



Development Control Committee

Agenda and Reports

For consideration on

Tuesday, 12th June 2012

In the Lancastrian Room, Town Hall, Chorley

At 6.30 pm

PROCEDURE FOR PUBLIC SPEAKING AT MEETINGS OF THE DEVELOPMENT CONTROL COMMITTEE

- Persons must give notice of their wish to address the Committee, to the Democratic Services Section by no later than midday, one working days before the day of the meeting (12 Noon on the Monday prior to the meeting).
- One person to be allowed to address the Committee in favour of the officers recommendations on respective planning applications and one person to be allowed to speak against the officer's recommendations.
- In the event of several people wishing to speak either in favour or against the recommendation, the respective group/s will be requested by the Chair of the Committee to select one spokesperson to address the Committee.
- If a person wishes to speak either in favour or against an application without anyone wishing to present an opposing argument that person will be allowed to address the Committee.
- Each person/group addressing the Committee will be allowed a maximum of three minutes to speak.
- The Committees debate and consideration of the planning applications awaiting decision will only commence after all of the public addresses.

The following procedure is the usual order of speaking but may be varied on the instruction of the Chair

ORDER OF SPEAKING AT THE MEETINGS

1. The Director Partnership, Planning and Policy or her representative will describe the proposed development and recommend a decision to the Committee. A presentation on the proposal may also be made.
2. An objector/supporter will be asked to speak, normally for a maximum of three minutes. There will be no second chance to address Committee.
3. A local Councillor who is not a member of the Committee may speak on the proposed development for a maximum of five minutes.
4. The applicant or his/her representative will be invited to respond, for a maximum of three minutes. As with the objector/supporter there will be no second chance to address the Committee.
5. The Development Control Committee, sometimes with further advice from Officers, will then discuss and come to a decision on the application.

There will be no questioning of speakers by Councillors or Officers, and no questioning of Councillors or Offices by speakers.

01 June 2012

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 12TH JUNE 2012

You are invited to attend a meeting of the Development Control Committee to be held in the Lancastrian Room, Town Hall, Chorley on Tuesday, 12th June 2012 at 6.30 pm.

Members of the Committee are recommended to arrive at the Town Hall by 6.15pm to appraise themselves of any updates received since the agenda was published, detailed in the addendum, which will be available in the Members Room from 5.30pm.

A G E N D A

1. **Apologies for absence**

2. **Minutes (Pages 1 - 4)**

To confirm the minutes of the Development Control Committee held on 22 May 2012 as a correct record and be signed by the Chair (enclosed).

3. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

4. **Planning applications to be determined**

The Director of Partnerships, Planning and Policy has submitted 14 reports for planning applications to be determined (enclosed).

Please note that copies of the location and layout plans are in a separate pack (where applicable) that has come with your agenda. Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

http://planning.chorley.gov.uk/PublicAccess/TDC/tdc_home.aspx

- (a) 12/00325/FUL - Inland Revenue, Lingmell House, Water Street, Chorley

Proposal

Change of use of existing office accommodation (ground and first floor) to Chorley Academy free school (Use Class D1)

Recommendation

Permit Full Planning Permission

- (b) 12/00362/OUTMAJ - Land bounded by Town Lane (to the North) and Lucas Lane (to the East) Town Lane, Whittle-le-Woods

Proposal

Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access (resubmission of previous application 11/00992/OUTMAJ)

Recommendation

Refuse Full Planning Permission

- (c) 11/01093/OUTMAJ - Land North of Lancaster Lane and bounded by Wigan Road and Shady Lane, Lancaster Lane, Clayton-le-Woods

Proposal

Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access.

Recommendation

Refuse Outline Planning Permission

- (d) 12/00269/REMMAJ - Duxbury Park Myles, Standish Way, Chorley

Proposal

Section 73 application to vary conditions 1 and 4 (approved plans) and 9 (finished floor levels), in respect of plots 58-68 and plot 75, attached to planning approval 11/01019/REMMAJ

Recommendation

Permit (Subject to Legal Agreement)

- (e) 12/00193/OUT - 11 Sutton Grove, Chorley

Proposal

Outline application for the erection of two detached bungalows

Recommendation

Refuse Outline Planning Permission

(f) 12/00359/OUT - 33 Church Walk, Euxton, Chorley

Proposal

Outline application for the erection of one detached dwellinghouse and garage, all matters reserved

Recommendation

Permit Outline
Permission

Planning

(g) 12/00173/FUL - Towngate Works, Dark Lane, Mawdesley

Proposal

Application to retain use of land for storage of building materials, parking of vehicles and associated purposes and provision of landscaping to site

Recommendation

Refuse Full Planning Permission

(m) 12/00246/FULMAJ - Land North of Duke Street including QS Fashions and Bounded by Pall Mall and Bolton Street, Chorley

Proposal

Reserved Matters Application in relation to planning permission 09/00933/FULMAJ (Appearance, Landscaping _ Layout) for the provision of a business/non residential institution unit (use class B1 _ D1)

Recommendation

Approve Reserved Matters

(n) 12/00454/FULMAJ - Weldbank Plastic Co Ltd, Westhoughton Road, Heath Charnock, Chorley

Proposal

Section 73 application to vary condition 28 (facing materials) attached to planning approval 11/00999/FULMAJ

Recommendation

Permit (Subject to Legal Agreement)

Legal

5. **Tree Preservation Order no. 8 (Withnell) 2011 (Pages 5 - 10)**

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

6. **Tree Preservation Order no. 1 (Chorley) 2012 (Pages 11 - 18)**

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

7. **Planning Appeals and Decisions (Pages 19 - 20)**

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

8. **Exclusion of the Public and Press**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

9. **Enforcement Item (Pages 21 - 24)**

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

10. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Gary Hall
Chief Executive

Cathryn Filbin
Democratic and Member Services Officer
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Distribution

1. Agenda and reports to all members of the Development Control Committee, (Councillor Paul Walmsley (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Ken Ball, Henry Caunce, Jean Cronshaw, John Dalton, David Dickinson, Dennis Edgerley, Christopher France, Danny Gee, Harold Heaton, Steve Holgate, Roy Lees, Greg Morgan and Geoffrey Russell) for attendance.
2. Agenda and reports to Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Cathryn Filbin (Democratic and Member Services Officer) and Alex Jackson (Senior Lawyer) for attendance.
3. Agenda and reports to Development Control Committee reserves, (Councillor) for information.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

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

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Development Control Committee

Tuesday, 22 May 2012

Present: Councillor Paul Walmsley (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Ken Ball, Henry Counce, Jean Cronshaw, John Dalton, David Dickinson, Dennis Edgerley, Christopher France, Danny Gee, Harold Heaton, Steve Holgate, Roy Lees and Geoffrey Russell

Substitutes: Councillor Mick Muncaster

Officers in attendance: Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Alex Jackson (Senior Lawyer), Nicola Hopkins (Principal Planning Officer (Major Projects)), Ian Heywood (Conservation Officer), Robert Rimmer (Business Support Team Leader) and Cathryn Filbin (Democratic and Member Services Officer)

Also in attendance: Councillors Alistair Bradley, Alison Hansford, Paul Leadbetter and Kim Snape

12.DC.168 WELCOME AND APOLOGIES FOR ABSENCE

The Chair welcomed Members of the Development Control Committee to the first meeting of the municipal year, and thanked Councillor Harold Heaton for his services as Chair of the Committee in the last few years.

Apologies for absence were received from Councillor Greg Morgan, Councillor Mick Muncaster attended as his substitute.

12.DC.169 MINUTES

RESOLVED – That the minutes of the meeting held on 24 April 2012 be confirmed as a correct record and signed by the Chair.

12.DC.170 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

12.DC.171 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Partnerships, Planning and Policy submitted reports on nine applications for planning permission to be determined.

In considering the applications, Members of the Development Control Committee took into account the agenda reports, the addendum and the verbal representation and submissions provided by officers and individuals.

- a) **Application:** 12/00102/FULMAJ - Land between Froom Street and Crosse Hall Lane, Chorley
- Proposal:** Erection of 28 dwellings (amendments to the number of dwellings (additional 4 no. dwellings over layout approved by 02/00680/FULMAJ and additional 13 no. dwellings over layout approved by 10/00820/FULMAJ), layout, design, landscaping and external appearance)

RESOLVED (unanimously) – That planning permission be granted subject to an associated supplemental Section 106 Legal Agreement and the conditions within the report in the agenda and the amended condition detailed on the addendum.

- b) **Application:** 12/00084/FULMAJ - **Proposal:** Refurbishment and restoration of Chimney and building Withnell Fold Mill, Withnell Fold, Withnell, Chorley chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure

RESOLVED (unanimously) – That planning permission be granted subject to a Section 106 Legal Agreement with delegated powers to negotiate the final details of the Section 106 Legal Agreement in consultation with the Chair and Vice Chair to include Abbey Village and Withnell Fold within the location for affordable housing, the amended condition in the addendum and the amended Construction Management Plan to include working hours from 07:00hrs – 20:00hrs Monday-Friday, 08:00hrs-17:00hrs Saturday and none on Sundays and Bank Holidays.

- c) **Application:** 12/00085/CON - **Proposal:** Refurbishment and restoration of Chimney and Building Withnell Fold Mill, Withnell Fold Withnell, Chorley chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure

RESOLVED (unanimously) – That the Conservation Area Consent be granted subject to the conditions detailed within the report in the agenda.

- d) **Application:** 10/01065/FUL - Land **Proposal:** Erection of 4 No three bedroom dwellings
30M North West of 79 Railway Road, Brinscall, Lancashire

RESOLVED (unanimously) – That planning permission granted subject to a Section 106 Legal Agreement and conditions detailed within the report in the agenda.

- e) **Application:** 12/00297/FUL - Land **Proposal:** Demolition of existing commercial North of 272 Preston Road, Coppull, Chorley workshop and a detached garage and erection of 3 no. detached houses with attached garages

RESOLVED (unanimously) – That full planning permission be refused for the reasons detailed within the report in the agenda.

- f) **Application:** 12/00219/FULMAJ - **Proposal:** Section 73 application to vary Mawdsleys Eating House and Hotel, Hall Lane, Mawdesley, Ormskirk condition 22 (sustainable resources) of planning approval 11/00636/FULMAJ to demolish the existing restaurant and hotel buildings and erect a care home

RESOLVED (unanimously) – That planning permission for the Section 73 planning application be granted to vary condition 22 of planning approval 11/00636/FULMAJ subject to the conditions detailed within the report in the agenda.

- g) **Application:** 12/00325/FUL - Inland Revenue Lingmell House, Water Street, Chorley
Proposal: Change of use of existing office accommodation (ground and first floor) to Chorley Academy free school (Use Class D1)

RESOLVED (9:6:0) – That the decision for the planning application for a change of use of the existing accommodation be deferred to allow time for officers to consult with Lancashire County Council’s Highways and Education Departments.

- h) **Application:** 12/00350/OUTMAJ - Friday Street Depot, Friday Street, Chorley
Proposal: Application to extend the time limit for implementation of extant outline planning permission 09/00044/OUTMAJ for the demolition and clearance of existing warehouse and outbuildings and erection of proposed 2 storey primary health care centre (Use Class D1) including ancillary office accommodation

RESOLVED (unanimously) – That planning permission granted subject to an associated supplemental Section 106 Legal Agreement and conditions detailed within the report in the agenda.

- i) **Application:** 12/00185/FULMAJ - Group 4N land 150 Metres West of Sibbering’s Farm, Dawson Lane, Whittle-le-Woods, Chorley
Proposal: Application for substitution of house types on plots 44, 51, 65, 80, 81, 91, 94, 100, 104 and 105 (10 houses in total) previously approved as part of application 10/00745/FULMAJ

RESOLVED (unanimously) – That planning permission granted subject to Section 106 Legal Agreement and conditions detailed within the report in the agenda and the amended condition detailed in the addendum.

12.DC.172 PLANNING APPEALS AND DECISIONS

The Director of Partnerships, Planning and Policy submitted a report which detailed one planning appeal which had been dismissed, two planning appeals which had been allowed, two enforcement appeal which had been dismissed and one enforcement appeal which had been allowed by the Planning Inspectorate.

RESOLVED – That the report be noted.

12.DC.173 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

Hut Lane

The Head of Planning informed Members of the Development Control Committee that the Hut Lane Planning Appeal had been dismissed by the Planning Inspector.

Chair

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Item 4a	12/00325/FUL
Case Officer	Mrs Nicola Hopkins
Ward	Chorley North East
Proposal	Change of use of existing office accommodation (ground and first floor) to Chorley Academy free school (Use Class D1)
Location	Inland Revenue Lingmell House Water Street Chorley Lancashire
Applicant	Gill Academy Trust
Consultation expiry:	4 May 2012
Application expiry:	23 May 2012

Proposal

1. The application relates to a temporary change of use of existing office accommodation (ground and first floor) formally occupied by the Inland Revenue to Chorley Academy free school (Use Class D1)
2. The proposals intend to establish a secondary school and sixth form school. It is proposed to utilise the application site for the first year of operation only (September 2012- September 2013) and intends to enrol 60 Year 7 students and 100 post 16 (of which 32 post-16 students would be based off site). After the first year the school is seeking to relocate to a permanent facility.
3. The existing building can accommodate the temporary school accommodation without any external development or demolition.
4. The proposals incorporate the change of use of the existing ground and first floor level (the second floor does not form part of this application).
5. Free Schools are state-funded schools the first of which were opened in September 2011 and enable independent groups to set up a school. On 10 October 2011, the Secretary of State announced the successful applications to open a mainstream Free School in 2012 and beyond that have been approved to pre-opening stage and this included Chorley Career and Sixth Form Academy. The vision of the Chorley Career and Sixth Form Academy will be to provide independent but state funded education to young people aged from 11-19.
6. On May 22 the Development Control Committee deferred this application to invite comments from LCC Education and further comments from LCC Highways.

Recommendation

7. It is recommended that this application is granted conditional planning approval

Main Issues

8. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Impact on the conservation area
 - Impact on the neighbours
 - Traffic and Transport
 - Noise

Consultations

9. **Chorley's Conservation Officer** has commented as the application site is within St

Laurence's Conservation Area

10. **Lancashire County Council (Highways)** has no highway objection to the development. Following the request by Members the Highway Engineer has provided further comments which are included within the Traffic and Transport section below.
11. **Director of People and Places** has no comments to make.
12. **Lancashire County Council (Education)** in response to the Committee's request for comments LCC have sent their response to the formal consultation on the free school, which are set out below in full:

"The local authority has two main concerns:

- The sustainability of secondary provision in Chorley and surrounding areas in the short to medium term and the impact of falling numbers on the educational offer to children and young people; and
- The post 16 offer which is unclear, does not appear to target NEETs and appears to duplicate existing local provision.

School Place Planning

The LA finds it difficult to make detailed comments on sustainability of secondary provision in the area because there is no detail, as yet, as to where the school will be permanently located:

A planning application has been submitted to Chorley Council's planning chiefs for change of use of Lingmell House in Water Street, Chorley, into a school. It is anticipated that this location is only for one year as a site in Chorley South East in a central location is being finalised for a modern new build. Details of the new state of the art building will be revealed shortly.

However, it is clear that, provided that the proposal is approved and the school is successful, it will result in additional surplus places and reduced pupil numbers within the existing secondary schools as a result of increased competition. Although population forecasts indicate that future years will require an increase in school places, this is not the case at the present time, with demand only increasing in primary schools. There are enough places within the current secondary provision in the next 5 years. In the longer term, rising primary numbers transferring into secondary together with significant levels of housing development which has not yet come forward mean that there may be a need for additional places although the timing is not yet established.

In terms of forecasting future pupil numbers for the area, the local authority will require firm projections from the new Academy on the expected number of pupils on roll and where they are expected to come from, in order to plan affectively across all secondary schools in Chorley.

There are a number of secondary schools within Chorley and the surrounding area with significant levels of surplus places that the LA is currently required to report on an annual basis to DfE. In addition, some schools have low pupil numbers and future educational and financial viability is a concern, particularly as pupil numbers are not predicted to increase in the near future.

The local authority anticipates difficulties in achieving sustainable secondary provision in the short and medium term in Chorley and surrounding areas if the proposal is approved. Schools will be competing for a decreasing number of young people and the costs to the young people and their lives is immense if a school fails through lack of numbers and/or is only able to offer a limited curriculum as it cannot afford to do anything else.

In Chorley there are already two Academies with a further two schools due to convert to Academy status in September 2012 leaving only two LA maintained schools. Therefore there is plenty of diversity already in Chorley without the addition of a further secondary school.

All the schools in the area perform above the floor target, some of them very significantly so.

All of the schools are rated good or outstanding by Ofsted.

Admissions

At secondary offer date on 1st March 2012, for September 2012 school intakes, the vast majority of applicants for Chorley secondary schools received an offer for their first preference school. This compared well to the Lancashire average as shown below

Area	1st Prefs	2nd Prefs	3rd Prefs	No Pref
Chorley	95%	4%	1%	nil
Lancashire	93%	5%	1%	1%

If the new provision opens in September 2012, the school will have no option other than to take pupils from schools that have already offered them a place. Whilst Academies are excepted from the first year of co-ordination such action would appear to be against the spirit of the Admissions Code and does not bode well for future relationships and collaboration between schools in the area.

Entry requirements into the Sixth Form of the Chorley Career and Sixth Form Academy for students following the academic route are a minimum of 5 A*-C grades at GCSE including English and Maths. Grade requirements for individual subjects in addition to the 5A*-C are no lower than B.

'If either internal or external applicants fail to meet the minimum course requirements, they may be given the option of pursuing any alternative courses for which they do meet the minimum academic requirements.'

The entry requirements are high and are at odds with the vision of the Chorley Career and Sixth Form Academy.

'A post-16 provision being made accessible locally will help young people in raising their aspirations. The Academy will be the hub of the community providing education opportunities for 11-19 year olds who would otherwise not continue education. The vision is to reduce the %NEET in Chorley significantly and increase the number of young people entering further and higher education.'

71% of young people aged 16-19 in Chorley who are NEET do not have the qualifications to meet the Chorley Career and Sixth Form Academy academic entry requirements.

Available NEET by Academic Level as at 31 January 2012	GCSE grades F/G or equiv.	GCSE grades D/E or NVQ 1 or equiv.	GCSE (at least 5 A-C), BTEC 1st Diploma or NVQ 2 or equiv.	A/AS Level or NVQ 3 or BTEC Nat Dip or equiv.	Pre-GCSE or no qualifications	
Chorley	11 (7%)	54 (34%)	46 (28%)	2 (1%)	46 (30%)	159

Apprenticeships

'The Academy will make available a number of apprenticeships through local and neighbouring businesses and employers. There may be different entry requirements depending on the Apprenticeship and the industry sector.'

'As an employee you will be in employment for most of your time as most training takes place on the job. The rest will take place at the Academy or a specialist training organisation which the Academy will organise. ICT, English, Maths, Business and Enterprise and any other suitable courses will be made available to you depending on your GCSE performance and the

career path you would like to follow. The amount of time you spend in the Academy will vary according to your Apprenticeship.'

It is not clear whether the Academy will deliver Apprenticeships and therefore have a Skills Funding Agency contract to receive funding to do so, or if the Academy is proposing that they will broker Apprenticeships for young people with organisations which deliver Apprenticeships.

In the former case can you confirm if the Academy will have a Skills Funding Agency contract?

In the latter case the Academy would not have that young person on their roll. The young person would be accessing an Apprenticeship through the training organisation.

'The Academy apprenticeship programme is only open to those Y11 students who have just left school in the year before.'

Again this does not support the Academy's vision of reducing NEET as 78% of Lancashire's NEET, like the majority of NEET across the country, are in Y13 and Y14.

Curriculum and Provision

The Academy have listed 23 'A' levels in - Annex B Proposed Admission Requirements to Community Sixth Form/Year 12 2012/2013.

19 of the 23 'A' levels are offered by Runshaw College, of the other four 'A' levels three of the subjects are offered in a Btec qualification and Classical Civilisation is not offered. Runshaw College is a Sixth Form College whose main campus is 4.6 miles from the address on the Chorley Career and Sixth Form Academy website. They also have a site on Market Street in Chorley town centre.

The following is taken from the Runshaw College website, *'The 2011 examination league tables published by the Department for Education in January 2012 show Runshaw to be the best performing college in the country.'*

There is no detail regarding the Apprenticeship frameworks that the Academy will offer. On the Chorley Career and Sixth Form Academy website the proposers' state: *'There is post-16 provision in Wigan, Bolton, Blackburn, Leyland and Preston but none in Chorley.'*

In addition to Runshaw College's Chorley town centre site, Rathbone are based on St Georges Street in Chorley town centre.

Rathbone deliver Foundation Learning for 16-18 year olds and Apprenticeships for 16-24 year olds. Rathbone currently offer Apprenticeship programmes in Chorley and the surrounding area in: Motor Vehicles, Retail, Childcare and Business Administration.

Runshaw also offer Apprenticeships and the following are available: Accounting, Beauty Therapy, Business Administration, Catering & Hospitality, Childcare, Customer Service, Engineering, Hairdressing, Health & Social Care, Housing, Information Technology, Management, Teaching Assistants and Team Leading.

Academy's Enterprise Centre

'One of the distinctive features of the Academy will be to produce students who have all the business and enterprise skills and business acumen necessary to be successful. The Academy will establish unique partnerships with local businesses and students will experience a wide range of work placements and apprenticeships. Students in the Academy will be able to set up their own viable enterprise and be able to develop this successfully by the aid of the Academy's Enterprise Centre and Chorley Strategic Partnership.'

There is no detail in regards to how the Academy will establish unique partnerships with local businesses and if any local businesses are involved or supportive of the Academy. Further dialogue is required to understand the differentiation to what is available in the area.

Response from schools in the area

Lancashire County Council has shared your letter dated 9th March 2012 with schools in Chorley. Those that wish to respond will do so directly."

13. **The Education Authorities building colleagues** have also added the following comments:
 "From the limited information supplied it would be difficult to carry out any sort of meaningful analysis of the temporary building's suitability as a school. We would, therefore, expect the applicant to refer to the school premises regulations for information on their statutory obligations."

Neighbours

14. None received

Other Representations

15. **1 letter** of support has been received from Surrey

Policy Background**National Planning Policy:**

16. The relevant national planning policy guidance/statements are as follows:

- **National Planning Policy Framework (NPPF)**

The NPPF states:

'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU and statutory requirements.'

17. The NPPF confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.
18. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
19. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
20. At the heart of NPPF is the presumption in favour of sustainable development which is established as the 'golden thread' running through the plan and decision making processes. For decision making this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or

- Specific policies in the NPPF indicate development should be restricted.

21. Paragraph 72 of the NPPF states:

The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

• **Policy statement – planning for schools development (August 2011)**

This Policy document sets out the Government's vision for school development and confirms that the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards.

The Development Plan

22. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Sustainable Resources Development Plan Document 2008 and the North West of England Regional Spatial Strategy 2008 (RSS).

23. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that 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.

Regional Spatial Strategy (RSS)

24. At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.

25. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government indicated that it intended to revoke RSS by April 2012 however at the time of writing this report this had not happened.

26. The relevant policies of the RSS are as follows:

- 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
- L1: Health, Sport, Recreation, Cultural and Education Services Provision
- RT2: Managing Travel Demand
- RT9: Walking and Cycling

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27. The NPPF confirms that for 12 months from the day of publication of the NPPF (27 March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The NPPF also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is addressed below.

28. The relevant policies of the Local Plan are as follows:
- GN1- Settlement Policy – Main Settlements
 - EM6- Financial And Professional Services
 - TR4- Highway Development Control Criteria
 - EM9- Redevelopment Of Existing Employment Sites For Non-Employment Uses
29. Supplementary Planning Guidance:
- Proof Of Marketing: Policy EM9 – Redevelopment Of Existing Employments Sites For Non- employment Uses

Chorley's Local Development Framework

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

Emerging Policy Considerations

Central Lancashire Local Development Framework Joint Core Strategy

30. Central Lancashire Core Strategy – Publication Version December 2010: Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils which was submitted for examination in March 2011 and an Examination in Public took place in June 2011. In July 2011, the examining Inspector expressed doubts whether the document in its December 2010 published form could be found sound in providing for sufficient new housing (Policy 4). The examination was suspended and in November 2011 the three Councils produced a Proposed Housing Related Changes document. This was subject to public consultation during November and December 2011. The consultation period ended on 13th December 2011. The examination re-opened and closed on 6th March 2012.
31. As a whole the Core Strategy as a document is at an advanced stage and can be afforded significant weight.
32. The following Core Strategy Policies are of relevance to this application:
- **Policy 10-** Employment Premises and Sites
- This Policy states:
- All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:
- (a) there would not be an unacceptable adverse impact on the type, quality and quantity of employment land supply;
 - (b) the provision and need for the proposed use;
 - (c) the relative suitability of the site for employment and for the alternative use;
 - (d) the location of the site and its relationship to other uses;
 - (e) whether the ability to accommodate smaller scale requirements would be compromised;
 - (f) there would be a net improvement in amenity.
- Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:
- (g) evidence of lack of demand through an active 12 month marketing period for employment re-use and employment redevelopment;
 - (h) an assessment of the viability of employment development
- **Policy 14-** Education
- The Policy states that the Council will provide for education requirements by:
- (a) Enabling new schools and other educational facilities to be built in locations where they are accessible by the communities they serve, using sustainable modes of transport.
 - (b) Asking developers to contribute towards the provision of school places where their

development would result in or worsen a lack of capacity at existing schools.

- (c) Working in partnership with the education authority in any modernisation programme requiring school closure or new construction.
- (d) Supporting the growth and development of higher and further education, through close working with the relevant institutions.
- (e) Working in partnership with the education authority and other service providers to identify opportunities for the co-location of services

- **Policy 16- Heritage Assets**

This Policy seeks to protect and seek opportunities to enhance heritage assets.

Site Allocations & Development Management Policies DPD (Preferred Option Paper)

33. Local Development Framework: Site Allocations and Development Management Policies Development Plan Document. The Council has recently completed consultation on the Preferred Option Paper for the Chorley Site Allocations and Development Management Policies Development Plan Document (DPD). This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. This DPD is at a relatively early stage of preparation, and can be afforded limited weight.

Central Lancashire Controlling Re-Use of Employment Premises Supplementary Planning Document (Consultation Version: April 2012)

34. On 18th April the three District Authorities began consultation on the SPD. The purpose is to provide guidance on the interpretation and implementation of relevant planning policies, particularly those in the Central Lancashire Core Strategy. They will form part of the Local Development Framework for each Council. Consultation ran until 30th May.

Assessment

Principle of the development

35. In August 2011 the Secretary of State for Communities & Local Government and the Secretary of State for Education issued a new policy statement on planning for schools development. The policy statement is designed to facilitate the delivery and expansion of state-funded schools through the planning system in response to the Government's strong commitment to improving state education. It follows and strengthens the guidance on planning for schools development contained in the Written Ministerial Statement of July 2010.
36. The Statement confirms the Governments commitment to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools include free schools. The NPPF reiterates this view and confirms that local planning authorities should take a proactive, positive and collaborative approach to development that will widen choice in education.
37. Policy L1 of the North West RSS requires plans and schemes to provide for the full spectrum of education provision and the views of the local community must be taken into account.
38. The application site is located within the settlement boundary of Chorley Town within St Laurence's Conservation Area and an area allocated for financial and professional service uses (Use Class A2) under Policy EM6.4 of the Local Plan. Additionally Policy EM9 of the Local Plan is applicable to the proposals as they relate to the redevelopment of existing employment sites for non-employment uses for Policy EM9 sites "employment use" is defined as Use Classes B1, B2, B8 and A2.
39. Policy EM6 states: The following area is reserved for changes of use, or the construction of new buildings for financial and professional services (Use Class A2) and other appropriate town centre non-retail uses:
- Water Street, Chorley Use class A2 zone

40. The use of the premises for school accommodation is contrary to the provisions of Policy EM6, as set out above, as this use falls within Use Class D1. It is noted that it is proposed to remove this allocation within the Site Allocations DPD. This document can only be afforded limited weight at this time due the stage it has reached and the local plan policy has greater weight however, potentially, this zone may be removed in the future.
41. Policy EM9 states:
 Sites and premises currently in employment use (or that were last used for employment purposes) which become vacant or are proposed for new development, will be assessed to determine whether they are particularly suitable to be re-used for employment purposes. The factors to be taken into account in assessment will include:
- (a) the site's relationship to public transport;
 - (b) the adequacy of the road access;
 - (c) whether the site provides a locally important source of employment;
 - (d) whether the site serves a particular sector of demand for employment land or premises;
 - (e) whether there are adequate replacement or alternative sites in the vicinity;
 - (f) whether the site's use for another purpose would prejudice the continued existence of another employer;
 - (g) whether the site is suitable for mixed-use development.

Sites that are assessed to be particularly suitable to be re-used for employment purposes shall be reserved for such uses unless:

- i. there is no realistic prospect of an employment re-use of the land or premises, or;
- ii. redevelopment for an employment use would not be economically viable, or;
- iii. an employment re-use or redevelopment would no longer be appropriate for planning or environmental reasons.

Redevelopment and re-use proposals, for whatever purpose, are to comply with the other policies in this Plan

42. Policy EM9 is supported by an accompanying SPG which requires a Statement of the Efforts that have been made to market (Statement of Efforts and Proof of Marketing) for any premises or site currently or last used for employment development where an applicant proposes non-employment use. The Council currently requests a 12 month marketing period.
43. In accordance with Policy EM9 the site has been assessed to determine whether the site is particularly suitable to be re-used for employment purposes, as follows:
- (a) the site's relationship to public transport- the site is within a sustainable location close to Chorley Town Centre
 - (b) the adequacy of the road access- road access is considered to be suitable as addressed below.
 - (c) whether the site provides a locally important source of employment- the premises are currently empty and as such do not currently provide a source of employment.
 - (d) whether the site serves a particular sector of demand for employment land or premises- the premises are currently empty and the proposed use is only temporary which with an appropriate condition will ensure that the premises will be returned to an employment use
 - (e) whether there are adequate replacement or alternative sites in the vicinity- the premises are currently empty and the proposed use is only temporary which ensures that the premises will be returned to an employment use.
 - (f) whether the site's use for another purpose would prejudice the continued existence of another employer- it is only intended for the school to occupy the ground and first floor of the building and as such the second floor is still available for office accommodation.
 - (g) whether the site is suitable for mixed-use development- the school will only occupy the ground and first floor of the building and as such the second floor is still available for office accommodation.

44. It is considered that this site is suitable to be re-used for employment purposes and as such, in

accordance with the SPG which accompanies EM9, a Statement of the Efforts should have been submitted in support of this application. However it has been noted that the proposals are only for a temporary change of use whilst the school secures permanent accommodation.

45. The supporting information states that the premises will only be utilised for the first year of operation only (September 2012- September 2013). The agent for the application initially requested a period of accommodation until, at the latest, December 2014 however this position has subsequently changed, since the previous Development Control Committee, to December 2013. Additionally the landlord has also requested some assurance that the building will revert to office use following the school vacating the premises. This has been secured by condition and ensures that the use, after December 2013, will revert back to employment use after this time period Any continued use of the premises would therefore require a new planning application.
46. As the premises will be returned to office accommodation following the use by the school it is considered overly onerous, in this case, to require a full Statement of Efforts as the proposals will not result in the permanent loss of office accommodation.
47. It has also been noted that the premises are currently vacant and are being advertised on the Jones Lang LaSalle web-site as a commercial office building for let. As such in accordance with Policy EM9 the premises has been marketed for employment uses since November 2011 (approximately 7 months). It should also be noted that vacant possession of the premises was 30th April 2011 and the premises was only partially occupied for 3 months before that date. As such the property has been vacant for over 1 year.
48. As set out above the NPPF post dates both the Local Plan and the RSS and due weight, the degree of which to be determined by the decision maker, is given to relevant policies in existing plans according to their degree of consistency with the NPPF.
49. In terms of the NPPF, the development plan in relation to school policy maybe considered out of date, and in effect, significant weight must be afforded to both the NPPF and the Policy statement – planning for schools development (2011); however, plan policies in relation to the NPPF for the retention of employment sites are being carried forward into emerging planning policy, and as such are consistent with the NPPF. The emerging employment policy states that ‘Best Urban’ and ‘Good Urban’ sites should be retained for B use class employment use and proposals for alternative uses will require evidence of lack of demand through an active 12 month marketing period.
50. Where conflict between the development plan and NPPF exists the approach is to assess any adverse impacts and whether they will significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. This is addressed as follows:
51. In respect of the proposals the potential adverse impacts include:
 - the loss of an employment site,
 - the need issue raised by LCC Education along with the potential impact on existing school places within the Borough,
 - potential amenity impacts,
 - the traffic and transport implications and
 - the suitability of the premises.
52. In this case it is considered that a temporary use of the premises is preferable to the retention of an empty building close to Chorley town centre. It is clear that the landlord is keen to ensure that the premises is returned to office accommodation following the school securing permanent accommodation which ensures the retention of office accommodation within a relatively sustainable location in accordance with the aspirations of Policies EM6 and EM9.
53. It is noted that the Education Authority have questioned the need for this school however it is also noted that this query is based on short/ medium term provision and the need for secondary

school places is set to increase. The NPPF advocates proposals which widen choice in education. The Policy statement (planning for schools development) encourages greater diversity and a drive for increased choice. It is considered that the 'need' for school provision is a matter for the Secretary of State outwith of the planning system however the national drive for increased choice can be addressed via land use planning as is the case in respect of this application.

54. Both the amenity and traffic/ transport implications are addressed below. In respect of the suitability of the premises for a school as set out by LCC Education the school will have statutory obligations set out within the school premises regulations which will need to be adhered to in respect of the premises. Additionally the temporary facility will be subject to an OFSTED pre-opening review.
55. The benefits of the proposals include:
 - The proposals will assist in delivering national policy in respect of widening educational choice within the Borough
 - The proposals will ensure a rental income and the re-use of a vacant property until December 2013.
56. The proposal is fully in accordance with National guidance in respect of widening the choice of education in the Borough and as such in this case the temporary nature of the use with provisions to secure the retention of the premises as office accommodation are material considerations which outweigh the local plan policies.
57. The NPPF also enables decision-takers to give weight to relevant policies in emerging plans. Policy 14 of the Core Strategy seeks to enable new schools to be built in locations which are accessible by the communities they serve, using sustainable modes of transport. The sustainable nature of this site ensures that the proposals accord with emerging policies.

Impact on the conservation area

58. The application site is located within the St Laurence's Conservation Area, which is a designated heritage asset as defined in Annex 2 to the NPPF. Section 12 of the NPPF is therefore a material consideration in the determination of this planning application.
59. No external alterations to the appearance of the building are proposed as part of the development. The Council's Conservation Officer has reviewed the application and confirmed that the significance of the designated heritage asset, the conservation area, will be sustained as part of the development. As such the proposals are considered to be acceptable in respect of Section 12 of the NPPF.

Impact on the neighbours

60. The application site is adjacent to the residential terraced row of properties 11-25 Water Street. 11 Water Street is immediately adjacent to the application site boundary and has 2 ground floor windows facing the application site. It is intended that the existing hard standing area to the rear and side of the building, currently used for parking, will be used as an external play area for the school.
61. It is acknowledged that an external play area associated with a school has the potential to impact on the neighbours amenities in terms of noise creation when compared to the existing use as a car park. However this would only be during the school opening hours which the agent has confirmed are 7am – 6pm during weekdays, and on some Saturdays 9am – 1pm. The Council's Neighbourhood Environmental Health Officer has raised no issue from a noise perspective and as such it is not considered that the external play area will adversely impact on the neighbours amenities through noise generation.

Traffic and Transport

62. The Highway Engineer at Lancashire County Council has assessed the proposals and has raised no objection to the proposals. In accordance with the submitted draft North West Regional Parking Standards 2 parking spaces per classroom are required for secondary

school and 1 space per 2 staff and 1 space per 10 students is required for higher education. However it should be noted that there will be up to 60 Year 7 pupils (aged 11 to 12 years) and up to 100 Year 12 students (aged 16-17 years) attending the Academy during its first year and as such parking space for students is not an issue. As such an assessment of the parking requirements is based upon the requirements for secondary education. The premises will have up to 27 members of staff in the school in the first year of operation, including several part-time members of staff. The travel plan submitted with this application estimates that half of this number will travel to school in their own car.

63. The submitted plans detail 15 car parking spaces to the front of the premises including 2 disabled parking spaces. The proposals include 2 classrooms at ground floor level along with a post 16 classroom at ground floor level and 6 classrooms at first floor level. This results in a requirement for 18 car parking spaces (based upon secondary school accommodation) which results in a deficit of three spaces at the site however the Highway Engineer has assessed the proposals and confirmed that the level of staff parking available in front of the building will prove sufficient. Additionally the site is opposite a public car park which can provide car parking provision for these premises.
64. With respect to parking requirements for parents, the Highway Engineer considers that the central town centre location surrounded by busy roads and the inner ring road, walking to school is unlikely to be a favoured option and for the same reason it is equally unlikely to prove popular or practical for most pupils to cycle to school. As such he considers that there will be a high tendency for pupils to be dropped-off and picked-up by car by parents.
65. In respect of the on-street car parking arrangements the Highway Engineer considers that both Water Street and Hollinshead Street will offer a level of parking provision for dropping-off and picking-up. Within the submitted planning statement there is a suggestion that a one-way system could be operated for parent parking however the Engineer does not consider this necessary at this time.
66. The Engineer considers that effectively parent parking will take place over a short period in the morning and afternoon and the level of parking is manageable. As such the highway engineer does not feel that school traffic generation will have any significant adverse impact on the safety and operation of the immediate highway.
67. Following the request from Members at Development Control Committee the Highway Engineer has provided the following additional comments:

“I based my initial comment on the following that:

- the school was for a temporary basis of 1 year whilst alternative accommodation arrangements were being sought
- the school would cater for 60 – year 7 students pupils and 100 post 16 students with 32 students based off site i.e. 128 students in total and up to 27 members of staff.

I have also assumed it will be a mixed school as there is nothing contrary to say otherwise.

The school will provide for 9no classes i.e. 3 no on the ground floor and 6no on the first floor. The second floor will remain vacant.

In this respect it can be argued the school will be of comparable size to say a medium sized primary school.

Based on the information I have adjudged that in terms of the demand for parking and traffic generation, the school is unlikely to have any significant adverse impact on the highway and will therefore be manageable.

Purely in terms of current car parking standards (draft RSS) the school could potentially generate a demand for up to 18 parking spaces for a primary establishment or 28 spaces for a higher education. The school will however be approx. 50/50 i.e. 60 – 11yr olds and 68 – 16plus olds therefore an average approximation would result in 24 initial spaces. The total

would however normally be subject to accessibility reduction of between 15-25% owing to the town centre location with good access to public transport (bus and train), and I would also hasten to add that the spaces are inclusive of both staff and parent parking. The direct walking distance from the bus station via the shopping centre car park and along Fellery St to the site is approx. 500m and bus stops are also located on the ring road. The likelihood of any reduction will result in 20no spaces i.e. 10 for staff and 10 for parent parking. The parking standards are based on achieving and promoting sustainable development therefore they would be difficult to argue against.

In this respect the 15no spaces to the forecourt area will cater for the level of staff parking and the remaining parking spaces for parent parking may be suitably accommodated by on-street parking in the immediate area.

Staff parking

The highway area at the bottom of Water Street on the opposite side of the forecourt is also adopted highway and would therefore remain available for public parking (7no spaces) by commuters including teachers.

The level of parking that currently takes place on the forecourt will inevitably get displaced but there will however be limited scope to park elsewhere nearby owing to existing yellow lines and the presence of Residents and Limited parking bays in the area. As such I do not feel this will lead to any significant pressure for parking/lead to indiscriminate parking.

Parent parking

With respect to parent parking as I have indicated in my initial comments it is reasonable to assume that school parking will be for a short period of time during the morning and afternoon sessions although parent waiting in the afternoon will be more prominent.

I feel the level of on-street car parking available on Water St and Hollinshead St may suitably accommodate the demand for parent parking for drop off/pick up.

I would base this on the fact that Hollinshead St has provision 'Limited Waiting' parking bays which will readily be available for parking spaces throughout the day. The bays are 9am – 5pm with parking limited to 1 hr. A larger number of spaces will be available for am drop off then pm pick up although I am unclear on the level of overnight residential parking that takes place. A record of a recent daytime parking survey is detailed below for information.

Water St will equally offer a level of parking for parent drop off/pick up although albeit via the yellow line. The road at the bottom of the street (opposite the row of terraced houses) is very wide and over 10m and parking on the single yellow line (restricted parking Mon-Sat 8am to 6pm) alongside the municipal pay and display car park will easily be accommodate without impacting on general traffic flows. The highway at the vicinity is also marked with double yellow lines and these will have been put down to provide junction protection therefore it will need to be emphasised to parents via the travel information, but again that should be manageable with school and parent cooperation.

There is a small resident's bay at the start of the single yellow line and providing there are no residential vehicles parked any short stopping by parent vehicles in the bay during am drop off will not be of any nuisance. As the demand for residential parking lessens during the day as people are at work, it is likely these spaces may well be empty during the pm pick up in which case again any parking is not going to be of any significant nuisance. The demand for residential parking during the day will be readily accommodated within the main Residents bay on the other side of the road.

The single yellow line on the southern side of Water St extends all the way up to Bengal St and therefore there is already provision for managing indiscriminate parking alongside the residential houses. In any case the vehicle crossings to the drives are laid such that there is little room for on-street parking without blocking the drives therefore parking outside should not

become a nuisance.

As such the provision for residential parking either via the residents' bays or through the traffic restrictions is already established and measures are in place for their management.

With regards to the level of commuter parking that takes place on Water Street this is mainly on the northern side of the road alongside the takes open green place between the row of terraced houses and Astley St. As there is no footway on this side of the road, vehicles are fully parked and owing to the narrowness of the road there is little scope for parking on the opposite side of the road without interfering with traffic flows. For this reason any indiscriminate parking on the single yellow line is likely to be small, but it is also a distance away from the school to be of discouragement.

As with all schools there will be an element of school parking during am and pm times but it will be for short periods of the day, and the levels of parking will be manageable in view of the above points.

