result in the loss of three fields, two of low ecological value, the other of low to moderate ecological value. The development would also result in the loss mature trees and approximately 100m of native hedgerow overall.
91. Two areas of wildflower grassland, one on-site and one off-site are proposed as mitigation for loss of the fields, a nest box scheme proposed for loss of bird nesting habitat and a tree and hedgerow scheme proposed for loss of hedgerow and trees. In relation to trees the landscaping plan has included native species and native hedge planting along boundaries.
92. The Council's ecology advisors (Greater Manchester Ecology Unit) consider that the proposed mitigation measures are appropriate compensatory measures for the impact on biodiversity from the proposed development. It is considered that the ecological impacts of the proposal have been fully considered and as such it is considered that the Council, subject to suitable conditions, has discharged its obligations in consideration of biodiversity mitigation and any potential impact on protected species.

Drainage

93. The applicant has provided a flood risk assessment (FRA) and drainage strategy with the planning submission. This demonstrates that the site is at low risk of flooding from all sources.
94. The proposed development would introduce impermeable drainage area in the form of buildings and roads. This would result in an increase in surface water runoff. In order to ensure the increase in surface water runoff would not increase flood risk elsewhere, flow control would be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 30% climate change event.
95. All methods of surface water discharge have been assessed within the applicant's report. The report states that surface water should be discharged to the surface water sewer network serving the Redrow 'Hedgerows' development, approximately 20m south of the site, and that a discharge rate of 8 l/s can be accommodated within the drainage system of the Redrow 'Hedgerows' development. In addition attenuation storage would be required on site in order to achieve a discharge rate of 8 l/s. Attenuation would be provided in the form of oversized pipes, a pond / basin.
96. The Lead Local Flood Authority (LLFA) have assessed the site in consideration of this strategy and have no objection to the proposed development subject to the inclusion of an

appropriate condition requiring the final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme.

Archaeology

97. The site is thought to be crossed by the line of the Roman road from Wigan to Preston, Margary 70c, a non-designated heritage asset recorded on the Lancashire Historic Environment Record (PRN26143). The road is shown running north to south through the site, along the eastern boundary. There is, therefore, a potential for the proposed development to encounter buried archaeological remains associated with the Roman road and associated road side activity. Surviving remains are however considered unlikely to be of the highest significance and could be adequately preserved by record (archaeological excavation and recording).
98. Furthermore the development site also falls within an area identified by Historic England as a possible deserted medieval settlement (PRN1647). Although the site was visited by the Ordnance Survey in 1975 and no traces of the settlement were observed, there is still some potential for below-ground remains of medieval date to be encountered by any ground disturbance in this area.
99. Consequently it is recommended that a condition requiring an 'archaeological watching brief' be attached to any grant of planning permission, whereby an archaeologist is present on site to oversee all new ground excavations. In this case should any 'finds' be discovered at this stage of ground works it would be necessary to stop all work whilst a full archaeological investigation is undertaken. Works on site could only continue once that investigation has been concluded. This level of control is considered to be adequate and reasonable in an area where the possible presence of buried archaeology is as uncertain as it is in this case.

Affordable housing

100. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size (which this is), in urban areas such as this. 34 of the dwellings proposed are to be affordable, which equates to 29.57% and a commuted sum payment equivalent to 0.5 of a plot would be provided in lieu of the shortfall. This would ensure that the policy requirement is achieved and is acceptable. This would need to be secured through a Section 106 legal agreement.

Sustainability

101. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. 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:

"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."

"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.”

102. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Public open space

103. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD.
104. The applicant has agreed to enter into a Section 106 agreement to make a contribution towards the requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026.
105. It is noted that the Cuerden Valley Park Trust have requested a contribution towards the maintenance and improvement of Cuerden Valley Park, however, the site scored as high quality and value in the February 2019 Open Space Study therefore it is not possible to justify seeking a contribution towards such improvements. In accordance with the Open Space and Playing Pitch SPD only contributions towards natural/semi-natural greenspace from developments that fall within the accessibility catchment of a site scored as low quality and/or low value can be sought.

