

8 December 2010

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 14TH DECEMBER 2010

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 printed.

Agenda No Item

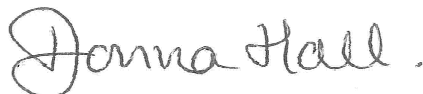
- 4 c) 10/00414/OUTMAJ - Land South of Cuerden Farm and Woodcocks Farm and Land North of Caton Drive, Wigan Road, Clayton-le-Woods (Pages 1 - 54)

Report of the Director of Partnerships, Planning and Policy (enclosed).

- 4 d) 10/00456/OUTMAJ - Euxton Mill, Dawbers Lane, Euxton (Pages 55 - 76)

Report of the Director of Partnerships, Planning and Policy (enclosed).

Yours sincerely



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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

Item	10/00414/OUTMAJ
Case Officer	Liz Beard
Proposal	Outline application for residential development of up to 300 dwellings (comprising 2, 2.5, & 3 storey's) with details of access and highway works and indicative proposals for open space, landscape and associated works.
Location	Land South Of Cuerden Farm And Woodcocks Farm And Land North Of Caton Drive Wigan Road Clayton-Le-Woods Chorley
Applicant	Fox Land & Property (FLP)

Consultation expiry: 20 July 2010

Application expiry: 20 August 2010

1. PROPOSAL

- 1.1. The application is described as:
- 1.2. *'Outline application for residential development of up to 300 dwellings (comprising 2, 2.5 & 3 storeys) with details of access and highways works and indicative proposals for open space, landscape and associated works.'*
- 1.3. The applicant is seeking approval for access only and all the other matters are reserved for future consideration.
- 1.4. The site is located on land adjacent to the A49 Wigan Road, to the north of Clayton-le-Woods, to the east of junction 28 of the M6, and is approximately 6 km from Chorley Town Centre and 8 km from Preston. The site is currently used for agricultural purposes, and has a network of trees and hedgerows and ponds throughout, and is designated as a Biological Heritage Site on the basis that the ponds were the habitat for five species of amphibians. The applicants are the owners of the site.
- 1.5. Within Circular 01/2006 Guidance on Changes to the Development Control System Section 2: Outline Planning Permission and Reserved Matters it states that a minimum amount of information is required to be submitted with outline planning applications. This proposal includes:
 - Up to 300 dwellings including affordable units
 - New Village Green
 - Open Space and recreational areas
 - Children's play space
 - Formal Sports Pitch
 - Highways improvements
 - Increased access to public footpath network
 - Wildlife and ecological enhancements.

- 1.6. The houses would be a mix of two to four bedroom properties and range in height over 2, 2.5 and 3 storeys. The density would be approximately 22 dwellings to the hectare.

2. RECOMMENDATION

- 2.1. There has been an appeal submitted by the applicants against the non-determination of this application. Therefore this Committee cannot make a decision. Therefore this report is presented as a minded to recommendation, which is for refusal.

3. MAIN ISSUES

- 3.1. The main issues for consideration in respect of this planning application are:

- Principle of development
- Access and highways
- Sustainable transport
- Biodiversity
- Design and appearance
- Flood risk
- Drainage
- Affordable housing provision
- Open space and community facilities
- Sustainability
- Section 106 agreement

4. REPRESENTATIONS

- 4.1. 118 letters of objection have been received from neighbours and businesses where they raise the following concerns:

- Don't see why need additional housing when have Buckshaw Village within a mile of this proposal.
- Effect on local amenities (schools, doctors etc.) has not been considered as part of this plan.
- Object to the development of Green Belt land when many other Brown Field sites are left undeveloped.
- Object to the increase in noise this will bring to the area.
- Object to the effect of feeding roads and possible expansion onto the 'flowers' estate.
- There is a 20 min. wait currently at junction of Lancaster Lane and Wigan Road. This will only increase with the volume of traffic 300 homes will bring.
- If there is a requirement for additional housing why are greenfields being built on when there's brown land available.
- Don't think the infrastructure is in place to cope with another potential 300+ cars etc.
- Concerned that a building project such as this has not been brought to our attention seeing as we live close to the proposed site. I've had to find out from a neighbour.

- Scale of development will impact on the privacy of existing residents, which overlook the site.
- Impact on highway safety will be considerable.
- Existing drainage system is likely to be overloaded.
- Total overdevelopment. Buckshaw Village provides enough housing just down the road.
- Supply of housing far exceeds demand at the present time. Therefore do we need a further development of 300 more houses?
- Increase in traffic and resulting congestion.
- Lack of school accommodation in the near area.
- Account must be taken very seriously of the amount of water, which accumulates on these fields.
- Lancaster Lane and Wigan Road are already notoriously busy at peak times with cars from Clayton-le-woods & Buckshaw Village accessing the motorway and queuing into Leyland. Surely another 300 homes with at least one car each is going to cause complete gridlock on already overloaded routes.
- Object on the basis of taking away agricultural land.
- No proven additional housing need in our area, and this site is currently designated as safeguarded.
- It is a Biological Heritage Site as it is an ideal habitat for great crested newts. I understand that the developers have planned some mitigation measures for wildlife but with such an intensity of houses which appear to be planned very close to ponds and trees I fear that wildlife other than newts would also be seriously disrupted.
- Loss of amenity for surrounding residents who currently enjoy the open outlook and tranquillity provided by this green area.
- If a new road is built from the new estate through Magnolia Drive, the potential for traffic disruption and an increased risk to safety for the families and their children is a major concern.
- Impact on the character of the area will be considerable.
- The privacy of a significant number of existing homes will be compromised by the proposed pedestrian access routes through cul-de-sacs off Lancaster Lane.
- The site is agricultural land, which is currently in production.
- All brownfield sites should be developed first.
- The road, education and health infrastructure are already at near capacity.
- Possible future access via Magnolia Drive, which is suitable for the weight of traffic and the risk to safety of children at play by the increased traffic.
- Proposed development by reason of its size would have an unacceptable adverse impact on the properties adjacent to the site and surrounding area by reason of overlooking, loss of privacy, noise and visually overbearing impact.
- There are proposals for a future major development at the former Leyland Motors test site, which although within the area of South Ribble Council is close to the relevant area of north west Chorley.

- Further pressure on this local route is likely to lead to increased use of Shady Lane which is in part a single track 'road' heavily used by pedestrians visiting Cuerden Valley Park and by residents of and visitors to the Sue Ryder Home at Cuerden Hall. It is a classic 'rat run'.
- The site proposed for this development is immediately adjacent to the M6 motorway. Reference to the Defra Noise Mapping Website shows that noise levels in excess of or close to 70 decibels are experienced in much of the proposed site, which is not conducive to good health.
- It would be more appropriate use of this land to remain a green open space in agricultural use.
- Increased flow & density of traffic on the A49, making the entrance to, or exit from, Moss Lane East very difficult.
- I am informed this development is for 300 homes and the most disturbing aspect is that plans are to put a main access road link into Magnolia Drive, therefore forming a circuit from the A49 into Lancaster Lane.
- Chorley Borough Council has a huge waiting list for allotments. Play areas and a field are already incorporated into the neighbouring Flowers Estate and the provision of allotments would be far better use of this prime agricultural land than more housing or further play areas.
- Concerned about the impact of extra traffic will have on people using Shady Lane as a cut through. These two roads were not designated to cater for the current volume of traffic, let alone the extra as people look to find an alternative route to bypass the congestion this development will cause.
- At certain times you cannot turn right due to the blockage of cars on the road ahead leading to the motorway and Leyland. Extra housing will add to this problem.
- The character of the A49 will be spoilt as the fields and trees give the area a semi-rural feel.
- The roundabout on Lancaster Lane and Magnolia Drive is an accident waiting to happen and we see near misses on almost a daily basis. An increase in traffic will mean it's only a matter of time before an accident occurs at that junction.
- Development on this site would be a serious loss of amenity for surrounding residents who currently enjoy the open outlook and tranquillity provided by this green area.
- No objections to the principle of housing being built opposite our site on the A49. We do however wish to register our concerns at the proposed siting of the main access to the site: main access into business will become a slip road, which will lead to loss of trade. Two businesses are not mentioned anywhere in the supporting information.
- Many of customers are frail and/or elderly & want to test drive vehicles and proposed junction would be very difficult & potentially dangerous for them to negotiate an unfamiliar vehicle.
- Concern about conflict of HGVs exiting site with cyclists and pedestrians.
- Wildlife activity in the hedges and ponds would inevitably dwindle with the proximity of housing.
- Traffic increase would also increase the potential for injury to pedestrians and residents on Lancaster Lane.

- The recent change of Government also leads us to query whether house building targets imposed by the previous administration will be adhered to or, as seems more likely, that local authorities will be given greater freedom to determine the truer, local needs.
- Builders see such land simply as an opportunity to make money. They do not live in the area. We hope the planning authorities recognise its full intrinsic value of the locality.
- The development of pedestrian walkways linking the proposed new development with existing residential areas will actively facilitate both crime and anti-social behaviour by providing easy access to other residential areas.
- Need to ensure that as much of the present hedge and tree system is preserved as possible. Even if we have no newts and bats now it would be good if their future presence were possible.
- The A49 has no pavement on one side, no crossings and needs a 30mph speed limit with special attention to likely schools used by the population.
- The cost of the necessary infrastructure and its subsequent environmental implications need to be considered.
- Permission for this new development will inevitably lead to pressure to develop the rest of this area and indeed, access to the other fields is already listed on the submitted plan.
- The principle of residential development is reasonable in planning terms, sustainable and would benefit the Borough of Chorley. However, the grant of planning permission would, we contend, give rise to substantial complaints and concerns from any new dwelling backing on to our clients site through noise and disturbance and through general operations of the business in and around the site, to such an extent there might be claims for nuisance. The new house owners might seek to abate the noise and disturbance, which would, we believe, disastrously affect the continued operations of the business.
- This area of the Borough has limited green space compared to others and we must preserve reserved land and green spaces that are homes to or used by our local wildlife.
- Building family homes without youth provision would only be leaving problems for the future.
- There is already an overburdening of the highway, as illustrated by the fact that it currently takes up to 45 minutes to travel two miles into Leyland at peak times of day.
- Contrary to claims in the application there are very few local facilities i.e. only 1 pub, 1 chip shop, 1 butcher, 1 newsagent, & 1 small supermarket.
- Many of these people who buy houses in the Chorley area commute to Manchester. It would be better to build new houses nearer Manchester-this would also be more environmentally friendly as it would cut carbon emissions etc.
- The proposed access to the site is on the A49, which has seen a number of serious accidents in recent years (including 2 fatalities near the proposed site entrance).
- I note that the applicant has held a 'consultation event' and also a meeting at the sports centre. These were not widely publicised. I also note that all the comments received following this consultation were against this development.

- Whilst I appreciate there is a need for social housing I do question the siting of this project. This area already has social housing in the Mendip Road area. There is already building work taking place in the area on Lancaster Lane-the Wainhomes projects.
- 4.2. **Clayton-Le-Woods Parish Council** raise objections on grounds of increased traffic from Buckshaw Village and the prospect of yet another housing estate in a rural area and the effect of same to nearby residents.
 - 4.3. **Lindsey Hoyle MP** sent in two letters. One letter had a constituent letter attached to it with a request to take it into consideration. An additional letter was sent in on behalf of Mr & Mrs Grayson, Ms Lorraine Alty. Ms Helen Smith and Ms Jean Bibby. The letter stated:
 - 4.4. The above constituents have contacted my office to express deep concern over the potential impact of the above planning application. Residents feel that any further development in this area would simply place too much strain on the local infrastructure.
 - 4.5. Residents are concerned that there would be a significant increase in the amount of traffic in the area, on roads, which cannot cope with such volumes-in particular Wigan Road, and the estate roads on which they live. A concern is that traffic will simply use the new development estate as a 'rat-run'.
 - 4.6. Concerns have also been raised over the impact that overdevelopment may have with regard to local services and amenities such as schools and local health services.
 - 4.7. Given the scale of this development residents believe that it should be presented to the development control committee and not be the subject to delegated powers.
 - 4.8. **Cllr Judith Boothman**
 - 4.9. Raises objections on the grounds that the proposed buildings of 2, 2.5 and 3 storeys are out of context with the surrounding properties in the area. The impact of 300 housing units, many with multiple vehicles, would have a very severe effect on the already extremely busy roads in the area. In particular Lancaster Lane, Wigan Road and Pendle Road.
 - 4.10. The Lancaster Lane/Wigan Road area already floods when it rains; additional properties in the area will increase the drainage on to it, and decrease the area of land, which at present is available to help with soak away drainage.
 - 4.11. There is wildlife in the area, which would be badly affected. Bat roost in the area, I am not sure what type but believe they are Pipistrelles which, I am given to understand, are a protected species. Great crested newts have been reported in the area and stronger legislation to protect them came into force on August 21 2007. The trees in the area are mostly large and mature providing shelter for many birds including Woodpeckers.
 - 4.12. The amount of development that has taken place in Clayton-le Woods over the past few years has put a strain upon Doctors, Dentists and Schools as there has been no new provision made for extra residents.
 - 4.13. On a recent check there were nearly 700 houses up for sale in the PR25 area so I really do question whether we need a further 300. In fact the developments by Wainhomes in this area are all still unsold, so where is the supposed demand for more housing.
 - 4.14. If this development were to go ahead it would have a very detrimental affect, not only to the area immediately surrounding the development, but the whole neighbourhood. The increased traffic generated in the Lancaster Lane area would affect not 10's but

100's. Lancaster Lane is also a major route for emergency vehicles, which already find it difficult enough as it is. We should most definitely not make their life more difficult and possibly put lives at risk.

5. CONSULTATIONS

5.1. Lancashire County Council (Ecology)

- 5.1.1. Ecological concerns arising from these proposals include impacts and potential impacts upon: non-statutory designated sites (Cuerden Farm Ponds Biological Heritage Site); amphibians (including European Protected Species - great crested newts and Species of Principal Importance/UK BAP Priority Species – common toads); European Protected Species (bats); other Species of Principal Importance (e.g. hedgehogs, and birds such as house sparrows); ponds (possibly UK BAP Priority Habitats); UK BAP Priority Habitat (hedgerows); mature/veteran trees; and breeding and feeding birds.
- 5.1.2. When this application was initially submitted, surveys for protected species were not complete, and there was thus insufficient information to establish impacts on biodiversity or enable determination of the application. The applicant has now submitted the necessary further information, and this demonstrates that the proposals are unlikely to impact upon statutorily protected species.
- 5.1.3. The development of this site will result in significant impacts on the Biological Heritage Site. However, as this site was designated for the outstanding assemblage of amphibians it supported, and (for reasons unknown) these outstanding amphibian assemblages are no longer present, the loss of a large part of the BHS (mostly improved grassland) will not result in major impacts upon the qualifying species (amphibians) but will represent a loss of historic (and potential future) amphibian habitat.
- 5.1.4. Provided adequate mitigation and compensation can be secured through planning conditions/obligations, then it should be possible for parts of this site to be developed without resulting in major impacts upon biodiversity and the proposals would thus be broadly in compliance with the requirements of biodiversity planning policy, guidance and legislation.
- 5.1.5. Recommendations
- 5.1.6. If Chorley Borough Council is minded to approve the above application or any amended proposals the following planning conditions are recommended:
- The precautionary bat mitigation proposals (paragraph 5.17 of the Ecological Appraisal Report by FPCR 2010) will be implemented in full.
 - Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and July inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.
 - Himalayan Balsam (*Impatiens glandulifera*) and parrot's feather (*Myriophyllum aquaticum*) shall be eradicated from the site and working methods shall be adopted to prevent the spread of this species.
 - No site clearance, site preparation or development work shall take place until a construction method statement has been submitted and approved by Chorley Borough Council in consultation with specialist advisors. The approved construction method statement will be implemented in full. The construction method statement shall provide details of measures that will be implemented for the protection during construction of retained habitats and associated species.

- No site clearance, site preparation or development work shall take place until a habitat creation, enhancement and management plan has been submitted and approved by Chorley Borough Council in consultation with specialist advisors. The approved management plan shall be implemented in full. The plan shall include (but not be limited to) details of the creation, enhancement and management of ponds, hedgerows, trees, grassland, scrub and ditches.
 - The reserved matters/full application will demonstrate that there will be no reduction in the quantity or extent of ponds within the application area.
- 5.1.7. The developer should also be aware that protected species legislation applies even once planning consent has been granted such that, if the presence of protected species is suspected at any time during development works must cease and Natural England should be contacted for advice.
- 5.1.8. Consideration should also be given to developing this site at a lower housing density, to further compensate for impacts upon biodiversity.
- 5.1.9. Justification For Recommendations
- 5.1.10. Legislation and Planning Policy
- 5.1.11. In determining this application, the requirements of the following legislation, planning policies and guidance should be addressed:
- 5.1.12. The Conservation of Habitats and Species Regulations 2010.
- 5.1.13. The Wildlife and Countryside Act 1981 (as amended).
- 5.1.14. The Natural Environment and Rural Communities Act 2006.
- 5.1.15. Planning Policy Statement 9: Biodiversity and Geological Conservation.
- 5.1.16. Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System (DEFRA 01/2005, ODPM 06/2005).
- 5.1.17. Environmental Protection / Nature Conservation policies of the Local Plan.
- 5.1.18. Planning conditions and a Section 106 Agreement are necessary to ensure compliance with the above policies and guidance.
- 5.1.19. Designated Sites: Biological Heritage Sites
- 5.1.20. The proposed development would result in the destruction of a large part of Cuerden Farm Ponds Biological Heritage Site (BHS 52SE03), a site designated due to its importance for amphibians in Lancashire.
- 5.1.21. Surveys submitted in support of the application unfortunately indicate that the site no longer supports the previously recorded outstanding amphibian assemblages. Moreover, great crested newts appear to have become extinct locally.
- 5.1.22. The Biological Heritage Site Partnership has indicated that the absence of great crested newts would need to be confirmed over three years for the site to be considered for deletion from the BHS Register. The applicant has submitted the results of two years survey data and, whilst this is sufficient to demonstrate the absence of great crested newts, it is not sufficient to enable deletion of the BHS in its entirety. Clearly however, if this application were approved, the developed area would need to be deleted from the BHS. The areas of retained habitat within the development would continue to be designated as BHS until such time as a further great crested newt survey is submitted again demonstrating absence of amphibians.
- 5.1.23. In 1993 English Nature (now Natural England) acknowledged that the Cuerden Farm pond assemblage qualified for consideration as an SSSI (for the outstanding

assemblage of amphibians present), and commented that "*Any fragmentation of the terrestrial habitat is likely to affect the numbers of amphibians the site can support, and would also affect the movement of the species between the ponds and the availability of feeding and hibernation habitat. Any development on this site is therefore likely to be detrimental to the great crested newt and other amphibian populations.*" Whilst the outstanding amphibian assemblages for whom this site was designated are no longer present, and therefore the proposals will not result in significant impacts upon *current* amphibian populations, it can be inferred that the proposed development would effectively ensure that the site could not function in the future to support the previous levels of biodiversity interest.

- 5.1.24. It is disappointing that this site was not designated as a SSSI when its outstanding biodiversity value and contribution to amphibian conservation was recognised. Designation as a SSSI would have given this site and its associated wildlife a level of protection which the non-statutory designation clearly could not (as it has not been sufficient to protect our declining and rare amphibian species), with the result that the species are no longer present and very soon the habitat will not be either.
- 5.1.25. European Protected Species: Great crested newts
- 5.1.26. The applicant has now submitted the results of two years (2008, 2010) survey data for great crested newts. Given the previous importance of this site for amphibians, and constraints upon the 2008 survey, it was felt that the absence of great crested newts could not be categorically inferred from the 2008 survey results alone. However, in combination with the results of the 2010 survey (which also failed to find evidence of great crested newts), it seems reasonable to conclude that great crested newts are now unlikely to be present within the application area, and thus will not be affected by the proposed development. There is therefore no need for any mitigation or compensation for impacts upon great crested newts.
- 5.1.27. Historically however, the site was known to support an outstanding assemblage of amphibians (with great crested newts recorded in 7 of the ponds) and, according to information submitted by the applicant, the site is still suitable to support great crested newts and other amphibians (and indeed, low numbers of other amphibians were recorded). Great crested newts and common toads are both Species of Principal Importance/UK BAP Priority Species. PPS9 emphasizes the need to protect not only these species but also their habitat from the adverse effects of development.
- 5.1.28. The development will undoubtedly result in adverse impacts upon the BHS, and its ability to sustain amphibian populations in the future, e.g.
- 5.1.29. large areas will become inhospitable habitat such that, although ponds will be retained in vegetated corridors, in reality the distances between many ponds will be greatly increased;
- 5.1.30. it appears likely that retained habitat will be fragmented by infrastructure such as feeder roads and footpaths;
- 5.1.31. as the development is currently proposed, retained habitats will be subject to increased anthropogenic impacts (disturbance, vandalism, fly tipping, pond pollution, introduction of fish and wildfowl, fishing, increased predation by both cats and dogs, etc).
- 5.1.32. Expert opinion and available evidence appear to suggest that recolonisation of this site by great crested newts following development is unlikely. The development will thus constrain and limit the future potential biodiversity value of this site.
- 5.1.33. It will therefore be important to ensure that the retained habitat is managed for biodiversity (primarily amphibian conservation) for the life-time of the development.

In this instance, it can be assumed that the housing estate will be permanent and therefore habitat management should also be in perpetuity.