Traffic

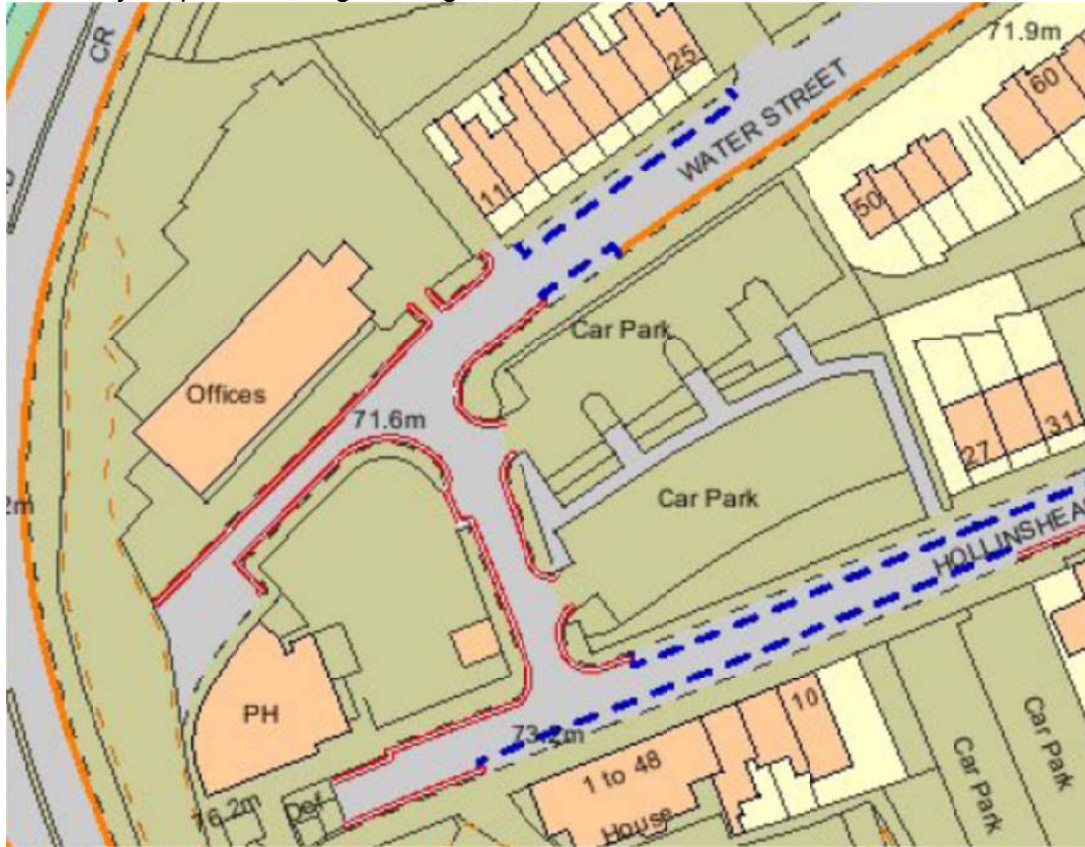
Observed traffic speeds along Water St and Hollinshead St are typically low (25-30mph).

The main access routes into the area will be via the 2 roundabout junctions from the ring road.

Access will also be available via Fellery St however it is a narrow road with residents bays marked out making it difficult for 2-way traffic flow. It is therefore likely to prove unpopular however if it does lead to increased congestion (potential) then this can again be addressed through parent cooperation.

Likewise the am and pm school times will lead to increased traffic movements in the vicinity of Water St and Hollingshead St but again it will be for short periods of the day and the traffic levels will be manageable and should not lead to any significant congestion for the simple reason that school parking is unlikely to become an issue for concern. It is a town centre location and

Parking Survey – Friday May 26th – 11am
Street layout plan showing existing traffic restrictions



Water St, north side:-

Forecourt - 15 cars parked (15no spaces)
 Residents bay (no 11-25) – 2no cars parked (6no spaces) &
 No 25 to Astley St – 44 cars parked, hand full of spaces still available.

Top of Bengal St cul-de-sac and Water St well parked up with residential and commuter parking.

Water St, south side:-

Highway land opposite forecourt – 7no cars parked (7no spaces)
 Residents bay on opposite side - 0 cars parked up (3no spaces)
 Single yellow line– 0 cars parked

*** scope for dropping off on yellow line and small bay – 12no spaces.**

Water St car park – 10 cars parked (30no spaces)

Hollinshead St, north side:-

Hollinshead car park – fully parked up (38no spaces)

Limited parking bay (west) – 4 cars parked (9no spaces)
 Residents bay (no 27-31) – 0 cars parked (3no spaces) &
 Limited parking bay (east) – 13 cars parked (14no spaces)

Hollinshead St, south side:-

Residents-Limited parking bay (west) – 4 cars parked (14no spaces),
 Residents-Limited parking bay (mid) – 3 cars parked (3no spaces),
 Residents-Limited parking bay (mid) – 3 cars parked (3no spaces) &
 Residents bay – 0 cars parked (5no spaces)

** Limited waiting bays – 27 cars parked with 16no spaces available (43no spaces)*

Based on the above survey, there was a sufficient number of spaces available for parent car parking on Hollinshead Street alone.

Therefore, together with the scope for parking on the Water St for dropping off/picking up for a further 12no spaces (albeit on yellow lines).

In my opinion school parking by parents/visitors should not prove problematic.

The school is also proposing to open Saturdays 9:00 – 12:30 for community and school activities. The pressure for commuter parking on Water St will be less on a Saturday and visitors will also have the benefit of using the pay and display car park therefore I do not perceive any traffic problems. It may also be that the main car park which will form the school yard may be opened for parking anyway.

Presently the school will cater for 128 students and therefore realistically it will be of a size similar to medium sized primary school.

If parking and traffic are deemed acceptable and manageable from day one then providing there is no material change I feel there should be little reason why they should not continue to be acceptable for a further period of time. As such I would have no strong reservations against permission being permitted for the school to continue with a temporary use of operation for a second year of operation.

I would also assume that if the school was at any point apply for a permanent stay then it would have to do so under a new application in which case the application would be assessed on the basis of traffic conditions prevalent at the time.

With regards to any potential increase in intake I would again assume this would need to go through proper channel in the form of a planning application.

If not then, I feel the site realistically has limited potential for expansion anyway in terms of both size and the quality of the facilities. Presently the 2nd floor is vacant therefore if the school was to occupy the second floor, you would be in all probability be looking at another 60-70 places based on the 6no class rooms on the first floor. Whilst this would obviously have some material highway impact, but whether it would be significant is doubtful based on my above assessment.

For the same reason I feel any increase in staff intake will also have only marginal impact on parking arrangements.

However along with a bigger intake comes a bigger demand for welfare facilities and quality of teaching space and as such I feel the school will have limited opportunity for expansion.

In any circumstance, I would hope the school would make a determined effort to plan to try and mitigate all highway impact through the development of a comprehensive school travel which I understand all schools have to provide. Any application for permanent stay would likely to be subject to a request for s106 funding from Lancs County council for travel planning.

The school will also have the benefit of the public 'pay and display' car park which I think is £3.50 for the day. However, with schools having a very early start time staff will be minded to park on the street."

Overall Conclusion

68. It is acknowledged that the proposals do not fully comply with Local Plan Policies EM6 and EM9 in respect of the use of the premises for a use other than for financial and professional services. However the NPPF confirms that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the proposals will secure the temporary re-use of an empty building in a

relatively sustainable location.

69. The National Planning Policy Framework states that *the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- *give great weight to the need to create, expand or alter schools;*
 - *work with schools promoters to identify and resolve key planning issues before applications are submitted.*
70. The Policy statement 'planning for schools development' makes it clear that local authorities should make full use of their planning powers to support state-funded schools applications and that a refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. The statement goes on to confirm that any appeal against any refusals of planning permission for state-funded schools will be treated as priority by the Secretary of State and the Secretary of State may choose to recover, for his own determination, appeals against the refusal of planning permission.
71. It is considered that the proposals will secure educational choice within the Borough, as Free Schools are independent of the Local Authority Education system, in accordance with the Government's clear direction of travel as set out within the NPPF and the planning for schools development policy statement published by the Government. This policy statement confirms that *creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities.*
72. In this case it is considered that the adverse impacts associated with the proposals, set out above, do not significantly or demonstrably outweigh either the NPPF or the National Planning Policy relating to schools. The temporary nature of the use can ensure the reversion to an office use in the future and as such the application is recommended for approval.

Planning History

74/00010/FUL: 8 storey office block. Withdrawn

77/00587/FUL: Change of use of Parish Institute to Offices. Approved July 1978

78/00441/OUT: Outline application for 39 flats and 1 house plus communal facilities (Category 2 sheltered housing). Approved July 1978

03/00071/FUL: Erection of detached garage. Approved March 2003

05/00434/CON: Application for Conservation Area Consent for the demolition of existing building. Approved July 2005

Recommendation: Permit Full Planning Permission Conditions

1. **The use of the ground and first floor of the building by Chorley Career and Sixth Form Academy (Use Class D1) hereby permitted shall cease by 31st December 2013 or when a permanent facility for Chorley Career and Sixth Form Academy is established (whichever is the shortest period of time). Thereafter the building shall be reinstated to office accommodation. Reason: The permission was granted on a temporary basis having regard to the special circumstances advanced in support of the application, however the use would be inappropriate to the locality on a permanent basis and in accordance with Policy Nos. EM6 of the Adopted Chorley Borough Local Plan Review.**
2. **The approved plans are:**

Plan Ref.	Received On:	Title:
046 S 01	26 March 2012	Site Location Plan

046 S 02	26 March 2012	Existing Site Plan
046 S 04	26 March 2012	Proposed Site Plan
046 GA 00	26 March 2012	Proposed Ground Plan
046 GA 01	11 May 2012	Proposed Level 1 Plan
046 GA 02	26 March 2012	Proposed Level 2 Plan
046 EX 00	26 March 2012	Existing Ground Plan
046 EX 01	26 March 2012	Existing Level 1 Plan
046 EX 02	26 March 2012	Existing Level 2 Plan

Reason: To define the permission and in the interests of the proper development of the site.

3. The use hereby permitted shall be restricted to the hours between 7am and 6pm on weekdays, between 9am and 1pm on Saturdays and there shall be no operation on Sundays or Bank Holidays. *Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.*

Item 4b	12/00362/OUTMAJ
Case Officer	Caron Taylor
Ward	Pennine
Proposal	Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access (resubmission of previous application 11/00992/OUTMAJ)
Location	Land Bounded By Town Lane (To The North) And Lucas Lane (To The East) Town Lane Whittle-Le-Woods Lancashire
Applicant	Redrow Homes Ltd (Lancashire Division)

Consultation expiry: 16 May 2012

Application expiry: 2 July 2012

Proposal

1. The application is described as:
'Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access'.
2. This application is a resubmission of application reference 11/00992/OUTMAJ. Members will recall that this application was refused by Development Control Committee on 14th February 2012. The applicant has appealed against the Council's refusal and a Public Inquiry is scheduled to take place in July.
3. This application submitted is an identical application (with an updated planning statement and updated technical information) to that which is currently the subject of the appeal. It has been submitted following the publication of the National Planning Policy Framework (NPPF) which replaces most of the previous National Planning Policy Guidance Notes/Statements plus a number of Letters to Chief Planning Officers and Circulars.

Recommendation

4. It is recommended that for the reasons set out in this report the application is refused.

Main Issues

5. This application has been submitted in light of the publication of the National Planning Policy Framework. The proposal has been reassessed against the provision of the NPPF and this report will therefore focus on this issue.
6. The application proposal remains as per the previously refused application. A copy of the previous report that also discussed the technical issues of the proposal can be found at the following link:
<http://democracy.chorley.gov.uk/documents/g3103/Public%20reports%20pack%2014th-Feb-2012%2018.30%20Development%20Control%20Committee.pdf?T=10>

7. The Council's view on the technical issues remains as per the previous report.

Representations

8. 322 letters of objection have been received on the following grounds:

- Traffic - Contrary to Chorley Local Plan Review TR1 - Will result in an unacceptable increase in traffic flows through residential areas. Furthermore, both site access points are used as informal play areas due to inadequate play provision. The existing small Play area directly next to a proposed site access will be subject to passing traffic with obvious risk to children;
- The existing (Orchard Drive) S106 provision is unusable due to inadequate drainage and lack of maintenance - clear evidence that Redrow cannot be trusted to fulfil the spirit of their obligations;
- Need - there is no reliable evidence that forecast demand for housing is not satisfied by the as yet undeveloped local provision - i.e. Buckshaw and the untouched areas of the former ROF site. The housing market is flat and there are numerous unsold properties on all recent developments - Buckshaw as an example. Indeed on the Redrow and Bellway estates, properties have been on sale for a many months. Who are going to purchase these properties?;
- Contrary to Gov't policy to reduce car usage, no school, doctor, dentist provision available within walking/cycling distance!;
- The issues with additional traffic, pressure on the one local primary school and doctors surgery will clearly cause a decline in these services;
- A proposed link through from this proposed new estate to adjoining estates will clearly impact of the safety and security of both children and property. Finally there is clearly the environmental issue both in terms of local wildlife and traffic volumes;
- All the same reasons as to why planning was originally declined;
- There are not the facilities and the road structure to cope with any further development within the Whittle-le Woods area. The road network would not cope with the extra demand;
- In addition, it would remove a respected environmental resource in the local area causing massive environmental damage to wildlife;
- What is the environmental impact as a consequence of the development?;
- Very frustrating that the Residents Action Group have got to put a another case forward to prevent this development proceeding;
- Chorley has been massively developed on Green Belt land over the last 10 years, the huge Buckshaw development is still unfinished. Brownfield sites exist all around Chorley and these could be used for low cost housing in particular;

- The overdevelopment of green field sites in the area when there are numerous brown field sites still to be used (let alone Buckshaw Village - where is the need?);
- Chorley has destroyed a lot of amenity land in recent years and Redrow have had more than their fair share. The land to the North and West of Lucas Lane should be stay as it is;
- The addition of 135 new homes to the area is likely to increase the number of cars in use by at least 200, if not 300. All these will be channelled down Dunham Drive, a small road, surely not designed for such a volume of traffic, to reach the A6. The A6 is already congested at peak times, and will soon be worse with hundreds of vans and lorries from the proposed Royal Mail facility. The traffic already causes difficulty for residents of other side roads to get out and join the flow, and danger to school children making their way to and from bus stops without adequate pedestrian refuges. There is also the question of pollution; at present there is a large green area, a 'green lung' to counteract the pollution from the A6 and M61, and the extra cars in this space instead of greenery will also increase pollution;
- Redrow's own commissioned ecological report emphasised the diversity of the flora and fauna on the site, and states that development should not take place within 10m of the natural features such as streams and ponds. They have still only surveyed the site in spring and late autumn, not summer when most species would be present. On Redrow's Masterplan document, they mention a field drain on the western edge of the site. It should be noted that at least for the Harvest Drive area, this ditch is within the curtilage of the existing properties and not part of the development site;
- The many oaks with preservation orders already must certainly be preserved, as should the remnants of ancient hedge, and the rather decayed pond at the south west end of the plot, much used by wildfowl and herons, which suggests the presence of amphibians (the local conservation officer considers that excavation of this pond to 'clean it up' could be detrimental to the wildlife currently using it as their habitat). They are also aware of the presence of hedgehogs, which are now an endangered species with diminishing resources, and perhaps the developers should look into providing a 'hedgehog highway' among their new gardens, should they obtain planning permission. We know there are numerous voles, wood mice, rabbits, the occasional hare and rarely deer, as well as a huge variety of birds, which also visit their garden and have been recorded with Garden Birdwatch (no.78448) over the past 7 years, the usual commoner species of blackbirds, song thrush, mistle thrush, woodpigeon, collared dove, blue tit, great tit, coal tit, robin, dunnock, starling, long-tailed-tit, wren, crow, magpie and jay, chaffinch, goldfinch, greenfinch (rare these days), bullfinch, nuthatch, tree-creeper, great spotted woodpecker, grey wagtail, pied wagtail, and in the winter brambling, redwing, siskin, the occasional pheasant and lesser redpoll, and to scare them all off, the sparrowhawk. They also know of tawny owls, occasionally seen, more often heard, and feeding on the healthy population of voles; along with pipistrelle bats whose roosting area is unknown but may be the large old trees, and who may hibernate in the old pill-box, (which incidentally is not an air raid shelter!) and whose feeding area is chiefly over the pond and stream and among the trees. All these creatures rely on the rough grass, the hedges, shrubby areas and the large trees, which must be safeguarded for the future to enhance the experience of all local residents;
- They cannot see how the present small GP surgery can realistically support 135 more families, as the appointment system is already overstretched. The local schools are a

long walk away, and car journeys will just increase congestion. Some of the schools are faith based and thus quite selective, and families who do not wish to use faith schools will have much further to go, inevitably by car. The distance to bus stops is probably too much for small children. Secondary schools are simply not accessible by public transport, though there are a few school buses, but these will require children to cross the A6 at busy times without school crossing keepers or pedestrian refuges to protect them. The catchment for secondary schools needs to be revised, as Whittle is no longer within the catchment for the nearest school, Balshaws in Leyland. The next is Parklands on Southport Road, which is a long distance away, and the rest are even further. Shopping opportunities are few; Redrow's plan shows shops in several places within their very optimistic 'five minute walk'. In fact there are no useful shops, only the convenience store at a petrol station, which is good for emergency purchases, but out of the question for the weekly family shop. There is another convenience store on Chorley Old Road, but it is a long walk uphill, which is not attractive when needing to carry shopping. Apart from the very small Post Office and possibly the pharmacy, there is no other shop within reasonable walking distance from the development site;

- No supermarket is on a frequent bus route, the only bus that goes to Asda is the 114 which runs twice an hour, and takes a roundabout route. No bus goes to Tesco or Sainsbury's, but the 125 goes near Morrison's, and to Booth's in Chorley, which is somewhat dearer than the others, and possibly out of some people's economic reach. Most people will consider that they need to use their car for the main shopping, and even for top-up visits;
- The Fire Brigade stated last year that it would require two entry points to the proposed estate, but both would be off Dunham Drive, so if there were obstruction of that small road, the fire engines would have difficulty accessing the area;
- It should be noted that more car use will increase the carbon footprint of the Chorley area, and the proposal for this site is not apparently taking into account its environmental impact, because under the rules the number of new homes is lower than the threshold where an assessment is required. Will the Council press Redrow to install solar panels and water recycling systems for toilet flushing, to reduce the development's carbon footprint (and thus the Council's)?;
- The proposed site is currently subject to flooding as covering Lucas Lane after heavy rain. The consequential increase in water draining into the river in Whittle will be blocked at the narrow bridge under the A6 giving rise to flooding within the village. Insurance rates will rise accordingly affecting all within the PR6 postcode. It would be irresponsible for developers and planners to consider this development;
- There are insufficient public services and utilities within the parish to cater for an increase in population;
- The development will bring no evident economic benefit to the area.
- Sufficient housing for Chorley has already been identified/planned for the next 10 years. This provides an extra 5 years supply.
- Redrow have used the argument that there are no brown field sites left in Whittle-le-Woods. The NPPF should apply to the whole of Chorley not just Whittle-le-Woods;

- The Localism Bill proposes to abolish Regional Spatial Strategy housing figures;
- The site is in Pennine Ward and should be treated in line with the Rural Housing Needs Survey;
- The proposed housing will be too near to the Biological Heritage Site;
- It will be visually prominent with very little screening;
- There is an old landfill tip on the land;
- The phasing schedule in the preferred options document indicated that this site would not start until 2016, the development therefore falls outside the planned housing needs of the area;
- There has been potential mining activity in the area to which no consideration has been given;
- The main sewer would need to be upgraded which would cause further disruption;
- Affordable housing should be pepper potted through the development and be tenure neutral;
- The properties should be built to a high level of sustainability;
- The green-placement should be retained;
- It is unclear who will maintain the site on an on-going basis;
- It will impose on the properties on The Ridings as it will be at a higher level;
- It will change the character of existing cul-de-sacs;
- All mature trees should be protected;
- The proposal will destroy significant and essential open separation land and increase the number of houses without any provision of proper public recreational open space;
- The footpath is proposed to be upgraded to a cycleway. It is part of a country way and a last part of a country wildlife habitat and should remain undisturbed;
- Empty/derelict properties should be used;
- The Environment Agency is asked to consider the effect on 44-48 Town Lane. They ask for a flood risk assessment specific to their properties;
- It will spoil the view from existing properties;

9. **Whittle-le-Woods Parish Council** state their previous comments still stand:

They feel very strongly that the application should be refused. There are already plans in store for adequate housing throughout Chorley for the next 10 years and this would be an unnecessary development for Whittle-le-Woods. If development of housing was to take place on this land, it is likely that a footpath and World War II bunker would be lost. The necessary access would increase traffic enormously. Whether taking a left or right turn from this proposed development area, it would make the already difficult junction worse. This is also a rain catchment area and an increase to the number of buildings would potentially cause problems with flooding. The flood water would be directed into the culvert on Town Lane but it would not be big enough to deal with the increased flow. This is an area which is liable to flooding, as in 1987. There is inadequate infrastructure in this area for a housing development of this size. The Parish Council therefore do not accept that this site is appropriate for the proposed use. They reiterate that we should not be building on this type of land at this stage - this land shouldn't be released for development within the next ten years. It is too early, and pre-empting the need. It is a purely green field site, and brown field sites should obviously be prioritised.

Consultations

10. Lancashire County Council (Ecology)

Have no further comments and that those they made last time remain valid and applicable

:

11. They originally objected to the application on the grounds that it has not been adequately demonstrated that the biodiversity value of the BHS would be maintained and there does not seem to be any guarantee that biodiversity and a site of importance at the County level will not be further degraded as a result of the development.
12. Redrow have agreed to a detailed habitat management plan for the Biological Heritage Site to be part of any legal agreement that will provide for appropriate management measures to maintain and enhance the biodiversity value of the Biological Heritage Site (management of recreational pressure and mechanisms for detailed monitoring of vegetation, reporting and review). The County Ecologist confirms that this addresses any area of concern.
13. The applicant supplied further information on whether the trees proposed to be removed at the access points may support bats or not and the County Ecologist advised that the trees currently have negligible potential to support bats. However, tree condition can change (becoming more or less suitable) so they recommended a precautionary pre-commencement check.

14. Natural England

Advised that using their standing advice that the application is not within/close to a SSSI or SAC notified for bats and the survey report does not highlight that there are suitable features for roosting within the application site (e.g. buildings, trees or other structures) that are to be impacted by the proposal. Natural England therefore advises the Council to accept the findings, consider promoting biodiversity enhancements for bats (e.g. new roosting opportunities, creation of habitat linkages or species rich feeding areas) in accordance with in accordance with the NPPF and Section 40 of the NERC Act.

15. The Environment Agency

Have no objection subject to a condition being placed on any permission requiring a surface water drainage scheme (including a review of the greenfield run-off rate) and its future maintenance and management to be submitted and approved. They also state that surface water run-off from the development should be restricted to existing greenfield rates.

16. In terms of biodiversity the Environment Agency reflect the comments of other ecology consultees that the development proposals will need to include a plan to maintain and enhance the adjacent Biological Heritage Site. This site's delicate hydrological balance of flushes will require protecting and evidence for this should be clear in future proposals, including no net loss of water quality or quantity. Translocation of species or habitat should not be the first consideration for this proposal and this should be discussed with the county ecologist.
17. They support the enhancement of and creation of wildlife corridors for the existing pond habitat. However, on the Lucas Lane Masterplan (no. Red/LL/MP/01), there are some areas of swales/drainage which appear to have covered sections, including the area between points 4 and 5. At the detailed design stage, these areas should be proposed as continuous open water habitats to avoid fragmentation of the riparian corridor.

18. **The Highways Agency**

Do not raise any objection to the application.

19. **Strategic Housing**

In terms of affordable homes state they are looking for 30% affordable homes 40.5 houses on site, split as follows:

28, or 70% for social rent:

4x 1bed flats

19 x 2 bed houses

5x 3bed houses

12, (or 30% for Intermediate sale i.e. shared ownership:

3x 2bed houses

9x 3bed houses

The remaining 0.5 unit should be provided via commuted sum.

Strategic Housing point out that the affordable housing statement and draft heads of terms accompanying the application are incorrect in that they state the SHMA suggests a split of 26:74 social rent and intermediate tenures. The hard copy of the SHMA 2009 incorrectly contained these figures, this was subsequently recognised as an error and changed to 74:26 social rent/ intermediate tenure split – hence the above.

20. **United Utilities**

Have no objection provided the site is drained on a separate system, a condition should be imposed requiring a surface and foul water drainage scheme to be submitted and approved and that to reduce flooding and pollution build out rates are agreed.

They state United Utilities are currently upgrading Walton-Le-Dale Wastewater Treatment Works [where the site would ultimately discharge] to increase treatment capacity. These improvements are expected to be in service by the end of 2014. They would not object to the recent planning consultation on condition that there is no significant occupation of the site before autumn of 2014.

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

The application is a resubmission of application no 11/00992/OUTMAJ which was recently refused planning permission on the basis of development policies.

22. In accord with the Planning Statement the new application has been submitted on the basis of the NPPF in direct challenge to the above decision on policy matters. The application is again for outline permission for the erection of up to 135 new dwellings with all matters reserved saved the access. The overall proposals are identical and the submission is basically the same with the Planning Statement amended to reflect the above together with additional information with respect to agreed highway measures.

23. In terms of general highway it was adjudged by that, based on the information provided, the proposed access arrangements should prove satisfactory from a technical viewpoint however initial concern was expressed regarding the suitability of the site to promote sustainable development. This was owing to the fact that the proposed development was likely to lead to increase in car use because of its location as it was outside walking distance of most destinations and there was little possibility of public bus penetration into the area.

24. The key theme for any residential development is that they should support sustainable transport by ensuring there is good and easy access to public services and encourage non-car mode of transport.

25. Based on a score of 20 on the RSS accessibility questionnaire the site was regarded as having low end of medium accessibility, and in accord with Planning Obligations in Lancashire Policy: Transport it was subject to a maximum planning obligation contribution of £230,000 for specific network, public transport and sustainable transport initiatives to serve the development.

26. However in continued dialogue with the applicant's agent a level of agreement was reached for a series of highway measures in mitigation to make the development more acceptable from a highway viewpoint by encouraging and promoting sustainable transport. Details of the specific measures to be delivered by the development are contained in the Planning Statement and include for the following:-

Highway and sustainable travel obligations as part of any the S106 agreement:

Travel Plan (£6,000),

Improve bus stops (£16,000) and

Sustainable transport initiatives (£50,000) and

27. Other Highway improvements:

Upgrade public footpath through the site to cycle route (under S38 agreement),

Provision of a off-road cycle route alongside the A6 Preston Road from Royton Drive to link up to Buckshaw Avenue (under s278 agreement) and

Provision of mini roundabout at Royton Dr Dunham Dr junction (under s278 agreement).

28. In light of the agreement by the applicant to deliver the above package of highway measures there is no overriding highway objection to the proposed development.
29. Therefore, under the circumstances of the new application offering no new material highway change to the proposed development, there would be little reason for them to change their view at this point and they must advise their previous comments still stand, that they have no overriding highway objection to the proposed development subject to the above series of agreed measures with the applicant.
30. They request at this time that any grant of permission is conditioned such that the specific package of highway measures should be implemented before the development is completed. In the case of the new mini roundabout, it should be constructed before commencement of the development as an aid to traffic management during the construction process, and with respect to the improved bus stops and provision of the A6 cycle route they should be in place before the development is 50% completed to ensure the facilities are available from an early stage.

31. **Lancashire Fire and Rescue Service**

Lancashire Fire and Rescue Service have no objection in principle to the outline planning application. However at any detailed plans stage, provisions should be made to ensure that the emergency services can gain access to the whole development from more than one entry point and details of water supplies for fire fighting purposes should be forwarded to the Fire Authority for examination. Vehicle access for fire appliances should be in accordance with the Building Regulations Approved Document B, Part B5.

32. **The Ramblers Association**

There is no need to create a new footpath as Public Footpath number 44 already runs through the centre of the site. The rural character of the footpath will be completely changed. The site is in an elevated position above surrounding housing estates and therefore changes the whole area especially from the north where views are interrupted. Enhanced access is not required on the existing site. Lucas Lane is essentially a small country lane, this housing estate will greatly increase the amount of traffic.

33. **Director of People & Places (Chorley Council Contaminated Land)**

Reiterate their previous comments:

They are aware of a former landfill, the extent of which doesn't appear to correspond to the proposed development site, rather it is adjacent to the northern boundary of the development site (edged blue on location plan). Although they do not hold any detailed information on it, any potential impacts on the development site will be picked up by an environmental desk study and site investigation that can be required by an appropriate condition being attached.

34. **Director People and Places**

Environmental Services have no objection to the proposal in terms of noise issues and no comment to make.

35. **Chorley's Conservation Officer**

The application site is located to the north and north west of two heritage assets (and contains within it a third heritage asset). These are Lucas Green and Lucas House (which are both identified in the Chorley Council List of Locally Important Buildings) and a World War II

anti aircraft gun mounting and Pillbox/ammunition store, recorded on the Lancashire County Council Historic Environment Record (HER).

36. This application is therefore judged on the basis of paragraphs 128, 131, 135 and 136 of the NPPF. In short this equates to an assessment of the potential impact of the proposed development upon the significance of those heritage assets.
37. In terms of the impact of the proposed development on the significance of the heritage assets, these are now considered in turn:
38. Lucas Green is a modernist styled 1960s flat roofed bungalow set in a large plot. This Locally Important Building is located close to the southern boundary to the application site. Due to the prevailing topography in this location it is located at a slightly lower level than the application site. There is a line of trees along the site boundary at this point which will help to screen the new development from Lucas Green, but ultimately the success of this relationship will depend upon the proposed height of buildings in this part of the application site, which will be determined when the reserved matters application is submitted. Whilst a successful relationship can be achieved here, and the significance of this heritage asset sustained the provision of additional sections, as shown on the attached plan, would aid clarity in this respect.
39. Lucas House is an 18th Century stone cottage located on the southern side of Lucas Lane, to the south east of the application site and south east of Lucas Green. Given the separation distance between Lucas House and the application site, plus the position of other buildings in between, it is my opinion that the significance of this heritage asset will be sustained if proposed development were to be constructed.
40. The World War II anti-aircraft gun mounting and adjacent ammunition store/pillbox were probably erected to defend the Royal Ordnance Factory in Chorley. It is not known whether the site was ever required 'in anger' against enemy bomber aircraft attack against this strategic site. The loss of any heritage asset is regrettable and any possibility for retaining it should be considered. I suggest that the asset is the subject of an archaeological building record as a pre-commencement condition to any permission that may subsequently be granted.
41. The application is considered to be acceptable, subject to an archaeological recording condition for heritage asset 3 (above).

42. **Lancashire County Council (Archaeology)**

Reiterate their previous comments:

Centrally located within the application site are a WWII type FW3/24 pillbox and a separate gun mounting, with metal gun mountings still in place (Lancashire Historic Environment Record PRN 36036). The pillbox is therefore recognised to be a non-designated heritage asset, with local significance.

43. Although not explicitly stated in the application, they assume that the proposals do not envisage the retention of this structure. Lancashire County Archaeology Service would therefore recommend that the pillbox and gun mounting be recorded prior to their removal, and that such recording be secured by a condition which should be attached to any planning permission which may be granted.

44. The Coal Authority

The Council has checked the Coal Authority advice provided to them. The site is not within a Coal Mining Development Referral Area, therefore a Coal Mining Risk Assessment is not required. Coal Authority Standing Advice needs to be added as an informative note if permission is granted.

45. Police Architectural Liaison Officer

During the last 12 months 25/4/11 – 25/4/12 there have been incidents of crime in the immediate vicinity of the location including theft from a vehicle. As per their previous response they recommend that the principles of Secured By Design are incorporated into the development. They set out a number of features that should be incorporated into the design of the development.

Applicant's Case

46. The applicant has submitted an extensive case in favour of the application. In terms of the change in policy the applicant advises:
47. The current application has been submitted since there has been a material change in circumstances since the Council's earlier decision on the original application in that the Government has published the NPPF with its provision taking immediate effect from 27 March. Of particular relevance to the current application the NPPF makes clear that:
- Applications for sustainable development should be positively determined and without delay unless that would result in significant adverse impact that would demonstrably outweigh the benefits of a grant of planning permission;
 - There is a firm agenda for growth; Local Planning Authorities (LPAs) are advised to positively support development and take a 'solution' rather than 'problem-driven' approach to applications;
 - There is a continued requirement for LPAs to maintain at least a 5-year land supply (plus flexibility allowance between 5 and 20%, and no recommendation that maximum targets should be used);
 - Development plans adopted prior to 2004 should only be afforded limited weight, and only where the policies are consistent with the NPPF.
48. In light of this they consider that the NPPF comprises a significant material consideration requiring the LPA to reconsider its position on the application proposals for this site which comprise a sustainable development in accordance with the Regional Spatial Strategy and the emerging development plan strategy, and would make a meaningful contribution towards meeting the housing requirement and affordable housing needs of the Borough. There are no technical constraints to development, as confirmed by the Council's assessment of the earlier application, and there are no significant adverse impacts to demonstrably outweigh the benefits of a grant of planning permission in this instance.

Policy Background

49. The site is allocated as Safeguarded Land under policy DC3 of the Local Plan.
50. The proposal would be in breach of the Safeguarded Land policy DC3, which is acknowledged by the applicant. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
51. The NPPF provides the most up-to-date guidance on how much weight should be given to relevant policies.

52. The applicant states that development plans adopted prior to 2004 should only be afforded limited weight, and only where the policies are consistent with the NPPF.
53. Paragraphs 214 and 215 of the NPPF state:
54. *214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.*
55. *215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*
56. *216. From the day of publication, decision-takers may also give weight⁴⁰ to relevant policies in emerging plans according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*
57. The current Local Plan Review was adopted in August 2003. The land the subject of this application was protected as safeguarded land until 2006, but the policy was (amongst others) the subject of a Direction from the Government Office for the North West for on-going use after 27 September 2007.
58. Chorley's Local Plan was adopted in 2003 and therefore falls to be considered against paragraph 215. Therefore the weight to be given to policy DC3 depends on its consistency with the NPPF.
59. The NPPF (paragraph 85) states that '*safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development*'. Policy DC3 is therefore considered to be consistent with the NPPF and can be given significant weight.
60. Following the publication of the NPPF guidance it is not considered that development plans adopted prior to 2004 should only be afforded limited weight as stated by the by the applicant. This only applies when policies are inconsistent with the NPPF.
61. In addition the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council has a 5 year plus 5% of deliverable housing sites and therefore the policy is up-to-date.
62. The applicant states that '*applications for sustainable development should be positively determined and without delay unless that would result in significant adverse impact that*

would demonstrably outweigh the benefits of a grant of planning permission'. However paragraph 14 for the NPPF actually states that there:

63. *'is a presumption in favour of sustainable development. For decision this means (unless material consideration indicate otherwise):*
 - *approving development proposals that accord with the development plan without delay; and*
 - *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted*
64. It has already been established that the proposal is not in accordance with the development plan (the first bullet point).
65. The second bullet point states that permission should be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole where the development plan is absent, silent or relevant policies are out-of-date.
66. There is a Local Plan which is not silent (policy DC3), and it has been demonstrated that Policy DC3 is not out-of-date in accordance with the latest guidance in the NPPF, therefore the Council is not required to grant permission in accordance with paragraph 14.
67. The NPPF states that the planning system has an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure. The Council consider that the proper process for delivering housing in the right place at the right time is via the LDF process.
68. Chorley has a 5 year plus required 5% buffer housing land supply. The NPPF states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. Chorley is a high performer in housing terms with no record of persistent under delivery. However, if it was under delivering the NPPF states that the buffer should be increased to 20% by moving forward from later in the plan period. It does not say that this should be achieved by releasing safeguarded land sites.
69. The NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
70. However the NPPF defines sustainable development for the planning system as the policies within paragraphs 18-210 taken as a whole and as outlined above it is considered that refusal of the application is in line with the NPPF.

71. Para 19 of The Planning System: General Principles states that the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process.
72. The Planning System: General Principles has not been rescinded by the NPPF and although Whittle-le-Woods on a broad strategic level is proposed as location for some growth, which is acknowledged as a material consideration and given significant weight in decision making, there are other issues that are undecided that relate to broader planning objectives. These are how growth is to be distributed between the six ULSCs and which sites within Whittle-le-Woods will be allocated.
73. The Council have/have had a number of applications on Safeguarded Land sites under consideration and the release of this site would create a precedent in favour of releasing the other sites. The scale of housing that would cumulatively result from those sites is considered so significant that it would prejudice the LDF process by predetermining decisions about the scale, location and phasing of new development which are being addressed in the policy in the Site Allocations and Development Management DPD.
74. The Site Allocations and Development Management DPD Publication Version will be reported to Full Council in September 2012 and is intended to go out for consultation in October/November 2012.
75. The NPPF maintains the primacy of the plan-led system and states that a set of core land-use planning principles should underpin both plan-making and decision-taking. It lists 12 principles the first of which is that planning should:
'be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency'

Policy Conclusion

76. The proposal would be in breach of the Safeguarded Land policy DC3, which is in accordance with the guidance in the NPPF and therefore is up-to-date.
77. The proposal is therefore contrary to the Development Plan. The Council has a five-year deliverable housing supply plus the required 5% buffer and there is therefore no urgent need to release the site now. There are no other material considerations that that outweigh the conflict with the Development Plan.
78. Therefore in relation to the principle of the development the proposal remains unacceptable in light of the NPPF.
79. Allowing the proposal would undermine the LDF process.

Technical Issues

80. In terms of the site specific and technical aspects of the proposal these have been discussed in the previous report.
81. The Council does not consider that a reason for refusal could be sustained on technical issues as these are considered either satisfactory or could be overcome by conditions and a

legal agreement. The applicant is proposing to provide 30% affordable housing on the site as part of this application which is considered acceptable.

82. Planning History

A Screening Opinion was issued by the Council (ref: 11/00795/SCE), in relation to the previous application (11/00992/OUTMAJ) confirming that an Environmental Impact Assessment is not required.

11/00992/OUTMAJ Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access. Refused 14th February 2012.

Recommendation: Refuse Full Planning Permission

Reasons

1. **With reference to:**

- **Planning System General Principles;**
- **The National Planning Policy Framework;**
- **The Development plan, including policy DC3 of the Chorley Local Plan Review;**
- **Central Lancashire Core Strategy;**
- **Chorley Site Allocations & Development Management (SADM) DPD (preferred option)**
- **Other material considerations as detailed within the report to the Development Control Committee;**

The Central Lancashire Core Strategy identifies some growth across six Urban Local Service Centres, and is currently at examination stage. The Chorley SADM DPD identifies sites that could accommodate a level of growth, together with a phasing policy and is at preferred options stage. The level of growth and the sites to be allocated to support that growth are matters to be determined by the SADM DPD, and there are representations on this site in favour and against, and representations about other sites that may also have the potential to support a level of growth.

The proposal is contrary to the development plan. The development plan is not absent, silent and the relevant policies are not out-of-date as they accord with the NPPF and the Council has a five-year housing supply with an additional buffer of 5%. Therefore the presumption in favour of development contained in paragraph 14 of the NPPF does not apply.

This application is one of a number of applications on Safeguarded Land that if approved, would set a precedent, and the cumulative effect would be so significant that granting permission would individually and cumulatively undermine the spatial vision, aims, and objectives of existing and proposed plans that are and will form the Development Plan.

Due to the current supply within Whittle-le-Woods and the Borough, there is not an urgent need to increase growth and there are a significant number of sites that could deliver the level of growth that will be determined by the SADM DPD process. This site has been assessed as having a sustainability score of C, that when compared to the existing, proposed and potential sites within Whittle le Woods is not any more sustainable than the other options and there is not a more urgent case to deliver growth over the Central Lancashire Core Strategy area. This site and this location does not represent an urgently needed solution or the most sustainable location to deliver growth, the level of which has not been determined.

Delivery of sustainable development includes not only site specific criteria, but also wider benefits to support the required infrastructure to support the spatial vision, aims and objectives of the plan and to achieve sustainable development. The infrastructure delivery schedules within Chorley and Central Lancashire detail infrastructure projects that arise in order to meet the overall spatial vision, aims and objectives of the Core Strategy and so achieve sustainable development.

It is not considered other material consideration outweigh the conflict with the development plan.

