

14 February 2012

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 14TH FEBRUARY 2012**

The enclosed report provides an update on any events that have taken place since the agenda was published.

Yours sincerely



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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

C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director of Partnerships, Planning and Policy	Development Control Committee	14 February 2012

<b>ADDENDUM</b>
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**ITEM 4a-11/00992/OUTMAJ – Land Bounded By Town Lane (To The North) And Lucas Lane (To The East), Town Lane, Whittle-Le-Woods**

**The recommendation remains as per the original report.**

One further letter of objection has been received on the following grounds:

- The proposal is another green field development that the area does not need;
- They agree that the country does need additional housing but developers such as Redrow/Wainhomes etc are just using this as an excuse in order to build wherever they want. If Buckshaw Village is not providing enough homes for the local demand then something is seriously wrong;
- They would like the planners stand up to these large companies that are ruining the local area and wildlife;
- They feel though that the monetary value of such a development to the council will outweigh any common sense intrusted in them.

**ITEM 4b-11/00993/OUTMAJ – 47 Clancutt Lane, Coppull**

**The recommendation remains as per the original report**

**1 further letter of objection** have been received setting out the following issues:

- Why is the Council considering this new proposal when it is only for one less house than the previous submission of which was refused? I have asked this question on three previous occasions, and I have not had a reply.
- Due to the demolition of The Willows - Dickens Road Coppull, I strongly believe that such site would be perfect for a new housing development due to the previous purpose of building on the site, and the infrastructure and utility services already in place. I feel this would be much better usage instead of this being left as a wasteland.
- By looking through the tabloids and local internet searches, there are many properties in the Village of Coppull, which have been on the market for a considerable time, is there such a need for more to be built? Also there are many properties for rental, of which focussing on their usage has to be looked into. The Chanel 4 programme; The Great British Property Scandal highlights the need to invest in property which is empty, and not to keep building new.
- The proposal of twenty nine houses on this Lane is in my opinion pure greed. I strongly feel that the building of a small amount of detached properties will be more up keeping of the Lane, leaving the site in Dickens road to

accommodate smaller affordable homes for families who need to be closer to amenities and younger families.

**1 further letter** has been received confirming that they still object to the application.

The following consultee responses have been received:

**Lancashire County Council Ecology** have made the following comments:

- The current illustrative plan indicates a similar site layout to that previously applied for, and impacts on biodiversity can thus be expected to be broadly similar. Indeed, the supporting ecological information is much the same as submitted in support of the earlier application.
- In my opinion, sufficient information has been submitted to enable determination of the application. Provided mitigation and compensation for impacts on biodiversity can be secured by planning condition, the proposals should be in accordance with the requirements of biodiversity legislation (i.e. Wildlife and Countryside Act 1981 (as amended), NERC Act 2006), planning policy (PPS9) and guidance (ODPM 06/2005).
- Therefore, if Chorley Council is minded to approve this application, the following planning conditions are recommended:
  - Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and July inclusive
  - Replacement bat roosting provision as recommended in section 6.1 of the report '*Bat Scoping Survey, 47 Clancutt Lane*' (United Environmental Services Ltd, November 2011) shall be implemented in full.
  - Replacement bird nesting provision as recommended in section 6.2 of the report '*Bat Scoping Survey, 47 Clancutt Lane*' (United Environmental Services Ltd, November 2011) shall be implemented in full.
  - No site clearance, site preparation of development work shall take place until a landscaping scheme has been submitted to Chorley Council for approval
  - All trees being retained within or adjacent to the application area will be adequately protected during and after construction. Existing guidelines (e.g. *BS5837: 2005 Trees in relation to construction - Recommendations*) will be adhered to.