- 5.1.34. European Protected Species: bats
- 5.1.35. Information submitted by the applicant indicates that no bat roosts would be affected by these proposals, although a number of trees to be retained in the development have potential to support roosting bats. Any future works on these trees will thus need to be carried out by suitably qualified arboriculturalists familiar with the protection afforded to bats and bat roosts. The ecological consultant has made some precautionary recommendations for works affecting trees (paragraph 5.17 of the Ecological Appraisal Report (FPCR 2010)).
- 5.1.36. The site is used by foraging bats, mainly associated with the vegetated field boundaries and ponds. As these features are to be retained and enhanced as part of these proposals, the site should continue to function as foraging and commuting habitat for bats. The proposed habitat enhancement might even result in an enhancement of the site for some species.
- 5.1.37. To further enhance this area for bats, I recommend that consideration should be given to the incorporation of bat roosting opportunities within the development (e.g. within buildings).
- 5.1.38. Protected Species: breeding birds
- 5.1.39. The site has the potential to support nesting birds. As nesting birds, their nests and eggs are protected it will be important to ensure that impacts upon nesting birds are avoided.
- 5.1.40. UK Biodiversity Action Plan Priority Species
- 5.1.41. In addition to great crested newts and other amphibians, the Biological Heritage Site was known to support common toads. Surveys for great crested newts have revealed that common toads are still present, albeit in low numbers.
- 5.1.42. It seems likely that the area may also be suitable to support Hedgehogs.
- 5.1.43. Planning Authorities should ensure that these species and their habitat are protected from the adverse impacts of development (PPS9). The applicant will therefore need to demonstrate that impacts on these species and their habitat will be avoided or adequately mitigated. Most of the habitats suitable to support these species are being retained as part of the development proposals. Thus provided the retained habitats are effectively protected during construction, and precautionary mitigation measures for priority species are implemented (e.g. hand search of suitable habitat prior to any clearance, sensitive timing of works), it seems reasonably likely that impacts upon priority species can be avoided. The applicant should be required to submit a construction method statement for approval and subsequent implementation, to include details of measures that will be implemented for the protection of biodiversity and habitat during construction.
- 5.1.44. UK Biodiversity Action Plan Priority Habitats/Habitats of Principal Importance
- 5.1.45. Priority habitats affected by these proposals include hedgerows (and ponds).
- 5.1.46. The proposed scheme would result in the loss of some sections of hedgerow. Retained hedgerows are to be retained in wide vegetated corridors within the development, and the developer has stated that retained hedgerows will not be incorporated into residential gardens, to avoid degradation through householder management. Whilst I support this proposal, the applicant has not yet demonstrated adequate mitigation and compensation for impacts on hedgerows, e.g.

- 5.1.47. it is not clear who would be responsible for the in perpetuity management of hedgerows (and other retained habitats, including ponds), or what mechanism will be put in place to ensure that long-term management can be achieved;
- 5.1.48. Compensation will be required for the loss of hedgerow to facilitate the development. It seems likely that enhancement of retained hedgerows could provide adequate compensation, although details have not been provided at this stage;
- 5.1.49. the presence of high density housing in proximity to retained hedgerows may result in a decrease in biodiversity value due to disturbance of associated wildlife. As no management plan has yet been submitted, it is not clear what measures will be implemented for the protection of hedgerows.
- 5.1.50. The proposed development would result in the loss of a pond. The applicant has proposed to increase the size of one of the retained ponds to compensate. This is not appropriate. In order to compensate for the loss of a pond, at least one new equivalent pond will need to be created.
- 5.1.51. The applicant will therefore need to submit further information to demonstrate that priority habitats can be adequately created, enhanced and maintained in perpetuity. If Chorley Borough Council is minded to approve this application, then further details of proposed habitat creation; enhancement and management would need to be submitted for approval and subsequent implementation. This should be the subject of a planning condition or section 106 agreement. Chorley Borough Council will also need to be satisfied that in perpetuity management for biodiversity of retained habitats can be secured and enforced, and that sufficient funds are available to secure the necessary management.
- 5.1.52. Trees, including veteran trees
- 5.1.53. There are numerous mature native trees within the application area, several of which display features characteristic of veteran trees (e.g. dead wood in the canopy, rot holes, hollows). PPS9 emphasizes the biodiversity value of ancient and/or veteran trees, and directs planning authorities to encourage the conservation of such trees with developments. It will therefore be important to ensure that all such trees are adequately protected during construction in order that they can be retained. Overzealous and unnecessary arboriculture works (on amenity or visual grounds) should also be avoided, as these would result in the removal of the very features that contribute to the biodiversity value of such trees.
- 5.1.54. Proposed Housing Density
- 5.1.55. The submitted Planning Statement (p.4.5.6) refers to PPS3 and housing density, proposing an average density of 35 dph, which is "a greater density on average than the existing settlement..." It is not clear why the developer proposes higher density housing in this area. It should be noted that the Government has recently amended PPS3, and one of the changes is that the national indicative minimum density of 30 dwellings per hectare has been deleted.
- 5.1.56. Given the historic nature conservation importance of this area, and the known impacts of urbanization on biodiversity, a lower density of housing would be appropriate for this site. High density housing is likely to be associated with smaller gardens (generally of limited value to biodiversity), and may result in greater recreational pressure on the retained vegetated corridors. Conversely, lower density housing with larger gardens would allow for a greater area of gardens to remain vegetated, with a greater variety of vegetation structure (thus benefiting biodiversity), and may result in reduced recreational pressure on the retained vegetated corridors (as larger gardens themselves offer greater opportunities for recreation).

- 5.1.57. I therefore recommend that consideration should be given to amending the proposals, to reduce the density of housing and increase the associated garden area. This, together with management of the retained habitats, would offer a greater degree of certainty that biodiversity value could be maintained and enhanced within the application area (both the built footprint/former Biological Heritage Site and the retained areas of the Biological Heritage Site).
- 5.1.58. Avoidance of ecological impacts and mitigation/compensation
- 5.1.59. In order to meet the requirements of planning policy and guidance, the development proposal would need to demonstrate that the development would be located and designed in a way that would avoid ecological impacts and that mitigation/compensation measures were sufficient to fully off-set all unavoidable ecological impacts and maintain and enhance biodiversity. It should also be demonstrated that habitat connectivity would be maintained and enhanced.
- 5.1.60. In this case, the surveys have demonstrated that there are no protected species constraints to this development and the main habitat that would be lost is relatively species-poor improved grassland (of limited biodiversity value in its own right). Provided the retained habitat corridors can be enhanced, and appropriate management can be secured in the long-term, then it seems that the proposals will have demonstrated adequate mitigation/compensation for impacts upon the existing biodiversity value of the site.
- 5.1.61. In addition to mitigating and compensating for unavoidable ecological impacts, the above policies and guidance require enhancement of the quantity and quality of biodiversity and habitat. Information submitted by the applicant (e.g. proposed landscaping) does indicate the intention to enhance the retained habitat corridors. However, as yet, insufficient information has been submitted to demonstrate that enhancement can be achieved in the long-term, e.g. although future management of retained and created habitat is discussed, as mentioned previously it is not clear who would be responsible for the appropriate management of habitats within the application area, and how this could be adequately secured in the long-term. It therefore seems that there would need to be a very carefully worded section 106/Unilateral Undertaking, clearly setting out responsibilities, and possibly requiring the developer to deposit a sum of money (sufficient to ensure in perpetuity management) in advance of the development in order to guarantee the in perpetuity management of retained habitats (i.e. the Biological Heritage Site).
- 5.1.62. The applicant will also need to submit a detailed habitat creation, enhancement and management plan. This will need to demonstrate that the area of BHS remaining within the development will be enhanced (particularly for amphibians), and will be managed for biodiversity in the long-term. The plan will need to consider (but not be limited to): creation, enhancement and management of ponds, hedgerows, grasslands, scrub habitats, ditches and trees.
- 5.1.63. The habitat creation and management plan should also include provision for monitoring of retained and created habitats and associated biodiversity interest. In particular, surveys for amphibians should be undertaken. Results of such surveys should be submitted to Chorley Borough Council and their specialist advisors (e.g. Lancashire County Council). Results of surveys should be used to inform any necessary changes to the management prescriptions for retained habitats.
- 5.1.64. Landscaping and habitat creation schemes should comprise only native species and habitats appropriate to the locality. Appropriate guidance is given in Lancashire County Council's Supplementary Planning Guidance on Landscape and Heritage.

- 5.1.65. In order that habitat connectivity is maintained and enhanced, it will also be important to ensure that all internal site boundaries are permeable to the passage of wildlife.
- 5.1.66. It would also be appropriate for gardens to be thoughtfully landscaped, to provide large areas of structurally varied vegetation (e.g. hedgerows, shrub and tree planting, herbaceous borders, lawns, ponds, etc). Careful thought should also be given to ornamental and amenity planting, with species selected being those of known value to biodiversity. The creation of gardens dominated by hard landscaping features such, as paving and decking should be avoided.
- 5.1.67. Invasive and Injurious weeds
- 5.1.68. The ecology report indicates that the long-term management plan for the site will include measures for the control and eradication of invasive species such as Himalayan Balsam and parrot's feather. The adoption of methods that prevent the spread of these species as a result of the development should be the subject of a planning condition. I recommend that Environment Agency guidelines be followed on this matter.
- 5.2. **The Wildlife Trust for Lancashire, Manchester & North Merseyside**
- 5.2.1. They object to this application in principle, as it will lead to the loss of a substantial area of an identified Local Wildlife Site, *sensu*, Defra (BHS 52SE03, Cuerden Farm Ponds, Cuerden/Clayton-le-Woods), which still qualifies as such under the published guidelines.
- 5.2.2. However we do accept the evidence that the features for which the site was identified-breeding populations of Great Crested Newt, Smooth Newt, Palmate Newt, Common Toad and Common Frog-have not been recorded over the past two years, only Smooth Newt and Common Toad apparently remaining, and those in diminished numbers.
- 5.2.3. The Great Crested Newt is afforded special protection nationally under the Wildlife and Countryside Act 1981 (as amended). It is also protected internationally by European Union Legislation, expressed in the UK through the Conservation (Natural Habitats & etc) Regulations 1994. This means it is illegal to interfere with young or adult great crested newts, their eggs or tadpoles, or the places where they live.
- 5.2.4. Confirmed absence of Great Crested Newt and of four other amphibian species for the *third* year would normally be expected to lead to the removal of Local Wildlife Site status here, in accordance with published site selection guidelines Am1 and Am3; though that is ultimately a matter for the Lancashire Biological Heritage Site Partnership.
- 5.2.5. We are surprised and puzzled by the extent of amphibian population collapse at this site, which-anecdotally-doesn't appear to be mirrored at other amphibian breeding sites nearby in Cuerden Valley Park.
- 5.2.6. If your authority is minded to approve this application, we have the following observations and recommendations.
- 5.2.7. Amphibians-We understand from informal discussion with Pond Action UK (Dr Jeremy Biggs, pers.comm.) that what little research has been published on the impact of urban development through and around rural "pond-scapes" suggests that it promotes decline and local extinction of amphibian populations, even where conservation measures are put in place.
- 5.2.8. If development here were to be approved, we would prefer to see a specific block of land set aside and appropriately landscaped for amphibian conservation and related habitat creation (including excavation of new ponds) rather than the proposed

attempt to integrate the existing network of breeding ponds and terrestrial feeding and hibernation habitat into and through a suburban residential development.

- 5.2.9. Assuming that is not an option for reasons of economics and/or design:
- 5.2.10. The existing ponds on site are an important ecological resource and should be protected, as far as practicable, from the negative impacts of development. Appropriate measures would include preventing poor quality water infiltrating into the ponds, retaining a buffer zone around the ponds and ensuring that there is no additional planting around these to avoid any increase in shading and progressive infill by leaf fall.
- 5.2.11. To attempt to ensure this, no development approved by this permission should be commenced until a scheme for the retention and protection of all the ponds (both wet and dry) on site has been submitted to and approved in writing by Chorley Council. There should be no new planting carried out in the immediate vicinity of any pond on site. There should be no built development of any kind (including paths) within 5 metres of any pond, and no pond should be incorporated into a sustainable drainage system (SuDS). The scheme should subsequently be completed in accordance with the approved plans.
- 5.2.12. It is important to note that seasonal ponds, which dry out occasionally support a vital range of, specialised pond species and it is important that they are retained, and not deepened. The seasonal drying out of the pond gets rid of fish, which are a major predator, and allows other species to thrive. A surprisingly high number of temporary ponds support very rare species, particularly within semi-natural landscapes.
- 5.2.13. As part of any detailed application, we do not feel that any loss of Pond 6 could be compensated for by increasing the size of Pond 10. A new pond or ponds equivalent or greater in size and biodiversity value would need to be created alongside the latter if it is proposed to remove the former as part of any detailed scheme. Ponds go through a natural process of succession and each stage of this is important for a different range of wildlife. The creation of new ponds would, therefore, provide greater ecological benefit and reduce the impacts of development on the existing ponds.
- 5.2.14. In relation to the existing ditches and associated habitat across the site, the applicant proposes the drainage of surface water from the development to the local ditch network. We have no objection to the disposal of clean, uncontaminated water to the ditch network but it will be necessary to discharge surface water via a SuDS system or interceptor before it outfalls into the ditch network. In addition, ditches serve as a wildlife corridor for species travelling through the site and any negative impacts on ditches must be mitigated or compensated for. We recommend that an appropriate buffer strip be provided between any development and the ditch network. This should be possible if all ditches on the site be retained and protected from the impacts of development through the provision of buffer strips measuring at least five metres in width from the top of the bank. These buffer strips must be provided on both sides of the ditches.
- 5.2.15. We recommend that none of the ponds be stocked with fish, as this would further reduce the viability of the site for amphibians through the impact of predation on their larvae. Under the terms of the *Salmon and Freshwater Fisheries Act 1975*, it is an offence to introduce any fish or spawn of fish into any inland water without the prior written consent of what is now the Environment Agency.
- 5.2.16. We support proposals to remove Parrot's-feather and Himalayan Balsam from the site. This should improve the biodiversity value of the site and go some way towards mitigating for the loss of habitat.

- 5.2.17. Planting should comprise of locally indigenous species only, in order to benefit local wildlife and to help maintain our sub-region's natural balance of flora. Such an approach should also help to prevent the spread of invasive, alien species.
- 5.3. Mature Trees - We welcome the proposed retention of tree TN1.
- 5.3.1. Bats - The precautionary measures for bat conservation specified in paragraph 5.17 of the applicant's ecological report should be appropriately conditioned.
- 5.3.2. Aftercare: A costed management plan should be produced in CMS (Conservation Management System) format and agreed with the planning authority in consultation with its ecological advisers. We would also appreciate an opportunity to comment.
- 5.3.3. A related commuted sum should be made available for the management plan's implementation for a minimum of 10 years. Costs should include time for engagement with and education of residents and visitors of all ages, monitoring of amphibian populations, and maintenance of suitable amphibian habitats - including the control of invasive plant and animal species and discouragement of duck feeding. Artificially high duck populations would be likely to produce eutrophic ponds and excessive trampling of pond margins. As so little information on the effectiveness of management of amphibian "pond-scapes" within new residential developments appears to have been published, dissemination of the results of such monitoring would have benefit well beyond the immediate locality.
- 5.4. **The Environment Agency**
- 5.4.1. They initially objected to the proposal in relation to concerns over flood risk and lack of evidence in relation to the biodiversity surveys. Further information was submitted to them and they subsequently withdrew their objection and provided the following comments:
- 5.4.2. We have reviewed the additional information as submitted and we withdraw our objection to the proposed development, but recommend any subsequent approval is subject to the inclusion of conditions which meet the following requirements: -
- 5.4.3. Flood Risk
- 5.4.4. Condition: Development shall not begin until a surface water drainage and attenuation scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. Details of the maintenance and management of the scheme after completion shall be included. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 5.4.5. Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure future maintenance of the surface water drainage system.
- 5.4.6. We promote the use of Sustainable Drainage Systems (SUDS) and recommend their use at this site. Support for the SUDS approach to managing surface water run-off is set out in paragraph 22 of Planning Policy Statement (PPS) 1: Delivering Sustainable Development and in more detail in PPS 25: Development and Flood Risk at Annex F. Paragraph F8 of the Annex notes that "Local Planning Authorities should ensure that their policies and decisions on applications support and complement Building Regulations on sustainable rainwater drainage". These not only attenuate the rate of surface water discharged to the system but also help improve the quality of the water. They can also offer other benefits in terms of promoting groundwater recharge and amenity enhancements. This approach

involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands.

- 5.4.7. Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.
- 5.4.8. Flow balancing SUDS methods, which involve the retention and controlled release of surface water from a site, may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the local Greenfield run off rate. Flow balancing should seek to achieve water quality and amenity benefits as well as managing flood risk.
- 5.4.9. Further information on SUDS can be found in:
- PPS25 page 33 Annex F
 - PPS25 Practice Guide
 - CIRIA C522 document Sustainable Drainage Systems-design manual for England and Wales
 - CIRIA C697 document SUDS manual
 - The Interim Code of Practice for Sustainable Drainage Systems
- 5.4.10. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's website and CIRIA's website.
We recommend that the developer consider the following, as part of the scheme: -
- Water management in the development, including, dealing with grey waters
 - Use of sustainable forms of construction including recycling of materials
 - Energy efficient buildings
- 5.4.11. Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal Consent of the Environment Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive Consent, without full mitigation for loss of flood storage and habitats.
- 5.4.12. Details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to us for approval in accordance with the Water Resources Act 1991.
- 5.4.13. Aquatic Environment
- 5.4.14. The existing ponds on site are an important ecological resource whose importance for wildlife has been recognised by their designation as a County Wildlife Site. As such these features should be protected from the impacts of development. They have declined in biodiversity value in the past and need to be protected. Appropriate measures to ensure that the ponds continue to function as an important biodiversity

resource and prevent further deterioration include preventing poor quality water infiltrating into the ponds, retaining a buffer zone around the ponds and ensuring that there is no additional planting around the ponds to avoid any increase in shading.

- 5.4.15. Condition: No development approved by this permission shall be commenced until a scheme for the retention and protection of all the ponds (both wet and dry) on site has been submitted to and approved in writing by the Local Planning Authority. There shall be no new planting carried out in the immediate vicinity of any pond on site, there should be no built development of any kind (including paths) within 5 metres of any pond and no pond shall be incorporated into a sustainable drainage system. The scheme shall subsequently be completed in accordance with the approved plans.
- 5.4.16. Reason: To ensure that the existing ponds on site are protected and prevent further deterioration as a result of development.
- 5.4.17. It is important to note that seasonal ponds dry out occasionally which means they are often overlooked, or assumed to be 'lost'. In fact they support a vital range of specialised pond species and it is important that they are retained, and not deepened. The seasonal drying out of the pond gets rid of fish, which are a major predator, and allows other species to thrive. A surprisingly high number of temporary ponds support very rare species, particularly where they occur in semi-natural landscapes.
- 5.4.18. As part of any detailed application, any loss of Pond 6 could not be compensated for by increasing the size of Pond 10. A new pond or ponds equivalent or greater in size and biodiversity value would need to be created alongside Pond 10 if it is proposed to move Pond 6 as part of any detailed scheme. Ponds go through a natural process of succession and each stage of this is important for a different range of wildlife. The creation of new ponds will therefore provide greater ecological benefit and will reduce the impacts of development on the existing pond.
- 5.4.19. In relation to the existing ditches and associated habitat across the site, it is proposed to drain surface water from the development to the ditch network. We have no objection to the disposal of clean, uncontaminated water to the ditch network but it will be necessary to discharge surface water via a SUDS system or interceptor before it outfalls into the ditch network. In addition, ditches serve as a wildlife corridor for species travelling through the site and any negative impacts on ditches must be mitigated or compensated for. We recommend that an appropriate buffer strip be provided between any development and the ditch network.
- 5.4.20. Condition: All ditches on the site should be retained and protected from the impacts of development through the provision of buffer strips measuring at least 5 metres in width from the top of the bank. These buffer strips shall be provided on both sides on the ditches.
- 5.4.21. Reason: To protect ecological, recreation and amenity interests by providing a buffer between the development and the watercourse and retain wildlife corridors through the site.
- 5.4.22. We support proposals to remove parrots feather and Himalayan balsam from the site. This will improve the biodiversity value of the site and go some way towards mitigating for the loss of habitat on site.
- 5.4.23. Planting should comprise of native species only. Use of locally native species in landscaping plans is essential in order to benefit local wildlife and to help maintain the region's natural balance of flora. It will also help to prevent the spread of invasive, alien species within the region.
- 5.4.24. We recommend that the ponds are not stocked with fish. Under the terms of the

Salmon and Freshwater Fisheries Act 1975, it is an offence to introduce any fish or spawn of fish into any inland water without the prior written consent of the Environment Agency.

- 5.4.25. Land Contamination
- 5.4.26. The application is accompanied by the following report: Phase 1 Site Investigation Report by Johnson Poole & Bloomer dated 29 October 2009 (reference JS721-06/AES/HB)
- 5.4.27. We have reviewed the report in terms of the risk to controlled waters and would like to make the following comments:
- 5.4.28. Section 4.2 and 7.7 refer to the old system of categorising aquifers, which has now been updated. For information the new aquifer categories at this site are:
- Glacial Till - un-productive
 - Mudstone - secondary B
 - Sandstone - principal
- 5.4.29. We agree with the recommendation detailed in section 8.3 to undertake an intrusive investigation at the site. This should determine the water quality of the underlying secondary aquifer across the whole of the site. We recommend that proposals for the intrusive investigation be submitted for comment prior to work commencing. Condition: No development approved by this planning permission shall be commenced until:
- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site.
 - c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority.
 - d) A Method Statement and remediation strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority.
- 5.4.30. The development shall then proceed in strict accordance with the measures approved. Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the local planning authority: unless otherwise agreed in writing by the local planning authority.
- 5.4.31. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
- 5.4.32. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with

the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

5.4.33. Reason:

- a) To identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.
- b) To enable:
 - A risk assessment to be undertaken,
 - Refinement of the conceptual model, and
 - The development of a Method Statement and Remediation Strategy.
- c) & d) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

5.5. **The Highways Agency**

5.5.1. They issued two holding directions; notice was given under the Town and Country Planning (General Development Procedure) Order 1995, where the Secretary of State for Transport directed that planning permission not be granted before 2 November 2010 due to the requirement for further information relating to the impact of development traffic on the strategic road network, in particular on the M6, (& junction 28 thereof), the Secretary of State will require further time to determine whether the proposed development would generate traffic to an extent that would be incompatible with the use of affected trunk roads; as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, and in the interests of road safety on the trunk road. The direction shall be maintained until such time as the Secretary of State has reviewed the necessary information about the traffic implications to enable him to take a view.

