



Development Control Committee

Agenda and Reports

For consideration on

Tuesday, 26th March 2013

In the Council Chamber, 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.

18 March 2013

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 26TH MARCH 2013

You are invited to attend a meeting of the Development Control Committee to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 26th March 2013 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 - 6)**

To confirm the minutes of the Development Control Committee held on 5 March 2013 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 pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary 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 six reports 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) 12/00895/FULMAJ - Land 80m south west of Appenzell Babylon Lane Heath Charnock (Pages 7 - 20)

Proposal

Residential development of 14no. two-storey 4 and 5 bedroom detached houses

Recommendation

Refuse full planning permission

- (b) 12/01081/FULMAJ - Land west of Cypress Close, Clayton-le-Woods (Pages 21 - 38)

Proposal

Erection of 38 dwellings

Recommendation

Permit full planning permission

- (c) 12/01247/FULMAJ - Site of former Social and Athletic Club Duke Street Chorley (Pages 39 - 62)

Proposal

Development of 70 dwellings and associated infrastructure

Recommendation

Permit (subject to Legal Agreement)

- (d) 12/01211/OUTMAJ - Finnington Industrial Estate, Finnington Lane, Feniscowles, Withnell (Pages 63 - 68)

Proposal

Application to extend the time limit to implement previous permission ref: 09/00825/OUTMAJ which was an outline permission for demolition of existing buildings, erection of 15 units for mixed use of office and living accommodation, formation of new access to Finnington Lane, landscaping and laying out of new road and parking areas together with provision of washroom/W.C. building for canal-boat users (Section 73 application)

Recommendation

Permit full planning permission

- (e) 13/00034/FUL - Logwood Stables Brinscall Mill Road Wheelton Chorley PR6 8TD (report to follow)

Proposal

Erection of an equestrian horse breeding and training facility comprising new stables, tack room and storage. Creation of open dressage arena and associated parking areas

Recommendation

Members are asked to reconsider the planning application resolution to approve dated 5 March 2013 in light of the additional material planning consideration contained in the report and consider the appropriateness of draft conditions contained in this report.

- (f) 13/00035/FUL - Logwood Stables Brinscall Mill Road Wheelton Chorley PR6 8TD (report to follow)

Proposal

Retrospective application for: 1) Engineering works including the formation of tracks and roadways within the site, works to form pond, repairs to drainage ditch and repairs to the public footpath. 2) Erection of stables on the site for a temporary period

Recommendation

Members are asked to reconsider the planning application resolution to approve dated 5 March 2013 in light of the additional material planning consideration contained in the report and consider the appropriateness of draft conditions contained in this report

5. **Planning Appeals and Decisions (Pages 69 - 70)**

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

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

Yours sincerely



Gary Hall
Chief Executive

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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 Counce, 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), Alex Jackson (Senior Lawyer) and Cathryn Filbin (Democratic and Member Services Officer) for attendance.
3. Agenda and reports to Development Control Committee reserves 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 آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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کیجئے:

Development Control Committee

Tuesday, 5 March 2013

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 and Roy Lees

Substitutes: Councillor Alison Hansford and Mick Muncaster

Also in attendance:

Councillors: Alistair Bradley and Doreen Dickinson

Officers: Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Alex Jackson (Senior Lawyer), Matthew Banks (Planning Assistant) and Cathryn Filbin (Democratic and Member Services Officer)

13.DC.13 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Greg Morgan and Geoffrey Russell. Councillors Mick Muncaster and Alison Hansford attended the meeting as their respective substitutes.

13.DC.14 MINUTES

RESOLVED – That the minutes of the Development Control Committee held on 5 February 2013 be confirmed as a correct record subject to a minor amendment on Minute 13.DC.9 the word ‘Your’ which should have read ‘York’, and signed by the Chair.

13.DC.15 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interest submitted.

13.DC.16 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Partnerships, Planning and Policy submitted twelve applications for planning permission.

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

- a) **Application:** 13/00033/FUL - Middle Derbyshire Farm, Rivington Lane, Rivington, Bolton **Proposal:** Retrospective application for the temporary siting of a static caravan for living accommodation and the creation of associated hardstanding.

RESOLVED (unanimously) – That the decision deferred until the full application for new house on the land is scheduled for a future Committee

- b) **Application:** 12/00716/FULMAJ - **Proposal:** Erection of 26 No. dwellings
Croston Woodwork Ltd, Station
Road, Croston, Leyland

Speakers: Objector – Kath Almond, Ward Councillor – Councillor Doreen Dickinson and the applicant's agent – Matthew Symons.

RESOLVED (11:2:2) - That planning permission be approved subject to a Section 106 legal agreement and the conditions detailed within the report in the agenda. Members resolved that their support for parking restrictions to be included in any Section 278 agreement be conveyed to County Highways.

- c) **Application:** 12/01221/FUL - Land between Boro Corn Mill and Salisbury Street, Chorley **Proposal:** Retrospective application for the creation of a car park, new vehicle and pedestrian access from Salisbury Street and erection of 2.5m high palisade fencing and access gates

Speaker: Ward Councillor – Councillor Alistair Bradley

RESOLVED (13:2:0) – That planning permission be approved subject to a Section 106 legal agreement with delegated authority to officers to negotiate an open space contribution to be reported back to Chair's briefing and to Ward Members, the conditions within the report in the agenda and that a request that the land negotiations consider limiting the timescale for negotiations, parking for residents outside normal hours and providing the land sale income to support local improvements.

At that point the Chair announced that the following two items which related to Logwood Stables, Brinscall Mill Road, Wheelton, Chorley would be heard jointly but that the resolutions would be taken separately.

- d) **Application:** 13/00034/FUL - **Proposal:** Erection of an equestrian horse breeding and training facility comprising new stables, tack room and storage. Creation of open dressage arena and associated parking areas
Logwood Stables Brinscall Mill Road
Wheelton Chorley PR6 8TD

Speakers: Objector's agent – Sophie Marshall and the applicant's agent – Tony Lang.

RESOLVED (10:4:1) – That planning permission be granted on the grounds that the development related to:

1. **Positive economic benefit to the rural area of this particular business with the individual circumstances submitted and;**
2. **This is a specialist rural business located within a rural community.**

Permission was subject to conditions including lighting, hours of working, control of manure, external materials and a restorative scheme should the building no longer be used for the approved purpose the wording for which to be delegated to officers, in consultation with the Chair and Vice Chair of Development Control Committee. Discharge of the lighting condition to be reported back to Development Control Committee.

- e) **Application:** 13/00035/FUL - **Proposal:** Retrospective application for: 1) Logwood Stables, Brinscall Mill Road, Wheelton, Chorley Engineering works including the formation of tracks and roadways within the site, works to form pond, repairs to drainage ditch and repairs to the public footpath. 2) Erection of stables on the site for a temporary period

RESOLVED (10:4:1) – That retrospective planning permission be granted subject to conditions, the wording for which to be delegated to officers, in consultation with the Chair and Vice Chair of Development Control Committee.

- f) **Application:** 12/01244/REMAJ - **Proposal:** Reserved Matters application for residential development comprising of Land bounded by Town Lane (to the north) and Lucas Lane (to the east) 122 dwellings and associated works (pursuant to outline permission ref: Town Lane, Whittle-le-Woods 11/00992/OUTMAJ)

Speaker: Objector – Nick Hall

RESOLVED (14:0:1) – That the reserved matters planning permission be approved subject to the conditions detailed within the report in the agenda, and the additional conditions within the addendum.

(At this point Councillor Danny Gee left the room for the remainder of the meeting.)

- g) **Application:** 12/01158/FULMAJ - **Proposal:** Erection of a replacement Close Gate Farm and land to rear dwelling, new commercial stable building Buckholes Lane, Wheelton (for livery use) and sand paddock following the demolition of existing buildings (apart from cattery)

Speaker: Applicant's agent – Alban Cassidy

RESOLVED (unanimously) – That planning permission be approved subject to a Section 106 undertaking, the conditions detailed within the report in the agenda and the additional condition detailed in the addendum.

- h) **Application:** 12/01233/FUL - Pall Mall garages and sheds, 81A Pall Mall, Chorley **Proposal:** Proposed social housing development of seven houses and associated access and parking

Speaker: Objector – Caroline Mead

RESOLVED (13:1:0) – That planning permission be approved subject to a Section 106 legal agreement, a condition relating to construction management and the conditions detailed within the report in the agenda.

- i) **Application:** 13/00036/FUL - **Proposal:** Conversion of existing shop Chordale Wine Merchants, 275 Eaves Lane, Chorley with accommodation above (Class A1) to 3 no. Studio Apartments (Class C3) with 3 no. garage spaces, to include removal of the shop front, erection of a two storey

rear/side extension, and pitched roof over the existing store

RESOLVED (unanimously) – That planning permission be approved subject to the conditions detailed within the report in the agenda.

- j) **Application:** 12/01231/REMAJ - **Parcel H8, Euxton Lane, Euxton** - **Proposal:** Reserved Matters Application for the erection 13 no. dwellings (2 no. blocks of 6 terraced properties and 1 no. apartments above garages). Alternative scheme to that approved under permission ref: 11/01087/REMAJ

RESOLVED (unanimously) – That the reserved matters planning permission be approved subject to the conditions detailed within the report in the agenda and the amended condition detailed in the addendum.

- k) **Application:** 13/00077/DEMCON - **Garages at Longfield Avenue, Coppull** - **Proposal:** Application for prior determination of the proposed demolition of 16no. sectional concrete garages

RESOLVED – That prior approval of the local planning authority was not required for the proposed demolition or restoration of the site.

- l) **Application:** 13/00089/DEMCON - **Storage at rear 112A Market Street, Chorley** - **Proposal:** Application for prior determination of the proposed demolition of storage building

RESOLVED – That prior approval of the local planning authority was not required for the proposed demolition or restoration of the site.

13.DC.17 ENFORCEMENT ITEM

RESOLVED (unanimously) – That the decision deferred until the full application for new house on the land is scheduled for a future Committee.

13.DC.18 PROPOSED CONFIRMATION OF TREE PRESERVATION ORDERS WITHOUT MODIFICATION:

Members of the Committee considered two reports from the Head of Governance which sought instruction on whether to confirm Tree Preservation Orders be made permanent without modification.

- a) **Preservation Order No.4 (Charnock Richard) 2012**

RESOLVED (unanimously) – That the Tree Preservation Order No. 4 (Charnock Richard) 2012 be confirmed without modification.

- b) **Tree Preservation Order no. 7 (Adlington) 2012**

RESOLVED (unanimously) – That the Tree Preservation Order No. 7 (Adlington) 2012 be confirmed without modification.

13.DC.19 REVOCATION OF TREE PRESERVATION ORDERS

Members of the Committee received two reports from the Head of Governance which sought approval for formal revocation of Tree Preservation Orders.

a) Revocation of Tree Preservation Order No.2 (Clayton-le-Woods) 2012

Resolved (12:1:1) – That the Tree Preservation Order No. 2 (Clayton-le-Woods) 2012 be revoked to allow a fresh order to be made to protect the trees covered by the Order.

b) Revocation of Tree Preservation Order No 14 (Chorley) 2011

Resolved (12:2:0) – That the Tree Preservation Order No. 14 (Chorley) 2011 be revoked to allow a fresh order to be made to protect the trees covered by the Order.

13.DC.20 PLANNING APPEALS AND DECISIONS

The Director of Partnerships, Planning and Policy submitted a report which gave notice of one planning appeal that had been lodged with the Planning Inspectorate, two appeals that had been dismissed, one planning appeal allowed, and one enforcement appeal that had been lodged.

Chair

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Item 4a	12/00895/FULMAJ
Case Officer	Caron Taylor
Ward	Heath Charnock And Rivington
Proposal	Residential development of 14 no. two-storey 4 and 5 bedroom detached houses
Location	Land 80m south west of Appenzell Babylon Lane Heath Charnock Lancashire
Applicant	Bloor Homes Ltd - North West
Consultation expiry:	18 October 2012
Application expiry:	17 December 2012

Proposal

1. Residential development of 14 no. two-storey 4 and 5 bedroom detached houses.

Recommendation

2. It is recommended that this application is refused planning permission.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Density
 - Piecemeal Development and Affordable Housing
 - Levels
 - Impact on the neighbours
 - Design
 - Open Space
 - Education
 - Trees and Landscape
 - Ecology
 - Flood Risk and Drainage
 - Traffic and Transport
 - Contamination and Coal Mines
 - Sustainability
 - Overall

Representations

4. 91 letters of objection have been received on the following grounds:
 - The area proposed for housing development is currently Safeguarded Land, treated as Green Belt;
 - Rural infilling in this area of open countryside would adversely affect its character, changing it from semi-rural to urban;
 - The land supports local wildlife and offers grazing for deer, which come down from the West Pennine Moors. The quiet rural nature and views of the area would be lost forever as mature trees and shrubs would need to be removed to clear the site for development;
 - This is a significant loss of amenity to local residents. When an access road was created a few years ago the developers, rather than transport the soil off site, piled it up on either side of the road. This artificially raised land levels on the development site in question;

- two-storey houses would effectively be the height of three storey properties because of this because of the levels. This would result in overlooking and would cause a loss of light and privacy with roof heights above the levels of surrounding properties;
- There would also inevitably be noise and disturbance with the size of development proposed;
- Cottage residents on Babylon Lane and adjacent side roads such as Factory Lane have no allocated parking and therefore park on the length of Babylon Lane. Parked cars mean that the lane has effectively become a single track road where vehicles must give way to oncoming traffic. The proposed development would require vehicular access onto Babylon Lane adding to the road congestion, which is most severe on band practice evenings when vehicles park along both sides of the road and around the point where it bends. With the close proximity to the primary school on Babylon Lane, this would pose a further road safety risk;
- The amount of housing development in Chorley currently underway, and in the pipeline, is immense. Looking at Adlington/Heath Charnock in particular the amount of the proposed development for the parishes is grossly disproportionate to other areas in the town. They question the need for additional housing when cottages and detached dwellings alike, along the length of the Babylon Lane, are not selling. Surely it is the duty of the Council to check the unrestricted sprawl of built up areas; safeguard the countryside from encroachment; preserve the setting and character of historic towns and assist in urban regeneration by encouraging the recycling of derelict and other urban land, rather than using green belt, which once lost cannot be replaced;
- Last year, this site was put in the draft LDF for development and changed from the safeguarded status it had enjoyed for a number of years. More than 450 people objected and the site has been removed from the final draft. Now a developer tries to pre-empt the views of the local population. The village has had several hundred houses built on Fairview over the last decade as well as other developments. There is already two active sites in the village with almost 100 house;
- As a resident of Babylon Lane the area is already over-crowded with cars. The terraced houses have no parking and it can take a long time just to get to the top of the road in a vehicle. It's a very busy road and cannot cope with the amount of traffic it already has. Adding to this is putting at risk the children who use the Primary School on Babylon Lane. The speed limit is rarely adhered to in the 20mph and 30mph sections, with speeds in excess of 60mph being reached along the section of main road being primed for development;
- The current application for development of 14 houses on the land that lies between Springfield Mews and the access Road for Appenzell is opportunistic and I believe founded on a bizarre and I believe incorrect planning inspectors decision regarding Clancutt Lane. It would seem inappropriate for the inspector in that decision to seek to open up other sites for application when the Council has already considered the merits of the site in question and chosen to treat it as Safeguarded Land in the current plan and remove it from the site allocations in the next proposed plan. The Council should consider it to be contrary to current approved policy and also counter to the emerging policy which is now at an advanced stage;
- Current guidance clearly requires planning authorities to presume against development on Safeguarded Land and only to consider a change in that status as part of a full review of the overarching local plan which Chorley has done and chosen rightly to remove the site from the list identified for development. In this instance the correct process is to review the status of the site as part of the Core Strategy review and any application in advance of full adoption of the new plan that should be rejected as both premature and contrary to policy particularly as the emerging policy position for this site is for it not to be developed;
- Chorley has seen and continues to see significant housing development and is able to demonstrate it is meeting housing targets and evidenced need without any requirement for this site to be developed. The target of 417 dwellings per annum for the next plan period can be accommodated on other sites already identified without the need to approve development on this site;
- The site is home to significant wildlife and to lose this site for more housing that is not meeting any identified need;

- If granted it will be an inevitability that the remaining land running to Greenhalgh Lane and containing the band rehearsal room would be subject to applications for development almost immediately compounding the problem;
- There exists a 'village green' feel to the green field area bordered by The Appenzell, Babylon Lane and Greenhalgh Lane, for generations local residents have enjoyed this land for its informal 'rights of way', recreational use and aesthetic appeal; many residents regard it as a vital area of peace, tranquillity and pastoral charm which has added to the overall appeal of Heath Charnock.
- How can the planning application go through before the Housing Allocation Strategy has been out to consultation, accepted and adopted?;
- This specific housing developer has only submitted an Energy assessment. I expressed concerns to the LDF with regards to the lack of sustainable housing. The Council response to my LDF comments refers me to sustainable resources DPD and SPD – I would suggest this type of development which uses traditional materials; primarily 'reconstituted stone' (concrete) and cement, is not a sustainable per say.
- There is no 'affordable housing' proposed;
- The development will be out of keeping with the 100 year old stone cottages on Babylon Lane;
- Japanese Knotweed is adjacent to a private road and will spread without action. It is an offence to spread it under the Wildlife & Countryside Act 1981;
- The area has always been vegetated land, and has generally coped with the amount of water it receives. They are concerned with the impacts of built development and the long term sustainability of placing storage water tanks in the ground (which development of this scale here would be considered likely to need);
- The current bus service up Babylon Lane is not frequent enough to encourage people to use it.
- The 'Safeguarded Land' term is misleading – most people assume this to be followed by 'from', not 'for';
- The proposed development does not reflect or retain the rural nature of Babylon Lane. The east side of Babylon Lane is characterised by varying height stone masonry walls directly alongside the highway; this theme continues from Greenhalgh Lane, northwards to the junction of Babylon Lane and Long Lane, adjacent to the Bay Horse Public House. The proposal seeks to remove this important rural feature and de-characterise it;
- The submitted Street Scene is incomplete. It does not correctly reflect the slope or change in level across the existing site. In addition, the Street Scene should include existing adjacent buildings and demonstrate the relationship in height, massing and appearance of the proposed new development and its visual impact on existing properties. The submitted Street Scene fails to show any existing features, buildings or relationship between existing and proposed;
- The proposed access is the retention of Whitebeam Close, currently a private drive, serving a limited number of dwellings. The increase in vehicular traffic generated by this proposed development would require improvements to this driveway in order to meet the required public highway standards. Review of the forward visibility for vehicles exiting the development shows inadequate visibility of southbound traffic approaching the site entrance. There is a substantial stone wall north of the development and outside the site boundary; this wall is located directly alongside the carriageway. In addition, unrestricted parking allows vehicles to park on the southbound carriageway; parked vehicles further impede adequate visibility and would, therefore, result in sub-standard highway safety with regard to vehicles exiting Whitebeam Close;
- The development of 4 and 5 bedroom detached dwellings is out of keeping with the 2 and 3 bedroom terraced properties which typify the east side of Babylon Lane;
- The land in question is raised up higher than Babylon Lane. Therefore these 2 storey houses will stand up and loom over the other properties and land around the site;
- Smaller cottages or bungalows would be better suited and fit in with the village location;
- Stone walls also need to be retained as they are a key feature of this part of the village;
- The properties will overlook the properties on Stonegate Fold;
- The development will increase runoff increasing flooding;
- The proposal will impact on a public Right of Way.