Item 4c	11/01093/OUTMAJ
Case Officer	Mrs Nicola Hopkins
Ward	Clayton-le-Woods West And Cuerden
Proposal	Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access.
Location	Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane Lancaster Lane Clayton-Le-Woods Lancashire
Applicant	Redrow Homes Ltd (Lancashire Division)
Consultation expiry:	30 April 2012
Application expiry:	15 March 2012

Proposal

1. The application is described as:
Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access.
2. The site is 8.48 hectares and is located to the north of Clayton-le-Woods outside of the defined settlement boundary. The site is characterised by trees and hedgerows within and around the perimeter of the site which delineate the existing field boundaries. On the southern boundary there is a pond and Woodcocks Farm is located to the north. Directly to the south of the application site is the site which was granted permission on appeal in July 2011. The land along the western and southern boundary is allocated as a Biological Heritage Site within the Local Plan.
3. There is a public right of way which runs from Wigan Road, along the western boundary of the site and through the application site. This is proposed to be retained as part of the development.
4. The site is relatively flat with a rise in land levels from west to east towards Shady Lane.
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 is accompanied by an illustrative Masterplan and Design and Access Statement showing how the development might be accommodated on the site. The proposal includes for the following:
 - Up to 160 dwellings including affordable units;
 - It applies for full planning permission for one access point off Wigan Road;
 - Retention of the public right of way which runs through the site.
 - Retention of the existing pond (which will be incorporated into the open space)
6. The applicant advises that the development would consist of a mix of housing from 1 bed to 4 bed homes which will reflect the market demand for larger market homes.
7. This site is included within the Site Allocations and Development Management Policies DPD as a proposed allocation. The land that is the subject of this application forms part of the wider HS1.35 Land to east of Wigan Road (A49) residential allocation and the wider EP1.19 Land east of Wigan

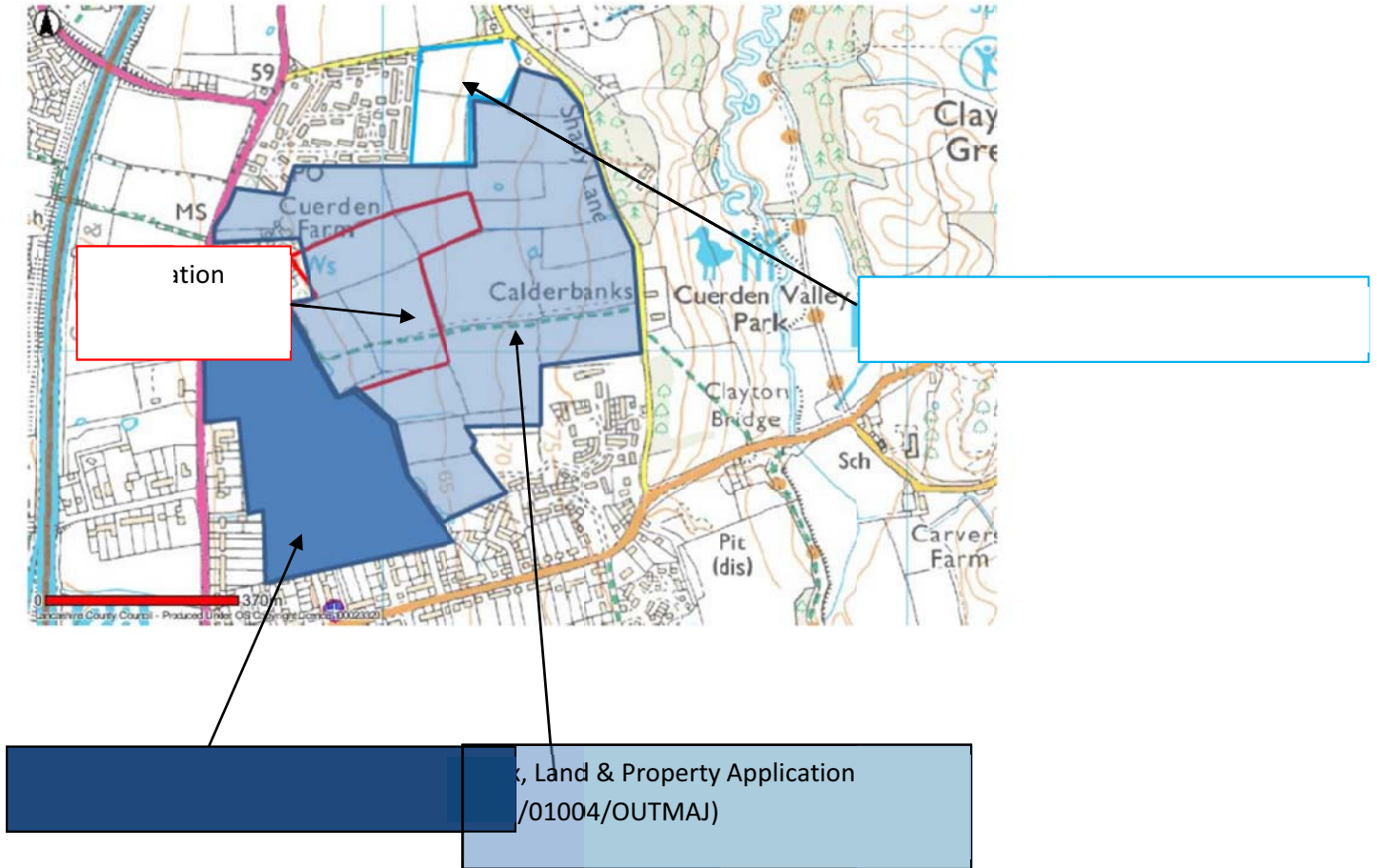
Road employment allocation. The DPD allocates this area of Safeguarded Land as a preferred mixed use housing and employment allocation for 600 dwellings (300 of which already have outline planning permission) and 20ha of employment land. The land that is the subject of this application falls within this mixed use allocation.

Recommendation

- 8. It is recommended that this application is refused.

Other Applications at this Site

- 9. Members should note that there is another application at this site which has been submitted by Fox Land and Property (11/01004/OUTMAJ). To put the site into context the following plan details the various planning applications at this site:



Assessment

- 10. The assessment of these proposals is split up as follows

1) Policy Assessment

- (a) Principle of the Development (paras 57-75)
- (b) Adopted Chorley Borough Local Plan Review (paras 76-77)
- (c) Core Strategy (paras 78-81)
- (d) Site Allocations and Development Plan Policies DP (Preferred Option Paper) (paras 82-90)
- (e) Masterplanning Approach (paras 91-98)
- (f) Prejudice (paras 99-108)
- (g) Assessment of Proposal Against Final Criterion of NPPF Paragraph 159 (paras 109-111)

2) Other Material Policy Considerations

- (a) Urgency (paras 112-135)
- (b) Ministerial Statement- Planning for Growth (paras 136-139)
- (c) Localism (paras 140-141)

(d) The Community Infrastructure Levy (paras 142-149)

3) Affordable Housing (paras 150-162)

4) Policy Conclusion (paras 163-171)

5) Other Issues

- (a) Housing Development (para 172)
- (b) Density (paras 173-174)
- (c) Design (paras 175-176)
- (d) Open space (paras 177-186)
- (e) Trees (paras 187-189)
- (f) Landscape (paras 190-203)
- (g) Ecology (paras 204-219)
- (h) Flood risk and Drainage (paras 220-225)
- (i) Traffic and Transport (paras 226-251)
- (j) Public Right of Way (paras 252-254)
- (k) Contamination (para 255)
- (l) Air Quality (paras 256-257)
- (m) Section 106 Agreement (paras 258-264)
- (n) Crime and Safety (paras 265-267)
- (o) Archaeology (paras 268-269)
- (p) Sustainability (para 270)

6) Overall Conclusion (paras 271-294)

Representations

11. 136 letters of objection have been received raising the following points:

Highways and Traffic objection

- The extra traffic from the proposed developments would have a severe detrimental effect on the quality of life on people living along the existing narrow estate roads in terms of safety, noise, air pollution and sheer weight of traffic. It would also impact on the already very busy Lancaster Lane and Wigan Road, especially taking into account the many other existing permissions yet to be implemented in Clayton-le- Woods and surrounding area. No doubt solutions can be found from a highway engineering point of view, but that is no consolation to existing residents and the effect on their lives.
- This project will increase traffic through Shady Lane- what plans are in place to control the volume and management of Shady Lane?
- Local residents using Shady Lane & Nell Lane, bypassing the traffic lights at the hayrick junction. This junction needs complete re-design to cater for traffic turning left from Wigan road into Lancaster Lane and Lancaster Lane left into Wigan Road.
- Pathways need to be incorporated for both existing and this new development to make access to Cuerden Valley safer and get pedestrians off Shady Lane.
- The roads will link through the estates so there will be access to the A49 and also Lancaster Lane. There is no doubt that these roads will be used as 'cut throughs' therefore increasing the traffic on the roads and risk to residents and in particular their children.
- Will Shady Lane be one of the access roads to the proposed developments and if not why not? What traffic calming measures are to be put in place for Shady Lane which will definitely be used as a short cut and it would be naive to argue this will not be the case or that there will be no increase in traffic as a result of any development

Planning Policy objection

- The proposals are contrary to the Safeguarded Land "saved" policy in the statutory Chorley Local Plan Review.
- If you no longer use the statutory plan to gauge proposals of this scale, due to the Inspector's decision on the Fox application 10/00414/OUTMAJ, then you should refuse the applications on grounds of prematurity. You are currently preparing the Central Lancashire

Core Strategy and the Chorley Site Allocations and Development Management Policies documents to replace the Local Plan Review. We have recently been consulted on the new housing figures in the former and the draft site allocations for Clayton-le-Woods in the latter. The consultation responses will have to be taken into account at the Inquiries into these documents in February 2012 and October 2012 respectively. If permission is granted for these applications at this time, the public consultations exercises, if not the Inquiries themselves, will be rendered meaningless and a complete waste of time and Council tax payers' money.

- Due to recent implementation of the Localism Act, the Government's intention is to give more power to local people. Any further development in Clayton Le Woods is necessary and possible not lawful considering the public consultation that is still yet to be considered and decided in the Local Development Framework.
- There is presently no need for these large developments. Fox Developments already has permission for 300 dwellings in the area; there are permissions for over 2000 more dwellings a mile away at Buckshaw Village; many smaller sites, such as the backland housing along Lancaster Lane and elsewhere, have recently received permission or are being built; and there are other small sites in the pipeline, as, for example, at Burrows Grass Machinery and Cuerden Residential Park. The wider picture, taking into account our neighbours in South Ribble, is a far greater number of proposed new housing than already mentioned.
- The CLPCS state that Clayton Le Woods, as a ULSC, is an area where "some growth and investment will be encouraged to help meet housing and employment" I would suggest that the 300 already approved is "some" and that another 700 homes is "more than some". The point should be given serious consideration along with my other listed reasons for objection:
- In terms of employment uses, there is substantial land available at Buckshaw and in the Cuerden strategic employment area without having to mix offices amongst the housing at Clayton-le-Woods.
- Whilst the Government clearly wishes to boost house building and employment development throughout the country, it also requires this to be "sustainable." It is not sustainable to take a very large area of greenfield agricultural land out of production when brownfield sites, like Buckshaw, are still available.

Open Space objection

- The site should be returned to green belt. It is adjacent to a Biological Heritage Site and provides a valuable amenity for local residents to enjoy the natural environment. This area is greatly valued by local people as open space.
- In August 2010 Bill Oddie, Lindsay Hoyle MP and hundreds of local people carried out a Bioblitz survey in Cuerden Park. They counted over 850 separate species. This data is recorded and should be considered by the Committee, as it is there to protect Biologically Sensitive Areas such as this. Cuerden Park is only one roads width away from the proposed site – the impact on wildlife is unfathomable
- Loss of recreational open space
- The loss of productive agricultural land would not create a 'sustainable' development

Other objections

- There would be an intolerable burden on the local infrastructure. Based on a family of 2.2 children, we could possibly have 1500 additional people accessing services, which will be detrimental to the quality of life for existing and new residents.
- Not all neighbours have been consulted
- Not enough time given to comment
- Impact on local house prices
- Adverse impact on wildlife
- Out of character with the area
- Noise and disturbance
- There are other sustainable brownfield sites available
- Loss of protected trees
- Will lead to lots of extra cars and congestion, more litter, more groups of kids, pollution, crime. disruption etc.

- There will be a high percentage of low cost/shared ownership housing where problem families may be located. Unsold houses will be rented out to DSS? and empty businesses plots at risk from vandals.
- Loss of public footpaths
- Chorley Council itself says on its website “we are committed to promoting and preserving the environment” If this is the case, please do not allow this area to be built on and lost forever.

12. Fox Strategic Land and Property have raised the following objections:

- The proposal has been designed in isolation and fails to demonstrate a comprehensive solution to the delivery of a sustainable and cohesive community in line with preferred options identified as HS1.35, EP1.19 and EP10 in the ‘Sites for Chorley Preferred Option Paper’.
- The proposal is a piecemeal development which, by reason of the amount of dwellings proposed, will undermine the policy requirement of further provision of support services required to create “vibrant local communities” under policy 1 (d) iii ‘Clayton-le-Woods (Lancaster Lane)’.
- The ‘Sites for Chorley Preferred Option Paper’ requires at Policy HS1 (page 24) and EP1 (page 38) that sites HS1.35 and EP1.19 (respectively) be developed according to a “master plan or development brief”.
- The illustrative ‘Wider Composite Masterplan’ at section five of the D&A does not address the need to comprehensively masterplan these sites by reason of the lack of:
 - Primary school provision as required by CS Policy 14 (b) ‘Education’ and CS Policy 2 ‘Infrastructure’, and identified in ‘Preferred Option’ Policy EP10;
 - Demonstrable delivery of, or genuine connection with, a bus route to achieve transport connections necessary to create a sustainable community at the Clayton-le-Woods ULSC in accordance Policy 1 and related Policy 3 (d) iii;
 - Delivery of essential community facilities such as health facilities (CS Policy 23 (c) and CS Policy 25 (d)), local shops and community buildings required to support the sustainable growth of the ULSC, as per CS Policies 1 and 25 (d).
- The Sketch Masterplan which accompanies the proposal demonstrates the deficiency of the scheme in accessibility terms. It indicates an access to Phase 1 to the west/southwest (planning permission granted for 300 dwellings). The location of such a link is still in outline but by the terms of the Applicant’s Transport Assessment is required to link to the bus route. When this link is delivered unsatisfactory consequences will arise:
 - Such a link open to all traffic would exceed the planned safe capacity of the proposed new Redrow Homes junction at its exit on the A49 Wigan Road. Conversely if the link is restricted to bus use only it would give rise to environmentally unsustainable and unnecessary vehicular journeys from the application site via the A49 to essential community facilities on the wider SL (school, health facilities, community centre, shops). This would be particularly evident for less able bodied people or in inclement weather.
 - The link into Phase 1 would make the T-junction with A49 Wigan Road at the western edge of the application site a much less desirable route in comparison to the Phase 1 link road roundabout access/egress. There is one consented and one planned junction south and north (respectively) of this proposed third access. Thus the T-junction connection is superfluous, will unnecessarily hinder traffic flows on the A49 and is inefficient in land use terms.
- It is noted that the proposed T-Junction onto the A49 Wigan Road is illustrated by means of ‘Promap’ as opposed to the more accurate map base of Topographical survey. The revised access layout in this plan form does not appear to have been accurately designed and independently audited.
- Fox Strategic Land and Property and Homes and Communities Agency are committed to delivery of a comprehensive access strategy to ensure access by bus, car and foot to all of the future developments on the SL. In contrast the Redrow Homes scheme is fatally compromised by its inability to provide a safe and desirable access on the A49 Wigan Road that is capable of accommodating approximately half of the development traffic flows from the total SL.
- The application as submitted will either be unsafe or isolated.

- The proposal is contrary to the following paragraphs of the Government's National Planning Policy Framework
- Para.52: *'The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities'*. National policy endorses larger scale development such as new settlements or extensions to existing villages or towns as an appropriate mechanism for the delivery of new homes. This proposal does not accord with this approach advocated by National Policy as it represents small scale and piecemeal development where a larger scale comprehensive masterplan approach is required to meet the goals of local and national policy.
- Para.57: *'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'*. This proposal is contrary to National Policy in that it will produce an isolated development that fails to be inclusive in its design as it does not address the wider area development scheme set out in the objectives of local policy.
- Para.58: *'Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:*
 - *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks'*;
- The development of the application site in a piecemeal fashion will fail to optimise the potential to deliver and support local facilities and transport networks across the wider site contrary to local policy.
- Para.64: *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'*. National Policy requires that permission should be refused where poor design fails to take opportunities available to improve the way an area functions. In this case the proposal is dysfunctional in the context of the lost opportunity to comprehensively masterplan a sustainable urban extension at Clayton-le-Woods (Lancaster Lane), as mandated by local policy.
- Para.70 *'To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
 - *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - *...; and*
 - *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.* The failure of the proposal to meet the requirements of the National Policy at this paragraph is manifest. The proposal, even at the *Wider Composite Masterplan*, fails to engage with the requirement to plan positively as part of an integrated approach to the provision of shared community facilities as identified above and as mandated in CS Policy 1.
- Para.72: *'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
 - *give great weight to the need to create, expand or alter schools; and.* This proposal once again fails to engage with this requirement of policy (both national and local) to proactively plan for the future needs of residents of this site and the wider community.
- The land on which the application relates is part of a wider area of land designated within the 2003 Chorley Local Plan as Safeguarded Land (SL) (Policy DC3). This designation is to accommodate development pressures in the Borough in the period up to 2016 if necessary. The use of Safeguarded Land as proposed in this application is wasteful in several ways as identified above. As a consequence of the piecemeal development approach the sustainable development of the wider SL is jeopardised.

- The proposal fails to accord with Regional Spatial Strategy in the following ways:
- DP 2 – Promote Sustainable Communities: The proposal fails to accord with Policy DP2 in so far as it fails to foster a sustainable relationship between the proposed homes, work places and other concentrations of regularly used services and facilities. This failure arises from a number of factors;
- The proposals fail to make adequate provision of public transport infrastructure necessary to serve this site (this is also contrary to DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility).
 - i. The planning permission granted on land immediately adjacent to the application site for 300 dwellings provides for such necessary public transport infrastructure and thus provides for a financial contribution to be made toward the upgrade of bus services in the area via S106. The level of contribution is commensurate with the level of need arising from the 300 dwellings.
 - ii. This application does not propose any financial contribution toward the further necessary upgrade of the public transport infrastructure (this is also contrary to DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility).
 - iii. The scheme with the benefit of planning permission for 300 dwellings facilities vehicular access to the wider area of SL. That scheme was carefully designed to ensure that access would be facilitated to the wider area of SL in order to ensure the most efficient and effective use of the resource and importantly avoid ‘piecemeal’ development.
 - iv. In contrast the approach taken by Redrow Homes Limited in its planning application demonstrates that, as ‘piecemeal’ development, the site lacks the physical capacity in access terms to deliver the necessary grade of junction to deliver adequate public transport provision to the wider SL (also contrary to DP4 Make the Best Use of Existing Resources and Infrastructure).
 - v. For these reasons it fails to foster a sustainable relationship between the proposed homes, work places and other concentrations of regularly used services and facilities.
 - vi. Evidently the proposals fail this key policy test as they do not facilitate genuine integration between the two sites and the wider SL.
- The Council had advanced a single putative reason for refusal a component of which was cited as follows:
- *The proposal has been designed in isolation and is piecemeal development therefore not contributing to 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.*
- The planning appeal by Fox Strategic Land and Property related to a scheme for 300 dwellings on part of the Safeguarded Land (SL) designation DC3.8. The scheme had been designed to ensure that the development of the whole of the DC.8 site would, in the first instance, not prejudice the comprehensive development of the wider area DC3.8 SL. Further, the proposals as presented demonstrated that they had been designed having regard to facilitating the future comprehensive development of the remaining DC3.8 land by reference to an illustrative masterplan.
- The Inspector accepted this notion noting that the proposal legitimately represented the first phase of the wider master plan thus facilitating delivery of the Council’s long term aspirations for the site and the building of Clayton le- Woods as a sustainable community.
- By contrast this proposal constitutes piecemeal development which does not facilitate the wider development of SL and will prejudice the effective and efficient development of the DC3.8 SL by disproportionately burdening future development with community contributions.

13. Cuerden Valley Park Trust have made the following comments:

- It is considered that it would be preferable to have a new path leading from Shady Lane down into the Valley and across the River Lostock to enable residents of the development to access Cuerden Valley Park
- The further maintenance costs associated with the increased number of visitors to the park generated by the development, e.g. emptying litter bins etc., cannot be covered by the Trust. Therefore a S106 contribution is requested to deal with future maintenance and improvement costs.

14. **Clayton le Woods Parish Council** would like to reiterate their original objections to development east of Wigan Road- object 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. If this application is approved the Parish Council request that the primary school is substituted by a high school as there are no higher education facilities but 5 primary schools.

Consultations

15. **Lancashire County Council (Ecology)** have commented on the proposals which are addressed below.
16. **Lancashire County Council (Archaeology)** have commented on the application which is addressed within the body of the report
17. **The Environment Agency** initially objected to the application. Following the receipt of the Flood Risk Assessment (FRA) they maintained their objection however further consideration the EA have withdrawn their objection subject to various conditions.
18. **The Architectural Design and Crime Reduction Advisor** has commented on the application which is addressed within the body of the report
19. **Chorley's Housing Manager (Strategy)** has commented on the affordable housing elements of the scheme
20. **Lancashire County Council (Highways)** have commented on the application which is addressed below
21. **Chorley's Waste & Contaminated Land Officer** has no objection subject to conditions in respect of contamination.
22. **Lancashire County Council (Education)** have made the following comments:
 - Latest projections for the local primary schools indicate that there will be 158 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.
 - However, approval has been given to the following developments: Wheelton Lane, 54 Lancaster Lane, Farington Lodge, Phase 3 Clayton Business Centre, Swallow Court, Marland Bros, South View Terrace, Burrows Grass Machinery, Goldcrest Drive/Kingfisher Way, Northolme Nursing Home, Claytongate Drive, Former St Joseph's School, Hornbeam Close
 - The combined yield of these developments is 54 primary pupils. Therefore, the number of remaining places would be 158 less 53 = 105 places. Therefore, we would not be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 56 places.
 - Other developments pending approval or appeal decision which will impact upon these secondary schools. There are also a number of additional housing developments which will impact upon this group of schools which are pending a decision or are pending appeal as follows: Station Road & Club Street, Town Lane/Lucas Lane, Wateringpool Lane, Former Textile Services, Vernon Carus, Long Moss Lane, Grasmere Avenue, Wigan Road (700 Dwellings FLP)
 - The proportion of the expected yield from these developments which is expected to impact upon this group of primary schools is 325 pupils. Therefore, should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position will need to be reassessed, taking into account the likely impact of such decisions.
 - Latest projections for the local secondary schools indicate that there will be 1436 places available in 5 years' time. These projections take into account the current numbers of pupils

in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

- Therefore, we would not be seeking a contribution from the developer in respect of pupil yield of this development, i.e. 40 places.
- Based upon the latest assessment, LCC would not be seeking a contribution for primary school or secondary school places.
- If any of the pending applications listed above are approved prior to a decision being made on this development the claim for primary school places could increase to a maximum of 56 places (the full pupil yield of this development). Calculated at 2011 rates, this would result in a maximum primary claim of Primary places: $56 @ (£12,257 \times 0.9) \times 1.055 = £651,729$. The total of the claim would therefore increase to a maximum of: £651,729

23. **Highways Agency** have issued an Article 25 direction which ensured that this application shall not be determined in favour of the applicant until such time as the Secretary of State for Transport is satisfied that the impact of this development on the motorway network has been adequately assessed and that any appropriate mitigation will be provided.
24. **The CTC** have made representations in respect of cycling however these appear to relate wholly to the larger scheme submitted by Fox Land and Property on the site.
25. **Planning Policy** have made the following conclusions:
- The land is allocated as Safeguarded Land in the Local Plan and development of the site is not in accordance with Policy DC3. However, at a recent appeal for 300 houses on another part of the Safeguarded Land, the Inspector concluded that there were material considerations that outweighed the breach of Policy DC3.
 - The site is allocated as a preferred mixed use (housing and employment) allocation in the Site Allocations and Development Management Policies DPD Preferred Option paper. However, the DPD is at an early stage of preparation and this allocation received a large number of objections. Growth in the Borough should be properly planned through the DPD process. Granting planning permission would prevent decisions being made through the LDF and without full public consultation on all options
 - The amount of land allocated for housing in Clayton-le-Woods is by no means certain. The Core Strategy does not specify how the predicted housing requirement for the Urban Local Service Centres should be distributed. This is a decision to be made as part of the preparation of the Site Allocations DPD.
 - Chorley Borough has in line with the NPPF a deliverable five-year housing supply plus additional 5% ; the January 2012 Annual Monitoring Report indicates approximately 5.7 years of deliverable housing supply. This application is one of a number of applications on Safeguarded Land that if approved, would set a precedent, and the cumulative effect would be so significant that granting permission would individually and cumulatively undermine the spatial vision, aims, and objectives of existing and proposed plans.
 - Chorley's 5.7 year deliverable housing supply, provides sufficient choice and competition in the market. In addition to the identified deliverable housing supply there are further housing units with permission, which may well come forward over the five-year period, providing further choice and competition in the market for land.
 - There is also active housebuilding currently taking place in Clayton-le-Woods with 22 dwellings completed in Clayton-le-Woods between April 2010 and October 2011. A further 17 dwellings have full planning permission and 300 dwellings have outline planning permission.
 - The latest published evidence indicates that housing construction and completions levels remain high in the Borough. Housing completion levels have exceeded RSS requirements for the past two years. National housebuilding data identifies Chorley Borough as a district that saw high rates of house building in terms of both starts per 1000 dwellings and completions per dwellings in the 12 months to September 2011. There is not an urgent need to increase growth and there are a significant number of sites that could deliver the level of growth that will be determined by the Site Allocations process.

- This is one of a number of current planning applications on Safeguarded Land in the Borough and if approved would set a precedent leading to cumulative effects that would undermine the spatial vision of the Local Plan and emerging LDF policies.
- Delivery of sustainable development includes not only site specific criteria, but also wider benefits to support the required infrastructure to support the spatial vision, aims and objectives of the plan and to achieve sustainable development. The Central Lancashire authorities are currently consulting on a Community Infrastructure Levy which sets out a proposed CIL charge £70 per square metre for new residential development and £0-£10 for other uses. The infrastructure delivery schedules for Chorley and Central Lancashire detail infrastructure projects required to meet the overall spatial vision, aims and objectives of the Core Strategy and so achieve sustainable development.
- At the recent appeal decision the main material consideration was that the growth provisions in the Core Strategy for Urban Local Service Centres indicate a current need for additional housing in Clayton-le-Woods and waiting for adoption of the Core Strategy would risk not meeting its growth targets. This site is also considered to be the only possible location for achieving the proposed growth in Clayton-le-Woods. It can now be argued that the granting of outline planning permission at appeal for 300 houses on this area of Safeguarded Land will help achieve the growth targets within the Core Strategy, therefore this is no longer a material consideration that outweighs the breach of Policy DC3.

26. **The Council's Policy and Design Team Leader** has commented on the proposals which are addressed below.

27. **Lancashire Wildlife Trust** have made the following comments:

- The Wildlife Trust for Lancashire, Manchester & North Merseyside conditionally objects. The main points of concern are as follows:
 - o The Ecological Appraisal and the Planning Statement, combined with the overall Masterplan, provide a good starting point that gives some confidence that a high quality development with valuable green infrastructure (open spaces / habitats / linkages) might be achieved. However, planning conditions and Section 106 Agreement(s) need to ensure that the details, when submitted, meet clearly stated objectives in accordance with the submitted Masterplan.
 - o A part of the Cuerden Farm Ponds Local Wildlife Site (Biological Heritage Site) equivalent to about 0.5ha lies within the proposed development site. The biodiversity resources for which this is identified will need to be safeguarded.
 - o There would need to be provision of increased and improved pedestrian and cycling access routes and facilities (and associated maintenance) to and from the proposed developments into the western edge of Cuerden Valley Park.
 - o Chorley Council should adopt the open space shown on the masterplan or to subcontract part or all of that adoption.
 - o We welcome the intent of mitigation proposals in the ecological assessments relating to specially protected species populations, Cuerden Farm Biological Heritage Site, hedgerows and water bodies on site.
 - o The tree survey doesn't indicate that any trees are proposed for removal, although there is a notation for this.
 - o The applicant is proposing that details of the open space and its management be submitted before development starts but that no houses be occupied before the proposals have been approved. We would prefer to see no development start until the proposals have been approved.
 - o 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.
 - o The existing ponds on site should be protected from the negative impacts of development.
 - o 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 by Chorley Council.

- o We recommend that none of the ponds be stocked with fishes as this would further reduce the viability of the site for amphibians through the impact of predation on their larvae

28. **The Homes and Community Agency** have made the following comments:

- The HCA support the principle of development in this location and are keen to continue working with the Council to assist in achieving their development aspirations for the emerging allocation.
- Historically the HCA worked with neighbouring land owners to provide a comprehensive masterplan- this position has been superseded and complicated by the granting of outline planning consent for 300 houses on part of the emerging allocation site.
- The HCA support the development of the site in principle but consider that a holistic approach would be the preferred solution, allowing for an appropriate balance and mix of uses as well as an equitable approach to apportioning developer contributions.
- The FLP consent has restricted the ability to achieve a holistic approach and avoid piecemeal development. However, in terms of providing a context to future development the HCA considers that, whilst not currently adopted policy, the emerging policy framework provides a guide to what the Council would like to achieve and the HCA supports the Council in wishing to see the masterplan evolve through the LDF process.
- The Council may wish to consider the following issues:
 - o Developer Contributions- the Council needs to satisfy itself that all technical issues can be both quantified and addressed across the complete project in a manner so as not to prejudice comprehensive development over the whole emerging allocation
 - o Phasing- the HCA agree with the concept of a phased approach to the development of the allocation, and the need to understand impacts of both the early and the later phases of development. The ability to condition and control development in the normal way does not appear to be achievable based on this planning application as the wider composite masterplan within the supporting information extends beyond the planning application boundary.
 - o The Council will need to assess whether the application boundary represents a clear, well defined and appropriate potential phase of development for the wider allocation, as well as taking a view on the masterplanning rationale which underpins the boundaries.
 - o Viability- full consideration needs to be given to the deliverability of the wider composite masterplan proposals, specifically the impact of the proposed application on the viability of all the emerging allocation. If consent is granted for the above application, in the context of the emerging site allocation for mixed use, this could give rise to the possibility of residential development being delivered on the western part of the site in advance of potential employment development to the east.
 - o Wider composite masterplan- the applicant has included a wider masterplan for the area beyond their red line application boundary which includes HCA owned land- it is not clear what status this could have?
 - o The masterplan appears to identify employment on HCA land. We consider that the most appropriate way to ensure the even distribution of uses across the site is through the emerging DPD. The eastern part of the allocation is an attractive and elevated area, immediately adjoin and overlooking Cuerden Valley.
 - o Access- the Council should consider the wider aspirations of the emerging allocation, including securing permeability to the wider allocation.

29. **Lancashire County Council (Public Rights of Way)** have commented on the application which is addressed below.

30. **The Council's Parks and Open Spaces Officer** has commented on the application

31. **The Council's Environment and Neighbourhoods Manager** has commented in respect of air quality

Applicants Case

32. The applicant has forwarded the following points in support of the application:

- The application proposals are in accordance with the policies and objectives of the development plan when considered as a whole.
- While there is conflict with the specific allocation of the site as Safeguarded Land in the Local Plan, the allocation is out-of-date when considered against the strategic policies of RSS and the emerging development plan; particularly the Core Strategy which is at an advanced stage of preparation.
- Overall, the application fully accords with the existing and emerging strategic policies and priorities for development. In particular, the site forms part of the only area capable of making any significant and deliverable contribution towards the development plan strategy of prioritising some housing growth in Clayton-le- Woods.
- The proposed development would meet all of the relevant PPS3 criteria for new housing and accord with emerging national planning priorities which recognise the importance of new housing development for economic growth and provide strong support for sustainable development. Indeed, housing delivery on the application site is likely to stimulate the delivery of employment development on the remainder of the wider masterplan area.
- Development of the site wholly accords with the principles of development established at the recent appeal. Even with the potential delivery of 90 houses within the first five years of the plan period, there is still a clear need to bring forward sites to meet need strategic needs of the forthcoming Core Strategy and thus it is not considered that there has been a material change in planning circumstances that would preclude the application from being approved.
- In the circumstances, and on balance, there are material considerations that support the principle of residential development on the site and a grant of planning permission contrary to the site specific allocation in the adopted local plan.

33. Following the publication of the National Planning Policy Framework (NPPF) the following points have been submitted in support of the application:

- The National Planning Policy Framework (NPPF) supersedes all national planning policy guidance in former Planning Policy Guidance notes (PPG) and Planning Policy Statements (PPS).
- The NPPF is clearly a material consideration in the determination of this planning application.
- The NPPF sets out broad policy in terms of the design of development, technical considerations and making adequate provision for housing. Those policies are generally consistent with the themes of previous national planning policy guidance as set out in the submitted Planning Statement.
- Chapter 7 of the statement demonstrates that the application accords with national planning policy for residential development; given that the NPPF contains very similar broad policy themes the analysis contained in the planning statement remains valid in that sense.
- In terms of the development plan, it is notable that the NPPF confirms while RSS remains part of the development plan until formally revoked, the Chorley Borough Local Plan Review (CBLPR), which was adopted in 2003, is out-of-date and should only be afforded limited weight in the determination of this application. Indeed, weight can only be afforded to the CBLPR where it accords with NPPF.
- Paragraph 218 of the Annex to the NPPF also confirms Local Authorities can continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies.
- Therefore, the Regional policies highlighted in the submitted planning statement, including the strategic housing land requirement, remain relevant to the determination of the application.
- Paragraph 14 of NPPF sets out the Presumption in Favour of Sustainable Development which is the 'Golden Thread' running throughout the document. This confirms that sustainable developments that are in accordance with the development plan should be approved without delay and where a plan is absent, silent or out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption is supported by various references in the document advising LPA's to take a positive and pro-active approach to development that is solution and not problem driven.

- In this case the scheme would comprise sustainable development and there are no adverse impacts that would outweigh the economic, social and environmental benefits delivered by the scheme. In the circumstances, it should be approved without delay in accordance with the overriding presumption set out in NPPF.

Policy Background

National Planning Policy:

34. The relevant national planning policy guidance/statements are as follows:

- **National Planning Policy Framework (NPPF)**

The NPPF states:

'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU and statutory requirements.'

35. The NPPF confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.
36. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
37. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
38. At the heart of NPPF is the presumption in favour of sustainable development which is established as the 'golden thread' running through the plan and decision making processes. For decision making this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - Specific policies in the NPPF indicate development should be restricted.
39. The NPPF states that local authorities should:
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
 - To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they

will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

40. Paragraph 48 of the NPPF states:
Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.
41. Paragraph 49 of the NPPF states:
Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- **The Planning System General Principles and its supplement Planning and Climate Change**
- Annex 3 of the NPPF lists the revoked guidance documents. The Planning System: General Principles is not listed as a document which is revoked and as such the Council's view is that the guidance contained within this document is extant.

The Development Plan

42. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Sustainable Resources Development Plan Document 2008 and the North West of England Regional Spatial Strategy 2008 (RSS).
43. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that 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.

Regional Spatial Strategy (RSS)

44. At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.
45. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government indicated that it intended to revoke RSS by April 2012 however at the time of writing this report this had not happened.
46. The relevant policies of the RSS are as follows:
- 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

Adopted Chorley Borough Local Plan Review

47. The NPPF confirms that for 12 months from the day of publication of the NPPF (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The NPPF also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is later in this report.

48. The relevant policies of the Local Plan are as follows:

- 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, Cycle ways and Bridleways in Existing Networks and New Developments
- LT10 – Public Rights of Way

Sustainable Resources DPD:

- Policy SR1 – Incorporating Sustainable Resources into New Development

Emerging Policy Considerations

Central Lancashire Local Development Framework Joint Core Strategy

49. Central Lancashire Core Strategy – Publication Version December 2010: Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils which was submitted for examination in March 2011 and an Examination in Public took place in June 2011. In July 2011, the examining Inspector expressed doubts whether the document in its December 2010 published form could be found sound in providing for sufficient new housing (Policy 4). The examination was suspended and in November 2011 the three Councils produced a Proposed Housing Related Changes document. This was subject to public consultation during November

and December 2011. The consultation period ended on 13th December 2011. The examination re-opened and closed on 6th March 2012.

50. As a whole the Core Strategy as a document is at an advanced stage.

51. The following Core Strategy Policies are of relevance to this application:

- **Policy 1** Locating Growth identifies locations that are appropriate for growth and investment. Clayton-le-Woods is identified as an Urban Local Service Centre and states that some growth and investment will be encouraged there to help meet housing and employment needs. Therefore, it is a settlement where some housing and employment growth is considered appropriate.
- In relation to the Proposed Housing Related Changes Document there has been both support and objection to the general approach to growth proposed in Policy 1 and to Table 1 which sets out the predicted distribution of growth. Therefore, whilst there is some support for the ULSC designations and the overall approach to growth, there also remain outstanding objections, and no certainty that the policy will be adopted as currently drafted.
- This policy position is not changed in the November 2011 Proposed Housing Related Changes document. This document predicts that 9% of Central Lancashire's housing development will take place in Urban Local Service Centres, including Clayton-le-Woods, over the period 2010 – 2026. Approximately 2100 dwellings are predicted in total in the 6 Urban Local Service Centres based upon:
 - o existing housing commitments (sites that already have planning permission for housing)
 - o proposed allocations in the Sites for Chorley Preferred Option Paper
 - o dwellings already completed in the 6 Urban Local Service Centres during the first year of the Core Strategy housing requirement period (2010 – 2011).
- However, the document highlights that this is a predicted distribution based on the potential for housing development in each place and *not* proportions that are required to be met.
- **Policy 2** in the emerging Core Strategy relates to infrastructure. The Policy refers to the application of a levy/tariff based on standard charges as appropriate, noting that "*This will ensure that all such development makes an appropriate and reasonable contribution to the costs of provision after taking account of economic/viability considerations.*" The policy also notes that LPAs "will set the broad priorities on the provision of infrastructure, which will be linked directly to the commencement and phasing of developments. This will ensure that enabling infrastructure is delivered in line with future growth, although some monies will be specifically collected and spent on the provision of more localised infrastructure."
- **Policy 3** encompasses increasing accessibility and promoting sustainable travel as a key theme within chapter 7 Catering for Sustainable Travel. Travel includes measures to reduce the need to travel by improving public transport
- **Policy 4** Housing Delivery sets out housing requirements of 334 dwellings per annum for the two-year period 2010-2012. However following the Inspector's comments, the proposed changes to the Core Strategy now propose an annual net requirement of 1341 dwellings across Central Lancashire with 417 for Chorley. To date 43 representations have been received to the Proposed Housing Related This demonstrates that matter remains uncertain/unsettled of the role of ULSCs and the distributions within Table 1.
- **Policy 5** relates to housing density which is an important consideration in any proposed housing scheme. The key objective is to achieve high quality design that responds to the character of the area in terms of existing density, siting, layout, massing, scale, design and landscaping etc.
- **Policy 7** relates to affordable housing and states that 30% affordable housing will be sought from market housing schemes. A number of representations have been received. Objections mainly relate to the proportion of affordable proposed and the viability of providing affordable and the lack of recognition of difference in viability across Central Lancashire.
- **Policy 9** identifies that 501 hectares of land for employment development will be allocated in Central Lancashire between 2009 and 2026. Table 5 identifies the proposed provision of employment land in Central Lancashire with a total supply of 129ha in Chorley Borough. As stated in Policy 1 some of this employment development will take place in the Urban Local Service Centres although the amount is not specified.

- **Policy 14** Education provides for educational requirements by enabling new schools to be built in locations where they are accessible by the communities they serve using sustainable modes of transport.
- **Policy 17** relates to the design of new buildings which will be expected to take account of the character and appearance of the local area. The policy was not the subject of major objections.
- **Policy 22** looks to conserve, protect and seek opportunities to enhance and manage the biodiversity and geodiversity assets of the area through a number of measures. Measures a) and b) promote the conservation and enhancement of biological diversity and seek opportunities to enhance and expand ecological networks.
- **Policy 27** relates to incorporating sustainable resources into new developments. Objections related to its implementation and its relationship with other guidance and regulations.

Site Allocations & Development Management Policies DPD (Preferred Option Paper)

52. Local Development Framework: Site Allocations and Development Management Policies Development Plan Document. The Council has recently completed consultation on the Preferred Option Paper for the Chorley Site Allocations and Development Management Policies Development Plan Document (DPD). This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. This DPD is at a relatively early stage of preparation, and can be afforded limited weight. Following the recent consultation period over 2000 representations were received in respect of the proposed allocations.

Other Material Considerations

53. In July 2011 an appeal decision relating to a proposal for 300 dwellings on a Safeguarded Land site in Clayton-le-Woods (appeal ref: APP/D2320/A/10/2140873) was allowed even though the Inspector concluded that the development of Safeguarded Land for housing was contrary to Local Plan Policy DC3, and that there was a proven 5.4 years supply of land for housing. The Secretary of State stated that:

- Clayton-le-Woods is a main place for growth as it is identified as an Urban Local Service Centre where 'some growth and investment will be encouraged';
- there would need to be a steep increase in housing delivery from now onwards, and that the area of strategic land that includes the appeal site is realistically the only land available in Clayton-le-Woods for delivering this growth;
- that given the extensive consultation which has occurred on this proposed designation since November 2006, the area's consistent identification for growth, and the relatively advanced stage of the Core Strategy, this part of the Core Strategy should be afforded significant weight.

54. The Planning Inspector and the Secretary of State both agreed that there was a five-year supply of housing in the Borough they also took the view that the determination of need involves a consideration of more than the five-year housing supply and that it should take account of wider issues, particularly the planned growth within the emerging Core Strategy and this was a material consideration in determining the appeal.

55. Ministerial Statement – Planning for Growth

On the 23 March 2011 The Minister of State for Decentralisation and Cities, Greg Clark MP, issued a written parliamentary statement in which he said that ministers will work quickly to reform the planning system to ensure that the sustainable development needed to support economic growth is able to proceed as easily as possible. It states that the Government expects the answer to development and growth wherever possible to be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions. The

Secretary of State will take the principles in this statement into account when determining applications that come before him for decision. In particular it states the Government will attach significant weight to the need to secure economic growth and employment.

56. ***Economic Regeneration Strategy for Chorley (2006 – 2021) adopted 2006.***

This site is fundamental to the delivery of the Economic Regeneration Strategy for Chorley (2006 – 2021). This site is one of Chorley's best employment sites over the long term to attract big named employers, support a strong local business base and provide residents with greater opportunity to gain well paid employment locally. The site is in a sustainable location, well positioned in relation to walking, cycling and public transport, with access to bus services, and within a walking distance of Leyland rail station. The site is also well positioned for access to the M6, M65 and M61.

The Economic Regeneration Strategy includes the following priorities:

- Priority 1 is about promoting knowledge-based inward investment.
- Priority 3 is about supporting a strong indigenous business base.
- Priority 4 is about ensuring residents and communities reach their full economic potential.

The proposed allocation has the potential for achieving these priorities.