5.5.2. The Highways Agency lifted the holding direction on 27 October 2010, and then sent a revised letter on the 8 November 2010, and directs conditions to be attached to any planning permission, which may be granted:

1. No more than 51 residential units hereby approved shall be first occupied until the improvements detailed below have been commenced to the signal controlled junction of the A49 and B5256 (also known as the Hayrick junction) and as it interacts with the off slip sections of junction 28 of the M6 as follows;
 - i) junction geometry improvement scheme which incorporating lane realignments and additions.
 - ii) Upgrade of signal control systems for the Hayrick junction with bus priority.
 - iii) Upgrade of signal timings and related queue detection as necessary on both the off slips to junction 28.
2. No more than 151 residential units hereby approved shall be first occupied until improvements have been completed to the signal-controlled junction of the A49 and B5256 (also known as the Hayrick junction) as detailed above.

The works listed under i) and ii) above to be carried out on the Ashley Helme drawing no.1212/16 dated April 2010. Further details as necessary covered under ii) and iii) above shall then be supplied to the Local Highway Authority and

Secretary of State for Transport for agreement. The works shall be completed fully in accordance with the approved details.

5.5.3. The details to be submitted shall include:

- Full signing and lighting details
- Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),
- An independent Stage One and Stage Two Safety Audit (Stage two to take into account of any Stage One Safety Audit Recommendations) carried out in accordance with current departmental standards (DMRB) and Advice Notes.

5.5.4. Reason for the direction in order to ensure that the operation of these two closely situated junctions can operate in an efficient and safe manner and in order to reasonably minimise the potential impact of additional vehicle flows generated by the proposed development upon the strategic highway network and in particular, Junction 28 of the M6 motorway.

5.6. Corporate Director (Neighbourhoods)

5.6.1. In relation to the open space/play space the design proposed two NEAP sites (each at least 1000m² by definition) and catering primarily for older children. While this might have worked spread across the site, if you are prepared to bring provision together as we discussed then more variety is needed-especially if the site will figure centrally as part of the wider plan that was mentioned. I would like to see fixed equipment for ages 2-14, alongside a hard surface of at least 465m² that is laid out for 5 a-side. The area for fixed equipment should, in my opinion, be in the region of 1000m². It should provide stimulating and challenging equipment for the stated age range and be well supervised by a primary footpath, street lighting and be overlooked by residential property. This scale of provision is significant and I would encourage the site to be formalised as a park/recreation ground. Should the larger development ever be delivered this would benefit a large family community. I believe that this provision has more appeal than the football pitch with parking, and given the link footpaths shown on your proposal would be a worthwhile destination site for pedestrians and cyclists.

5.7. United Utilities

5.7.1. No objection provided the following conditions are met;

- We have been undertaking investigations at Walton-le-Dale Wastewater Treatment Works for some time and a capital scheme is in preparation to increase treatment capacity, which is to be designed, procured and built and is expected to be in service by the Autumn 2013. We would not object to the recent planning consultation on condition that there is no significant occupation of the sites before autumn 2013. This 'Grampian' condition approach is based on advice in Planning Circular 11/95 section 41.
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer located on the East of the site ultimately discharging in to the Walton-le-Dale drainage network. Surface water must discharge to the watercourse with the consent of the Environment Agency.
- If any sewers on this development are proposed for adoption then the developer should contact our Sewer Adoptions Team.
- Our water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991. A

separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with the current water supply (water fittings) regulations 1999. Please note there is not sufficient water pressure to supply this site from Wigan Road. An alternative point of connection will be required.

- Should this application be approved the applicant must contact our water fittings section.
- The level of cover to the water mains and sewers must not be compromised either during or after construction.
- Should the planning application be approved, the applicant should also contact our Service Enquiries.

5.8. **Lancashire County Council (Highways)**

- 5.8.1. Have provided comments in that they are responsible for providing and maintaining a safe and reliable highway network. With this in mind the present and proposed highway systems have been considered to address the areas of concern that, potentially, could cause significant problems for the public, cyclists, public transport, motorists and other vehicles in and around the proposed development. The comments are included in full below:
- 5.8.2. Development Proposal - The proposed development is for circa 300 residential units, but the inference is that this will form part of a larger allocation of approximately 1000 units on land at Cuerden farm and through to Shady lane. However, the larger area is not under the control of the applicant and only limited detail has been provide for the Masterplan for the greater site and overall access strategic.
- 5.8.3. Proposed Access Strategy - The submission includes the proposal for a new roundabout junction on the frontage to A49, Wigan Road for vehicular access. The access from Wigan Road will incorporate pedestrian access, but the submissions also indicate "potential" pedestrian links direct to Lancaster Lane; these have been indicated via Levens Drive and Caton Drive on the Development Framework and the Illustrative Layout.
- 5.8.4. The submissions also include a secondary signal access north of the site on A49 as an indicative access to facilitate the full development on the larger allocation.
- 5.8.5. Site Access (Vehicles) - The County Council (as Highway Authority) originally had concerns with the applicants access proposals and level of traffic generation; as the existing local network suffers a level of congestion at peak times and it is critical that further development does not compromise the safe movement of people by any mode, or the quality of life experience both within and through this network.
- 5.8.6. With regard to the Access; the developer had originally proposed a traffic signal junction, but LCC could not agree to this scheme as the signal layout presented difficulties in maintaining adequate and safe access to the existing commercial properties to the west of A49. A major problem with the signal proposals resulted in traffic to the garage and "Top Wok" manoeuvring across two lanes of queuing traffic to access the site. Then there were issues with controlling exit from the garage/Top Wok and private access; as there was a need to position signal equipment and stop line within the garage land, which was questionable on the private access. There were many iterations of roundabout suggested by the developer, but with each solution additional issues were created. In traffic signal terms no satisfactory solution could be agreed and LCC recommend that they give consideration to a roundabout junction. The developer has produced a plan for a roundabout junction, as indicated on AHA Drg No 1212/20 Rev B. that is acceptable to LCC as a means of access.

However, this revision does not appear to have been submitted to your Council and form part of the planning submissions.

- 5.8.7. The planning submission does include detail for a proposed northern signalled access in connection with the development of additional land outside the scope of the application. I find it very difficult to agree to any design because there is no Masterplan to fully understand its relationship to its surrounds, also this access proposal is not within the red edge of development so it has been considered in assessment of this application.
- 5.8.8. Traffic Generation and Highway Improvements - With regard to development traffic generation and effect on the existing local network the TA demonstrates that the level of traffic generated by the development at the Hayrick Junction is substantially less than the additional committed development traffic. However, in discussions the developer has agreed to fund significant junction improvements at the Hayrick junction, which will provide both bus priority, and overall improvement to network reliability.
- 5.8.9. The agreed highway works at the Hayrick junction include the upgrade of the signal control equipment and extension of the left turn lane from A49 to Leyland Way. The extent of the left turn improvement works is defined by the constraints of land availability within the extent of the existing adopted highway. The principles and scope of the proposed junction geometry improvement works is indicated on the AHA Drg No 1212/16. The signal improvements include software upgrades to the current MOVA system, and the ability to introduce bus priority arrangements. The developer agreed that these improvement works could be progressed via a S278 Agreement, and the physical highway works are to commence prior to occupation of the 51st dwelling. However, it would appear that this plan has not been submitted to you Council.
- 5.8.10. In these discussions with the developer it was agreed that the use of linked MOVA technology at the Hayrick traffic signals would provide the optimum level of traffic management at this junction, however, I would also expect increased connectivity with the M6 motorway slip roads and assume the Highways Agency would make a request for suitable upgrading of their signal controls. I understand that the HA have not responded yet, but this issue needs to be addressed if the development is approved.
- 5.8.11. Further to the discussions with the developer it was also agreed that measures would be provided to encourage use of the A49 north as an alternative route to access the M6. This would include installation of MOVA signal control technology with bus priority at the A49/A6/Station Road signal junction. The developer agreed with LCC that the traffic signal upgrade works could be covered by a financial contribution of £40,000, and this to be paid prior to first occupation.
- 5.8.12. Public Transport Provision - The principal of providing good access by public transport is of paramount importance to any major development and it is essential that the development is accessible by sustainable transport. Specifically this requires the development to be designed to ensure that a high quality public transport service can be provided and maintained, (to fully serve the whole site at all times of day including evenings and weekend at a suitable level of frequency), as the layout can impact on the viability and sustainability of public transport. The IHT "Guidelines for Planning for Public Transport in Developments" (March 1999) recommends the maximum walking distance to a bus stop should not exceed 400m and preferably no more than 300m.
- 5.8.13. The TA accepts that much of the development falls outside these recommended distances and that accessibility cannot be improved without a bus service through

the larger development site. In operational terms it would not be acceptable to introduce a service into the proposed cul-de-sac, but the road layout should allow a direct route through the development to facilitate a public transport strategy for the larger scheme.

- 5.8.14. The existing development area has a basic service (Services 112 & 114) comprising approx 2 buses per hour daytime to Preston, 1 bus per hour to Chorley & 1 bus per hour to Leyland. There are a few occasional journeys on Services 117 & 118 on Leyland Way. Evening & Sunday services are also very limited, these are currently subsidised by LCC, with no guarantee of continued financial support.
- 5.8.15. With this initial phase of development (current planning application) the developer proposes the introduction of two new bus stops on Wigan Road (adjacent to site access as indicated on Figure 6 and AHA Drg No 1212/20/A); however, there are no proposals to improve services.
- 5.8.16. Therefore to improve bus services and increase the sustainability the development I would recommend:
- Upgrading of two bus stops in vicinity of development (i.e.: Lancaster Lane, serving additional destinations) to be upgraded to Quality Bus standard & including Real Time Displays
 - Funding of £125k at the initial stage of the development to enable the existing bus network is enhanced to provide additional journeys on the network, providing a minimum of a bus every 30 minutes to Leyland & additional journeys linking to Chorley & Preston (including provision of evening & Sunday services). Note: With the existing network being financially supported by LCC it is crucial that these funds are paid direct to LCC to upgrade the local bus network to ensure long term operation of bus network.
- 5.8.17. Pedestrian/Cycle Access/routes - The main pedestrian access point is adjacent to the vehicular access from Wigan Road and the TA indicates the provision of pedestrian/cycle infrastructure on Wigan Road (included on AHA Drg. No 1212/21). This includes a 3m shared footway/cycleway on Wigan Road between the site access and the Moss Lane, and Toucan crossing is also included south of the at the junction with Moss Lane to provide connectivity to Leyland. While this provision is welcome I have not agreed the full detail of the works, and have requested a detail plan from the developer.
- 5.8.18. The developer also identifies potential pedestrian links to Lancaster Lane via Levens Drive and Caton Drive, these points are indicated on the Development Framework and Illustrative Layout, but there is no detail of these routes, or confirmation of their deliverability. The developer assumes these routes can provide a pedestrian/cycle link to Lancaster Lane, but they should be a minimum of 2m wide for pedestrian use and 3m for joint cycle use. The developer also proposes a controlled crossing (Puffin) on Lancaster Lane between Caton Drive and Newby Drive to improve pedestrian connectivity between the site and the residential area/school/district centre south of Lancaster Lane. The IHT guidance states that **500m** is the "desirable" distance for journeys on foot, and with no guarantee that these links to Lancaster Lane can be provided it therefore raises very real questions regarding connectivity and the sustainability of the development, as routing via A49 is drawn out with very real risk that residents will rely on the use of the private car.
- 5.8.19. The TA also indicated that the developer is agreeable to a £10,000 contribution towards improvements to Footpath 16 to Bristol Avenue (Lever Houses Primary School) to improve accessibility to this facility. While this is welcomed there is

concern that crucial improvements such as lighting (as indicated in the TA) will not be achievable on the public right of way without full cooperation of landowners.

- 5.8.20. Developer Planning Contributions - Lancashire County Council adopted the Policy paper "Planning Obligations in Lancashire" on 3 November 2006(Revised Sept 08). Should your Council be minded to approve the application, Planning Obligation requirements will be applicable to this site and it forms the basis of the Highway Authority response and is a material planning consideration. The transport methodology described in the Paper is based on contributions calculated on accessibility scores. From the TA the developer has determined an accessibility score of 25 for this site (where 1 = low accessibility and 30 = high accessibility). Using the paper methodology a developer contribution of £465,000 would be appropriate for the level of development.
- 5.8.21. On this basis and should your Council be minded to approve the application a (transport) developer contribution of £465,000 is sought to address the specific sustainable transport and accessibility issues relevant to the proposed development as identified below.
- £20,000 for the provision of 2 Quality Bus standard stops on Lancaster Lane, one in each direction.
 - £20,000 for provision of real-time passenger information to both east & westbound stops on Lancaster Lane.
 - a sum of £24,000 is requested to provide advice and guidance on Travel Plan development and implementation in line with 2.1.5.16 of the Planning Obligations in Lancashire Policy (September 2008).
 - A sum of £10,000 for Improvements to Footpath 16 to Bristol Avenue (Lever Houses Primary School) to upgrade a continuous clear pedestrian route.
 - £180,000, for Carriageway works at the Hayrick Junction, to include the extension of left turning lane on A49 Wigan Road into Leyland Way, to improve public transport and network reliability. (The developer has agreed that the improvement scheme is to be progressed via a S278 Agreement and hence would not be included in the S106.)
 - £40,000. Installation of MOVA signal control technology with bus priority at the A49/A6/Station Road signal junction.
 - £40,000. Installation of MOVA signal control technology with bus priority at the Hayrick signal junction.
 - £125,000 Public transport funding to enable the existing bus network to be enhanced and provide additional journeys, providing a minimum of a bus every 30 minutes to Leyland & additional journeys linking to Chorley & Preston (including provision of evening & Sunday services).
- 5.8.22. Travel Plan - An Interim Framework Travel Plan (IFTP) has been submitted with this application and contains all the necessary components of an acceptable Framework Travel Plan. A Final Travel Plan needs to be prepared by a named travel plan co-ordinator with the support and advice from LCC's Travel Plan Adviser within 3 months of the 'peak hours vehicle traffic count survey' (The IFTP states that this survey will take place within 3 months of occupation of 80 houses). In line with 2.1.5.16 of the planning obligations in Lancashire Policy (Sept 2008) on a development of this size we would be normally looking at a request of £24,000 to provide assistance with respect to Travel Plan support, promotion, monitoring and evaluation.

- 5.8.23. There should be a commitment to develop a Final Travel Plan with agreed targets for non-car modes of travel, and containing a detailed Action Plan of measures to be introduced, and appropriate funding. The Final Travel Plan needs to include the following as a minimum (these should be secured through a S.106 agreement and conditions):
- As stated in the IFTP a Travel Plan co-ordinator be appointed 3 months prior to 1st occupation
 - Details of cycling/pedestrian/public transport links to and/or through the site
 - Provision of secure, covered cycle parking for those properties where suitable storage space is not available.
 - Action Plan of measures to be introduced, and appropriate funding
 - SMART Targets for non-car modes of travel
 - Details of arrangements for monitoring and review of the Travel Plan for a period of 5 years
- 5.8.24. Summary - While the developer has agreed highway works to provide an acceptable solution for vehicular access to the site and a level off site highway junction improvements (including some bus priority measures), pedestrian access to the south of the site has not been demonstrated to provide connectivity to local facilities, nor have bus service levels been addressed, and hence I have concern with respect to sustainable travel. In line with current policies and guidance, developments must ensure that they are accessible by sustainable forms of transport. These forms of transport should be made **attractive to encourage their use and discourage** the use of the private car.
- 5.8.25. From my review of the proposals, correspondence with the developer, I consider that the key objectives of PPG13 and PPS4 are **not** achieved, specifically:
- Promote more sustainable transport choices for people,
 - Promote accessibility to jobs, leisure facilities and services by public transport, walking and cycling,
 - Reduce the need to travel, especially by car.
- 5.8.26. I therefore recommend that your Council resist the proposals while you pursue further commitment from the developer to provide pedestrian accessibility and sustainable transport solutions to satisfy/comply with current planning policy and guidance. The use of Developer Planning Contributions as recommended above, together with a strong Travel Plan may form part of the solution to delivering accessibility improvements and a sustainable transportation solution to this development.
- 5.8.27. Revised Comments 22 October 2010 - An updated response was received, where in summary it stated that subject to the developer contributions mentioned in the response and submission of acceptable plans, I would be satisfied at the vehicular and pedestrian/cycle access solutions for the development and the sustainable transport improvement package proposed; in these circumstances there would be no highway objection to the proposed development from Lancashire County Council as Highway Authority.
- 5.9. Director of People & Places (Chorley Council Contaminated Land)**
- 5.9.1. Due to the size of development and sensitive end-use, a condition is suggested in relation to site investigations.

5.10. Lancashire County Council (Archaeology)

- 5.10.1. The site was the subject of a desk-based assessment by Oxford Archaeology North in 2008, which identified a single area of interest; the Roman road from Preston to Wigan, Margary 70c (Lancashire Historic Environment Record PRN 26143) which is projected to cross the northernmost two fields of the site. LCAS does consider that the identified heritage asset is of sufficient significance to require any further pre-determination site investigation.
- 5.10.2. Any surviving archaeological evidence for the road would be considered to be of local significance only and could therefore be adequately dealt with by means of an appropriate scheme of archaeological mitigation (geophysical survey, archaeological excavation and recording). Such a scheme would be in accordance with PPS5, Policy HE12.3.
- 5.10.3. LCAS would therefore recommend that should the local planning authority be minded to grant planning permission to this or any other scheme that the applicants are required to undertake a phased programme of archaeological work, and that such works be secured by means of a condition (condition suggested).

5.11. Lancashire County Council (Education)

- 5.11.1. Have provided their comments through Lancashire County Council (Planning Contributions) team (see below).

5.12. Natural England provided updated comments under the following headings:

- 5.12.1. Biological Heritage Site - We are disappointed that the proposals involve the loss of a significant area of land designated as a Local Wildlife Site (Biological Heritage Site). Whilst this is a non-statutory designation, it is afforded local protection through the local planning process. In particular, we note that the proposal would result in the loss of habitats of the Cuerden Farm Ponds Biological Heritage Site.
- 5.12.2. Natural England is not responsible for the selection and designation of Local Wildlife Sites. We are aware that Lancashire County Council ecologists and the Lancashire Wildlife Trust have made a number of recommendations regarding the conservation of biodiversity at this site. We advise that all these recommendations are implemented in full and secured through appropriately worded and enforceable planning conditions/obligations in order to comply with the requirements of policy, guidance and legislation conserving biodiversity.
- 5.12.3. Protected Species - When the application was initially submitted, surveys for protected species were not complete, and there was thus insufficient information to establish impacts on statutorily protected species. Such protected species are a material consideration in planning terms as stated in Part IV paragraphs 98 and 99 of Circular 06/2005 which accompanies PPS9 'Biodiversity and Geological Conservation'. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
- 5.12.4. Further to our previous response, the applicant has now submitted the necessary additional information. Whilst we note that the information provided concludes that there are no protected species affected by this proposal, Natural England does not hold protected species records and is therefore not able to verify this independently.
- 5.12.5. The developer should be made aware that should a protected species be subsequently found on the site, all work should stop until further surveys for the species are carried out and a suitable mitigation package for the species is developed.

- 5.12.6. Biodiversity Duty - Biodiversity is a core component of sustainable development, underpinning economic development and prosperity, and has an important role to play in developing locally distinctive and sustainable communities. All local authorities and other public authorities in England and Wales have a Duty to have regard to the conservation of biodiversity in exercising their functions. The Duty aims to raise the profile and visibility of biodiversity, to clarify existing commitments with regard to biodiversity and to make it a natural and integral part of the policy and decision making.
- 5.12.7. The Duty is set out in Section 40 of the Natural Environment and Communities Act (NERC) 2006 and states that: 'Every public authority must, in exercising its functions, have regard, so far as it consistent with proper exercise of those functions, to the purpose of conserving biodiversity.'
- 5.12.8. Natural England recommends that the Council takes this into consideration when determining planning applications. Guidance is available in the Defra publication, Guidance for Local Authorities in Implementing the Biodiversity Duty.
- 5.12.9. In summary, taking into account the nature of the application, we advise the Planning Authority to note its duty with regards to conservation of biodiversity. Provided the recommendations for conserving biodiversity is made by Lancashire County Council ecologists and the Lancashire Wildlife Trust are fully secured, Natural England would raise no objection to this application.

5.13. Lancashire County Council (Planning Contributions)

- 5.13.1. Have outlined the contribution requests.
- Transport: There may be a request towards sustainable transport measures in relation to this proposal.
 - Education: Using the LCC Planning Obligations Policy Paper, a yield of 0.35 primary and 0.25 secondary pupils per house has been used. Therefore there is a possible yield of 105 primary and 75 secondary aged pupils.
 - Primary School Places: Latest forecasts predict that there will be approximately 66 places available in local primary schools by 2014, which have not already been taken into account for other housing developments in the area. Given that the development is expected to yield around 105 pupils over the 5 year period, we would be seeking a contribution from the developer for the shortfall i.e. 39 places. (£12,257 x 0.09) per place = £430,221.
 - Secondary School Places: There are sufficient spare places to accommodate this development (and others pending). Therefore, no claim for secondary places.
 - It is suggested that contributions are paid through a S106 agreement on a phased basis (details have been provided).
 - The County Council makes vital major investments in waste management infrastructure for reasons of environmental protection and sustainability. Also, the necessity to secure the County Council's budget position as a waste disposal authority, through investing in an early switch away from landfilling, has become all the more apparent since the recent announcement on the rise in landfill tax in the National Budget. Every District in the County is being provided with advanced treatment facilities to treat waste prior to landfilling, either directly or via purpose designed waste transfer stations. Since each and every new house, wherever it is in the County, has to be provided with this basic service and the Council has to comply with significant new requirements relating to management of waste, it is considered that the Council is justified in requesting a contribution towards waste

management. Based upon the Policy Paper methodology for Waste Management, the request is £144,000.