Cllr Case objects on the following grounds:

- It would be to totally change the essence of the local community .These two fields are a small green belt between Anderton and Heath Charnock, linked by a beautiful dry stone wall;
- The centre of this land was granted in perpetuity by Leonard Fairclough for a Band Hut [on the land to the south of the application site] for the Rivington and Blackrod Band and they understand there are still trustees who must be aware of their responsibility to enhance the music opportunities which this Band creates for young people;
- Through the land lies the major UU water main for the community and some of the utilities for Newlands run through from the land adjacent to Appenzell;
- The land slopes hugely down to Greenhalgh Lane; when Lindsey Hoyle and I were endeavouring some many years ago to find a parking area for the many, many cars which presently park on Babylon Lane as so many of the homes have no back access for parking, this land was deemed by planners to be unsuitable for a car park so how can it now be appropriate for housing?;
- Modern housing will be a blot on the landscape of the stone houses and cottages;
- The parking needs of the present community are horrendous

Cllr Kim Snape objects on the following grounds:

- The majority of Babylon Lane already has very serious vehicle parking issues. Further vehicles from new properties can under no circumstances be accepted as this will increase the serious danger that the lane already poses with congestion;
- The development will destroy local green amenity to residents and impact on public rights of way;
- The housing is not needed in the area, there are other sites in Adlington close by that are proposed for building e.g. Bolton Road and will fulfil the required housing numbers. There is 5 years of allocated housing development land waiting to be built on;
- The majority of housing on Babylon Lane is terraced houses, this proposal is for 4/5 bed homes. This is totally not in keeping with the area;
- The land floods on a regular basis and drainage for nearby properties at Newlands and Appenzell runs through the land. This could potentially create havoc for the potential new homeowners and residents whom have lived there for years;
- An application for a granny type building at Appenzell was last year turned down due to the fact that it would spoil the open nature of the area – it is therefore crazy 12 months later than we can be proposing building 14 houses in this locality;
- The schools and doctors in the area are oversubscribed and unable to cope with further in take;
- Public transport in the area is abysmal – residents have one service to and from Chorley on a Tuesday and Friday, which therefore confirm there will be an increase in cars coming down the lane from the development.

1 letter of support has been received on the following grounds:

- They are shocked by some of the comments which all appear to be NIMBY type responses. The area needs more development to help the local economy and the proposed development is in an area that is already largely developed with mixed style housing and so would seem a perfect site for development. They consider what is proposed is in line with The Framework and is precisely the type of development the government were trying to encourage in difficult economic times. The area should be grateful that the applicants are happy to invest in this area at a time when most developers aren't investing and try not to encourage them to take their investment elsewhere.

Anderton Parish Council

4. Object on the following grounds:

- It would reduce the amenity value of the green space within what is already a considerably built-up area;
- It would further add to the road traffic problems associated with Babylon Lane i.e. volume of traffic, parking and congestion;
- The construction of the properties would have an overbearing effect on existing nearby properties;

- The parish council understands that the site is located within a proposed 'safeguarded' area of land and anticipates that this will be reflected when considering the application.

Heath Charnock Parish Council

5. Object on the following grounds:
 - The land is currently designated as "safeguarded" for consideration for possible development in the future;
 - Further development would generate traffic and exacerbate the present traffic problems on Babylon Lane, which are considerable;
 - There has been a great deal of building in the Adlington and District area and the infrastructure will not support increased development.

Adlington Parish Council

6. Objection on the following grounds:
 - A decision on the application should be deferred until the Lancashire Core Strategy/Allocation policies are finalised;
 - It will change the village character of Adlington;
 - There may not be adequate places available in local schools to cater for the increase in the population;
 - At present it has not been determined whether local medical and dental services and local Accident & Emergency facilities have adequate capacity to deal with the proposed population increases in Adlington and surrounding area;
 - There is very little local employment available;
 - It is uncertain whether Lancashire Constabulary has the resources to police the increased population, particularly in view of the fact that the local Police Station is closing and the Community Beat Manager is part time;
 - Highways in the village are busy, particularly at peak times, and this is exacerbated when there are problems on the M61 motorway and traffic is diverted through Adlington. This proposed development is likely to include multi-car households;
 - Traffic and parking is a problem on Babylon Lane which provides the only access to this site, and is a narrow country lane. The Town Council requests a site inspection by Lancashire County Council Highways should be undertaken before any development is considered, and that this should take place around school times when the traffic in this area is at its heaviest;
 - As there are no secondary schools in Adlington, this development, if permitted, would increase the number of car journeys made, and/or extra school buses would be required, both increasing the amount of traffic on the roads at peak times.

Consultations

Police Architectural Design and Crime Reduction Advisor

7. During the period 21/09/2011 to 21/09/2012 there has been criminal activity within the immediate vicinity of this location. This includes criminal damage to vehicles and burglary in a building other than a dwelling.
8. The Design and Access Statement makes reference to Secure Design and designing for crime prevention on pages 11, 14 and 15 in terms of natural surveillance and defensible space. The fencing plan is supported e.g. a mixture of green screen, 1.8m close boarded timber fence at the rear and 1.2m post and rail fencing at the front of dwellings.
9. Due to the fact that the proposed dwellings are high value homes there may be a potential risk of burglary and car key burglary therefore in order to prevent the opportunities for criminal activity at the development I recommend that properties be fitted with a number of features and the developer should consider the properties being developed to Secured By Design standards.

Environment Agency

10. Have no objection in principle to the proposed development but comment that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS offer significant advantages

over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality.

Lancashire County Council (Highways)

11. Babylon Lane is a local access road with a 30mph speed limit. Whitebeam Close is adopted highway. There is a grass verge/service strip either side of the carriageway although there is no footway. Presently there is only the one footway on the opposite of Babylon Lane at the locality. At the back of the edge of the carriageway is a stone wall retaining up to 1.3m high with the stone coping. There is earth embankment behind the stone wall.
12. They are satisfied suitable access and layout can be achieved and therefore do not have any overriding highway objection to the proposed development in principle subject to Whitebeam Close being widened to 5.5m wide for a distance of 10m and then reduced to 5m wide, footways of 2m on Babylon Lane. This can be achieved via a Section 278 Agreement.
13. Babylon Lane is approximately 6.5m wide and the road is marked with a centre line. There is no footway on the north eastern side of Babylon Lane on approach to Whitebeam Close there is inclination for vehicles in the lead direction to be travelling slightly further away from the edge of the carriageway and stone wall than they would normally do thereby enabling greater clearance from the edge of the road. The provision of a new footway on either side of the access with the removal of the stone wall should enable improved visibility sightlines.
14. The new footway to the north will be extended as far as the north most limit of the site boundary line. However the small section of the stone wall and embankment beyond the site boundary and falling outside of the applicants control will be remaining and this is likely to interfere with visibility in the lead direction beyond this point. It is also likely a short section of the existing wall on the applicant's side will also need to be retained to stop the neighbouring wall from being undermined.
15. The road in the lead direction is on a downhill incline however owing to the lack of footway and the presence of on-street parking that takes place further north of the site, traffic speeds are not excessively fast and speeds are subjectively around 30mph.
16. The required visibility sightline for 30mph is for 43m distance along the major road and with a setback distance of 2.4m along the minor road. From site observations the achievable sightline following the footway improvements will be approximately 37m however allowing for a slightly reduced set back distance of 2.2m, owing to the greater clearance vehicles will be travelling from the edge of the road, they feel the sightline can be further improved to approximately 41-42m which should prove acceptable.

Chorley's Waste & Contaminated Land Officer

17. Request a condition, due to the size of the development and the proposed sensitive end-use (residential housing with gardens), requiring a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures to be submitted prior to development.

Lancashire County Council (Education)

18. Draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a planning obligation. They request a contribution for 5 primary school places of £58,178 to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development.
19. They state failure to secure the contributions sought would mean that the County Council cannot guarantee that children living on the development would be able to access a school place within a reasonable distance from their homes.

Applicants Case

20. The applicant has made a submission to the emerging Local Plan Examination Inspector stating that they consider it to be unsound and therefore that the emerging Local Plan should allocate sites such as Babylon Lane.
21. They state it is considered that the approach towards housing allocations in Adlington is inconsistent with the strategic approach for the distribution of housing and is not robustly justified. Adlington is expected to deliver 385 housing units, however this is unsound on the basis that the number of units to be delivered through allocations and existing commitments and the status of two of the allocations needs to be reviewed. Additional allocations are needed to address the shortfall, particularly as the Council does not have the historical evidence, required under the guidance of the National Planning Policy Framework (The Framework), to rely upon contributions from windfall delivery.
22. The site at Babylon Lane will contribute to addressing the identified shortfall in housing delivery. The site was identified in the previous Chorley Local Plan as 'Safeguarded Land', acknowledging its suitability for development. Considering there is an insufficient supply of appropriate housing sites within Adlington, as demonstrated above, the allocation of the site at this time is fitting and accords with the suitability of the site as identified in the previous Local Plan. The site is available and can be viably developed. The intention of the applicants is to implement any permission in the short term and therefore the site is assured of being brought forward in the early part of the plan period.
23. The Inspector, in the appeal decision at Clancutt Lane, Coppull (APP/D2320/A/12/2172036) noted that, in allowing that appeal, that Babylon Lane (and 3 other sites) may be vulnerable to applications as a result of his decision, but that applications on those sites would not be prejudicial to the overall aim of the Plan. The applicants believe that, not only would the allocation of the site for housing not harm the aim of the Plan, it would supplement and reinforce the ability of the Plan to achieve its core aims, not least of which is the allocation of appropriate and deliverable housing sites.
24. In summary, the landowner believes the site should be considered an appropriate housing allocation. It is immediately deliverable and would assist Chorley, in the immediate term, to address the shortfall in housing numbers within Adlington. The availability of this site should also be set in the context of the settlement, namely that the achievability of alternative non-allocated sites within Adlington is extremely limited.

AssessmentPrinciple of the development

25. The proposal is located on land designated as safeguarded by Policy DC3 (specifically DC3.8) in the adopted Chorley Local Plan Review. Policy DC3 states that development other than that permissible in the countryside under Policies DC1 or DC2 will not be permitted on Safeguarded Land.
26. There has been a number of appeal decisions on sites designated as Safeguarded Land, which are material considerations in the determination of this application. In the decisions for housing applications on Safeguarded Land at Clayton-le-Woods, Whittle-le-Woods and Coppull, Inspectors have concluded that Policy DC3 should be considered out of date and have afforded it limited weight in their appeal decisions. Therefore, although this 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.
27. The application is on a 0.8 hectare part of a larger 2 hectare site that was allocated for 36 dwellings (HS1.29) in the Preferred Option version of the Site Allocations and Development Management Policies Development Plan Document (emerging Local Plan). However, this site was not allocated for housing at the Publication stage. It was re-designated to remain as Safeguarded Land (BNE3.4 Babylon Lane). The reason it was removed is that it was considered sufficient sites are identified via allocations in Policy HS1 and other non-allocated housing commitments to meet the housing requirement for Chorley as set out in Policy 4 of

the Core Strategy, with a small oversupply. It is considered the Council has identified sufficient deliverable or developable sites for the plan period as required by the Framework.

28. The emerging Local Plan has now been submitted to the Secretary of State. As at publication stage, the application site forms part of designated Safeguarded Land in this Plan (BNE3.4). Therefore, this proposal is considered contrary to the emerging Local Plan.
29. Paragraph 17 of the Planning System General Principles document states that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (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 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 policy in the DPD. It also states that a proposal for development which has an impact on only a small area would rarely come into this category. This application is for 14 dwellings and it is not considered that it is so substantial, or the cumulative effect so significant, that granting permission could prejudice the emerging Local Plan by predetermining decisions about the scale, location or phasing of new development.
30. Paragraph 18 of the Planning System General Principles states that planning applications should continue to be considered in the light of current policies, but that account can also be taken of policies in emerging DPDs, with the weight to be attached depending upon the stage of preparation or review. It states that where a DPD has been submitted for examination, but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. It also states that the converse may apply if there have been representations which oppose the policy and that much will depend on the nature of those representations and whether there are representations in support of particular policies.
31. The National Planning Policy Framework (The Framework) provides further advice on the weight that can be given to emerging policies in Paragraph 216. It states that decision takers may also give weight to relevant policies in emerging plans according to three different factors:
 - 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);
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
32. In terms of the first bullet point, the emerging Local Plan was submitted in December 2012. Therefore, the plan is at a very advanced stage, so can be afforded weight in relation to this bullet point.
33. In terms of the second bullet point, there were 474 objections to the allocation of this site at Preferred Option stage, 3 representations of support and 2 comments that did not express support or objection. Therefore, whilst there was some support for the allocation of this site, there was a very high level of objection. At Publication stage when the allocation was removed and the land re-designated as safeguarded, only 2 representations were received in relation to this land. One of which still objected to the land being allocated for housing, despite its change in designation. The other objected to the designation of the land as safeguarded and stated that it should be re-instated as housing land. This objector considered that the approach towards housing allocations in Adlington is inconsistent with the strategic approach for the distribution of housing, is not robustly justified and that there is likely to be a housing shortfall; however this is disputed by the Council.
34. Therefore re-designating the land as safeguarded would appear to have satisfied most of the Preferred Option stage objectors, as they have not objected at the later stage. There is

however one objection to this re-designation and the site is being considered as an alternative site for housing by the Inspector as part of the Examination of the emerging Local Plan.

35. In terms of the third bullet point, the Framework supports the identification of Safeguarded Land and the Council considers that relevant policies on housing are consistent with the Framework, so the emerging plan can be afforded weight in relation to this bullet point.
36. Although the Council accept that Adlington is identified as an Urban Local Service Centre where some growth and investment will be encouraged as Clayton-le-Woods, Whittle-le-Woods and Coppull were in the appeal decisions, the current application site differs from these sites (which were all proposed to be allocated for housing) as it is not proposed to be allocated at the Publication stage of the emerging Local Plan. It was removed because it was not considered that the site, which is green field, was needed for housing purposes. An Examination in Public of the emerging Local Plan is scheduled to take place in April/May.
37. The previous appeal decision is a material consideration in determining this application, however in terms of this site the situation is slightly different in that the site is not proposed to be allocated in the emerging Local Plan, but rather remain as Safeguarded Land. Although there is one objection to retaining the land as safeguarded, on balance considering paragraph 216 of the The Framework, as assessed above, it is considered weight can be given to the emerging Local Plan and its retention of the land as safeguarded.
38. As policy DC3 of the current Local Plan has been found to be out-of-date at appeal, therefore paragraph 14 of The Framework must be considered.
39. Paragraph 14 of The Framework states that where the development plan is absent, silent or relevant policies out of date, permission should be granted unless:
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - Specific policies in the Framework indicate development should be restricted.
40. However, although it is accepted that Policy DC3 is out-of-date, the emerging Local Plan is not absent, silent or out of date as weight can be given to it. The proposal is therefore considered contrary to the emerging Local Plan. In addition Chorley has an adopted Core Strategy with a range of up-to-date policies which should be given weight in the determination of this application. Core Strategy policies in relation to density and affordable housing are relevant to this application and are referred to in the sections below.
41. There is no urgent need to develop this site in terms of housing supply as the Council has a deliverable five year housing supply plus 5%, which was accepted by the Inspector in the Lucas Lane, Whittle-le-Woods appeal decision. Housing development is under construction and has been permitted on alternative sites in Adlington. Therefore, there is no urgent need to approve this site to meet borough-wide or Adlington housing requirements. Although he comments of the applicant are noted the Council considers it has allocated sufficient land in Adlington in the emerging Local Plan to meet longer term housing requirements.

Density

42. The site area is 0.8hectares on which a total of 14 properties are proposed which is the equivalent of 17.5 dwellings per hectare. The surrounding residential area is comprised of a mix of dwelling types including terraced, semi-detached and detached houses. At the Preferred Option stage of the emerging Local Plan process 36 dwellings were proposed on the wider HS1.29 site allocation (2 hectares), based upon 30 dwellings per hectare on a net developable area of 60%. The relatively low net developable area was assumed predominantly to take account of trees with preservation orders and the bandstand on the land to the south of the application site. The application site is a greenfield site and the proposed density of 17.5 dwellings per hectare is not considered to represent the efficient use of this land. The layout shows 14 large detached properties and it is not considered that there are material considerations that require the density to be this low, for example, in terms of design in relation to being in keeping with the surrounding properties. The proposal is

therefore considered to be contrary to Policy 5 of the Core Strategy in that it does not make efficient use of the land.

Piecemeal Development and Affordable Housing

43. No affordable housing is proposed as part of this application. Policy 7 of the Core Strategy specifies that the minimum site size threshold for affordable housing is 15 dwellings (0.5 hectares or part thereof). The number of units proposed (14 units) is less than the numerical threshold of 15 units, which is a consequence of the low density proposed on the site. However, this site is 0.8 hectare in size and is therefore over the 0.5 hectare site size threshold in the Core Strategy which requires 30% affordable housing to be provided.
44. The application is on a 0.8 hectare part of a 2 hectare site that was previously allocated for 36 dwellings as a whole (HS1.29). It is therefore considered that the proposal would result in piecemeal development of the wider Safeguarded Land site as it would involve the development of the northern portion of the Safeguarded Land, leaving the southern portion which is closer to the centre of Adlington and most of its amenities undeveloped. However the application site is separated from the land to the south by the access to Appenzell and Newlands. Therefore it is not considered if the application site was developed separately from the wider safeguarded site it would cause harm in terms of piecemeal development.
45. The proposal is therefore considered contrary to Policy 7 of the Core Strategy in that it will result in piecemeal development avoiding the need to provide affordable housing, but also that the size of the site is above the size threshold of 0.5 hectares and therefore affordable housing should be developed on site. The provision of affordable housing was a material consideration in determining the applications detailed earlier, both by the Council and those allowed at appeal referred to earlier in this report.