Education

106. The application site forms part of an allocated site designated for housing and employment use within the Chorley Local Plan 2012 to 2026. The allocation includes the delivery of a primary school. This and other previous developments on the allocation are subject to a Community Infrastructure Levy charge, which can be used towards to provision of education facilities.

Employment skills provision

107. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire’s priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;
- Increase employment opportunities by helping local businesses to improve, grow and take on more staff
 - help businesses to find suitable staff and suppliers, especially local ones
 - improve the skills of local people to enable them to take advantage of the resulting employment opportunities
 - help businesses already located in Central Lancashire to grow and attract new businesses into the area
108. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:
- Creation of apprenticeships/new entrants/graduates/traineeships
 - Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
 - Work trials and interview guarantees
 - Vocational training (NVQ)
 - Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
 - Links with schools, colleges and university
 - Use of local suppliers

- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

109. A condition is recommended requiring an employment and skills plan.

Community Infrastructure Levy (CIL)

110. 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 would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Other matters

111. Loss of access to land for recreation / dog walking, and in particular loss of access to caravan park residents, which the site owner is failing to provide: The application site has no status as recreational land and is allocated for housing and employment uses in the Chorley Local Plan 2012 – 2026. The level of recreation provision for residents at the caravan park is the responsibility of the site owner, and does not relate to the assessment of a planning application on this site.
112. Impact of construction traffic on highway safety and amenity: Concerns have been raised with regards to the impact of construction traffic using Parkhurst Avenue on highway safety and public amenity. It is recognised that this would lead to a period of disruption for residents of Parkhurst Avenue. It is, however, recognised that this would be a temporary impact and that construction sites are often located within urban areas close to residential properties and smaller highways that are normally only used by cars. It is considered that in circumstances, such as this, where construction is likely to impact on residential amenity and the efficient functioning of the highway network that a construction method statement is provided prior to the commencement of development. This would include information about vehicle routing, delivery times, details of site operation, materials storage, wheel wash facilities etc, and it is recommended that this is required by condition. This could include the routing of vehicles along Nell Lane.
113. Lack of school place provision: School places are provided for through developer contributions that are collected through the Community Infrastructure Levy.
114. Consultation not extensive enough: The application was publicised through a site notice, notice in the Chorley Guardian, letters to the occupiers of nearby properties and was advertised on the Council's planning register and weekly list. The publicity has been carried out in line with statutory regulations.
115. No need for more housing: The need for housing is identified in the Strategic Housing Market Assessment that formed part of the evidence base that contributed towards the development and adoption of the Chorley Local Plan 2012 – 2026, which allocated the application site for housing or employment.
116. No access to Nell Lane should be allowed: no vehicular access to Nell Lane is proposed.
117. Why is an emergency access required?: The proposed development forms an extension to the existing housing development, and would have a single point of access from Wigan Road. The applicant wishes to provide an alternative access for emergency vehicles only, should the main access become blocked during an emergency situation. The concept and location of the proposed emergency access accepted by LCC Highways.

- 118. How would an emergency access be managed?: It is recommended that a scheme for the closure of the access to Nell Lane, other than in the event of exceptional circumstances constituting an emergency be required by condition.
- 119. Why is this a new application and not an amendment application? The current application could not have been made as an amendment to the preceding application as the site area is different and the number of dwellings greater.
- 120. Existing developments are not properly maintained: This is disputed by the applicant is not a material planning consideration.

CONCLUSION

- 121. The application is recommended for approval subject to conditions and a Section 106 agreement to secure affordable housing and a financial contribution towards the provision of public open space.