5.14. Homes and Community Agency

5.14.1. At this stage the HCA would like to register an objection to the proposed development and the application on the following grounds:

- The HCA would like to clarify that it is NOT objecting to the principle of development in this location, which accords with the authorities' aspirations within the current Local Plan and emerging LDF.
- The proposed application site should form part of a larger and more comprehensive sustainable development and it is essential this approach to encouraged through the engagement of all landowners.
- The HCA consider the Quality of Place philosophy would be better served by a comprehensive approach involving the whole of the safeguarded area as proposed under the LDF review protocols.
- The LPA fully satisfies itself that all technical issues can be addressed in a manner so as not to prejudice comprehensive development over the whole area and the longer term. This should ensure that all planning obligations are equally apportioned across the wider project.
- Full consideration is given to the deliverability of the proposed application is given and its impact on the viability of all the overall safeguarded area particularly concerning access and open space requirements.

5.14.2. You will be aware that the HCA is one of three or four other landowners in this area whose intention initially was to provide a comprehensive masterplan that would address short/medium and longer-term development issues that would best serve the local community. I believe there is still a willingness to do so and premature approval of this scheme would prejudice that option. The HCA has fundamental reservations on processing this application in isolation but would wish to continue with its support in the wider context.

5.15. Redrow Homes Ltd

5.15.1. Redrow Homes support the principle of residential development in this location because the settlement of Clayton-le-Woods is identified as an 'Urban Local Service Centre' where some growth and investment will be encouraged, in the emerging Central Lancashire LDF Core Strategy (Policy 1). The land is also currently part of a larger block of Safeguarded Land (designated in the adopted Chorley Local Plan Review-Policy DC3.8), which recognises its potential as a reserve of land, outside the Green Belt, which is available to meet development needs post 2006.

5.15.2. Notwithstanding the above, Redrow are concerned that the present proposal, if approved in isolation from consideration of the wider development area, may prejudice the proper planning and best use of the land. Redrow favour a more comprehensive approach to the development of the Safeguarded Land, linked to a phasing strategy which will ensure that key infrastructure items to service the whole area, as well as community facilities, are provided in a sensible and co-ordinated manner (e.g off-site junction improvements, open space, footpath and cycle links to the surrounding area etc.)

5.15.3. The Company and the HCA (who also have a major stake in the wider area) are working towards creating a shared vision for the land and it remains our intention to promote a comprehensive form of development through the LDP process.

6. ASSESSMENT

6.1. The Development Plan

- 6.1.1. Section 38 of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the plan unless material considerations indicate otherwise.
- 6.1.2. Members will be aware that the Secretary of State revoked RSS earlier this year, and the effect of that action was that RSS no longer formed part of the development plan. However, following a successful challenge to the Secretary of State's action in regard to RSS, the revocation was found to be unlawful, and accordingly RSS remains part of the development plan. Members will also be aware that the Secretary of State issued a further statement on 10 November and the Chief Planning Officer also issued further advice that the intention to enact primary legislation in the future on RSS was a material consideration. However, a further claim for judicial review has been made which seeks a declaration from the Court that the government's stated intention to enact primary legislation in the future to abolish Regional Strategies is not a material consideration for determining planning applications etc.
- 6.1.3. In this case, the development plan therefore comprises the saved policies of the Chorley Borough Local Plan Review (adopted August 2003) as per the direction made by the secretary of state in September 2007; together with the Sustainable Resources Development Plan Document adopted September 2008, and the North West of England Regional Spatial Strategy (adopted September 2008).
- 6.1.4. The relevant policies are as follows:

Chorley Local Plan

- GN1- Settlement Policy – Main Settlements
- GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
- GN9 – Transport Accessibility and Mixed Uses
- DC1- Green Belt
- DC3 – Safeguarded Land
- EP2 – County Heritage Sites and Local Nature Reserves
- EP4- Species Protection
- EP9 - Trees and Woodlands
- EP10 - Landscape Assessment
- EP12 – Environmental Improvements
- EP17- Water Resources and Quality
- EP18 – Surface Water Run Off
- EP21A - Light Pollution
- EP22 -Energy Conservation
- EP23 - Energy from Renewable Resources
- HS1- Housing Land Requirements in Chorley
- HS4 – Design and Layout of Residential Development
- HS5 –Affordable Housing
- HS6 – Housing Windfall Sites
- HS19 – Public Open Space in Housing Developments
- HS20 – Ornamental Open Space
- HS21 – Playing Space Requirements
- TR1 – Major Development – Tests for Accessibility & Sustainability
- TR4 – Highway Development Control Criteria
- TR18 – Provision for Pedestrians and Cyclists In New Development

- TR19 – Improvement or Provision of Footpaths, Cycleways and Bridleways in Existing Networks and New Developments
- LT10 – Public Rights of Way

Sustainable Resources DPD

- Policy SR1 – Incorporating Sustainable Resources into New Development

Regional Spatial Strategy

- DP1: Spatial Principles
- DP2: Promote Sustainable Communities
- DP4: Make the Best Use of Existing Resources and Infrastructure
- Policy DP5: Manage Travel Demand; Reduce the Need to Travel and Increase Accessibility.
- DP7: Promote Environmental Quality.
- DP9: Reduce Emissions and Reduce Climate Change.
- RDF1: Spatial Priorities.
- RDF2: Rural Areas.
- L4: Regional Housing Provision
- L5: Affordable Housing.
- RT2: Managing Travel Demand.
- RT9: Walking and Cycling.
- EM1: Integrated Enhancement and Protection of the Region's Environmental Assets.
- EM5: Integrated Water Management.
- EM15: A Framework for Sustainable Energy in the North West.
- EM16: Energy Conservation and Efficiency.
- EM17: Renewable Energy.
- CLCR1: Central Lancashire City Region Priorities
- L4: Regional Housing Provision.

6.2. **National Planning Policy** - The relevant national planning policy statements are as follows:

- PPS1 Delivering Sustainable Development
- The Planning System General Principles
- PPS: Planning and Climate Change – Supplement to PP1
- PPG2 Green Belts
- PPS3 Housing
- PPS7 Sustainable Development in Rural Areas
- PPS9 Biodiversity and Geological Conservation.
- Planning for Biodiversity and Geological Conservation; A Guide to Good Practice
- PPS12 Local Spatial Planning
- PPG13 Transport
- Encouraging Walking: Advice for Local Authorities
- PPS22 Renewable Energy
- PPS 25 Development and Flood Risk

6.2.1. The Chorley Local Plan Review was adopted in August 2003. It was saved in September 2007 and (applying principles contained in PPS12, especially section 9), in deciding to "save" policies, the Secretary of State would have had regard to consistency with extant national policy (including PPG2). Since that date, PPS12 has been superseded by PPS12. It is considered that PPS12 is a material consideration, which post-dates the adoption of the Local Plan Review. Accordingly,

where there are inconsistencies between the two policy documents, it is considered that greater weight should be attached to PPS12.

6.3. Other Material Considerations

6.3.1. Emerging Policy Considerations.

6.3.2. Central Lancashire LDF Joint Core Strategy - A joint core strategy is being prepared as part of the LDF for Preston, Chorley and South Ribble Councils. The “publication” version of the strategy was published 8 December 2010.

6.3.3. Site Allocations & Development Management Policies DPD (Issues & Options Stage) - The “issues & options” document has also been published 8 December 2010. These two emerging policy documents are addressed later in the report.

6.4. Principle of Development

6.4.1. **Background**

6.4.2. The application site (13.65 ha) is part of a larger site (60.28 ha) covered by Safeguarded Land Policy DC3.8 in the Local Plan Review. In line with guidance within Planning Policy Guidance (PPG) Note 2: Green Belts, the safeguarded land was identified to ensure longer term protection between Clayton-le-Woods and the Greenbelt, which may be required to meet the longer-term development needs of Chorley. The total allocation (Policy DC3) remained to be protected until 2006, but following the establishment of the Local Development Framework process Chorley Borough Council applied for and obtained a direction from the Government Office for the North West to save a number of policies including DC3, for ongoing use after 27 September 2007.

6.4.3. **Safeguarded Land: Planning Policy Guidance (PPG) Note 2: Green Belts**

6.4.4. Policy DC3 states that development other than that permissible in the countryside under Policy DC1 (Development in Green Belt) and Policy DC2 (Area of Other Countryside), both saved policies, will not be permitted in safeguarded land. PPG2 in paragraph 2.12 covers safeguarded land-land between the urban area and the Green Belt which may be required to meet longer term development needs, and Annex B expands on this. When identifying safeguarded land a Local Planning Authority needs to be mindful of the following:

- *Annex B2 Safeguarded land comprises areas and sites, which may be required to serve development, needs in the longer term, i.e. well beyond the plan period. It should be genuinely capable of development when needed.*
- *Annex B3 Safeguarded land should be located where future development would be an efficient use of land, well integrated with existing development, and well related to public transport and other existing and planned infrastructure, so promoting sustainable development.*
- *Annex B4 In identifying safeguarded land local planning authorities should take advice on housing in PPG3 (now PPS3) and on transport in PPG13. They should also have regard to environmental and landscape quality (so far as is consistent with paragraph 1.7 of this PPG); to the contribution which future redevelopment might make to remedying urban fringe problems, producing attractive, well-landscaped urban edges; and advice in PPG7 (now PPS7) on protecting the best agricultural land.*

6.4.5. Development Control Policies should then be looked at in relation to the above and Annex B of PPG2 states:

- *Annex B5 Development plans should state clearly the policies applying to safeguarded land over the period covered by the plan. They should make clear*

that the land is not allocated for development at the present time, and keep it free to fulfil its purpose of meeting possible longer-term development needs. It goes on to say no development, which would prejudice later comprehensive development, should be permitted (though temporary developments may assist in ensuring the land is properly looked after). Valuable landscape and wildlife features and existing access for recreation should be protected.

- *Annex B6 Development plan policies should provide that planning permission for the permanent development of safeguarded land should only be granted following a local plan or UDP review which proposes the development of particular areas of safeguarded land. Making safeguarded land available for permanent development in other circumstances would thus be a departure from the plan.*

6.4.6. PPG2 is clear in that there may be a need to identify land for future development needs, and that this should continued to be reviewed through development plan policies, where local authorities should address the possible need to provide safeguarded land. This includes its effects on urban areas contained by Greenbelt and on areas beyond it and the implications for sustainable development.

6.5. Safeguarded Land: Local Plan Review

6.5.1. The safeguarded land has been the subject of review both during the 1997 local plan and the up to date local plan. In 1997 the policy approach was to consider whether the nature conservation interest was adequately safeguarded, the consideration of Green Belt as an alternative designation, housing in relation to the nature conservation interest and justification for housing on comprehensive planning and traffic grounds.

6.5.2. The current local plan review was reported in 2002. In response to an objection to the plan seeking an allocation of land at Shady Lane (north of this proposal site), for housing and for the consequential removal of the safeguarded land the Inspector concluded that no modification to policy DC3 or HS1 should be made as a result of these objections.

6.5.3. This land was protected until 2006, but following the establishment of the Local Development Framework process Chorley Borough Council applied for and obtained a direction from the Government Office for the North West to save a number of policies including DC3, for ongoing use after 27 September 2007. As part of that letter from the Government Office it provides the following guidance:

'Following 27 September 2007 the extended policies should be read in context. Where policies were adopted sometime ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 Housing and Strategic Housing Land Availability Assessment in relevant decisions.'

6.6. Principle of Need

6.6.1. In line with guidance in PPG2 safeguarded land was identified to ensure longer term protection between Clayton-le-Woods and the Greenbelt, which may be required to meet the longer-term development needs of Chorley. The total allocation (Policy DC3) remained to be protected until 2006, where only development as outlined in Policy DC1, which reflects that of PPG2, was permissible until such time as a need for it was identified in a future review of the Plan. Safeguarded Land remains protected until the Site Allocations and Development Management Policies DPD identifies if such land is needed for release to cater for the development need of the Borough. Once adopted this DPD becomes part of the statutory development plan. Its purpose is to determine specific sites for development in accordance with the

policies and general locations for development set out in the Core Strategy in order to meet Chorley's development needs to 2026. This DPD will identify land for uses such as housing; employment; community facilities; mixed use; open space, recreation and other land uses.

- 6.6.2. Chorley Council has just published the "Site for Chorley Issues and Options Discussion Paper" part of the Site Allocations and Development Management Policies DPD stage for a six week public consultation period (8 Dec 2010 – 31 January 2011). It gives local people the opportunity to work with the Council to help plan their areas. This document highlights local issues, proposes planning policies and allows discussions on the suggested sites for development throughout the Borough. It provides the chance for all to get involved in the decision making process. The Council is seeking views on where future development and services could be located; what land should be kept as it is; and how sites could be improved in some way.
- 6.6.3. PPS1 Delivering Sustainable Development (2005) sets out the overarching planning policies for the delivery of sustainable and inclusive patterns of development through the planning system. It states "Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:
- Making suitable land available for development in line with economic, social, and environmental objectives to improve people's quality of life;
 - Contributing to sustainable economic development;
 - Protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
 - Ensuring high quality development through good and inclusive design, and the efficient use of resources; and
 - Ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community"
- 6.6.4. It is very important that Safeguarded Land is not released until there is a need for this land. At this stage the site is not required to be released at this stage because the Council has a 5 year housing supply of land.

6.7. Housing Land Supply

- 6.7.1. Since the submission of this planning application PPS3 has been updated and the RSS has been revoked, and again been reinstated. Although it is a Government commitment to formally revoke RSS, the current situation is that RSS remains part of the development plan, and there is still a requirement for Local Planning Authorities to identify sufficient specific deliverable sites to deliver housing in the first 5 years. The sites should be available, suitable offering suitable location for development and would contribute to the creation of sustainable mixed communities and be achievable i.e. reasonable prospect that housing will be delivered on the site within 5 years. There should also be further supply identified for 6-10 years and where possible 11-15 years.
- 6.7.2. There is a 5 year supply of deliverable housing sites in Chorley. The September 2010 Central Lancashire Strategic Housing Land Availability Assessment (SHLAA) indicates that there is a 5.94 year deliverable housing supply in the Borough in relation to RSS requirements. The emerging Core Strategy proposes a 20% reduction of the housing requirement in Chorley (and elsewhere in Central Lancashire) for a two year period (2010-2012), or until such time as new housing requirements are produced. This results in a lower 5 year supply requirement than

RSS. Chorley has over 7 years deliverable housing supply in relation to the requirements in the emerging Core Strategy. Therefore, there is a deliverable 5 year housing supply in the Borough in relation to RSS and emerging Core Strategy requirements and no justification to release this Greenfield site.

- 6.7.3. The SHLAA identifies sufficient developable land to meet housing requirements for the longer term periods 2015/16-2019/20 and 2020/21-2023/24 based upon RSS housing requirements. The DC.8 Safeguarded Land at Clayton-le-Woods (including the land that is subject to this planning application) is identified in the SHLAA as potentially being developable for housing in the medium (6-10 years) and longer (11-15 years) terms. However, the SHLAA highlights that this land also has the potential for employment/mixed uses and that its development should be considered via the Local Development Framework process. The SHLAA does not allocate sites for development. It provides an evidence base on the potential housing land supply across Central Lancashire.
- 6.7.4. The applicant has not provided any evidence to show why this site should be released over any other DC3 sites in Chorley.
- 6.7.5. Neither has the applicant looked at the impact of releasing part of the site just for housing. The proposal as submitted is not a comprehensive masterplan for the larger area but is piecemeal development, specifically for 300 housing units, open space and play facilities. No consideration has been given to a comprehensive masterplan of the area or other appropriate uses in this area or scheme.

6.8. Masterplan

- 6.8.1. The Planning Statement and Design & Access Statement and accompanying plan make reference to the site being part of a wider masterplan, which is part of the ethos behind identifying Safeguarded Land, where in paragraph 2.12 of PPG2 it states that local authorities '*..should consider the broad location of anticipated development beyond the plan period, its effects on urban areas contained by Green Belt and on areas beyond it, and its implications for sustainable development.*' This scheme has not been worked up into any detail but shows potential/indicative links into the wider site both for vehicles and pedestrians. Due to the limited information in relation to the masterplan this proposal cannot be considered as part of a wider masterplan and is therefore considered in relation to what information we have been provided with. This is also discussed, where relevant, under other headings within the report.
- 6.8.2. There is no vision in piecemeal development. Piecemeal development undermines the fundamental principle of the planning system as identified in PPS1 to make effective and efficient use of land. PPS12 identifies that spatial planning is a process of place shaping and delivery of land, uses and associated activities. It aims to produce a vision for the future of places, and translate this vision into a set of priorities, programmes, policies and land allocations to deliver them. PPS12 also says every local planning authority should produce a core strategy which includes an overall vision which sets out how the area and places within it should develop.
- 6.8.3. PPG2 (Annex B Safeguarded Land, B5), as previously mentioned, is specific and indicates no development, which would prejudice later comprehensive development, should be permitted (though temporary developments may assist in ensuring that the land is properly looked after). Valuable wildlife features and existing access for recreation should be protected.
- 6.8.4. PPS12 also indicates spatial planning provides a means of safeguarding the area's environmental assets protecting and enhancing designated sites, landscapes, habitats and protected species.

6.8.5. PPG2 (Annex B Safeguarded Land, B6) covers permanent development of safeguarded land should only be granted following a local plan review, which proposes the development of particular areas of safeguarded land. Making safeguarded land available for permanent development in other circumstances would thus be a departure from the plan.

6.9. Local Development Framework

6.9.1. The Local Development Framework is a joint strategy between Chorley Borough Council, South Ribble Borough Council and Preston City Council and currently at the stage where ‘Issues & Options’ are to be published in December 2010.

6.9.2. The Central Lancashire Core Strategy Published version (September 2008) specifically refers to Locations for Growth and Investment in Central Lancashire. PCS1 identifies that some growth and investment will be encouraged at a number of Urban Local Service Centres including Clayton-Le-Woods (Lancaster Lane) to help meet housing and employment needs. This document does not specifically identify the proposed site.

6.9.3. As stated previously Safeguarded Land remains protected until the Site Allocations and Development Management Policies DPD identifies if such land is needed for release to cater for the development need of the Borough. Once adopted this DPD becomes part of the statutory development plan. Its purpose is to determine specific sites for development in accordance with the policies and general locations for development set out in the Core Strategy in order to meet Chorley’s development needs to 2026. This DPD will identify land for uses such as housing; employment; community facilities; mixed use; open space, recreation and other land uses.

6.9.4. As part of the Site Allocations and Development Management Policies DPD, Chorley Council has just published the “Site for Chorley Issues and Options Discussion Paper” (December 2010). Safeguarded land is referred to in this document which also makes reference to the site suggestions section which highlights the entire local plan safeguarded land sites. It is also proposed to carry forward the policy DC3.

6.9.5. To date 12 site suggestions have been submitted on the total DC3.8 site (this also includes a Council suggestion C21 to cover the one part of the DC3.8 site not covered by a site suggestion). They are identified below. Of these 5 specifically cover or slightly overlap part of the application site area (shown with asterix *). Site suggestions 0109 and 0197 relate to the site subject to the planning application.

DC3.8 Safeguarded Land - Site Suggestions

Ref	Site Address	Site Area	Proposed Use
0109*	Land East of Wigan Road	8.96	Housing
0197*		13.64	
0111	Land East of Wigan Road	0.86	Housing
0131	Shady Lane, Off Sheephill	6.32	Recreation
0172	Lane	18.01	Housing
0163	Land off Cypress Close, Lancaster Lane	1.49	Housing
0167*	Woodcocks Farm, Wigan	11.28	Housing
0168	Road		
0267	Cuerden Residential Park, Nell Lane, Cuerden	3.33	Housing – mobile homes
0310*	Wigan Road/Lancaster	50.46	Recreation
0311*	Lane		

Ref	Site Address	Site Area	Proposed Use
C21	Land off Wigan Road	1.93	Mixed - Housing, Employment

- 6.9.6. The Planning System General Principles (CLG 2005 Para 17 -19) says ‘*..in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development, which has an impact on only a small area, would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example: Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.*’
- 6.9.7. The application is premature because the total D3.8 site is a large site and should be comprehensively master planned to cover mixed uses, facilities and all infrastructure requirements. If the site is not master planned the cumulative effect would be so significant, that granting permission could prejudice the Core Strategy and subsequent Site Allocations DPD by predetermining decisions about the scale, location or phasing of new development which should be addressed in policy in the Preferred Site Allocations DPD.
- 6.9.8. PPS: Planning and Climate Change, Supplement to Planning Policy Statement 1, para 9 identifies key objectives to deliver sustainable development, and in doing so for all planning authorities to prepare, and manage the delivery of, spatial strategies. This includes:
- in providing for the homes, jobs, services and infrastructure needed by communities, and in renewing and shaping the places where they live and work, secure the highest viable resource and energy efficiency and reduction in emissions;
 - deliver patterns of urban growth and sustainable rural developments that help secure the fullest possible use of sustainable transport for moving freight, public transport, cycling and walking; and, which overall, reduce the need to travel, especially by car;
 - secure new development and shape places that minimise vulnerability, and provide resilience, to climate change; and in ways that are consistent with social cohesion and inclusion;
- 6.9.9. The applicant has given no consideration to a comprehensive master plan for the whole area to cover mixed uses and facilities. The only specifics shown on the illustrative layout, is future vehicular linkage and an existing footpath, which crosses the larger DC3.8 site from Wigan Road. It is stated in the Transport Assessment the applicant cannot presume to know /control the details of any future planning applications by another parties for land adjacent to the area of the current outline planning application. The aspirations of neighbouring owners are identified through

site suggestions submitted as part of the Site Allocations process and which are in the public domain. Housing is the only use specific to the site suggestions in this area, while others want the land designated for recreation.