Levels

46. When Springfield Farm was converted to residential properties in the early-mid 1990s (ref: 90/00585/FUL) material from construction of the road (Whitebeam Close) which goes through this application site and would serve the proposed properties was deposited on the land. It is therefore raised in relation to Babylon Lane and the surrounding land with the road cut into it at a lower level. The applicant has provided cross-sections through the proposed layout showing the re-contouring of the land to accommodate the properties and avoid them being extremely elevated in relation to the surroundings. This is considered acceptable and the finished floor levels of the properties and ground levels of the site could be controlled by a planning condition.

Impact on the neighbours

47. There are residential properties immediately adjoining the site to the north and on the other side of Babylon Lane on Stonegate Fold.
48. The nearest plots to the properties on Stonegate Fold will be 1-3 and plot 14. Plots 1-3 will face towards Babylon Lane with an access road immediately to the front of them. Plot 1 will face towards the rear of numbers 12 and 14 Stonegate Fold which back onto Babylon Lane, the nearest of which is number 12, but this property is set at an angle to the proposed property on plot 1 so the windows in these properties will not directly face one another. There will be over 23m from the front windows of the proposed property and the boundary with the rear garden of number 12. Number 14 is set further back from Babylon Lane and there will be 22m to its boundary and over 35m to its rear windows. All of the above exceed the Council's interface distances taking into account the finished floor levels of the existing and proposed properties.
49. Plots 2 and 3 will face towards the rear of number 9-12 Stonegate Fold, but the nearest distance will be over 23m to the boundary with these properties and over 30m between facing windows. All the interface distances exceed the Council's guidelines taking into account finished floor levels.
50. Number 1 Stonegate Fold is side onto Babylon Lane, as is the proposed property on plot 14, therefore there will not be unacceptable overlooking between these properties.

51. To the north of the site are Springfield House, Cottages and Farm and Springfield Mews.
52. The property on proposed plot 12 will be positioned opposite 1 and 3 Springfield Cottages and Springfield Farm, but the nearest part of it will be a single storey detached double garage. There will be 17.5m between the front windows of the existing properties and the side of the detached garage and over 25m to the side of the proposed property itself on plot 12 which exceeds the interface distance guidelines and is therefore considered acceptable.
53. Plots 9 and 11 will be sited adjacent to the properties on Springfield Mews. The proposed property on plot 9 will be situated side on to the properties with a detached single storey double garage with driveway the nearest part of the property opposite the existing properties. There will be over 21m between the side of the garage and the windows in the properties on Springfield Mews opposite and over 28m between the side of the property itself and the existing properties. The rear windows of Plot 11 will face towards the side garden of number 1 Springfield Mews, but there will be over 13m between the first floor windows of the proposed property to its boundary and 26m between facing windows at first floor which also exceeds the interface distances. The relationship between these properties is therefore considered acceptable.
54. The property known as Appenzell is immediately to the northeast of the site but will be further away than the properties above and therefore it is not considered the proposal will have an unacceptable impact on it. The land immediately to the east is owned by Appenzell but the proposed properties on plots 8 and 9 will be side on to it and are therefore considered acceptable. There are no properties immediately to the south of the site.

Design

55. The properties will be higher than Babylon Lane but the site will be re-graded and they will have finished floor levels similar to those of the existing properties on Stonegate Fold that back onto Babylon Lane and will be viewed in their context, therefore the levels are considered acceptable.
56. The proposed properties are all two-storey detached houses with detached garages. They will be constructed of reconstituted stone and render with roof tiles and uPVC windows.
57. There are a range of properties in the area, notably the detached properties on Stonegate Fold that are also built of reconstituted stone. The properties of Springfield House, Cottages and Farm are terraced and are built of stone as are Springfield Mews. The properties to the north on Babylon Lane are also stone terraces. Due to the range of property types in the immediate vicinity detached properties are considered acceptable in design terms subject to materials which could be controlled by condition.
58. The fencing to the rear garden of Plot 14 would front Babylon Lane, however this is proposed as a 'Green Screen' which consists of a metal grid covered with plants. This is considered acceptable as would appear almost as a hedge while still giving a secure boundary for the owner of the property.
59. Stone walls are a feature of Babylon Lane and the site has a low stone wall fronting it. It is considered that any scheme should incorporate this feature within the layout (to the back of the pavement) to reflect the surrounding area. It is also considered the southern boundary treatment of the site (to the gardens of plots 1 and 6) would need to be carefully considered as there are views of this boundary as it is approached from the south. Notwithstanding what is shown on the submitted plans it is considered that a condition could be imposed requiring boundary treatments to be submitted and agreed to ensure they are acceptable.

Open Space

60. Policy HS21 of the adopted Local Plan covers Playing Space Requirements for new developments. In terms of amenity greenspace it sets a standard of 0.45 hectares per 1,000 population. There is currently a deficit of provision in Adlington in relation to this standard, and contribution towards new provision is therefore required of £85 per dwelling.

61. In terms of provision for children/young people (equipped play areas) Policy HS21 sets a standard of 0.25 hectares per 1,000 population of which there is currently a deficit of provision in Adlington in relation to this standard and a contribution of £426 per dwelling is required.
62. In terms of playing pitches, a Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from the development to be spent on sites included in the Action Plan accompanying the Playing Pitch Strategy of £868 per dwelling.
63. Altogether a contribution of £19,306 is required towards open space which would need to be secured via a legal agreement. The applicant has agreed to this payment and therefore the proposal is considered acceptable in relation to policy HS21.

Education

64. The Education Authority (Lancashire County Council) has requested a contribution of £58,178 towards 5 primary school places in the area. This is considered justified and the applicant has agreed to this payment and therefore the proposal is considered acceptable in relation to education subject to this being secured via a legal agreement.

Trees and Landscape

65. There are no protected trees within the site boundaries of the planning application although they do about the site to the northeast and southeast (TPO 1 Anderton/Heath Charnock 1972). These were found to be of moderate quality within the Arboricultural Impact Assessment submitted with the application. The layout of the proposal is considered acceptable in relation to these subject to conditions controlling tree protection during construction and no-dig areas if necessary.
66. There are a number of self-seeded low quality small trees and shrubs on the site that are to be removed but it is not considered that they would warrant a Tree Preservation Order as they make a limited contribution to the area.
67. The main landscaping issue is that there is a well-established hedgerow along each side of Whitebeam Close that runs through the site. This will be removed, which is regrettable, but is required due to the changes in levels proposed on the site. It is however proposed to replant a hedge along the frontage of Whitebeam Close as part of the development, but allowing for the driveways of the proposed properties. This is considered acceptable and can be controlled by a condition.

Ecology

68. An ecological assessment accompanies the application and concludes that the trees and scrub could offer limited foraging and commuting opportunity for bats in the locality. However there are no mature trees within the developable area on site with cavities suitable for roosting bats. As such, development of the site is unlikely to impact upon bats.
69. As small trees are to be removed as part of the application a condition would need to be applied to ensure that this does not take place within the nesting season unless checks have been carried out to ensure there are no nesting birds in them.
70. Biodiversity could be enhanced on the site through an appropriate planting scheme and the limited roosting potential of the current site could be enhanced by incorporating bat roosting features into the new build that could be controlled by a condition.
71. No protected or invasive plant species were observed on the site during the habitat survey.
72. The proposal is therefore considered acceptable in terms of ecology in accordance with Policy EP4 of the Local Plan subject to conditions relating to mitigation.

Flood Risk and Drainage

73. The site is not within Flood Zone 2 or 3 as identified by the Environment Agency and is less than 1 hectare in area. Therefore a Flood Risk Assessment is not required.
74. It is considered that appropriate drainage and surface drainage arrangements could be secured by conditions.

Traffic and Transport

75. Whitebeam Close would serve the development and is an existing adopted cul-de-sac that serves Springfield Mews. LCC Highways are satisfied that that a suitable access and layout can be achieved through a Section 278 agreement (under the Highways Act). They also state that the provision of a new footway on either side of the access with the removal of the stone wall should enable improved visibility sightlines. It is considered final highway details could be controlled by a condition.
76. The proposed properties will all benefit from at least three parking spaces which are in accordance with the Council's parking standards and is therefore considered acceptable.

Contamination and Coal Mines

77. The site is within a low risk area in terms of former coal mines as identified by the Coal Authority, therefore if the application is approved an informative note would be required to be applied to any decision notice.
78. Contamination issues can be controlled by a condition as requested by the Council's Contaminated Land Officer.

Sustainability

79. Policy 27 of the Core Strategy related to Sustainable Resources in New Developments. This requires new dwellings to be built to Level 4 (or Level 6 if commenced after January 2016) of the Code for Sustainable Homes and for schemes of over 5 dwellings additional building fabric or decentralised, renewable or low carbon energy sources should be installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%. This could be imposed by conditions.

Overall

80. There is no public right of way that crosses the application site.

Overall Conclusion

81. The proposal is considered unacceptable as it is contrary to the emerging Local Plan. In addition the low density of the development and the lack of affordable housing proposed results in the application being contrary to Policies 5 and 7 of the Core Strategy.

Planning PoliciesNational Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: GN5, HS4, TR4

Joint Core Strategy

Policies 17, 27

Planning History

75/00292/OUT Outline application for 25 houses. Refused June 1975.

**Recommendation: Refuse Full Planning Permission
Reasons**

- 1. The size of the site is over the threshold of 0.5 hectares that requires 30% affordable housing to be provided, as no affordable housing has been proposed the proposal is contrary to Policy 7 of the Core Strategy.**
- 2. The application site is a greenfield site and the proposed density of 17.5 dwellings per hectare is not considered to represent the efficient use of this land. The layout shows 14 large detached properties and it is not considered that there are material considerations that require the density to be this low. The proposal is therefore considered to be contrary to Policy 5 of the Core Strategy in that it does not make efficient use of the land.**
- 3. The application is contrary to Policy BNE3.4 of the submitted Chorley Local Plan 2012 – 2026 and it is not considered that there are other material considerations that outweigh this.**

Item 4b	12/01081/FULMAJ
Case Officer	David Stirzaker
Ward	Clayton-le-Woods West And Cuerden
Proposal	Erection of 38 dwellings
Location	Land west of Cypress Close Clayton-le-Woods Lancashire
Applicant	Rowland Homes
Consultation expiry:	4 March 2013
Application expiry:	28 February 2013

Proposal

1. This application seeks full planning permission for the erection of 38 dwellings. The proposed dwellings comprise a mix of dwelling types made up of 7 no. 2 bedroom and 4 no. 3 bedroom terraced properties and 27 no. 4 bedroom detached properties. Affordable housing is proposed to be provided on the site comprising 11 no. properties in total made up of the 2 and 3 bedroom properties.
2. The application site is designated as Safeguarded Land in the Adopted Chorley Borough Local Plan Review and is bounded to the east and south by the Clayton Le Woods settlement. Access to the site is via Cypress Close. The site is also proposed to be allocated under Policy HS2 of the Chorley Local Plan
3. The application site comprises an open field which slopes gently from east to west. The boundaries of the site are defined by hedgerows and mature trees, 2 of which on the east boundary are the subject of a Tree Preservation Order.
4. The proposed site layout incorporates the retention of the boundary trees and hedgerows. There is also a pond in the south western corner of the site which is to be retained and incorporated into the casual on site open space. A further area of casual on site open space is also to be provided at the north western edge of the site.
5. The application site is part of a wider site (Ref No.11/01004/OUTMAJ) for which outline planning consent was sought by Fox Land and Property for a mixed use development incorporating up to 700 dwellings, 40,000sqft of B1 office space, public house/ restaurant, convenience store, community building, single form entry primary school, public open space, highway works and associated works, with all matters reserved save for access. This application is still pending consideration. The adjacent site to the west has the benefit of outline planning permission (Ref No. 10/00414/OUTMAJ) which was granted on appeal. This permission is for residential development and a reserved matters application has recently been submitted for the erection of 293 dwellings (13/00138/REMMAJ) submitted by Taylor Wimpey Ltd and David Wilson Homes.

Recommendation

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

Main Issues

7. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Density

- Levels
- Affordable Housing
- Design & Layout
- Impact on the neighbours
- Open Space
- Trees and Landscape
- Ecology
- Flood Risk
- Traffic and Transport
- Contamination and Coal Mines
- Drainage and Sewers

Representations

- To date, 21 letters of objection have been received, the contents of which can be summarised as follows: -
- Preservation of habitat is an important consideration such as ponds and hedgerows
- More traffic will be added to the area
- Agricultural land will be lost
- The development conflicts with the policies of the statutory development plan with regard to Safeguarded Land and any permission would be an unacceptable departure from the plan
- If the statutory plan is considered too dated to carry much weight, permission would still be wrong due to prematurity. The Central Lancs Core Strategy has been adopted, but the Chorley Site Allocations Plan, putting meat on the bones of the Strategy, is at a critical stage, having just undergone a public consultation process with amendments to the document yet to be made and adoption not due for about 7 months. If permission is given now, the consultation will have been a pointless exercise and residents' rights usurped
- Given the position on the Site Allocations Plan, the development would be contrary to The Framework. Para.85 states: "It must be made clear that Safeguarded Land is not allocated for development at the present time. Planning permission for permanent development of Safeguarded Land should only be granted following a Local Plan Review which proposes the development". Para.156 states: "Local Planning Authorities should set out the strategic priorities for the area in the Local Plan Review. This should include the policies to deliver.... the homes....needed in the area"
- With the planning situation in Chorley as it stands, and the scrapping of the regional tier of planning, the proposal would be contrary to the provisions of the Localism Act, 2011
- Chorley has much more than the required 5 year + 5% housing land supply. Clayton-le-Woods in particular has extant permissions for about 500 dwellings and clearly no need for any more at present
- It is not sustainable to take yet more greenfield land when brownfield land with permission for over 1000 dwelling units lies undeveloped only a mile away at Buckshaw Village
- Magnolia Drive is an inadequate access road for the extra traffic movements associated with the 106 extra cars which the applicant identifies as being attached to these up-market houses
- Unfortunately, planning decisions in Chorley on housing applications have of late been taken for non-planning reasons by the Inspectorate and, more recently, by the Council, e.g. the Fox 300 and the Redrow 160 dwelling permissions at Clayton-le-Woods and the large scale housing permissions at Whittle-le-Woods and Adlington, all contrary to planning policy. These decisions have totally discredited the Site Allocations Plan process; the quantity builders and not the planning authority are now the main movers in determining the future shape and location of housing in the Borough.
- 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 in the final stages of preparing the Central Lancashire Core Strategy and the Chorley Site Allocations and Development Management Policies documents to replace the Local Plan Review. If permission is granted for this application 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 implementation of the Localism Act, the Government's intention is to give more power to local people. Recent planning decisions in Chorley Borough have shown that it is builders and Government Inspectors, not local planners or local people, who are deciding the future shape of Chorley. As a resident of Clayton Le Woods, I am part of my community and I do not see that any further development in Clayton Le Woods is necessary and possibly 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 further large development in Clayton Le Woods. In the recently overturned Lucas Lane planning application by Redrow, the Inspector comments along the lines that "some safeguarded land should be expected to be built on" – this has already occurred in Clayton Le Woods when the Inspector granted Fox Developments permission for 300 dwellings in the vicinity of this application just last year. The Inspector for Lucas Lane also dismisses the relevance of Buckshaw Village – this is a nonsense: there are permissions for over 2000 more dwellings at Buckshaw Village a mere mile away from this site; many smaller sites, such as the backland housing along Lancaster Lane and elsewhere, have recently received permission or are built and unsold; and there are other small sites in the pipeline, as, for example, at Burrows Grass Machinery. The wider picture, taking into account our neighbours in South Ribble, is a far greater number of proposed new housing than already mentioned. The Central Lancashire Core Strategy states that Clayton Le Woods, as an Urban Local Service Centre, is an area where "some growth and investment will be encouraged to help meet housing and employment". The 300 houses already approved for Fox Developments and the 160 approved for Redrow Homes on the same A49 corridor, is "some" and that any more developments are "more than some". The point should be given serious consideration along with my other listed reasons for objection
- 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 another area of greenfield agricultural land out of production when brownfield sites, like Buckshaw, are still available
- 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. I have seen articles in the local press calling for improved safety on the A49 near to the residential site where school children cross. Magnolia Drive is not designed to take through traffic, this is a serious safety risk
- I would like to propose that the site is 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 Holye 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 road's width away from the proposed site – the impact on wildlife is unfathomable
- There would be an intolerable burden on the local infrastructure. Based on a family of 2.2 children, the additional people accessing services would be detrimental to the quality of life for existing and new residents. In conclusion, I currently live in a great place; the community are passionate about our open spaces and our neighbourhood. Chorley Council itself says on its website "we are committed to promoting and preserving the environment"
- Access to the site along Cypress Close could pose a safety risk to children playing on the existing public open space on Cypress Close
- Great Crested Newts have been lost from local ponds

- This green environment is an essential amenity to my family and the neighbourhood. Let's not lose all the green open space for our future generations
- The development will cause harm to local wildlife
- There are already several other developments around this area. Buckshaw village being one of them - we don't need any more
- Local doctors and dentists in the area are already oversubscribed
- The builders will access the site via Cypress Close instead of the A49 Wigan Road
- There will also be the extra traffic from 38 new homes using Cypress Close as an access road instead of Wigan Road
- If the rest of the development is allowed, there will be so much traffic on Cypress Close leading to and from Lancaster Lane the quality of life here will be ruined
- I wish to see the entire development built from a Wigan Road access and permanently separated from Cypress Close
- My concern is also that it may become a rat run for many more houses, and a 'short cut' to Wigan road to bypass Lancaster lane lights and junction
- The public open space will become unsafe as people use Cypress Close for access to the proposed development
- Children will not be able to cross the road safely
- The current 20mph speed limit is not adhered to now
- Traffic calming would have to be implemented throughout Magnolia Drive and cypress close to slow everyone down
- The site will have an effect on house prices as affordable housing is proven to reduce the cost of surrounding housing
- The need for these houses must surely be negligible when there so many houses being built in the immediate area and so many remain unsold
- The applicant is wasting everyone's time by building these houses
- The destruction of wildlife, the extra noise and pollution will adversely affect everybody, physically and emotionally
- The water to the southwest corner previously contained great crested newts which have apparently disappeared. The council should be suing the land owners / developers for their failure to undertake their legal obligation to protect this rare species
- The plan would look to build houses far too close to trees which incumbents of the new houses would want removed or reduced due to the dense shade they would cast on the properties. Properties should be sited significantly further away from this boundary
- The infrastructure and service roads to the proposed development site will not be able to cope with the new traffic - in addition to over-burdening Cypress Close, the traffic using Magnolia Drive will also increase and the meandering nature of the this road is not appropriate for heavier traffic use
- There has been at least one serious accident in the past and many "near misses"
- Surely it is possible to find an alternative access route to build on the proposed field
- The proposal threatens the community cohesion
- Making Cypress Close an access road would create a huge increase in traffic volumes as well as the average speed of vehicles and it would dramatically increase the chances of an accident involving one of the children
- How can anyone justify such a change when the reduction of speed limits has been aimed at improving the safety of roads in residential estates?
- If the access was from the A49 development the field would continue to be an asset to all
- There have been numerous drainage issues on the estate and surrounding area - unless work is put into this area I have concerns over the addition of more houses
- Plots 3 to 7 (especially 6&7) and 10 to 11 are far too close to the trees at the southern border of the land. As a consequence the tree roots would be disturbed during development leading to their ultimate death

8. To date, no letters of support have been received

Consultations

9. No comments have been received from Clayton Le Woods Parish Council. Any comments received will be reported in the addendum.

