DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 20TH JUNE 2017, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 **MINUTES OF MEETING TUESDAY, 23 MAY 2017 OF DEVELOPMENT CONTROL COMMITTEE** (Pages 3 - 4)

2 **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.

3 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director (Customer and Digital) has submitted five items for planning applications to be determined (enclosed).

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.
https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application

A **16/00804/FULMAJ - LAND 120M SOUTH WEST OF 21 LOWER BURGH WAY, LOWER BURGH WAY, CHORLEY** (Pages 5 - 36)

B **16/00805/FULMAJ - LAND 120M SOUTH WEST OF 21 LOWER BURGH WAY, LOWER BURGH WAY, CHORLEY** (Pages 37 - 64)

C **16/00806/OUTMAJ - LAND 120M SOUTH WEST OF 21 LOWER BURGH WAY, LOWER BURGH WAY, CHORLEY** (Pages 65 - 90)

D **16/01021/OUT - HIGHER HEALEY FARM, HIGHER HOUSE LANE, HEAPEY, CHORLEY (TO FOLLOW)**

Meeting contact Nina Neisser on 01257 515034 or email nina.neisser@chorley.gov.uk

	E	**17/00403/REM - LAND NORTH OF LANCASTER LANE AND BOUNDED BY WIGAN ROAD AND SHADY LANE, LANCASTER LANE, CLAYTON-LE-WOODS**	(Pages 91 - 98)
4		**APPEALS AND OTHER DECISIONS**	(Pages 99 - 100)
5		**ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**	

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Development Control Committee Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Charlie Bromilow, Henry Caunce, John Dalton, Danny Gee, Tom Gray, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker.

Electronic agendas sent to Development Control Committee reserves for information.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

To view the procedure for public questions/ speaking click here https://democracy.chorley.gov.uk/ecSDDisplay.aspx?NAME=SD852&id=852&rpid=0&sch=doc&cat=13021&path=13021

Chorley Council

MINUTES OF **DEVELOPMENT CONTROL COMMITTEE**

MEETING DATE **Tuesday, 23 May 2017**

MEMBERS PRESENT:	Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, John Dalton, Danny Gee, Tom Gray, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker
RESERVES:	Councillors Gordon France
OFFICERS:	Adele Hayes (Planning Services Manager), Caron Taylor (Principal Planning Officer), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)
APOLOGIES:	Councillors Charlie Bromilow and Henry Caunce

The Chair welcomed the Committee to the first Development Control meeting of the new municipal year. The Chair asked all those present at the meeting to join her in one minutes silence as an act of solidarity in remembering the victims of the Manchester Arena terror attacks.

17.DC.278 Minutes of meeting Tuesday, 25 April 2017 of Development Control Committee

RESOLVED – That the minutes of the Development Control Committee held on 25 April 2017 be approved as a correct record for signature by the Chair.

17.DC.279 Declarations of Any Interests

There were no declarations of any interests declared.

17.DC.280 Planning applications to be determined

The Director of Customer and Digital submitted three reports for planning permission consideration. 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.

17.DC.281 17/00115/COU - Morrow Brothers Packaging Limited, Unit F, Buckshaw Link, Ordance Road, Buckshaw Village, Chorley, PR7 7EL

Registered speakers: Councillor Matt Lynch (ward councillor) and Matthew Wedderburn (agent).

RESOLVED (8:6:0) – That retrospective change of use planning permission be approved for a temporary 18 period, subject to conditions in the report as amended in the addendum.

Councillor Muncaster proposed that the application be approved on a permanent basis without the first condition. The motion was seconded by Councillor Boardman. A vote was taken and the motion was lost (6:8:0).

17.DC.282 17/00225/OUT - Land Adjacent 8 Miller Avenue, Abbey Village

Registered speakers: John Toner (objector), Cllr Margaret France (ward councillor) and Peter Gilkes (agent)

RESOLVED (8:6:0) – That outline planning permission be refused due to lack of sufficient information. The outline planning application was situated in the conservation area and therefore more information would be required.

17.DC.283 17/00173/FUL - Land 60m North to the Rear of 34-42 and Including 42 Chorley Lane, Charnock Richard

RESOLVED (unanimously) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposals. Given that an additional dwelling was proposed, Cllr Walmsley also requested that officers re-visit the issue of viability across the wider site.

17.DC.284 Public Footpath Diversion

RESOLVED (unanimously) - That the public footpath diversion be approved, subject to the recommendations in the report.

17.DC.285 Appeals and Other Decisions Report

The Director of Customer and Digital submitted a report for information on planning appeals received from the Planning Inspectorate between 1 April and 24 April 2017.

One appeal had been lodged against a Committee decision to refuse outline planning permission, one appeal against a Committee decision to refuse full planning permission was allowed, and one appeal against the Committee decision to refuse full planning permission was dismissed.

RESOLVED – That the report be noted.

Chair Date

APPLICATION REPORT – 16/00804/FULMAJ

Validation Date: 26 August 2016

Ward: Coppull

Type of Application: Major Full Planning

Proposal: Full application for the erection of 201 dwellings, associated access, drainage and the provision of public open space and landscaping.