RELEVANT HISTORY OF THE SITE

Ref: 00/00073/COU **Decision:** REFEUD **Decision Date:** 29 March 2000
Description: Change of use from redundant agricultural land to uses in connection with a mobile home site, including the siting of mobile homes,

Ref: 01/00291/COU **Decision:** PERFPP **Decision Date:** 1 August 2001
Description: Change of use from agricultural land to uses in connection with a mobile home site, including allotments, footpaths, informal open space and tree planting,

Ref: 11/00941/FULMAJ **Decision:** REFFPP **Decision Date:** 14 February 2012
Description: Planning Application for 52 bungalow style park homes for older people (over 55s) and associated development including replacement community building, bowling green, allotments, pavilion/equipment store, activity trail, balancing ponds, access arrangements and internal roads, footpaths and landscaping

Ref: 12/00872/FULMAJ **Decision:** PERFPP **Decision Date:** 20 August 2013
Description: Planning application for 52 style park homes for older persons (over 55) and associated development including replacement community building, bowling green, allotments, pavilion, equipment store, activity trail, balancing ponds, access arrangement, internal roads, footpaths and landscaping (resubmission of refused application 11/00941/FULMAJ)

Ref: 18/00917/FULMAJ **Decision:** PCO **Decision Date:**
Description: Erection of 87no. dwellings on land to the south of Nell Lane

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
1.	The proposed development must be begun not later than three years from the date of this permission.

	<i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	<p>The parking and/or garaging and associated manoeuvring facilities for each dwelling shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of the dwelling(s) they serve.</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>
3.	<p>The detached or integral garages of the properties hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living accommodation (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order amending or revoking and re-enacting that order), unless the properties benefit from off road parking as follows:</p> <ul style="list-style-type: none"> -Three bed properties - two off-road parking spaces within the curtilage; -Four or five bed properties - three off-road parking spaces within the curtilage. <p><i>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.</i></p>
4.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
5.	<p>The development hereby approved shall be carried out in accordance with the details contained in the approved Tree Protection Plan (Drawing No. 4141.02 Rev D received 08 May 2019) and the Updated Ecological Survey and Assessment Report, ERAP reference 2018-303d Sections 5.3.1 to 5.3.6. All remaining trees must be fully safeguarded in accordance with BS5837.2012 for the duration of the site works unless agreed in writing with the Local Planning Authority.</p> <p><i>Reason: To protect habitat for roosting bats and safeguard the trees to be retained.</i></p>
6.	<p>No tree felling, vegetation clearance works, or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.</p> <p><i>Reason: Nesting birds are a protected species.</i></p>
7.	<p>Prior to the commencement of any earthworks a method statement detailing eradication and/or control and/or avoidance measures for Japanese knotweed, rhododendron, monbretia, cotoneaster and virginia creeper should be supplied to and agreed in writing by the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the eradication and control of any invasive species, which are found on the site.</i></p>
8.	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted a landscape and environmental management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:</p>

	<ul style="list-style-type: none"> • A description and evaluation of the habitat features to be created and enhanced (to include but not necessarily exclusively ponds, grasslands, tree planting and bird nesting habitat) • Aims and objectives of management • Preparation of a work schedule for implementation • Details of the organisations responsible for implementation and management • A five year monitoring and maintenance plan <p>The approved plan will be implemented in accordance with the approved details.</p> <p><i>Reason: to contribute to and enhance the natural and local environment.</i></p>
<p>9.</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 buildings or the completion of the development, 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.</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>
<p>10.</p>	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted 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>
<p>11.</p>	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted, unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
<p>12.</p>	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
<p>13.</p>	<p>No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority in consultation with the LLFA.</p> <p>Those details shall include:</p> <ol style="list-style-type: none"> a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels in AOD with adjacent ground levels. b) The drainage scheme should demonstrate that the surface water run-off into the adjacent development drainage system shall not exceed 8 litres per second. The