- 6.9.10. Neither has the applicant assessed the infrastructure provision that would be required for development of the larger DC3 site. The Transport Assessment only looks at a maximum of 300 houses. It includes consideration of the strategic access issues relating to the master planning /overall access strategy for a larger area than included in the proposed application site. The applicant gives an indication that there will be a bus routed through/around the overall larger masterplan area, but specifically indicates this is to be pursued and funded by developer(s) of the larger masterplan area at the time of future planning applications. In addition it is noted two new bus stops are to be located at the proposed access at Wigan Road. Again the Interim Framework Travel Plan only looks at a maximum of 300 houses and similar comments as above apply.
- 6.9.11. PPG 13: Transport (2001) indicates land use planning has a key role in delivering the Governments integrated transport strategy. By shaping the pattern of development and influencing the location, scale, density, design and mix of land uses, planning can help to reduce the need to travel, reducing the length of journeys and make it safer and easier for people to access jobs, shopping, leisure facilities and services by public transport, walking and cycling.
- 6.9.12. Key Objective 2, para 4, is to promote accessibility to jobs, shopping, leisure facilities, and services by public transport, walking and cycling. Key objective 3 is to reduce the need to travel, especially by car. Local authorities are advised to consider these when preparing local development plans and assessing planning applications (para 6). Para 30 indicates that mixed use development can provide very significant benefits in terms of promoting vitality and diversity and in promoting walking as a primary mode of travel.
- 6.9.13. The Utilities Appraisal Report is also based on an inquiry for up to 350 houses. However United Utilities when consulted about the application by the Council have indicated they will need to increase treatment capacity at Walton –le –Dale Wastewater Treatment and it is not expected to be in service before autumn 2013. The Core Strategy Published document highlights this in Policy 29 –Water management. Also it will be part of the Infrastructure requirements and is identified in South Ribble’s Borough Council “Land Owners and Developers Site Suggestions Issues and Options Discussion Paper”.
- 6.9.14. Furthermore a consultation response from Lancashire County Council as the education authority has asked for a contribution from the developer to cover a shortfall of 39 primary school places. The Core Strategy Publication document indicates the need to provide for education requirements to enable new schools The Core Strategy team were notified of the requirement for a new primary school in Clayton –Le –Woods in 2009. The new primary school provision requirement is also included in the infrastructure requirements section of the Sites for Chorley Issus and Options Discussion Paper, Site Allocations DPD etc.
- 6.9.15. Unless the site is comprehensively master planned and all infrastructure requirements are known the Council will not have fulfilled the primary objectives of PPS1.

6.10. Conclusion

- 6.10.1. Within Section 38 (6) of the Planning and Compulsory Purchase Act 2004 it states *‘If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance*

with the plan unless material considerations indicate otherwise. The text above highlights the policies that are of relevance, and form the development plan.

- 6.11. In relation to this scheme, the allocation in the Chorley Local Plan Review is still of relevance and the starting point for making any decision. However, the material considerations need to be looked at and assessed, and these will be considered below, under the various headings.

6.12. MATERIAL CONSIDERATIONS

6.12.1. Access and Highways

- 6.12.2. Access - The access into the site is shown where the existing employment uses are located on the A49 (Wigan Road), opposite the development site. The access is in the form of a roundabout, which will enable continued access along Wigan Road, into the development site and the businesses opposite.

- 6.12.3. Access is sought for consideration with this application, but only the main access not the secondary access as shown to the north, which cuts through Cuerden Farm, as this is for indicative purposes only. Which is to show how the wider safeguarded land that surrounds this development, can be accessed separately without having to use the roads within this scheme. The application therefore need to be looked as to whether the access is of an acceptable standard, whether there is adequate information to make that assessment and the design of the access in relation to the surrounding area.

- 6.12.4. The County Council, as the Highways Authority, originally had concerns in relation to the access proposals and levels of traffic generation on the existing network. As the existing network suffers congestion at peak times, which has been raised as an issue by local residents following the consultation over the application. Prior to submitting the application a traffic light junction was suggested by the applicant, however, the County Council expressed concerns as it did not maintain adequate and safe access to the existing commercial properties to the west of the A49. Therefore a roundabout junction was designed, which is acceptable in terms of access for the County Council. There have been concerns raised from one of the local businesses, in that the main access into the businesses will become a slip road, which will lead to the loss of trade. The access has been looked at by the Highways Engineer from a safety point of view, of which this is considered the most appropriate option. It is considered that by using appropriate signage that people will still be directed to the businesses.

- 6.12.5. Traffic Generation and Highways Improvements - A Transport Assessment was submitted with the planning application where it has been demonstrated that level of traffic generated by this development at the Hayrick Junction is substantially less than the additional committed development traffic. Notwithstanding this the developer has agreed to fund junction improvements at the Hayrick junction which will provide bus priority measures and overall improvement to the network reliability.

- 6.12.6. The highway works include the following measures:

- Upgrade of the signal control equipment from A49 to Leyland Way.
- Extension of left turn lane from A49 to Leyland Way.
- Increased connectivity with the M6 motorway slip roads.
- To encourage the use of the A49 north as an alternative route to access the M6
- Bus priority measures at the A49/A6/Station Road junction

- 6.12.7. The majority of the works to the highway can be progressed through a S278 agreement, with the County Council. These are to commence prior to the occupation

of the 51st dwelling. The traffic signal upgrade works would be covered by a financial contribution of £40,000 and it is suggested that this is to be paid prior to the first occupation.

- 6.12.8. Sustainable Transport - The principle of providing good access by public transport is important to any major development and it reiterated through PPS1 and PPS13. It is essential that this development is accessible by sustainable transport.
- 6.12.9. There are also guidelines from the Institute of Highways and Transportation ('Guidelines for Planning for Public Transport in Developments) which set out maximum walking distances to bus stops, which are between 300m and 400m. The Transport Assessment acknowledges that much of the development falls outside these recommended guidelines and that accessibility cannot be improved without a bus service through the larger development site. The existing bus service is limited and comprises of 2 buses per hour to Preston (daytime), 1 bus per hour to Chorley & 1 bus per hour to Leyland. There are a few occasional journeys on two services on Leyland Way. Evening and Sunday services are also very limited and these are currently subsidised by Lancashire County Council, with no guaranteed support.
- 6.12.10. In relation to the above the applicant has responded in that they will provide two new bus stops, on Wigan Road (A49), adjacent to the site access. They have also agreed to the County Council recommendations:
- Upgrading of two bus stops in the vicinity of the development i.e Lancaster Lane, which will serve additional destinations. These will be upgraded to Quality Bus standard and include Real Time Displays.
 - Funding of £125,000 at the initial stage of the development to enable the existing bus network is enhanced to provide additional journeys on the network, providing a minimum of a bus every 30 minutes to Leyland & additional journeys linking to Chorley & Preston, including provision of evening and Sunday services.
- 6.12.11. Pedestrian & Cycle Access Routes - Proposed access routes are highlighted on the Development Framework and the Illustrative Layout, which was submitted with the application. This shows potential pedestrian routes , into the development site, from Wigan Road (A49), and onto Lancaster Lane via Levens Drive and Caton Drive. This includes a 3.0m wide shared footway/cycleway on Wigan Road between the site access and Moss Lane, and a Toucan crossing is also shown at the junction with Moss Lane to provide connectivity to Leyland. The details of the other pedestrian routes are only indicative and there are not details or confirmation of their deliverability.
- 6.12.12. It is also proposed to provide a controlled (Puffin) crossing on Lancaster Lane between Caton Drive and Newby Drive to improve the pedestrian connectivity between the site and the residential area/school area and the shops on Lancaster Lane. The Institute of Highways and Transportation (IHT) guidelines states that 500m is the desirable distance for journeys on foot, and with no demonstration that these links can be provided, onto Lancaster Lane, it raises issues regarding connectivity and the sustainability of the development. Although the applicant considers that the pedestrian link between Caton Dive and Lancaster Lane to be deliverable. The route via A49, will be long and drawn out, especially from residents within middle of the development, which will mean that residents will subsequently rely on their car.
- 6.12.13. The Transport Assessment also makes reference to the developer being agreeable to a £10,000 contribution towards improvements to Footpath 16 to Bristol Avenue (Lever House Primary School), which is in Leyland. It is acknowledged by the Highways Engineer that this is welcomed, however, there is concern that

improvements such as lighting of the public right of way will not be achievable without full cooperation from land owners.

- 6.12.14. Whilst the improvements and planning obligations proposed are acceptable for the Highways Engineer not to object to the proposal these are based on the development of 300 dwellings only and not as part of a wider masterplan. This is discussed within the section on Sustainability, later in within the report.
- 6.12.15. Travel Plan - An Interim Framework Travel Plan has been submitted with the planning application. Following consultation with the Highways Engineer the document contains all the necessary components of an acceptable Framework Travel Plan. A final Travel Plan will need to be prepared an a survey of traffic will be required within 3 months of occupation of 80 houses. A planning obligation contribution of £24,000 has been agreed with the County Council to provide assistance with respect to Travel Plan support, promotion, monitoring and evaluation. The minimum requirements that need to be addressed within the Final Travel Plan are;
- As stated in the Interim Framework Travel Plan a Travel Plan co-ordinator is appointed 3 months prior to first occupation.
 - Details of cycling/pedestrian/public transport links to and/or through the site.
 - Provision of secure, covered cycle parking for those properties where suitable storage space is not available.
 - Action Plan of measures to be introduced, and appropriate funding.
 - SMART Targets for non-car modes of travel.
 - Details of arrangements for monitoring and review of the Travel Plan for a period of 5 years.
- 6.12.16. The Travel Plan can be included within any Section 106 agreement.

6.13. Biodiversity

- 6.13.1. Background - The site is designated as a Biological Heritage Site (BHS 52SE03 Cuerden Farm Ponds, Cuerden/Clayton-le-Woods) and was identified as a BHS for the breeding populations of Great Crested Newts, Smooth Newts, Palmate Newts, Common Toad and Common Frog. It was identified because of an 'outstanding assemblage of amphibian species', where some of the ponds supported five widespread native species of amphibian. The supporting information that has been submitted with this application has shown a decline in several of the species with only the recorded sitings of Smooth Newt and Common Toad over the last two years. The other species that occur within the application site are bats, hedgehogs, birds, priority hedgerows, and mature/veteran trees.
- 6.13.2. Both Lancashire County Council and The Wildlife Trust have raised concerns in relation to the loss of habitat for such species. The Wildlife Trust objects to the application in principle as it will lead to the loss of a substantial area of an identified Local Wildlife Site. Lancashire County Council do not formerly object but they have raised concerns and state that *'Provided adequate mitigation and compensation can be secured through planning conditions/obligations, then it should be possible for parts of this site to be developed without resulting in major impacts upon biodiversity and the proposals would thus be broadly in compliance with the requirements of biodiversity planning policy, guidance and legislation.'* Therefore this proposal has to be balanced against these points raised.
- 6.13.3. Biological Heritage Site - The proposed development would result in the loss of a large number of the Cuerden Farm Ponds, which was designated as a BHS for its

importance for amphibians in Lancashire. The surveys submitted with the application have shown that the site no longer supports the number that it first did and the Great Crested Newts, which are a protected species, appear to have become extinct locally. For a site to be deleted from the BHS register the absence of Great Crested Newts needs to be confirmed for three years. It is then for the Biological Heritage Site Partnership to formally delete it from the register. However, if this application were to be approved then the developed area would automatically be removed from the register, and the remaining undeveloped areas would remain until it has been demonstrated that Great Crested Newts have been absent for at least three years.

- 6.13.4. There has not been much research published on the impact of urban development through and around such 'pond-scapes'. However, what little is known and through informal discussions between the Pond Action UK and The Wildlife Trust it suggests that it promotes local decline and local extinction of amphibian populations, even where conservation measures are put in place. Although there is no evidence to support this.
- 6.13.5. In relation to the ponds and affording some protection it is suggested by both Lancashire County Council Ecologists and The Wildlife Trust that blocks of land are set aside for amphibian conservation, with a network of breeding ponds and terrestrial feeding and hibernation habitat throughout the development. It is suggested that there should be no built development of any kind (including paths) within 5 metres of any pond, and no pond should be incorporated into a sustainable drainage system (SUDS).
- 6.13.6. The Environment Agency have also commented that there should not be any additional planting around them, as well as concurring with the Wildlife Trust that there should be a buffer zone. Illustrative layouts have been provided showing green corridors at widths of 15m and 40m, and 'Green Corridor Sections' have been provided showing 60m and 40m width corridors. These show the relationship of how the ditches/ponds relate to the road, footpaths, cycleways, foraging routes and the existing trees and hedgerows.
- 6.13.7. Ditches - The Environment Agency also suggest that the ditches should be retained and protected from impacts of development through the provision of buffer strips measuring at least 5 metres in width from the top of the bank, and provided on both sides of the ditches. This along with the suggested buffer zone around the ponds will have an impact on the actual developable area of the site. On one of the 'Green Corridor Sections' as provided in the Design and Access Statement, it shows development right up to the edge of one of the ditches. This is only illustrative and conditions can be added accordingly, however it needs to be demonstrated overall that a development of this size can be accommodated on the site. This is discussed in more detail below.

6.14. Design and Appearance

- 6.14.1. The application is an outline application, where access only is being applied for. However, there have been some concept drawings/illustrative drawings provided as part of the Design and Access Statement and additional sketches to provide some ideas of what the proposal could look like. In PPS3: Housing when deciding planning applications, Local Planning Authorities should have regard to achieving high quality housing, ensuring developments achieve a good mix of housing, the suitability of the site for housing including its environmental sustainability, using the land effectively and efficiently and ensuring the proposed development is in line with planning for housing objectives.
- 6.14.2. On large sites it is difficult to appreciate the scale of development; therefore the visual material provided has been useful in providing that element. The concept as

outlined in the Design and Access Statement is basing the scheme on local character and adopting the local materials and colour, block patterns, street trees and narrow and wide plan building forms. The emphasis for the design approach is simplicity and legibility, with well proportioned buildings and spaces, which deliver attractive high quality designs to deliver a high quality “place” which is sustainable, safe and attractive. Additional design principles include to:

- a. Deliver a mix of housing offering 2-4 bedroom properties, comprising a range of house types, from terraced/linked mews cottages to detached properties;
 - b. Provide a high quality built landscape design that incorporates Best Practice principles. Using as reference the core design texts “Manual for Streets”, “Safer Places”, and “By Design”;
 - c. Establish a legible environment with a choice of interconnecting attractive streets and pedestrian routes which provide excellent connectivity across the site and into the existing context;
 - d. Adopt inclusive design by making the place accessible for all;
 - e. Deliver a tenure mix that reflects the local community with 30% affordable housing;
 - f. Promote sustainability and reduce energy consumption; and
 - g. Establish a landscape and public open space resource with the development, which provided amenity, recreational, biodiversity and sustainability benefits.
- 6.14.3. The emphasis of the design of the scheme, by the applicants, throughout the process from pre-application discussion stage, was that the design of the proposal was led by the nature conservation issues on site. The hedgerows, trees and ponds have dictated the indicative layout to a certain extent, and then the roads and footpath links have been provided where there are natural breaks in the vegetation. Illustrative drawings have been provided showing the green corridors, both at 15m and 40m widths, and a photomontage has been provided to show the extent of the access with the housing shown.
- 6.14.4. Whilst the illustrative layouts of the green corridors show how the design concept fits together showing the extent of the road, footpath, cycle route/pedestrian route, pond/drainage ditches, foraging routes and vehicular crossing areas, and the biodiversity issues have been taken into account, the photomontage of the access into the site shows the opposite.
- 6.14.5. The photomontage shows the roundabout in relation to the existing businesses and illustrates what the housing could look like, which could be any housing estate anywhere across the country. It does not present the concept of the proposal being dictated by the nature conservation on site. This photomontage does not show large green corridors and changes the emphasis from the existing countryside area to a suburban area, which is not what was understood to be considered in the Design and Access Statement. Whilst it is acknowledged that a large number of houses will change the character, it is felt from this photomontage that the change is significant and the design concept as outlined has not been fully communicated.
- 6.14.6. This links in to the comments provided by Lancashire County Council (Ecology) and The Wildlife Trust, in that their concerns are the loss of the Biological Heritage Site, however they acknowledge that the reports have shown a decline in the amphibian species which the Biological Heritage Site was known for. They also suggest that appropriate mitigation measures are put to ensure that there is adequate nature conservation/biodiversity protected in the area. Lancashire County Council also go on to suggest that a lower density of housing, with increased garden sizes, along

with the management of the retained habitats, would mean that there is more certainty that the biodiversity value could be maintained and enhanced.

- 6.14.7. Although the design and appearance is a reserved matter, for future consideration, there is still a requirement for the applicant to demonstrate that up to 300 dwellings can be accommodated. From the information provided and detail in the Design & Access Statement the design concept of the scheme being nature conservation led seems to conflict with some of the comments from the consultees. However, the consultees have stated that if a comprehensive management plan is devised and large blocks of land are set aside without any development contained within them then they have no objection to the proposal. Therefore there is not sufficient reason to refuse the application on housing numbers on the site, or on design grounds as this is a reserved matter for future consideration.

6.15. Flood Risk

- 6.15.1. A Flood Risk Assessment (FRA) was submitted with the application. The FRA concluded that the site was within Flood Zone 1 and this development will be appropriate for this site. No sequential test was required as the development was within Flood Zone 1. In relation to hydrology and flooding the development is not within a floodplain and therefore not considered to be at risk of flooding. The Environment Agency initially had concerns in relation to flood risk, as it had not been demonstrated that a development of this size could be effectively managed in terms of flooding on site/off-site and surface water run-off. Local residents also raised this as an issue as they have seen the fields flood and Wigan Road/Lancaster Road flood after heavy rain.
- 6.15.2. Additional information was requested by the Environment Agency, which they have assessed and they have now withdrawn their previous objection. They feel that the surface water can be effectively managed and that there is no risk of flooding. However, a condition is suggested in relation to providing details of a surface water drainage and attenuation scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, prior to the commencement of development.

6.16. Drainage

- 6.16.1. The Flood Risk Assessment also contained information in relation to drainage and the management of this. The report concludes that the final surface water discharge will be via existing ponds and ditches. Sustainable water drainage will be provided by a combination of SuDS methods and traditional underground surface water systems. The Environment Agency have no objection to the disposal of clean, uncontaminated water to the ditch network but it will be necessary to discharge surface water via a SUDS system or interceptor before it outfalls into the ditch network, which can be conditioned accordingly.
- 6.16.2. In relation to the foul sewage it is proposed to discharge into the existing adopted foul sewer located on Wigan Road. United Utilities have no objection to this. However this ultimately discharges into the Walton-le-Dale drainage network, which links into the Walton-le-Dale Wastewater Treatment Works, which is looking to be upgraded. This water treatment works is being upgraded which is to be designed, procured and built before the autumn of 2013. On this basis United Utilities do not object to the application provided that there is no significant occupation before autumn 2013.
- 6.16.3. As an update to the consultation response United Utilities stated that although they have suggested that there is no occupancy until autumn 2013, they would be prepared to allow for up to 50 dwellings maximum to be occupied on the proviso that all foul water flows emanating from the 50 dwellings much discharge in to the

Walton-le-Dale drainage area network and all surface water flows generated from the development discharge directly to the watercourse.

6.17. Affordable Housing

- 6.17.1. Policy HS5 of the Local Plan Review indicates that a minimum proportion of 20% affordable housing shall be provided on sites over 1ha. The application proposed 30% provision, which exceeds the requirement as outlined with the Chorley Borough Local Plan Review. The details of the actual type of provision will be included within a Section 106 agreement, which the applicant requests should be left in general terms and a decision on what type of affordable housing should be considered in due course. This does not accord with part (c) of Policy HS5 as there is a requirement for the affordable dwellings to be capable of proper management, for example by a Registered Social Landlord (RSL). This has not been demonstrated at this stage.

6.18. Open Space

- 6.18.1. There are areas indicated on the indicative plan for a junior sized football pitch and two play areas. Following further discussion with Council Officers, it is not considered that a junior sized football pitch is appropriate. A 5-a-side pitch (465m²) would be more appropriate within this type of development.
- 6.18.2. It is also suggested that an area in the region of 1000 m² for fixed play equipment is provided for ages 2-14 year olds. This should provide stimulating and challenging equipment for 2-14 year olds and be well supervised by a primary footpath and street lighting and be overlooked by residential property.
- 6.18.3. It would also be encouraged to formalise the area as a park/recreation ground, as it is believed that this provision has more appeal than the football pitch with parking. With the footpath links shown on the proposal it would be a worthwhile destination site for pedestrians and cyclists. The Section 106 would include for areas to be set aside for public open space and play space, however, the detailed design would be required to be submitted at the reserved matters stage.

6.19. Sustainability

- 6.19.1. Since the publication of Planning Policy Statement 1: Delivering Sustainable Development the requirement for all plans, policies and determinations to take into account sustainability issues is clear. Paragraph 28 of PPS1 states: *'Planning decisions should be taken in accordance with the development plan unless other material considerations indicate otherwise. Planning decisions taken in accordance with the plan are therefore key to the delivery of sustainable development.'* This reiterates Section 38(6) of the Planning and Compulsory Purchase Act 2004 that the development plan is the first thing to take into consideration when reaching a decision on a planning application.
- 6.19.2. PPS1 confirms that sustainable development is the core principle underpinning planning, paragraph 3 states:
'Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. A widely used definition was drawn up by the World Commission on Environment and Development in 1987: 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'
- 6.19.3. The undeveloped countryside is a finite resource of considerable value in environmental, economic and social terms. Development that would have a harmful impact on that resource should not be accepted without carefully considering the implications.