Location: Land 120M South West Of 21 Lower Burgh Way Lower Burgh Way Chorley

Case Officer: Caron Taylor

Applicant: Taylor Wimpey UK Limited

Agent: Nathaniel Lichfield & Partners (now Lichfields)

Consultation expiry: 13 October 2016

Decision due by: 30 June 2017

Report Update

This application was deferred for a site visit at the committee meeting held on 25th April. The original report for that meeting is set out below.

The following was reported on the Addendum on 25th April:
As detailed in the report the amount of affordable housing proposed is now 35 units across the site, however, there has been insufficient time to update the plans to reflect this. Therefore, one additional affordable house type will be added to the house type range for the site and an amended layout will be submitted reflecting the number of affordable houses the applicant is now proposing (along with any other associated plans that change as a result).

Highways:
As per paragraph 45 of the report on the agenda, an amended plan has been received showing the carriageway and the footway on the section of Lower Burgh Way between Capesthorne Drive and the first proposed access running west into the development widened to 7.3m and 3.5m respectively as requested by Lancashire County Council Highways. This aspect is, therefore, considered acceptable.

The application is again recommended for approval subject to conditions, including reference to amended plans reflecting the revised affordable housing provision, and a Section 106 legal agreement, with the details of the overage/clawback arrangements to be delegated to the Director (Customer and Digital) in consultation with the Chair and Vice-Chair of the committee.

Other matters:
Archaeology:
LCC Archaeological Advisory Service state that Burgh Colliery Railway is a non-designated heritage asset recorded on the Lancashire Historic Environment Record (PRN39906) as a former colliery tramway. The 1849 1st Edition Ordnance Survey 1:10560 mapping (Lancashire Sheet 77, surveyed 1844-47) shows a tramway running c.2km from Burgh Colliery at Coppull to Burgh Colliery Yard, on the south side of Chorley Moor, which is sited within the proposed development area. The tramway had mainly been dismantled by 1894.

In The Industrial Archaeology of Lancashire this site is reported as an embankment at the east end of Plock Wood, SD 579587, and a line of stone blocks near Plock Farm SD 581160 and in Burgh Lane SD 582162. The coal mining industry is a significant one within the borough and such colliery tramways were not uncommon. They are not so significant as to require preservation insitu at the expense of the development, but they do merit the creation of a record prior to their loss.

Therefore, Lancashire Archaeological Advisory Service have recommended a programme of archaeological work which should be carried out prior to any development of the site and secured by means of the imposition of a suitably worded condition.

Boundary review:
Comments were raised at the previous committee meeting regarding the need for a boundary review before the application is determined. The site is an allocated housing site in the Local Plan 2012-2026 and the allocation was not made subject to a boundary review having to take place.

Digital Strategy:
In order to achieve the Council's wider strategic objectives of digital inclusion, that are set out in the Digital Strategy, and in the interests of achieving a sustainable form of development, it is considered appropriate that the developer be required to provide infrastructure to facilitate super-fast broadband for future occupants of the site. This will need to be secured through the imposition of a suitable condition.

Previous Committee Report (conditions on the addendum on 25th April are detailed and updated where relevant at the end of this report)

RECOMMENDATION

1. That the application is approved subject to conditions and a Section 106 legal agreement.

SITE DESCRIPTION

2. The application site is situated at the end of Lower Burgh Way, Eaves Green at the southern extent of Chorley, though it is within the ward and parish of Coppull as the boundary line is along the northern boundary of the site.

3. The site is predominantly semi-improved grassland with scattered scrub. To the north the site is bounded by the existing residential properties on the Birkacre Park development which forms the southern extent of the existing built up residential area around Lower Burgh Way to the south of Myles Standish Way. To the east it is bounded by John Wood through which the River Yarrow flows north to south before sweeping westwards. Beyond John Wood lie open fields and Duxbury Park Golf Club. To the south is open agricultural land and areas of woodland, through which the River Yarrow flows as it makes way back northwards and westwards. The building complex at Lowe's Tenement Farm lies approximately 175m south of the site and Woodside Cottage lies adjacent to the site in the southeast corner both accessed via Burgh Lane South, a track running north-south through the site. To the west of the site are fields the subject of other applications also on this agenda beyond which is Burgh Woods. The general landscape surrounding the site is characterised by extensive areas of woodland and hedgerows defining the field boundaries.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application is a full application submitted on behalf of Taylor Wimpey UK Limited for the erection of 201 dwellings, associated access, drainage and the provision of public open space and landscaping.

5. The Council are also considering two other applications on the adjacent parcel of land:
   - A full application submitted on behalf of Taylor Wimpey UK Limited for 88 dwellings on land owned by the Homes and Communities Agency (HCA) (herein called Application B) ref: 16/00805/FULMAJ;

- An outline planning application made by the HCA for up to 100 dwellings specifying access (herein called Application C) ref: 16/00806/OUTMAJ.

6. It should be noted that the two applications above (B and C) relate to the same parcel of land, so only one of them could be implemented if they were both approved. Therefore the maximum number of dwellings that could be delivered by all three applications is 301.

RELEVANT HISTORY OF THE SITE

Ref: 15/01130/SCE **Decision:** EIA not required **Decision Date:** 14 December 2015
Description: Request for Screening Opinion Pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 for the erection of up to 360 dwellings, landscaping, access and associated infrastructure.

Associated adjacent applications:
Ref: 16/00805/FULMAJ **Decision:** Pending consideration
Description: Full application for the erection of 88 dwellings, associated access, drainage and the provision of public open space and landscaping.