10. **Lancashire County Council (Ecology)** do not raise any objections to the application and state that the main ecological concerns associated with these proposals include potential impacts on Cuerden Farm Ponds Biological Heritage Site (BHS, non-statutory designated Local Site), protected and priority species and habitats and habitat connectivity.
11. However, LCC Ecology advise that provided no mature trees with potential to support roosting bats will be removed to facilitate this development, then the applicant has submitted sufficient information to enable determination of this application, and mitigation/compensation for impacts on biodiversity can be secured by planning condition.
12. LCC (Ecology) state that it should be noted that although the Biological Heritage Site (BHS) is designated for amphibians (including great crested newts: European protected species), surveys carried out in support of previous planning proposals have failed to find evidence that great crested newts remain present in this area. It therefore appears reasonably unlikely that the proposals would result in significant impacts on great crested newts or their habitat. The BHS remains of value however, and there is national recognition (e.g. The Framework, Defra Local Sites guidance) of the contribution that these Local Sites make to the maintenance of biodiversity. Thus, and although the majority of the application area appears to comprise agriculturally improved grassland of inherently low biodiversity value, it will be important that impacts on the BHS, hedgerows, ponds and mature trees (and associated wildlife including bats, nesting birds, amphibians, hedgehogs, etc.) are avoided or adequately mitigated/compensated.
13. The proposed site layout does appear to avoid direct impacts on the BHS according to LCC (Ecology). However, habitats within the BHS do not appear to be buffered from the development so appropriate sympathetic management of wildlife habitat will need to be secured for the lifetime of the development through planning conditions.
14. The conditions suggested by LCC (Ecology) require submission of a Method Statement to set out measures to avoid impacts on protected species, a landscaping scheme demonstrating enhancement of the BHS, lighting details with regards to mitigating impacts on bats, details of bat and bird roosting facilities to be incorporated into the development and details of amphibian friendly gully pots that will be incorporated in the development.
15. **The Environment Agency** do not raise any objections to the application subject to conditions requiring full details of surface water drainage based on sustainable drainage principles, to be submitted to and approved in writing by the Council. The Environment Agency advise that the drainage strategy will be required to demonstrate that the surface water run-off generated by the development up to and including a 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include details of how it will be maintained and managed after completion of the development and that it shall subsequently be implemented in accordance with the approved details before the development is completed.
16. **The Architectural Design and Crime Reduction Advisor** states that during the period 06/12/2011 to 06/12/2012 there have been reports of criminal activity in the immediate vicinity of this location including theft from a vehicle. In order to prevent the opportunity for criminal activity at the proposed development, development should take into consideration the principles of *Secured By Design* in particular Part 2 Physical Security e.g. PAS 24 doorsets and laminated glazing in ground floor windows. Recommendations are also made in relation to minimising the opportunity for crime.
17. **LCC (Archaeology)** advise that the line of the Roman road from Preston to Wigan is recorded as possibly running across the application site. It has also been suggested that sandstone blocks observed in drainage trenches during the construction of houses on Caton Drive (immediately to the south of the proposal site) are evidence of the road. Any surviving archaeological evidence for the road would be considered to be of local significance only and could therefore be adequately dealt with by means of an appropriate scheme of archaeological mitigation (e.g. geophysical survey, archaeological excavation and recording).

LCC (Archaeology) would therefore recommend that should the local planning authority be minded to grant planning permission to this or any other scheme that the applicants be required to undertake a phased programme of archaeological work, and that such works be secured by means of a planning condition.

18. **United Utilities** do not raise any objection to the application subject to the imposition of 4 no. planning conditions which require submission of a drainage strategy, surface water drainage details, foul drainage details and a requirement that no dwellings are constructed within 3m of any existing public sewers and 15m of the wet well of any foul pumping station.
19. **Lancashire County Council (Highways)** advise that there is no overriding highway objection to the proposed development in principle and the parking and garaging is generally in accordance with the preferred standards. Issues with regards to the site layout have been raised which relate to the footway along the southern perimeter of the existing turning head at Cypress Close, the visibility at the private access serving plots 35-38 being obscured by the adjacent line of bush/hedge, the access road serving plots 8-18 being narrow, the layout not including for widening at bends due to the layout not providing for 2m wide footways on both sides or with a 2m wide service strip if a shared surface. An amended site plan has been submitted to address these issues and further comments are awaited from LCC (Highways) which will be reported in the addendum.
20. **Chorley's Waste & Contaminated Land Officer** has reviewed the Phase 1 & 2 Geo-Environmental Site Investigation and states the report has made an adequate assessment of the site and the conclusion that the site is suitable for development is concurred with. No objections to development proceeding are therefore raised subject to a condition stipulating that should during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment and identified for treatment in the remediation proposals be discovered, then the development should cease until further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.
21. **Lancashire County Council (Education)** advise that latest projections for the local primary schools show there to be a shortfall of 74 places in 5 years' time. The shortfall will occur without the impact from this development. These projections take into account the current numbers of pupils in local 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. With an expected yield of 13 places from this development, the shortfall would increase to 87 pupil places. Therefore, a contribution from the developer in respect of the full pupil yield of 13 places is being sought. This equates to a figure of £154,446. With regards to secondary school places, latest projections for the local secondary schools show there to be approximately 1290 places available in 5 years' time, with an expected pupil yield of 10 pupils from this development, a contribution from the developer in respect of secondary places is not being sought as projections show there will be sufficient spaces available in 5 years' time.

Assessment

Principle of the development

22. Clayton-le-Woods is a designated Urban Local Service Centre in the Central Lancashire Core Strategy (2012), so is considered as an appropriate location for some housing growth and investment. The application site is also located on land designated as Safeguarded Land by Policy DC3.8 of the Adopted Chorley Local Plan. Members will be aware that there have been a number of recent appeal decisions on sites designated as Safeguarded Land, which are material considerations in the determination of this application. In the appeal decisions for housing applications on Safeguarded Land sites in Clayton-Le-Woods, Whittle-le-Woods and Clancutt Lane, Coppull, the determining Inspectors have concluded that Policy DC3 should be considered out of date and as such have not afforded it weight in reaching a decision. Therefore, although this proposal would be in breach of saved Local Plan Policy DC3, this policy must be read in the context of other material considerations that may be more up-to-date.

23. The Chorley Local Plan 2012 – 2026 has now been submitted to the Secretary of State and the Examination In Public is due to commence on 22nd April this year. Policy HS1.31 allocates land for 699 dwellings and Policy EP1.15 allocates 20 hectares for employment on the safeguarded land at Clayton-le-Woods. Policy HS2 of the submitted Local Plan sets out a phasing schedule for the housing development on the overall allocated site to enable the Council to manage growth and ensure a steady supply of land availability across the Borough over the plan period.
24. This proposal is for residential units on the south-eastern portion of the aforementioned site, to be accessed through the adjacent residential area via Cypress Close. The safeguarded land at Clayton-le-Woods is needed to meet both housing and employment land requirements although no employment land is proposed as part of this scheme. The Council's preferred approach, through policies HS1.31 and EP1.15 is for a master plan (or development brief) to be prepared for the allocated site. However, as this is only a small area of land which is adjacent to existing and permitted residential areas, which is to be accessed independently via an existing residential area, residential development at the density proposed is considered to be appropriate in this location and is potentially more deliverable in relation to the remainder of the wider allocation.
25. In terms of this allocation, Policy HS2 of the Chorley Local Plan sets out a phasing schedule. This provides for 90 dwellings in the period 2012-2016 (Phase 1), 305 over the period of 2016-22021 (Phase 2) and 304 from 2021-2026 (Phase 3). It is anticipated that the dwellings which have already been approved in outline on the adjacent Fox Land and Property site will commence first and the development on this site is subject to a number of restrictions on when and how the houses can be built given. A reserved matters application has now been submitted on this site (Ref No. 13/00138/REMMAJ).
26. The 160 Redrow dwellings also approved in outline on the adjacent land are likely to fall into phase 2, due to conditions requiring infrastructure to be completed (by a third party) before development starts on the site which means it is unlikely that a significant number of dwellings would have been started prior to 2016. This would also be in accordance with the phasing schedule set out in Policy HS2.
27. The applicant has advised that the development would commence this year so if this current application is approved, it is likely that some of the dwellings would be developed in phase 1 of the phasing schedule set out in Policy HS2 and therefore together with a proportion of the 300 dwellings on the Fox Land and Property site, could result in more than 90 dwellings being provided during Phase 1, which would be contrary to the phasing schedule.
28. However, Policy HS2 states that development will be permitted in order to achieve the general sequence of development as set out in the phasing schedule to deliver the annual rate of supply under Core Strategy Policy 4: Housing Delivery. The application site is small in size and will not rely on the delivery of infrastructure associated with the rest of the allocation site and can be developed independently of it. Also, allowing the 38 dwellings proposed would not cause conflict with the development of the wider site. In addition there is possible uncertainty about delivery of other parts of the wider allocation as a reserved matters application has only just been submitted on the site to the east. It is not therefore considered that allowing this proposal for 38 dwellings will cause significant harm to the general sequence of development set out in the phasing schedule under Policy HS2.
29. In addition, although the emerging Local Plan has been submitted to the Secretary of State and is therefore at an advanced stage with the Examination in Public due to commence on 22nd April, the weight individual policies can be afforded depends on the extent to which there are unresolved objections and their significance. Policy HS2 as a whole was subject to eight objections at publication stage which limits the weight that can be afforded to it at this stage. It should also be noted that the applicants are proposing to provide a 30% level of affordable housing, which accords with Core Strategy Policy 7.

30. In conclusion on the issue of the 'principle of development', in this case it is considered that the development represents a form of sustainable development that The Framework states should be approved without delay.

Density

31. The application site extends to an area of 1.46 hectares. The provision of 38 dwellings on the site therefore equates to a density of 26 dwellings per hectare. The density of the development is considered to be similar to that of the adjacent modern residential development to the east and south east on Cypress Close, Magnolia Drive and Petunia Close. However, the density of the development is higher than that of Lune Drive to the south which is an older more traditional development.
32. This being the case, it is considered that the density of the development proposed, at 26 dwellings per hectare, is an acceptable one in that it reflects the density and character of the modern residential estate to the east and south east.

Levels

33. There is a fall in the level of the site from east to west of approximately 3m. The proposed site plan includes proposed slab levels of the dwellings which reflect the fall in the level of the land. There are existing properties to the east and south of the site and the finished floor levels of these properties are detailed on the site plan.
34. The slab levels of the existing properties to the south of the application site on Lune Drive are a maximum of 0.48m higher than any of the dwellings on plots 1 to 6, the nearest proposed dwellings on the site to the existing properties on Lune Drive. The nearest first floor window in the rear elevation of the properties facing the existing properties to the south on Lune Drive is approx. 23m away. This distance is in excess of the 21m distance required by the Council's Spacing Standards.

Affordable Housing

35. The applicant is proposing to provide a total of 11 affordable dwellings on the site which complies with the requirements of Policy 7 of the Core Strategy which sets a target of 30% from market housing schemes in urban parts of Chorley.
36. Strategic Housing have advised that the mix of comprising of 7 no. 2 bedroom properties and 4 no. 3 bedroom properties is acceptable. The applicant advises that discussions have taken place with various Registered Social Landlords (RSL's) in terms of the tenure mix of these properties and the 2 bedroom properties are proposed to be for affordable rent and the 3 bedroom properties are proposed to be for shared ownership.
37. However, Strategic Housing have advised that the 2 bedroom properties should be for social rent as opposed to affordable rent as the Council does not normally allow such property types unless there are exceptional circumstances. Also, affordable rents are higher than social rents and long term do not offer the same rights and security of tenure for example. The applicant has therefore been advised to approach a Register Social Landlord on this basis and an update will be provided on the addendum.

Design & Layout

38. The design and scale of the proposed dwellings are typical of a development being undertaken by a volume build developer in that they have a modern design with traditional feature elements. The design and scale of the dwellings and the plot sizes are however considered to be acceptable as they are similar to the dwellings on Cypress Close and beyond, which itself is a modern residential development which includes predominantly large detached dwellings on generous plots as well as higher density dwellings on Petunia Close which are also akin to plots 8 to 18 on the layout proposed.
39. The layout of the development is modern in character and has taken account of the site boundaries and the existing hedge lines and trees. Plots 35 to 38 all face out onto the existing open space to the east of the site and are accessed via a private driveway which runs in front of the properties. The orientation of plots 35 to 38 will provide a more

aesthetically attractive boundary to the site which will have a more inclusive feel than if the dwellings backed onto the eastern boundary. This will also result in a more cohesive feel between the development proposed and the existing modern estate on Cypress Close and beyond. Plot 1 has also been amended so as a dual aspect property now faces onto Cypress Close and the road serving the development which along with plots 35 to 38 provides a focal point for the development.

40. Two areas of casual open space are to be provided in the south western and north western corners of the site totalling 776 square meters in area. The space to the south western corner incorporates a pond which is to be retained. Affordable housing is also to be provided in the south western corner of the site with plots 12 to 18 facing onto a row of parking spaces whilst the parking for plots 8 to 11 is to be provided to the rear of the properties. Plots 8 to 11 will face onto the casual open space in the south western corner of the site as will plots 11 to 15.
41. Throughout the rest of the site, the detached properties face onto the access road which runs up to a turning head adjacent to the north western casual open space area. A secondary road serves plots 8 to 18 in the south western corner of the site.

Impact on the neighbours

42. All of the proposed dwellings comply with the Council's Spacing Standards in terms of distances between the proposed properties and existing properties. There are existing properties to the east and south of the site and the finished floor levels of these properties are a maximum of 0.48m higher than any of the dwellings on plots 1 to 6. The nearest first floor window in the rear elevation of the proposed properties facing the existing properties to the south on Lune Drive is approx. 23m away. This distance is in excess of the 21m distance required by the Council's Spacing Standards. Also, all first floor windows in the rear elevations of plots 1 to 6 are more than 10m from the boundaries they face with the existing residential properties on Lune Drive, again in compliance with the Council's Spacing Standards.
43. In terms of the relationship with the existing properties to the east, the nearest property is 7 Cypress Close. The property on plot 1 will face onto the turning head to the left hand side of this property and its front garden. The first floor windows on plot 1 will be approx. 15m from the western front garden boundary of this property. However, this is not the private intimate amenity space associated with 7 Cypress Close and the distance to the rear garden boundary is over 21m and at such an angle that views from the first floor windows in plot 1 would not be readily attainable. The slab level of plot 1 will also be 0.38m below that of 7 Cypress Close. This relationship is therefore considered to be an acceptable one.
44. Internally, the interface distances between the proposed properties are generally in accordance with the objectives of the Council's Spacing Standards. The distances have been increased above the standard 21m interface between plots 35 to 38 and plots 31 to 34 which back onto each other as there is a difference in slab levels. However, they are slightly below the required 25m by the Spacing Standards at 23.5m. However, at 23.5m, the interface is still 2.5m in excess of the normal 21m so it is considered that the relationship is an acceptable one, given garden boundaries have been increased to at least 11.6m from the first floor rear facing windows in plots 35 to 38. First floor window to garden boundaries have also been increased by 0.7m in plot 34 and at least 1.3m in plots 31 to 33.
45. Plots 8 to 11 have gardens which are 8.5m deep which is below the normal 10m required. However, the first floor windows do not face the curtilage of another dwelling; they face onto the car parking area. Throughout the rest of the site, the properties are orientated to ensure that each dwelling has a curtilage which provides sufficient outdoor amenity space.

Open Space

46. The proposed site layout plan includes the provision of 776 square meters of casual open space with the space in the south western part of the site including a pond. The open space in the north western corner of the site will also enable a footpath link to be provided between this site and the wider development site to the west and north. A condition is recommended

requiring details of how this site will link in with the adjacent site to ensure there is pedestrian permeability between both of the sites.

47. The applicant has requested that the S106 agreement is worded to allow the management of the onsite casual open space to either be carried out by the applicant or the Council. A requirement for a contribution towards off site play provision of £49,172 is also included within the S106 agreement which will be used towards provision of and improvements to playing pitches and play spaces.

Trees and Landscape

48. There are trees on the boundaries of the site with 2 no. trees being the subject of a Tree Preservation Order (TPO No. 8 Clayton Le Woods 1996) on the eastern boundary adjacent to plots 37 and 38. The proposed layout incorporates the retention of the boundary trees and the dwellings have been proposed taking account of the Root Protection Areas (RPA's) of these retained trees. The tree survey recommends the removal of only two trees, one on the southern boundary and one on the western boundary. The trees are described as being of poor quality and suffering from defects.
49. Several objections have requested that the trees on the site boundary be made the subject of a Tree Preservation Order. However, the proposed site layout plan proposes retention of the trees on the boundary hence it is not considered to be expedient to make the trees the subject of a Tree Preservation Order in this case given the proposed site plan shows them retained.
50. The application also includes a detailed landscaping scheme which proposes the retention of the boundary landscaping, apart from a small section adjacent to the access road to plots 35 to 38 and in front of plot 1. Additional tree planting is also proposed throughout the site as part of the landscaping scheme which will be made the subject of a condition.