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**ITEM 4c-11/00941/FULMAJ – Land Adjoining Cuerden Residential Park, Nell Lane, Cuerden**

**The recommendation remains as per the original report**

The following consultee responses have been received:

**Chorley's Strategic Housing Section** have made the following comments:

We use the following definition of affordable housing (contained in the SHMA 2009 and PPS3):

- Affordable housing is that housing which is provided to meet the needs of the local population. It includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. PPS3 states that affordable housing should:
  - (i) Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.*
  - (ii) Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision*
- PPS3 goes on to define social rented housing as:
 

*Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements...as agreed with the local authority or with the Housing Corporation as a condition of grant*
- And defines intermediate affordable housing as:
 

*'Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent.*
- The definition does not exclude homes provided by private sector bodies or provided without grant funding. Where such homes meet the definition above, they may be considered, for planning purposes, as affordable housing. Whereas, those homes that do not meet the definition, for example, 'low cost market' housing, may not be considered.

In my opinion the proposed extension to the existing Cuerden site does not meet the above as I understand that all existing and therefore, I assume, all proposed homes will be 100% owner occupied although the plots on which the individual homes are located are owned by the site owner, thereby giving the site owner ultimate control over the site .

In terms of affordable homes we would normally look for a tenure split of 70/30 social rent /intermediate (shared ownership) and, as per the above definition, for all of the affordable homes to be owned and managed by a Registered Provider (RP).

The Private Sector House Condition Survey 2010 contains a section on park homes and a sample of 20 homes on the Cuerden site were surveyed.

In the report the consultants noted the following issues of concern raised by residents:

- The increasing need for repair and improvement of road surfaces
- Rainwater flooding in Birch Avenue and Oaktree Avenue in particular
- Poor street lighting throughout the site
- Poor response of site owner to winter snowfall and icy road/path conditions
- Access and egress from the site onto the A49 which is particularly difficult at times of high traffic volumes
- Access to grant funding/assistance for home energy improvements.

However the **Council's Housing Manager** considers that it is unlikely that the RPs would be willing to take on park properties as they would not comply with their normal standards in terms of space, thermal values, and land title/ownership. Additionally in this case the restrictive site management arrangements would not fit with RP management arrangements.

The Council's Housing Manager has also raised concerns as to whether mortgages can be obtained on park homes based on the fact that all households interviewed as part of the Private Sector House Condition Survey 2010 were mortgage free.

In this case the unwillingness of RPs to take the properties could potentially be justification for off site provision of affordable housing in accordance with the preamble to Policy HS5 of the Local Plan which states *The Policy also aims to achieve direct on-site provision of affordable housing on the development site on which negotiations are held, however if this proves to be impractical following detailed negotiations then a financial contribution to be spent on another suitable site could be accepted by the Council.* Additionally it should be noted that Policy 7 of the emerging Core Strategy also has provisions for off site provision as criterion (d) *Financial contributions instead of on-site affordable housing will be acceptable where the development location is unsuitable for affordable housing.*

However in this case no off-site financial contribution towards affordable housing has been offered and as such reason for refusal 4 is still applicable.

**Lancashire County Council Ecology** initially raised concerns that insufficient information to demonstrate that the proposals are in accordance with the requirements of biodiversity legislation, planning policy or guidance in respect of protected species (great crested newts and badgers) and Species of Principal Importance (common toads) had been submitted.

Following receipt of these comments further information was submitted which demonstrates that the presence of great crested newts within the application area is reasonably unlikely. The consultant ecologist has also confirmed that badgers are not present within or adjacent to the application area. The Ecologist has therefore confirmed that the applicant has now submitted sufficient information (biodiversity) to enable determination of this application.

The Ecologist has confirmed that if Chorley Council is minded to approve this application, planning conditions would be appropriate to address the following issues:

- Prior to works on site, details of working methods for the avoidance of impacts on protected and priority species and habitats shall be submitted to Chorley Council
- Prior to the commencement of works, a scheme of landscaping (to include habitat creation and management) shall be submitted to Chorley Council for approval in writing in consultation with specialist advisors.
- All trees (and hedges) retained within or adjacent to the application area shall be adequately protected in accordance with recognised guidelines (e.g. BS5837).
- The applicant will adopt appropriate working methods to prevent the spread of species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

MB/ST/MAN.0035/L021

14 February 2012

Nicola Hopkins  
 Planning & Building Control  
 Chorley Council  
 Civic Offices  
 Union Street  
 Chorley  
 Lancashire