- 6.19.4. The Government's objective is to create mixed and sustainable communities; in support of this Planning Policy Statement 3: Housing states:
- '..the Government's policy is to ensure that housing is developed in sustainable locations, which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land, existing infrastructure and available public and private investment..'*
- 6.19.5. There is no set requirement of what facilities should be included to call it a 'sustainable community'. However, following the consultation in relation to this development and the consultation responses received there is a shortage of certain infrastructure and facilities within the immediate area as well as to serve this development.
- 6.19.6. In terms of utilities United Utilities have already identified a capacity shortfall with the Walton-le-Dale Wastewater Treatment works, and are looking to have something in place by autumn 2013. United Utilities are sure that the project will be completed within the specified timeframe. In relation to the other utilities there is a report provided, which accompanies the application, which reviewed the existing utility networks (gas, portable water, electric and telecommunications) to both determine their location and potential to serve the proposed new development. It also identified strategic proposals for the supply of utilities for this new proposal and any need for off site utility network reinforcements to support the development.
- 6.19.7. With regards to electricity supply it is considered that the proposed development can be supplied by the existing network. However, it is likely that a new on site electricity sub station with new cabling will be required to cover the load requirements of the proposed development. This is not included as part of this application.
- 6.19.8. In relation to the provision of Gas the report states that there are no issues with providing the site with suitable pressure and there is no requirement for any reinforcement. New low pressure infrastructure would be laid on site with service connections to each new domestic property.
- 6.19.9. The report states that United Utilities have confirmed that water can be supplied from the current mains network without any abnormal costs or network reinforcement.
- 6.19.10. With regards to telecommunications equipment the report states it is likely given the proximity of the site to the existing BT network, surrounding the site, there would be no issue in extending this to serve the requirements of the new development. BT roadside cabinets or underground chambers may need to be installed strategically throughout the development. Fibre connections are currently not available within the vicinity of this site. However, BT have already enabled the local exchange at Leyland for 21CN (21st Century Network). The core aim is to bring the UK's telecom network into the digital age. High speed broadband and fibre connections will have to be reviewed at the detailed design stage.
- 6.19.11. With regards to the road network there are a number of comments that have been submitted in relation to the Hayrick junction being at capacity, it taking a long time to drive into Leyland and that Lancaster Lane gets busy. A transport assessment (TA) was submitted with the planning application, and discussions have taken place between the applicant's highways consultants and the highways engineer at Lancashire County Council. With regard to development traffic generation and effect on the existing local network Lancashire County Council (Highways) consider that the TA demonstrates that the level of traffic generated by the development at the Hayrick Junction is substantially less than the additional committed development traffic. However, in discussions the developer has agreed to fund significant junction improvements at the Hayrick junction, which will provide both bus priority and overall improvement to network reliability. In highway infrastructure terms it has been

demonstrated that this development of 300 dwellings can be accommodated, but not as part of the wider Masterplan identified.

- 6.19.12. In relation to public transport the Transport Assessment itself acknowledges that accessibility cannot be improved without a bus service through the larger development site. There are works that will be paid for through a S106 that will improve the network reliability including works in relation to public transport, which will provide an alternative to car usage. However, this is only in relation to this development.
- 6.19.13. With regards to services such as dentists, doctors, schools etc. It is clear within the neighbour consultation responses that there are issues for local residents being able to access local facilities. The deficiency in school places can be looked at in terms of a financial contribution, however, the Core Strategy Team were notified of the requirement for a new primary school in Clayton-le-Woods. The planning system does not have the mechanism in place to determine how many GPs, and dentists will locate in the area. However, the LDF process has been put in place to consider infrastructure, and the delivery of this. Chorley is at the very early stages of developing its Core Strategy and it is still for discussion to conclude where there are deficiencies in infrastructure in relation to areas of growth etc.

6.20. Masterplan

- 6.20.1. There are various references made to the Masterplan, however, as previously mentioned, there are no details provided. All the assessments have been compiled in considering just 300 dwellings, and the area of land where this development relates to. Both PPS 1 and PPG2 (Annex B Safeguarded Land, B5), make reference to the need for looking at the sustainability aspects of both existing communities and the proposed to ensure integration as opposed to piecemeal development.
- 6.20.2. Whilst the highways engineer is satisfied with the measures put in place to serve this development in isolation, there is concern that there is lack of evidence and information to show how this development fits into a wider masterplan and more comprehensive development. Therefore the proposal lacks in transport sustainability terms.
- 6.20.3. The layout has been prepared with the knowledge of looking at the wider site. However, the submitted information including the design and access statement does not take into account how this site would fit into the wider area. The layout appears to have been developed in isolation with indicative routes shown to the wider area. It is acknowledged that this application is an outline application, and that details will be looked at during the reserved matters stage. However, this approach does not take into account the wider needs for the area such as open space/playing pitch/park provision, possible need for a district centre, and education requirements etc. This scheme has been progressed in isolation, when to ensure sustainability of this and possible future developments in the area, the design needs to be co-ordinated and more detailed. Whilst the site was safeguarded for future needs and chose due to its location, PPG2 highlights that local authorities '*..should consider the broad location of anticipated development beyond the plan period, its effects on urban areas contained by Green Belt and on areas beyond it, and its implications for sustainable development.*' Therefore it is the overall consideration of the need, its effect on the wider area through masterplanning and the implications on sustainable development, which is through masterplanning and the development plan process. This scheme as such is contrary to DC3 and PPG2.

6.21. Section 106 Agreement

- 6.21.1. A draft Section 106 agreement was submitted with the planning application. This has been revised, and the detail of this is on-going. The general heads of terms include:

- Financial contribution for education, in relation to primary school places only £430,221.
 - Open space and play equipment: areas will be set aside for a 5-a-side football pitch and play area.
 - Affordable housing: 30% provision but details of tenure to be left for agreement at a later date, to maintain flexibility.
 - Footpath upgrading £10,000 for improvements to Footpath 16 to Bristol Avenue (Lever House Primary School) to upgrade and provide a clear continuous route.
 - Public transport provision £125,000
 - Public transport improvements £20,000 for two quality bus standard stops on Lancaster Lane, and £20,000 for provision of real-time passenger information to those bus stops. Also £40,000 for the installation of MOVA signal control technology with bus priority at the A49/A6/Station Road signal junction, and £40,000 for the upgrade of MOVA signal control technology with bus priority at the Hayrick signal junction.
 - A contribution of £24,000 to provide advice and guidance on Travel Plan development and implementation.
- 6.21.2. In relation to the Hayrick junction £180,000 is to be provided for carriageway works to include the extension of a left turning lane on to the A49 Wigan Road, into Leyland Way to improve public transport and network reliability. This would be progressed through a Section 278 agreement with Lancashire County Council.

7. OVERALL CONCLUSION

- 7.1. The main issue is whether the principle of development is acceptable, having regard to the development plan, emerging planning policies and the objectives of sustainable development. As previously stated; *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*
- 7.2. It is clear in development plan terms that the site is a part of a larger safeguarded site, identified for future housing need, Policy DC3, site 8. The policy has been saved from the current Local Plan Review and will be assessed as part of the Local Development Framework. The site selection process for Chorley, Preston and South Ribble is at the very early stages. There are new sites that have been suggested, and these will be looked at along with the existing sites, as to whether they are appropriate for development, within this plan period, and if so what type of development is most suitable. This site will be included in that process but the current situation is that it is identified as Safeguarded Land, and therefore the proposal is contrary to Saved Policy DC3 of the Chorley Local Plan Review.
- 7.3. Although the proposal is contrary to the development plan the material considerations need to be considered. These are discussed in the report. With regards to the design and type of housing although this is an outline application there has been some indication of what type of housing and style of housing would be considered appropriate on such a site. It is felt that the design approach taken and the concepts are appropriate and a suitable mix of housing is proposed. Also affordable housing will be provided at 30% of the total build, where up to 90 dwellings could be provided. However, it has not been demonstrated that these are capable of proper management by a Registered Social Landlord and as such is contrary to saved Policy HS5 part (c) of the Chorley Local Plan Review.

- 7.4. In relation flood risk the additional information provided during the processing of the application has ensured that the Environment Agency are happy with the management of water on and off-site and that the area will not flood or contribute to flooding elsewhere. United Utilities have adopted a more cautious approach in relation to drainage in that they are considering the upgrading of the Walton-le-Dale Wastewater Treatment Works and would want the development restricted to the occupation of 50 dwellings up to the autumn of 2010.
- 7.5. Open Space and play space is to be provided on site and details included within a Section 106 agreement. Comments have been provided on what would be required as a minimum for this scheme. The detail of this will have to be looked at during any detailed design stage.
- 7.6. Notwithstanding the above the proposed development is not in accordance with the development plan and a five year housing land supply is available. It has not been demonstrated that this site is needed at this time. The proposal has been designed in isolation and it is not considered that it has been demonstrated that it is a sustainable development. The proposal is therefore contrary to Policy DC3 of the Chorley Local Plan Review and Planning Policy Guidance Note 2 and saved Policy HS5 (c) of the Local Plan Review.

8. Other Matters

8.1. Public Consultation

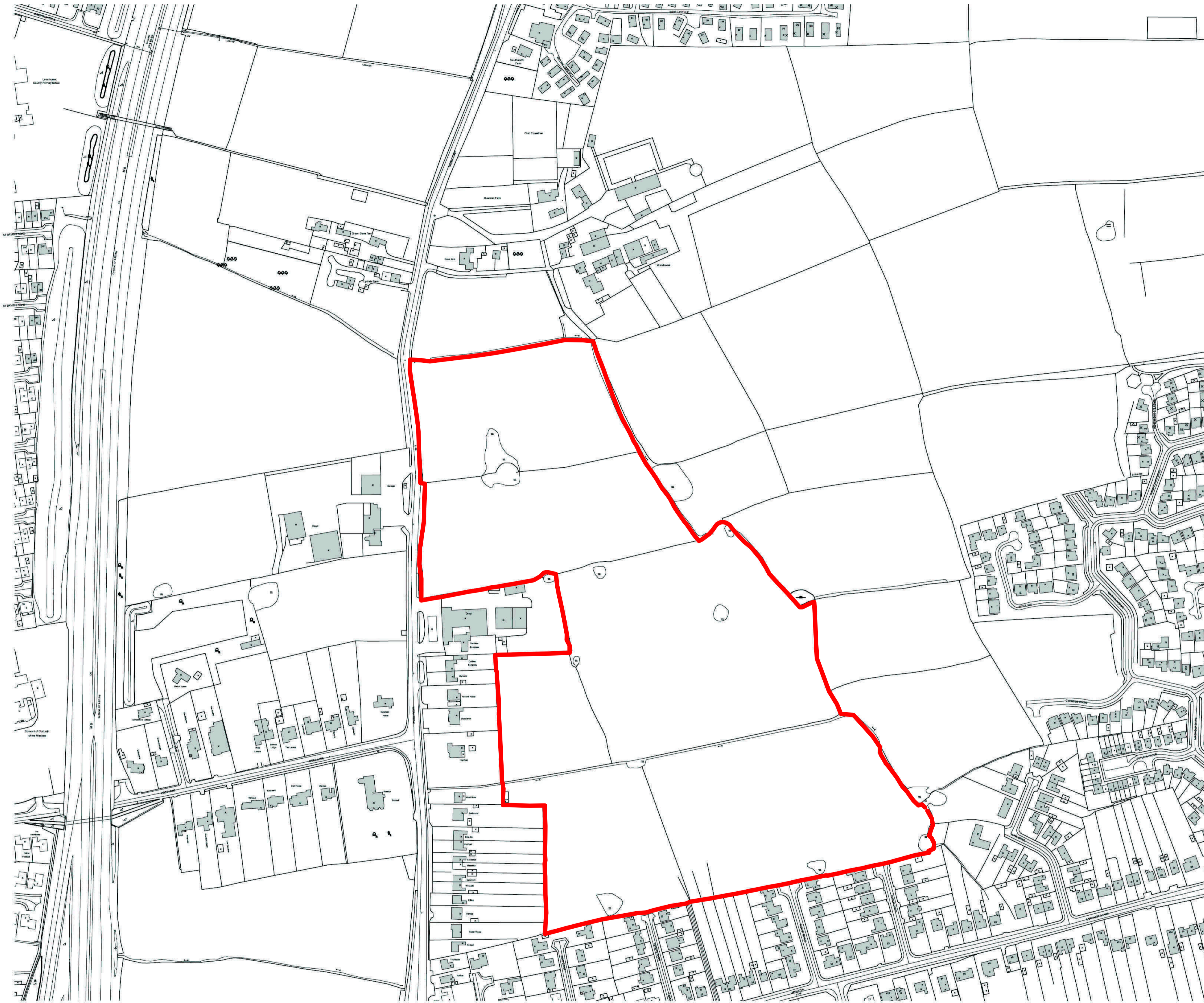
- 8.2. A public consultation event was carried out on Saturday 24 April 2010 10.00am to 4.00pm and on Sunday 25 April 2010 10.00am to 2.00pm at Lancaster Lane School on Hunters Road, Clayton-Le-Woods. Prior to the event a consultation leaflet was sent out (1500 leaflets) to gain initial views and incorporate them into the presentation material for the community consultation event. There were 9 responses received following the initial leaflet being sent out.
- 8.3. The applicants also attended the Parish Council meeting on 19 April 2010 making a presentation with display boards and holding a question and answer session. 28 people attended the meeting, including four local Councillors.
- 8.4. A second consultation leaflet was sent out to residents closest to the application site prior to the community consultation event.
- 8.5. Following the various forms of community engagement there were 31 responses received. The applicant responded to the responses and details were provided as part of the supporting information, as a record of community involvement, which accompanied the planning application. It is considered that the applicant fulfilled the requirements as outlined in the Council's Statement of Community Involvement.
- 8.6. **Planning Policies** - Are referred to in the main body of the report.
- 8.7. **Planning History** - There is no planning history in relation to this site.

8.8. **REASONS FOR REFUSAL:**

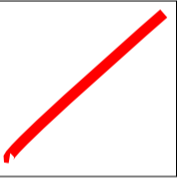
- (1) The application site is within safeguarded land (site DC3.8), where development other than that permissible in the countryside under saved Policy DC1 of the Chorley Local Plan Review and PPS2 will not be permitted. A five year land supply is available and it has not been demonstrated that this development is needed at this time. The proposal has been designed in isolation and is piecemeal development therefore not contributing to the principle of sustainable development. As such the proposal is contrary to saved Policy DC3 of the Chorley Local Plan Review, The Planning System: General Principles (paras 17-19), Planning Policy Guidance Note 2 and Planning Policy Statement 3.

- (2) The applicant has failed to demonstrate that the affordable housing is capable of proper management and therefore is contrary to saved Policy HS5 (c) of the Chorley Local Plan Review.

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Key



Application Boundary



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Key

1	Village Green & Gateway Properties with Retained Pond & Habitat Creation
2	Future Vehicular Link
3	Vehicular Access off Wigan Road
4	Open Space & Play Facilities
5	Existing trees, hedgerows & ponds retained
6	Housing reflecting character of Magnolia Drive
7	More formal housing reflecting Clayton-le-Woods layout
8	Lower density properties backing onto Wigan Road
9	Existing footpath
10	Proposed footpaths/cycleways
11	Proposed football pitch
12	Proposed parking
13	Proposed strengthened landscape planting to boundary

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Item	10/00456/OUTMAJ
Case Officer	Liz Beard
Ward	Euxton South
Proposal	Demolition of the redundant mill building and construction of 55 apartments and communal facilities together with the erection of 6 two storey cottages and associated surface car parking (retirement living)
Location	Euxton Mill Dawbers Lane Euxton Chorley PR7 6EB
Applicant	Xpect Development Limited

Consultation expiry: 4 November 2010

Application expiry: 15 September 2010

Proposal

1. The proposal is for the demolition of the redundant mill building and the construction of 55 no. apartments and communal facilities, and the erection of 6 no. two storey cottages and associated surface car parking. The properties would be for people aged 55 years and over.
2. The application is an outline application where the applicant is seeking approval for access, appearance, layout and scale. Landscaping is a reserved matter for future consideration. The total site area is 0.69ha, with a density of approximately 94 dwellings to the hectare.
3. The proposal has been amended, from the scheme that was first submitted. The original scheme included 81 no. apartments and 9 no. two storey cottages. The amended scheme is broken down into 45 two bedroom apartments and 10 one bedroom apartments (55 in total), and 6 two bedroom cottages. The other facilities include a dining/function room, IT suite, kitchen, laundry, cycle store, lounge, conservatory, recreational room, toilets, hair and beauty salon, convenience store and post office and coffee bar area.
4. There are two accesses into the site from Dawber's Lane. The main car parking area is at the front of the site, and there is a smaller parking area/service area to the west of the development. The main entrance/lobby to the apartment building is from the car parking area, and the cottages have their main entrances overlooking the road area, with the main living accommodation to the rear taking advantage of the open aspects of the river and countryside beyond. There are lawn areas and a patio area to the south of the site, and the cottages also have a communal amenity area allocated to them, which both take advantage of the open aspects.

Recommendation

5. It is recommended that this application is approved subject to conditions and entering into a legal agreement.

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - Principle of development
 - Design and appearance
 - Impact on the neighbouring property
 - Highways and transport
 - Flood risk
 - Contaminated land
 - Biodiversity

- Archaeology
- Affordable housing
- Footpath and public right of way

Representations

7. 6 letters of objection have been received where the following issues are raised:
- It has been possible for many years to access the River Yarrow footpath from Dawbers Lane via the eastern side of the factory. We would wish this amenity to continue. Does the plan allow for this?
 - The plans move some of the main building closer to the River Yarrow footpath therefore will be much more obvious to members of the public using the footpath to the detriment of a natural setting.
 - 7 flats are nearer the river than the existing building.
 - All the cottages are lying outside the existing factory building footprint and are also much closer to the river footpath than the proposed new main building.
 - Scale of the development.
 - More vehicles and more traffic will be generated with increased risk of accidents on an already dangerous stretch of road.
 - We note this is a retirement development for the over 55s. Please confirm how this will be legally enforced in terms of people occupying the flats/cottages?
 - Are there plans for the development neighbouring Gledhill Farm to be developed?
 - Overdevelopment
 - In its current state the road is much too dangerous to consider safe access to and from the site.
 - We would welcome the refurbishment of the buildings and site of Euxton Mill, which is rapidly deteriorating, has been the target of vandalism and is becoming an unattractive part of the neighbourhood. However, we feel the proposal put forward for a retirement village of 90 dwellings would appear to be overdevelopment of the site and clearly presents some problems.
 - This change of use does not comply with Green Belt policy.
 - Should this application be approved, it should be subject to the strict condition that the applicant is required to carry out road improvements incorporating a roundabout.
 - The application shows inadequate car park provision.
 - There is a very limited bus service on Dawber's Lane and no shops or other facilities nearby, therefore every resident will require a vehicle.
 - There is a public right of way through this site between Dawbers Lane and Public Footpath No. 9 along the banks of the River Yarrow.
 - Would like reassurance that will remain for over 55s and that residents are not allowed to sublet to people below 55.
 - We appreciate the Mill wall will be straightened and moved back to improve sightlines for people coming from the car park. However, this improvement will not improve the curve in the road itself and may well encourage people to think they can take the bend even faster than now.
 - Dawber's Lane is an extremely difficult road for a pedestrian to cross in either direction. Pedestrians coming from and going to the development is an older age group and find it more difficult. Residents may want to cross on mobility scooters.
 - More should be done to improve pedestrian and vehicle access.
 - Consideration should be made as to whether a combination of speed limits, traffic calming, roundabouts and a pedestrian crossing should be included.
 - We would like assurances that the excavation for waste storage will not affect the integrity of our property or cause any land slip.
 - We would like assurance that there will not be any problems with the main drains and we will not have any 'backing up' or flooding.
 - In extreme rain the water from Dawber's Lane flows onto both the existing car parks.
 - Hope that amendments to the roof design will mitigate against loss of habitats for bats, swallows and wagtails.
 - Japanese Knotweed is present on site.
 - Suggest TPOs are placed on certain trees.

- Object to building of cottages on car park as this has never been used for building purposes.
 - Concern over proximity of development to the river.
 - Concern over balconies overlooking our garden.
 - The walls and windows on the plans do not correspond to each other.
 - Visitor parking should remain on the main car park.
 - Inclusion of parking for visitors on the West side of the Mill would be highly dangerous for drivers unused to the problems of Dawber's Lane traffic.
 - Bin store for all the service facilities and at least half the apartments now sited immediately adjacent to our property.
 - We suggested the inclusion of a 'green roof' to help mitigate the loss of habitat for wildlife and nesting birds. The amendment now includes a 'roof garden' a facility for Humans, not Wildlife!
 - In highways terms the proposed development would lead to unsuitable and unsafe highways conditions on this location along Dawber's Lane and as a result should not be permitted.
 - This area has been known to flood and nay proposals must be carefully arranged and designed to minimise the impact of flooding.
 - The increased footprint and hard standing will accentuate the potential flooding issue by virtue of the additional surface water run-off to the detriment of future occupants.
 - Site was previously in use for employment/industrial purposes and as a result there is potential for ground contamination.
 - In relation to Policy EM9 the information submitted no evidence has been provided to justify this loss of employment premises. In addition no information has been submitted to demonstrate the need for 'retirement' development in this location.
 - Proposed development is contrary to guidance within PPG2 and DC1 and DC6.
8. Amended plans were received and there was one letter of objection following the further consultation period. This was from the neighbouring residents, in relation to the bin storage/refuse area, which had been amalgamated into one area. Their concerns are that there is going to be much more disturbance through noise and that vermin will be around this area. They consider that the store is not in a convenient spot for residents and these bins are not remotely close to the exit routes. The residents have asked whether the recycling and refuse area can be relocated, and the applicants are to respond to their request and any additional information will be reported at the Committee meeting.
9. **Euxton Parish Council** object to this application over concerns of road safety issues due to the history of accidents and deaths on this stretch, sight lines, speeds of traffic. In light of the highway comments and new drawings for the building the Parish Council would just like to ask if you could remind LCC Highways Engineer of the increased traffic due to begin on this stretch of road due to the new Tarmac Quarry plant for 16 years. This was following the consultation with regards to the amended plans.

Consultations

10. **Lancashire County Council (Ecology)** have stated that ecological concerns include potential impacts upon non-statutory sites and protected species. However, it appears that the proposed development would affect the existing developed footprint only. Provide appropriate mitigation and compensation measures can be secured through planning condition, significant impacts upon biodiversity seem reasonably unlikely, and the proposals should therefore be in accordance with the requirements of biodiversity planning policy, guidance and legislation. The following conditions are recommended:
- Measures for the BHS (sections 5.1 and 5.2 of the report 'ERAP Ltd, August 2010. Ecological Survey and Assessment') will be implemented in full.
 - Precautionary measures for the protection of bats (section 5.4 of the report 'ERAP Ltd, August 2010. Ecological Survey and Assessment') will be implemented in full.
 - Tree Felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and July inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections. If there is evidence of active nesting, works must be delayed until nesting is complete.