Ecology

51. The applicant has submitted with the application an Extended Phase 1 Habitat Survey and on the basis of this survey, LCC Ecology advise that provided no mature trees with potential to support roosting bats will be removed to facilitate this development, then the applicant has submitted sufficient information to enable determination of this application, and mitigation/compensation for impacts on biodiversity can be secured by planning condition.
52. LCC (Ecology) state that it should be noted that although the Biological Heritage Site (BHS) is designated for amphibians (including great crested newts: European protected species), surveys carried out in support of previous planning proposals have failed to find evidence that great crested newts remain present in this area. It therefore appears reasonably unlikely that the proposals would result in significant impacts on great crested newts or their habitat. The BHS remains of value however, and there is national recognition (e.g. The Framework, Defra Local Sites guidance) of the contribution that these Local Sites make to the maintenance of biodiversity. Thus, and although the majority of the application area appears to comprise agriculturally improved grassland of inherently low biodiversity value, it will be important that impacts on the BHS, hedgerows, ponds and mature trees (and associated wildlife including bats, nesting birds, amphibians, hedgehogs, etc.) are avoided or adequately mitigated/compensated.
53. The proposed site layout does appear to avoid direct impacts on the BHS according to LCC (Ecology). However, habitats within the BHS do not appear to be buffered from the development so appropriate sympathetic management of wildlife habitat will need to be secured for the lifetime of the development through planning conditions.
54. The conditions suggested by LCC (Ecology) require submission of a Method Statement to set out measures to avoid impacts on protected species, a landscaping scheme demonstrating enhancement of the BHS, lighting details with regards to mitigating impacts on bats, details of bat and bird roosting facilities to be incorporated into the development and details of amphibian friendly gully pots that will be incorporated in the development.

Flood Risk

55. The application is accompanied by a Flood Risk Assessment. The Environment Agency have been consulted on the application and do not raise any objections to it subject to conditions requiring full details of surface water drainage based on sustainable drainage principles to be submitted to and approved in writing by the Council, in liaison with the Environment Agency. The drainage strategy will be required to demonstrate that the surface water run-off generated by the development up to and including a 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include details of how it will be maintained and managed after completion of the development and that it shall subsequently be implemented in accordance with the approved details before the development is completed.

Traffic and Transport

56. Access to the site is to be taken from Cypress Close which at the present time terminates adjacent to a field gate access into the application site. The position of this field gate is the approximate position of the access road into the site which will be formed by continuing Cypress Close. The proposed internal road splits into two cul-de-sacs and does not therefore link through with the adjacent site which is the subject of a reserved matters application for 293 dwellings (13/00138/REMAJ).
57. Lancashire County Council (Highways) have advised that there is no overriding highway objection to the proposed development in principle as the parking and garaging is generally in accordance with the preferred standards. Issues with regards to the site layout have been raised which relate to the footway along the southern perimeter of the existing turning head at Cypress Close, the visibility at the private access serving plots 35-38 being obscured by the adjacent line of bush/hedge, the access road serving plots 8-18 being narrow, the layout not including for widening at bends due to the layout not providing for 2m wide footways on both sides or with a 2m wide service strip if a shared surface. An amended site plan has been submitted to address these issues and further comments are being awaited from LCC (Highways) which will be reported in the addendum. However, this is considered to satisfy the concerns raised by LCC (Highways).
58. With regards to the sizes of the single integral garages in the properties which have them, these fall short of the 3m by 6m internal dimensions specified in Manual for Streets. The applicant has been asked to address this issue and has amended the plans of two of the house types (Renishaw and Hatton) increasing the width of the garages to 2.5m. A family saloon car has been superimposed on the plans in each of the garages and the plans show a sufficient gap adjacent to the driver's door (600mm) would be available to enable the driver to open the door and exit the vehicle.
59. The other house type with a single integral garage (Belgrave) already had a 2.5m wide garage so no change to the plans has been necessary. However, this still leaves the issue of garage depth which is less than the 6m specified in Manual for Streets. To address this issue, the applicant has also agreed that the properties with a 2.5m wide single integral garage will have an external shed in their rear gardens to provide bicycle storage space that would otherwise have been available in the garages, had they had depths of 6m or more. This can be secured by a planning condition.
60. The other properties all have adequate off street car parking. The 4 bedroom Bonham house type has a double width drive and a double garage, the 4 bedroom Bonnington house type has a driveway which can accommodate 3 cars in a row and single garage and the 2 bedroom and 3 bedroom properties all have the benefit of 2 no. off street spaces.
61. Objections on traffic grounds have been raised by some local residents as access to the site is via Cypress Close and this will obviously lead to an increase in the levels of traffic using Cypress Close. However, LCC (Highways) have not raised any objections to the 'principle' of the development of this site in terms of accessing it via Cypress Close hence whilst the concerns of residents are noted, without an objection on this matter from LCC (Highways), a reason for refusal on these grounds could not be substantiated.

Contamination and Coal Mines

62. The application site is outside of an identified coalfield hence does not require the submission of a Coal Mining Risk Assessment. The applicant has however submitted a Phase 1 and Phase 2 Geo-Environmental Site Investigation which the Council's Waste and Contaminated Land Officer has confirmed as being an adequate assessment of the site along with its conclusion that the site is suitable for the development proposed.
63. A recommendation is made that should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority. This can be made the subject of a planning condition.

Drainage and Sewers

64. United Utilities have not raised any objections to the application and state that the site must be drained on a separate system, with only foul drainage connected into the foul sewer whilst surface water should discharge to a soakaway/SUDS or directly to a watercourse which may require the consent of the Local Authority. United Utilities also state that surface water should not be allowed to drain to the public sewer network as there are adequate alternatives available to this.
65. United Utilities also state that there is a foul pumping station located to the east of the site and that the developer must ensure that any habitable dwellings are sited at least 15m away from the wet well of the pumping station. This will reduce the risk of odour, noise and vibration pollution to the new dwellings. This distance means that the development would be in line with the standards set out in the document Sewers for Adoption (6th Edition). There are no properties within 15m of the foul pumping station.
66. United Utilities comments are based on the imposition of 4 no. planning conditions which require submission of a drainage strategy, surface water drainage details, foul drainage details and a requirement that no dwellings are constructed within 3m of any existing public sewers and 15m of the wet well of any foul pumping station. Accordingly, conditions covering these matters are recommended.

Section 106 Agreement

67. A section 106 agreement is required to secure affordable housing on the site and a financial contribution towards school places, the provision of off-site play space and the 10 year maintenance of the on-site casual open space.
68. In relation to the casual open space on site, the applicant has requested that the S106 agreement is worded in such a way so as to enable Rowland Homes to manage the on-site casual open space rather than paying a commuted sum to the Council although a final decision on this has not been made by the applicant. A sum of £49,172 is also being sought towards the off-site provision of sports pitches and play space.
69. In terms of the contribution towards school places, LCC (Education) have made a request for a contribution from the developer in respect of the full pupil yield of 13 places from the development. This equates to a sum of £154,446. A contribution is not sought towards secondary school places.
70. The S106 agreement will also secure the provision of 30% affordable housing on the site comprising a tenure mix of social rent and shared ownership properties. The applicant has been in discussions with Adactus who have confirmed in writing that the provision of 7 no. 2 bedroom properties for affordable rent and 4 no. 3 bedroom properties for shared ownership would be acceptable on the site.
71. However, Strategic Housing have advised that the 2 bedroom properties should be for social rent as opposed to affordable rent as the Council does not normally allow such property types unless there are exceptional circumstances. Also, affordable rents are higher than

social rents and long term do not offer the same rights and security of tenure for example. The applicant has therefore been advised to approach a Register Social Landlord on this basis and an update on this issue will be provided on the addendum.

Overall Conclusion

72. The principle of residential development is considered to be an acceptable one. The negotiated amendments to the layout and house type substitutions have improved the quality of the scheme since it was originally submitted.
73. It is therefore recommended that the application be approved subject to conditions and a Section 106 Obligation to secure the provision of affordable housing and financial contributions towards off-site public open space, education provision and the 10 year maintenance of the on-site casual open space, if Rowland Homes do not decide to manage the space

Other Matters

Public Consultation

74. The applicant advises that prior to submission of the application a consultation exercise with the local community in Clayton-le-Woods was undertaken which comprised a leaflet drop outlining the applicant's intention to develop the site for family housing. The leaflets were distributed to properties adjoining the site. In total, the applicant advises that a total of 200 leaflets were distributed on 28th June 2012. The applicant advises that at the time of writing the Planning Statement (July 2012), three responses had been received. In summary, one resident enquired regarding the potential purchase of a property from this scheme, one objected to access being taken from Cypress Close and one other objected on the grounds of site features which are important to wildlife.
75. With regards to the two objections, the applicant asserts that the access point from Cypress Close is deemed to be acceptable in highways safety terms. The point of access has been designed in accordance with the requirements set out by Lancashire County Council; furthermore the nature of Cypress Close along with the internal road layout of the proposed site will encourage motorists to drive at a low speed. In relation to important wildlife features, the applicant undertook an extended Phase 1 habitat survey and additional survey work in relation to Great Crested Newts (GCN).
76. In conclusion to community and stakeholder engagement, the applicant considers that the key issue to overcome with regards to the proposed development relates to the current policy designation of this site and further justification is set out in the Planning Statement to demonstrate why this proposal is considered acceptable and reflects the key aims and objectives of both the emerging Development Plan for Chorley and the National Planning Policy Framework.

Sustainability

77. The applicant has addressed sustainability issues in the planning statement and confirmed that the dwellings will be built to meet level 4 of the Code for Sustainable Homes (CfSH), a requirement of Policy 27 of the Core Strategy. The applicant is aware that conditions will be imposed to secure the requirement for the dwellings to be constructed to meet level 4 of the CfSH. The proposed development therefore accords with the objectives of Policy 27 of the Core Strategy.

Waste Collection and Storage

78. The Waste and Contaminated Land Officer has raised some issues with the amended layout plan in relation to plots 8 to 18 in terms of bin storage and collection. These have accordingly been brought to the applicant's attention and an amended plan has been submitted to address these issues which the Waste and Contaminated Land Officer has confirmed as being acceptable.

Planning Policies

National Planning Policies:

National Planning Policy Framework (The Framework)

Adopted Chorley Borough Local Plan Review

Policies: GN5 / DC3 / EP4 / EP9 / HS4 / HS6 / HS19 / HS21 / TR4

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Joint Core Strategy

Policy 1 - Locating Growth
 Policy 4 - Housing Delivery
 Policy 5 - Housing Density
 Policy 7 - Affordable & Special Needs Housing
 Policy 17 - Design of New Buildings
 Policy 22 - Biodiversity & Geodiversity
 Policy 26 - Crime & Community Safety
 Policy 27 - Sustainable Resources & New Development

Publication Version of Chorley Local Plan

HS1 / HS2 / HS4A / HS4B / BNE1 / BNE3 / BNE9 / BNE10

Planning History**78/00864/FUL** - Agricultural workers bungalow - Refused**11/00981/SCE** - Request for a screening opinion under the Town and Country Planning (EIA) regulations by Fox Land & Property for Land off Wigan Road, Clayton le Woods – EIA Not Required**11/01004/OUTMAJ** - Outline application for a mixed use development incorporating up to 700 dwellings, 40,000sqft of B1 office space, public house/ restaurant, convenience store, community building, single form entry primary school, public open space, highway works and associated works. (All matters reserved save for access) – Still Pending Consideration**Recommendation: Permit (Subject to Legal Agreement)
Conditions**

- 1. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.**
Reason: To ensure that the materials used are visually appropriate to the locality.
- 2. All windows in the first floor side elevation of the Bonham house type which serve bedroom 1 shall be fitted with non-opening obscurely glazed windows. Specifically, these windows are as follows: -**
The first floor window in the south south east facing elevation of plot 19
The first floor window in the west facing elevation of plot 22
The first floor window in the south east facing elevation of plot 30
Reason: To protect the residential amenity of the occupiers of the adjacent properties.
- 3. Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. 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 and to provide reasonable standards of privacy to residents.

4. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

5. No part of the development hereby permitted shall be occupied or used until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety

6. The garage(s) hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse, including the parking of cars. The garage shall not be used for any trade or business purposes.

Reason: In order to safeguard the residential amenity and character of the area

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 occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..

Reason: In the interest of the appearance of the locality

8. The existing soil levels around the base of the trees to be retained shall not be altered.

Reason: To safeguard the trees to be retained

9. Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent flooding

10. All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development

11. Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.

Reason: In the interests of minimising the environmental impact of the development

12. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development

13. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in

writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include details of how it shall be maintained and managed after completion and it shall subsequently be implemented in accordance with the approved details before the development is completed.

Reasons: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

14. Prior to the commencement of development, a full water vole survey of the wet ditch along the western boundary of the site shall be undertaken as recommended in the Phase1 Habitat Survey dated March 2012 by the Appleton Group. Should the survey demonstrate the presence of water voles and/or associated habitat, no development shall take place until a plan detailing the protection and/or mitigation of damage to water voles and associated habitat during construction works and once the development is complete has been submitted and approved in writing by the local planning authority. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority. The water vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reasons: To warrant a satisfactory form of development by ensuring full consideration of the nature conservation value of the protected habitat of water voles.

15. No building shall be built within 3m of any existing public sewers or within 15m of the wet well of any foul pumping station.

Reason: To protect existing sewerage apparatus and to reduce the risk of noise, odour & vibration pollution to any new dwellings.

16. Prior to the commencement of any phase of development, details of the foul drainage scheme for that phase including any necessary infrastructure shall be submitted to and approved in writing by the local planning authority. No housing shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details. Unless otherwise agreed in writing, the approved foul drainage scheme shall only connect to the foul sewer network at manhole reference 3707 on the existing 300mm foul sewer located at grid reference 356315,422783.

Reason: To secure proper drainage and to reduce the risk of flooding & pollution.

17. Prior to the commencement of development, a strategy outlining the general system of drainage for foul and surface water flows arising from the entire site shall be submitted to the local planning authority and approved in writing. This strategy shall include details of any necessary infrastructure. Thereafter the detailed schemes for foul and surface water drainage for any phase of the development shall be submitted for approval in accordance with the strategy for the entire site approved under this condition.

Reason: To secure proper drainage and to reduce the risk of flooding & pollution.

18. No site clearance, site preparation or other development work shall commence until a Method Statement (or construction environment management plan) has been submitted to Chorley Council for approval in writing and subsequent implementation in full. The Statement/Plan shall provide full details of measures that will be implemented during works for the avoidance of impacts on protected and priority species (including but not limited to bats, nesting birds, amphibians, hedgehogs) and other features of biodiversity value (the Biological Heritage Site, hedgerows, ponds, mature trees).

Reasons: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended), NERC Act 2006, Conservation of Habitats and Species Regulations 2010 (as amended) and the NPPF.

19. No site clearance, site preparation or other development work shall commence until a scheme of landscaping (including habitat creation and management) has been submitted to Chorley Council for approval in writing and subsequent implementation in full. The scheme shall demonstrate appropriate enhancement of native wildlife habitat (the boundary habitats: BHS), with locally appropriate native species. The scheme shall also demonstrate that habitat connectivity will be maintained and enhanced as part of this development.
Reason: To ensure compliance with the NPPF.
20. A scheme of lighting shall be submitted to Chorley Council for approval in writing and subsequent implementation in full. The scheme shall be in accordance with guidance issued by the Bat Conservation Trust and Institute of Lighting Engineers, and shall demonstrate the avoidance of artificial illumination (light pollution) of the Biological Heritage Site and other wildlife habitat (ponds, hedgerows, mature trees).
Reason: To ensure compliance with the NPPF (paragraph 125).
21. Details of bird nesting and bat roosting opportunities that will be incorporated into the built development shall be submitted to Chorley Council for approval in writing and along with a timescale for implementation. The approved bird nesting and bat roosting opportunities shall thereafter be implemented in accordance with the timescale approved.
Reason: To ensure compliance with the NPPF (paragraph 118).
22. Prior to commencement of development, details of amphibian-friendly gully pots that will be incorporated into the development shall be submitted to Chorley Council for approval in writing and thereafter implemented in full prior to the completion of the development.
Reasons: Roadside gullypots are a potential hazard to amphibians; the development is located immediately adjacent to an area of known importance to amphibians, including ponds; compliance with NERC Act 2006.
23. The development hereby permitted shall only be carried out in accordance with recommendations made in the Tree Survey Report (Reference No. LAC/1827/Tree Survey Report Rev A) dated June 2012.
Reasons: To ensure only necessary works to trees are carried out in accordance with the Tree Survey Report and in the interests of the visual amenities of the locality.
24. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been 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. In accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).
25. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.
26. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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Item 4c	12/01247/FULMAJ
Case Officer	Nicola Hopkins
Ward	Chorley South East
Proposal	Development of 70 dwellings and associated infrastructure
Location	Site of Former Social And Athletic Club Duke Street Chorley
Applicant	Fellow Homes & Northern Trust Ltd
Consultation expiry:	25 March 2013
Application expiry:	10 April 2013

Proposal

1. The application relates to the former Social and Athletic Club on Duke Street and proposes the erection of 70 dwellings and associated infrastructure.
2. The proposals incorporate the erection of 64 two storey dwellinghouses, incorporating a mixture of detached, semi-detached and terraced properties, and a two storey block of apartments incorporating 6 one bedroom apartments.

Recommendation

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

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Background information
 - Principle of the development
 - Financial Viability
 - Open Space
 - Affordable Housing
 - Density
 - Levels
 - Impact on the neighbours
 - Design
 - Trees and Landscape
 - Ecology
 - Flood Risk
 - Traffic and Transport
 - Sustainability
 - Contamination
 - Section 106 Agreement

Representations

5. 2 letters of objection have been received raising the following concerns:
 - Impact on wildlife

- Implications from an increase in traffic and traffic congestion
 - Concerns over the loss of mature poplar trees.
6. **Accent Group** has written on behalf of the residents at Richmond house and Richmond court. The concerns are about the proposals and the impact it will have on them.
 7. A petition has been received from the tenants of Richmond House who are concerned that the access will be granted via Richmond court. The petition contains 16 signatures

Consultations

8. **Lancashire County Council (Ecology)** have commented that it seems unlikely that the proposed development would have any significant ecological impacts subject to various planning conditions.
9. **The Environment Agency** have commented that the proposed development will only meet the requirements of the National Planning Policy Framework if the measures, as detailed in the Flood Risk Assessment (FRA), are implemented and secured by way of a planning condition on any planning permission.
10. **Chorley's Housing Manager (Strategy)** has commented on the affordable housing provision which is addressed within the report.
11. **Director People and Places** has no comments to make
12. **United Utilities** have raised no objections subject to conditions
13. **Chorley's Waste & Contaminated Land Officer** has commented in respect of land contamination and mitigation measures- these can be addressed by condition
14. **Lancashire County Council (Education)** have requested a contribution towards 24 primary school places of £285,131
15. **CTC (Right to Ride for Chorley)** have made the following comments:
 - All developers should be socially obliged to provide travel planning for 'would be purchasers' in the form of a 'Welcome Pack'.
 - The sale's staff should be trained in the travel planning initiatives, so potential residents know where the Bus and Railway stations and other attractions are.
 - The main arterial roads such as Pall Mall are very difficult to cross for pedestrians. This only encourages more cars as people don't feel safe to walk or cycle and the result is more congestion, pollution, health problems and not a very pleasant environment to live.
16. **Sport England** have been consulted on the proposals. At the time of writing this report a formal response had not been received.