Policy Assessment

1a) Principle of the development

57. Chorley Local Plan Policy DC3 allocates the land as Safeguarded Land as part of a larger site which is allocated under Policy DC3.8 in the Local Plan. 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, in line with the NPPF (para 85). The supporting text to policy DC3 states that this land was to be treated as if it were Green Belt until such time as a need for it was identified in a future review of the plan. It also states that Safeguarded Land in the Plan will remain protected until 2006.
58. Policy DC3 states that development other than that permissible in the countryside under policies DC1 (Development in the Green Belt) and DC2 (Development in the Area of Other Open Countryside) will not be permitted. The proposal is not for development permissible under either Policy DC1 or DC2 and it is therefore contrary to policy DC3.
59. The Adopted Local Plan at 1.4 states *'A key feature of the 1997 adopted Plan is that for the first time, it established precise Green Belt boundaries. It was the intention that the overall extent of the Green Belt in Chorley Borough will not be changed until at least the year 2016. To help achieve this Areas of Safeguarded Land were identified in the 1997 Plan, and are with one exception retained in this Plan, to accommodate development pressure in the period up to 2016 if necessary'*. It was therefore intended the extent of the Green Belt to remain until at least 2016, however it was expected that there would be a review before the end of the plan period, which extended to 2006.
60. The current Local Plan Review was adopted in 2003. However The Planning and Compulsory Purchase Act 2004 introduced the Local Development Framework process which replaced the local plan-making process. Safeguarded 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 on-going 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.'

61. The NPPF confirms that there is an ongoing requirement that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. NPPF is a material consideration which may justify determining an application against the provisions of the development plan and due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework. For the first 12 months following the publication of NPPF, this applies only to those development plan policies adopted before 2004 (as is the case with the Chorley Local Plan). The implication of this provision is that reduced weight may be given to a development plan where it is inconsistent with NPPF. Conversely where a development plan is consistent with NPPF (even where adopted before 2004), it follows that applications should continue to be determined in accordance with the development plan.
62. It is considered that Policy DC3 is in accordance with the NPPF which confirms that *safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development (para 85)*. It is considered that significant weight should continue to be attached to the development plan policies and that, in this instance, the publication of NPPF does not reduce the weight to be attached on the basis that they are in general conformity with NPPF.
63. The Council accept that although the proposal would be in breach of saved Policy DC3, this policy must be read in the context of other material considerations that may be more up to date. The issue is therefore whether there are other material considerations that outweigh policy DC3 to justify releasing the application site now.
64. Paragraph 47 of the NPPF states that local planning authorities should *identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
65. In accordance with paragraph 47 of the NPPF the Council have identified in excess of 5 years supply of housing. It is not the applicant's case that the Council does not have a 5 year supply. The last published figure within the Annual Monitoring Report 2009-10 was a 5.8 year supply. The proven figure identified at the Clayton le Woods appeal was 5.4 years supply and the information in the 2010-2011 Annual Monitoring Report indicates that there is a 5.7 year supply for the period 1st October 2011 – 30th September 2016.
66. The NPPF goes on the state (para 49) that *Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*
67. As the Council have identified in excess of 5.25 years supply of deliverable housing sites (the NPPF requires five years worth of housing with an additional buffer of 5%) there is no requirement to consider this application favourably in line with paragraph 49 of the NPPF.
68. In addition to the sites identified in the deliverable five year housing supply a large number of further dwellings have planning permission. At October 2011 housing land monitoring indicated that 3,498 units had planning permission. Therefore, there is more than sufficient overall supply to ensure choice and competition in the market for land. Housing construction is actively taking place on a range of sites throughout Chorley and housing completion levels have exceeded Regional Spatial Strategy (RSS) requirements for the past two years. 392 completions were recorded for the period 1st April 2011 – 30th September 2011. Completions are again likely to exceed RSS requirements for 2011 – 2012. The Communities and Local Government House Building: September Quarter 2011 England Data identifies Chorley Borough as one of a number of districts seeing the highest rate of house building in terms of both starts per 1000 dwellings and completions per dwellings in the 12 months to September 2011. There is not an urgent

requirement to significantly increase the supply of housing in Chorley in numerical terms at this time.

69. Retaining this land for future development needs at this time is consistent with the purposes of allocating the site as safeguarded within the Local Plan, in accordance with the NPPF.
70. Paragraph 159 of the NPPF states Local planning authorities should have a clear understanding of housing needs in their area. Local planning authorities should:
- prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:
 - -meets household and population projections, taking account of migration and demographic change;
 - -addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);and
 - -caters for housing demand and the scale of housing supply necessary to meet this demand;
 - prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.
71. The site is on Safeguarded Land that the Local Plan identifies for future development needs. Therefore, it has already been assessed as being genuinely capable of development as part of the Local Plan process.
72. The sustainability of the whole DC3.8 site was assessed as part of the Sustainability Appraisal of the Site Allocations and Development Management Policies DPD Preferred Option paper. Overall, the site scores a Band B (Band A being the most sustainable and Band E the least sustainable). The site scores well in relation to its accessibility by bus and its links to the road and motorway network. It does not however have good access to a number of facilities and services such as a secondary schools and doctors. Its sustainability score is further reduced by the fact that the site is greenfield. However it should be noted that the sustainability of the site subject to this application has not been assessed in isolation of the entire site. The sustainability of the site is discussed later within the traffic and transport section.
73. An objective of the NPPF is to make effective use of land by re-using land that has been previously developed. This is not a previously developed site, but there is a limited supply of suitable and available previously developed land in Clayton-le-Woods, so the expectation is that some of the planned growth for the settlement will take place on Greenfield land. However it should be noted that outline planning permission has been granted on Clayton le Woods for 300 houses on greenfield land (the adjacent site) which could be argued accounts for the planned growth within this settlement.
74. The final criterion in paragraph 159 relates to ensuring that housing need within the Borough caters for housing demand and the scale of housing supply necessary to meet this demand.
75. To establish if the proposal meets this criterion the current and emerging policy situation needs to be assessed.

1b) Adopted Chorley Borough Local Plan Review

76. The starting point for this assessment must be the current adopted Local Plan, paragraph 1.20 of which states: *'The main effect of the strategy will be to concentrate development in the central urbanised parts of the Borough. Here the main urban areas of Chorley town, Clayton and Whittle-le-Woods plus the Royal Ordnance site lie within the strategic transport corridor defined by*

M61/A6/A49/M6 and the railways of the West Coast Main Line/Manchester-Blackpool Line. It will therefore be within this area that future housing development is to be concentrated'.

77. Policy GN1- Settlement Policy – Main Settlements states that within the areas of Adlington, Chorley Town, Clayton Brook/Green, Clayton-le-Woods, Coppull, Euxton and Whittle-le-Woods, as well as land adjoining Feniscowles and Horwich, excluded from the Green Belt there is a presumption in favour of appropriate development, subject to normal considerations and the other Policies and Proposals of this Plan. The pre-ambule to this Policy states that the main urban areas where most new development is to take place are Chorley town, Clayton Brook/Green and Whittle-le-Woods. Clayton-le-Woods (the settlement built around Lancaster Lane) is categorised as being appropriate for consolidation and expansion. Subject to other Policies and Proposals of the Local Plan appropriate development is acceptable inside the defined boundaries of these settlements.

1c) Core Strategy

78. In terms of the emerging LDF Policy 1 of the Publication Version Core Strategy identifies Clayton-le-Woods in strategic land terms as one of six Urban Local Service Centres (ULSCs) where some [author's emphasis] growth and investment will be encouraged to help meet housing and employment needs in Central Lancashire. This position is not changed in the Proposed Housing Related Changes document which predicts that 9% (in Table 1) of Central Lancashire's housing development will take place in the six ULSCs over the period 2010-2026.
79. 9% equates to approximately 2100 dwellings in total that are predicted to be provided across the six ULSCs. This prediction is based on existing commitments (sites that already have planning permission), proposed allocations in the Sites for Chorley Preferred Option Paper and dwellings already completed in the six ULSCs during the first year of the Core Strategy housing requirement period (2010-2011).
80. The policy does not specify how much development should go in each ULSC. It has no housing requirement for individual settlements and there is no requirement for the split between settlements to be equal. It is considered the growth and investment cannot equate to an equal split between the ULSCs settlements as they have differing amounts of available and suitable developable land for housing.
81. Therefore the fact that Clayton-le-Woods is a location for some growth in broad spatial terms is acknowledged as a material consideration, but the Core Strategy will not determine how growth is to be distributed between the six ULSCs, this is for the Site Allocations DPD. The Core Strategy Table 1 Predicted Proportions are not a settled matter, as there are a number of outstanding objections. The Resumed Examination Hearing Agenda included discussion on Core Strategy Policy 1 and the inspector requested further explanation of the figures contained in Table 1.

1d) Site Allocations & Development Management Policies DPD (Preferred Option Paper)

82. The Preferred Option DPD allocates this area of Safeguarded Land as a preferred mixed use housing and employment allocation (HS1.35/EP1.19) for 600 dwellings (300 of which already have outline planning permission) and 20ha of employment land. The land that is the subject of this application falls within this mixed use allocation.
83. Policy HS2 of the Preferred Option DPD sets out a phasing schedule for the housing development on the site. In total 600 houses are proposed on the site with 90 dwellings proposed in the first 5 years (2011-16), 255 dwellings in the period 2016-21 and 255 dwellings in the period 2021-26. Earlier this year planning permission was granted on appeal on part of this Safeguarded Land for 300 dwellings, which is half of the planned housing provision for this site.
84. Policy EP1 allocates 113.55 ha of employment land in the Borough on 22 sites. With employment completions since 2009 and commitments on unallocated sites the employment land supply requirements conform with the Core Strategy Chorley employment requirement of 129ha. The EP1.19 designation is for 20ha on the Clayton-le-Woods site, land east of Wigan Road covering a range of uses B1, B2 and B8 uses. The site at Clayton-le-Woods is not identified as a strategic site, this role in the Borough is taken by Buckshaw Village and the proposed site at Cuerden, in

South Ribble. The site is also not allocated as an employment site for sub-regionally significant developments in the DPD, this role in the Borough is taken by the sites at Botany/Great Knowley/M61.

85. The DPD is at a relatively early stage of preparation and the preferred housing allocation at this site (HS1.35) received a large number of objections during the recent preferred option consultation. In total 84 objections were received, 1 of which was a petition signed by 403 people. Only 6 representations in support of this preferred allocation were received.
86. The preferred employment allocation at this site also received a large number of objections during the preferred option consultation. In total 71 objections were received, 1 of which was a petition signed by 403 people. Only 1 representation in support of this preferred allocation was received.
87. The applicant's Transport Assessment at Appendix 4 shows a wider masterplan area with a proposed business park to the north east of but not within the applicant's site accessed by a discrete access from Wigan Road. The application site (8.48ha) does not propose any employment use and although the application site is only part of the preferred mixed use allocation, the employment element needs to be addressed to include land for employment use. The Council have indicated the need to have a masterplan or development brief on the land identified in this location for mixed use, taking on board the most suitable location for employment use on the overall site.
88. The education authority has specified the requirement for a new primary school in Clayton-Le-Woods. In the Chorley Preferred Options Site Allocations and Development Management DPD, this proposal is included in the infrastructure requirements section and at Policy EP10.3 Primary School Allocations, the Council have indicated land is reserved for school purposes at land east of Wigan Road of the Chorley Preferred Options Site Allocations and Development Management DPD. There needs to be consideration on the best location for the school site to serve the local community. It should be in a central location and should not be considered in isolation, but through the plan process. Land for a new primary school would amount to a minimum of 1.1 hectares.
89. Growth in the Borough should be properly planned through the Site Allocations DPD process rather than via the submission of a planning application prior to adoption of the DPD. The Site Allocations and Development Management Policies DPD is currently only at the preferred options stage and is not due to be adopted until December 2012.
90. The Core Strategy does not specify how the predicted housing requirement and employment requirement for the Urban Local Service Centres should be distributed. This is a decision to be made as part of the preparation of the Site Allocations DPD. As part of the preferred option consultation several new site suggestions were received for sites in Urban Local Service Centres which will be considered. It may be decided that some of these sites are more suitable and deliverable for housing and they may therefore be allocated and some existing sites de-allocated or reduced.

1e) Masterplanning Approach

91. As set out earlier the preferred way forward for this area of safeguarded land is via a masterplan or development brief approach for a mixed use development. In this regard Redrow have provided an indicative layout plan for the application site along with an indicative Composite Masterplan for the remainder of the safeguarded land allocation.
92. Redrow's Indicative Composite Masterplan includes the following:
 - Residential areas
 - Employment areas
 - Greenspace areas

However it would not be possible to approve the plan as it involves land outside the applicants control bringing into question the effectiveness of this plan.

93. As set out previously Fox, Land & Property have also submitted an application on this site which includes a Masterplan. Their Masterplan includes the following:
- Proposed employment/ pub restaurant
 - Proposed local centre
 - Proposed primary school
 - Residential areas (split in low, high and medium density)
 - Existing retained features
 - Proposed cycleways/ footpaths
 - Public open space
 - Proposed sports pitches
 - Proposed planting
 - Proposed bus routes
94. The extensive variations between the 2 Masterplans demonstrates that the various interested parties are not working together on this site to develop a composite Masterplan and subsequent design brief for the site as a whole. The two Masterplans will be available for Members to view at Committee.
95. In respect of the Redrow Masterplan all of the employment land is outside of the application site on land owned by the Homes and Community Agency. Redrow's agents have made the following points in support of the suggested Composite Masterplan:
- *The majority of this is greenfield and relatively unconstrained agricultural land, so I think it's reasonable to assert that it's economically viable. There would be market demand for the residential units due to the need for larger family houses, as demonstrated by the Council's SHMA. The viability of the site is also evidenced by housebuilders seeking planning permission.*
 - *In relation to employment uses, the draft Site Allocations document only proposes B2 and B8 uses; however, we have suggested in our representations to the consultation that the Wigan Road site would more suit a high quality business park. In terms of market demand, the Matrix Office Park (at Buckshaw) is now largely built out, so there would appear to be a demand for high quality office space in the area. The proposed locations for the employment uses would be in a strategic position near 3 motorways and would therefore be an equally attractive location to potential business park investors.*
96. The Homes and Community Agency (HCA) have been consulted on the application as an adjacent land owner and their comments are set out above. The HCA have confirmed that they do not object to the principle of development proposed by this planning application however they consider that a holistic approach would be the preferred solution.
97. In respect of the suggested Masterplan submitted by Redrow, which details all of the potential employment allocation on the land owned by the HCA, the HCA have confirmed that they aren't currently in a position to assess the viability of this suggested approach for two main reasons. Firstly there is no certainty about the future land uses which could come forward on our site, the emerging DPD allocation has yet to be adopted, and the Redrow and Fox application both have masterplans which include the HCA land and show different potential end uses. Secondly there is no clarity on either the scale of developer contributions or the potential trigger points at which infrastructure contributions are required. Therefore until the Site Allocation DPD is adopted, and infrastructure requirements are defined, the HCA are not able to assess viability.
98. It is clear that the Masterplanning approach for this site is the preferred way forward however until further confirmation of land uses, distribution of uses etc. is established the viability of Redrow's Masterplan is not clear. This issue further reinforces that view that the best (and only) mechanism to resolve the appropriate scale and spatial distribution of development is through a polycentric consideration of sites through the Core Strategy and Site Allocations process.

1f) Prejudice

99. Annex 3 of the NPPF lists the revoked guidance documents. The Planning System: General Principles is not listed as a document which is revoked and as such the Council's view is that the guidance contained within this document is extant. This notwithstanding prematurity/prejudice is

material to this application by virtue of land-use planning and effective comprehensive development which the Council considers should be properly addressed via the Core Strategy/ Site Allocations DPD.

100. Paragraphs 17-19 of The Planning System: General Principles state:

'..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.' [Authors own emphasis]

101. The Council currently has the following applications under consideration on Safeguarded Land sites in the Local Plan as well as the current application:

App ref:	Location:	Scale of Proposal:	Date Validated:
11/01004/OUTMAJ	Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane	Outline for a mixed use development, of up to 700 dwellings, 40,000sqft of B1 office space, public house/restaurant, convenience store, community building, primary school, etc.	16 December 2011
12/00082/OUTMAJ	Land Surrounding Huyton Terrace Previously Baly Place Farm Bolton Road, Adlington	Outline for up to 300 dwellings	25 January 2012
12/00362/OUTMAJ	Land Bounded By Town Lane (To The North) And Lucas Lane (To The East) Town Lane Whittle-Le-Woods	Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access (resubmission of previous application 11/00992/OUTMAJ)	2 April 2012

102. All of these applications propose that the sites should be released for development now, before the Site Allocations process concludes. It is acknowledged that Redrow Homes consider that this site would form phase 2 of the development of this site (with phase 1 being the adjacent scheme for 300 houses allowed on appeal) and have suggested phasing conditions as set out below. However Redrow Homes also acknowledge that phase 1 may stall and that their site may be delivered in isolation.
103. Members will also recall that residential planning applications on safeguarded land have recently been refused at Lucas Lane (11/00992/OUTMAJ), Cuerden Residential Park (11/00941/FULMAJ) and Clancutt Lane (11/00993/OUTMAJ).
104. This application is for 160 units. Together, the sites above including this application (it should be noted that the above application for 700 dwellings (11/01004/OUTMAJ) incorporates this application site) cumulatively represent a total of up to 1000 units which equates to 2.4 years housing supply. This would equate to nearly 16% of the Borough's 15 year housing requirement.
105. It is considered that any substantial release on the above sites will set a precedent and the prematurity of that release in the Borough as a whole and Clayton-le-Woods as a settlement it is considered it would cumulatively cause prejudice to the Site Allocations DPD in respect of scale, location and phasing of new development.
106. The Council already has a deliverable five-year supply and if these applications are permitted a significant proportion of future housing growth is likely to be delivered in the early years of the plan period. There is also no mechanism in place to decide which, if any of these should come forward first and why.
107. Given the scale of the current applications it is considered the potential cumulative effect is significant enough to prejudice decisions that should be properly be taken in the Site Allocations DPD and potentially undermine the growth ambitions and therefore objectives of the Core Strategy.
108. The NPPF is silent in matters of prematurity but the NPPF does not replace Planning System General Principles, ensuring that this guidance is still extant. It is considered that the scale of development if the precedent were to be set, together with a 5.7 year housing supply and the current plan making position a positive recommendation could potentially undermine the growth ambitions and therefore objectives of the Core Strategy.

1g) Assessment of Proposal Against Final Criterion of NPPF Paragraph 159

109. Relating this back to the NPPF the final criterion in paragraph 159 relates to ensuring that housing need within the Borough caters for housing demand and the scale of housing supply necessary to meet this demand.
110. As has been established, at the broadest level there is support in both the Local Plan and the emerging Local Development Framework for some growth in Clayton-le-Woods, but at both Borough and settlement level there are still choices to be made over the amount, timing and specific location of that development. At the heart of good planning is ensuring that we get the right development, in the right place, at the right time. This can only be ascertained in this case via the Site Allocations Process.
111. Although alone it is not considered that the site is of a scale so substantial that allowing it could prejudice the LDF process, it is considered that cumulatively the applications that the Council is currently considering are substantial enough to prejudice the LDF by predetermining decisions about the scale, location and phasing of new development.

1) Other Material Policy Considerations

2 a) Urgency

112. It has also been assessed whether there is an urgent need to release this site.

113. Within the supporting statement submitted with the application Redrow Homes envisage that the adjacent housing development, which was granted planning permission at appeal, will be phase 1 of the development of this area of safeguarded land whilst this development will constitute phase 2.

114. Redrow anticipate that this phase 2 will commence once the construction of phase 1 is underway and will start delivering housing completions in 2015. To ensure that the development of phase 1 precedes phase 2 and the necessary pedestrian infrastructure is in place Redrow have suggested the following conditions:

(1) *No dwellings shall be constructed on the development hereby permitted until construction of the site access has been completed in accordance with drawing SCP/11171/SK106 and a footpath link has been provided along the eastern side of Wigan Road from the site entrance to Lancaster Lane*

Reason: In order to improve the accessibility of the site and ensure that residents of the development have satisfactory access to services and facilities.

(2) *Development shall not begin until a phasing programme for the whole of the development and for the highways works referred to in conditions X and Y below has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme.*

Reason: To define the permission and in the interests of the proper development of the site.

115. However it is not clear why there is an urgent need to release the land now. Due to the estimated delivery of housing on this site suggested by the applicant it is considered that this site can be properly assessed as part of the Site Allocations DPD.

116. The development of the land allowed at appeal is restricted in terms of housing occupations to require the improvements to the Hayrick junction prior to the occupation of the 51st dwelling on site. Redrow Homes have confirmed that should phase 1 stall for any reason they are willing to accept a similar condition as follows:

No more than 51 of the residential units hereby approved shall be first occupied until commencement of the improvements to the signal controlled junction of the A49 and B5256 Hayrick junction (see Singleton Clamp drawing no. SCP/11171/SK101 dated 27 March 2012) and as it interacts with the offslip sections of junction 28 of the M6, as detailed below:

- i) junction geometry improvement scheme with 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 of the offslips to junction 28.*

Reason: In order to ensure that 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.

117. The improvements to the Hayrick junction are addressed within the Traffic and Transport Section however in respect of the proposed condition it has been noted that the wording of the condition as suggested could result in both phases commencing and both developers constructing 50 units (cumulatively totalling 100 units) without any works to the Hayrick junction being triggered. The cumulative highway impacts would justify the commencement of the highway works, but the planning trigger would not be met. As such in this case the wording of any condition would be different to that attached to the adjacent site to address this issue.

118. This acknowledgement by Redrow Homes that phase 1 could stall further adds to the concerns about their suggested phasing.

119. Redrow have stated that *It is clear that the emerging development plan strategy is one of supporting economic growth and development; including significant new house building, in accordance with national objectives. Despite its currently constrained status with limited development opportunities within the existing settlement boundary, Clayton-le- Woods is specifically identified as a priority location to assist in meeting that strategic objective.*
120. The Council dispute that Clayton-le-Woods is a priority location for new development. The Core Strategy sets out the approach to growth and investment (including) housing within the whole of Central Lancashire. It concentrates growth and investment in 1) the Preston/South Ribble Urban Area; 2) Key Service Centres (including Chorley Town); 3) Strategic Sites (including Buckshaw Village in Chorley). It then goes on to say that some [author's emphasis] growth and investment will be encouraged in ULSCs to help meet housing and employment needs. Therefore, it is not considered that the policy prioritises development in the ULSCs it just encourages some growth and investment.
121. Redrow also argue that housing completions in the combined ULSCs have been low and that in order to meet planned growth and the spatial strategy of the LDF there would need to be a steep increase in housing delivery from now onwards. However it is noted that the Core Strategy only sets out some growth within the ULSCs with significant growth aimed at the Key Service Centres. Redrow go on to state that this has been acknowledged in the Core Strategy EiP Inspector's letter (15th July 2011), which highlights the backlog of housing completions across the area as a whole and indicates that such shortfall should be made good as soon as possible. However it should be noted that as Chorley is doing a joint Core Strategy with Preston and South Ribble Boroughs the backlog referred to by the Inspector relates to the whole of Central Lancashire, not just Chorley. The situation differs between the three Authorities.
122. . The Core Strategy EIP Inspector in his letter (15th July 2011) said that *'several participants refer to a backlog of housing completions. Ideally, this should be made good as soon as possible. Owing to the present state of the economy, however, I doubt that this can be rectified during the early stage of the plan period. I think that it would be more realistic to expect this to take place fairly steadily throughout the plan period.'*
123. As such the Inspector considered that the shortfall should *ideally* be made good as soon as possible. The Housing Land Monitoring Report (April 1st 2010 – March 31st 2011) indicates that at April 2011 Chorley had a small deficit of 52 dwellings in relation to RSS requirements over the period 2003 – 2011. The Council is confident that no deficit will exist at all in Chorley at April 2012 due to the high level of housing construction activity currently taken place on a range of sites throughout Chorley. The completions figure for this period exceeds 500 dwellings and the Housing Land Monitoring Report for the last year will be published imminently. Housing completion levels have exceeded RSS requirements for the past two years. The Communities and Local Government House Building: September Quarter 2011 England Data identifies Chorley Borough as the district within the North West with the highest rate of house building in terms of both starts and completions per 1000 dwellings in the 12 months to September 2011. Therefore, the situation in Chorley is very different to other Boroughs where house building has been more negatively affected by the current economic climate. There is not therefore an urgent requirement to significantly increase the supply of housing in Chorley to address the small backlog or to meet future needs.
124. Redrow do acknowledge that the predominant source of housing supply in the area is the 300 dwellings approved on the adjacent site however consider that that site will only deliver 90 units within the first 5 years of the Core Strategy. Redrow consider that even with an estimated 30 delivered from this application site this will only result in rate of delivery in the settlement equivalent to 24 dwellings per annum, well below that required to address the backlog referred to by the EIP Inspector. Notwithstanding Redrow's assertions in respect of this site it is expected that the housing figures which will be published imminently will show that there is no longer a backlog in Chorley and the figures suggested by Redrow could be defined as some growth within this ULSC.

125. Redrow consider that planning approval on this site would boost the potential supply of deliverable housing in Clayton le Woods which would assist in the delivery of the steady 120 dwellings per annum envisaged by the Publication Core Strategy.
126. The Local Plan allows appropriate development within these locations however it does not specify housing targets for settlements within Chorley Borough and housing completion levels overall have been broadly in line with RSS (acknowledging a small undersupply at April 2011 which is expected to have been addressed within the 2012 figures) and therefore there was no need for higher completion levels in the ULSCs.
127. In terms of 'steep increase' the Clayton-le-Woods appeal Inspector stated (with which the SoS agreed):
'Therefore, over the plan period 1810 [now 2100 new dwellings] new dwellings will be required in these ULSCs, all but one of which is in Chorley. In order to meet this planned growth, there would need to be a steep increase in housing delivery from now onwards. The area of Safeguarded Land that includes the appeal site is realistically the only land available in Clayton-le-Woods for delivering this growth'. It should be noted that in fact all six ULSCs are in Chorley Borough, not all but one as stated by the Inspector.
128. In order to meet the predicted proportion of housing development in the ULSCs it is acknowledged that higher levels of house building will be required as a whole in the future across the six ULSCs as a whole than may have taken place in the past.
129. At the time of the Clayton-le-Woods appeal decision (21st July 2011) the Site Allocations DPD was at an early stage. Consultation had taken place on the Issues and Options but the Council had not reached Preferred Option Stage. The Council has now consulted on its Preferred Option so the DPD is at a more advanced stage and can be given more weight, although it still has limited weight. As well as identifying preferred sites the Preferred Option Paper sets out a housing development phasing schedule at policy HS2 which had not been produced at the time of the Clayton-le-Woods appeal. This shows that the sites proposed to be allocated have been properly considered and that they can be realistically built out over the plan period to achieve the level of housing required across the Borough to achieve the planned level of growth as required by the Core Strategy. The dwellings proposed and already completed since 2010 in the six ULSC settlements marginally exceed the Core Strategy predicted proportions over the plan period to make allowance for any slippage (non-delivery or reduced delivery of housing) on sites. Therefore, there is no urgency to release this site now to meet an increase in housing requirements as there is no evidence to show that the required growth will not be achieved through the LDF process.
130. There have been representations to policy HS2 (phasing), however these do not relate to the achievability of the sites being brought forward in the plan period.
131. Chorley Borough has a deliverable five-year housing supply. In addition to the sites identified in the deliverable five-year housing supply a large number of further dwellings have planning permission in the Borough. Therefore, there is more than sufficient overall supply to ensure choice and competition in the market for land in accordance with the National Planning Policy Framework (NPPF) and its requirement for a five-year supply plus 5% so there is no urgency for release in this sense.
132. From April 2010 (the start date of the housing period) to April, 11 dwellings were completed within the Clayton-le-Woods settlement and a further 16 dwellings with planning permission were yet to be completed. In the following 6 month period from April to October 2011 a further 11 of the remaining 16 dwellings were completed, leaving 5 with planning permission not constructed.
133. In the 6 month period from April to October 2011, 300 dwellings were granted outline permission on appeal on part of the DC3.8 area of Safeguarded Land and 12 dwellings were granted planning permission at Burrows Limited on Wigan Road (the application was for 13 dwellings but included the demolition of an existing bungalow resulting in a gain of 12 dwellings).

134. There remain 317 dwellings with planning permission to be constructed at October 2011 which demonstrates that there is significant development planned for this area.
135. The Council are actively working on their Site Allocations and Development Management Policies DPD and have undertaken consultation on Issues and Options and on Preferred Option. The published Central Lancashire Local Development Scheme (LDS) schedules adoption of the DPD for December 2012 however this is expected to slip to Spring for adoption.

2 b) Ministerial Statement – Planning for Growth:

136. Whilst this is supportive of growth and it states that the Government expects the answer to development and growth wherever possible to be 'yes', it had a caveat to it that states '*except where this would compromise the key sustainable development principles set out in national planning policy*'. The Secretary of State will take the principles in this statement into account when determining applications that come before him for decision. In particular it states the Government will attach significant weight to the need to secure economic growth and employment.
137. As has already been explored Chorley has good housing delivery performance which has not been as negatively affected by the economic climate. The general presumption of poor delivery nationally and therefore the need to stimulate the economy through housing delivery is not considered to apply with the same weight in Chorley as it may in other Boroughs.
138. The viability evidence underpinning the current consultation on a Central Lancashire CIL notes that a number of developers consider that the market for new houses in Chorley is in the short term over-supplied, and they are taking a more cautious approach to delivery linked more closely to sales.
139. Allowing housing outside the proper LDF process in Chorley would compromise the key sustainable principles set out in national guidance and Planning for Growth it is not therefore considered that sufficient weight can be applied to it that would justify allowing the application.

2 c) Localism

140. The Localism Agenda is being introduced through the Localism Act 2011 and post-dates the draft NPPF and Planning for Growth. The Government's intention is to shift power from central government back into the hands of individuals, communities and councils. The Government state that they are committed to this because over time central government has become too big, too interfering, too controlling and too bureaucratic. This has undermined local democracy and individual responsibility, and stifled innovation and enterprise within public services. They want to see a radical shift in the balance of power and to decentralise power as far as possible.
141. It is therefore considered that allowing applications on Safeguarded Land without going through the LDF process would undermine the Government's Localism Agenda which is an expression of the Government's intentions on how decisions should be made.

2 d) The Community Infrastructure Levy (CIL)

142. The Localism Act received royal assent on 15 November 2011. Some of its provisions came into force on 16th January including Section 143 which brings in provisions that where local finance considerations are material to a planning application they should be taken into account in the determination of that planning application.
143. Infrastructure is a key component of any assessment of sustainability, and cumulative impacts can arise from the overall development proposed within a development plan. The Community Infrastructure Levy (CIL) is a new charge which local authorities in England and Wales will be able to levy on most types of new development in their areas over a certain size. The proceeds of the levy will provide new local and sub-regional infrastructure to support the development of an area in line with local authorities' development plans and could include new schools, hospitals, roads and transport schemes, as well as libraries, parks and leisure centres. The government's position on CIL is that it provides a basis for a charge in a manner that obligations alone cannot achieve, enabling, for example, the mitigation from the cumulative impacts of a number of

developments. The government acknowledges that even small developments can create a need for new services. Until such time as a CIL charge is set, obligations must be addressed under s106 agreements, and the relevant tests.

144. Strategic Objective S02 of the Core Strategy seeks to ensure there is sufficient appropriate infrastructure to meet future needs, funded where necessary by developer contributions. Chapter 6: Infrastructure refers to the tariff approach, noting that further research and consultation is required, and that the key to avoiding adverse impacts of new developments on existing and new communities is the timely provision of the necessary infrastructure and other mitigation measures. Policy 2 refers to the application of a levy/tariff based on standard charges as appropriate, noting that "This will ensure that all such development makes an appropriate and reasonable contribution to the costs of provision after taking account of economic/viability considerations." The policy also notes that LPAs "will set the broad priorities on the provision of infrastructure, which will be linked directly to the commencement and phasing of developments. This will ensure that enabling infrastructure is delivered in line with future growth, although some monies will be specifically collected and spent on the provision of more localised infrastructure."
145. On 31 January 2012, the Central Lancashire authorities began preliminary draft consultation on a Central Lancashire CIL, which ran until March 2012. The programme in respect of the CIL includes submission in September 2012 with an anticipated adoption of December 2012.
146. Infrastructure delivery schedules have been prepared and these show a range of infrastructure projects including those regarded as "Pan-Central Lancashire" as well as for the three separate borough areas of Chorley, Preston and South Ribble. A tariff of £70 per sq m of residential development is proposed.
147. In relation to Clayton-le-Woods, the infrastructure delivery schedule identifies cycling improvements on Lancaster Lane/ Moss Lane/Lydiat Lane and Town Brow to cycle links to Cuerden Valley Park, including toucan crossings on A49 by Moss Lane, Lancaster Lane and also on Bryning Brook Bridge. Also identified is a 1 form entry primary school at Clayton-le-Woods. In addition, there are significant strategic projects including new stations, and transport related projects for example that are considered necessary at this time to meet planned development over the plan period within Chorley & within Central Lancashire. Also in relation to waste water treatment there are constraints relating to United Utilities treatment works at Walton-le-Dale and Leyland (these serve parts of Chorley Borough as well as South Ribble).
148. While it is not argued here that the absence of a CIL contribution should be a reason for refusal per se, the CIL infrastructure delivery schedules demonstrate the wider infrastructure needs that arise from the planned growth for Central Lancashire. In approving applications on safeguarded land, prior to decisions on scale, location and phasing of development - as the Core Strategy and Site Allocations DPD seek to do - it is considered that the overall aims and objectives of the existing development plan and the emerging plan are under minded, and in turn the achievement of sustainable development.
149. Furthermore, it is considered that to do so would set a precedent, and were other application sites on safeguarded land approved, this would cumulatively impact upon the ability to deliver sustainable development, and would therefore be premature.

2) **Affordable Housing**

150. Policy HS5 of the Adopted Local Plan Review requires 20% of affordable housing on suitable sites over 15 dwellings. The reasoned justification to the policy highlights that the policy aims to achieve direct on-site provision of affordable housing, unless this proves to be impractical following detailed negotiations. This would equate to 32 affordable houses on this site.
151. The Local Plan affordable housing requirement of 20% is less than that proposed in Core Strategy Policy 7, which proposes 30% affordable housing on market schemes in non-rural areas of Chorley. It is considered that the Core Strategy Policy has significant weight and the evidence base which supports this Policy confirms that 30% affordable housing is viable and achievable.

152. The Core Strategy Policy 7 states that affordable housing should be delivered on site, but financial contributions instead of on site affordable housing are acceptable where the development location is unsuitable for affordable housing. It is considered that this location is suitable for affordable housing and that it should be provided on site. No evidence has been put forward by the applicant that the site is unsuitable for affordable housing.
153. The application states, in the draft Heads of Terms submitted with the application, that the developer will provide up to 30% (precise contribution TBA) of the dwellings to be constructed on the land as Affordable Housing (subject to further discussions a proportion of the affordable units may be provided off-site).
154. Following consultation with the Housing Manager it is considered that any affordable housing on this site should be split as follows:
- 70% Social rent
 - 30% Intermediate
 - Types :
Social rent: 10% 1bed 2 person flats/ 70% 2bed 4 person houses/ 20% 3bed 5person houses
Intermediate: 25% 2bed 4 person houses/ 75% 3bed 5 person houses
155. Additionally as this application is outline in nature and proposes upto 160 dwellings an affordable housing contribution will be include within the Section 106 Agreement in the event that the affordable housing percentage does not equate to a whole number (the residual proportion will be calculated as a commuted sum to be spent on off site affordable housing)
156. However, anything less than 30% (which would equate to up to 48 affordable houses on the site) is below the Core Strategy requirement. Therefore, by submitting this application now, if less than 30% affordable housing is proposed, the applicants are proposing to provide less affordable housing than would be required if this site were allocated via the Local Development Framework process, under Core Strategy Policy 7 (if adopted), which is considered unacceptable. They are also not proposing the level of affordable housing that was considered beneficial at the Clayton-le-Woods appeal, if they propose less than 30% and the Council therefore do not give this weight in favour of approving the application.
157. The applicants did not make objection to Core Strategy Policy 7 during the Core Strategy preparation process, in terms of viability of providing 30% affordable housing or on any other aspect of the proposed policy. However, a number of other planning consultants/house builders did raise concerns about the policy and the proportion of affordable hosing required. A number of objectors wanted greater recognition of the impact on site specific viability issues in the policy and others considered that the 30% target did not reflect the results of the Central Lancashire Housing Viability Study (part of the evidence base) and the differences between the different centres in terms of scheme viability. The applicant's case does not take into account the evidence on housing viability, and has not provided evidence as to whether 30% is unviable for this particular site.
158. Notwithstanding the applicants statement within the draft Heads of Terms regarding the location of the affordable housing the Council consider that 30% affordable housing should be provided on site. The applicants have not provided any robust evidence to suggest that this level of affordable housing is unviable on this site. In fact by the agents own admissions, where evidenced or not, *I think it's reasonable to assert that it's economically viable and The viability of the site is also evidenced by housebuilders seeking planning permission.*
159. The 2009 Strategic Housing Market Assessment (SHMA) estimated that there is an annual shortfall of 723 affordable properties a year Borough wide in Chorley, but it does not set out the levels of need in different settlements. It should also be noted that in excess of 100 affordable units were provided in Chorley last year. It is considered important to seek 30% affordable housing on appropriate sites, which also accords with emerging Core Strategy Strategic Objective

SO8 which aims to significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas.

160. If the application site were to be developed, the site would provide a significant proportion of the future housing supply for Clayton-le-Woods over the Core strategy period. As such, it is considered affordable housing should be provided on site in order to help deliver a sustainable mixed community. The site provides a realistic opportunity for the provision of affordable housing, unlike on some smaller sites, which are below the current and proposed affordable housing delivery size threshold.
 161. At the Clayton-le-Woods appeal the appellants offered 30% affordable housing on site, which was in line with the emerging Core Strategy requirement. The Inspector considered that there was a considerable undersupply and pressing need for affordable housing and the Secretary of State stated that the provision of 30% affordable housing was beneficial in the face of this need. Therefore, the provision of 30% affordable housing was a material consideration in favour of allowing the Clayton-le-Woods appeal.
 162. Without 30% affordable housing being provided on site, then notwithstanding other policy issues, the site would fail to provide the affordable housing for which there is a need and undersupply at present. If the site was ultimately allocated through the LDF process it is possible that a greater percentage of affordable housing would be achieved from the site for which there is a known need.
- 3) **Policy Conclusion**
163. On basis of all the information preceding a balancing exercise needs to be done.
 164. The proposal would be in breach of the Safeguarded Land policy DC3, this Policy is consistent with the NPPF, however the Council acknowledge that this policy must be read in the context of other material considerations that may be more up to date.
 165. Clayton-le-Woods, on a broad strategic level, is identified as a location for some growth which is acknowledged as a material consideration and given significant weight in decision making. However there are other issues that are undecided that relate to broader planning objectives. These are how growth is to be distributed between the six ULSCs and how much of the safeguarded land within Clayton-le-Woods will be allocated.
 166. Although the appeal at Clayton-le-Woods in July 2011 relating to the development of Safeguarded Land for 300 houses is a material consideration this application the main consideration was that the growth provisions in the Core Strategy for Urban Local Service Centres indicated a need for additional housing in Clayton-le-Woods and waiting for adoption of the Core Strategy would risk not meeting its growth targets. This site was also considered to be the only possible location for achieving the proposed growth in Clayton-le-Woods.
 167. It can now be argued that the granting of outline planning permission at appeal for 300 houses on this area of Safeguarded Land will help achieve the growth targets within the Core Strategy, therefore this is no longer a material consideration that outweighs the breach of Policy DC3. In addition there have been changes in terms of the weight of local and national planning policy since the appeal decision.
 168. The Council has other applications on Safeguarded Land sites under consideration and the release of this site would create a precedent in favour of releasing the other sites. The scale of housing that would cumulatively result from those sites is considered so significant that it would prejudice the LDF process and harm the plan objectives and spatial vision for the area.
 169. In terms of Localism the Government's clear direction of travel is that decisions should be made at local level so supports the Council's LDF process so it is considered it carries significant weight in favour of refusing the application.

170. Chorley's policy approach is in line with the aims of the NPPF which includes the need for a balanced approach to sustainable development (social, environmental and economic) and that it should be interpreted locally to meet local aspirations.
171. It has been accepted that this site will have to follow on from the 300 houses approved on the adjacent site and there is therefore no urgent need. Therefore in relation to the principle of the development in terms of policy the application considered unacceptable.

4) Other Issues

5a) Housing Development

172. The development relates to the erection of upto 160 dwellings on the site. The application is outline in nature with all matters reserved save for access. The siting of the properties is not being considered as part of this application although an illustrative plan has been submitted with the application.

5b) Density

173. The site covers an area of 8.48 hectares. The erection of upto 160 dwellings equates to 19 dwellings per hectare. Core Strategy Policy 5 relates to housing density and states that the three authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.
174. The adjacent site secured a density of approximately 22 dwellings per hectare however it must be note that this scheme incorporated other on site facilities which reduced the developable area. It is not considered that 19 dwellings per hectare results in the most efficient use of land and if this site was considered holistically as part of a Masterplan appropriate densities and siting of the dwellingshouses, infrastructure etc. could be assessed comprehensively.

5c) Design

175. The design of the proposed properties is not being assessed as part of this application and would be addressed as part of any future reserved matters application. This notwithstanding the Council's Policy and Design Team Leader has made the following comments:
- The Design and Access statement that has been submitted adequately covers all the key design principles such as retaining and protecting landscape features, enhancing pedestrian links, and creating public transport links etc. Ideally it should also tell the story of the layout and architectural design and demonstrate how these have evolved and include previous layouts/designs and how they were considered and refined or discounted to arrive at this proposal. In order to properly assess this proposal and demonstrate that the proposed scale and massing is appropriate, it should include sections, 3-d representations by way of axonometrics, photographs, streetscenes and perspectives. It should demonstrate how the final design can sit comfortably on this site and contribute to the local distinctiveness/character.
 - The schematic layout submitted fails to deliver the design principles on a number of levels:
 - o It appears to be highway dominated. That said the principle of perimeter block style development is commendable. It does, however, break down on the parcel to the north and still further on the north east parcel where a cul-de-sac is created. Another issue with these layouts relates to the land to the north. In the absence of a masterplan, and given that dwellings are pushed tight to the boundary, it is questionable whether the land to the north can be delivered in the future. It is reliant on a further access road along a relatively narrow strip of land to serve a relatively small parcel of land to the east.
 - o The open space proposed is largely 'space left over' adjacent to the highways. It is difficult to envisage how it will function as usable open space. That identified to the south is not well over-looked as there are hedgerows and roads separating it from the dwellings. This restricts the potential typology that can be realised and could therefore undermine identified open space needs in the area.
 - o I would like the applicant to explain the character of the local area and demonstrate how the architectural style and layout of the 'standard' dwellings highlighted in the design and access statement can be changed to create a distinctive character and a 'sense of place'.