Ref: 16/00806/OUTMAJ **Decision:** Pending consideration
Description: Outline permission for up to 100 dwellings with associated landscaping and public open space. Permission is sought for means of access as part of this application.

REPRESENTATIONS
An e-petition has been received objecting to the development which has 375 names on it. A further petition with 139 names on it and 66 individual objections have also been received (some people have signed both petitions and/or sent in a letter). In total **580 objections** have been received.

The objections can be summarised as:

<u>Impact on greenbelt</u>

- Homeowners who recently purchased homes were assured that there would be no further development in the area because of the area being designated Green Belt.

<u>Impact on amenities</u>

- Local schools are oversubscribed and would put pressure on services and school places provided;
- Schools and health services are not within walking distance of the development;
- Current infrastructure (schools, A&E, Police, Fire, doctors, dentists, shops, play areas, libraries, Sure Start etc.) is insufficient and would require additional provision;
- Chorley is overpopulated;
- The fields and woods are used by existing homeowners;
- Lack of local park / play facilities – taking away greenspace for families to play – not safe to play on road;
- Not enough jobs in Chorley for number of houses planning to build;
- Need improved green spaces for the number of homes planned;
- No football pitches within reasonable distance from this development – questions why Council tax is cost it is;
- No amenities local to site but a cinema is being built in town centre;
- Questions why developer is paying £15 per dwelling for allotments in Adlington;
- Could a community hub be planned into development, or a shop / café at least?

<u>Impact on traffic</u>

- Roads are already too busy and this would have an impact on traffic, and increasing traffic flow;
- Only one access road in and out of the development / Lower Burgh Way is the main access road, and, should this road ever be closed, there is no emergency access to the estates;

- Traffic driving through the estate to and from Myles Standish Way is significant and requires traffic calming measures;
- There is limited public transport in the area, which means most residents will rely on cars, which would put pressure on the local roads;
- Impact on parking whilst new development takes place;
- Lower Burgh Way past Birkacre Park development is congested with traffic and parked cars;
- Houses that face onto Lower Burgh Way have no barrier between house and road;
- Roads would require additional maintenance to cope with increase in traffic, including gritting in winter;
- Difficult to cross road on foot;
- Increase in noise and air pollution;
- Application does not state what provision of parking there is;
- One small lane farm track will become cut through for residents between phase 1 and phase 2 of the developments;
- Problems with driving schools driving slowly and using roads to turn vehicles;
- Cars still speed despite home zoning area;
- Need to improve traffic junction – A6 & Myles Standish Way;
- Roads cannot cope with additional traffic – have to wait 3-6 months to have roads repaired;
- Little visitor parking.

Impact on countryside

- Loss of a country park and the impact on the surrounding countryside;
- Impact on Yarrow Valley Park;
- Loss of country heritage site;
- Loss of considerable open space, semi-rural environment and green fields;
- Woodland will be ruined after this development;
- Layout suggests “link road” to “council owned land” – hope council homes will not be developed next to exclusive development;
- Council should insist developers provide improved access to surrounding countryside, woods and lake – policy ST1 of Local Plan states this therefore development does not comply with the plan;
- Will put pressure on nature conservation areas – would like buffer zone between development site and nature conservation areas;
- Would prefer hedging rather than fencing and restricted direct access to nature area to discourage creation of unauthorised and randomly created pathways;
- Yarrow Valley Park will become City Park / Farm surrounded by houses.

Impact on local wildlife

- Development could have an impact on wildlife – hedgehogs, deer and foxes, great crested newts often seen in the area;
- Low level lighting required to support bat population;
- Species would be endangered by development ;
- Wildflower meadows have been destroyed.

Impact on public rights of way / walking

- Conditional objection about the impact of public rights of way. Certain PROW run across or along the edge of the proposed development and the objector wishes these to be retained;
- Impact on walking routes – routes reduced;
- Public footpath through middle of two Birkacre estates will provide a cut through route;
- Development will take away walking routes which are part of the Chorley community spirit.

Impact on health and safety

- Planned provision for “ponds” as part of a flood management scheme and how these will be managed safely in terms of potential for accidental drownings;

- Anthrax ridden cows buried in fields off development site;
- Proposed play area to be located over a mineshaft.

Impact on view

- View would be hindered by the development;
- Lack of trees planned for the site would mean it would turn into a concrete jungle.

Impact on drainage

- Impact on water and drainage and pollution at the proposed development;
- Flood risk / more localised flooding towards Yarrow Valley;
- Existing waste water disposal / sewerage inadequate and has not been adopted by United Utilities (Birkacre Park);
- Gardens of existing properties already suffer from flooding and new development takes away natural drainage;
- Potential flooding in Croston as a consequence of surface water drainage;
- Effect on small businesses and insurance premiums in Croston as a consequence of flood risk.

Impact on technology

- Access to internet services, given the proposed increase of houses, and the speed of internet provided.