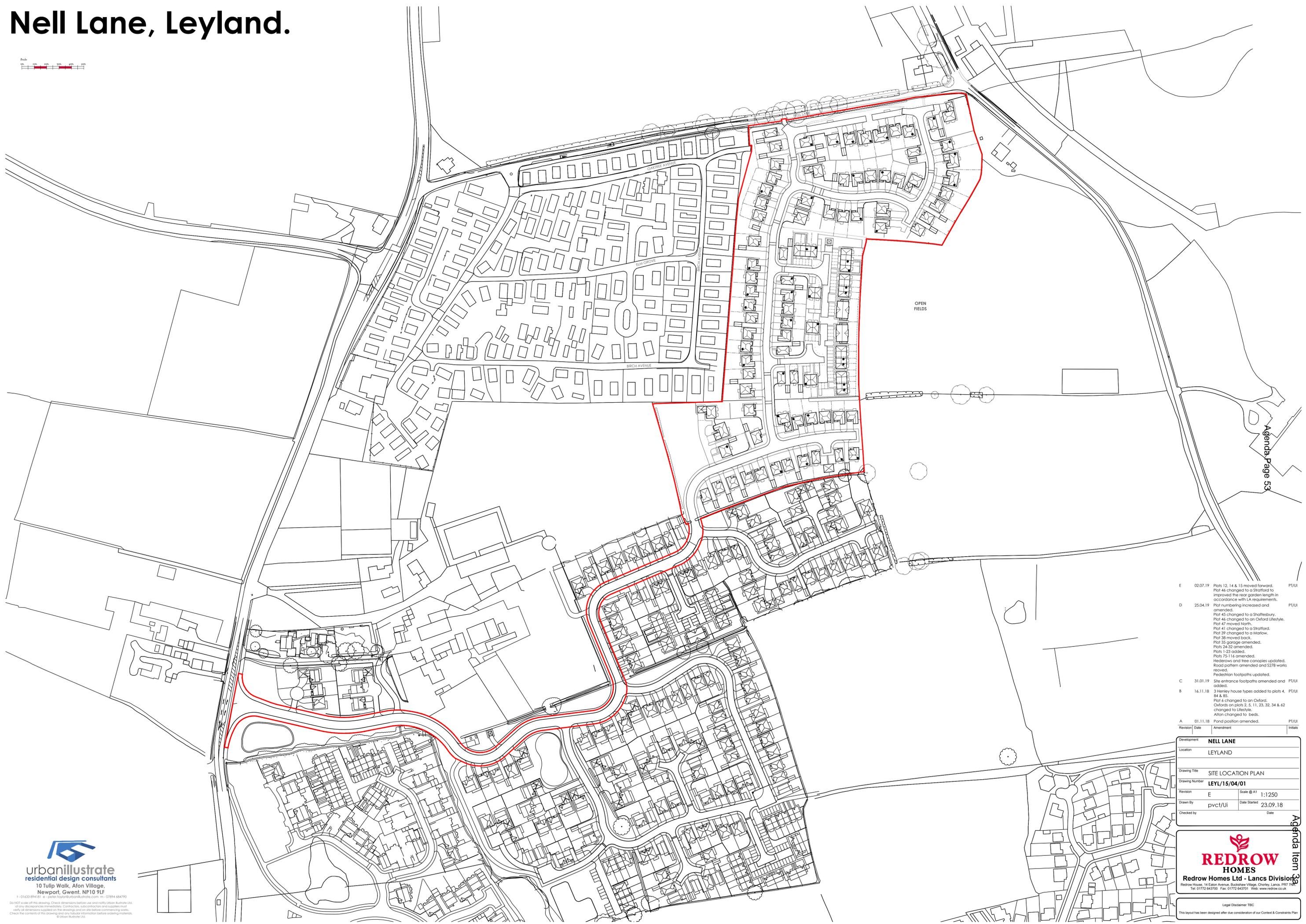
	<p>scheme shall subsequently be implemented in accordance with the approved details before the development is completed.</p> <p>c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change) with allowance for urban creep.</p> <p>d) Plan identifying areas contributing to the drainage network</p> <p>e) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses,</p> <p>f) A plan to show overland flow routes and flood water exceedance routes and flood extents.</p> <p>g) Evidence of further assessment of the site conditions to include site investigation and test results to confirm infiltrations rates as per section 7.8 of the FRA (Waterco, ref. w10916-190429-FRA, dated April 2019).</p> <p>h) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.</p> <p>The scheme 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 drainage system shall be retained, managed and maintained in accordance with the approved details.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. To ensure that the final drainage designs are appropriate following detailed design investigation. 2. To ensure that the proposed development can be adequately drained. 3. To ensure that there is no flood risk on or off the site resulting from the proposed development 4. To reduce the flood risk to the development as a result of inadequate maintenance 5. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system
<p>14.</p>	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development as a whole will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>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.</i></p>
<p>15.</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 for all dwellings on the site, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has achieved the overall Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>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</i></p>