176. These concerns support the principle of the masterplanning approach for this area of land set out within the Site Allocations DPD. By masterplanning the whole of the suggested allocation these issues could be addressed and a comprehensive approach would be secured.

5d) Open Space

177. In accordance with Policy HS21 of the Adopted Local Plan proposals for new housing development will be required to include provision for outdoor play space. In appropriate developments of less than 1 hectare a commuted sum from the development may be secured for use in the provision or improvement of open space facilities in the locality.
178. The applicant has stated that a total of 1.37 ha of open space would be created on-site as a visual amenity and for casual recreation. This includes a large area of open space at the southern end of the site. The Biological Heritage Site on land to the south of the site will not be affected by the proposals. A S.106 Agreement will ensure the provision of on-site open space either its long term maintenance or transfer to the Local Authority, along with an agreed commuted sum.
179. This amount of open space, in terms of area, would meet the requirements of Local Plan Policy HS21 and its associated Interim Planning Guidelines for Equipped Play Areas Associated with Housing Developments. However, this would need to include provision for casual open space, an equipped play area, and playing fields in line with the standards set out in the Interim Guidelines. It is clear from the submitted information that the intention is to incorporate casual open space only and the submitted indicative layout does not incorporate either equipped play space or playing fields.
180. In accordance with the Interim guidelines a scheme of the size proposed would be required to provide:
- Casual/informal space = 0.18 hectares
 - Equipped play area = 0.1 hectares
 - Playing field = 0.68 hectares
 - **TOTAL = 0.96 hectares**
181. The application includes 0.56 hectares of casual/informal open space (which is more than is required) and 0.81 hectares of formal open space. To accord with Policy HS21 this should be split into the required amounts of equipped play area and playing pitches.
182. The agent for the application has raised the following point, *the formal open space is located adjacent to planned formal open space within the FLP outline pp scheme and proposed open space to serve the wider masterplan area, so there is some scope/flexibility to create different sized pitches.*
183. It is noted that a NEAP, Multi-use games area and casual open space was indicatively included on the adjacent site which was allowed at appeal and secured via the S106 Agreement. However this provision was based on the size of scheme proposed and was calculated as follows:
- The playing pitch provision was calculated using the NPFA calculation (300 dwellings equates to 750 residents for which the proportionate hectare requirement is 1.2 – 1.35ha) and as such provides a 5 a side playing pitch (465sqm (0.0465ha)) and 'informal kickabout and training areas' (1.2395ha (12,395sqm)).
 - The equipped play space provision was calculated using the NPFA calculation (300 dwellings equates to 750 residents for which the proportionate hectare requirement is 0.15 – 0.225ha) and as such provides a 1000sqm (0.1ha) NEAP and 4,860sqm (0.486ha) of children's casual or informal play.
 - The casual open space was calculated using the NPFA calculation (300 dwellings equates to 750 residents for which the proportionate hectare requirement is 0.3 – 0.375ha) and the scheme incorporates 4,860sqm (0.486ha) of casual informal open space is provided on site.
184. As set out above Redrow Homes consider that the development of this site is linked to the adjacent site by virtue of this site being phase 2 and the adjacent site being phase 1. It is

acknowledged that the indicative location of the proposed play space on the adjacent site is near to the boundary with this application site however as set out above the play space provision was based on 300 houses and for additional houses, as proposed as part of this application, additional play space provision is required. It should be noted however that the open space provision on the adjacent site was only shown indicatively and will be set by the submission of reserved matters. The reserved matters application may result in the POS being sited in an alternative part of the site away from the common boundary with the application site.

185. It should be noted that within the Site Allocations DPD (Preferred Options) it is proposed to allocate the whole of this safeguarded land allocation for housing/ employment uses including this application site. The Council's preferred way forward for this suggested allocation is for the production of a masterplan or development brief for this site. By masterplanning the whole site this would ensure a comprehensive development and secure the necessary level of play space is provided within an appropriate location to serve the whole development. The submission of a number of schemes for this proposed allocation appears to be creating the situation which the Inspector and Secretary of State were keen to avoid in respect of the appeal on the adjacent site, i.e. piecemeal development. This underpins the view that further piece meal development of this area of land and a positive recommendation of this application would further undermine this masterplanning approach to the detriment of any potential comprehensive redevelopment of the site.
186. In respect of POS provision across the remainder of this area of safeguarded land, in the event that it is allocated for development within the adopted Site Allocations DPD, it is considered that a comprehensive masterplanning approach would secure the necessary infrastructure to support the development in a suitable location for the benefit of the future residents and Clayton le Woods as a whole. It is also noted that the Council will imminently be publishing its Open Space and Playing Pitch Strategy which will form the evidence base for open space provision within the Borough. This will enable deficits within provision to be identified and will ensure that the necessary infrastructure is provided in the most appropriate locations. The suggested piecemeal approach to developing this site has the potential to result in isolated pockets of POS which are not connected or provide the most appropriate solution for the site.

5e) Trees

187. The application is supported by a Tree Survey Report which identifies 43 individual trees, 8 groups of trees and 8 hedgerows. Of the trees surveyed 11 are identified as having high amenity value, 22 are identified as having moderate amenity value and 10 are identified as having low amenity value. Of the groups of trees surveyed 2 groups are identified as having moderate amenity value and 6 groups are identified as having low amenity value. Of the hedgerows surveyed 2 are identified as having moderate amenity value and 6 are identified as having low amenity value.
188. On the Tree Survey and Root Protection Plan accompanying the Tree Report no trees are identified for removal. The Ecologist has commented that *the application area supports a number of ecologically significant trees however it is not clear from the masterplan that these trees would be retained as part of the development proposals*. As none of the trees of identified for removal this is not considered to be an issue and any tree removal that may be identified as part of future reserved matters applications can be addressed by condition.

189. A Tree Preservation Order has been placed on the trees with high/ moderate amenity value.

5f) Landscape

190. The site itself is currently characterised by open agricultural fields defined by mature hedges and hedgerow trees. This agricultural character will inevitably be completely changed through the introduction of the development and would result in an adverse impact on the local landscape character. The NPPF sets out 12 core land use planning principles which includes *recognising the intrinsic character and beauty of the countryside*. The preference for development is brownfield sites with greenfield sites only coming forward where there is a demonstrable need.
191. The impact on the landscape character and visual amenity of the area was considered by the Inspector at the Clayton le Woods appeal who considered that *This is the inevitable consequence*

of residential development on a greenfield countryside site. Whilst the Council could accept such impacts if there was an identified need for residential development, this is not the case here. Accordingly, there is no planning policy imperative which justifies the harmful impact on the natural environment now.

192. The impact of the current proposals is material to the consideration of this application. In this regard the Council's Open Space Team have assessed both Redrow's proposals for the application site and Redrow's submitted Composite Masterplan for the remaining area of Safeguarded Land.
193. Within the Lancashire County Council Landscape Character Assessment (SPG) the site falls within Character Area 5K Undulating Lowland Farmland, described as follows:

'The rural character of this landscape is largely obscured by built development which has taken place since the late 1970s. Motorways and motorway junctions dominate the northern sector. The principal landscape feature is Cuerden Valley Park, based upon the woodland and valley of the river Lostock. The park is managed for nature conservation and recreational use and is an important local resource. Pockets of farmland and vernacular buildings survive as a reminder of earlier land use and settlement pattern.'
194. The Parks and Open Spaces Officer considers that the concept of retaining all the historic layout of hedgerows described in the Design and Access Statement has merit however this in itself would not be effective in creating a high quality landscape setting and character to the development. The phase 2 illustrative masterplan shows that the hedgerows through the site will be disrupted and fragmented by the development and road layout. The arrangement of informal open space associated with the retention of these hedges would be of limited value to landscape character enhancement, recreational use or landscape and visual amenity in the context of an extensive new residential development.
195. It is acknowledged that the layouts provided are illustrative however the Parks and Open Spaces Officer does not consider that a robust landscape mitigation strategy can be achieved with the number of dwellings, density of development and the arrangement illustrated on the indicative masterplan. The Officer considers that in respect of the current greenfield status of the site the Phase 2 scheme should be delivering more in terms of a coherent and meaningful landscape and open space strategy to achieve improved recreational value, protected visual amenity for local people and the development of a strong and distinctive landscape character.
196. The LCC Landscape Strategy for the undulating lowland farmland area puts great emphasis on increasing the mixed woodland cover in order to achieve a continuous linked network of trees, hedgerows and woods as an integral part of new development. This supports the concept of a stronger landscape framework including new woodland plantations linking to existing hedgerows and to the wider context of Cuerden Valley Park.
197. In terms of landscape and visual assessment, users of roads (particularly fast moving traffic on A Roads and Motorways) are considered to be less sensitive than local residents and users of public rights of way. Therefore, it follows that the receptors whose visual amenity is likely to be damaged most are the existing residents at Clayton Le Woods and users of the public right of way which crosses the site in an east west direction.
198. The Phase 2 illustrative masterplan accommodates the public right of way into its road and footpath layout however the Parks and Open Spaces Officer does not consider that this layout protects the experience or visual amenity of those using the right of way. The footpath runs alongside a comprehensively developed estate road for its entire length which will damage the visual amenity of users and will not encourage use by cyclists or pedestrians seeking to use an attractive green route.
199. Local residents to the south and north of the phase 2 site are afforded some protection of views by the existing hedges around the boundaries of the site. However, the indicative development layout does not illustrate that any significant enhancement of the boundary hedgerows or

incorporation within meaningful open spaces is achievable with the arrangement and number of dwellings proposed.

200. In order to mitigate the effects described above, a high quality landscape and open space enhancements scheme across the site would be required. In terms of surrounding character, the strongest positive influence in the locality is Cuerden Valley Park. To create a strong landscape character, the landscape strategy for the scheme needs to demonstrate that the character of Cuerden Valley Park is being drawn upon to create a stronger landscape framework across the site and help to integrate the development more sensitively into the landscape.
201. The Parks and Open Spaces Officer considers that, from a landscape perspective, it would be preferable for a phase 2 landscape strategy to be developed which achieves the following:
- The creation of a useable and meaningful east west linear green space incorporating the public right of way (along the existing PROW alignment or along a diverted route around the development) which would help to mitigate the damage to landscape character and be of real value to local residents, pedestrians, and cyclists.
 - A bolder and more robust landscape framework extending the strong positive landscape character of Cuerden Park across the site.
 - Clear connections from Phase 2 open spaces and footpaths to the POS provided as part of Phase 1.
 - Improved mitigation of visual effects for local visual receptors in existing residential areas and those using the public right of way.
 - The retention of key hedges within a robust landscape framework of POS.
 - An attractive green connection to Cuerden Park and National Cycle Route 55 to encourage walking and cycling.
202. In respect of the submitted composite masterplan the Parks and Open Spaces Officer has raised concerns over the proximity of the proposed employment land to existing residential areas and the impact this will have on the outlook from the residential properties. Concerns have been raised that the views of users of the footpath across the site will be changed and consideration needs to be given to the effects on views from within Cuerden Park itself. Protection of the views and character of Cuerden Park may mean that a broad landscape buffer is required along the boundary of the site with Shady Lane. The Parks and Open Spaces Officer considers that a strong landscape strategy incorporating the public right of way would help to mitigate the issues described above and extend the high quality of landscape character from Cuerden Park across the site. Sensitive and robust landscape treatment of boundaries to the south of the employment land and along Shady Lane would also be necessary.
203. The issues raised by the Parks and Open Spaces Officer reinforces the fact that a piecemeal approach to the development of this proposed allocation will adversely impact on a Masterplanning approach for the site, as advocated within the Core Strategy, which is the only way of ensuring that a strong landscape strategy for the entire site is achieved. Whilst an illustrative Masterplan has been submitted with the application it is not considered that this adequately demonstrates that a suitable landscape strategy could be achieved on the entire site to mitigate the landscape impacts of the redevelopment of this greenfield site.

5g) Ecology

204. The application is accompanied by an Ecological Appraisal which has been forwarded to the Ecologist at Lancashire County Council for comment. The Ecologist has reviewed this document.
205. Part of Cuerden Farm Ponds BHS lies within the application area. It will be important to ensure that the BHS is adequately protected from the adverse impacts of development and that appropriate management can be secured in the long-term to ensure no loss of biodiversity value as a result of this development. Particular concerns associated with increasing urbanisation, and which will need to be addressed, include increased recreational disturbance (people, dogs), the introduction/encouragement of inappropriate species (ducks, fish, non-native species, etc.), and pollution.

206. A further planning condition or obligation will also be necessary to secure appropriate and long-term (i.e. in perpetuity) habitat creation, enhancement and management for the maintenance of features of biodiversity value (including the BHS (part), ponds, hedgerows, and habitat of protected and priority species) and for which standard amenity landscape management will not be appropriate.
207. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - (b) there must be no satisfactory alternative and
 - (c) favourable conservation status of the species must be maintained.
208. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
209. The Ecologist has assessed the proposals in respect of protected species. The pond on site is considered suitable to support great crested newts. This pond has been surveyed in connection with other development proposals in this area (11/01004/OUTMAJ) and great crested newts have not been recorded. As such the Ecologist is satisfied that great crested newts are not a constraint to the development of this site.
210. The originally submitted Ecological Appraisal did not include detailed information in respect of bat roosts as appendix E was not attached to the ecology report. However following the receipt of further information the Ecologist has confirmed that as trees with bat roost potential will be retained within the scheme the proposed development should not result in any direct impacts upon bats or bat roosts. There is thus no need for mitigation for bats to be secured by planning condition.
211. This notwithstanding the report does identify that some trees need further investigation to establish bat roosting potential. If any mature trees with features suitable to support bat roosts would be felled to facilitate development, further inspections/surveys are required prior to determination of this application.
212. The submitted masterplan indicates that sufficient land would remain undeveloped such that effective mitigation and compensation for impacts on bat foraging and commuting habitat could be delivered as part of these proposals. It will therefore be important that development is in accordance with the submitted masterplan and that the landscaping scheme/habitat creation and management plan addresses maintenance and enhancement of bat habitat. This can be addressed via condition.
213. The ecology report noted a number of species on site, some of which are priority species, e.g. curlew, skylark, house sparrow and tree sparrow. The Ecologist considers that the avoidance of impacts on nesting birds during construction can be addressed by planning condition. However, in order to ensure that the proposals do not lead to declines in populations of priority species the Ecologist requires further information to clarify potential impacts on priority species. The Ecologist considers that it is unlikely that habitat suitable to support ground nesting species such as curlew and skylark could be retained and as such a commuted sum to deliver ground nesting bird habitat (offsite compensation) will be required.
214. The Ecologist considers that even if the development would affect only one pair of ground nesting species, such that the development in isolation would not result in a significant impact on the population, the loss of any breeding pair (of a species in decline) is a concern (and taken together with other developments could cumulatively contribute to further declines of these species). Surveys for birds were not carried out and the numbers of such species potentially affected are therefore unknown.

215. The Ecologist has confirmed that if the proposals would displace priority species this should be compensated for off-site. If priority ground-nesting birds are not present within the application area (which could be established by survey), then it would not be reasonable to require compensation.
216. In this regard if an obligation is necessary the sum would need to be calculated based on the number of species displaced and the area of land/breeding requirements of those species. The sum would ideally be used to contribute towards the conservation of the particular species concerned (in this case, apparently curlew and skylark) at suitable sites elsewhere in Lancashire.
217. The Ecologist requires a 'Reasonable Avoidance Measures Method Statement' for reptiles should be produced detailing measures for the avoidance of impacts on the species and their habitat would be required. This could be addressed by condition.
218. The Ecologist considers that at reserved matters stage further details of measures that will be implemented for the avoidance of impacts on Species of Principal Importance and their habitat will be required. This could be addressed by condition.
219. From an ecological perspective the majority of the impacts and required mitigation can be addressed by suitable worded conditions however the outstanding issue relates to the potential impact on ground nesting birds and any necessary planning obligation resulting from the displacement of this priority species. Further information has been submitted to the Ecologist at LCC in respect of ground nesting birds which concludes that the Site and its surroundings are of negligible value for ground nesting birds. The Ecologists comments in this regard will be reported on the addendum.

5h) Flood Risk and Drainage

220. The application is accompanied by a Flood Risk Assessment and Drainage Strategy which has been assessed by the Environment Agency.
221. As set out above the Environment Agency originally objected to the proposals on the grounds that the FRA includes an incorrect value for the Greenfield runoff rate and hydraulic modelling is required. As such it was considered that insufficient information had been submitted in support of the application.
222. Following further consideration the EA removed their objection subject to a condition relating to surface water drainage and a condition requiring the Flood Risk Assessment & Detailed Drainage Strategy to be updated to include a hydraulic assessment to identify any flood risks from the watercourse through the site and further downstream of it. As such in respect of flooding this can be addressed via condition.
223. In respect of foul drainage the application forms confirm that the development will be connected to the existing foul sewer. During the consideration of the adjacent site concerns were raised in respect of capacity problems that had been identified on the foul sewer network. As part of that application United Utilities confirmed that they had no objection provided that any subsequent approval included a Grampian condition restricting occupation of the site until after Autumn 2013 to accommodate proposals to increase treatment capacity at Walton Le Dale Wastewater Treatment Works.
224. This application was refused and allowed at appeal. To deal with the concern raised by United Utilities the following condition was attached by the Inspector:

Full details of the design, capacity and ability of the sewer network to accommodate the proposed programme of development and subsequent load shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development hereby permitted, the works shall be implemented in accordance with the approved details and programme.

Reason: To allow for adequate drainage of the site and capacity within the Walton-le-Dale Wastewater Treatment Works area.

225. Although United Utilities have been consulted on the application no formal response has been received. Their formal comments will be reported on the addendum.

5i) Traffic and Transport

226. The application is accompanied by a Transport Assessment which has been assessed by the Highway Engineer at Lancashire County Council and the Highways Agency. It should be noted the Highways Agency have confirmed that due to the quantity of information submitted there is a need to ensure that adequate time is available to resolve any issues that may arise and as such have issued an Article 25 direction. The issuing of this direction ensures that the application cannot be determined in favour of the applicant until such time as the Secretary of State for Transport is satisfied that the impact of this development on the motorway network has been adequately assessed and that any appropriate mitigation will be provided.
227. The application on the adjacent site, allowed on appeal, incorporated a 'Future Vehicle Link' to the parcel of land subject to this planning application. The illustrative masterplan submitted with this application details a continuation of this vehicular link. However it should be noted that this vehicular link was only shown indicatively and it is possible that at reserved matters stage this link does not serve the land subject to this application.
228. There have been several meetings held with the applicants, their highway consultants, LCC Highways and the Highways Agency. The outcome of these meetings resulted in the submission of a Highways Technical Note which detailed the off site works required. This document has been reviewed by both the Highway Engineer at LCC and the Highways Agency.
229. The Highway Engineer at Lancashire County Council considers that the development proposal as submitted does not provide for an acceptable vehicular access and a sustainable transportation solution to the development needs further development.
230. The Engineer has made the following specific comments:

Hayrick Junction

231. The proposed improvement works to the Hayrick junction, with the installation of MOVA, with bus priority at the Hayrick junction and signal upgrades on the M6 slip roads accords with the conditioned works of the phase 1 development. This should be conditioned as part of the current application.

Bus Improvements

232. The original TA implied that bus stops are available close to the proposed site access junction, and the Highway Engineer requested that bus stops be included on the junction drawing in order to assess accessibility. The submitted plans detail proposed bus stop locations which bring most of the site within the max 400m walk distance however the Engineer has raised concerns that the bus stop locations raise safety concerns and are not acceptable.
233. The northern bus stop is the middle of the junction and presents a difficult situation for drivers on Wigan Road and those drivers turning north from the junction. While the junction appears to be able to cope with the bus manoeuvres in/out the proposed site access road the north bound bus is not able to turn out the site and halt at the proposed north bound stop without great difficulty. It would also appear that the Wigan Road western footway is too narrow to provide for a full Quality bus stop with shelter. The Highway Engineer has suggested that this potential stop is relocated north of the junction however this is then likely to impact on the Redrows suggested Phase 3 (commercial access) of the development of this land and would also be in close proximity to the existing stop south of Lydiate Lane. This demonstrates that consideration of separate proposals on the larger site without a comprehensive scheme will result in conflict and less sustainable solutions.
234. A bus stopped at the southbound bus stop will prevent forward visibility of the island and could encourage vehicles to try and overtake with poor visibility. Again the only location that would provide for a safe stop clear of the junction area would be north of the proposed junction location.

235. It is considered that the principal of providing good access by public transport is of paramount importance to any major development such as this site, the TA states that there are existing bus services which operate with around a 30 minute Monday to Saturday daytime service, however, the level of bus service (with development) has not been quantified and there are operational questions regarding delivery of a suitable service through the site that will be commercially sustainable. The Highway Engineer recommends that the provision of a minimum frequency of 20 minutes weekday daytime and half-hourly evenings and weekends to Preston, Leyland and Chorley would be generated from these proposals.
236. The approval on the adjacent site provided funding to improve public transport, to enhance the existing bus network and providing additional journeys linking Chorley to Preston. The Highway Engineer considers that the proposed development should also provide funding should it a) go forward in advance of Phase 1, and b) to further improve bus services/frequency and provide additional capacity to serve the Phase 2 development.

Cycle Improvements

237. The Highway Engineer considers that the Masterplan access strategy proposals are limited to within the development site and do not form continuous external routes. The development requires off-site connections to form part of the wider network to provide serious commuter access links that promote modal switch from motorised transport and improve site sustainability. As submitted the proposed development is remote from nearby destinations, such as high schools, employment sites and shops, and likely to lead to an increase in car funding.

Sustainable Transport - Conclusion

238. There is no guaranteed developer commitment (nor mechanism) to delivering fully sustainable transport improvements to maximise the potential for transfer to transport modes that directly and indirectly (by reducing background flows) reduce the negative impact from development.
239. The Highway Engineer concludes that for the proposed development to be acceptable, measures must be secured satisfying the needs of all sustainable modes including cycling and pedestrians using direct desire lines to existing/proposed facilities that deliver modal switch. This is not an issue that can simply be addressed by travel planning post approval.

Proposed Site Access

240. In respect of the proposed site access (priority junction) the Highway Engineer has raised a number of concerns. In conclusion the Engineer considers that the proposed access does not provide for a safe or adequate means of access for the possible phase 2 development of the site.

Parking

241. As the plans are only indicative at this stage parking provision is not set out in detail in respect of the proposals. It is noted that reference is made to 1.5 spaces per property however this provision does not accord with the Council's current requirements of 2 spaces for 2/3 bedroom dwellings and 3 spaces for larger dwellings. This would need to be addressed as part of any reserved matters submission.

Central Lancashire Local Development Framework Inquiry

242. The Highway Engineer has confirmed that LCC have always had a concern with capacity on the wider strategic network and this has been formalised in their Participant Statement to the Inspector with regard to the Central Lancashire Local Development Framework Inquiry.
243. As part of the emerging Core Strategy process, the three Central Lancashire authorities have worked together with LCC and in consultation with the Highways Agency (HA) to establish a consistent position regarding the potential impact of development on the strategic highway network. The LCC position was presented at the recent Evidence in Public (EIP) inquiry and highlights the recognition of the existing capacity problems that exist in the Central Lancashire area.

Local Transport Plan

244. The LTP Implementation Plan for 2011/12 to 2013/14, approved in October 2011, commits to the delivery of a Highways and Transport Master Plan for Central Lancashire by March 2013. This

will now be completed by September 2012. The Master Plan will set out a future highways and transport strategy linked to economic development and spatial planning priorities, including those set out in the Central Lancashire Core Strategy.

Central Lancashire Core Strategy Hearing (February 2012)

245. It was highlighted at the Core Strategy hearing that it would seem sensible for the Core Strategy to acknowledge the Highways and Transport Master Plan as a prerequisite to informing the production of detailed proposals for additional supporting infrastructure to come forward at these strategic locations, to be set out in the Site Allocations Development Plan Document. LCC consider that the transport network has reached the point where, without support from all parties for a strategic master planning approach, no further development can be accommodated at this time, on the existing transport network, in this location.
246. Consequently, there comes a point where support for further development, without the required infrastructure that needs to be identified through the master planning process, cannot be supported. Rather than promoting economic recovery, such an approach will lead to unacceptable levels of congestion that would have a negative impact on current transport users, local businesses and the local economy.
247. LCC and Chorley BC (as part of the Central Lancashire Core) have sought to set out a way forward in delivering long term economic development in the area. The approach aims to match potential future aspirations for development that meets the housing allocation needs of Chorley BC. As part of this process, there has been agreement on the need for a strategic master planning approach.
248. If further development is allowed to come forward in a piecemeal approach with developers coming forward in small packages, this cannot be supported by the LHA. Each and every small package of development could argue that in percentage terms of overall traffic their impact is small or that there will only be a small increase in the existing congestion in the peak periods. Such an approach, without any acceptance of a threshold on the existing transport network is totally unsustainable and would lead to significant transport congestion.
249. This approach by developers would prejudice the overall master planning approach and the delivery of the Central Lancashire Core Strategy, to be set out in the Site Allocations Development Plan Document.
250. The Highway Engineer has confirmed that Lancashire County Council takes its responsibility seriously with respect to the current and future use of the highway network whilst also giving a high priority to supporting growth in the key economic centres such as Chorley; including supporting private sector led economic growth, the creation of jobs and access to employment, education and training. A fundamental element to deliver this priority is the provision and implementation of the masterplan as identified above (and within the LTP) and support from all parties including developers, Chorley BC and the HA in its delivery. The approach being progressed does and must consider the potential influence of development proposals being progressed in advance of the masterplan, and it must be strongly noted that the existing network limitations and constraints will restrict support of these developments until suitable infrastructure changes are delivered. In this regard the Highway Engineers recommendation to Chorley BC is that the site allocation is only taken forward with reference to and in accordance with the formation and delivery of the strategic master plan.
251. Following receipt of these comments there have been further meetings and e-mail correspondence between the Highway Engineer and Singleton Clamp, who act on behalf of the applicants, and it is understood that the issues raised in respect of the highway implications have been addressed subject to conditions/ planning obligations however at the time of writing this report the final comments from the Highway Engineer had not been received. These therefore will be reported on the addendum.

5j) Public Right of Way

252. Public Right of Way 14 runs through the site. The illustrative masterplan details that this right of way will be retained as part of the development although it will be intersected by proposed roads. This is addressed above within the landscape section.
253. The Right of Way Officer at Lancashire County Council has made the following comments:
- The application area incorporates Public Footpath No. 14 Cuerden- it is not clear whether the application will affect the Public Footpath which outlines the development area. No diversion/extinguishment has been highlighted on the application form.
 - Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary.
 - The development must not commence until the necessary procedures are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side roads orders, or if it is necessary to divert the above listed Public Rights of Way
254. The applicant will be made aware of these requirements.

5k) Contamination

255. In respect of contamination the Council's Waste & Contaminated Land Officer considers that there is a potential for ground contamination at this site however this can be addressed by a suitably worded condition.

5l) Air Quality

256. The impact of the development on Air Quality is a consideration in respect of this application in regards to the cumulative impact of this additional proposed development as there are some air quality concerns in the area.
257. The Council's Environment and Neighbourhoods Manager has reviewed the air quality results for the last couple of years and confirmed that they are static. Calculations have been done and there is no strong evidence that there will be an exceedance of the air quality standards. As such the Environment and Neighbourhoods Manager has no objections in principle to the extended development.

5m) Section 106 Agreement

258. Due to the nature of the development a Section 106 Agreement will be required to secure the necessary planning obligations resulting from this development in accordance with the tests set out within the NPPF as follows. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
259. In respect of the current application this would include:
- Upto 30% affordable housing. On a 70/30 split in terms of social rent and sale
 - On site play space
 - Mitigation in respect of ecological impacts (still to be identified)
 - Transport contributions including sustainable/ public transport improvements
260. Lancashire County Council School Planning have commented in respect of school places education. Latest projections for the local primary schools indicate that there will be 158 places available in 5 years' time. However, approval has been given to numerous developments within the area, the combined yield of these developments is 54 primary pupils. The number of remaining places is 105 places. Therefore, they are not seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 56 places.
261. However the School Planning Team have commented that if other pending planning applications in the Borough are approved prior to the determination of this application a claim for a maximum primary claim of Primary places: $56 @ (£12,257 \times 0.9) \times 1.055 = £651,729$ will be sought.

262. It is considered that as there are 105 spare places in the local primary schools for the next 5 years and this scheme, assessed in isolation of the wider area of safeguarded land, will yield 56 places this scheme can be adequately accommodated within the area. It is not considered that any request could be justified in respect of the above tests as taking into account other approvals ensures that the request is not directly related to the development.
263. It should be noted, however, that as part of the work being undertaken for the LDF process the education authority has specified the requirement for a new primary school in Clayton–Le–Woods and as such is included in the infrastructure requirements section of the Chorley Preferred Options Site Allocations and Development Management DPD. Policy EP10.3 (Primary School Allocations) indicates that land is reserved for school purposes at land east of Wigan Road. In order to achieve this suggestion consideration on the best location for the school site to serve the local community is required. It should be in a central location and should not be considered in isolation, but through the plan process. This further supports the preference for the masterplanning approach to this site which would ensure that the necessary infrastructure for the wider site is considered holistically.
264. Latest projections for the local secondary schools indicate that there will be 1436 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission. Lancashire County Council Education are not seeking a contribution from the developer in respect of pupil yield of this development, i.e. 40 places.

5n) Crime and Safety

265. The proposals have been assessed by the Council's Architectural Liaison Officer who confirmed that although this is a relatively low crime area there have been recorded crimes committed within the immediate vicinity of this location.
266. As a result of this crime and given that this is a large new build development it is recommended that Secured By Design principles are adhered to in order to reduce the opportunity for crime and the fear of crime as outlined below:
- The 1.5 parking spaces per dwelling should be located where the opportunity for natural surveillance is maximised e.g. from active rooms within the property.
 - Footpaths/cycle paths indicated on the development should be incorporated into the scheme lighting plan.
 - Design out alleyways at the rear and side of properties.
 - Foliage and shrubbery should be low level e.g. maintained to 1m high so as to enhance natural surveillance.
 - Properties should be secured with 1.8m high fencing at the side and rear (e.g. close boarded) and 1m gating/bow top railing arrangements at the front to provide defensible space.
 - As this is a large development threshold markings should be incorporated into the estate e.g. change in road surface, pillars etc. to provide differentiation between public and private spaces. This contributes towards modifying potential offenders' behaviour.
 - Openings e.g. Doorways and windows are the main weakness in any building to unauthorised entry therefore it is recommended that Doorsets and Windows should be certificated to Secured By Design standards particularly those at the rear.

267. This can be addressed at reserved matters stage via condition.

5o) Archaeology

268. Lancashire County Council Archaeology Service have assessed to proposals and made the following comments. An area immediately to the south-west of the application site was the subject of a desk-based assessed which identified the Roman road from Preston to Wigan which is projected to cross the proposal site either to the west or east of Woodcocks Farm however it is

not considered that the identified heritage asset is of sufficient significance to require any further pre-determination site investigation.

269. Any surviving remains would be of local significance only and could be dealt with by means of an appropriate scheme of archaeological mitigation. As such the applicants would be required to undertake a phased programme of archaeological work which can be secured via condition.

5p) Sustainability

270. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. The applicant has submitted a 'Sustainable Resources and Renewable Energy Statement' which sets out information identifying how they intend to meet the requirements of Policy SR1. The information they have submitted is sufficient at this stage as the application is in outline form with all matters reserved except access.

5) Overall Conclusion

271. The proposal would be in breach of the Safeguarded Land policy DC3, which as set out previously is consistent with the NPPF, however the Council acknowledge that this policy must be read in the context of other material considerations that may be more up to date.
272. The Green Belt in Chorley was first established in the Local Plan in 1997, when the appeal site was designated as safeguarded land under policy C3. In the Chorley Local Plan Review (2003) the appeal site is designated as Safeguarded Land (under policy DC3.9). This Policy was saved by the Secretary of State in 2007.
273. PPG2 was published in 1995 and was extant national guidance at the time of the promulgation of the Local Plan Review. PPG2 advised, amongst other advise, that:
- In order to ensure protection of Green Belts within this longer timescale, this will in some cases mean safeguarding land between the urban area and the Green Belt which may be required to meet longer term development needs
 - Local Plans should make clear that land is not allocated for development at the present time
 - Local plan policies should keep safeguarded land free to fulfil its purpose of meeting possible longer-term development needs
 - Local 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 local plan
274. The Local Plan Review was adopted in August 2003. It replaced the Local Plan and had a timescale to 2006. It was intended that the overall extent of the Green Belt would not change until at least 2016. To help achieve this, areas of Safeguarded Lane were identified to accommodate development pressures in the period up to 2016 if necessary.
275. The North West RSS post dates the Local Plan and, where conflict, greater weight should attach to the RSS. However the RSS does not propose any changes to the GB boundaries in Chorley and the RSS does not seek to change policy regarding safeguarding of land, whether in Chorley or elsewhere. As such policy DC3 is not, in anyway, inconsistent with the RSS. It is right that the RSS imposed materially different housing land supply targets for Chorley and post dated them to 2003. However, the RSS housing land supply targets form the basis of the 5 year land supply target, which has fully informed the LPAs conclusion that there is not a need to release the appeal site for residential development now.
276. The publication of the NPPF on 27th March resulted in the cancellation of PPG2 however the NPPF takes forward the principle of safeguarded land established within PPG2. The NPPF does not list the Planning System General Principles as a cancelled document as such the current position is that advice contained within this document still applies.
277. The message from the DCLG has been that now the NPPF has been published it is up to councils to define its meaning. Greg Clark said that the NPPF is a "*framework for local decision-taking*"

and it is for councils to make judgments on its interpretation. Additionally chief planner Steve Quartermain described the framework as a “*control shift*” to local authorities. It is understood that the government helpline set up to advise local authorities on the NPPF is not intended to help them interpret the meaning of the policies contained in the document. Steve Quartermain said: “*The advice is not geared at telling you: ‘This is what the policy means.’*” Putting the onus on Local Authorities at a local level to interpret and implement the guidance contained within the NPPF at a local level.

278. In terms of Localism the Government’s clear direction of travel is that decisions should be made at local level so supports the Council’s LDF process so it is considered it carries significant weight in favour of refusing the application.
279. Whilst the application proposals may not be substantial on an individual basis, any substantial release on the safeguarded sites within the Borough will prejudice the production of the Site Allocations DPD in respect of scale, location and phasing of new development, will undermine the growth ambitions and objectives of the Core Strategy, will prejudice the development of the identified Key Service Centres, such as Chorley Town, and will undermine the Council’s objectives in respect of developed previously developed sites.
280. The Council already has a deliverable five-year supply and if these areas of safeguarded land were released now a significant proportion of future housing growth is likely to be delivered in the early years of the plan period. There is also no mechanism in place to decide which, if any of these should come forward first and why.
281. It is considered that the material considerations in respect of the application proposals are:
- The presence of a five year supply,
 - The fact that this site is a greenfield site
 - The position in relation to the LDF including:
 - The growth ambitions and objectives of the Core Strategy
 - The undetermined position in respect of the Site Allocations in respect of distribution of housing within the ULSCs and across the Borough as a whole, the phasing of development within the ULSCs and the density of development on sites
 - The impact on infrastructure provision if this site is released now
 - The cumulative harm that will arise if a precedent is set
 - The lack of a comprehensive Masterplanning approach for the whole site
282. The Local Plan Review has a number of housing objectives. Of most relevance to this application is the objective relating to meeting the housing requirements of the whole community in both rural and urban areas including those in need of affordable and special needs housing and the to promote attractive, high quality housing developments where people can move safely on foot or bicycle, and which have safe access to sufficient areas of play space and amenity.
283. The emerging Core Strategy sets out the Strategic Objectives for Central Lancashire. Of particular relevance to this application are Objectives SO2, SO5 and SO8 which are:
- Objective SO2: “To ensure there is sufficient and appropriate infrastructure to meet future needs, funded where necessary by developer contributions.”
 - Objective SO5: “To make available and maintain within Central Lancashire a ready supply of residential development land over the plan period, so as to help deliver sufficient new housing of appropriate types to meet future requirements. This should also be based on infrastructure provision, as well as ensuring that delivery does not compromise existing communities”.
 - Objective SO8: “To significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas”.
284. Clayton le Woods is identified as a location for some growth within the Core Strategy, which is at an advanced stage, to assist in meeting the above objectives. It is acknowledged that there is support in the emerging Local Development Framework for some growth in Clayton le Woods,

however at both Borough and settlement level there are still choices to be made over amount, timing and specific location of that development.

285. Additionally Objective SO2 seeks to ensure there is sufficient appropriate infrastructure to meet future needs, funded where necessary by developer contributions. Policy 2 refers to the application of a levy/tariff based on standard charges as appropriate, noting that "This will ensure that all such development makes an appropriate and reasonable contribution to the costs of provision after taking account of economic/viability considerations." The policy also notes that LPAs "will set the broad priorities on the provision of infrastructure, which will be linked directly to the commencement and phasing of developments. This will ensure that enabling infrastructure is delivered in line with future growth, although some monies will be specifically collected and spent on the provision of more localised infrastructure." Given the fact that even small developments create a need for new services, then it is considered that to release this site now would undermine the spatial vision and objectives for the core strategy, particularly in this case in relation to infrastructure and tackling climate change. If the site were to be approved now, it would further set a precedent for other safeguarded sites, which in turn would not contribute to CIL, and so cumulatively, further harm to the overall spatial vision and objectives of the core strategy could occur.
286. There has been no determination yet in respect of which sites will be allocated for housing, when this housing would be brought forward or whether there will be an even distribution of housing delivery across the 6 identified Urban Service Centres. Prior to this determination any release of suggested sites has the potential to prejudice the plan-making process.
287. It is considered that there is no justification to release this site for housing now particularly taking into account the other potential housing land options in the Borough.
288. On site delivery would not be delivered until 2014/2015 and as such this site can be fully assessed as part of the plan-making process.
289. The best way of meeting the Local Plan Review objective of meeting the housing requirements of the whole community and the emerging Core Strategy objective of making available a ready supply of residential land is through the Development Plan process, in this case via the emerging Site Allocations and Development Management Policies DPD. This process gives supporters and objectors to all proposed housing allocations the opportunity to debate and determine future housing sites in the Borough. Whilst these application proposals would provide housing on this particular site in Clayton le Woods, granting permission now would prejudice decisions that ought properly be taken as part of the LDF process and undermine these objectives.
290. The NPPF includes a 12-month grace period that councils have to bring plans into line with national policy. In this case the Development Plan is not absent or silent, the relevant housing policies are not out of date as the Council has a 5 year housing land supply. The thrust of the NPPF and Planning for Growth was to significantly boost the supply of housing not just in the abstract but by using an evidence base to identify key sites. In respect of the NPPF in the presence of a 5 year land supply there is no strong support for release of this site.
291. Given the stage reached in the preparation of the Core Strategy it is considered that there is an obvious disadvantage in planning terms to the release of this site now. The emerging Core Strategy does not identify:
- The appropriate scale of development at Clayton le Woods;
 - The appropriate scale of development in the other ULSCs in Chorley;
 - The appropriate scale of development elsewhere in Chorley Borough;
 - the appropriate spatial distribution of new development sites across the ULSCs, the Rural Local Service Centres (RLSCs) and thereby the whole borough.
292. Whilst the Core Strategy does give some support to the development of this site greater weight should be afforded to the Development Plan. If outline planning permission was granted now expected on site delivery would be 2014/2015 by which time the Core Strategy and Site

Allocations DPD will have been adopted and as such the submission of a full application following adoption of these documents would not result in any unnecessary delay to the applicant.

293. It has been established that the principle of the development is considered unacceptable in relation to current and emerging policy weighed against other material considerations. The site is shown in the proposed Site Applications Preferred Options Paper as a part of a wider proposed allocation known as Land to east of Wigan Road (A49) HS1.35 for both housing and employment uses. Policy HS1 also states that the Council will require a Masterplan or development brief. The release of this section of this wider allocation would undermine a comprehensive approach to this site.
294. It is considered that the best (and only) mechanism to resolve the appropriate scale and spatial distribution of development is through a polycentric consideration of sites through the Core Strategy and Site Allocations process.

Other Matters

Public Consultation

295. In accordance with the Council's Statement of Community Involvement the applicants, Redrow Homes, held a consultation event at Lancaster Lane CP School on Thursday 24 November between the hours of 4.30pm and 8.00pm. The notification of this event included leaflets distributed to neighbours, deposited at the local shops and at the Hayrick public house and sent to Clayton-le-Woods Parish Council. Electronic versions of the leaflet were emailed to Ward Councillors and Planning Committee members.
296. A public notice was published in the Chorley & Leyland Guardian on the 16 November and a separate press release appeared in 'The Citizen' (free newspaper) on the 23 November.
297. Approximately 50 people attended the event and 7 comment sheets were completed on the evening. A further 10 forms/letters/emails were received after the event (17 in total).
298. Only one response received supported the scheme the remainder raised the following concerns (including Redrow's response):
299. Illustrative plan may not represent the final scheme: The masterplan is purely illustrative at this stage and all detailed design matters, except access, are reserved for subsequent approval. However, the illustrative plan does give a firm idea as to how the land might be developed and the Design & Access statement accompanying the outline application sets out key development principles which will be taken forward into the detailed scheme.
300. No provision for affordable housing should be made: This is to be the subject of further negotiation, but the Council's adopted Local Plan policy does require a 20% affordable housing provision.
301. Concern about loss of greenfield or Green Belt land: The Central Lancashire Core Strategy identifies Clayton-le-Woods for some housing growth and there are no brownfield sites capable of accommodating that growth. The land is not within the Green Belt.
302. Concern about more traffic using Shady Lane: No vehicular access is proposed onto Shady Lane.
303. Concern about another access onto Wigan Road: The emerging Site Allocations DPD allocates the wider area for mixed use, including an additional 300 homes (600 in total), plus 20 hectares of employment land. Redrow consider that a development of 600 homes does require at least two accesses and the employment land should have a discrete access.
304. Concern about industrial development on adjoining land - the existing Cuerden Strategic Site is more appropriate: This will be determined through the emerging Site Allocations DPD.
305. Development should include affordable housing: The illustrative scheme does include a proportion of smaller family homes which could provide on-site affordable housing.