- Further details of the incorporation of swallow nesting opportunities shall be submitted to Chorley Borough Council for approval in consultation with specialist advisors. Approved details must be implemented in full.
 - No site clearance, site preparation or development work shall take place until a habitat enhancement and management plan for that part of Yarrow Valley BHS within the ownership of the applicant has been submitted and approved by Chorley Borough Council in consultation with specialist advisors. The approved management plan shall be implemented in full.
 - All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. *BS5837: 2005 Trees in relation to construction - Recommendations*).
 - Further details of the proposed lighting scheme (demonstrating that adjacent habitats will not be artificially illuminated) should be submitted to Chorley Borough Council for approval and subsequent implementation.
 - Japanese knotweed (*Fallopia japonica*) and Himalayan Balsam (*Impatiens glandulifera*) shall be eradicated from the site and working methods shall be adopted to prevent the spread of this species.
11. **Lancashire County Council (Archaeology)** recommend that an archaeological record, comprising plans, drawings and photographs, should be made of the buildings, and an archaeological watching brief should be undertaken during groundworks which might encounter the remains of a gasometer and the demolished late 19th century structures seen on the 1st Edition OS 1:2500 map. The above work should be secured by means of condition in accordance with PPS5, Policy HE12, where the loss of the whole or a material part of a heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset which is lost, using planning conditions or obligations as appropriate.
12. **The Environment Agency** have no objections as there will be no new buildings within 8 metres of the top of the bank of the River Douglas. However, the proposed cottages and the south-east corner of the proposed apartment block are just outside the 8 metre easement. Any amenity space, future extensions will therefore be within this easement and a condition removing permitted development rights for extensions and outbuildings is suggested. A condition is suggested for the removal of Japanese Knotweed and Himalayan Balsam. The site has a previous land use which is potentially contaminating and is located on Secondary A aquifers adjacent to the River Yarrow. Therefore protection of controlled waters should be considered when investigating this site and a condition for a site investigation is recommended.
13. **Planning Policy** comments in relation to the policy and design are discussed in the main assessment part of the report.
14. **Director of People and Places** states that due to the past activities upon and adjacent to the above site, notably a former cotton mill and infilled ground, there is potential for ground contamination, therefore a condition in relation to further site investigations is requested prior to any development taking place. It is also suggested that the applicant consults Chorley Council's 'Waste Storage and Collection: Guidance for Developments.'
15. **United Utilities** state that in accordance with PPS25 surface water should not be allowed to discharge to the combined sewer as stated in the planning application. A condition is therefore requested. A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. The level of cover to the water mains and sewers must not be compromised either during or after construction. The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

16. **Lancashire County Council (Highways)** provided the following comments, on the amended scheme. A Transport Assessment is required for an application of this size. There is no explanation how the parking figures have been derived at, 100% parking is required for the residents. There are 13 visitor spaces shown in the service area, which is now not a service area, which was the reason for retaining the two entrances. There is no link between the two parking areas, which could generate unwanted trips. The employees have no parking. The first scheme had tegular paving this has grasscrete. This is the main car park therefore grass will not survive this level of traffic. This is a retirement village so it is safe to assume that most residents will be of retirement age. On that basis, many will find any walking less easy, yet they are being expected to walk on the very pedestrian unfriendly, surfacing. Also no mobility impaired parking is set aside so the disabled are expected to negotiate this unsuitable surface too. I still have reservations about the delivery/HGV use to the service (even without any parking!) area. Large delivery vehicles still cannot turn in the turning head shown, as the side arm is too short. Again, the bin wagon cannot get to the relocated bin store within the residential parking area on the east side. If the wagon goes in forward it will need a 50m reverse that includes a 90° turn! If the wagon drives to the bottom and then does an umpteen point turn in the short turning head, it then "only" has a 25m reverse. This is in a residential area where residents have to cross to their cars. (Since this initial response was received, there was further consultation following the submission of the Transport Statement and further amended plans. The Highways Engineer has stated that the Transport Statement fully supports the proposal and that the changes made, as shown on the latest amended plans, mean that the proposal works from a highway point of view).
17. **Chorley and District Natural History Society** objects on the grounds that it will have a detrimental effect on an important wildlife habitat and the River Yarrow, the main wildlife corridor in the Chorley Borough and there is no Environmental Impact Assessment Required. A full EIA should be carried out as the proposed development of such a large number of properties, together with associated vehicles, will obviously cause considerable disturbance to the local wildlife. The proposed development extends beyond the footprint of the original mill. Wildlife along the river will suffer. There are mature trees along the river and these are likely to have to be felled, as they will restrict light to the proposed properties. A colony of Swallows currently nests in the derelict mill buildings. An alternative nesting site should be arranged. The buildings have been used by bats and as nesting sites for Grey and Pied Wagtails. Consideration should be given for these species and any other wildlife that uses/have used the mill building and environs. We assume that requirements for surface water drainage attenuation will be addressed as part of the planning process.
18. **Lancashire County Council (Planning Contributions)** have requested a contribution towards Waste Management based upon their Policy Paper 'Planning Obligations in Lancashire.'
19. **Central Lancashire Primary Care Trust** have provided the following comments: As you are aware NHS Central Lancashire has been working closely with the Local Authority planning departments to ensure that we are informed and involved in the arrangements linked to the Local Development Framework and are able to plan for the future healthcare implications of any major residential developments across the Central Lancashire area. They have carried out a detailed exercise to assess the impact that a significant increase in population will have on the local health infrastructure. Both doctors are in agreement that they are unable to take on additional patients at the present time owing to the present workload and the limited clinical accommodation that the existing practice accommodation provides. Euxton Medical Centre offers limited scope to cope with an increase in patient demand of scale envisaged now and in future and it is proposed that the most practical way of providing the additional physical capacity required would be to extend the existing building. It is hoped that account will be taken by the Planning Authority of the impact that the other proposed housing developments in the area will have. The cost of the work is estimated to be in the region of £150,000.
20. **Mr J G Smith, President and Founder of the Chorley and District Archaeological**

Society would like to access the mill to record it for his forthcoming book. In relation to the scheme itself Mr Smith states that it should be considered that an official path to the riverside walkway should be included. The proposal is in one of Chorley’s most dangerous locations. The ‘S’ bend here, is right on where the access to the new premises is to be sited, even if the buildings are a little further back from the present roadway. Dawber’s Lane would have to be radically altered here to ensure a safe access to the new site. In relation to the design it is in the wrong position. The design of the complex is worthy of comment in that it looks like it would improve the site. The front and rear aspects are quite pleasing to look at on paper. If the planning is approved, it would fit in nicely, however the new buildings seem to cover more area than the present area occupied by the footprint of the mill.

Assessment

Principle of Development

- 20. The application site is located within Green Belt therefore Planning Policy Guidance (PPG) 2: Green Belts is of relevance. Saved Policy DC1 of the Chorley Local Plan Review reiterates PPG2, and is also of relevance.
- 21. The proposed use of residential development (Class C3), specifically for people aged 55 and above, is not identified as an appropriate use within Green Belt. In PPG2 there is a presumption against inappropriate development, which by definition is harmful. It is therefore for the applicant to show why permission should be granted, and the very special circumstances to justify inappropriate development.
- 22. Paragraph 3.7 of PPG2 is concerned with the re-use of buildings and states that the re-use of buildings should not prejudice the openness of Green Belt, since the buildings are already there. The Euxton Mill building is not being re-used but the site is proposed to be redeveloped.
- 23. In relation to the redevelopment of the site the mill buildings are currently located to the front of the site with tarmac areas surrounding the site. The existing buildings are a mix of single storey and two storey, behind a large wall fronting onto Dawber’s Lane. The proposal is for the main apartment building to be moved away from the frontage of the site, and the ground excavated so it steps down towards the River Yarrow. The main area of car parking will therefore be moved to the front of the site and visitor parking will be provided to the east of the side (when looking into the site from Dawber’s Lane). The cottages will be located to the corner of the site, where there is currently an area of tarmac and lawn areas will be provided to the rear of the building, with pathways linking these different areas. There is one refuse store shown within the western side of the development, adjacent to the property named Mill End.
- 24. The proposed amended site plan shows the extent of the Mill buildings in relation to the proposed building. There are two parts of the apartment block, which are nearer to the River Yarrow than the existing Euxton Mill building. Also the cottages are all new buildings in an area which was previously tarmaced, with no buildings on it. The volume and footprint calculations have been provided in the supporting evidence and are shown as:

	Existing Buildings	55 Apartments	6 Cottages
Footprint	3259.4 sqm	1337.7 sqm	317.1 sqm
Maximum Height	14.2m	11.5m	8.7m
Volume	34826.68m3	14696m3	2413.7m3

- 25. The assessment of the proposal has to be looked at as a whole and the consideration of the existing volume and footprint in relation to the proposed scheme is one of those considerations. It is the combination of heights of building, width, design, the levels and landform and surrounding hard and soft landscaping including car parking that all need to be assessed together in relation to what was previously contained within the site. The combined volume of the proposed building is less than half that of the original buildings.

26. The scheme has been amended, and reduced from what was originally submitted. There has been amendments made to the car park and roof, with the use of landscaping, providing a more 'softer' impression within the surrounding area. The boundary wall is to be replaced with reclaimed materials, therefore lowering it. The building has also been moved further away from the River Yarrow, and reduced in size and the two areas of the building that are closest to the River Yarrow have been reduced in height. The top level of the apartment building has been reduced so the building steps down and reduces the impact nearest to the river. These changes that have been made to the scheme are discussed in the design and appearance section below.
27. In relation to the special circumstances to justify this inappropriate development in the Green Belt, the applicant has provided supporting information. They state that the site is currently disused and rapidly deteriorating and has fallen into a bad state of repair. The building has also been extended on numerous occasions, using breeze block, and therefore adds to the already unsightly appearance of the building. The proposed application is engineered to enhance the site and the openness of the Green Belt setting through demolishing the mill building and constructing a well designed, attractive building that compliments the context of the site as a former mill, whilst occupying much less of the site and therefore contributing to the openness of the Green Belt.
28. The applicant then states that although the openness of the Green Belt is of prime concern, it is recognised that the site is not open but screened by well established groups of trees and there is significant site coverage by the existing structure. There will be an opportunity to enhance the context of openness by reducing the amount of built-form and consequently opening up more space and light around the proposed building and its environs.
29. In relation to further justification, the applicants have stated that the buildings have been vandalised over the years.
30. The applicants also go on to state that the building is a major structure, especially in the context of the immediate locality, extending extensively along the Dawber's Lane frontage, which is harmful to the openness. It also compromises road safety for the following reasons:
 - Prevents forward visibility along the road in both directions and is an accident 'black spot' with several recorded fatalities.
 - The wall of the mill limits the available width of the pavement, which is reduced down to 325mm before forcing pedestrians into the road.
 - The existing sight-lines from the existing site access points are sub-standard and considered extremely dangerous.
31. The site coverage of the existing building is 40% of the site area and the applicant goes onto state that it is a confrontational structure with no visual or aesthetic relationship with its surroundings. When viewed from the riverside walkway the building is over four storeys in height in places, dominates the vista and is uncomfortable on the eye and does not sit well within the woodland setting.
32. The applicant has provided examples of other similar completed developments in the north west. These include Bradshaw Hall in Bolton, Eagley Mills in Bolton, Biddulph Grange in Staffordshire, including design philosophy and analysis.
33. The applicant owns additional land in the area, which includes some woodland. It is proposed that this could be opened up for public access as well as having the potential for a habitat management plan to be implemented.
34. In relation to the evidence provided it is acknowledged that the building has been extended using incongruous materials.
35. The site is screened but this is by deciduous trees, it is not necessarily considered that this proposal will open up more space and light than the existing building. However, a comprehensive landscape scheme would soften the proposal in its setting.

36. The building had been vandalised over the years but this is not justification in itself to redevelop the site. It is for the owner to secure the site in certain ways to deter vandalism. This is not a material consideration.
37. It is noted that the existing visibility from the site, for both drivers and pedestrians, is restricted, and that the proposal does provide the appropriate visibility splays. However, the accidents are in relation to the existing road layout, and not the site itself. Although there are no changes proposed to the road layout, and it is the road layout that is the reason for the accidents, the improved visibility and the inclusion of the footway will reduce the potential for any accidents from the development of itself.
38. The existing building is not over 4 storeys in height. The current building, as viewed from the riverside, is more dominant than the existing building as the proposed building is nearer to the riverside. This will be considered within the section on design.
39. The applicant provided some information and examples of other schemes. Whilst they are similar in that they are mills, there is not enough information to assess whether there are the same issues. It is likely that the issues are different, to this site, as the primary concern with this site is that the development is inappropriate in the Green Belt. The other schemes involve enabling development and the use of existing buildings provide different issues in planning policy terms.
40. The applicant has provided information in relation to opening up other land in their ownership for access by the public. A habitat management plan could then be implemented, which is controlled by condition, which would be welcomed in the area.
41. Due to the site having previously been used for employment, saved Policy EM9 and the Supplementary Planning Guidance (SPG) Proof of Marketing is also of relevance. In Policy EM9 the redevelopment of a site for employment use will be encouraged unless the applicant can demonstrate that employment re-use is not appropriate or economically viable. The SPG Proof of Marketing is relevant where non employment use is put forward that there is no realistic prospect of an employment re-use of the land or premises or redevelopment for an employment use would not be economically viable.
42. The applicants/owners have provided some supporting information in relation to marketing the site over a number of months during a number of years. The site was not included in the Council's Central Lancashire Sites and Premises database during these marketing periods, which is a specific requirement of the SPG. However, the Employment Land Review did pick up evidence of marketing in July/August 2007. Although the information does not provide a clear chronology of the marketing over the years, there has been information provided that the site was marketed, and a sales board has been located on both sides of the building. Although the information indicates that the site could be redeveloped, it does not expand on the type of uses suitable for the site. Housing is highlighted as being the most suitable use. There has also been evidence provided in relation to the economic viability, which highlights that it would not be economically viable to reuse the actual mill building. It is considered that the site has been marketed adequately.
43. In relation to the need for this type of housing, 'retirement living' there has not been any information provided to demonstrate such a need.
44. In relation to the principle of development, the balance on the special circumstances will be considered in the conclusion.

Design and Appearance

45. The principle of development has been discussed above and this has included some discussion on the design and appearance. However, this section looks at more detailed design issues.
46. The site is not screened all year round as the trees are deciduous. The existing mill building

has a visual and aesthetic relationship to its context. It uses the land levels to facilitate a height change and the stone materials 'blend in' with the existing stone wall. A pitched roof and various extensions also break up the massing and perceived scale and bulk.

47. The proposed building is set back, from the road, therefore the building will be seen from its entirety and it becomes a focal point drawing the eye to the built form, away from the open countryside. When viewed from the riverside walkway there are two elements of the building that will be nearer than the existing. To reduce this impact the top floor of the two 'wings' which are the nearest elements have been removed from the original proposal. This provides a variation in height of the building, stepping it down, so when it is viewed from the rear and side it will step down towards the river and be less overbearing. Therefore its impact will be reduced.
48. The cottages have been reduced from nine (original scheme) to six in number. They are two storeys with a communal amenity area to the rear. Car parking spaces are proposed to the front of the cottages. The open aspect and the river have both been taken into consideration when designing the cottages, as they have large windows and habitable room windows located on this elevation. The cottages although located in an areas which did not previously contain a building, they are located on a former car parking area which is in the furthest corner of the site, which has the least impact on the surrounding area and Greenbelt.
49. There is an area of open space/lawn area and a patio area provided for communal use to the rear of the apartment block. There is also a residents communal amenity area provided to the rear of the cottages. The applicant has also stated that access will be allowed to the woodland area, within their ownership. It is therefore considered that this is acceptable provision for open space within this scheme.
50. The inclusion of the green roof has the potential to soften the impact of the building. Given that a key issue at this Green Belt location is the impact on the openness of the Green Belt then further landscape details should be provided to show the mitigation of the impact of this building. However, landscaping has been left as a reserved matter for consideration at a later stage. It is considered that from a design point of view the amendments to the proposal have reduced the potential impact. This along with an extensive landscaping scheme, to be submitted at the reserved matters stage, would soften the setting of the development and therefore reduce the impact further.

Impact on the Neighbouring Property

51. The neighbouring property is located to the east of the site (when looking at the mill building from Dawber's Lane), and is called Mill End. There are windows proposed on the side elevation, these would look towards the garden area, but would be approximately 26 metres away at the nearest point. There is also a proposed roof garden, as well as a green roof. Taking into consideration the difference in levels and the height of the proposed apartment building there is sufficient distance between the building and the garden area, which complies with the Council's guidelines.
52. There is a refuse store located adjacent to the boundary with Mill End. There are differences in levels, which would mean that the store would not be directly in line with the height of the garden area. However, it is the noise emanating from people using the store at unsociable hours that is of concern to the neighbouring residents. The refuse store is shown as being in the form of boarded panels with louvre doors. The applicants have stated that the store could be designed to form a structure, with a roof on it, and are looking to have discussions with the residents in relation to this, at the time of writing the report. A condition could be added to ensure that full details are required prior to commencement of development to ensure that any bins are housed in a building to eliminate as much noise as possible. An alternative could be to include them within the apartment building itself. An informative can also be added in relation to bringing to the applicants attention Chorley Council's 'Waste Storage and Collection: Guidance for Developments.'

Highways and Transport

53. Due to the size and nature of the proposal a Transport Statement was required to support

the application. This has been submitted and the Highways Engineer has stated that it fully supports the proposal.

54. There is 100% car parking required for the proposed residents, which has now been provided. There are 10 visitor spaces, which is an appropriate number. However, this has been provided in an area, which was originally designed as a service area. This causes concern as it was recommended that only one entrance was provided, as this causes confusion. It is considered that signage can be provided to ensure users know which access to use, and overcome any confusion. This can be conditioned accordingly.
55. The surfacing for the car park is shown as grasscrete, whilst it is acknowledged it is being provided to try and soften the impact of a large expanse of parking, it will not survive on a car park being used regularly. There are also issues over the type of surface in terms of pedestrian mobility, as this is an uneven surface. A condition can be added to ensure that details of all the surfacing is provided prior to the commencement of development to ensure that the details are fully explored.
56. The service area/parking area has been reconfigured so it is large enough for HGVs to turn. A turning head, of adequate size has been accommodated. The refuse vehicle can now access the refuse storage area, as there is enough space for it to turn adequately.
57. There were a number of detailed design issues that were required to be addressed, from the original scheme that had been submitted. A Transport Statement has been submitted with the amended scheme, which looks at the traffic, transport and highways implications of the proposal which comprises 58 apartments and 6 cottages (the scheme has since been reduced to 55 apartments and 6 cottages) for people aged 55 years and over only.
58. The Transport Statement highlights that the proposed use is not a significant traffic generator in relation to peak hour movements, relative to the former employment use. Retirement dwellings generate a different pattern of development.
59. In public transport terms there are bus stops on Dawber's Lane within 140m of the development for east bound services and within 160m of the development for west bound services. There are also bus stops on Wigan Road and Balshaw Lane and Euxton Station is 900m away, which has parking at the station. Whilst some of the services are limited, it is considered that the type of residents, who are retired persons, would not rely on these services at peak times and able to be more flexible with their journeys to a certain extent and therefore find the services accommodating to their requirements.
60. It is therefore considered in terms of highways and transport, due to the reasons above that the scheme is acceptable in relation to the design of the scheme.

Flood Risk

61. The Environment Agency has considered the amended plan and are satisfied that there will be no new buildings or structures within 8 metres of the top of the bank of the River Yarrow. Therefore they have removed their original objection. However, the proposed cottages and the south-east corner of the proposed apartment block are just outside the Environment Agency's 8 metre easement. The River Yarrow is designated as a 'Main River' and is subject to Byelaw Control. Therefore no works may take place within 8 metres from the bank top of the watercourse without prior written consent of the Environment Agency. Consent is also required under the Water Resources Act 1991 for any works on, over or within the channel of the watercourse, including construction of surface water outfalls.
62. Any extensions or enclosure of private amenity space would be within their easement. Therefore to prevent any future occupants undertaking any works within the easement under permitted development rights, they recommend that a condition is added removing the permitted development rights for extensions and outbuildings under Classes A, D and E of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order).

Contaminated Land

63. The site is a former cotton mill, and as previously discussed is located on the banks of the River Yarrow. It is underlain by alluvial and glaciofluvial sand and gravel overlying the solid geology of the Lower Haslingden Flags Sandstone. The drift and solid geology are both classified as Secondary A aquifers.
64. The Environment Agency have one recorded pollution incident on the site from January 2006 when there was a minor incident relating to oils and fuel causing a minor impact to land and water. The site also has a previous use which is potentially contaminating and is located on Secondary A aquifers adjacent to the River Yarrow. Therefore protection of the controlled waters should be considered when investigating this site and a condition is recommended.
65. United Utilities reiterate the issue in relation to ensuring that water is not contaminated, by also requesting that conditions are added in relation to separate drainage systems and a site investigation.
66. The Council's Contaminated Land Officer also states that due to the past activities upon and adjacent to the above site, notably a former cotton mill and infilled ground, there is potential for ground contamination, therefore a condition in relation to further site investigations is requested prior to any development taking place.