Applicants Case

17. The supporting information provides the following background information in support of the application:
- The site had originally been the private sports and social club for Chorley Motors which became Leyland Motors and later Multipart UK. The latter went into receivership and the site was acquired from the receiver. The club was run in conjunction with the Victory Park Social Club and Chorley
 - Now called the Duke Street Social Club it proved unviable and lost a significant amount of money, especially in the two years up to closure in 1996. The decision was made to close the club and concentrate all sport and social activities at nearby Victory Park which offered more and better facilities including snooker tables, darts, dominoes, regular dancing and cabaret entertainment and a function room. All 1200 existing members of the Duke Street club were offered membership of the Victory Park club. Of these only 12 took up the offer.
 - In the year the club closed bowlers were allowed to complete their remaining fixtures for the season. Around 1999, efforts were made by the site owner to find a bowling club willing to take on the maintenance of the green to ensure its inclusion as part of any re-development scheme. No club could be found then and it is still the case now as evidenced by responses to the community consultation carried out in 2008 prior to submission of planning application no. 08/001170/OUTMAJ.
 - The football pitch had drainage problems and lack of interest in its use meant the maintenance costs were not covered. The clubhouse was destroyed by fire caused by vandals.
 - In conclusion, although the club was once an integral part of the sporting and social scene associated with the time the main factory was at full production, subsequent income did not cover ever increasing running costs. Eventually the losses became unsustainable and the club had to close. A nearby alternative was offered providing better facilities in the same locality. It is clear there is no demand for use of this site and it is not commercially viable to use the site for sporting and social uses. Efforts have been made to design a re-development proposal that includes a bowling green; no club is willing to take on its running, leaving any such facility to be adopted by the council if it is to be sustained.

Planning Policies**National Planning Policy Framework (The Framework)**

18. The Framework was published in March 2012. Annex 1 of the Framework states that for 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004. For policies adopted before 2004, as is the case for the Chorley Borough Local Plan Review which was adopted in 2003, after this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. This 12 month period ends on 27th March 2013.
19. At the heart of The Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking. For decision taking 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 permission unless:
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in The Framework, taken as a whole; or
 - Specific policies in The Framework indicate development should be restricted.
20. Paragraph 17 also sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. It states planning should:
- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
 - Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

North West Regional Spatial Strategy:

- **Policy DP1:** Spatial Principles
- **Policy DP4:** Make the best use of Existing Resources and Infrastructure
- **Policy DP7:** Promote Environmental Quality
- **Policy RDF1:** Spatial Priorities
- **Policy L4:** Regional Housing Provision
- **Policy L5:** Affordable Housing
- **Policy RT9:** Walking and Cycling
- **Policy EM5:** Integrated Water Management
- **Policy EM15:** A Framework for Sustainable Energy in the North West
- **Policy EM16:** Energy Conservation and Efficiency

Adopted Chorley Borough Local Plan Review:

- **GN1:** Settlement Policy- Main Settlements
- **GN5:** Building Design and Retaining Existing Landscape Features and Natural Habitats
- **GN9:** Transport Accessibility
- **EP4:** Species Protection
- **EP9:** Trees and Woodland
- **HS1:** Housing Allocations
- **HS4:** Design and Layout of Residential Developments
- **HS6:** Housing Windfall Sites
- **HS21:** Playing Space Requirements
- **TR1:** Major Development- Tests for Accessibility and Sustainability
- **TR4:** Highway Development Control Criteria
- **TR18:** Provision for pedestrians and cyclists in new developments

Central Lancashire Core Strategy (adopted July 2012)

Policies to be given weight are:

- **Policy MP** clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the framework. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations

indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate otherwise taking into account Policy MP a) and b).

- **Policy 1** Locating Growth
- **Policy 4** Housing Delivery
- **Policy 5** Housing Density
- **Policy 7** Affordable Housing
- **Policy 22** Biodiversity and Geodiversity
- **Policy 17** Design of new buildings
- **Policy 27** Sustainable Resources & New Developments

Supplementary Planning Guidance

- The Central Lancashire Supplementary Planning Document Design Guide (adopted October 2012) is relevant as it aims to encourage high quality design of places, buildings and landscapes in the Borough. This supersedes the Chorley Design Supplementary Planning Guidance (July 2004)
- The Central Lancashire Supplementary Planning Document- Affordable Housing (adopted October 2012)
- Interim guidelines - new equipped play areas September 2010
- Trees and development September 1999

Emerging Local Plan

21. Publication Chorley Local Plan 2012 - 2026 (Submission 21 December 2012)

Relevant Policies are:

- ST3: Road Schemes and Development Access Points
- ST4: Parking Standards
- HS1: Housing Site Allocations
- HS4A: Open Space Requirements in New Housing Developments
- HS4B: Playing Pitch Requirements in New Housing Developments
- EP7: Development and Change of Use in District and Local Centres
- BNE1: Design Criteria for New Development. Criteria a, b, c, d, f, g and h are relevant to the proposal.
- BNE9: Trees
- BNE10: Species Protection

Emerging Supplementary Planning Guidance

- Open Space and Playing Pitch Supplementary Planning Document – The purpose of this DPD is to provide guidance on the interpretation and implementation of the Council's open space and playing pitch policies as set out within the emerging Local Plan.

Other Material Considerations

Community Infrastructure Levy

The Chorley CIL Draft Infrastructure Charging Schedule has been submitted for examination which is estimated to be in spring 2013. CIL will be charged on the total net additional floorspace created (measured as a gross internal area) as follows:

AssessmentBackground Information

22. Members may recall that outline planning permission was granted at this site for 71 dwellings at Development Control Committee in March 2009. This approval was subject to the Section 106 Agreement which was never signed and as such the permission never issued.
23. The previous approval incorporated the following S106 obligations:
 - 20% on site affordable housing
 - Upgrading the existing play area on the Rangletts Recreation Ground (£50,000).
 - To deliver drainage improvements, access and changing facilities for users of sports pitches on the Westway Playing Fields (£525,000).
24. The obligations in respect of playspace were significantly higher than other residential applications to compensate for the loss of the Duke Street playing field and to satisfy Sport England's requirements. Northern Trust, who owns the site, was unable to secure a housing developer with the above obligations and have submitted this application in partnership with Fellow Homes to construct 70 dwellings on the site. The obligations proposed as part of this application differ to the original proposals as addressed below.

Principle of the development

25. In accordance with The Framework land in built-up areas such as private residential gardens, parks, recreation grounds and allotments is excluded from the definition of previously developed land. As such the site falls to be considered 'greenfield' land.
26. At the Public Inquiry into the Local Plan Review in 2002 the Inspector concluded that the site is, in principle, suitable for housing in terms of government guidance and structure plan policy. He accepted that the site is a sustainable location, well placed for local services and public transport and the site could make a contribution to affordable housing and relatively high-density development. However the site was retained as allocated play space and was not included within the housing allocations Policy within the Local Plan as the Inspector considered that there was an opportunity to re-establish the recreation use on the site which was financially viable. This was based on evidence provided of financial support and people who wanted to pursue this option. Returning the site to a meaningful recreation use would require considerable investment and restoration work.
27. Without the evidence and financial support at the time of the Public Inquiry it is clear from the Inspectors comments that the designation of this site may have been removed from the Local Plan. This notwithstanding however the site was retained as allocated play space which is one of the main material planning considerations in respect of this planning application.
28. The previous application at this site was granted planning permission subject to the S106 Agreement for housing at the site which established the principle of housing on the site and as that application is still a 'live' application this is a material planning consideration in respect of this application.
29. The site is currently allocated as play space under policy LT14 of the Local Plan however within the emerging Local Plan the site is proposed to be allocated as housing land under policy HS1.13. Only limited weight can be attached to this Policy as the emerging Local Plan will be subject to examination in April and there are objections to Policy HS1.
30. The supporting information submitted with the application states that the level of contribution required for the improved playing pitch facilities (associated with the previous application) renders any redevelopment completely unviable, the reason why no progress has been made on the approved scheme. The revised proposal subject of this application seeks to overcome the same local plan policy considerations as before but with a viable and deliverable scheme following the Council's up dated approach to the level of replacement provision required.
31. The Design and Access Statement confirms that the site has been promoted through the emerging Local Plan. At all stages of the site allocations DPD/Chorley Local Plan it has been allocated for residential development. The sustainability appraisal detailed site assessment

scores the site very highly with the support summary stating “*Site is in a highly sustainable location close to the town centre and services/shops on Pall Mall. Development of this site will add local customers to an area suffering from lack of investment thereby sustaining those local shops and services. The site has the ability to meet the sustainable principles embodied in the Core Strategy*”. The only negatives identified are in relation to its Local Plan review allocation as urban green space and its distance to the motorway network.

Financial Viability

32. Members will note within the body of the report that this application is accompanied by a Financial Viability Assessment which seeks to secure reduced planning obligations in respect of this scheme based upon the predicted profit margins associated with the development. The assessment is submitted on a confidential basis as it contains commercially sensitive information however the assessment has been reviewed by Liberata on behalf of the Council.
33. Liberata have concluded that all the costs in the appraisal appear to be usual and necessary for the scheme. The land price appears to be comparable for its location and the remediation costs do not appear unusual. Liberata have commented that the proposed selling values appear low and there may be some opportunity to secure some more planning gain by attaching more reasonable selling prices.
34. The following headline figures are derived from the assessment which Liberata consider is reasonable in respect of this site:
- | | |
|--------------------|------------|
| Land Value | £750,000 |
| Construction Costs | £6,770,264 |
| Sales | £7,480,959 |
| ROI | £710,694 |
35. This rate of return equates to 9.5% which is less than would be usually expected for a residential development however the applicants are willing to accept this return to secure the development of the site. This scenario includes the following obligations:
- 20% affordable housing
 - £90,580 towards open space provision

Open Space

36. Policy 24 of the Core Strategy relates to Sport and Recreation. The Policy states:
- Ensure that everyone has the opportunity to access good sport, physical activity and recreation facilities (including children’s play) by:
- (a) Devising robust minimum local standards based on quantified needs, accessibility and qualitative factors, through seeking developer contributions (either in the form of new provision or financial payment in lieu) where new development would result in a shortfall in provision.
 - (b) Protecting existing sport and recreation facilities, unless they are proven to be surplus to requirements or unless improved alternative provision is to be made.
 - (c) Developing minimum local sport and recreation standards in a Supplementary Planning Document.
 - (d) Identifying sites for major new facilities where providers have evidence of need.
37. The previous use of the application site was as a playing field and as such criterion (b) of Policy 24 is applicable which seeks to protect existing facilities. Additionally due to the previous use of the site Policy LT14 of the Local Plan is also applicable. Policy LT14 states:
- Land currently or last used as, or ancillary to, a park, recreation ground, playing field, bowling green, tennis court (except within a residential curtilage), play area and other areas of open space, in private, educational or institutional ownership or available for public use and including those identified on the Proposals Map, unidentified or newly created, will be retained for its recreation and amenity value.

Development which involves the loss of any parks, recreation grounds, playing fields, bowling greens, tennis courts (except those within residential curtilages), play areas and other areas

of open space, in whole or part, will only be permitted where it will not have a detrimental effect on any site of nature conservation value or historic interest and either:

- i. it can be demonstrated that the retention of the site is not required to satisfy a current or future recreational need and there is a clear excess of this type of facility for the catchment and the site has no special significance in the interests of sport; or
 - ii. an equivalent or enhanced new facility is provided in a convenient location to serve the catchment before the existing facilities cease to be available; or
 - iii. in the case of proposals to develop part of the facility, the development will not affect land capable of forming, or forming part of, a playing pitch, bowling green or tennis court (outside a residential curtilage) including any safety margin and does not result in the loss of, or inability to make use of any playing pitch, bowling green or tennis court or the loss of any other sporting/ancillary facility on the site
38. In respect of the current proposals parts (i) and (ii) are applicable and the applicant is required to demonstrate compliance. This requirement also forms part of the Central Lancashire Core Strategy Policy 24 which states that the Council will seek to protect existing sport and recreation facilities, unless they are proven to be surplus to requirements or unless improved alternative provision is to be made.
39. The submitted supporting information states that there has been no sporting facility on the site since 1996 and no prospect of any being provided in the future. It has therefore not contributed practically to the supply of formal playing fields for over 16 years and has no special significance in the interests of sport. The submitted information goes on to state that there is in the immediate area playing fields on the opposite side of both Duke Street and Brindle Street.
40. The Council commissioned a Playing Pitch Strategy (published in June 2012) as part of the evidence base for the emerging Chorley Local Plan. This identifies a borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches.
41. The applicants consider that part (ii) of policy LT14 can be satisfied by the provision of a commuted sum for play space as set out below. However part (ii) of LT14 and criterion (b) of policy 24 states that the redevelopment of open space will only be permitted if improved alternative provision is to be made.
42. Policy HS1 of the Local Plan requires a contribution to be made towards the provision of outdoor play space. Policy HS21 sets out the requirements for POS associated with residential developments. The Central Lancashire Open Space Study (May 2012) and Playing Pitch Strategy (June 2012) provide the evidence base for POS requirements in the Borough. Based on this the following provisions are required as a result of this development, if planning permission is granted:
43. Amenity greenspace
Local Plan Policy HS21 sets a standard of 0.45 hectares per 1,000 population. There is currently a surplus of provision in the Chorley South East ward in relation to this standard, a contribution towards new provision is therefore not required from this development.
44. Equipped play area
Local Plan Policy HS21 sets a standard of 0.25 hectares per 1,000 population. There is currently a deficit of provision in the Chorley South East ward in relation to this standard, a contribution towards new provision off-site is therefore required from this development. The amount required is £426 per dwelling.
45. Playing Pitches
A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan

which identifies sites that need improvements. The financial contribution required is £868 per dwelling.

46. The requirements of Policy HS21 are applicable to any residential site notwithstanding the previous land use and as such it is not considered that securing commuted sums in accordance with policy HS21 adequately addresses the requirements of Policies LT14 and 24 in respect of providing alternative provision. It is not considered that the £90,580 required as part of Policy HS21 would be sufficient to provide alternative provision and in this case, due to the previous use of the site, additional contributions would be required over and above HS21 requirements to ensure that the scheme accords with Policy LT14 and Policy 24.
47. This is the reason why a much larger commuted sum was included within the S106 Agreement for the previous application for this site. The figures included, set out above, were to be allocated for improvements to the play space and the provision of Multi Use Games Area at Rangleys recreation area and to provide quality pitches and changing facilities at Westway.
48. The S106 Agreement associated with the previous application was never signed however and as such the commuted sum payments were never secured. The current application is supported by a financial viability assessment which demonstrates that a larger POS payment would render the scheme unviable.
49. This application will result in the loss of a playing pitch within Chorley where there is an identified deficit of such provision and does not provide sufficient commuted sum to provide alternative provision. As such the proposals are contrary to Policy LT14 of the Adopted Local Plan and Policy 24 of the Adopted Core Strategy.
50. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.
51. It is noted that the site is proposed to be allocated for residential use in the emerging local plan and although only limited weight can be afforded to this policy (HS1), due to the fact there are objections to this policy as a whole, no objections have been received in respect of this specific allocation. Following the adoption of the emerging local plan allocated housing sites will only be subject to standard POS requirements (which will be Policies HS4A and HS4B of the Local Plan 2012-2026) which are being secured as part of this application. Additionally the Council's Community Infrastructure Levy document (CIL) will be subject to examination in Spring 2013 with an expected adoption of Summer 2013.
52. In this case it is considered that it has been demonstrated that the POS contribution is the maximum achievable within the financial limits of this scheme, if the applicants await the adoption of the emerging local plan it may be that this site is allocated for housing for which only standard POS obligations would be applicable and the adoption of the emerging local plan is estimated to be approximately around the adoption of CIL which would have additional financial implications in respect of this scheme, these may further reduce the amount of POS obligations which could be realistically secured from this scheme.
53. It is considered, on balance that although these proposals will result in the loss of a playing pitch the contributions secured will assist on improving other pitches within the Borough in accordance with the Playing Pitch Strategy. Sport England have been consulted on the proposals however their comments are yet to be received. These will be reported on the addendum.

Affordable Housing

54. Policy 7 of the Central Lancashire Core Strategy requires 30% on site affordable housing. The Council's Housing Manager has confirmed that this scheme is required to provide 21 affordable homes on site, split 70% for Social Rent and 30% for Intermediate sale (shared ownership).

55. The originally submitted application incorporated 12 (18%) on site affordable houses split as follows:
- 8 x 2 bedroom apartments
 - 4 x 1 bedroom apartments
- The tenure split to be agreed.
56. However the plans were amended and the scheme now incorporates 14 (20%) on site affordable houses split as follows:
- 6 x 1 bedroom apartments
 - 6 x 2 bedroom houses
 - 2 x 3 bedroom houses
57. Clearly the provision of 14 on site affordable units is below the require 30% (the provision of 14 units equates to 20%) and the supporting documentation states that the provision of more on site affordable housing will render the scheme unviable.
58. Policy 7 of the Core Strategy does include provision for accepting a lower percentage of affordable housing as it includes: '*subject to such site and development considerations as financial viability and contributions to community services*' however the onus is on the developer to make a case that applying the Council's affordable housing requirement for their scheme makes the scheme unviable.
59. In this regard the agents for the application have submitted Financial Viability Assessment detailing various scenarios. These have been assessed by Liberata on behalf of the Council who have confirmed that the submitted viability demonstrates that the maximum number of affordable units which can be achieved whilst securing a viable scheme is 20%.
60. In respect of the suggested mix above this has been reviewed by the Council's Housing Manager who is seeking mainly 2 bed houses and the following mix of dwellings is requested:
- 10 x Social Rent houses (10 x 2 bedroom houses)
 - 4 x Intermediate sale (shared ownership) houses (4 x 3 bedroom houses)
61. However this suggested split would have further implications on the financial viability of the scheme and it is considered that the affordable units detailed on the layout plan (6 x 1 bedroom apartments, 6 x 2 bedroom houses, 2 x 3 bedroom houses) provides a mix of affordable units within a sustainable location.
62. The tenure of these units would be as follows:
- 6 x 1 bedroom apartments- social rent
 - 6 x 2 bedroom houses- social rent
 - 2 x 3 bedroom houses- intermediate sale (shared ownership)

Density

63. The site covers an area of 1.5 hectares. A development of 70 dwellings equates to a density of 46 dwellings per hectare. Policy 5 of the Core Strategy relates to housing densities and states that the 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.
64. It is considered that a density of 46 dwellings per hectare is appropriate for this Chorley location in close proximity to the town centre. The density ensures efficient use of land within a sustainable location in accordance with guidance contained within the framework.