306. Development here will not bring any jobs and services to local people: Evidence has shown that one new job is created for every dwelling which is constructed, plus up to 4 jobs in the supply chain. For example, a development of 160 homes will generate new expenditure in the area of £2.1m to support town centre shops and services.
307. Part of future employment land is the subject of a current application for an extension to the Cuerden Residential Park
308. Lack of landscape buffers to Cuerden Residential Park: This can be addressed through future planning applications in respect of that land.
309. Concern about increased traffic on Wigan Road and Lancaster Lane: Clearly the development will generate additional traffic movements and this is addressed in greater detail in the submitted Transport Assessment (TA). The TA concludes that a development of 160 dwellings will not result in any significant impact on the adjoining highway network.
310. All landowners/developers should work together to produce a comprehensive scheme: Redrow's proposal is set within the context of a comprehensive masterplan for the wider area and will deliver infrastructure to serve the wider area (i.e. bus route through the site).
311. Too many houses already for sale in the area, including at Buckshaw Village. Existing housing will be devalued: The housing target for Chorley is for 417 additional dwellings per annum (2010-2026) and there is a strong demand for family housing in Clayton-le- Woods. The devaluation of existing housing is highly unlikely and not a legitimate planning consideration.
312. Concern about loss of wildlife habitats: An ecological appraisal of the site accompanies the application. It identifies the existing trees, hedgerows and pond as being the only areas of ecological value- these will be retained and enhanced.
313. Brownfield sites should be developed instead: There are no significant brownfield sites in Clayton-le-Woods capable of accommodating the anticipated level of housing growth.

Planning History

Adjacent Site:

10/00414/OUTMAJ- Outline application for residential development of up to 300 dwellings (comprising 2, 2.5, & 3 storeys) with details of access and highway works and indicative proposals for open space, landscape and associated works. Allowed on appeal July 2011

Recommendation: Refuse Outline Planning Permission Reasons

1. With reference to:

- **Planning System General Principles;**
- **The National Planning Policy Framework**
- **The Development plan, including policy DC3 of the Chorley Local Plan Review;**
- **Central Lancashire Core Strategy;**
- **Chorley Site Allocations & Development Management (SADM) DPD (preferred option)**
- **Other material considerations as detailed within the report to the Development Control Committee;**

The Central Lancashire Core Strategy identifies some growth across six Urban Local Service Centres, and is currently at examination stage. The Chorley SADM DPD identifies sites that could accommodate a level of growth, together with a phasing policy and is at preferred options stage. The level of growth and the sites to be allocated to support that growth are matters to be determined by the SADM DPD, and there are representations on

this site in favour and against, and representations about other sites that may also have the potential to support a level of growth.

The Council has a five year housing supply, and there is no need to favourably consider this application. This application is one of a number of applications on Safeguarded Land that if approved, would set a precedent, and the cumulative effect would be so significant that granting permission would individually and cumulatively undermine the spatial vision, aims, and objectives of existing and proposed plans that are and will form the Development Plan.

Due to the current supply within Clayton-le-Woods and the Borough, there is not an urgent need to increase growth and there are a significant number of sites that could deliver the level of growth that will be determined by the SADM DPD process. This site has been assessed as having a sustainability score of B, that when compared to the existing, proposed and potential sites within Clayton le Woods is not any more sustainable than the other options and there is not a more urgent case to deliver growth over the Central Lancashire Core Strategy area. This site and this location does not represent an urgently needed solution or the most sustainable location to deliver growth, the level of which has not been determined.

Delivery of sustainable development includes not only site specific criteria, but also wider benefits to support the required infrastructure to support the spatial vision, aims and objectives of the plan and to achieve sustainable development. The infrastructure delivery schedules within Chorley and Central Lancashire detail infrastructure projects that arise in order to meet the overall spatial vision, aims and objectives of the Core Strategy and so achieve sustainable development.

Item 4d	12/00269/REMMAJ
Case Officer	Mrs Nicola Hopkins
Ward	Chorley South East
Proposal	Section 73 application to vary conditions 1 and 4 (approved plans) and 9 (finished floor levels), in respect of plots 58-68 and plot 75, attached to planning approval 11/01019/REMMAJ
Location	Duxbury Park Myles Standish Way Chorley Lancashire
Applicant	Arley Homes
Consultation expiry:	7 June 2012
Application expiry:	2 July 2012

Proposal

1. This application is a Section 73 application to vary several of the conditions attached to the reserved matters approval for the residential parcel of land at the former Vertex training site, Myles Standish Way, which is being developed by Arley Homes. This application relates to plots 58-68 and plot 75 of the approved scheme.
2. Outline planning permission was originally granted to United Utilities in December 2008 to construct upto 200 dwellings and 10,800 square metres of B1 office space on the site. This outline approval was subsequently amended by virtue of a S73 application in January 2011 and Arley Homes were granted reserved matters approval for the erection of 135 dwellings on the residential part of the site in February 2011.
3. Since the original grant of reserved matters approval there have been 2 subsequent Section 73 applications to vary several of the planning conditions. This additional S73 seeks to further vary 3 of the conditions attached to the previous S73 application (ref: 11/01019/REMMAJ).

Recommendation

4. It is recommended that this application is granted conditional planning approval subject to the associated Section 106 Agreement

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Condition 1
 - Condition 4
 - Condition 9
 - Other issues raised

Representations

6. 23 letters of objection have been received raising the following points:
 - Where not told that the land levels would rise
 - The builders want to build 2.5 storey dwellings
 - These houses have already had a detrimental effect on the local environment.
 - They are overcrowded and have completely changed the nature of the community, from a peaceful neighbourhood to a housing estate.
 - The houses remove privacy and block out the light.

- They are too close and too high.
 - Taking into account the different heights, it is imperative that these houses are not built any larger as they are not in keeping with the area.
 - There is a 2 metre height difference between our house and the new ones that will be built behind us.
 - Was not aware what FFL meant. At no stage in meetings with Arley Homes was this explained.
 - Concerns about the proposed boundary treatment- want boundary hedge to be retained
 - House too close
 - unable to access plans
 - levels too high
 - scale of houses too big
 - now they want to pile on ground next to me because they have infilled so much
7. 1 letter of support has been received raising the following points:
- The proposals remain in-keeping with that originally submitted to Chorley Borough Council
 - The total house number remains significantly below that originally granted for in the Open Planning Permission.
 - Arley Homes were the only builders to propose a stepped site - offering more privacy to adjacent properties.
 - In addition, it had always been the intention of Chorley Borough Council to develop this site and the majority of the Duxbury Estate which it acquired on 6th May 1932.
 - The Council had a General Development Plan drawn up in 1935 for the Duxbury Estate - which indicates that this site was proposed for roads and house-building.
 - Any nearby residents or property owners - would have had knowledge of such Development Plans or intentions had appropriate enquiries been made.

Consultations

8. **Lancashire County Council (Highways)** has no objection

Assessment

Principle of the development

9. The principle of redeveloping the site was established by the grant of outline planning permission and the subsequent reserved matters approval. This application purely proposes amendments to the detail of the approval which is addressed below.
10. When reserved matters was originally approved for the residential development of this site (February 2011) the scheme incorporated 135 dwellings. Subsequent amendments resulted in the loss of 1 dwelling unit and this application proposes the loss of 3 further units resulting in the erection of 131 dwellings on the site. The site area is approximately 3.8 hectares which equates to 34 dwellings per hectare.

Condition 1

11. Condition 1 of the S73 reserved matters approval stated:

The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.

Reason: To define the permission and in the interests of the proper development of the site.

12. As set out below Arley Homes are suggesting some amendments to the approved scheme and as such the development will not be carried out in accordance with the approved plans as specified on the reserved matters approval, in the event that this S73 application is approved. If this application is approved an identical condition will be attached to the decision notice and condition 4, see below, will be amended to reflect the amendments approved.

Condition 4

13. Condition 4 of the S73 reserved matters approval stated:

The approved plans are:

Plan Ref.	Received On:	Title:
502-102 Rev Y	21 November 2011	Planning Layout
502	24 November 2010	Proposed Drainage Connections
1237-903 Rev L	9 August 2011	General Arrangements (Sheet 1 of 3)
1237-903 Rev L	9 August 2011	General Arrangements (Sheet 2 of 3)
1237-903 Rev L	9 August 2011	General Arrangements (Sheet 3 of 3)
115	25 November 2010	Footpath Diversion Plan
P.130.10.01	22 October 2010	Existing Site and Tree Survey
P.130.10.02 Rev B	22 October 2010	Tree Protection Arrangements
6010/01 Rev A	22 October 2010	Topographical Survey
502-103 Rev E	14 July 2011	Street Scenes
502-101	21 November 2011	Location Plan
502-111 Rev C	6 July 2011	Site Section Sheet 2
ASPUL-2/101 Rev B	6 July 2011	Aspull
EUXTON-3/101 Rev B	6 July 2011	Euxton
OXFORD-3/102 Rev C	6 July 2011	Oxford (Tile hanging details)
H119-4/101 Rev C	6 July 2011	Prestbury
ALDGATE A-3FL/101	6 July 2011	Aldgate A
ALDGATE A-3RL/101	6 July 2011	Aldgate A
LANGLEY-4FL/101	6 July 2011	Langley C
LANGLEY-4RL/101	6 July 2011	Langley C
LANGLEY-4FL/102	6 July 2011	Langley C
LANGLEY-4RL/102	6 July 2011	Langley C
THORNBURY-4/101 Rev B	6 July 2011	Thornbury
SOMERTON-4/101 Rev B	6 July 2011	Somerton
APPLETON-4S/102 Rev B	6 July 2011	Appleton (side entry garage)
APPLETON-4F/101 Rev C	6 July 2011	Appleton (front entry garage)
GRANTHAM-5FA/101 Rev C	6 July 2011	Grantham (front aspect)
GRANTHAM- 5FA/102 Rev B	6 July 2011	Grantham (front aspect)
GRANTHAM-5SA/103 Rev C	6 July 2011	Grantham (front aspect)
GRANTHAM-5SA/101 Rev B	6 July 2011	Grantham (side aspect)
NEWBURY-5/101 Rev C	6 July 2011	Newbury (Tudor gable)
NEWBURY-5/102 Rev C	6 July 2011	Newbury (Tile hanging detail)
WAVERTON-5/101 Rev B	6 July 2011	Waverton (Tudor gable)
WAVERTON-5/102 Rev B	6 July 2011	Waverton
PORTLAND-5/101 Rev C	6 July 2011	Portland (Tudor gable)
HARBURY-5/101 Rev C	6 July 2011	Harbury (Tudor details)
SGL/DETAIL/101 Rev A	19 January 2011	Single Garage
DGL/DETAIL/101 Rev A	19 January 2011	Double Garage
D-SGL/DETAIL/101 Rev A	19 January 2011	Double & Single Garage
SD-??	22 October 2010	1800 High Closeboard Fence with 300mm Trellis
SD-??	22 October 2010	1800 High Closeboard Fence
SD-15-W01	22 October 2010	1800 High Brick Wall with Tile Crease
1237.904	1 February 2011	Vegetated Linear Features.
Ashbourne-4/101 Rev B	6 July 2011	Ashbourne
Ashbourne-4/102 Rev B	6 July 2011	Ashbourne
Richmond-4/101 Rev A	6 July 2011	Richmond
Hale-4/101 Rev A	6 July 2011	Hale
502-122 Rev B	6 July 2011	Site Sections Location Plan
502-110 Rev E	6 July 2011	Site Sections Sheet 1
502-111 Rev C	6 July 2011	Site Sections Sheet 2
502-112 Rev D	6 July 2011	Site Sections Sheet 3
502-113 Rev C	6 July 2011	Site Sections Sheet 4
502-114 Rev C	6 July 2011	Site Sections Sheet 5
502-115 Rev B	6 July 2011	Site Sections Sheet 6
502-116 Rev C	6 July 2011	Site Sections Sheet 7
H119-4/102 Rev A	6 July 2011	Prestbury (Tile Hanging)

Portland-S/102 Rev A	6 July 2011	Portland
Harbury-S/103 Rev A	6 July 2011	Harbury (Tile Hanging)
Grantham+-5/FA101	6 July 2011	Grantham +
Grantham+-5/FA102	6 July 2011	Grantham +
Grantham+-5/FA103	6 July 2011	Grantham +
CAMBRIDGE-3/101	6 July 2011	Cambridge
DURHAM-4/101	6 July 2011	DURHAM
MML01	22 July 2011	Master Materials Layout
02/03 Rev H	9 August 2011	Adoptable Drainage Layout
02-04/01 Rev F	9 August 2011	Longitudinal Sections Sheet 1 of 5
02-04/02 Rev G	9 August 2011	Longitudinal Sections Sheet 2 of 5
02-04/03 Rev E	9 August 2011	Longitudinal Sections Sheet 3 of 5
02-04/04 Rev C	9 August 2011	Longitudinal Sections Sheet 4 of 5
02-04/05 Rev F	9 August 2011	Longitudinal Sections Sheet 5 of 5

Reason: To define the permission and in the interests of the proper development of the site.

14. Arley Homes have applied to vary this condition as they are proposing changes to the layout, house types, streetscenes and other general amendments. The proposed amendments to the layout are as follows:
- Replacing 11 dwellinghouses (originally approved plots 58-68) with 8 detached dwellinghouses (proposed plots 58-65) which results in a reduction of 3 dwellings on the site. The changes propose:
 - Replacing 1 detached three bedroom Cambridge 2 storey house type (plot 58) , 2 semi-detached three bedroom Aldgate A 2.5 storey house types (plots 59 and 66), 6 semi-detached four bedroom Langley C 3 storey house types (plots 60-65), 1 detached five bedroom Newbury 2.5 storey house type (plot 67) and 1 detached five bedroom Waverton 2 storey house type (plot 68) with:
 - 4 detached five bedroom Newbury 2.5 storey house types (plots 58, 60, 62 and 64), 2 detached four bedroom Prestbury 2 storey house types (plots 59 and 63), 1 detached five bedroom Harbury 2.5 storey house type (plot 61) and 1 detached five bedroom Waverton 2 storey house type (plot 65)
 - Substituting and resiting the approved detached four bedroom Hale 2 storey house type (approved plot 69) with a detached four bedroom Prestbury 2 storey house type (proposed plot 66).
 - Resiting the approved four bedroom Ashbourne 2 storey house type on approved plot 70 (now proposed plot 67)
 - Resiting the approved four bedroom Ashbourne 2 storey house type and garage on approved plot 71 (now proposed plot 68)
 - Resiting the approved four bedroom Appleton 2 storey house type on plot 75 1 metre further into the site.
15. The originally submitted proposals incorporated 2.5 storey dwellinghouses along the common boundary with Carr Lane however the applicant was advised that this would not be considered acceptable (at outline stage the principle of a maximum 2 storey dwellings was established along this boundary due to the relationship with the existing properties). The plans were subsequently amended and the proposed properties within this part of the site are now 2 storey as set out above.

Condition 9

16. Condition 9 of the S73 reserved matters approval stated:

The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.

Reason: To protect the appearance of the locality and 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.

17. The developers, Arley Homes, have assessed the land levels in this part of the site, as set out above a number of concerns have been raised in respect of the finished floor levels (FFL) of the approved dwellings. The proposed changes are as follows:
- Plot 58- approved FFL 88.70 proposed FFL 88.50 **REDUCTION OF 0.2**
 - Plot 59- approved FFL 87.65 proposed FFL 87.60 **REDUCTION OF 0.05**
 - Plot 60- approved FFL 86.50 proposed FFL 86.80 **INCREASE OF 0.3**
 - Plot 61- approved FFL 85.30 proposed FFL 85.40 **REDUCTION OF 0.1**
 - Plot 62- approved FFL 84.30 proposed FFL 84.70 **INCREASE OF 0.4**
 - Plot 63- approved FFL 84.30 proposed FFL 83.90 **REDUCTION OF 0.4**
 - Plot 64- approved FFL 83.45 proposed FFL 83.30 **REDUCTION OF 0.15**
 - Plot 65- approved FFL 82.55 proposed FFL 82.18 **REDUCTION OF 0.37**
 - Plot 65 garage. Approved FFL 82.10 proposed FFL 81.45 **REDUCTION OF 0.65**
 - Plot 66- approved FFL 81.85 proposed FFL 81.60 **REDUCTION OF 0.15**
 - Plot 67- approved FFL 81.50 proposed FFL 80.95 **REDUCTION OF 0.55**
 - Plot 68- approved FFL 80.90 proposed FFL 80.20 **REDUCTION OF 0.7**
 - Plot 68 garage. Approved FFL 80.50 proposed FFL 80.00 **REDUCTION OF 0.5**
18. The properties on plots 64-68 have common boundaries with the existing properties on Carr Lane and Little Carr Lane. The relationship between the proposed properties and the existing properties was assessed as part of the original reserved matters application as this is considered to be the most sensitive, in respect of the relationship between existing and proposed properties, part of the site. As set out above all of the proposed properties which have a common boundary with an existing property have been lowered in respect of their finished floor level. The relationship of each of these plots is addressed below.
19. Plot 64 is a 2.5 storey detached dwellinghouse which borders onto the rear garden boundary with 90 Carr Lane. At the closest point plot 64 is 18.5 metres from the common boundary. The standard spacing distance that the Council requires in respect of garden lengths, to ensure overlooking does not occur, is 10 metres which this distance exceeds however the proposed property is 2.5 storey and the additional garden length ensures that the rear dormer window does not lead to overlooking. There is no direct interface issues between the existing and proposed property due to the orientation of the proposed property.
20. Plot 65 is a 2 storey dwellinghouse which borders with 90 and 92 Carr Lane. There are two first floor rear bedroom windows within this property which are located 5 metres from the common boundary with 92 Carr Lane (bedroom 2) and 14 metres from the common boundary with 90 Carr Lane (bedroom 4). The relationship between the first floor bedroom window and the garden with 90 Carr Lane exceeds the minimum required 10 metres however the window to bedroom 2 is close to the boundary with 92 Carr Lane. In this part of the site however and due to the orientation of the properties this window faces only a small part of the immediate rear of the garden area ensuring that the main part of the private garden area is not overlooked. The relationship of the proposed property and the existing property reflects the previously approved layout for this part of the site although the proposed properties finished floor level has been lowered by 0.4 metres which will represent a better relationship on site.
21. Plot 66 is a 2 storey detached dwellinghouse which borders with 94 Carr Lane. 94 Carr Lane has a FFL of 81.73 which is higher than the proposed property on plot 66 (81.60). The originally proposed property on this plot incorporated 2 first floor rear bedroom windows. The window serving bedroom 3 is 13.5 metres and the window serving bedroom 4 was 7 metres from the common boundary with 94 Carr Lane. Due to the level difference between these two properties there is no requirement for additional spacing over and above the standard distances however the window to bedroom 4 was too close to the boundary with 94 Carr Lane. As such the Prestbury house type on this plot has been amended relocating the window serving bedroom 4 to the side elevation to ensure that there is no overlooking to the detriment of the residents amenities at 94 Carr Lane.
22. Plot 67 is a 2 storey detached dwellinghouse which borders with both 94 and 96 Carr Lane. 94 Carr Lane has a FFL of 81.73 which is higher than the proposed property on plot 67

(80.95). The proposed property incorporates 2 first floor rear bedroom windows. The window serving bedroom 4 is 18 metres from the common boundary with 94 Carr Lane and as such will not result in overlooking to the detriment of the neighbours amenities.

23. 96 Carr Lane has a FFL of 78.97 which is 1.98 metres lower than the proposed property on plot 67 (80.95). The proposed property incorporates 2 first floor rear bedroom windows. The window serving bedroom 3 is 25 metres from the common boundary with 94 Carr Lane. Due to the level difference an additional 6 metres is required over and above the Council's spacing distances (in this case a 16m long garden) which is achieved and exceeded in this part of the site. As such the proposed dwelling will not adversely impact on the neighbours amenities through overlooking.
24. Plot 68 is a 2 storey detached dwellinghouse which borders with both 96 and 98 Carr Lane. 96 Carr Lane has a FFL of 78.97 which is 1.23 metres lower than the proposed property on plot 67 (80.20). The proposed property incorporates 2 first floor rear bedroom windows. The window serving bedroom 4 is 23 metres from the common boundary and the window serving bedroom 3 is 19 metres from the common boundary with 96 Carr Lane. Due to the level difference an additional 3 metres is required over and above the Council's spacing distances (in this case a 13m long garden) which is achieved and exceeded in this part of the site. As such the proposed dwelling will not adversely impact on the neighbours amenities through overlooking.
25. The garage associated with plot 68 is located close to the boundary with 98 Carr Lane. 98 Carr Lane has a FFL of 79.42 which is 0.58 metres lower than the proposed garage (80.00). The garage will be sited over 15 metres from the rear of 98 Carr Lane and as such it is not considered that a single storey garage in this location will adversely impact on the neighbours amenities.
26. The proposed finished floor level of the property on plot 75 was originally proposed to be 15cm higher than the approved property on this plot however the plans have been amended reverting back to the approved FFL of 78.75. The property on plot 75 has been relocated further into the site resulting in a separation distance of 16.5 metres (originally 15.5 metres) between the dwelling and the common boundary of Little Carr Lane and a separation distance of 27 metres (originally 26 metres) between the dwelling and the main rear elevation of 8 Little Carr Lane.
27. 8 Little Carr Lane has a FFL of 77.63 which results in the property on plot 75 being 1.12 metres higher than 8 Little Carr Lane. This change in land levels requires a 3 metre increase in the Council's standard spacing distances (i.e. 13 metre long garden and 24 metres rear to rear distance). The garden distance is achieved and exceeded as is the rear to rear distance in respect of the main, original, rear elevation of 8 Little Carr Lane.
28. Planning permission was granted for a 2 storey rear extension at 8 Little Carr Lane in May 2005 (05/00304/FUL) which incorporates a first floor bedroom window 3.8 metres closer to the boundary than the original dwelling. The rear to rear distance between the property proposed on plot 75 and this rear window is approximately 23 metres whereas due to the level change 24 metres is required. However the approved dwelling on this site is 1 metre closer to the common boundary with 8 Little Carr Lane and it is considered that the proposed plans, which sites the dwelling further away from the boundary, creates a better relationship, in respect of the neighbours amenities, than the approved scheme in this part of the site.

Other issues raised

29. Concerns have been raised about the levels that some of the dwellings have been permitted to be built at. The plots subject to this application are addressed above in respect of their finished floor levels however this application does not relate to plots 72-74 or 91 (which border the existing properties on Little Carr Lane) and as such the finished floor levels of these properties are as per the original approval.
30. Concerns have been raised in respect of the lack of appropriate boundary treatments along the rear boundaries of the approved properties. The approved boundary treatment

incorporates a 1.8 metre high fence with 300mm trellis on top (2.1 metres high in total) with native hedge planting adjacent to the fence within the application site.

Section 106 Agreement

31. As the approval of this application results in the issuing of a new planning approval a short supplemental S106 Agreement is required tying this application into the original obligations.

Overall Conclusion

32. The proposed amendments set out above will improve the relationship of the proposed properties with the existing properties and as such it is recommended that the conditions are varied to accommodate the proposed amendments.

Planning Policies

National Planning Policies:

National Planning Policy Framework

North West Regional Spatial Strategy:

Policies DP1, DP4, DP7, RDF1, L4, L5, RT9, EM1, EM5, EM15, EM16, EM17

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, EP4, EP9, EP17, EP18, HS4, HS5, HS6, HS21, EM1, EM2, TR1, TR4, TR18

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

Joint Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 5: Housing Density

Policy 7: Affordable Housing

Policy 17: Design of New Buildings

Policy 22: Biodiversity and Geodiversity

Policy 26: Crime and Community Safety

Policy 27: Sustainable Resources and New Developments

Policy 28: Renewable and Low Carbon Energy Schemes

Policy 29: Water Management

Policy 30: Air Quality

Sites for Chorley- Issues and Options Discussion Paper December 2010

CH0174 Chorley Training and Conference Centre, Little Carr Lane

Planning History

06/00850/CB3- Creation of an access junction off the proposed Eaves Green Link Road (site area 0.31ha). Approved November 2006

08/01044/OUTMAJ- Outline application for the erection of a mixed use development incorporating residential and B1 employment use following the demolition of the existing buildings (7.2 hectares). Approved December 2008

10/00004/DIS- Application to discharge condition 29 of planning approval 08/01044/OUTMAJ. Discharged January 2010

10/00240/DIS- Application to discharge condition 14 of planning approval 08/01044/OUTMAJ. Discharged April 2010

10/00888/FULMAJ- Application to vary conditions 11, 12 (ground remediation), 19 (surface water attenuation) and 21 (archaeology) of outline planning permission ref: 08/01044/OUTMAJ to enable the site to be developed in phases. Approved 11th January 2011

10/00946/REMAJ- Reserved Matters application, pursuant to Section 73 planning permission 10/00888/OUTMAJ, proposing full details for the siting, layout, appearance and landscaping for a residential development comprising 135 dwellings at Duxbury Park, Myles Standish Way, Chorley. Approved February 2011

11/00190/DIS- Application to discharge conditions 6, 8, 9, 12, 13, 14, 19, 21, 22, 24, 26, 27, 28, 29, & 30 attached to planning approval 10/00946/REMAJ. Discharged May 2011

11/00263/FUL- Construction of a temporary junction and access road for use during the construction period. Approved May 2011

11/00453/REMAJ- Section 73 application to vary conditions 1 (approved plans), 4 (approved plans), 10 (finished floor levels in respect of plots 6-8, 80-89 and 126-134), 26 (carbon emissions) and 27 (code for sustainable homes) attached to planning approval 10/00946/REMAJ. Approved August 2011

11/00947/DIS- Application to discharge conditions 5, 10 and 18 attached to planning approval 11/00453/REMAJ. Discharged January 2012

11/01019/REMAJ- Section 73 application to vary conditions 1 and 4 (approved plans) and 25 and 27 (plot references) attached to planning approval 11/00453/REMAJ. Approved April 2012

**Recommendation: Permit (Subject to Legal Agreement)
Conditions**

1. The proposed development must be begun not later than two years from the date of planning approval reference 10/00946/REMAJ (9th February 2011) or not later than six years from the date of the outline planning permission (reference 08/01044/OUTMAJ) *Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. All windows in the first floor of the rear elevation on plots 77 and 78 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. *Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5, HS4 and HS9 of the Adopted Chorley Borough Local Plan Review.*
3. The approved plans are:

Plan Ref.	Received On:	Title:
502-105 Rev B	22 May 2012	Planning Layout
502	24 November 2010	Proposed Drainage Connections
1237-903 Rev L	9 August 2011	General Arrangements (Sheet 1 of 3)
1237-903 Rev L	9 August 2011	General Arrangements (Sheet 2 of 3)
115	25 November 2010	Footpath Diversion Plan
P.130.10.01	22 October 2010	Existing Site and Tree Survey

P.130.10.02 Rev B	22 October 2010	Tree Protection Arrangements
6010/01 Rev A	22 October 2010	Topographical Survey
502-103 Rev E	14 July 2011	Street Scenes
502-101	21 November 2011	Location Plan
502-111 Rev C	6 July 2011	Site Section Sheet 2
ASPUL-2/101 Rev B	6 July 2011	Aspull
EUXTON-3/101 Rev B	6 July 2011	Euxton
OXFORD-3/102 Rev C	6 July 2011	Oxford (Tile hanging details)
H119-4/101 Rev C	6 July 2011	Prestbury
ALDGATE A-3FL/101	6 July 2011	Aldgate A
ALDGATE A-3RL/101 Rev B	16 May 2012	Aldgate A (plots 48, 51 and 59)
LANGLEY-4FL/101	6 July 2011	Langley C
LANGLEY-4RL/101 Rev B	16 May 2012	Langley C (Plots 49 and 50)
LANGLEY-4FL/102	6 July 2011	Langley C
LANGLEY-4RL/102	6 July 2011	Langley C
THORNBURY-4/101 Rev B	6 July 2011	Thornbury
SOMERTON-4/101 Rev B	6 July 2011	Somerton
APPLETON-4S/102 Rev B	6 July 2011	Appleton (side entry garage)
APPLETON-4F/101 Rev C	6 July 2011	Appleton (front entry garage)
GRANTHAM-5FA/101 Rev E	16 May 2012	Grantham (front aspect) (Plots 13, 39, 41 and 76)
GRANTHAM- 5FA/102 Rev B	6 July 2011	Grantham (front aspect)
GRANTHAM-5SA/103 Rev C	6 July 2011	Grantham (front aspect)
GRANTHAM-5SA/101 Rev B	6 July 2011	Grantham (side aspect)
NEWBURY-5/101 Rev C	6 July 2011	Newbury (Tudor gable)
NEWBURY-5/102 Rev E	16 May 2012	Newbury (Tile hanging detail) (Plots 6, 60, 64, 93, 100, 129 and 131)
NEWBURY-5/103	16 May 2012	Newbury B (Tudor detail) (plots 58 and 62)
WAVERTON-5/101 Rev B	6 July 2011	Waverton (Tudor gable)
WAVERTON-5/102 Rev D	16 May 2012	Waverton (Plots 91, 65 and 126)
PORTLAND-5/101 Rev C	6 July 2011	Portland (Tudor gable)
HARBURY-5/101 Rev D	16 May 2012	Harbury (Tudor details) (Plots 61 and 128)
SGL/DETAIL/101 Rev A	19 January 2011	Single Garage
DGL/DETAIL/101 Rev A	19 January 2011	Double Garage
D-SGL/DETAIL/101 Rev A	19 January 2011	Double & Single Garage
SD-??	22 October 2010	1800 High Closeboard Fence with 300mm Trellis
SD-??	22 October 2010	1800 High Closeboard Fence
SD-15-W01	22 October 2010	1800 High Brick Wall with Tile Crease
1237.904	1 February 2011	Vegetated Linear Features.
Ashbourne-4/101 Rev C	16 May 2012	Ashbourne (plot 68)
Ashbourne-4/102 Rev C	16 May 2012	Ashbourne (plots 67 and 74)
Richmond-4/101 Rev A	6 July 2011	Richmond
Hale-4/101 Rev A	6 July 2011	Hale
502-122 Rev B	6 July 2011	Site Sections Location Plan
502-110 Rev E	6 July 2011	Site Sections Sheet 1
502-111 Rev C	6 July 2011	Site Sections Sheet 2
502-112 Rev D	6 July 2011	Site Sections Sheet 3
502-113 Rev C	6 July 2011	Site Sections Sheet 4
502-114 Rev C	6 July 2011	Site Sections Sheet 5

502-115 Rev B	6 July 2011	Site Sections Sheet 6
502-116 Rev C	6 July 2011	Site Sections Sheet 7
502-117 Rev G	16 May 2012	Street scenes
502-120	16 May 2012	Site Sections (No. 94 Carr Lane and Plot 66)
502-118.1 Rev A	16 May 2012	Site Sections Proposed
H119-4/102 Rev C	22 May 2012	Prestbury (Tile Hanging) (Plots 9, 12, 35, 55, 57, 63, and 96)
H119-4/101 Rev D and 133)	16 May 2012	Prestbury (Tudor Detail) (Plots 10, 59 and 133)
H119-4/103	22 May 2012	Prestbury (Tile Hanging) (Plot 66)
Portland-S/102 Rev A	6 July 2011	Portland
Harbury-S/103 Rev C	16 May 2012	Harbury (Tile Hanging) (Plots 7, 89, 132 and 134)
Grantham+-5/FA101	6 July 2011	Grantham +
Grantham+-5/FA102	6 July 2011	Grantham +
Grantham+-5/FA103	6 July 2011	Grantham +
CAMBRIDGE-3/101 Rev A	16 May 2012	Cambridge (Plots 15, 52 and 98)
DURHAM-4/101	6 July 2011	DURHAM
MML01 Rev F	16 May 2012	Master Materials Layout
02/03 Rev H	9 August 2011	Adoptable Drainage Layout
02-04/01 Rev F	9 August 2011	Longitudinal Sections Sheet 1 of 5
02-04/02 Rev G	9 August 2011	Longitudinal Sections Sheet 2 of 5
02-04/03 Rev E	9 August 2011	Longitudinal Sections Sheet 3 of 5
02-04/04 Rev C	9 August 2011	Longitudinal Sections Sheet 4 of 5
02-04/05 Rev F	9 August 2011	Longitudinal Sections Sheet 5 of 5
1237-906 C	20 October 2011	Entrance and Boundary Details
1237-903 M	20 October 2011	General Arrangements (Sheet 3 of 3)

Reason: To define the permission and in the interests of the proper development of the site.

4. Within one year of or within the first planting and seeding season following the completion of the access junction (whichever is the sooner) the structure planting along the access road and boundary of the site with Myles Standish Way shall be completed in accordance with approved plans (Entrance and Boundary Details ref: 1237-906 C and General Arrangements Sheet 3 of 3 ref: 1237-903 M) submitted as part of discharge of condition application 11/00947/DIS. *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.*
5. The development hereby permitted shall be carried out in accordance with the approved remedial measures (Section 7 of the updated ground investigation and risk assessment, dated 28th May 2010, Ref: CL1301-03 submitted as part of discharge of condition application 11/00190/DIS.) and in accordance with the conclusions of the Shallow Mining & Mineshaft Investigation, (dated 16th June 2010, Ref: CL1207-02-R1 submitted as part of discharge of condition application 11/00190/DIS). *Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in the National Planning Policy Framework*
6. Upon completion of the remediation works for each phase (as identified by LK Consult Limited Figure 1 Drawn August 2010) a validation report for that phase containing any validation sampling results shall be submitted to and approved in writing by the Local Planning Authority. *Reason: To protect the environment and prevent harm to human*

health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in the National Planning Policy Framework

7. The development hereby permitted shall be carried out in accordance with the approved Arboricultural Method Statement (submitted as part of discharge of condition application 11/00190/DIS) and the Ecologists suggestions (set out in the letter to Arley Home dated 17th May 2011). *Reasons: In the interests of the continued protection of the Biological Heritage Site. In accordance with Policy EP2 of the Adopted Chorley Borough Local Plan Review.*
8. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans. *Reason: To protect the appearance of the locality and 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.*
9. The access link from Little Carr Lane shall not be used for vehicular access purposes. *Reason: To ensure the acceptable development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
10. The development hereby permitted shall be completed in accordance with the approved surface water drainage scheme (Longitudinal Sections reference 02-04/01 Rev F, 02-04/02 Rev G, 02-04/03 Rev E, 02-04/04 Rev C, 02-04/05 Rev F, and the drainage layout reference 02-03 Rev H submitted 9th August 2011). *Reason: To reduce the risk of flooding at the site and in accordance with Government advice contained in the National Planning Policy Framework*
11. The development hereby permitted shall be carried out in accordance with the approved programme of archaeological work (undertaken by John Trippier Archaeological and Surveying Consultancy/Bluestone Archaeology submitted as part of discharge of condition application 11/00190/DIS). On completion of the archaeological work the final report shall be submitted to and approved in writing by the Local Planning Authority. *Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately excavated and the remains recorded and in accordance with Policy Nos. HT11 and HT12 of the Adopted Chorley Borough Local Plan Review.*
12. During the construction period, all trees to be retained shall be protected in accordance with the approved Tree Protection Arrangements Plan (reference P.130.10.02 Rev B) submitted as part of discharge of condition application 11/00190/DIS. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand. *Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*
13. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. *Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.*
14. 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 amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in the National Planning Policy Framework

15. No dwelling hereby permitted shall be occupied until the highway alterations to the site access with Myles Standish Way, to include access roads into the two employment areas located to the east and west of the access junction, as set out on plan reference B3141 P017A, dated 21st November 2008, or any other such works which have been submitted to and approved in writing by the Local Planning Authority, have been completed to the satisfaction of the Local Planning Authority. ***Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.***
16. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. ***Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.***
17. The approved Neighbourhood Consultation Document (undertaken by Arley Homes submitted as part of discharge of condition application 11/00190/DIS) shall be implemented and completed in accordance with the approved procedure. Copies of the update letters shall be sent to the Local Authority to keep a record on the file. ***Reason: To ensure that the existing residents are fully aware of the progress of the development.***
18. The external facing materials detailed on the approved plans shall be used and no others substituted without the prior written approval of the Local Planning Authority. ***Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.***
19. The development hereby permitted shall only be carried out in conformity with the approved hard ground- surfacing materials (General arrangements plan- reference 1237-903 Rev L, submitted 9th August 2011 (sheets 1-3)). ***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.***
20. All planting, seeding or turfing comprised in the approved details of landscaping (General arrangements plan- reference 1237-903 Rev L, submitted 9th August 2011 (sheets 1-3)) 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.***
21. No dwelling on plots 2, 6, 9, 10, 12, 14, 16, 31, 32, 35, 36, 37, 40, 49, 50, 53, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 74, 77, 78, 81, 82, 83, 84, 85, 86, 90, 119, 120, 121, 122, 123, 124, 129, 131 and 133 shall be occupied until a garden shed has been provided in accordance with the approved details (submitted as part of discharge of condition

application 11/00190/DIS). The garden sheds shall be retained in perpetuity thereafter. *Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets*

22. The garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995. *Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review*
23. The open market dwellings hereby approved shall be constructed in accordance with and incorporate the approved on-site low/ zero carbon technology set out in Appendix A of the Renewable Energy Options Appraisal (submitted as part of discharge of condition application 11/00190/DIS). The approved measures shall be retained in perpetuity. *Reason: To ensure the proper planning of the area. In line with Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*
24. Within 1 month of this planning approval full details of the on-site measures, in respect of the affordable dwellings hereby approved (plots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,28, 29, 102, 103, 104,105, 106, 107, 108, 109, 110, 111, 112, 113, 114 and 115), to reduce the carbon emissions of the development by 6% (related to predicted energy use using the 2006 Building Regulations as the base figure) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained in perpetuity. *Reason: To ensure the proper planning of the area. In line with Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*
25. All of the open market dwellings hereby approved shall meet Code for Sustainable Homes Level 3, in accordance with the submitted Renewable Energy Options Appraisal (submitted as part of discharge of condition application 11/00190/DIS). The approved details shall be retained in perpetuity. Please note any dwellings commenced after 1st January 2013 will be required to meet Code for Sustainable Homes Level 4. *Reason: To ensure the proper planning of the area. In line with Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*
26. Within 1 months of this planning approval full details of how all of the affordable dwellings (plots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,28, 29, 102, 103, 104,105, 106, 107, 108, 109, 110, 111, 112, 113, 114 and 115) hereby approved achieve a minimum of 21 credits in respect of Code for Sustainable Homes criteria shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include details of the following and the credits awarded to each:
 - Low energy lighting
 - All white goods fitted
 - Any external lighting
 - Fixtures and fittings designed to reduce water consumption
 - Rainwater collection butts
 - The construction specification (Green Guide rating)
 - Composting facilities
 - Details of the GWP of Insulants
 - The construction heating specification
 - The sound insulation
 - Home User Guide
 - Details of the Considerate Contractors scheme
 - Details of the ecological enhancements and protection of ecological features

- The approved details shall be retained in perpetuity. *Reason: To ensure the proper planning of the area. In line with Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*
27. The approved play area (reference 1237-905 Rev A received 21st April 2011 submitted as part of discharge of condition application 11/00190/DIS) shall be implemented and completed in accordance with the approved details prior to the occupation of the dwellinghouses on plots 30, 39-47, 101, 27-29 and 102.
Reason: To ensure adequate provision for public open space and play area within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.
28. The approved Habitat Creation, Enhancement & Management Plan (undertaken by TPM Landscape dated February 2011 submitted as part of discharge of condition application 11/00190/DIS) shall be implemented in full. *Reason: To ensure that habitat connectivity is provided throughout the site and to ensure the protection and enhancement of the Biological Heritage Site. In accordance with Policy EM1 of the North West Regional Spatial Strategy.*
29. No dwelling shall be occupied until all fences and walls shown in the approved details (reference SD-24, SD-??, SD-15-W01 and SD-?? 1800 High Closeboard Fence read in conjunction with the General arrangements plan- reference 1237-903 Rev L, submitted 9th August 2011 (sheets 1-3)).to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development. *Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings on plots 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 31, 32, 34, 35, 36, 37, 39, 40, 41, 64, 65, 66, 67, 68, 72, 73, 74, 75, 76, 80, 81, 82, 84, 85, 87, 88, 89, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128 and 129 hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

Item 4e	12/00193/OUT
Case Officer	Mrs Helen Lowe
Ward	Chorley North East
Proposal	Outline application for the erection of two detached bungalows
Location	11 Sutton Grove Chorley PR6 8UL
Applicant	Mr A E Sumner And Mrs J Stevens
Consultation expiry:	11 April 2012
Application expiry:	18 April 2012

Proposal

1. This application seeks outline planning approval for erection of two detached bungalows. The application is for the principle of development only with all matters reserved.
2. The application site forms a large garden area belonging to no. 11 Sutton Gove. The site is located at the end of a cul de sac within the Chorley settlement. The area contains a mixture of detached bungalows and two storey dwellings with materials mainly being red brick and concrete roof tiles.
3. An easement of the Thirlmere Aqueduct runs through the site. To the east of the site is a woodland area which defines the beginning of the Green Belt and is also a designated Biological Heritage Site. To the north are the rear gardens of the adjacent neighbours and to the west and south are residential properties.
4. Members may recall that an outline application for two detached dwelling and a pair of semi detached dwellings (reference 11/00764/OUT) was refused in January. The application was refused on the grounds that it did not meet the Council's Interim Policy on Private Residential Garden Development and the proposed dwellings would have a detrimental impact on the visual amenities of the Green Belt. That application is currently the subject of an appeal.