Impact on amenity of neighbouring residents

- Some residents purchased homes specifically for their personal circumstances because they wanted to life in a less built up area;
- Right to light impacted if houses are elevated above the existing houses and request that the field be levelled or lowered;
- Noise and dirt from development site will disturb those who work from home and therefore homes closest to current development should be built first;
- Play areas likely to attract older children or teenager who do not respect the play area or its intended purpose;
- Increased crime levels due to increased residents;
- No weekend working for sake of current residents – cut down on disruption and noise pollution;
- Light pollution from standard street lighting rather than low level lighting in the adjacent Birkacre Park development;
- The Design and Access Statement shows the elevation of the proposed houses to be level with those on Sampson Close. This is not considered to be the case as the ground level rises on the public open space making the application land to be at a higher elevation – concerned about impact on the natural light of the properties on Sampson Close.

Size and nature of development

- Size of proposed development and affordable housing is not commensurate with the nature of existing developments in the area;
- Birkacre Park development was emphasised as being “English Heritage” and no design restrictions appear to be applied to maintain the aesthetic character of the area;
- Investigation needed regarding the availability of “brownfield” sites in order to avoid using this greenspace, and explanation of why other sites are not deemed suitable;
- Explanation needed of how these developments meet government housing targets;
- Consistency needed across developments to ensure existing and new development feel like one community rather than two separate developments;
- Already sufficient properties on the market;
- Reduce number of planned houses to appease residents;
- Properties crammed in – could lead to social unrest;
- Proposed house styles have little or no aesthetic appeal – Birkacre Park development has house types unique to the area rather than standard “Lego” houses proposed.

Accuracy of planning application

- Proposed plans appear outdated and do not accurately reflect the proximity of the existing development to the proposed site and question whether subsequent planning application is accurate;
- More houses are proposed than allowed for in the allocation in the Local Plan especially when the Council owned land is included;
- The proposal is not in line with the phasing in the Local Plan;
- The topographical survey only extends to the application boundary.

Compliance with guidance

- Proposed development would not comply with Supplementary Planning Guidance Interface Distances;
- How was demand determined - who was consulted on the Local Plan, what were baseline assumptions and the relevance of these to current application(s) – questions whether all plans in region been reviewed to ensure no "doubling up".

General comments

- Council being greedy – only want housing developments because they will contribute extra Council Tax;
- Would like housing developers to make a contribution to the community to provide a family eating establishment;
- Would like to know plans for Council owned land next to site;
- Council need to focus on building on brownfield sites;
- Proposed development not flagged in searches;
- Told by their Councillor that there would be a five year gap in building;
- Expressed objections in 2015 – is no weight given to these?;
- Eaves Green is a forgotten area of Chorley.

CONSULTATIONS

Coppull Parish Council:

Whilst the Parish Council is not necessarily against the above development and recognise the need for new homes to be built, concerns have been expressed regarding the impact on local services. Given the number of people who would be resident on these new developments it is likely that Coppull, which has itself seen an increase in population due to new housing developments, would face additional pressure on services such as schools, doctors and dentists. The Parish Council would like to know how Chorley Council, in conjunction with other agencies, is seeking to manage this?

Cllr Lees:

Opposes the above application due to the following reasons:

- In the Sustainable Appraisal of the Local Plan [housing allocation] HS1.1 is deemed as level 4. It states that the current lack of infrastructure should delay the implementation of development until such time that the infrastructure situation has been addressed. Despite LCC's request for monies in the " Consultees documents " for school funding, no such monies are included in the Community Instructure Levy allocations;
- In the NPPF it states that convenience stores should be within walking distance of any new development. The nearest convenience store is 2 miles by car and 1.7 miles on foot. This is not within walking distance carrying shopping;
- As stated in the LCC's highways response, there is nothing in this application to address the requirements in public transport;
- This application would result in 850 homes being accessed by only one road from the junction with Myles Standish Way and Lower Burgh Way. No additional exits are available in case of emergencies;
- Whilst they accept the concept of the inclusion of HS1.1 in the Local Plan, I feel that this should only be considered once the requirements for improvements to the infrastructure have been implemented.

The Coal Authority	Request a condition be applied to any permission.
Environment Agency	Advise that they do not wish to be consulted on the application so have no comments to make. Advise the Lead Local Flood Authority are consulted.
Greater Manchester Ecology Unit	See body of report.
Regulatory Services - Environmental Health	Have no objection to this application, however in order to minimise the likelihood of nuisance issues arising from noise, vibration or dust, they would recommend that the applicant complies with the information contained in the Chorley Council document "Code of Practice for Construction and Demolition" including the information on appropriate working hours.
Ramblers Association (Chorley Branch)	No response received.
Waste & Contaminated Land	Make a number of comments regarding waste storage and collection. The development shall proceed in full accordance with the proposals detailed in Section 15: OUTLINE STRATEGY FOR RISK REDUCTION/REMEDIATION STRATEGY, as detailed in the: Desk Study & Ground Investigation Report for Eaves Green, Chorley, Lancashire dated February 2016 REPORT NO: 15TAY021/DSGI. Upon completion of remediation works set out in the report a validation report which demonstrates works have been completed shall be submitted for approval. This condition cannot be discharged until the validation report information has been approved by the Council.
Lancashire Highway Services	See body of report.
Strategic Housing	For a development of this size in Chorley a 30% affordable housing contribution is required, which equates to 60.2 properties and is therefore rounded down to 60 according to the policy. 42 properties should be Social Rented, and 18 Shared Ownership reflecting the 70/30 policy split. To meet local need and demand in the Chorley settlement the 42 Social Rented should be: 4 x 1 bedroom 2 person flats 21 x 2 bedroom 4 person houses 4 x 2 bedroom 3 person bungalows 9 x 3 bedroom 6 person houses 4 x 4 bedroom 8 person houses The shared Ownership properties should be: 6 x 2 bedroom 4 person houses 12 x 3 bedroom 6 person houses All affordable dwellings should meet the Nationally Described Space Standards. The Rent Reduction for Registered Providers 2016-20 and LHA