Levels

65. The majority of the site is substantially lower than the peripheral levels of the boundaries. The site works include imported fill to raise to formation levels to accord with the boundaries. The

finished floor levels of the dwellings have been provided with the application and do not adversely impact on the amenities of either the existing or future residents.

Impact on the neighbours

66. The immediate neighbours to the site are as follows:

- 11A Brindle Street
- 37-43 Harrison Road and 19 Harrison Road
- 55-67 Richmond Court
- 81-83 Richmond Court
- Richmond House

67. 11A Brindle Street

This property is a two storey semi-detached property which has a side gable which faces the application site. Plot 46 is proposed to be sited adjacent to this property although it will be set forward in the street scene compared to the existing property. There is a first floor window in the side elevation of plot 46 however this does not serve a habitable room and can be obscurely glazed.

There is a quadruple garage proposed at the rear garden boundary however this will be a single storey garage and its siting, to the north of the garden area of 11A Brindle Street, ensures that the proposal will not adversely impact on the amenities of the residents.

The proposed property will have a finished floor level which is 0.25 metres lower than the existing property and as such no loss of amenity will be create through significant level differences.

68. 37-43 Harrison Road and 19 Harrison Road

These properties are two storey semi-detached dwellings which back onto the application site. Plots 34 to 42 are proposed to be sited to the rear of these dwellings. The closest relationship within this part of the site retains 24 metres from the rear of the existing property to the rear of the proposed property. This exceeds the council's standard requirement of 21 metres rear to rear window distance.

The proposed dwellings will have a finished floor level which is 0.29 metres higher than the existing properties however this level change does not necessitate a greater spacing distance in accordance with the Council's guidelines.

Given the distance retained between the proposed and existing dwellings and the finished floor levels of the proposed properties the proposed dwellings will not result in any loss of amenity to the detriment of the residents of Harrison Road.

69. 55-67 Richmond Court

These properties form a two storey terraced row of properties which form part of the larger Richmond House development. The rear of these properties face the application site. Plots 34 and 27 will be immediately adjacent to the boundary with these properties.

The scheme retains 12 metres from the rear of the existing properties to the side gable of the proposed properties in accordance with the Council's guidelines. The proposed properties will have a finished floor level which is 0.78 metres lower than the existing properties which ensures that a greater spacing distance is not required, due to the drop in levels, to protect the amenities of the existing residents.

There is a ground floor and first floor window in the side elevation of plots 34 and 27 which serve a bathroom and dining room (although this is not the only source of light) however these can be obscurely glazed.

The existing properties are sited between 6-7 metres from the rear garden areas of plots 34 and 27. This is lower than the Council's normal requirement of 10 metres from first floor windows to rear garden areas however as the existing properties are already in situ the future residents of plots 34 and 27 will be aware of this relationship prior to purchasing the property

and in this case this relationship secures a high density development in a sustainable location.

70. 81-83 Richmond Court

These properties form a terraced row of properties which form part of the larger Richmond House development. The rear of these properties faces the application site. Plots 1-6 (the proposed affordable housing block) will be located on the opposite side of Richmond Court.

There are ground and first floor windows located within the elevation of the proposed apartment block which is closest to 81-83 Richmond Court, these windows serve habitable rooms. However 81-83 Richmond Court are bungalows (which negates the need to maintain 21 metres first floor window to first floor window distance) and it is considered that the distance retained between the proposed dwellings and the existing dwellings (14.5 metres) will maintain the amenities of the existing and future residents

71. Richmond House

This property is a three storey block of residential apartments which is managed by Accent Group. Plots 1-14 (which are the proposed affordable units) are proposed to be sited on the opposite side of Bedford Street to Richmond House.

The managing agent has written on behalf of the residents expressing their concerns, which are set out above, and a petition from the residents of Richmond House has also been submitted.

Plots 1-6 of the proposed scheme is a two a storey apartment block and plots 7-14 are two storey terraced properties which face Richmond House. The proposed apartment block is 16 metres from Richmond House and the proposed dwellings are sited 32 metres (at the closest point) from Richmond House.

It is not considered that the relationship between Richmond House and the proposed dwellinghouses will result in any loss of amenity for the future or existing residents due to the spacing distance retained.

There are habitable room windows proposed in the elevation of the apartment block closest to Richmond House however as these windows are not the only source of light into these rooms these can be obscurely glazed to protect the amenities of the future and existing residents.

The proposed properties will have a finished floor level which is lower than Richmond House and as such it is not considered that the proposals will result in loss of amenity through significant land level differences.

The residents' concerns relate to direct vehicular access to the proposed dwellings within this part of the site as it is proposed to serve all plots 1-14 via Bedford Street and Richmond Court. This will be addressed by the Highway Engineer on the addendum.

Design

72. A number of years ago a Design Brief for this site was published which included specific design specifications for this site. Planning Policy has advanced since this document was published and the Council now has an adopted Design Guide Supplementary Planning Document which is applicable to this application. The original Design Brief did however incorporate the following features:

- A high density development- a density of 46 dwellings per hectare is in accordance with the brief.
- A maximum of two storey high properties along the southern boundary- the whole site accommodates 2 storey dwellings
- A focal building on the corner of Duke Street and Brindle Street to act as a focal point and to create identity. The row of terraced properties on plots 57-60 incorporate specific design features including front gable features and create a sense of height (the design incorporates higher than normal two storey dwellings) at this focal point location.
- An area of public open space adjacent to the boundary with Richmond Court to provide amenity space for the future residents and to benefit the visual amenities of the area. This

has not been detailed on the submitted plan and as set out above recent evidence has demonstrated that there is a surplus of amenity greenspace in this area. As such this feature is no longer considered necessary.

73. In design terms the surrounding area constitutes a mixture of two storey residential properties with the Richmond House complex immediately adjacent to the site, which incorporates 2 storey terraced properties, bungalows and a three storey apartment complex. As such a mixture of standard house types and an apartment block are considered to be appropriate in terms of the character of the area.

Trees and Landscape

74. There are existing trees on the site which include Sycamore, Lime, Silver Birch and Lombardy Poplar. Prior to the submission of the previous planning application on this site the trees on site were assessed by the Council's Arboricultural Officer.
75. At this time the Officer commented that the Sycamores have been pollarded and coppiced previously which has resulted in poor specimens, this is reflected with the Tree Survey submitted in support of this application. The Officer also commented that the Poplars, located along the northern boundary of the site, are visually imposing trees and not worthy of retention. The Officer did however consider that the Silver Birch and Lime Tree on site were good example of trees, worthy of retention and as such these trees have been protected by Tree Preservation Order 2 (Chorley) 2008.
76. A number of the trees surveyed as part of this application are outside the application site and proposed to be retained. The two protected trees are incorporated into the layout plan for retention and are sited away from the proposed dwellinghouses to ensure protection and future retention.
77. The remainder of the trees on site will be felled, including the Sycamores and Poplars, however a condition will be attached to the recommendation requiring replacement trees to mitigate for the trees which will be felled as part of the development and a condition ensuring protection for retained trees during the construction period.

Ecology

78. Due to the nature of the site and the fact that there are existing trees on site the proposed development has the potential to create ecological implications. As such an Ecological Appraisal has been submitted as part of the application.
79. The Ecological Assessment makes the following conclusions:
- Statutory / non-statutory sites of ecological interest = No concerns or constraints.
 - BAP Priority Habitats and/or rare or protected plant species = No concerns or constraints.
 - Invasive plant species = Presence of a Cotoneaster species that should be treated as invasive species.
 - Bats, Badger, Great crested newt, other amphibians, Water vole, Otter and reptiles = No concerns or constraints
 - Breeding birds = The Bramble scrub, trees and shrubs throughout the Site are suitable for use by low numbers of breeding birds.
80. In accordance with the conclusions set out above the Ecological Survey and Assessment recommends the following measures:
- Standard protection of breeding birds is applicable for all shrubs, Bramble scrub and trees in the site.
 - No clearance to habitat outside the breeding season, so that birds are displaced before they establish nesting territories. The breeding season is typically regarded as March to August inclusive.
 - Prevention of the spread of invasive species (Cotoneaster).
 - Protection of the roots and canopies of trees
81. The report also includes the following opportunities:

- Incorporate landscape planting into the scheme which favours species that can contribute value to wildlife through the provision of shelter and food sources.
 - New shrubs and trees should be planted in mixed-species clusters, which provide greater value than single-species planting.
 - Boundary fences permeable to wildlife
 - Outdoor lighting is typically a deterrent to wildlife, so where it is required, should be kept directional, low-level, focussed and/or screened or hooded.
82. The Ecologist at Lancashire County Council has commented that the development is unlikely to have any significant ecological impacts on the proviso that the following issues are addressed by appropriately worded planning conditions:
- A precautionary inspection of features suitable to support roosting bats shall be carried out immediately prior to commencement of works.
 - Prior to commencement of development, a landscaping/habitat creation and management plan (to include adequate foraging habitat for bats; compensatory planting for any loss of trees, shrubs, rough grassland; management details of replacement planting/ habitat and retained areas of semi-natural vegetation; replacement nesting opportunities for birds, including provisions for house sparrow), shall be submitted
 - External lighting associated with the development shall be minimal
 - Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.
 - If any invasive/injurious weeds are encountered then working methods shall be employed to eradicate such species and prevent their spread into the wild.
 - All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines
83. Following a supreme court ruling (Morge vs. Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
- Is the proposal likely to result in a breach of the Habitats Regulations?
 - If so, is Natural England likely to grant a licence?
84. As set out above it is not considered that the proposals will affect protected species.
85. 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.
86. 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.
87. As set out above the ecological impacts of the proposals have been fully considered and as such it is considered that the Council, subject to suitable conditions, has discharged its obligations in respect of the above tests.

Flood Risk

88. Due to the size of the site the application is supported by a Flood Risk Map. This has been reviewed by the Environment Agency who have confirmed the proposed development will only meet the requirements of the Framework if the measures, as detailed, are implemented

and secured by way of a planning condition on any planning permission. These relate to surface water run-off and surface water drainage and can be secured by condition.

Traffic and Transport

89. At the time of writing this report no comments had been received from Lancashire County Council Highways, these will be reported on the addendum.
90. It is noted that in respect of the previous outline application the Highway Authority raised no objection to the scheme which incorporated one vehicular access point to the site off Brindle Street. This scheme also incorporates one new vehicular access point off Brindle Street in a similar location to the outline application however this application also proposes to utilise Bedford Street (which serves Richmond House) to access plots 1-14 including direct road access to plots 7-14 off Bedford Street. These access arrangements are one area of concern raised by the residents of Bedford Street.
91. The scheme incorporates 2 parking spaces per property (1 for the 6 bedroom flats) which is considered acceptable for the size of dwellings proposed. Where a garage 'counts' as a parking space they measure 6x3 metres in accordance with Manual for Streets/

Sustainability

92. Policy 27 of the Adopted Central Lancashire Core Strategy states that all dwellings will be required to meet Level 4 of the Code for Sustainable Homes from January 2013.
93. The Policy also states that subject to other planning policies, planning permission for new built development will only be granted on proposals for 5 or more dwellings where all of the following criteria are satisfied:
- (a) Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;
 - (b) Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures,
Or appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%;
 - (c) Appropriate storage space is to be provided for recyclable waste materials and composting;
 - (d) If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.
94. As the proposed development exceeds 5 dwelling units both parts of the Policy will need to be satisfied in respect of the proposals.
95. The application is supported by a Sustainability Statement which states that the dwellings will meet Code for Sustainable Homes Level 4 however the submitted financial viability assessment which was reviewed by Liberata does not propose that the houses achieve Code Level 4. This has been queried with the agent particularly in respect of the fact that Liberata considers that additional profit could be secured from this scheme by applying more appropriate sales prices.
96. In response the agent has provided a breakdown of the sales prices for the market properties which are based upon the sales at the Quarry Road site taking these figures into account the profit is calculated to be £7,481,500 which is very similar to the figure set out above (£7,480,959). In respect of the affordable units the applicant has confirmed that they do not receive any return on these and in fact on the appraisal on both Quarry Road and Duke Street they are indicating a loss in the region of approximately £150,000.

97. The properties in Quarry Road are constructed to Code for Sustainable Homes level 3 and it is proposed to construct these dwellings to the same code as the financial viability demonstrates that code 4 is unviable. The agent for the application has confirmed that constructing the dwellings to code 4 would not ensure a higher value could be secured as, *in general, the house purchasing public are not ecology led but market led. This is particularly the case at the entry level of the housing market where the purchasers are often desperate to get onto the property ladder, and therefore want a two or three bed house at the most competitive price to suit the limited budget available. The on-cost of providing Code Level 4 makes the purchase price out of reach. This situation is further aggravated by the banks reluctance to lend money to purchasers with little or no equity in such a depressed economy and consequent housing market, although this is not the case in the south east. The properties could be marketed at a higher price, but they wouldn't sell.*
98. As such in this case the maximum code level achievable is code level 3 which will be secured by condition.

Contamination

99. The Council's Waste and Contaminated Land Officer has reviewed the proposals and confirmed that there is potential for ground contamination at this site. Due to the size of development and sensitive end-use (residential housing with gardens), no development shall take place until an assessment of ground contamination at the site has been undertaken. This can be addressed by condition.

Drainage and Sewers

100. The application is supported by a Drainage Strategy which confirms that the site will connect into the existing combined sewers located in Brindle Street. The report states that in the absence of surface water features within or adjacent to the site surface water will be attenuated before being discharged into the combined sewer.
101. In order to make a connection to the public sewer it will be necessary to raise the ground levels along the Brindle Street frontage and the southern boundary to approximately 1.2 metres above the existing south eastern site boundary levels.
102. United Utilities have assessed the submissions and notwithstanding the submitted assessment United Utilities will only permit foul drainage connected into the combined sewer. United Utilities have confirmed that they have no objection to the proposals subject to:
- This site must be drained on a separate system, with only foul drainage connected into the combined sewer.
 - Surface water should discharge to the soakaway/SUDS or directly to watercourse. If surface water is allowed to be discharged to the public combined sewerage system we will require the flow to be attenuated to a maximum discharge rate of 12 l/s which is equivalent to existing Greenfield runoff rates.
 - The submission of a scheme for the provision of foul and surface water drainage. The scheme shall provide for separate systems, together with any necessary surface water regulation system.
 - All foul water & any residual surface water discharges shall only connect to the combined sewer network located at the junction of Duke Street & Brindle Street.
 - The submission of a scheme for the provision and implementation of a surface water regulation system, restricting any residual surface water runoff emitting from the site to 12 l/s.
103. These requirements can be addressed by conditions.

Section 106 Agreement

104. The total amount of financial contribution, in respect of POS, required for 70 dwellings (to be secured via an S106 Agreement) is:
- Equipped play area: £29,820
 - Playing pitches: £60,760

- TOTAL: £90,580

105. The Section 106 Agreement will also secure 20% (14 units) affordable housing.
106. Lancashire County Council Education have confirmed that the latest projections for the local primary schools show there to be a shortfall of 314 places in 5 years' time, the shortfall will occur without the impact from this development. 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.
107. With an expected yield of 24 places from this development the shortfall would increase to 338. Therefore, LCC Education are seeking a contribution from the developer in respect of the full pupil yield of 24 places. This equates to £285,131.
108. However as set out above the financial viability of this scheme is a consideration. If the suggested contribution was applied then the scheme would be rendered unviable and would not be developed.

Overall Conclusion

109. This proposal will result in the loss of playing pitch provision within Chorley where there is an identified deficit of such provision. As such the proposals are contrary to Policies contained with the Adopted Local Plan and the Adopted Core Strategy and therefore the proposals are considered on balance.

Positive Elements	Negative Elements
The provision of 14 affordable units in a sustainable location	The Core Strategy requires 30% affordable housing which would secure 21 affordable units
A contribution to playing pitch and equipped play space improvement/provision within the area	In order to accord with the relevant planning policies the contribution should be over and above the standard provision to secure equivalent alternative provision
The proposal will secure additional housing within the Borough in a sustainable location.	The financial viability of the scheme results in a development which cannot provide a contribution to education provision and still be viable.

110. As set out above this is a finely balanced decision. The application which has been approved in principle (08/01170/OUTMAJ) establishes the principle of housing at this site and the financial limitations of the scheme dictate what can be secured as part of the proposals.
111. This site is proposed to be allocated as a housing site within the emerging local plan and as part of the evidence base, which supports this suggested allocation, a detailed site assessment of this site was undertaken. This concluded that the site is in a highly sustainable location close to the town centre and services/shops on Pall Mall. Development of this site will add local customers to an area suffering from lack of investment thereby sustaining those local shops and services. The site scored category B in respect of sustainability (Band A being the most sustainable and Band E the least sustainable).
112. The application site is located within Chorley Town which is identified within Policy 1 of the Core Strategy as a key service centre and an area for growth and investment. The policy

does acknowledge that some greenfield development will be acceptable within Chorley Town.

113. The framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and it is considered that the development of this site has the ability to meet the sustainable principles embodied in the Core Strategy. As such it is considered that the development of this site will secure benefits whilst contributing to the aims of both the framework and the Core Strategy. To secure the benefits quickly members may consider imposing a shorter timescale, for example 1 year, to commence development.

Other Matters

Public Consultation

114. Northern Trust did consult the neighbours to the site separately to the Council however this was undertaken when the formal application had been submitted. 19 responses were submitted to Fellow Homes which included:

- 5 responses do not support the scheme
- 5 responses neither support or object to the scheme
- 9 responses which support the scheme

Planning History

97/00747/FUL- Demolition of existing pavilion building and erection of 57 two storey houses. Refused

97/00756/FUL- Demolition of existing pavilion building and erection of 57 two storey houses. Withdrawn

05/01146/OUTMAJ- Outline application for the redevelopment of 1.5ha of land for residential use and bowling green. Withdrawn

08/01170/OUTMAJ- Outline application for the erection of 71 dwellings including access and scale. Approved subject to the S106 Agreement (Agreement never signed).