	<p><i>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.</i></p>
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16.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="347 297 1327 1760"> <thead> <tr> <th data-bbox="355 297 746 331">Title</th> <th data-bbox="754 297 1050 331">Drawing Reference</th> <th data-bbox="1058 297 1319 331">Received date</th> </tr> </thead> <tbody> <tr><td data-bbox="355 331 746 365">Site location plan</td><td data-bbox="754 331 1050 365">LEYL/15/04/01 Rev.C</td><td data-bbox="1058 331 1319 365">01 February 2019</td></tr> <tr><td data-bbox="355 365 746 398">Proposed planning layout</td><td data-bbox="754 365 1050 398">LEYL/15/04/02 Rev.C</td><td data-bbox="1058 365 1319 398">01 February 2019</td></tr> <tr><td data-bbox="355 398 746 432">Boundary enclosures layout</td><td data-bbox="754 398 1050 432">LEYL/15/04/04 Rev.C</td><td data-bbox="1058 398 1319 432">01 February 2019</td></tr> <tr><td data-bbox="355 432 746 465">External materials layout</td><td data-bbox="754 432 1050 465">LEYL/15/04/03 Rev.C</td><td data-bbox="1058 432 1319 465">01 February 2019</td></tr> <tr><td data-bbox="355 465 746 499">Waste management layout</td><td data-bbox="754 465 1050 499">LEYL/15/04/06 Rev.C</td><td data-bbox="1058 465 1319 499">01 February 2019</td></tr> <tr><td data-bbox="355 499 746 533">Affordable housing layout</td><td data-bbox="754 499 1050 533">LEYL/15/04/05 Rev.C</td><td data-bbox="1058 499 1319 533">01 February 2019</td></tr> <tr><td data-bbox="355 533 746 589">Proposed traffic management works</td><td data-bbox="754 533 1050 589">Figure TA14 Rev.B</td><td data-bbox="1058 533 1319 589">01 February 2019</td></tr> <tr><td data-bbox="355 589 746 645">Drainage layout</td><td data-bbox="754 589 1050 645">4146/ENG001-1 Revision A</td><td data-bbox="1058 589 1319 645">30 January 2019</td></tr> <tr><td data-bbox="355 645 746 701">Balancing Pond Details</td><td data-bbox="754 645 1050 701">4225/ENG005</td><td data-bbox="1058 645 1319 701">30 January 2019</td></tr> <tr><td data-bbox="355 701 746 734">Tree protection plan</td><td data-bbox="754 701 1050 734">4141.02 Rev B</td><td data-bbox="1058 701 1319 734">02 October 2018</td></tr> <tr><td data-bbox="355 734 746 768">Landscape proposal</td><td data-bbox="754 734 1050 768">5860.03 Rev.E</td><td data-bbox="1058 734 1319 768">23 November 2018</td></tr> <tr><td data-bbox="355 768 746 801">Landscape proposal 1 of 3</td><td data-bbox="754 768 1050 801">5860.01 Rev.E</td><td data-bbox="1058 768 1319 801">23 November 2018</td></tr> <tr><td data-bbox="355 801 746 835">Landscape proposal 2 of 3</td><td data-bbox="754 801 1050 835">5860.02 Rev.E</td><td data-bbox="1058 801 1319 835">23 November 2018</td></tr> <tr><td data-bbox="355 835 746 869">Landscape proposal 3 of 3</td><td data-bbox="754 835 1050 869">5860.04 Rev.B</td><td data-bbox="1058 835 1319 869">23 November 2018</td></tr> <tr><td data-bbox="355 869 746 925">External Workds Layout Sht1 Rev.A</td><td data-bbox="754 869 1050 925">4444/ENG010-1 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17.	<p>Prior to the construction/provision of any services, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a</p>																																																																																																																											