Dear Nicola,

**APPLICATION: 11/00993/OUTMAJ**  
**PROPOSAL: OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF**  
**47 CLANCUTT LANE (AND ASSOCIATED OUTBUILDINGS) AND ERECTION**  
**OF UP TO 29 RESIDENTIAL DWELLINGS (ALL MATTERS RESERVED**  
**EXCEPT FOR ACCESS)**  
**LOCATION: LAND AT 47 CLANCUTT LANE, COPPULL, CHORLEY**

I write further to the release of the Committee Report last week and would be grateful if you could bring the following points to the attention of Members on behalf of my client.

### ***Local Plan Policy GN1***

Under 'Principle of Development' it states at paragraph 64 that "*The pre-amble to Policy GN1 of the Local Plan identified Coppull as suitable for development within or by way of rounding off the built up area*". This acknowledges that under the current Local Plan (notwithstanding the weight this can be afforded and provisions in the emerging Core Strategy) unless development occurs within the settlement, it should be generally restricted to the 'rounding off' of the existing boundary. However, upon reviewing the Principle of Development section to the Committee Report there does not appear to be a full assessment of how this application fits in with this policy requirement?

Given the application site is actually bounded by existing housing and the railway line on all sides, and will not extend the settlement boundary past existing housing on Pear Tree Avenue, therefore meeting the objectives of Policy GN1 we believe this is an important consideration which does not appear to have been included?

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***Precedent***

It appears from the Committee Report that the Council's main concern is the precedent approving this, or other applications on Safeguarded Land would set, and the concern this would lead to with regard to the ability of the LDF to properly plan for future housing growth. However, the report does not appear to differentiate the size, scale, and location of this application from others on the Agenda?

It is my understanding that evidence must be demonstrated to substantiate how, if planning permission were to be granted, it would make it more difficult to refuse other planning applications for similar developments. One of the key tests is therefore how this application is similar to others on the Agenda and currently under determination by the Council.

In the supporting Planning Statement it was concluded that as an application for only 29 houses (28 new houses) this would represent an increase in the number of households<sup>1</sup> by just 1%. Using the same baseline information the other planning applications on Safeguarded Lane quoted in the Committee Report at paragraph 92 would increase Whittle-le-Woods by 7.5%, Adlington by 12.5%, and Clayton-le-Woods by nearly 20%<sup>2</sup>. It is therefore not considered that such a different application by virtue of its size, scale, spatial relationship to the Urban Local Service Centre, and given it accords with the sentiments of Policy GN1 can be considered similar?

Likewise, if other applications came forward as a result of approving this on other Safeguarded Land sites in Coppull then there would also be distinguishing factors to consider. For example, aside from the difference in size and scale, the Council's own Detailed Site Assessment Report concludes that other Safeguarded sites around Coppull have different characteristics and constraints; the Blainscough Works site would represent a large urban extension to the south, has a difficult access arrangement and would result in the loss of employment land. Elsewhere land at Hewitt Avenue would also result in a significant extension to the settlement boundary contrary to the objectives of Local Plan Policy GN1, and would result in a decreased separation between Coppull and Charnock Richard.

This brief appraisal of these locations cited in the Committee Report, and considering the merits of Clancutt Lane demonstrate that approving this planning application would not mean the Council would be obliged to approve other Safeguarded sites either in Coppull, or further across the Borough.

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<sup>1</sup> Based on 2001 Census Information by Ward

<sup>2</sup> Even accounting for 300 dwellings approved at Wigan Road in 2011



Finally, it is also important to consider that if the Council in their determination of this application (and all others on the Agenda) have concluded that the Wigan Road Inquiry does not set a precedent for allowing other Safeguarded Land applications due to the distinguishing factors of that application and its location, then surely by definition this application could also not set a precedent for others either in Coppull or the wider Borough?

I would be grateful if you could therefore ask Members to consider these points, which do not appear to be clearly identifiable in the published Committee Report.

Yours Sincerely

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