Recommendation

5. It is recommended that this application is refused.

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Ecology
 - Levels
 - Impact on the neighbours
 - Design
 - Open Space
 - Traffic and Transport
 - Thirlmere Aqueduct

Representations

7. Seven letters of objection have been received which raise the following issues:
- Impact on the aqueduct;
 - Would create traffic and parking problems;
 - Negative impact on the character of the area;
 - Proposal is garden grabbing;
 - There is no real demand for further housing in the area;
 - Would disrupt the tranquillity of the area;
 - Will result in a significant loss of habitat;
 - It does not meet any of the criteria listed as necessary for a development to be permitted in a private residential garden;
 - Changing the number and size of the proposed buildings should not alter the decision;
 - The proposed development extends over and beyond the established building line;
 - The proposal would have a detrimental impact on the established quality, character and distinctiveness of the biological heritage site;
 - It would be difficult to refuse development of adjoining gardens;
 - There is no market demand;
 - Increased risk of contamination of Manchester's drinking water supply;
 - The applicant fails to address the risk to the structural integrity of the Thirlmere aqueduct.

It should be noted that one objector has requested that their letter be reproduced in full for the Committee, however, the points are summarised above.

8. No letters of support have been received
9. No comments have been received from the Parish Council

Consultations

10. The Environment Agency - no objection
11. United Utilities – no objection subject to a number of conditions, regarding separate foul and surface water drainage, treatment and use of the easement width both during and after construction. Notice must be given to United Utilities of any works on the easement width and any alterations to ground levels or surface use of the easement width. Consent must be sought for temporary and permanent crossing of the easement.
12. Lancashire County Council (Highways) - no comments received
13. Chorley's Waste & Contaminated Land Officer - no objection, request condition on landfill gas ingress protection measures and informative for desk study report considering land contamination issues
14. Chorley's Planning Policy – The proposal does not conflict with criterion (f) of policy HS6. The proposal is in a private residential garden and as such is contrary to the Council's Interim Policy on Private Residential Garden. It also does not accord with the three criteria in proposed policy HS4 of the Preferred Option Paper.
15. Chorley's Building Control – Both new dwellings appear to be 3m away from the preferred easement and I would not expect this to present an unmanageable problem in relation to the foundation design. The position of the road/driveways/drainage and use of the easement area both during and after construction may present a problem as consent will probably be required from United Utilities. The position of the aqueduct would obviously need to be

plotted on site as it may not be in the centre of the site as shown. On the basis that this may not have been done at this stage I would suggest that some assurance be given as to the identified position of the easement. United Utilities will no doubt clarify this on their consultation. Based upon previous information I would expect foundation depths of around 3-3.5m being required. This is going to be at the limit of strip foundations but would be subject to an appropriate design by a structural engineer.

Applicants Case

16. The applicant has put forward the following in support of the proposals:
- There is ample room for two bungalows with good separation and decent garden sizes that would be in keeping with, or even greater than, sizes and separations that are typical for existing properties on Sutton Grove and the Great Knowley estate in general;
 - The proposed bungalows would not be conspicuous from the Green Belt. The new dwellings would be at a lower level than existing ones and would be seen against the background of the existing houses. They would also be screened by the large mature hedge that forms the boundary of the site and so would be scarcely be visible. The character of the Green Belt would not be changed in any noticeable way by the proposed development;
 - Very little can be seen of the Green Belt from the current end of Sutton Grove;
 - Beyond the proposed development site to the East the ground falls away steeply, blocking any further development in that direction, and to the south any further expansion is prevented by the Thirlmere Aqueduct and its well. Granting permission for this proposal would not lead to pressure for further expansion into the green belt later, because none would be possible.
 - Finally there is Chorley council's policy on development in residential gardens. The question here is how much weight should be given to this policy at present. There have been two appeal decision which found that only limited weight should be given to the policy.

Assessment

Principle of the development

17. The application site is considered to be a domestic garden belonging to no. 11 Sutton Grove. The site appears to regularly maintained and there are examples of typical garden paraphernalia, such as out buildings a play equipment on the site.
18. In accordance with the National Planning Policy Framework (NPPF) the site is considered to be previously undeveloped land (greenfield).
19. As the site is located within the settlement boundary the council's Interim Planning Policy on Private residential garden Development is relevant. The policy states that:
Within the boundaries of settlements applications for development within private residential gardens on sites not allocated in saved Local Plan Policy HS1 will only be permitted for:
- Agricultural workers dwellings/dependents where there is a proven need and where they need to be located in a specific location.
 - Appropriately design and located replacement dwellings where there is no more than one for one replacement.
 - The conversion and extension of buildings, provided they are not allocated for, currently used for, or their last use was for, employment uses and the conversion would have significant urban regeneration benefits.
20. Chorley Council has also prepared a Site Allocations and Development Management Policies Development Plan Document (DPD) as part of preparing the Local Development Framework.

This has recently been out to public consultation, but an examination in public has not yet taken place. The emerging DPD contains a policy on Private Residential Garden Development (ref. HS4).

21. The erection of the two dwellings as proposed does not fall within any of the appropriate forms of development in private residential gardens as defined in both the Interim and emerging policies. However, the applicant has put forward a number of points to be considered as particular exceptional circumstances as to why the current proposal may be acceptable.
22. With regard to the Council's policies on private residential garden development, it is acknowledged that only limited weight can be attached to both the interim policy and the emerging Site Allocations and Development Management DPD. The interim policy has been adopted in order to address growing concerns regarding the impact of such developments across the Borough, such as compromised privacy, reduced garden size, impact on daylight and sun light traffic generation and changes to the character of the surrounding area. The 2010 Central Lancashire Strategic Housing Land Availability Assessment indicates that Chorley has a 5.9 year deliverable housing supply. Land with potential for housing is also identified for the 6-10 year and 11-15 year periods. Therefore, the Borough's future housing requirements can be met from existing housing allocations, previously developed sites and safeguarded land without reliance on garden development.
23. The NPPF states that the local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens. The NPPF states that planning decisions should respond to local character and history and add to the quality of the area. The purpose of restricting garden development in the Borough is to ensure that the amenity and character of the local area is maintained and enhanced. The impact of the proposed development on the character of the area is discussed below.
24. Policy HS6 (f) of the Local Plan Review also requires any application for residential development on garden or previously undeveloped land, irrespective of size, to include details which demonstrate to the Council that there are no suitable allocated or previously developed sites which are available in the settlement of Chorley, as defined in the Local Plan Review, that could accommodate the dwellings being propose. The agent has submitted such an assessment with the application.

Ecology

25. The site adjoins a biological heritage site to the east. The eastern most plot would be erected fairly close to this biological site, however it is envisaged that there will be no significant adverse impacts to it as a result of the development. Various trees and shrubs would need to be removed as part of the development, however this would not have any significant impacts on protected species. None of the trees are worthy of a TPO.

Levels

26. Ground levels drop significantly from west to east at the site. It is indicated in the applicant's submission that these are to be bungalows, of a similar scale to existing properties.

Impact on the neighbours

27. The closest neighbour is no. 11 which is a bungalow in the applicants ownership to the west. This contains a ground floor sunroom which would face the proposed dwellings. In terms of neighbour amenity the sunroom would overlook the front garden and the side elevation of the

closest proposed bungalow. It is not considered that this would cause any significant harm to the future occupiers of the proposed dwelling.

28. In terms of the amenity of no. 11, due to the relationship between the existing dwelling and proposed bungalows it is not considered there would be any significant loss of light and it is envisaged that the new dwelling could be designed so there is no overlooking from the side elevation.
29. The rear of the proposed dwellings would face the rear garden of no. 78 Carleton Road. There would be a minimum distance of 6m between the rear most part of one of the proposed dwellings. The garden of no. 78 is very long and the proposed dwellings would not be adjacent to the most private amenity area closest to the dwelling, associated with no. 78. There is also planting along the boundary. It is not considered that the proposed bungalows would give rise to an undue loss of amenity for the occupants of no. 78.

Impact on character of the Area

30. As this application is in outline with all matters reserved, the final design and assess requirements of the dwelling would not be assessed until reserved matters stage. It is noted that there are both bungalows and two storey houses within the surrounding streetscene. The agent's Design and Access Statement and site plan set out indicative parameters which illustrate that the proposed bungalows would have a footprint of 6.7m by 13m, with a ridge height similar to neighbouring bungalows.
31. The cul de sac has a defined limit of buildings restricted by the limits of the Thirlmere Aqueduct and this defines the existing character of the locality. The proposed development seeks to extend the built form of the area out towards the open countryside. and Green Belt.
32. One of the previous reasons for refusal was that the proposed dwellings would have a detrimental impact upon the visual amenities of the Green Belt. Since the previous application was refused Central Government Guidance has been revised, and whilst strict controls on development in the Green Belt remain, the requirement that 'the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt' is not included within the NPPF. Given also that the two storey dwellings have now been omitted from the proposals, it is considered that it would be difficult to refuse permission on these grounds. The land immediately to the east of the application site slopes steeply downwards to the east and is largely covered in trees and shrubs. Views into the site from the adjacent Green Belt would be very restricted.
33. The development would, however, still increase the extent of built development in the locality into an area that is presently undeveloped. This would alter the character of the area, although it is envisaged that properties would be of a similar design and appearance to neighbouring properties (this would be secured at the reserved matters stage).
34. The applicant has contended that the proposal would not be out of keeping with the character of the area and that there is ample room for the properties to be accommodated. It is not considered that the reasoning put forward by the applicant constitutes exceptional circumstances beyond the criteria listed in the Council's policy on private residential development.

Traffic and Transport

35. The application is in outline form and the details of the access will be assessed at reserved matters. No comments have been received from LCC Highways, however they did not raise

any concerns about the previous proposal for four dwellings. It is not considered that any undue impact on highway safety would arise as a result of the proposals. There would be adequate space on the site to provide off street parking for two dwellings.

Thirlmere Aqueduct

36. The Thirlmere Aqueduct is part of a water supply system built by the Manchester Corporation Water Works between 1890 and 1925. The Aqueduct was constructed to carry large volumes of water from Thirlmere Reservoir to Manchester. The Aqueduct runs through the centre of the site, between the two dwellings. United Utilities have control of the Aqueduct, but have not raised any objections to the proposals, subject to a number of restrictions, chiefly with regard to crossing and surfacing over the Aqueduct and its easement. The Council's Building Control section concur with these comments.

Section 106 Agreement

37. The development would result in a further two dwellings at the side and as such there is a requirement for a commuted sum of £2758 for the provision or upgrading of equipped play areas, casual/informal play space and playing fields within the area. The Council's Parks and Open Spaces Manager has confirmed that an existing play area on Heapey Road could benefit from investment. A letter has been sent to the agent informing them of this and the Council's Legal Services team are drafting a s106 agreement to secure payment. The agent has indicated that the applicant is prepared to enter into such an agreement. If the planning were to be approved, it should be subject to the signing of this agreement

Overall Conclusion

38. This is a finally balanced decision. The proposal does not comply with the Council's interim and emerging policies on development in private residential gardens. However, members must be mindful of the weight that can be attached to these policies and recent appeal decisions. The proposal would extend the form of built development in the area towards the Green Belt and into an otherwise previously undeveloped part of this housing estate, altering the character of the area. As the proposal does not comply with the Council's policies on development in private residential gardens, the proposal is accordingly recommended for refusal.

39. The concerns of local residents with regard to the impact on Thirlmere Aqueduct are noted, but given the lack of any objection by United Utilities it is not considered that a reason for refusal could be sustained on these grounds.

Planning Policies

National Planning Policies:

NPPF

Adopted Chorley Borough Local Plan Review

Policies:GN1, GN5, HS4, HS6, HS21, TR4

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Sites for Chorley- Issues and Options Discussion Paper December 2010

HS4

Planning History

11/00764/OUT – Outline application for the erection of two detached houses and a pair of semi detached houses

Refused 19 January 2012

Recommendation: Refuse Outline Planning Permission**Reasons**

1. **The proposed dwellings would be on land which forms the garden curtilage associated with 11 Sutton Grove and the land is not allocated for housing in the Adopted Chorley Borough Local Plan Review. The Council has prepared an Interim Policy on Private Residential Garden Development and included Policy HS4 within the Site Allocations and Development Management DPD which seeks to resist residential development taking place on private garden land unless certain criteria are met or there are exceptional circumstances. In this case the proposed dwellings do not meet one of the three criteria listed in the Policy, nor are there considered to be exceptional circumstances that weigh in favour of approving the development and as such the proposed development is contrary to the Council's Interim Policy on Private Residential Garden Development and Policy HS4**

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Item 4f	12/00359/OUT
Case Officer	Adele Hayes
Ward	Euxton South
Proposal	Outline application for the erection of one detached dwellinghouse and garage, all matters reserved
Location	33 Church Walk Euxton Chorley PR7 6HL
Applicant	Mr & Mrs F M Fielding

Consultation expiry: 23 May 2012

Application expiry: 30 May 2012

Proposal

1. This application seeks outline planning approval for erection of a single dwelling and detached garage. The application seeks to establish the acceptability of the principle of the proposal only with all matters of detail reserved for subsequent approval.
2. The application site currently forms part of the garden area associated with 33 Church Walk and is currently occupied in part by a detached timber garage. The northern boundary fronts a turn facility on the road. The eastern boundary is shared with the adjoining bungalow. Beyond the southern boundary there is an established and mature woodland.
3. The front portion of the site is relatively flat although the land falls steeply down to a stream to the rear of the site.
4. The dwellings in the vicinity of the application site include detached bungalows and houses. They are generally well spaced, within generous plots and set back from the road. The properties are brick built with concrete tiled roofs.

Recommendation

5. It is recommended that this application is granted conditional outline planning approval subject to the associated Section 106 Agreement

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - The acceptability of the principle of the development
 - Impact on the neighbours
 - Open Space
 - Traffic and Transport

Representations

7. No letters of objection have been received
8. No letters of support have been received

Consultations

9. **The Environment Agency – no objections**

10. **United Utilities – no objections**
11. **Lancashire County Council (Highways) – no objections**
12. **The Coal Authority – recommend standing advice**
13. **The Parish Council** – No comments have been received to date although it would appear that there was a significant delay between the consultation being dispatched and it being received by the Parish Council.

Assessment

Principle of the development

14. The application site forms part of the domestic garden associated with no. 33 Church Walk and is well maintained.
15. In accordance with the policy guidance set out within the National Planning Policy Framework (NPPF) the site is considered to be previously undeveloped land (greenfield).
16. The site is located within the settlement boundary of Euxton and as such the council's interim planning policy on 'Private Residential Garden Development' is relevant. The interim policy states that:

Within the boundaries of settlements applications for development within private residential gardens on sites not allocated in saved Local Plan Policy HS1 will only be permitted for:

- *Agricultural workers dwellings/dependents where there is a proven need and where they need to be located in a specific location.*
- *Appropriately design and located replacement dwellings where there is no more than one for one replacement.*
- *The conversion and extension of buildings, provided they are not allocated for, currently used for, or their last use was for, employment uses and the conversion would have significant urban regeneration benefits.*

17. Chorley Council has also prepared a Site Allocations and Development Management Policies Development Plan Document (DPD) as part of preparing the Local Development Framework. This has recently been the subject of a public consultation exercise although an examination in public has not yet taken place. The emerging DPD contains a policy on 'Residential Garden Development' (ref. HS4) to which some limited weight can be afforded at this stage of the plan making process.
18. The erection of a single dwelling on this site does not fall within any of the specified appropriate forms of development in private residential gardens as defined in either the interim and emerging policies.
19. The interim policy has been adopted in order to address growing concerns regarding the impact of such developments across the Borough, such as compromised privacy, reduced garden size, impact on daylight and sun light, traffic generation and changes to the character of the surrounding area. The 2010 Central Lancashire Strategic Housing Land Availability Assessment indicates that Chorley has a 5.9 year deliverable housing supply. Land with potential for housing is also identified for the 6-10 year and 11-15 year periods. Therefore, the Borough's future housing requirements can be met from existing housing allocations, previously developed sites and safeguarded land without reliance on garden development.
20. The NPPF states that the local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens. The NPPF states that planning decisions should respond to local character and history and add to the quality of the area. The purpose of restricting garden development in the Borough is to ensure that the amenity and character of the local area is maintained and enhanced.

21. However, the loss of greenfield land is not necessarily synonymous with a position that all development of such land is unacceptable, particularly where a proposal accords with the Council's sustainable development objectives.
22. Indeed both the Council's interim policy and emerging policy on residential garden development recognises that beyond the criteria listed within the policy, garden development may be permitted in exceptional circumstances, subject to material considerations, providing that it can be demonstrated that the proposed development would be in keeping with the character of the local area.

Impact on the neighbours

23. The closest neighbour is 31 Church Walk, which is a bungalow located to the east. There are no habitable room windows which would face the proposed dwelling or indeed in the applicant's existing property to the west. It is considered that the relationship would be acceptable and would not result in a reduction in the level of residential amenity currently enjoyed by the occupiers of these dwellings. The interface distance between the dwellings located on the opposite side of Church Walk would be in excess of 25 metres which is considered to be acceptable.

Impact on character of the Area

24. This application is made in outline with all matters reserved. Details of the layout, design and access arrangements are reserved for subsequent approval.
25. There are both bungalows and two storey houses within the immediate street scene. The submitted Design and Access Statement sets out indicative parameters which illustrate that the proposed dwelling would have a footprint of 9m by 8.5, with a ridge height similar to neighbouring houses at 7.5m. The garage would have a footprint of 3m x 8.5m.
26. The proposed dwelling would essentially result in an infill form of development within the street scene. Although it would clearly result in an increase in the extent of built form in the locality, the general character of the area would be unaffected.

Traffic and Transport

27. The details of the access will be assessed at reserved matters stage but the County Highway Engineer has commented that he has no objections in principle to the proposal.

Section 106 Agreement

28. The development would result in an additional dwelling and as such there is a requirement for a commuted sum of £1,379 for the provision or upgrading of equipped play areas, casual/informal play space and playing fields within the area. The Council's Parks and Open Spaces Manager has been asked to confirm which existing play area could benefit from investment. A letter has been sent to the agent informing them of this and the Council's Legal Services team are drafting a Section 106 agreement to secure payment.

Overall Conclusion

29. The proposal would extend the form of built development within the street scene but the general character of the area would remain unchanged. Furthermore the indicative size and scale of the proposed dwelling would reflect the surrounding properties and would not appear unduly incongruous or conspicuous within the street scene. It is considered that a single dwelling on this site would be compliant with the provisions of the council's policy. It is also accepted, particularly given the sustainability credentials of the site, that the release of this small, effectively windfall site, would not prejudice the overall delivery of housing elsewhere in the Borough.

30. It is therefore recommended that the application is approved subject to a Section 106 Obligation.

Planning Policies

National Planning Policies:

National Planning Policy Framework (NPPF)

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, HS4, HS6, HS21, TR4

Joint Core Strategy

Sites for Chorley- Issues and Options Discussion Paper December 2010

HS4

Planning History

- Ref:** 11/00249/TPO **Decision:** Approved **Decision Date:** 6 May 2011
Description: Felling of diseased tree to the rear of 33 Church Walk covered by TPO 1 (Euxton) 1971
- Ref:** 11/00055/TPO **Decision:** Approved **Decision Date:** 20 April 2011
Description: Pruning of a Beech tree at 33 Church Walk, Euxton
- Ref:** 93/00502/FUL **Decision:** Approved **Decision Date:** 7 October 1993
Description: Erection of garage/workshop to side

Recommendation: Permit Outline Planning Permission Conditions

1. An application for approval of the reserved matters (namely the appearance, layout, scale and 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.
2. The approved plans are:

Plan Ref.	Received On:	Title:
N/A	2 April 2012	N/A

Reason: To define the permission and in the interests of the proper development of the site.
3. 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.

4. 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.

5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) 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.

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Item 4g	12/00173/FUL
Case Officer	Caron Taylor
Ward	Eccleston And Mawdesley
Proposal	Application to retain use of land for storage of building materials, parking of vehicles and associated purposes and provision of landscaping to site
Location	Towngate Works Dark Lane Mawdesley Lancashire
Applicant	Thomas Mawdsley Building Contractor
Consultation expiry:	28 March 2012
Application expiry:	16 April 2012

Proposal

1. This report relates to three applications for Certificates of Lawfulness for existing use or development and three applications for planning permission at Towngate Works, Mawdesley.
2. Members will recall that a report was brought before Development Control Committee on 3rd November 2011 in relation to three breaches of planning control at the site and authority given to issue Enforcement Notices in respect of them. These related to:
 - i. Without planning permission the material change of use of the land from agriculture to use of land for storage purposes and as a builders yard (Breach A);
 - ii. Without planning permission the erection of three industrial/storage units (Breach B);
 - iii. Without planning permission the siting of four industrial/storage containers on the land (Breach C).
3. The Council has now received a number of applications in relation to the site which cover the three breaches listed above.
4. The following applications for Certificates of Lawfulness have been received:
 - 12/00177/CLEUD: Application for a Certificate of Lawfulness for an existing development in respect of siting of a container unit;
 - 12/00178/CLEUD: Application for a Certificate of Lawfulness for an existing development in respect of storage of building materials, parking and related activities, plus related storage bunkers and buildings;
 - 12/00179/CLEUD: Application for a Certificate of Lawfulness for an existing development in respect of 3 storage buildings
5. The following applications for planning permission have been received:
 - 12/00173/FUL: Application to retain use of land for storage of building materials, parking of vehicles and associated purposes and provision of landscaping to site;
 - 12/00174/FUL: Retention of use of land for open storage, parking and provision of landscaping;
 - 12/00176/FUL: Retain 3 storage containers

Recommendation

6. 12/00177/CLEUD: Application for a Certificate of Lawfulness for an existing development in respect of siting of a container unit. **Recommend Certificate is Granted.**
7. 12/00178/CLEUD: Application for a Certificate of Lawfulness for an existing development in respect of storage of building materials, parking and related activities, plus related storage bunkers and buildings. **Recommend Certificate is Granted.**
8. 12/00179/CLEUD: Application for a Certificate of Lawfulness for an existing development in respect of 3 storage buildings. **Recommend Certificate is Granted.**
9. 12/00173/FUL: Application to retain use of land for storage of building materials, parking of vehicles and associated purposes and provision of landscaping to site. **Recommend that planning permission be refused.**
10. 12/00174/FUL: Retention of use of land for open storage, parking and provision of landscaping. **Recommend that planning permission be granted subject to conditions.**
11. 12/00176/FUL: Retain 3 storage containers. **Recommend that planning permission be granted subject to conditions.**

Certificates of Lawfulness:

12. A certificate of lawfulness is a statutory document confirming that the use, operation or activity named in it is lawful for planning control purposes.
13. Circular 10/97 provides the Council with advice on determining certificate applications. Members should note that the burden of proof in a certificate application is on the applicant and the test for the Council is "the balance of probability". If the Council have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability". The planning merits of the operation, use or activity, are irrelevant to the consideration of the purely legal issues which are involved in determining certificate applications.
14. Taking the three certificate applications in turn:

12/00177/CLEUD: Application for a Certificate of Lawfulness for an existing development in respect of siting of a container unit.

15. The application is accompanied by five statutory declarations from John Mawdsley the owner, partner John Andrew Thomas Mawdsley, Andrew Mason who has occupied premises at the site, Lloyd Farley who owns a business that occupies premises at the site and Simon Littler who has also occupied premises at the site.
16. From the information submitted it can be established that the container has been on the site since January 2004 until the present time. The Council has no evidence to contradict these statements and therefore it is recommended that the certificate be granted.

12/00178/CLEUD: Application for a Certificate of Lawfulness for an existing development in respect of storage of building materials, parking and related activities, plus related storage bunkers and buildings

17. This certificate relates to the eastern part of a storage yard known by the applicants as 'The Compound'. The other part of The Compound is the subject of a planning application considered later in this report (12/00173/FUL).
18. The certificate application is accompanied by four statutory declarations from John Mawdsley, John Andrew Thomas Mawdsley, Rodney Bell, owners of RB Motorsport who have been at Town gate works since November 2000 and Anthony Dixon who lived at Haydene, Dark Lane which backs onto the works and who parked his van in The Compound.

19. These establish that The Compound was created in March 2001.
20. The Council have aerial photographs which shown that the area was not in existence in 2000 but was there by 2005, there is therefore no evidence to contradict these statements and therefore it is recommended that the certificate be granted.

12/00179/CLEUD: Application for a Certificate of Lawfulness for an existing development in respect of 3 storage buildings

21. This certificate application relates to 3 storage buildings.
22. Statutory declarations relating to them from John Mawdsley, John Andrew Thomas Mawdsley, Alan Cornwell who built the units and Philip Rodgers of a company that has used the units as additional storage since they were completed in April 2007.
23. All the statutory declarations establish that the units have been there since April 2007. The aerial photographs shown that they not in existence in 2005 but were there by 2009, there is therefore no evidence to contradict these statements and therefore it is recommended that the certificate be granted.

Planning Applications:

24. The Parish Council have objected to all three applications. They state they feel the greenbelt is being encroached by stealth due to the time limit. There should be conditions to protect the greenbelt:-
 - Boundary screening with landscaped mounds;
 - A design for the screening to be approved by planning;
 - No permanent structures to be allowed on the site;
 - The conifers on the South boundary to be maintained which are currently growing out of control.
25. One letter has been received from a neighbour on application 12/00176/FUL, see below.

12/00173/FUL: Application to retain use of land for storage of building materials, parking of vehicles and associated purposes and provision of landscaping to site

26. The application relates to an area of land approximately 0.114ha which forms the west part of The Compound (the east part is subject to one of the Certificate applications detailed above which has been recommended to be granted as it has existing for more than 10 years). The west part of the compound has not been in existence for 10 years and is not therefore immune from enforcement action.
27. To the south of this area of the site are business/industrial units, to the west and north are fields.
28. The site has been laid with hardstanding, which is an engineering operation. Engineering operations can be appropriate development providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Although the hard standing on its own is unlikely to impinge upon openness, the works were a means to an end, not an end in themselves. The hardstanding is used for storage consequence of what the hard standing has facilitated, the openness of the Green Belt has not been preserved. In addition the works encroach into the countryside which is considered contrary to the third of the 5 purposes of including land in Green Belts set out in paragraph 80. The development is therefore considered inappropriate development.
29. Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

Applicant's Case

30. The applicant acknowledges the development is inappropriate development and has put forward a case of very special circumstances in support of the application.

31. The applicant states that Towngate Works is a long established employment use in the Green Belt and Government policy seeks to promote sustainable economic and other development in rural and other areas. The Compound area was created and later extended to provide a secure and safe area for the storage of building materials, the parking of vehicles and associated purposes, all to serve the Applicant's business, which is a significant local business in Mawdsley and the wider Chorley area. Towngate works site is a busy and successful rural employment centre accommodating 30 to 40 mainly small businesses. Due to the nature of the site and the businesses involved, the site is very active and fragmented and accommodates significant areas of parking around the individual units. Landscaping on the western boundary is not particularly effective and therefore the site is quite open to views across the fields from Hall Lane to the North West and from the residential area further to the west. Against the background it is suggested that there are, indeed, very special circumstances which outweigh any harm to the Green Belt.
32. The applicant argues there are two very special circumstances which, individually and collectively, outweigh the harm to the Green Belt by reason of inappropriateness. These are:
- Economic Viability
 - Lack of alternative sites

Economic Viability

33. Aerial photographs of the site and the topographic survey drawing of it, both clearly show that the Towngate Works site is fully developed and has no scope for additional open storage and parking, should it become necessary to relocate the open storage and parking which is presently located on the application site. It was due to the congestion of the main site that the Applicants relocated their open storage and parking functions in 2001 (for the eastern part of the Compound) and 2003 (for the western part of the Compound – the current application site).
34. As the topographic survey drawing makes clear, the eastern part of the Compound cannot accommodate the storage functions of the western part as there would be insufficient space to allow delivery vehicles to bring building materials onto the site and to store them in the open storage containers. The remainder of the Towngate Works site does not contain any areas of land large enough to accommodate any further open storage and, in any event, it would not be desirable to locate such functions closer to the dwellings on Dark Lane. Consequently, if planning permission is not granted to retain the storage and parking use of the application site, the Applicants would suffer significant damage to their business by reason of having to relocate this function elsewhere. The present situation, which has the Applicant's office, internal workshops and external storage all on the Towngate Works site, close to the homes of the business partners, is ideal from a business point of view. Any changes to this, even if a suitable alternative could be found, would involve additional expense at a time of great economic uncertainty and would inevitably be much less satisfactory.
35. The consequences of the loss of the application site could therefore significantly endanger the economic livelihood of the Applicant's business, which could, in turn, lead to the loss of jobs in this rural area. The very clear policy advice provided by PPS 4 is that rural businesses should be supported as far as possible. This application, it is suggested, is one which the Council should support (subject to the landscaping conditions referred to below) as it would ensure the continued financial health of a long-standing local business which, directly and indirectly, provides many jobs for the local economy.

Lack of Alternative Sites

36. Even if it were possible to separate the open storage and parking functions of the application site from the other part of the Compound, there is simply no alternative site where their uses could be relocated. As noted above, the remainder of the Compound and the Towngate Works does not have any spare capacity. In any event, the very reason that the storage and parking uses were relocated to the Compound in the first place was to relieve pressure from the main site and to reduce any conflicts with other occupants of the site.

37. Beyond the Towngate Works site, there are no non-Green Belt sites with suitable access or availability to which the relevant uses could be relocated. Beyond Mawdesley, there may be non-Green Belt sites which could accommodate the relevant uses but it would make no business sense to attempt to split the activities in this way.
38. Although not a very special circumstance in itself, a third factor which should nevertheless be given some weight in the decision-making process is the opportunity which this application gives to provide a good quality landscaped and bunded area at the western edge of the application site to screen and mitigate the visual impact of the application site and the wider Towngate Works site beyond. It is envisaged that this matter could be adequately dealt with by a planning condition requiring the submission of a landscaping scheme within, say, two months of the approval of the application and the implementation of the scheme in the next planting season. At this stage, no landscaping scheme has been prepared, but it is considered that a bunded area, around 5-7m deep on the western edge of the site, with a planting schedule showing a suitable variety of native species would be appropriate.
39. Finally, the Council in its enforcement report expressed concern regarding the incursion of the application site into the open countryside, it is suggested that the very special circumstances relating to the Green Belt policy and the proposed landscaping scheme would equally address the open countryside issue. The application site represents a relatively small incursion into the open countryside and is boarded by an existing part of the Towngate Works site to the south in any event. Consequently, the visual impact of the incursion, even without the proposed landscaping scheme, is mainly limited to views from the north and north east. Given the strong economic/business arguments in favour of the retention of the site, it is respectfully suggested that minimal impact of the incursion into the open countryside is one which carries little weight in the overall decision-making process.

Assessment

40. The NPPF states that when considering any planning application, Councils should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
41. Towngate Works is an established site in the Green Belt but the current application must be considered in the context of the history of the site. The Compound to the west is not lawful due to the passage of time rather than through the grant of planning permission. In addition although immediately to the south of the site is part of the Towngate Works site, part of this area is the subject to a separate application for planning permission. There are also two other applications for Certificates of Lawfulness for buildings that have been put on the wider site without the benefit of planning permission. There are therefore a large number of buildings and operations that have been undertaken over the years without the benefit of planning permission but which have become lawful over time. The Council now find themselves in a position where the applicant is arguing a case of very special circumstances of impact on the business, when they failed to gain the correct permissions in the first place. For the Council to keep allowing incremental extensions to the site over time, even though small in its own right will cause harm to the Green Belt, which it is not considered is overcome by the circumstances put forward by the applicant. It is noted that the applicant is prepared to undertake landscaping including a bunded area at the western edge of the application site to screen and mitigate the visual impact of the application site and the wider Towngate Works site beyond. However, it is not considered that views from Hall Lane are so detrimental of the site that this would weight significantly in favour of allowing the permission if the application were finely balanced.
42. The application is therefore recommended for refusal.

12/00174/FUL: Retention of use of land for open storage, parking and provision of landscaping

43. The application site is an existing area approximately 680m² in the southwest corner of the site which does not benefit from planning permission. To the south and west are open fields separated by hedgerows.

44. In 1995 retrospective permission was granted for the erection of three workshop units and one storage unit (ref: 95/00571/FUL). There were a number of condition attached to this permission including:
- Condition 1 – No materials or equipment shall be stored on the site other than inside the building;
 - Condition 2 – No industrial, display or storage activities shall take place on the site other than inside a building;
 - Condition 7 - 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 date of this notice, 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.
45. Condition 7 secured an area of landscaping on the area that is now the subject of this application.
46. In 1996 an application (ref: 96/00883/FUL) was submitted to extend two of the units (know as E and F). It was noted at the time of the site visit for this application that the landscaping required by condition 7 of the 1995 permission had not been carried out and this later application sought an amendment to it to allow adequate manoeuvring space.
47. In 1997 the Council served a Breach of Condition Notice due to failure to comply with conditions 1 and 7 of the 1995 permission. The conditions were complied with and no further action was taken.
48. The area has however been since used for open storage and parking, which has not yet become lawful over time and is therefore the subject of this application.
49. As is normal with landscaping conditions the one on the 1995 permission did not require the retention of the approved landscaping scheme beyond a five year period. In addition, the permission granted in 1995 did not remove any permitted development rights to provide an area of hardstanding for the adjacent business units and to use such an area for related business purposes. The later permission ref: 96/00883/FUL for the extension to the buildings did not remove permitted development rights either. Industrial and warehouses have permitted development rights to provide a hard surface within their curtilage. The area the subject of the application is considered to be within the curtilage of the buildings. Hardstanding could therefore be put down without the need for planning permission.
50. Condition 1 on the 1995 permission stated that no materials or equipment shall be stored on the site other than inside the building and this could still be enforced on the site. However, this was before the hardstanding was laid under permitted development rights.

Applicant's Case

51. The approach which has been pursued, in this application, is to propose a revised landscaping area in the south west corner of the application site and along the western boundary of the Towngate Works site up to the area of land known as The Compound which is the subject of a planning application to retain its open storage use. As a part of the proposals for that area of land, a bunded landscaped area is proposed.
52. The Government are in favour of encouraging sustainable economic development and consequent growth of the economy. The proposed retention of a valuable part of the Towngate Works site would assist in the achievement of this policy, albeit on a local scale.
53. In section five of this statement it has been demonstrated that the local planning authority is constrained in its ability to control the use of the application site due to its complex planning history. To regain a significant degree of control over the use of this land and to provide more effective landscaping of the overall works site, this application proposes the retention of much of the open storage uses and parking, subject to the submission of an appropriate

landscaping scheme and a condition to restrict the height of any stored materials. There is, therefore, it is suggested, a compelling case for approving this application, subject to suitable conditions. It is therefore hoped that the application will be approved and the benefits which the proposals will generate can be delivered.

Assessment

54. The same issue as outlined in the previous application regarding Green Belt relates to this application. The proposal is inappropriate development in the Green Belt and permission should not be granted unless there are very special circumstances sufficient to outweigh that harm.
55. The situation is somewhat different to the application above recommended for refusal in the hardstanding can and has been laid without planning permission. Although the Council could enforce the condition requiring no outside storage on the 1995 permission, the area it could not require the hardstanding to be removed. Taking this into account it is considered that the most appropriate way forward for this part of the site is to permit the application but apply conditions allowing the Council to secure landscaping to the boundary and control the height of any outside storage.
56. The application is therefore recommended for approval subject to conditions.

1 2/00176/FUL: Retain 3 storage containers

57. The three storage containers are already in existence and are located in the north-east corner of the Towngate Works site, immediately to the north of Unit T5 behind 16 Dark Lane. The containers are painted green to the front and are in total 7.5m wide and 5.5m deep and 2.9m high.

Representations

58. The owner of 16 Dark Lane confirms that two of the containers were placed on the land in September 2008 and the third added later. They state that if the siting of the storage containers does not render the land concerned more vulnerable to further development and hard surfacing they would not oppose it, but if it does, they would oppose it. If the containers are to be retained they would ask that the green paint applied to the front would also be applied to the back to reduce the eyesore they have presented for over 3years.

Applicant's Case

59. The three storage units which are the subject of this application are used by businesses which rent units on the Towngate Works site. The use of the storage units allows the business units to be more effective by allowing dead space for storage to be separated from active manufacturing or production space. The small storage units therefore represent an important part of the overall offer on the works site.
60. The Interim Enforcement Officer's report to committee states that, at the time of his site visit in August 2011, there were 'in excess of 20 units that were either vacant or to let.' However, as of December 2011, there were only five vacant units on the site. Three of the vacant units are at the southern end of the site, approximately 120m, 130m and 150m from the storage containers in question. The other two units are closer to the containers but are larger business units which attract higher rentals and are not suitable for short or long term ancillary storage use. Consequently, there are no suitable alternative small storage units available on the works site which could be used in preference to the ones in question. It is therefore considered that the very special circumstances in this case are the lack of suitable alternative storage facilities on the works site and the need to retain the container units to provide small-scale storage facilities to serve the needs of the businesses on the site. In any event, it is suggested that any harm caused by loss of openness in the Green Belt is not, in this case, significant due to the location of the units within an established business park which already has an impact on such openness. Any additional impact on the openness of the Green Belt in this area caused by the retention of the storage units would, it is suggested, be very difficult to identify.

61. Furthermore, it is suggested that the retention of the storage containers would not cause any other form of harm to either the Green Belt or other interests of acknowledged importance. On the contrary, the only harm which would occur would be the detrimental impact on the businesses which use the containers if they were required to be removed from the site. Such an impact would be directly in conflict with the policies of the existing and emerging local and national planning policies. As noted above, the local planning authority's own evidence base (Employment Land Review) identifies the Towngate Works site as one which has "potential opportunities for expansion/intensification /infilling" and it would therefore be contrary to this assessment to require the removal of valuable ancillary storage facilities.

Assessment

62. The same issue as outlined in the previous applications regarding Green Belt relates to this application. The proposal is inappropriate development in the Green Belt and permission should not be granted unless there are very special circumstances sufficient to outweigh that harm.
63. The NPPF states that planning policies should support economic growth in rural area in order to create jobs and prosperity by taking a positive approach to sustainable new development. It states plans should support the sustainable growth and expansion of all types of businesses and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. Although the containers are not well designed, they provide a simple and secure method of storage for businesses on the site.
64. Although the NPPF states that planning should support economic growth in rural areas this must still be read in the context of Green Belt policy set out above. However, the containers are within the existing confines of the site between existing buildings and a residential property. Therefore although strictly development in the Green Belt would reduce its openness it is considered that as it is between existing buildings this impact is minimal. In addition the NPPF supports new buildings in rural areas to support sustainable growth and expansion of all types of businesses and enterprise. It is considered that a new building (rather than containers) could have more impact on the openness of the Green Belt as well as the neighbour to the east.
65. For this reason the application is recommended for approval subject to a condition requiring it to be painted green to the sides and rear to reduce the impact on the neighbouring property.
66. The application is therefore recommended for approval subject to conditions.

Overall Conclusion

67. 12/00177/CLEUD: Application for a Certificate of Lawfulness for an existing development in respect of siting of a container unit. **Recommend Certificate is Granted.**
68. 12/00178/CLEUD: Application for a Certificate of Lawfulness for an existing development in respect of storage of building materials, parking and related activities, plus related storage bunkers and buildings. **Recommend Certificate is Granted.**
69. 12/00179/CLEUD: Application for a Certificate of Lawfulness for an existing development in respect of 3 storage buildings. **Recommend Certificate is Granted.**
70. 12/00173/FUL: Application to retain use of land for storage of building materials, parking of vehicles and associated purposes and provision of landscaping to site. **Recommend that planning permission be refused.**
71. 12/00174/FUL: Retention of use of land for open storage, parking and provision of landscaping. **Recommend that planning permission be granted subject to conditions.**
72. 12/00176/FUL: Retain 3 storage containers. **Recommend that planning permission be granted subject to conditions.**

Planning PoliciesNational Planning Policies:

NPPF

Adopted Chorley Borough Local Plan Review

Policies:DC1, EM5

Most Recent Planning History**Ref:** 95/00571/FUL **Decision:** Permitted **Decision Date:** 9 November 1995**Description:** Retrospective Application for the erection of 3 workshop units and 1 storage unit.**Ref:** 96/00137/FUL **Decision:** Refused **Decision Date:** 28 August 1996**Description:** Provision of first floor over existing workshop and office.**Ref:** 96/00883/FUL **Decision:** Permitted **Decision Date:** 11 March 1998**Description:** Single-storey extensions to units E and F.**Ref:** 06/00333/FUL **Decision:** Refused – APPEAL ALLOWED **Decision Date:** 26 April 2006**Description:** Removal of condition No 8 of planning approval Ref 05/00015/FUL relating to obscure glazing in the front elevation first floor windows**Application:** 12/00173/FUL**Recommendation : Refuse Full Planning Permission****Reasons**

1. **The development is inappropriate development in the Green Belt. It is not considered that the arguments put forward in favour of the application are very special circumstances sufficient to outweigh the harm to the Green Belt. The proposal is therefore considered Policy DC1 of the Adopted Chorley Borough Local Plan Review and the NPPF.**

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Item 4h **12/00174/FUL**

Case Officer **Caron Taylor**

Ward **Eccleston And Mawdesley**

Proposal **Retention of use of land for open storage, parking and provision of landscaping**

Location **Towngate Works Dark Lane Mawdesley Lancashire**

Applicant **Thomas Mawdsley Building Contractor**

Consultation expiry: **28 March 2012**

Application expiry: **16 April 2012**

Please see report at Item 4g.

Recommendation: Permit Full Planning Permission Conditions

- 1. The height of any materials or equipment stored on the site the subject of this application shall not exceed 3metres in height.
*Reason: To ensure the landscaping properly screens the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review and the NPPF.***

- 2. Within three months of this permission a scheme of landscaping shall have 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 provide for landscaping to the south and west boundaries of the part of the site the subject of this application and shall also include details of a 5m wide bund.
*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.***

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Item 4i **12/00176/FUL**

Case Officer **Caron Taylor**

Ward **Eccleston And Mawdesley**

Proposal **Retain 3 storage containers**

Location **Towngate Works Dark Lane Mawdesley Lancashire**

Applicant **Thomas Mawdsley Building Contractor**

Consultation expiry: **28 March 2012**

Application expiry: **16 April 2012**

Please see report at Item 4g.