	<p>super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.</p> <p><i>Reason: To ensure a sustainable form of development.</i></p>
18.	<p>The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the employment skills opportunities for the construction phase of the development has been submitted to and approved by the council as Local Planning Authority (unless otherwise agreed in writing by the council). The development shall be carried out in accordance with the Employment and Skills Plan (in the interests of delivering local employment and skills training opportunities in accordance with Core Strategy Policy 15: Skills and Economic Inclusion).</p> <p><i>Reason: In the interests of delivering local employment and skills training opportunities as per the Central Lancashire Core Strategy Policy 15: Skills and Economic Inclusion and the Central Lancashire Employment Skills Supplementary Planning Document September 2017. No Employment and Skills Plan was submitted with the application.</i></p>
19.	<p>The development hereby permitted shall be carried out in accordance with Section 6 of the Phase II Geo-Environmental Site Assessment report Ref: 12-357-r1 received 08 May 2019. This comprises a clean cover system in all garden areas in vicinity of the identified made ground, and gas protection measures installed within all relevant plots that shall be fully implemented prior to occupation, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p><i>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.</i></p>
20.	<p>The development shall be carried out in accordance with an 'archaeological watching brief', whereby an archaeologist is present on site to oversee all new ground excavations. Should any 'finds' be discovered at this stage of ground works all works shall cease, whilst a full archaeological investigation is undertaken. Works on site shall then only continue once that investigation has been concluded.</p> <p><i>Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.</i></p>
21.	<p>Prior to the occupation of any affordable dwelling hereby approved details of secure sheltered cycle parking provision shall be submitted to an approved in writing by the Local Planning Authority. The approved cycle parking shall have been provided in all respects and made available for use prior to the occupation of the affordable dwellings, and shall thereafter be retained.</p> <p><i>Reason: To ensure adequate on site provision for cycle parking.</i></p>

Nell Lane, Leyland.



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Revision	Date	Amendment	Initials
E	02.07.19	Plots 12, 14 & 15 moved forward. Plot 46 changed to a Stratford to improved the rear garden lengths in accordance with LA requirements. Plot numbering increased and amended.	PT/UI
D	25.04.19	Plot 45 changed to a Shaftesbury. Plot 46 changed to an Oxford Lifestyle. Plot 47 moved North. Plot 41 changed to a Stratford. Plot 39 changed to a Marlow. Plot 38 moved back. Plot 35 garage amended. Plots 24-32 amended. Plots 1-23 added. Plots 75-116 amended. Hedges and tree canopies updated. Road pattern amended and S278 works raised. Pedestrian footpaths updated.	PT/UI
C	31.01.19	Site entrance footpaths amended and added.	PT/UI
B	16.11.18	3 Henley house types added to plots 4, 84 & 85. Plot 4 changed to an Oxford. Oxfords on plots 2, 5, 11, 23, 32, 34 & 62 changed to Lifestyle. Allon changed to beds.	PT/UI
A	01.11.18	Pond position amended.	PT/UI

Development		NELL LANE	
Location		LEYLAND	
Drawing Title		SITE LOCATION PLAN	
Drawing Number		LEYL/15/04/01	
Revision	E	Scale @ A1	1:1250
Drawn By	pvct/UI	Date Started	23.09.18
Checked by		Date	