	Cap from 2018 should be taken into account when factoring in expected offer values for Social Rented properties.
Planning Policy on Open Space	There is a requirement a financial contribution towards public open space as follows: Amenity greenspace = £0 Equipped play area = £0 Parks/Gardens = £0 Natural/semi-natural = £111,957 Allotments = £3,015 Playing Pitches = £321,399 The total amount required from this development is therefore £436,371.
Lancashire County Council Public Rights Of Way	No response received.
Lead Local Flood Authority	No objection subject to conditions.
Lancashire Constabulary Architectural Liaison	Recommend a number of security measures. Some of these are not covered by planning. Those that are, are covered in the body of the report.
Lancashire County Council (Education)	Request funding for 22 secondary school places of £444,678.98. They state they are not seeking a contribution for primary school places at the moment but this could increase up to a maximum of 22 places which is £296,439.66.
Tree Officer	North boundary of the site woodland Burgh Wood. Mature mixed broadleaved trees that have a significant impact on the local environment and contributing to the local landscape. Woodland with good amenity value, contributing to the landscape. Woodland of a particular visual importance to the landscape with high wildlife/habitat value. Area South West of Sampson Close. Mainly young self-set willow with a small area of more mature self-set willow. Trees of low quality. Individual trees of high quality located in the Burgh Lane South (track) area and within hedge and field boundaries. John Wood. East of Pilgrim Drive. South east of Allerton Close. Mixed mature broadleaved woodland with significant impact on the local environment. Woodland of particular importance as an arboricultural landscape feature. High amenity, wildlife habitat value. Some good individual trees along southern boundary fence.
United Utilities	Have no objection to the application subject to conditions.

PLANNING CONSIDERATIONS

Principle of Development

7. The site was originally allocated for housing in the 1997 Local Plan as part of a wider housing allocation. During preparation of the 2003 Local Plan it was proposed that this housing allocation be carried forward, however the Local Plan Inspector concluded that as the site did not have planning permission it was unlikely to be developed in that plan period and the Council should not rely on the allocation to meet housing needs. It was advised that the site should be assessed again in the next review of the Local Plan. The housing allocation was therefore deleted and the site was allocated as land safeguarded for future development in the 2003 Local Plan.

8. During preparation of the Chorley Local Plan 2012-2026 the site was considered as a housing allocation alongside all other safeguarded land and other sites put forward. A Sustainability Appraisal of all sites being considered was undertaken and this site scored a Band D (Band A being the most sustainable) due to the distance of the site to a number of facilities such as a supermarket, convenience store and a GP surgery. Despite this the site was put forward as a housing allocation as sufficient land was needed to be allocated to meet the housing requirement of the borough and this site was more suitable than some other sites being considered. The site also had access to a local bus service which would provide residents with access to services in Chorley Town Centre. It was not envisaged at the time of allocation that facilities would be provided on-site. Only three objections were received to this allocation at the Preferred Options stage and none were received at the Publication stage. The Local Plan Inspector found the allocation to be sound and the site is therefore an allocated housing site in the Chorley Local Plan 2012-2026 under Policy HS1.1 and the proposal is acceptable in principle.

9. The whole of the allocation is for 419 dwellings. Part of the allocation has already been developed for 153 dwellings by Miller Homes (now Birkacre Park), leaving 266 dwellings. There are currently three planning applications under consideration, however two of them are on the same parcel, so the maximum number of dwellings that could be delivered by these applications is 301. In addition there is approximately 2 hectares of the allocation remaining, which assuming a density of 30 dwellings per hectare could, in theory, accommodate approximately 60 dwellings (though due to the topography of the site this is estimated to be 25). That would lead to a total of 479 dwellings being delivered on the site which is 60 dwellings more than envisaged in the Local Plan. However, the housing allocation numbers are indicative and the housing requirement is a minimum to ensure enough housing is provided through the Local Plan.

10. Policy HS2 of the Local Plan and its associated Appendix B covers Phasing of Housing Development. The allocation is sequenced in all three of the proposed phases, 2012-2013, 2016-2021 and 2021-2026, but also includes the Birkacre Park development to the north that has already taken place, therefore further housing is phased for the third and second phases, 2016-2021 and 2021-2016. Given the size of this proposal taken together with the adjacent site subject to separate application on this committee agenda it is considered that if permitted the developments are likely to take place within the phasing timeframes set out in the plan.

11. It should be noted that the applicant is proposing to provide attenuation basins and areas of natural/semi-natural greenspace outside the allocated site. These would be in the Green Belt but it is considered that these engineering operations could preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt and would not therefore be inappropriate development. The location of these features on the site is restricted by the topography of the land.

12. Subject to the proposal meeting other planning policies it is acceptable in principal.

Affordable housing

13. The Central Lancashire Core Strategy Policy 7 states that subject to such site and development considerations as financial viability and contributions to community services,

market housing schemes should achieve a target of 30% on developments of 15 or more dwellings.