Biodiversity

67. There is a Biological Heritage Site (BHS) designation on part of the site, which is in relation to the presence of both semi-natural woodland, which is ancient in character, and swamp and fen. The part of the BHS site that lies within the proposed development site comprises former car park, and therefore loss of this area will not result in the loss of biodiversity value from the BHS. The supporting biological report suggests various measures for the protection of the BHS and enhancement. Conditions are suggested in relation to these.
68. The supporting information does not provide any evidence to suggest that there is the presence of a major roost of bats in the area. There is some limited potential for bats to be present and therefore a precautionary approach to site clearance and demolition is suggested, and outlined in the accompanying report. An appropriately worded condition is recommended.
69. There are habitats within the application site that are suitable for nesting birds. It is therefore important to ensure that appropriate mitigation measures are put in place to avoid any adverse impacts on birds or their nests. The existing buildings support the nesting of swallows. It is therefore recommended that replacement nesting opportunities are provided within the site, which can be secured by condition.
70. There is Japanese Knotweed and Himalayan Balsam on the site. The Environment Agency have also raised this as an issue and suggested that a condition is added to ensure that it is removed of and disposed of appropriately.
71. The use of lighting can have an adverse impact upon biodiversity and wildlife, and it can deter species of bats from foraging and flying within this area. The accompanying ecology report recommends that any lighting during construction and operation should be directional and screened where possible to avoid artificial illumination of wildlife habitats. The submission of further details of the proposed lighting scheme should be requested as a condition prior to the commencement of development.
72. It appears that the proposed development would not encroach into the BHS (other than the existing car park area) and that the development would affect the existing buildings and car parking areas only. However, the applicant has suggested that access can be offered to some of the woodlands areas, to make it more accessible. Therefore providing that appropriate mitigation measures and compensation measures can be secured through planning condition significant impacts upon biodiversity seem reasonable unlikely. A condition in relation to the provision of a habitat management plan for the woodland area can be added accordingly.

Archaeology

73. Lancashire County Council Archaeology Unit provided information that Euxton Mill is shown on the Ordnance Survey first edition 6" map of 1849 (Lancashire Sheet 77) as a mill complex complete with gasometer and reservoir supplied by a leat from the River Yarrow. The textile mills of the north west are considered to be of great historic significance, shaping the landscape and communities in which they were built and which surround them, whilst evidence for past engineering and manufacture is gradually decreasing throughout the County. Where demolition is proposed Lancashire County Council Archaeology Service would recommend that an archaeological record, comprising plans, drawings and photographs, should be made of the building. An archaeological watching brief should also be carried out, and it is recommended that these should be secured by way of condition. This is in accordance with Planning Policy Statement (PPS) 5 Planning for the Historic Environment, Policy HE12, where the loss of the whole or a material part of the heritage asset's significance is justified local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions or obligations as appropriate.

Affordable Housing

74. Due to the size of the proposal there is normally a requirement for affordable housing to be provided. However, the site is not considered to be in the most suitable location and the buildings do not lend themselves to provide affordable housing within the scheme itself. It is unlikely that a Registered Social Landlord (RSL) will engage on such a scheme and restrict the housing for occupiers aged 55 years and over. It is therefore not considered appropriate to request that affordable housing is provided on site or a financial contribution for this.

Footpaths and Public Right of Way

75. To the east of the site a continuous footway is provided along the northern side of Dawber's Lane, which links to Euxton Park, Wigan Road and Euxton and bus and train facilities. To the south of Dawber's Lane there is a footway linking to the bus stops and a segregated footpath to behind Old Dawber's Lane to Euxton Park. A further footpath is available along the northern bank of the River Yarrow, which is a public footpath. Some of the residents in the area currently access this footpath through the existing Euxton Mill car park, and have raised concerns that they will not be able to do this if the site is developed. The proposed site plan shows a network of paths around the site, with four access points onto the footpath along the River Yarrow. There is no gate shown across the site entrance therefore access will still be available for residents to use this pathway. The applicants have also stated that access to the other woodland areas can be made available and a condition to provide a management plan is suggested.

Overall Conclusion

76. The proposal by definition is inappropriate development within the Green Belt and the following has been considered in relation to exceptional circumstances. The proposal has been amended, and reduced in size from what was originally submitted and redesigned to step down the main building to the river area, where there is the greater impact was. The change in design coupled with the green roof and a condition in relation to an extensive landscaping scheme, required at reserved matters stage, will provide an improvement to the site.
77. The Transport Statement was submitted, with the amended scheme, and highlighted that due to the type of persons occupying the premises then travel patterns will be different and will not result in a high number of peak movements. Also, the visibility in and out of the site will be improved and therefore reduce any potential for accidents from the site.
78. The applicant will ensure that the existing access is maintained to the river and that there is additional access to the surrounding woodland, of which a management plan will be provided. This will provide greater access that would otherwise not be provided.
79. Due to the sensitive nature of the proposal a detailed site investigation and remediation statement will be required. Protection of the controlled water is required during the

investigation of the site. This site will be therefore be cleaned up and any potential of contamination of the water in the future will be removed. This is also a benefit to the development of this site.

80. It is considered that the amended proposal will improve the site visually from that of an existing derelict site. The main building and cottages are of a good quality design, replicating a mill style development. The visibility will be improved and access will continue to the riverside along with additional access provided within the woodland and beyond. The redevelopment would be more appropriate for retirement living, as opposed to family housing and this is considered an exceptional circumstance. It is considered that this along with the reasons provided above show the scheme to be acceptable and therefore it is recommended for approval subject to appropriate conditions.

Other Matters

Public Consultation

81. There was no public consultation exercise carried out prior to the submission of this application. However, there has been some public consultation carried out by the applicant since the application was submitted.

Sustainability

82. A energy efficient/resource conservation statement, code for sustainable homes report and BREEAM Multi-Residential Pre-Assessment report submitted with the application. The applicant has submitted sufficient information at this stage to demonstrate compliance with the requirements of the policy. A condition in relation to sustainable resources is required to be added to comply with Policy SR1: Incorporating Sustainable Resources into New Development within the LDF.
83. There is also the wider issue of sustainability in relation to its location. If the site was assessed against the sustainability indicators used to appraise the sites when appraising the sites for the Site Allocations Development Plan Document, then it would score poorly due to its isolation from a number of services, in particular distance to convenience store, post office, GP surgery and local centre and bus service frequency. It is acknowledged that the proposal includes a convenience store, post office, coffee bar area, hair and beauty salon, and that the development is for retirement living, therefore the reliance on a frequent bus service is not as much of an issue. However, the PCT have raised concerns that the existing GP surgery is unable to take on additional patients at the present time due to present workload and the limited clinical accommodation. Euxton Medical Centre offers limited scope to cope with an increase in patient demand of the scale envisaged, and the most practical way forward is to extend the existing building. Therefore they are asking for a financial contribution through a Section 106 agreement to progress this. These services, along with the financial contribution towards an extension to the medical centre, go some way to improving the sustainability for the future residents.

Section 106

84. Due to there not being any capacity at the Euxton Medical Centre and this development putting demand on those services it is recommended that a Section 106 is entered into to provide a contribution towards the provision of GP services.

Planning Policies

National Planning Policies:

PPS1, PPG2, PPS5 and PPS25.

Adopted Chorley Borough Local Plan Review

Saved Policies: DC1, HS4, HS5, EM9, EP2, TR4, HS21

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Planning History

98/00239/FUL Side extension and structural repairs. Approved in July 1998.

**Recommendation: Permit subject to legal agreement
Conditions**

1. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5, and, HS4 of the Adopted Chorley Borough Local Plan Review.

2. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

3. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

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

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.

5. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.

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

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

7. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which

may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

9. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.
Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 and HT9 of the Adopted Chorley Borough Local Plan Review.

10. Prior to the commencement of development a detailed method statement for the removal or long term management/eradication of Japanese Knotweed (*Fallopia japonica*) and Himalayan Balsam (*Impatiens glandulifera*) on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations such as soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
Reason: To ensure the development does not contribute to the spread of Japanese Knotweed and Himalayan Balsam.

11. There shall be no site clearance, site preparation or development work to take place until a habitat enhancement and management plan for that part of the Yarrow Valley Biological Heritage Site, as indicated in blue on the ownership/location plan submitted with the application (within the ownership of the applicant). This shall include an indication of areas to be made accessible for public access, and shall be submitted to and agreed in writing by the local planning authority in consultation with specialist advisors. Once agreed then this shall be implemented in full and maintained throughout the lifetime of the development.
Reason: In the interests of the amenity of the area and to ensure accessibility within the area in accordance with saved Policy EP2 of the Adopted Chorley Borough Local Plan Review.

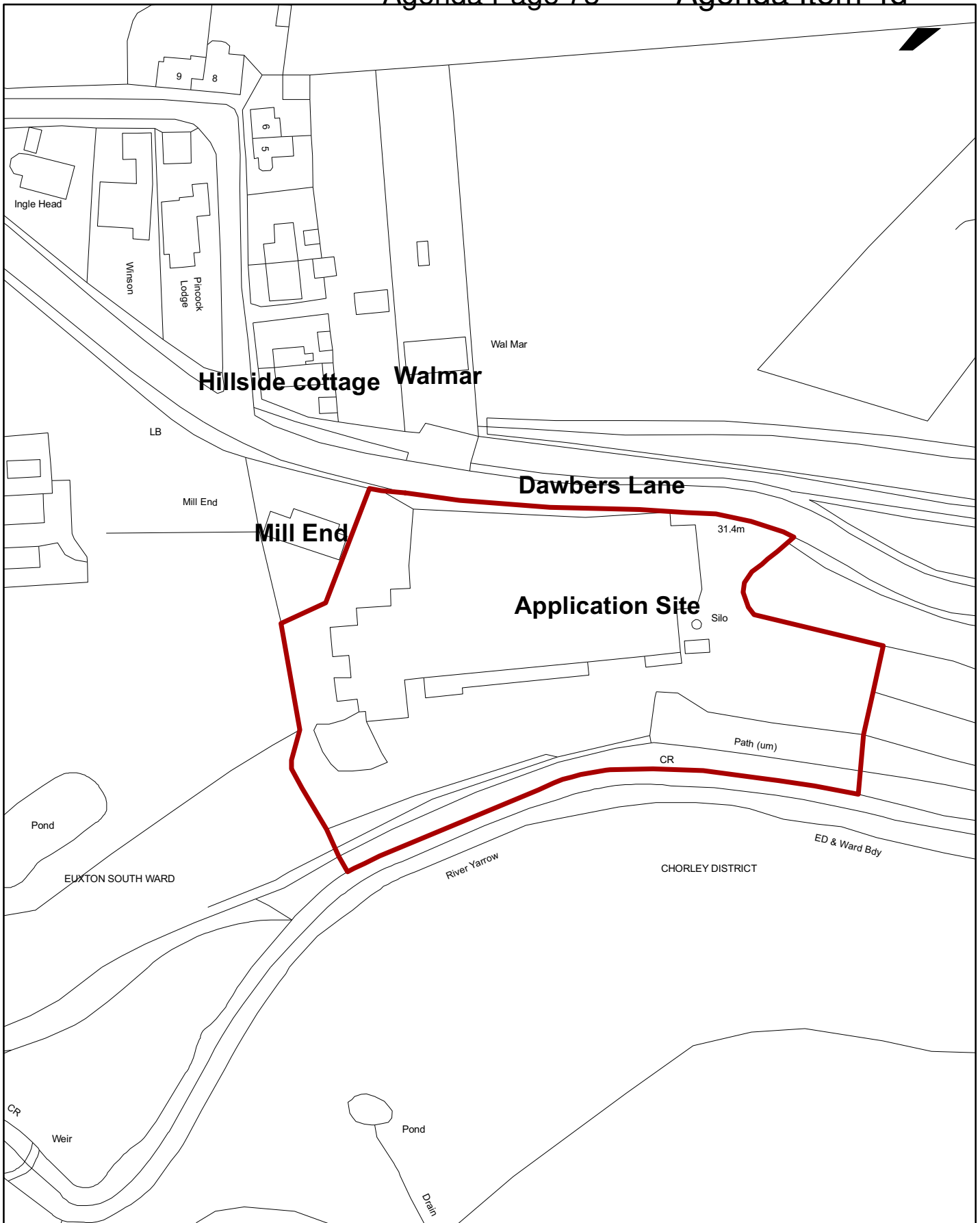
12. The measures for the Biological Heritage Site as outlined in Sections 5.1 and 5.2 of the ERAP Ltd Ecological Survey and Assessment August 2010 shall be implemented in full.
Reason: To ensure the appropriate safeguards for the Biological Heritage Site in accordance with saved Policy EP2 of the Adopted Chorley Borough Local Plan Review.

13. The precautionary measures as outlined in Section 5.4 ERAP Ltd Ecological Survey and Assessment August 2010 shall be implemented in full.
Reason: To ensure the appropriate safeguards for the Biological Heritage Site in accordance with saved Policy EP2 of the Adopted Chorley Borough Local Plan Review.

14. Prior to the commencement of development full details of proposed swallow nesting opportunities shall be submitted and approved in writing by the local planning authority in consultation with specialist advisors. Once the details have been approved then the details shall be implemented in full.
Reason: To ensure that nesting opportunities and habitats are provided which will be lost with the demolition of this building and to comply with saved Policy GN5 part (e) of the Chorley Local Plan Review.
15. Prior to the commencement of development full details of the proposed lighting scheme demonstrating that adjacent habitats will not be artificially illuminated shall be submitted to and agreed in writing by the local planning authority. The scheme shall be maintained as approved throughout the lifetime of the permission.
Reason: To ensure that the adjacent habitats are not artificially illuminated and to comply with saved Policy EP21A of the Chorley Local Plan Review.
16. Prior to commencement of development full details of the bin storage/recycling area shall be submitted to and approved in writing by the local planning authority. The proposal shall implemented and maintained throughout the lifetime of the permission.
Reason: In the interests of residential amenity and to comply with saved Policy HS4 part (f) of the Chorley Local Plan Review.
17. No development shall be commenced on site until:
- (a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - (b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out on the site.
 - (c) The site investigation and associated risk assessment has been undertaken in accordance with details approved in writing by the local planning authority.
 - (d) A Method Statement and remediation strategy, based on the information obtained from (c) above has been submitted to and approved in writing by the local planning authority. The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the local planning authority: unless otherwise agreed in writing by the local planning authority. If during development, contamination not previously identified, is found to be present on site at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained approval in writing from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall be detailed in the report.
- Reason: a) To identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.(b) To enable:*
- *A risk assessment to be undertaken.*
 - *Refinement of the conceptual model, and*
 - *The redevelopment of a Method Statement and Remediation Strategy.*
- c) & d) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site and to comply with PPS23 Planning and Pollution Control.*

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the cottages hereby permitted, or any garage, shed or other outbuilding erected.
Reason: To ensure control over any future development, and in particular between the rear of the development and the River Douglas. The River Yarrow is designated as a 'Main River' and is subject to Byelaw Control. In particular, no works may take place within 8 metres from the bank top of the watercourse without the prior written consent of the Environment Agency, and to comply with PPS25: Development and Flood Risk.
19. The permission hereby granted shall enure for the benefit of persons over the age of 55 years and over only.
Reason: The permission was granted having regard to the special circumstances advanced in support of this application, in accordance with Policy
20. No development shall take place until a programme of archaeological work has been implemented in accordance with a scheme of investigation, which has previously been submitted to and approved in writing by the Local Planning Authority. Once agreed an archaeological record comprising plans, drawings and photographs, shall be made of the buildings and an archaeological watching brief should be undertaken during groundworks which might encounter the remains of a gasometer.
Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately recorded in accordance with Policy HE12 of PPS5.
21. Before the use of the site hereby permitted is first commenced, full details of facilities to be provided for the cleaning of the wheels of vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The wheel wash facility shall be provided, in accordance with the approved details, before the use of the site hereby permitted is first commenced and thereafter retained at all times during the operation of the site.
Reason: To prevent the tracking of mud and/or the deposit of loose material upon the highway, in the interests of public safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
22. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1 January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1 January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change-Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
23. An application for approval of the reserved matters (namely the landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.
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.
24. This consent relates to the following plans:
- | Plan Ref. | Received On: | Title: |
|--------------------------|-----------------|----------------------|
| HM Land Registry 11/2003 | 2 December 2010 | Location Plan |
| K456/02 | 2 December 2010 | Proposed Floor Plans |
| K456/03 | 2 December 2010 | Proposed Elevation |
| K456/01 | 13 October 2010 | Proposed Site Plan |
- Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.*

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Lesley - Ann Fenton
Director of Partnerships, Planning and Policy

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Application No.

10/00456/OUTMAJ

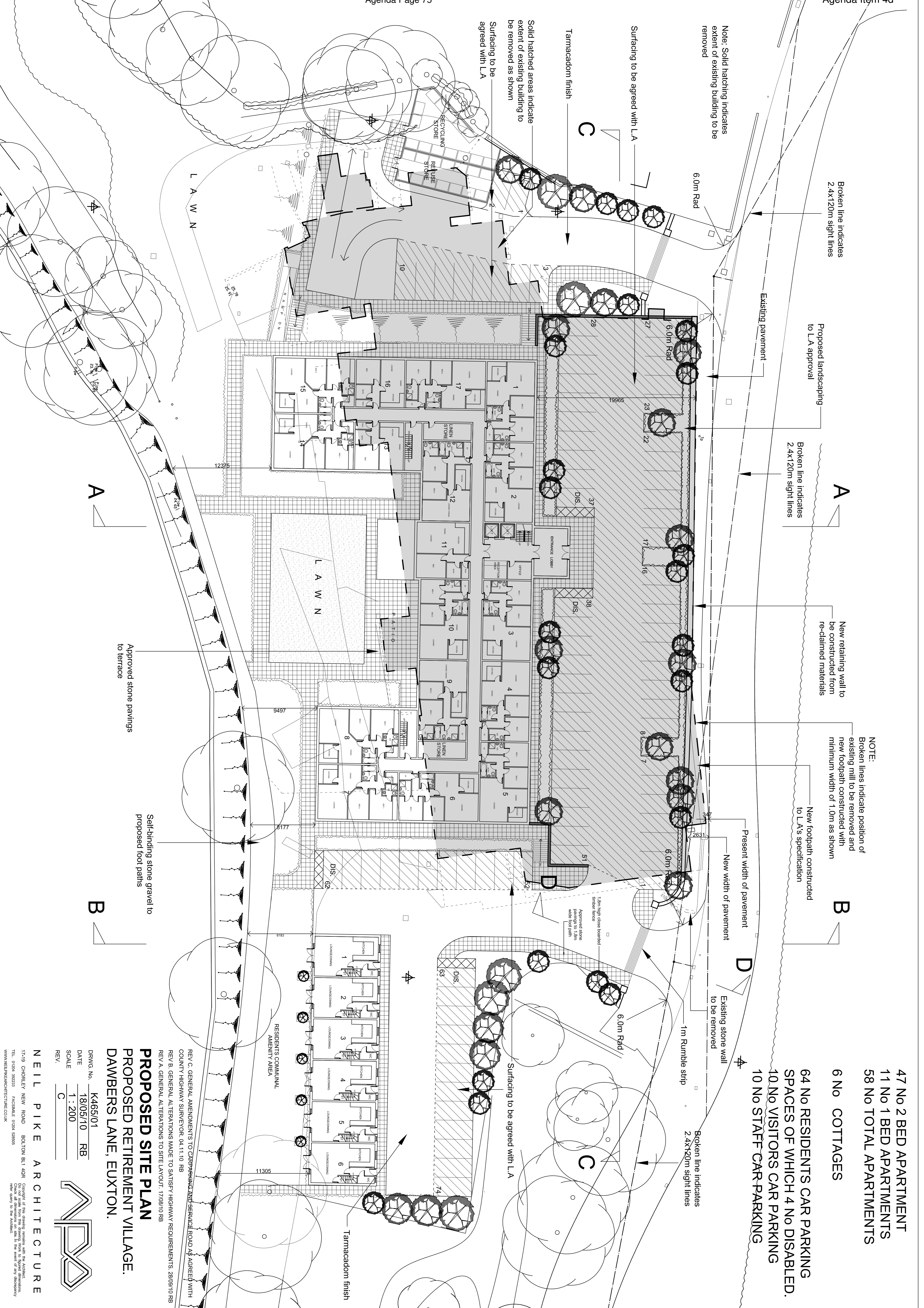
Grid Ref:

E: 354847
 N: 418085

Scale:

1:1,250

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Note: Solid hatching indicates extent of existing building to be removed

Solid hatched areas indicate extent of existing building to be removed as shown

Surfacing to be agreed with L.A

Tarmacodorn finish

Broken line indicates 2.4x120m sight lines

Proposed landscaping to L.A approval

Broken line indicates 2.4x120m sight lines

New retaining wall to be constructed from re-claimed materials

NOTE: Broken lines indicate position of existing mill to be removed and new footpath constructed with minimum width of 1.0m as shown

New footpath constructed to L.A's specification

Present width of pavement
New width of pavement

Existing stone wall to be removed

Broken line indicates 2.4x120m sight lines

- 47 No 2 BED APARTMENT
- 11 No 1 BED APARTMENTS
- 58 No TOTAL APARTMENTS
- 6 No COTTAGES
- 64 No RESIDENTS CAR PARKING SPACES OF WHICH 4 No DISABLED.
- 10 No VISITORS CAR PARKING
- 10 No STAFF CAR PARKING

Approved stone pavings to terrace

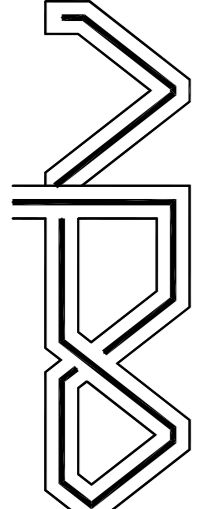
Self-binding stone gravel to proposed foot paths

REV. C. GENERAL AMENDMENTS TO CARPARKING AND SERVICE ROAD AS AGREED WITH COUNTY HIGHWAY SUPERVISOR. 04.11.10 RB
 REV. B. GENERAL ALTERATIONS MADE TO SATISFY HIGHWAY REQUIREMENTS. 28/09/10 RB
 REV. A. GENERAL ALTERATIONS TO SITE LAYOUT. 17/08/10 RB

PROPOSED SITE PLAN
PROPOSED RETIREMENT VILLAGE.
DAWBERS LANE, EUXTON.

NEIL PIKE ARCHITECTURE
 17-19 CHORLEY NEW ROAD BOLTON BL1 4QR
 TEL: 01204 302233 FACSIMILE: 01204 509605
 WWW.NEILPIKEARCHITECTURE.CO.UK

Copyright of this drawing remains with the architect. Check all dimensions on site in the event of any discrepancy refer query to the architect.



DRAWG. No. K465/01
 DATE 18/05/10 RB
 SCALE 1 : 200
 REV. C

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