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Redrow House, 14 Eaton Avenue, Buckshaw Village, Chorley, Lancs, PR7 7RN
Tel: 01772 843700 Fax: 01772 843701 Web: www.redrow.co.uk

Agenda Item 3a

Legal Disclaimer TBC
This layout has been designed after due consideration of our Context & Constraints Plan

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Report of	Meeting	Date
Enforcement Team	Development Control Committee	16 th July 2019

141 BLACKBURN ROAD SECTION 215

PURPOSE OF REPORT

- Authority is sought to issue a notice under Section 215 (S215) of the Town and Country Planning Act (1990) 'Power to require the proper maintenance of land'.

RECOMMENDATION(S)

- That it is expedient to issue a S215 notice in respect of the following amenity issues:
 - The land is causing unacceptably adverse effects on the visual amenity of the area by virtue of the overgrown nature of the vegetation in the front and rear garden.

EXECUTIVE SUMMARY OF REPORT

- A warning letter has been issued requesting that the occupant of No 141 Blackburn Road, Heapey, Chorley, PR6 8EJ improve the visual appearance of the property. No such improvements have been made and so it is considered expedient to issue a S215 Notice. It is proposed that the S215 require the following actions from the landowner:
 - Remove all trees from the front garden.
 - Cut any grass in front garden to within 2" from the ground and remove all cuttings from the Property.
 - Removed all trees and bushes and shrubs and weeds from the rear garden/yard.
 - Remove the wooden structure from the rear garden/yard.
 - Remove all tree, bushes and other vegetation cuttings from the property.
 - Repair the rear gate and posts.

Confidential report Please bold as appropriate	Yes	No

Period For Compliance

- 28 days. An initial 28 days must pass prior to the notice coming into force and so there will be 56 days in total from service of the notice until the period for compliance expires.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	X
Clean, safe and healthy homes and communities	X	An ambitious council that does more to meet the needs of residents and	X

	the local area	
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BACKGROUND

- 6. If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under S215. The notice shall require such steps for remedying the condition of the land as may be specified in the notice to be taken within such period as may be so specified.
- 7. Initially this matter was raised to Chorley Council by the neighbouring residents on the 29th March 2018. Over the time since these original complaints, Chorley Council has made extensive enquiries with regards to the ownership of the house and thus who is responsible. The owner of the property was identified and found to be living in the USA. Letters have been sent to two known addresses of the owner. There has been no response.
- 8. On the 10th June 2019 a formal S215 warning letter was sent to the owner at the addresses recorded. Accompanying the letter were pictures of the property and those of the neighbouring properties.
- 9. Further to the above, on the 7th July 2019 an email was sent to the owner and a 'read-receipt' was received. The owner has not responded to any of this correspondence.
- 10. No improvement has been made to the land since the warning letter was issued and so it is requested that a S215 Notice be issued.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 11. Alternative options considered were:
 - a. To issue a Community Protection Notice, however, unlike a S215 Notice there is no power for Direct Action to be undertaken by the Council, i.e. make the improvements ourselves, and then place a charge on the land, should the landowner not comply with the Notice within the given timescale.
- 12. To have the land restored to a state which no longer has a negative impact upon the visual amenity of the area.
- 13. Unlike with a Community Protection Notice (CPN), a S215 allows Direct Action to be undertaken by the Council (under S219 of the Act), i.e. make the improvements ourselves, and then place a charge on the land, should the landowner not comply with the Notice within the given timescale.

IMPLICATIONS OF REPORT

- 14. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	x
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

15. No comment

COMMENTS OF THE MONITORING OFFICER

16. Legal comments are contained in the body of the report. The actions taken to serve the initial notice are evidence of service.

ASIM KHAN
DIRECTOR OF CUSTOMER AND DIGITAL

Report Author	Ext	Date
Mike Halsall	5226	8 th July 2019

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