14. This is reiterated by the associated Affordable Housing Supplementary Planning Document which also states that where a developer or landowner considers that there are significant constraints sufficient to jeopardise or prevent them from meeting the Councils' affordable housing policy targets, this will need to be demonstrated by the submission of a suitable financial appraisal.

15. The application was originally submitted on the basis that no affordable housing could be provided. Following negotiations Taylor Wimpey they are now proposing to provide 35 social rented affordable units on the site which equates to 17.4% provision. They have submitted a viability assessment arguing that the proposal is not viable if they provide more affordable housing.

Public Open Space

16. In terms of open space there is a requirement for new provision of amenity greenspace on-site. The applicant is proposing 0.6ha of on-site provision, which exceeds the requirements of Policy HS4A. The applicant advises that this will be maintained by a private management company and therefore no maintenance contribution is required.

17. In accordance with Policies HS4A and HS4B of the Local Plan 2012-2026, Open Space and Playing Pitch SPD and the Planning Pitch Strategy there is a financial contribution required from this development totalling £436,371. The applicant originally stated that they can afford to only pay £3,015 of this (the amount required towards allotments) otherwise the scheme will be unviable. They also argued they should not have to pay the part of the contribution of £111,957 towards natural and semi-natural green space as they are providing 2.94ha of natural/semi-natural greenspace on-site. This is however made up of attenuation basins, buffer zones and fields, some of it outside the site allocation boundary in the Green Belt. These are areas that are either required to make the development acceptable e.g. the attenuation basins, or cannot have houses built on them e.g. because they are within the buffer area of the ancient woodland. In addition these are not new areas of natural/semi natural greenspaces, as they already exist. As set out in the Open Space and Playing Pitch SPD, on-site provision of natural/semi-natural greenspace is not considered appropriate to meet the requirements of the policy. The Open Space Study states "*Areas of Central Lancashire are set in natural surroundings with ready access to the Countryside. For this reason it is not considered appropriate to require developer contributions towards the creation of natural and semi natural greenspace sites*." Instead contributions are sought to improve existing natural/semi-natural greenspace within the accessibility catchment of a site (800m) that is identified as low quality and/or low value. The site is within the accessibility catchment (800m) of an area of natural/semi-natural greenspace identified as being low quality in the Open Space Study (site 1827 – Plock Wood, Lower Burgh Way) a contribution towards improving this site is therefore required. The site is also adjacent to Yarrow Valley Country Park therefore there is not a need for additional natural/semi-natural greenspace in this area. The applicant's argument has been reviewed but it is considered that the off-site contribution in line with policy is required.

18. Following negotiations with Taylor Wimpey they are now proposing to pay £111,957 towards the natural and semi-natural green space along with the allotments payment of £3,015 (the site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Harrison's Road, Adlington (HW5.3)). They maintain they cannot pay the remainder of the commuted sum requirement of £321,399 up front as the scheme will be unviable but have agreed that this will be covered by an overage/clawback clause in the Section 106 legal agreement.

Viability

19. The applicant states the scheme is not viable if they provide more than 35 affordable houses (17.4%) or pay any open space contributions over £114,975 as detailed above.

20. Viability is a material planning consideration. Paragraph 173 of the National Planning Policy Framework (the Framework) states:

> *137. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*

21. A viability appraisal has been submitted with the application and has been assessed externally on behalf of the Council. The applicant states that this demonstrates that the development cannot deliver the policy requirements and create sufficient land value to meet the Framework test [paragraph 173].

22. In March 2014 the government launched its Planning Practice Guidance (PPG). As set out above Section 173 of the Framework establishes that viability should consider competitive returns to a willing landowner and willing developer to enable the development to be deliverable. The PPG advises that this competitive return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected wherever possible.

23. The PPG makes specific reference to a land owner's competitive return in paragraph 24:

> *'…. A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy'*

24. It is considered that a project specific case for the profit level utilised in the viability appraisal has been made. The site presents a number of physical constraints. It is considered that the cost of dealing with these constraints to facilitate development has been properly demonstrated when identifying the price/value of the land *'to provide an incentive for the land owner to sell in comparison with other options'.*

25. Extensive testing of the viability has taken place on behalf of the Council and it is considered that it is robust and the scheme is only viable with the affordable housing provision and public open space commuted sum payments detailed above as negotiated by the Council.

26. There is therefore a shortfall between what is required by policy and what can be paid by the applicant to ensure the allocated housing site is brought forward. It is therefore proposed to put an overage/clawback clause in the Section 106 legal agreement associated with any permission linked to the profit ultimately made by the developer from the development of the land. If more profit is made than envisaged by the viability appraisal submitted with the application then the Council will receive the difference in the increase, to go towards affordable housing and/or public open space, up to the limit of what should have been paid by the developer if the scheme had been fully policy compliant when submitted.

<u>Design and Layout</u>

27. The proposed development will be accessed via a continuation of Lower Burgh Way, with 'Mill View Circus' providing a gateway feature at the entrance into the development which is focussed towards the view of Coppull Ring Mill to the south across the valley.