**Recommendation: Permit Full Planning Permission
Conditions**

- 1. Within three months of the date of this permission the front and sides of the containers the subject of this application shall be painted green to match the existing colour on the front of them, or an alternative colour submitted to an agreed in writing by the Local Planning Authority.**
To improve the appearance of the containers to the residential property to the rear and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review and the NPPF.

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Item 4j **12/00177/CLEUD**

Case Officer **Caron Taylor**

Ward **Eccleston And Mawdesley**

Proposal **Application for a Certificate of Lawfulness for an existing development in respect of siting of a container unit**

Location **Towngate Works Dark Lane Mawdesley Lancashire**

Applicant **Thomas Mawdsley Building Contractor**

Consultation expiry:

Application expiry: 16 April 2012

Please see report at Item 4g.

Recommendation: Grant Cert of Lawfulness for Established Use Conditions

1. The evidence submitted supports the applicant's contention that application site within the red edge on the location plan accompanying the application has been used for the siting of a container unit for a period of 10 years preceding the date of this application, confirmed through relevant documentary evidence. The Council is not aware of any evidence to the contrary and this Certificate is issued in respect of the land edged red on the location plan accompanying the Certificate application.

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Item 4k **12/00178/CLEUD**

Case Officer **Caron Taylor**

Ward **Eccleston And Mawdesley**

Proposal **Application for a Certificate of Lawfulness for an existing development in respect of storage of building materials, parking and related activities, plus related storage bunkers and buildings**

Location **Towngate Works Dark Lane Mawdesley Lancashire**

Applicant **Thomas Mawdsley Building Contractor**

Consultation expiry:

Application expiry: **16 April 2012**

Please see report at Item 4g.

Recommendation: **Grant Cert of Lawfulness for Established Use Conditions**

- 1. The evidence submitted supports the applicant's contention that application site has been used for a period of 10 years preceding the date of this application, confirmed through relevant documentary evidence for the use in the description of the application. The Council is not aware of any evidence to the contrary and this Certificate is issued in respect of the land edged red on the location plan accompanying the Certificate application.**

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Item 4l **12/00179/CLEUD**

Case Officer **Caron Taylor**

Ward **Eccleston And Mawdesley**

Proposal **Application for a Certificate of Lawfulness for an existing development in respect of 3 storage buildings**

Location **Towngate Works Dark Lane Mawdesley Lancashire**

Applicant **Thomas Mawdsley Building Contractor**

Consultation expiry:

Application expiry: **16 April 2012**

Please see report at Item 4g.

Recommendation: Grant Cert of Lawfulness for Est Use Conditions

- 1. The evidence submitted supports the applicant's contention that the three storage buildings within the red edge on the location plan accompanying the application have been there for a period of 10 years preceding the date of this application. The Council is not aware of any evidence to the contrary and this Certificate is issued in respect of the land edged red on the location plan accompanying the Certificate application.**

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Item 4m	12/00246/FULMAJ
Case Officer	Mr Paul Whittingham
Ward	Chorley South East
Proposal	Reserved Matters Application in relation to planning permission 09/00933/FULMAJ (Appearance, Landscaping _ Layout) for the provision of a business/non residential institution unit (use class B1 _ D1)
Location	Land North Of Duke Street Including QS Fashions And Bounded By Pall Mall And Bolton Street Chorley Lancashire
Applicant	ASDA Stores Ltd

Consultation expiry: 30 May 2012

Application expiry: 5 July 2012

Proposal

1. Planning permission was granted 09/00933/FULMAJ on 21/12/2010 for a hybrid application to include full planning permission for a new supermarket, with parts of the site (Bolton Street and Big Lamp junction) approved in outline for B1 or D1 use with access and scale having been determined.
2. This application is a reserved matters application for the appearance, layout and landscaping of part of the Bolton St outline site. The proposed building has a frontage of 18 metres and a depth of 16 metres with a height of approx. 7.4 metres. The proposed finish will be red brick at ground floor and a flat composite panel at first floor with a flat roof.
3. The building is proposed as a replacement for the existing Probation Service building that is elsewhere on the proposed supermarket site and will have to be demolished to make way for the proposed new ASDA store along with several other buildings on the existing site.

Recommendation

4. It is recommended that this application is granted conditional Reserved Matters approval.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Levels
 - Impact on the neighbours
 - Design
 - Trees and Landscape
 - Traffic and Transport

Representations

6. No letters of objection have been received

7. Two letters of support have been received that highlight support for investment and the opportunity that the Asda store will bring to this part of the Town. This application as part of the overall development is vital to improving this area and making the Town joined up.

Consultations

8. **Director People and Places** – No Objections.
9. **Lancashire County Council (Highways)** – No Objections
10. **Chorley's Waste & Contaminated Land Officer** – No Objections, the conditions imposed under the Hybrid application are sufficient to deal with any contamination issues that arise.

Assessment

Principle of the development

11. Approval was granted in December 2010 (part Outline and part Full) for the redevelopment of the site fronting Bolton Street and Pall Mall to provide a Class A1 food store (full) and provision of a retail unit and a business / non residential institution unit (use class B1 & D1) (Outline). As this is a reserved matters application the principle of the development is not being considered and it is the reserved matters applied for that are to be considered namely - appearance, layout and landscaping.

Background Information

12. Whilst planning consent was granted back in December 2010 for the overall redevelopment scheme the relocation of the Probation office is a critical element to the overall scheme being progressed due to its position in the middle of the site that would prevent the construction of the store. A Highway legal agreement is being progressed that is needed for the works to Market St and the Big Lamp junction but will also include Bolton Street and the creation of a new service access adjacent to this site where the old Kwik Save building was.

Levels

13. The overall site does not have any significant levels changes however there are small levels changes on this part of the site between the adjoining Carpet Warehouse and the proposed footpath that runs from Bolton Street to where the new Asda Store will be located. The land adjacent to the Carpet Warehouse is higher than the internal floor level of the warehouse and as part of the consideration of this application the potential impact of changes to the levels adjacent to that property have been considered. To reduce the potential for harm from water the footpath will take water away from the Warehouse and conditions can be imposed to consider the implementation stage of the construction and relevant protection measures to be put in place.
14. As this application could be implemented ahead of the permission for the store then a condition to resolve any levels differences where the footpath referred to in the last paragraph meets the existing car park can be imposed. It is considered that the potential for this building to be constructed without the main development is unlikely however that possibility must be addressed and it can be resolved via a condition.

Impact on the neighbours

15. The impact upon the adjacent Carpet Warehouse has been considered, the land to the rear of the building is to be the site of the new supermarket, and the properties on Duke Street will be approx. 60 meters away. Properties on the other side of Bolton Street are mainly commercial properties and this office unit is two storey is located 18 meters from the nearest property opposite which is a Tattoo Parlour with a takeaway next to it. It is not considered

that there is an impact on the properties opposite sufficient to justify an alternative recommendation.

Design

16. The details of the proposed materials have been submitted with the application and include a red brick for the ground floor and composite panels for the first floor.

Trees and Landscape

17. There are conditions attached to the approval of the overall development in relation to the landscaping of the overall site. In relation to this part of the site the matters considered relate to the hard landscaping of the site and the layout of the car park including any fencing surrounding the site.

18. The fencing proposed has been modified from palisade to paladin that is considered to provide the required level of security but maintain a higher level of quality on a main road location and within such a visible location.

Traffic and Transport

19. LCC Highways have considered the proposal and raise no objections as they consider the level of parking and the access to the proposed site to be acceptable.

Overall Conclusion

20. This reserved matters application is the pre-requisite to delivering an alternative building for the Probation Service to keep them within Chorley and to provide a modern building and improved facilities and to ensure that there are no barriers to delivering the proposed new Asda store and improvements to the Big Lamp junction and Market Street. There are no issues that cannot be overcome by the imposition of conditions.

Planning Policies

National Planning Policies:

National Planning Policy Framework – The Framework

Adopted Chorley Borough Local Plan Review

Policies: EM2 – Business Criteria for Industrial / Business Development

Chorley's Local Development Framework

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

Joint Core Strategy

Policy 1 – Locating Growth

Planning History

09/00933/FULMAJ: Full application for the demolition and redevelopment of existing structures to provide a Class A1 foodstore, petrol filling station, associated car parking, servicing, new accesses, public realm and landscaping. Outline application for the provision of a retail unit (Use Classes A1, A2, A3, A4, A5) and a business/non-residential institution unit (Use Classes B1 and D1) including details of scale and access.

Approved: 21 December 2010

Recommendation: Approve Reserved Matters

Conditions

1. **Prior to the commencement of works in respect of the construction of the footpath adjacent to the Carpet Warehouse hereby approved a method statement shall be submitted to and approved by the local planning authority. The method statement**

shall detail measures to protect the adjacent carpet warehouse during construction and following the completion of the works (specifically in respect of changes to levels and potential for water bearing material to impact on the warehouse) and how the levels of the footpath will link into the adjacent car park. *Reason: The development proposed should not result in a level of impact upon the Carpet Warehouse greater than the existing impact and the footpath should blend in with existing levels at either end of the footpath link pending the redevelopment of the site to provide the Asda store.*

2. The proposed building and associated boundary fencing shall be implemented in accordance with the materials stated within the approved details contained within the plans unless prior written approval of an alternative named brick or panel that reflects the aims of the access and design statement has been agreed with the local planning authority. *Reason: To ensure the development accords with the aims and principles of the access and design statement and to ensure a high quality built development.*
3. Before the development hereby approved is first occupied the car park and manoeuvring space shall be constructed, marked out and made available for use and thereafter retained for car parking. *Reason: In order to ensure that the building has sufficient spaces to serve the building and that those spaces remain available for use thereafter.*

Item 4n	12/00454/FULMAJ
Case Officer	Mrs Nicola Hopkins
Ward	Heath Charnock And Rivington
Proposal	Section 73 application to vary condition 28 (facing materials) attached to planning approval 11/00999/FULMAJ
Location	Weldbank Plastic Co Ltd Westhoughton Road Heath Charnock Chorley Lancashire
Applicant	Mr John Matthews
Consultation expiry:	6 June 2012
Application expiry:	10 August 2012

Proposal

1. This application is a section 73 application to vary condition 28 attached to planning approval 11/00999/FULMAJ. Condition 28 relates to the approved facing materials of the dwellinghouses which will be constructed at the Weldbank Plastics Site, Heath Charnock
2. Full planning permission was granted in May 2011 to construct 20 dwellinghouses at the site (11/00168/FULMAJ). This approval was varied, in respect of conditions 1 and 24 the approved plans, by the submission and approval of a S73 application in March 2012 (11/00999/FULMAJ). This previous S73 application was submitted to adapt the scheme to take account of the position of a mine shaft that exists on the south-eastern part of the site.
3. The approved scheme for this site incorporates the erection 16 detached four and five bedroomed dwellings and a row of four 2 bedroomed terraced properties. The site is occupied by Weldbank Plastics and the business is still operating from the premises. It is intended that the business will relocate.

Recommendation

4. It is recommended that this application is granted conditional planning approval subject to the associated Section 106 Agreement

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Condition 28
 - Section 106 Agreement

Representations

6. 1 letter of objection have been received raising the following points:
 - The elevation increase of plot 17 will block light to the adjacent rear garden
 - Any damage done to the party walls during construction should be rectified
 - Any damage to the adjacent garage will need to be rectified.

AssessmentPrinciple of the development

7. The principle of the residential development of the site was established with the grant of full planning permission in May 2011. This application purely relates to amending the detail of the planning approval.

Condition 28

8. Condition 28 of planning approval 11/00999/FULMAJ states:
The external facing materials detailed within the submitted Design and Access Statement shall be used and no others substituted. Namely Ibstock Old English, Ibstock Beamish Blend and Ibstock Ravenhead Red Smooth bricks and Russell Grampian roof slates, colour slate grey. *Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
9. Condition 28 specifically detailed the approved facing bricks which the dwellings will be constructed out of. However the developer now wishes to replace the facing bricks to utilise Ibstock Cumberland Blend and Ibstock Beamish Blend bricks.
10. Both bricks are red bricks versions which are considered to be an appropriate material for this site.

Section 106 Agreement

11. As the approval of this application results in the issuing of a new planning approval a short supplemental S106 Agreement is required tying this application into the original obligations.

Overall Conclusion

12. The proposed amendments are minor and considered to be acceptable as such it is proposed to vary condition 28 as follows:
The external facing materials detailed on the approved plans shall be used and no others substituted. Namely Ibstock Cumberland Blend and Ibstock Beamish Blend bricks and Russell Grampian roof slates, colour slate grey. *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.*

Other Issues

13. As set out above the neighbour to the site has raised concerns with the proposed 'elevational amendments' set out within this application. This application does not propose any amendments to the siting or appearance of the dwellinghouses. The neighbour has been advised that this is the case and this application purely relates to amendments to the materials.
14. Concerns in respect of the structural integrity of the adjacent properties is a private matter between the developers and property owner.
15. As set out below an application to discharge the conditions attached to the previous approval has been submitted any condition which have been formally discharged will be reflected within the conditions attached to this recommendation.

Planning PoliciesNational Planning Policies:

Policies: National Planning Policy Framework

Regional Spatial Strategy:

DP1, DP2, DP3, DP4, DP5, DP7, DP9, L4

Adopted Chorley Borough Local Plan Review

GN1, EP4, EM9, HS4, HS21, TR4

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

Sites for Chorley- Issues and Options Discussion Paper December 2010

CH0157- Weldbank Plastics

Planning History

11/00168/FULMAJ: Full planning application for the demolition of the existing buildings and erection of a residential development comprising of 20 new houses and associated access, car parking and landscaping arrangements. Approved May 2011

11/00999/FULMAJ: Section 73 application to vary conditions 1 (approved plans) and 24 (list of approved plans) attached to planning approval 11/00168/FULMAJ. Approved March 2012

12/00419/DIS: Application to discharge conditions 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 22, 28 and 33 attached to planning approval 11/00999/FULMAJ. Pending consideration

Adjacent sites:**Danesway:**

89/00914/OUT- Outline application for 1.7 acres of land for residential purposes. Approved June 1990

93/00316/OUT- Renewal of outline planning permission no 9/89/914 for residential development of 1.7 acres of land. Approved September 1993

93/00835/REM- Erection of 23 dwellings. Approved February 1994

95/00523/FUL- Erection of 9 detached houses. Approved October 1995

Mercer Court:

09/00106/FUL- Resubmission of application 07/01270/FUL for erection of two detached dormer bungalows (revision of house types). Approved April 2009

Kings Lea:

87/00255- Outline application for erection of 19 dwellings on 1.07 ha of land. Approved June 1987

87/00638- Erection of 19 dwellings inc garages roads and sewers. Approved October 1987

88/00466/FUL- Substitution of house types plot 2 and 6. Approved August 1988

Recommendation: Permit (Subject to Legal Agreement)**Conditions**

1. The proposed development must be begun not later than three years from the date of planning approval reference 11/00168/FULMAJ.
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No dwelling on plots 10, 11, 13, 14 and 18 hereby permitted shall be occupied until garden sheds have been provided in accordance with the approved details submitted as part of discharge of condition application 12/00419/DIS. The garden sheds shall be retained in perpetuity thereafter.
Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets

3. Notwithstanding the submitted details prior to the occupation of the dwellings hereby permitted the planting and fence on the highway frontage of the site to Westhoughton Road and within a visibility splay, which is drawn from a point 4.5m measured along the centre line of Danesway from the continuation of the nearer edge of the carriageway of Westhoughton Road to a point measured 70m in the south eastern direction along the nearer edge of the carriageway of Westhoughton Road from the centre line of Danesway , shall be permanently maintained at a height not greater than 1m above the crown level of the carriageway of Westhoughton Road.

Reason: To ensure adequate visibility at the junction and adequate visibility is maintained for the neighbouring property. In accordance with Policy TR4 and advice contained in Manual for Streets
4. Prior to the occupation of the dwellings hereby permitted the existing vehicular access on Westhoughton Road (Plot1) shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

Reason: To maintain the proper construction of the highway and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
5. The development hereby permitted shall be carried out in accordance with the submitted Wardell Armstrong remediation strategy (submitted as part of discharge of condition application 12/00419/DIS).

Following the completion of the remediation and prior to the completion of the dwellinghouses a validation report shall be submitted to and approved in writing by the Local Planning Authority. This should confirm that all the remedial measures have been completed as detailed in the strategy.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.
6. Notwithstanding the submitted details prior to the commencement of the development full details of the boundary treatment adjacent to the watercourse (plots 5-9) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the boundary treatments will be implemented in accordance with the approved details.

Reason: To protect/conservate the habitat/amenity value of this watercourse in accordance with Government advice contained in PPS9.
7. Himalayan balsam is present within the application area. Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause Himalayan balsam to grow in the wild. Himalayan Balsam at this site should be controlled/treated in accordance with Environment Agency guidelines and in accordance with the Method Statement undertaken by ERAP (submitted as part of discharge of condition application 12/00419/DIS). Following treatment of the species evidence shall be submitted to and approved in writing by the Council which demonstrates that the species had been eradicated/controlled.

Reason: To ensure the eradication of Himalayan balsam in accordance with the Wildlife and Countryside Act 1981 (as amended).
8. During the construction period temporary fencing shall be erected along the bank top of the brook to protect the river corridor and prevent debris and construction material

from encroaching into this area. The temporary fencing shall be erected in accordance with the approved details submitted as part of discharge of condition application 12/00419/DIS. The fencing shall thereafter be retained during the construction period in accordance with the approved details.

Reason: to ensure the protection of Eller Brook during the construction period.

9. The development hereby permitted shall be completed in accordance with the approved planting proposals plan (ref: 1055-902 Rev B) (submitted as part of discharge of condition application 12/00419/DIS). The approved landscaping shall remove Elder from the hedgerow mix to be replaced with Hawthorn and include small gaps within the fencing to allow for habitat connectivity.
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 and Government advice contained in the National Planning Policy Framework
10. The bat roosting opportunities, to be incorporated into the new development, shall be completed in accordance with the approved details (submitted as part of discharge of condition application 12/00419/DIS)
Reason: To mitigate the loss of potential bat roosting opportunities in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and Government advice contained in the National Planning Policy Framework
11. The communal bin collection points to serve plots 5, 6, 7, 8, 9, 10 and 11 and 14, 15, 16 and 17 shall be provided in accordance with the approved details submitted as part of discharge of condition application 12/00419/DIS. The collection points shall only be utilised for the storage of bins on bin collection days and shall be free of bins at all other times. The collection points shall thereafter be retained in perpetuity.
Reason: To ensure adequate refuse collection facilities are provided on site and in the interests of the visual amenities of the area. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.
12. Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including the private highway, parking areas and bin collection points, shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company in accordance with the approved arrangements.
Reason: To ensure the satisfactory management of the private highways, parking areas and the storage of bins at the collection points at the site. In accordance with Policies GN5 and TR4 of the Adopted Chorley Borough Local Plan Review.
13. The development hereby permitted shall be carried out in accordance with the submitted Traffic Management Plans (submitted as part of discharge of condition application 12/00419/DIS) setting out the site compound and contractor parking arrangements. The construction operating hours including deliveries and site construction staff will be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays.
Reason: To ensure that noise and disturbance resulting from hours of operation and delivery does not adversely impact on the amenity of existing residents.
14. 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 1st January 2010, Level 4 for all dwellings

commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st January 2016).

Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

15. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.
Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
16. No dwelling shall be occupied until a letter of assurance, detailing how each plot will meet the necessary code level, has been issued by an approved code assessor and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Prior to the completion of the development a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
17. The development hereby permitted shall incorporate the on site measures to reduce the carbon emissions of the development, through the use of renewable or low carbon energy sources/ technologies, by 15% in accordance with the approved details submitted as part of discharge of condition application 12/00419/DIS.
Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
18. The integral and detached garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
Reason: In order to safeguard the residential amenity and character of the area and to ensure adequate off street parking is retained. In accordance with Policies HS4 and TR4 of the Adopted Chorley Borough Local Plan Review
19. 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 amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in the National Planning Policy Framework
20. The development hereby permitted shall be carried out in accordance with the precautionary measures for tree works outlined in paragraphs 5.5.3 – 5.5.6 of the report 'Land at Weldbank Plastic Co Ltd, Westhoughton Road, Heath Charnock.

Ecological Survey and Assessment (including a licensed bat survey)' (ERAP, January 2011).

Reason: To ensure the continued protection of bats as part of the development. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and The Conservation of Habitats and Species Regulations 2010

21. The development hereby permitted shall be carried out in accordance with the mitigation measures for bats in buildings during demolition as recommended in paragraphs 5.5.9 – 5.5.13 of the report 'Land at Weldbank Plastic Co Ltd, Westhoughton Road, Heath Charnock. Ecological Survey and Assessment (including a licensed bat survey)' (ERAP, January 2011) and the further recommendations submitted as part of discharge of condition application 12/00419/DIS.

Reason: To ensure the continued protection of bats as part of the development. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and The Conservation of Habitats and Species Regulations 2010

22. The development hereby permitted shall be carried out in accordance with the measures for the protection of retained trees, other vegetation and Eller Brook, as recommended in section 5.3 the report 'Land at Weldbank Plastic Co Ltd, Westhoughton Road, Heath Charnock. Ecological Survey and Assessment (including a licensed bat survey)' (ERAP, January 2011). *Reason: To protect/conservate the habitat/amenity value of this watercourse and trees*

23. The approved plans are:

Plan Ref.	Received On:	Title:
317-101	15 November 2011	Location Plan
317-102 Rev M	15 November 2011	Planning Layout
317-103 Rev F	15 November 2011	Streetscenes
1055-901 Rev E	15 November 2011	General Arrangements
317-104 Rev B	15 November 2011	Planning Site Sections
5896/01	15 November 2011	Topographical Survey
317-H736-2/101 Rev A	15 November 2011	Aspull 2 Bed House
317-H1207-4/101	15 November 2011	Hale 4 Bed House
317-H1540-4S/101	15 November 2011	Appleton Side Garage (Plot 16)
317-H1589-5/103 Rev A	15 November 2011	Bowden 5 Bed House (Plot 15)
317-H1672-5/101 Rev A	15 November 2011	Newbury B (Plots 11, 14 & 18)
317-H1672-5/102 Rev A	15 November 2011	Newbury B (Plots 10 & 13)
317-H1836-5/101 Rev A	19 December 2011	Waverton (Plot 1)
317-H1836-5/102 Rev A	19 December 2011	Waverton (Plots 17 & 20)
317-H1843-5/101 Rev A	15 November 2011	Portland (Plot 4)
317-H1207-4/102	15 November 2011	Hale (Plot 10)
317-H1384-4/101	15 November 2011	Hale+ (Plot 2)
317-H1782-5/101	15 November 2011	Westminster (Plot 3)
317-H2174-5/101	15 November 2011	Harbury (Plot 19)
317-H2174-5/102	15 November 2011	Harbury (Plot 12)
317-TG/DETAIL/101	15 November 2011	Twin Garage (Plots 9 & 10)
317-DG/DETAIL/101	15 November 2011	Double Garage (Plots 1, 2, 3, 4, 17 & 20)
STD DETAILS- SD-??	1 March 2011 1800	High Closeboard Fence
STD DETAILS- SD-??	1 March 2011 1500	High Closeboard Fence with 300mm trellis
STD DETAILS-SD-15-W0 Crease	11 March 2011	1800 High Brick Wall with Tile
317-105 Rev A	3 May 2012	Materials Layout

Reason: To define the permission and in the interests of the proper development of the site

24. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.
Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No.HS4 of the Adopted Chorley Borough Local Plan Review.
25. 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.
26. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.
Reason: To protect the appearance of the locality and 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.
27. The external facing materials detailed on the approved plans shall be used and no others substituted. Namely Ibstock Cumberland Blend and Ibstock Beamish Blend bricks and Russell Grampian roof slates, colour slate grey.
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.
28. The ground surfacing materials detailed on the approved plans shall be used and no others substituted.
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.
29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings on plots 1, 2, 3, 4, 5, 16, 17 and 20 hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
30. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

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

31. The two bathroom windows in the first floor of plot 15's rear elevation shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter.

Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

32. Prior to the commencement of the development full details of the proposed retaining wall within the north east corner of the site, including levels and sections, shall be submitted to and approved in writing by the Local Planning Authority. An appropriate retaining wall structure has been identified as a timber post retaining structure submitted as part of discharge of condition application 12/00419/DIS. The development thereafter shall be carried out in accordance with the approved details.

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

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Report of	Meeting	Date
Director Partnerships, Planning and Policy	Development Control Committee	12 June 2012

Tree Preservation Order No.8 (Withnell) 2011

PURPOSE OF REPORT

1. The purpose of this report is to decide whether to confirm the above Tree Preservation Order (TPO) in light of the comments received.

RECOMMENDATION(S)

2. That Tree Preservation Order No.8 (Withnell) 2011 should be confirmed as originally proposed.

EXECUTIVE SUMMARY OF REPORT

3. The Council received comments from the land owner which can be summarised as follows:
4. Tree T1 (Eucalyptus) was planted by the land owner some 20 years ago and is not an indigenous species. The tree will need attention in the future as the trunk has developed into a triple formation and may become unsafe.
5. Tree T2 (Field Maple) is very small and the plan submitted under the application 11/00619/OUT (currently being considered at appeal) was designed to allow the tree to co-exist with the proposed development.
6. With regard to the above, Tree T1 comprises a Eucalyptus tree which is of a medium size and appears very visible and prominent in the streetscene from multiple views on Thirlmere Drive and is considered to be in good health. Tree T1 has been established in the area for a substantial amount of time now and makes a valuable contribution to the green character of the surrounding area. The tree may not be a native species, however, it makes a significant contribution to the streetscene and has significant amenity value. The tree does not appear to be showing any immediate signs of failure to be considered dead, dying or dangerous and any change in circumstance in the condition of the tree (should the TPO be confirmed) would require the submission of an application for tree works to the Council.
7. Tree T2 comprises a Field Maple which is smaller size, but still appears visible and prominent in the streetscene and from multiple views on Thirlmere Drive and is also considered to be in good health. Tree T2 is smaller in size, however, still makes a significant contribution to the streetscene and has significant amenity value. It is acknowledged that this tree would probably not suffer any significant detrimental harm as a result of the development submitted as part of the application 11/00619/OUT (as siting and design have not been applied for), however, it is still considered the tree is worthy of protection.
8. With regard to the above, both trees are still considered to have significant amenity value in the streetscene and both should be protected by TPO.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	x
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

- 10. An Outline application was received and is currently under consideration at appeal to develop the land on which the trees are situated (formally known as Land East Of 34 Thirlmere Drive, Withnell) for the erection of one detached bungalow (all matters reserved apart from access) (ref: 11/00619/OUT). A TPO was placed on these trees to protect them in the future.
- 11. Members should be aware that the Order was made on 5th September 2011 and an objection was received on the 29th September 2011.
- 12. It has been acknowledged there has been a significant period between making the order and bringing it before Members and so, Council Officers have visited the site to re-assess the condition of the trees. The site visit enabled Officers to consider the issues raised in light of the objection letter received.
- 13. As a result, it is still considered both trees make a valuable contribution to the visual amenities of the area, being prominently sited and clearly visible to the public, and it is considered their removal would have a significant detrimental impact on the environment and its enjoyment by the public.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

15. None.

COMMENTS OF THE MONITORING OFFICER

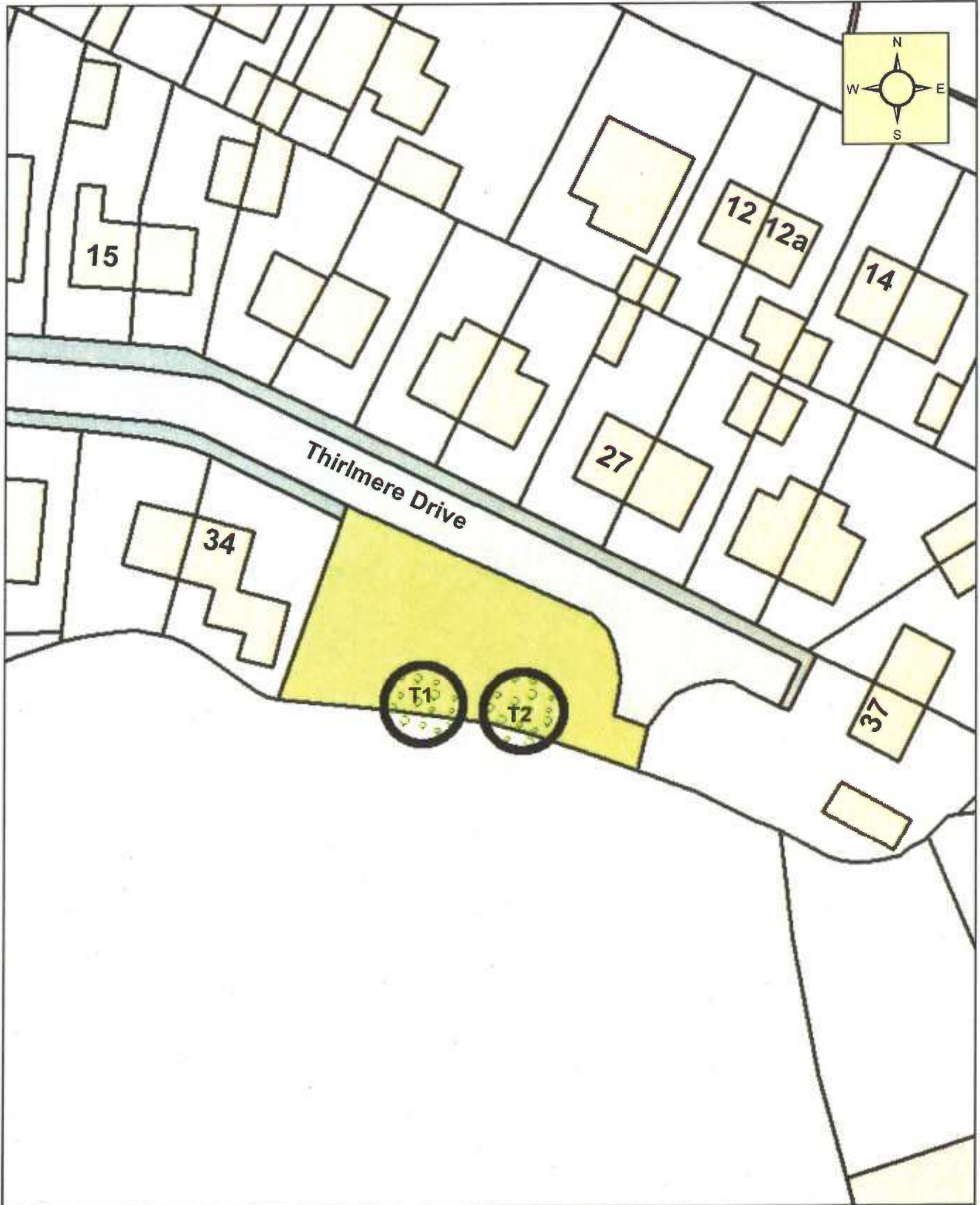
16. None.

Lesley-Ann Fenton
Director Partnerships, Planning and Policy

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Matthew Banks	5230	28 th May 2012	***

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Report of	Meeting	Date
Director Partnerships, Planning and Policy	Development Control Committee	12 th June 2012

TREE PRESERVATION ORDER NO. 1 (CHORLEY) 2012

PURPOSE OF REPORT

1. The purpose of this report is to decide whether to confirm the above Tree Preservation Order (TPO) in light of the objections received.

RECOMMENDATION(S)

2. That Tree Preservation Order No.1 (Chorley) 2012 be confirmed subject to the following modifications:
 - Amendment to the extent of Group 1 to remove the area of land which is not treed

EXECUTIVE SUMMARY OF REPORT

3. Objections were received in respect of the inclusion of an area of G1 which in fact is closely mown grassland. Having reviewed the aerial photos the extent of G1 does incorporate an area of grassed land and has been amended to remove this grassed area of land.

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	X
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

5. An application was received to the develop land at Parcel 10, Gillibrands for residential development which incorporated several mature trees. A TPO was placed on these trees to protect them in the future.
6. It is recommended that the Tree Preservation Order (T.P.O. No. 1 (Chorley) 2012) be modified to so that the Order is amended in respect of the errors set out above. However, it

is recommended that it be confirmed for all of the trees including individual trees and groups of trees.

IMPLICATIONS OF REPORT

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

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

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Nicola Hopkins	5214	29 th May 2012	***

Memo

From:	Head of Planning	To:	Head of Governance
Ref:		Ref:	
Ext:	5214	Date:	9 th January 2012

PROPOSED TREE PRESERVATION ORDER NO 1 (CHORLEY) 2012

Under the Scheme of Delegation to Officers, I hereby authorise the making of the above Tree Preservation Order.

I enclose 10 copies of the requisite Ordnance Survey extract.

Please take the necessary action to make the Order without delay. The Order should include a direction under Section 201 of the Town and Country Planning Act 1990 to give it immediate effect.

The information necessary to make the order is as follows:

	Number on the Map	Description	Situation
1.	Individual Trees		
	T1	Oak	Adjacent to entrance to Parcel 10
	T2	Alder	Adjacent to entrance to Parcel 10
	T3	Sycamore	West of access road to Grundys Farm
	T4	Ash	West of access road to Grundys Farm
	T5	Sycamore	West of access road to Grundys Farm
	T6	Sycamore	West of access road to Grundys Farm
	T7	Willow	Western edge of Parcel 10
	T8	Sycamore	Western edge of Parcel 10
	T9	Ash	Western edge of Parcel 10
	T10	Oak	Western edge of Parcel 10
	T11	Hawthorn	Western edge of Parcel 10
	T12	Sycamore	Western edge of Parcel 10

T13	Oak	Western edge of Parcel 10
T14	Oak	Western edge of Parcel 10
2.	Groups of Trees G1	Woodland mixture Including Poplars and Oaks
		Adjacent to Clover Road

Grounds for making Order

The trees make a valuable contribution to the visual amenities of the area, being prominently situated and clearly visible to the public. Their removal would have a significant impact on the environment and its enjoyment by the public.

Person(s) understood to have an interest in land affected (owner)

Chorley Council own the land

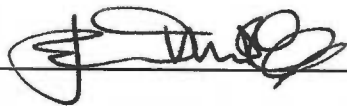
The ownership information is the best I have to hand, but cannot be relied upon. Please can you immediately carry out a Land Registry Search. Also, please send out a Requisition for Land Ownership Information with the TPO. I would not wish the requisition to go out before the making of the TPO, as it would alert the owner as to our intentions. Should the response to the requisition reveal any others with an interest in the land, please serve the TPO on them.

Please advise the Parish Council of the making of the Order. I understand you will also notify immediate neighbours of the Order.

I understand you will arrange for personal service of the TPO on all those with an interest in the land and also post a site notice/plan to alert others of the TPO.

I look forward to receiving a copy of the published order and, no doubt, you will advise me should any objections be made.

Signed



Date

09 JANUARY 2012

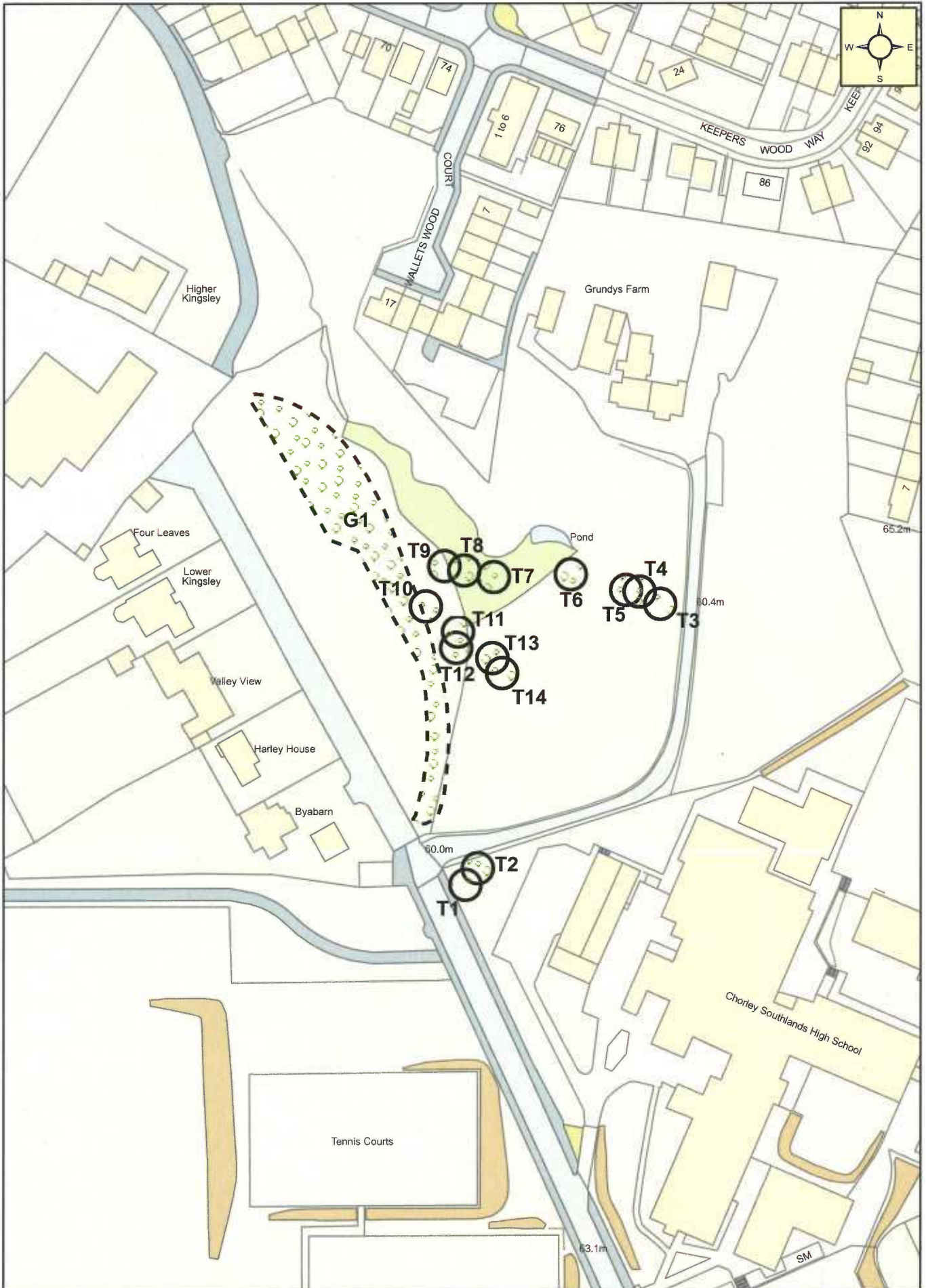
Authority to make TPO to be signed by Head of Planning Services (or in his absence Development Control Manager).

TREE PRESERVATION ORDER NO 1 (CHORLEY) 2012

The following procedure is to be followed:

1	Case Officer	Prepare draft memo with TPO details and draft plan.
2	Development Control administration	Allocate TPO number, prepare GIS TPO plan and enter details into GIS records
3	Case Officer	Complete and sign file copy of memo and pass to DCM.
4	DCM [or PPO (DC) in his absence]	Check and countersign file copy of memo and pass to HPS.
5	HPS [or DCM in his absence]	Authorise making of TPO by signing top and file copy of memo. Pass to Admin.
6	Administration Section (Front Office)	Create new TPO file and return to Case Officer.

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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	12 June 2012

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 12 MAY AND 30 MAY 2012

PLANNING APPEALS LODGED

1. Appeal by Mr C. Titherley against the delegated refusal for erection of a two storey rear extension. Erection of a dormer window extension to existing bathroom on front elevation. (Resubmission of application 11/00752/FUL) at The Nook, Jolly Tar Lane, Coppull PR7 4BJ (Planning Application: 11/01078/FUL Inspectorate Reference: APP/D2320/D/12/2175218). Planning Inspectorate letter received 21 May 2012.
2. Appeal by Mr Michael Catterall against the Development Control Committee refusal for amendments to the pitch of the roof over the entrance and garage to the front of the property, and application for retrospective permission for the roof pitch over side extension (same plans as submitted for application 11/00262/FUL) at Woodcock Barn, Runshaw Lane, Euxton, PR7 6HB (Planning Application: 11/00994/FUL Inspectorate Reference: APP/D2320/D/12/2175734. Planning Inspectorate letter received 30 May 2012.

PLANNING APPEALS DISMISSED

3. Appeal by Mr Michael Linfoot against the non-determination of Planning Application:11/00484/COU for change of use of land for the siting of 2 No static caravans and 4 No touring caravans for residential use, the storage of 2 No touring caravans when not in use for working away, retention of double utility block, provision of double stable block, retention of reduced area of hard surface for exercising horses, retention of hard standing for 3 No vehicles plus horse box trailer to north of site and provision of new hard standing for 3 No vehicles plus horse box trailer together with retention of existing access at North West corner of site at 1 Heath Paddock, Hut Lane, Heath Charnock PR6 9FP (Planning Application: 11/00484/COU Inspectorate Reference: APP/D2320/A/11/2159688). The Appeal is dismissed and planning permission is refused. Planning Inspectorate decision received 22 May 2012.

PLANNING APPEALS ALLOWED

4. None

ENFORCEMENT APPEALS LODGED

5. None.

ENFORCEMENT APPEALS DISMISSED

6. None.

ENFORCEMENT APPEALS ALLOWED

7. None,

ENFORCEMENT APPEALS WITHDRAWN

8. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

9. Planning Permission granted for the erection of a new control kiosk and the alteration of an existing access and compound serving a waste water facility at Cowling Farm, Chorley Lane, Charnock Richard PR6 9EA. (Planning Application: 12/00310/CTY). Decision received 23 May 2012.

All papers and notifications are viewable at Civic Offices, Union Street, Chorley or online at www.chorley.gov.uk/planning.

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	30.05.2012	***

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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