Recommendation: Permit (Subject to Legal Agreement) Conditions

1. **The proposed development must be begun not later than three years from the date of this permission.**
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004
2. **The hereby permitted shall be carried out in accordance with the following approved plans:**

Title	Plot	Drawing Reference	Received date
Topographical Survey		S05/016	2 January 2013
Location and Site Plan		11/060/L01	2 January 2013
Proposed Site Plan		11/060/P01 Rev B	1 March 2013
2H667 House Type	15/ 16/ 17/ 24/ 25/ 26/ 27/ 28/ 31/ 32/ 33/ 34/ 35/ 36/ 60/ 61/ 63/ 64/ 65	11/060/P02	2 January 2013
3H775 House Type	19/ 20/ 21/ 22/ 30/ 37/ 38/ 39/ 40/ 41/ 44/ 46/ 47/ 48/ 49/ 50/ 51/ 52/ 55/ 56/ 57/ 58/ 59/ 62/ 66/ 67/ 69	11/060/P03	2 January 2013
3H827 House Type	18/ 23/ 29/ 42/ 43/ 45/ 53/ 54/ 68/ 70	11/060/P04	2 January 2013

Affordable Apartments	1-6 (inclusive)	11/060/P05 Rev A	19 February 2013
Plots 57-60 Plans and Elevations	57-60 (inclusive)	11/060/P06	2 January 2013
3H775/ 33H827 Plans and Elevations		11/060/P07	2 January 2013
2H667 Plans and Elevations		11/060/P08	2 January 2013
Existing and Proposed Levels		11/060/P09 Rev B	1 March 2013
Plots 7-10 and 11-14 House Type	7-14 (inclusive)	11/060/P10	19 February 2013
6m x3m Single Garage- Gable to Road	18/ 23/ 29/ 62	11/060/G01	1 March 2013
6m x3m Twin Garage- Eaves to Road	54/ 55	11/060/G02	1 March 2013
6m x3m Twin Garage- Pyramid Roof	43/ 51/ 52/ 53	11/060/G03	1 March 2013
6m x3m Twin Two-Way Garage- Pyramid Roof		11/060/G04	2 January 2013
Standard Twin Garage		11/060/G06	2 January 2013
Standard Single Garage		11/060/G07	2 January 2013
Quadruple Garage	42/ 46/ 47/ 48	11/060/G08	19 February 2013
External Works- 1800mm brickwork Screen Wall		11/060/EW01	2 January 2013
External Works- 1800mm Timber Screen Fence		11/060/EW02	2 nd January 2013
External Works- 1800mm Party Fence		11/060/EW03	2 nd January 2013

Reason: For the avoidance of doubt and in the interests of proper planning

3. 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 and to provide reasonable standards of privacy to residents. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.

4. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the locality. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.

5. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.
6. The garages hereby approved on plots 18, 23, 29, 43, 51, 52, 53, 54, 55 and 62 shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.
Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking. In accordance with Policies GN5, HS4 and TR4 of the Chorley Borough Local Plan Review 2003.
7. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. The scheme should include a landscaping/habitat creation and management plan (to include adequate foraging habitats for bats, compensatory planting for loss of trees, shrubs, rough grassland; management details of replacement planting/ habitats, and retained areas of semi-natural vegetation; replacement nesting opportunities for birds, including provisions for the house sparrow) which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. The plan should demonstrate maintenance and enhancement of biodiversity and include full details of planting mixes, habitat establishment proposals, aftercare, and long term management of both newly created habitat and habitat retained on site. The approved plan shall be implemented in full. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within 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.
Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.
8. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.
Reason: To safeguard the trees to be retained. In accordance with Policies GN5 and EP9 of the Chorley Borough Local Plan Review 2003.
9. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting

shall be carried out in accordance with the approved details within nine months of the tree felling.

Reason: To safeguard the visual amenity of the area. In accordance with Policies GN5 and EP9 of the Chorley Borough Local Plan Review 2003.

10. All windows in the:

- South elevation of plot 46
- West elevation of plot 34
- West elevation of plot 27
- West elevation of plots 1-6 (the elevation closest to Bedford Street)

shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

Reason: In the interests of the privacy of occupiers of neighbouring property. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwellings on plots 7-26 (inclusive), 30- 32 (inclusive), 34-45 (inclusive), 50-53 (inclusive), 69 and 70 (including porches, garden sheds, greenhouses, garages or car ports) shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.

Reason: In the interests of neighbour amenity. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.

12. All the dwellings hereby approved will be required to meet Code Level 3 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development. In accordance with guidance contained within the National Planning Policy Framework and Policy 27 of the Central Lancashire Core Strategy 2012.

13. Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.

Reason: In the interests of minimising the environmental impact of the development. In accordance with guidance contained within the National Planning Policy Framework and Policy 27 of the Central Lancashire Core Strategy 2012.

14. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development. In accordance with guidance contained within the National Planning Policy Framework and Policy 27 of the Central Lancashire Core Strategy 2012.

15. Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating.

Reason: In the interests of minimising the environmental impact of the development. In accordance with guidance contained within the National Planning Policy Framework and Policy 27 of the Central Lancashire Core Strategy 2012.

16. 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. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.
17. Any Cotoneaster species on the site shall be controlled/treated in accordance with Environment Agency guidelines. Following the treatment of the species evidence to demonstrate that the species had been eradicated/controlled shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent the further spread of a Cotoneaster species as a result of the development.
18. There is potential for ground contamination at this site. Due to the size of development and sensitive end-use (residential housing with gardens), no development shall take place until:
- a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
 - b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
 - c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.
- Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.
Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).
19. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).
20. Prior to the commencement of the development a site plan indicating the plots/dwellings that will require gas protection measures, in accordance with the supplementary gas appraisal dated 9th December 2008 ref: 7353/1/NMW submitted by Encia, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).

21. Notwithstanding the submitted details, no development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system, restricting any residual surface water runoff emitting from the site to 12 l/s, has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To reduce the risk of flooding to the proposed development and future occupants. In accordance with guidance contained with the National Planning Policy Framework.

22. Notwithstanding the submitted details this site must be drained on a separate system, with only foul drainage connected into the combined sewer. Surface water should discharge to the soakaway/SUDS or directly to watercourse which may require the consent of the Local Authority.

Reason: To secure proper drainage and a sustainable form of development. In accordance with guidance contained with the National Planning Policy Framework.

23. Notwithstanding the submitted details, no development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems, together with any necessary surface water regulation system and shall demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The drainage of the site shall then be implemented in accordance with the approved scheme prior to occupation of the dwellings.

Reason: To ensure a satisfactory means of drainage, to promote sustainable development and to ensure a safe form of development that does not pose an unacceptable risk of pollution to water resources or human health nor any problems with flooding. In accordance with guidance contained with the National Planning Policy Framework.

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Item 4d	12/01211/OUTMAJ
Case Officer	Caron Taylor
Ward	Brindle And Hoghton
Proposal	Application to extend the time limit to implement previous permission ref: 09/00825/OUTMAJ which was an outline permission for demolition of existing buildings, erection of 15 units for mixed use of office and living accommodation, formation of new access to Finnington Lane, landscaping and laying out of new road and parking areas together with provision of washroom/W.C. building for canal-boat users (Section 73 application).
Location	Finnington Industrial Estate Finnington Lane Feniscowles Withnell
Applicant	Cholsey Investments
Consultation expiry:	6 February 2013
Application expiry:	4 April 2013

Proposal

1. Application to extend the time limit to implement previous permission ref: 09/00825/OUTMAJ which was an outline permission for demolition of existing buildings, erection of 15 units for mixed use of office and living accommodation, formation of new access to Finnington Lane, landscaping and laying out of new road and parking areas together with provision of washroom/W.C. building for canal-boat users (Section 73 application).
2. The original permission was granted in 2009 (ref: 09/00825/OUTMAJ).
3. The application is being made under the procedure brought in by the Government in October 2009 to extend the time limit for implementing the permission previously granted. This was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. A new planning permission is applied for to replace the existing permission.

Recommendation

4. It is recommended that this application is granted.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Neighbour Amenity
 - Traffic and Transport

Representations

6. No representations have been received.

Assessment**Principle of the development**

7. The application relates to the redevelopment of an isolated site adjacent to the Leeds and Liverpool Canal within the Green Belt. The site is close to junction 3 of the M65 motorway on the A674 road to Feniscowles. The site at present is a collection of various industrial buildings which was previously used as a hatchery and prior to that as a sewage treatment works and isolation hospital.

8. The site comprises a number of dilapidated and poorly maintained buildings used for a variety of B1 and B2 uses including car repairs, vehicle storage/dismantling.
9. There is a short terrace of five houses on the road frontage to the northwest of the proposed development.
10. The development would consist of the provision of fifteen office/live work units. The development also includes improvements to the access arrangements and facilities to serve the occupiers of moored boats on the adjacent canal.
11. As this application is to extend the time limit to implement the previous Government guidance states that when determining such applications the development will by definition have been judged to be acceptable in principle at an earlier date (in this case by permitting application ref: 09/00825/OUTMAJ). While such applications must be made in accordance with the plan unless material considerations indicate otherwise, Local Planning Authorities should in making their decision focus their attention on development plan policies and other material consideration which may have changed significantly since the original grant of planning permission.
12. The original application was assessed against national planning policy PPG2: Green Belts and Planning Policy Guidance 6: Planning for Town Centres as well as the Northwest Regional Spatial Strategy 2008 and Local Plan Policies DC1 (Development in the Green Belt), EP4 (Species Protection), EP5 (Wildlife Corridors), EP13 (Under-used, Derelict and Unightly Land), EM2 (Development Criteria for Industrial/Business Development), TR4 (Highway Development Control Criteria) and GN5 (Building Design).
13. PPG2 and PPG6 have now been superseded by the National Planning Policy Framework (The Framework) and this is the most up-to-date policy position of all the above policies.
14. The site has a complicated planning history in that the Council in 2003 (application ref: 01/00324/FUL) resolved to approve an application for the erection of 2 office blocks on the site on the basis that it would bring about highway safety improvements, safeguard and improve the amenities of nearby residents, improve the amenity of the canal and assist in rural regeneration. The Council's aim of getting the site redeveloped for office uses was only frustrated by the Government Office for the Northwest who decided that there had to be a public inquiry to resolve the Green Belt policy issues. The Council lobbied hard that this was an unreasonable approach as there were sufficient exceptional circumstances to make the redevelopment of the site for employment purposes beneficial and in the wider public interest. The application was eventually withdrawn by the applicant.
15. The site is located within the Green Belt and as such the applicant had previously to provide a justification as to why inappropriate development should be allowed and put forward a range of benefits that the development will bring involving regeneration and the replacement of a bad neighbour activity on the site next to the terrace of houses adjacent. The report from the time noted that the existing site in its current form damages the local environment and impacts adversely on the Leeds and Liverpool Canal. It does not meet one of the defined objectives of Green belt, namely to retain attractive landscapes and enhance landscapes near to where people live. On that basis it was concluded that the redevelopment of the site represents a very special circumstance.
16. The Framework differs from its predecessor on Green Belts PPG2, as it includes within appropriate development the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. It is not considered the proposal will have more impact than the existing site and the proposal is therefore considered to comply with the Framework in terms of the Green Belt.
17. The Framework also states that planning policies should support economic growth in rural

areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The scheme proposes 2 detached 3 bedroom live work units to include 716sq ft of office space, 3 bedroom live work units to include 591sq ft of office space and 10 4 storey units comprising a 3 bedroom apartment and 514sq ft of office space. It is therefore considered the proposal also supports rural economic growth.

18. The design of the buildings has been developed from the scheme considered by the Council in 2001 and would not exceed the height of the existing buildings on the site. The materials and style are appropriate for the context being adjacent to the Canal and therefore in conformity with Policy LT9. The site and buildings are generally well absorbed into the landscape and will not be prominent features except when viewed in close up from Finnington Lane and the Canal towpath.
19. Since the previous application the Core Strategy has been adopted and Policy 27 covers sustainable resources. The requirements of this policy will need to be secured by conditions.

Neighbour Amenity

20. It is not considered that there has been a change in the impact of the proposal of the adjoining properties. The Type B units would be located at least 39m from the rear of the terraced house on Finnington Lane. This is sufficient to avoid any problems with regard to overlooking especially as the units are 2.5 storey in this part of the site. The remaining units on the site are four storey but these are situated on the other side of the access road and face the end gable of the terrace. The site slopes down from the canal and the Type A units are at a lower level than the houses and would appear as three storey due to the changes in ground level.

Traffic and Transport

21. The original application was accompanied by a Transport Assessment which proposes an access with an improved priority junction with a traffic calming scheme comprising warning signs and road markings on the approaches. It is not considered that there has been a change in circumstances in terms of highways since the previous application. It is still considered that the proposed access junction improvement options both provide a positive benefit over the existing substandard access provision to the site, improving sightlines to the south west and providing visual warnings for drivers travelling along Finnington Lane on the approaches to the site. The previous application for office blocks gave rise to concern from the Government Office with regard to an increased volume of trips to an out of town location in the Green Belt. The current Traffic Assessment compares an existing daily vehicle movement of 88 mainly heavy goods vehicles with an anticipated 40 daily vehicle movements if the proposed scheme is implemented. The provision of 36 car parking spaces is still considered reasonable and not excessive. The scheme shows the provision of four parking spaces for the residents of the terraced house adjacent to the development. One of the houses has its own existing space off the main road. The Framework now sets criteria for highway consideration, one of which is that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
22. The site is located on a bus route with a segregated access to the bus stop along the canal towpath. The canal towpath also provides a pleasant walking and cycling route towards Withnell Fold, Wheelton and Chorley to the south west and Feniscowles and Blackburn to the north east.
23. The issue of access to agricultural land beyond the site has been dealt with as part of the layout and this is clearly marked on the plan as "right of way".

Conclusion

24. At the time of the previous application was granted it was considered a marginal proposal in that it was inappropriate development in the Green Belt under PPG2, however on balance it was considered very special circumstances had been demonstrated. There has been a change in policy at national level in terms of the introduction of the Framework since that time but it is considered this is more supportive of the redevelopment of previously developed sites in the Green Belt than its predecessor PPG2. The Framework is also supportive of

economic growth in rural areas which the proposal will support. The proposal is therefore considered acceptable in policy terms.

25. It is not considered that the issues surrounding the technical aspects of the proposal, such as neighbour amenity and the access have changed.
26. It is not considered necessary to refer the application to the Government Office for the North West as it is not considered that the development will by reason of its scale or nature or location have a significant impact on the openness of the Green Belt from what is there now.

Planning Policies

National Planning Policies:

The National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: DC1, EP4, EP5, EP13, EM2, TR4, GN5

Core Strategy

Policy 27

Planning History

01/00324/FUL – Demolition of existing building, erection of 2 office blocks, formation of new access. Withdrawn January 2003.

08/00796/FULMAJ - Demolition of existing buildings, erection of 5 office units with ancillary residential use, erection of 5 affordable housing units, formation of a new access to Finnington Lane, landscaping, new road and parking areas. Including the provision of washroom/WC building for canal boat users. Withdrawn October 2008.

09/00332/FULMAJ - Demolition of existing buildings, erection of 5 office units with ancillary residential use, erection of 5 live/work units, erection of 5 affordable housing units, formation of new access to Finnington Lane, landscaping, laying out of new road and parking areas together with the provision of washroom/W.C. building for canal boat users. Refused July 2009.

09/00825/OUTMAJ which was an outline permission for demolition of existing buildings, erection of 15 units for mixed use of office and living accommodation, formation of new access to Finnington Lane, landscaping and laying out of new road and parking areas together with provision of washroom/W.C. building for canal-boat users. Permitted February 2011.

Recommendation: Permit Full Planning Permission Conditions

1. **Prior to the commencement of development details of appropriate mitigation measures to prevent pollution of the waterway during and after construction of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.**
Reason: In order to avoid contamination of the waterway and ground water from wind blow, seepage or spillage in accordance with the National Planning Policy Framework.
2. **Notwithstanding the submitted plans prior to the first occupation of the units, details of the proposed boundary treatment (showing height, specification, colour, materials and/or planting) shall first have been submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.**
Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.
3. **The proposed development must be begun not later than three years from the date of this permission.**
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.
Reason: In the interests of safety and in accordance with the National Planning Policy Framework.
5. Notwithstanding the submitted plans no development shall take place until a detailed scheme for the access in accordance with the plans shown in the report by PSA Design received on the 17 November 2009 has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority and thereafter implemented in accordance with the agreed plan.
Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
6. The approved units shall be used for a mixed residential and office use (classes C3 and B1 (a), (b) of the Use Classes Order) and for no other use unless agreed in writing by the Local Planning Authority.
Reason: To safeguard the Green Belt from inappropriate development and in accordance with Policy EP13 of the Adopted Chorley Borough Local Plan Review and the National Planning Policy Framework.
7. The application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show the on-site measures to be installed and implemented so as to produce a minimum of 10%, or locally set targets (whichever is the higher) in place at the receipt of the reserved matters, of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the proper planning of the area, in line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1 and Chorley Borough Council's Sustainable Resources DPD.
8. Before the development hereby permitted is first commenced, full details of the following reserved matters (namely appearance and landscaping) shall be submitted to and approved in writing by the Local Planning Authority.
Reason: The permission is in outline only and in accordance with Policy Nos. GN5 and EP13 of the Adopted Chorley Borough Local Plan Review.

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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	26 March 2013

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 22 FEBRUARY AND 14 MARCH 2013

PLANNING APPEALS LODGED

1. None.

PLANNING APPEALS DISMISSED

2. Appeal by Mr John Sutton against the delegated refusal for the erection of a detached two storey house within the side garden area of 15 Riverside Crescent (resubmission of application 11/01068/FUL) at 15 Riverside Crescent, Croston PR26 9RU (Planning Application 12/00840/FUL Inspectorate Reference APP/D2320/A/12/2188418). Planning Inspectorate letter dismissing the appeal received 28 February 2013
3. Appeal by Mr Christopher Vose against the delegated refusal of Full Planning Permission for Proposed demolition of existing dwelling and construction of replacement dwelling, detached garage and new vehicular access from Long Lane.at Arnside, Long Lane, Heath Charnock PR6 9EQ (Planning Application 12/00337/FUL Inspectorate Reference APP/D2320/A/12/2181424). Planning Inspectorate letter dismissing the appeal received 11 March 2013.

PLANNING APPEALS ALLOWED

4. None.

PLANNING APPEALS WITHDRAWN

5. None.

ENFORCEMENT APPEALS LODGED

6. None

ENFORCEMENT APPEALS DISMISSED

7. None.

ENFORCEMENT APPEALS ALLOWED

8. None.

ENFORCEMENT APPEALS WITHDRAWN

9. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

10. None

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

LESLEY-ANN FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

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