28. In terms of road hierarchy the layout has a number of main roads through it with wider pavements and grass verges with two features 'squares' where the properties will be positioned closer to the road and the detailing of the properties themselves given more vertical proportions. These squares will aid legibility of the site for residents and provide variety in the streetscene. Off the main roads through the site will be narrower access roads with changes in materials, some with and some without full footways. It is envisaged by the

applicant that all the roads will be put forward for adoption apart from some of the narrower access ways which will remain privately owned. The undeveloped land to the south-east is also part of the same housing allocation and the layout shows an access point to provide future connection to this land. That the road is built up to the boundary with this land can be controlled via a condition.

29. On the peripheries of the site the majority of the development will be outwards looking with the access roads to the front. On the southern boundary the proposed properties will all be detached houses facing outwards, which are considered acceptable as there will be views of the development from afar across the valley.

30. Burgh Lane South, a track runs north to south dissecting the site and is proposed to be retained as part of the development with the internal access roads crossing it at two points as do the access roads on the Miller Homes Birkacre Park development immediately to the north. The dwellings proposed on either side of Burgh Lane South will either face towards it or house types with dual frontages have been used to ensure the development does not turn its back on this track which as a Public Right of Way is well used by walkers.

31. As a result of comments from the Council's Waste Officer a number of bin collection areas have been added across the site and the proposal is now considered acceptable in this respect.

32. The Police Designing Out Crime Officer has made a number of recommendations on security. In relation to those matters raised covered by the planning process the access into the rear garden of the properties is shown to be via a gate and the apartment block is separated from communal areas by fences and a hedge to prevent unrestricted access. Therefore it is considered the scheme complies with the recommendations.

33. The Birkacre Park housing immediately to the north is a more bespoke housing development using 'Home Zone' principals developed under an outline permission obtained by The Homes and Communities Agency. The proposed development will be viewed in the context of this development from afar but will be separated by a grassed buffer strip to the south of that development up close.

34. A variety of properties are proposed across the site including semi-detached and groups of mews but the majority of properties will be detached and all will be two or two-and-a-half storey (incorporating room in the roof with small dormers). The development also proposes one block of apartments (plots 97-102), but these are designed as two-storey with similar design features to the other house types proposed so will still sit well alongside the palette of house types proposed. In the wider area there are a wide range of house types all of modern construction but are also mainly two-storey. It is considered the proposed house types are in keeping with the Eaves Green area.

35. In terms of impact on existing properties the existing properties to the north on the Birkacre Park development are slightly lower than the nearest properties proposed on the northern boundary of the site, however the relationship between them exceeds the Council's interface distances allowing for the level changes and therefore the relationship between them is considered acceptable.

Density

36. Policy 5 of the adopted Core Strategy covers housing density and requires developments to be in keeping with an area but also make an efficient use of land. The proposal would be equivalent of 19.2 dwellings per hectare. The levels across the site mean that the layout of the development is restricted by minimising interface issues between properties. It is also restricted by the need to retain a 15m buffer from the edge of the surrounding woodland. Considering the proposed layout in the context of the immediate surrounding area it is considered that the proposal would be in keeping in terms of density with the modern housing estates close to the site and the proposal is therefore considered acceptable in this respect.

Levels

37. There are significant level differences across the site. The site slopes from north-west down to south-east with a level change of approximately 8.5m as the land drops down towards the River Yarrow, it is therefore a challenging site in terms of levels. As a result there will need to be significant earthworks as part of the proposal to form development platforms to allow houses to be built. Retaining walls are also proposed on some parts of the site.

38. The levels demonstrated on the proposed layout plans are indicative as until the final details of the development platforms are known the applicant cannot confirm them exactly. It is considered however that the applicant has provided enough level information (including cross-sections) to enable the Council to properly assess this aspect and the applicant is happy for a condition to be applied to any permission that final levels, including finished floor levels should be agreed with the Council prior to the dwellings commencing on site.

39. Most of the site complies with the Council's interface guidelines due to the way the properties have been laid out, or come very close. There are some areas however that due to the significant change in level the normal interface distances cannot be met. These are mainly in the south-east corner of the site, but there are others across the site. At the steepest parts of the site there will be over 6m between the slab levels of adjacent properties, which would require the normal 21m interface distance between first floor rear windows to be increased to just over 44m. This would result in a particularly inefficient use of land on the site. The applicant has produced site sections where the difference in levels will be greatest, notably around plots 41 – 53. There is such a difference between the properties at these points, that it is not considered the relationship is unacceptable as the views from the higher properties are over the roof of the lower ones with the garden of the lower properties screened by a retaining wall with fence on top. It is therefore accepted that due to the topography of the site the Council's normal interface distances will need to be relaxed at some points to make efficient use of land and achieve an acceptable layout, but where the level differences are most severe the relationships between the properties are considered acceptable as the difference between the slab levels of the proposed properties is so great that it mitigates direct overlooking issues. The interface distances have to be considered against achieving an efficient use of land on an allocated housing site and on balance the levels on the site are considered acceptable, subject to a condition securing final details.

Access and Highways

40. This application is for 201 dwellings. There are also two other applications currently being considered on the land immediately to the west, on the same piece of land (one made by Taylor Wimpey for 88 dwellings ref: 16/00806/FULMAJ) and the other made in outline but specifying access by the HCA for up to 100 dwellings (ref: 16/00806/OUTMAJ).

41. The main access to the site will be via a continuation of Lower Burgh Way and then a turning onto a new access road serving the site off the existing turning head where Lower Burgh Way currently ends.

42. LCC Highways were concerned about the developments at Eaves Green being accessed from a single point of access to the B5252 Myles Standish Way in terms of assisting maximum accessibility, connectivity and efficient operation in emergencies. Amendments have now been made to the access arrangements:
    - The widening of the existing footway along Lower Burgh Way to incorporate a 3.5m wide footway/cycleway;
    - The widening of the southern section of Lower Burgh Way to 7m to provide a continuous 7m width for around the last 30m of Lower Burgh Way which currently narrows to around 6m at its southern end;
    - Confirmation is provided that a Fire Tender can access the site via Capesthorne Drive in an emergency if necessary (swept path analysis has been undertaken);
    - Increasing the length of the existing left turn lane at the junction on the approach from Myles Standish Way and the A6 Bolton Road by at least two vehicle lengths to accommodate additional left turning traffic.

43. To aid accessibility to the side by non-car modes the developer has agreed to pay a commuted sum to be advised by LCC Highways (expected to be approximately £5,000) for the provision of bollard lighting to Burgh Lane on the unlit section up to Myles Standish Way. They are also proposing to provide bollard lighting on Burgh Lane South within the application site and the widening of the gravel track to the southern boundary within the application site to 3m to facilitate this as a cycle route. This would then allow future extension to the south of the site. Some of these aspects will only be secured as part of Application A, as they directly affect that site or are within the boundaries of that application.

44. The matter of the traffic impact issues at the junction of A6 Bolton Road and B5252 Myles Standish Way has been raised with the applicant. It is acknowledged that there is an issue which involves right turning traffic on the Myles Standish Way arm of the junction queuing back to a point which blocks traffic wishing to turn left. In order to minimise this issue, an improvement scheme has been prepared which increases the left turn flare length on Myles Standish Way by two vehicles, thus allowing for extra queuing space for left turning traffic without being impeded by right turning traffic. This scheme is likely to cost in the region of £30,000 and this will be offered by the applicants through a Section 106 agreement to provide this improvement to the local highway network.

45. These amendments have been provided to LCC Highways. They state that to ensure the carriageway and the footway are sufficiently wide to accommodate large vehicles [including emergency vehicles] and pedestrians, that the section of Lower Burgh Way between Capesthorne Drive and the first proposed access running west into the development should be widened to 7.3m and 3.5m respectively, however the latest plan shows widening of 30m section of the carriageway and the footway to widths of 7.0m and 3.0m and needs to be amended. This has been raised with the applicant and this matter will be updated on the addendum.

46. In terms of parking on site, two external parking spaces are provided per dwelling, where a third space is required for larger properties this is provided via a garage space which is considered acceptable.

47. In relation to the proposal to increase the length of the existing left turn lane at the junction on the approach from Myles Standish Way and the A6 Bolton Road by at least two vehicle lengths to accommodate additional left turning traffic (the length it can be extended is limited by a bridge), it is known that there are existing issues at this junction with delays to left turning traffic due to the left turn flow being impeded by right turning traffic. Taking into account existing and proposed development in the area assuming 12 years of traffic growth even with this improvement there will still be an increase in queuing at this junction in the future, so although LCC Highways welcome the extension of the left turn lane they consider it will have minimal impact on the predicted queuing levels in the future and does not go far enough in providing lasting solution to the queuing problems at the junction.

48. In terms of public transport the recommended walking distance to bus stops from residential developments in urban areas is 400m. In this case the nearest bus stop to the proposed development is located 700m away to the south of Lower Burgh Way/Dale View. LCC Highways therefore recommended that public transport accessibility be enhanced by extending bus service into the development with improved service provision. The applicant has had discussions with the local bus company but they are not able to extend the bus service into the site.

49. It is not considered that in the planning balance the increased walk to a bus stop and the junction factors together would warrant refusal of the application particularly given as this is an allocated housing site which has been subject to scrutiny via the Local Plan process.

50. Subject to the update on the addendum the highway works and highway commuted sums will be controlled by a Section 106 legal agreement and/or through a Section 278 agreement with the County Council under the Highways Act 1980 as appropriate.

Trees

51. There is designated ancient woodland immediately adjacent to the site to the east (John Wood), west (Burgh Wood) and at two points along the south boundary (Spring Wood).

52. The Forestry Commission and Natural England publishes standing advice for local planning authorities for use in determining planning application on or affecting ancient woodland and veteran trees.

53. A 15m stand-off/buffer zone between the development and the ancient woodland is proposed and all high value trees along the woodland edge are proposed to be retained and protected. Back gardens are not included in the buffer zone; it is retained as amenity space which is considered acceptable.

54. Six individual trees and eleven small tree groups would be removed to facilitate the development, however of these only two of the trees are Category A trees (trees of high value) and a further tree is Category B (trees of moderate value) with one small tree group also being Category B. All the other trees or tree groups to be removed are Category C (trees of low value).

55. The two Category A trees are two English oaks located centrally on the site (T40 and T41 on the plans), T40 is growing on a slope on the side of a dry ditch and T41 is adjacent being slightly suppressed by T40. Both trees are estimated to be in the region of 60 years of age. The Category B tree group (G6) to be lost is sited adjacent to these trees and is made up of a young English oak, a downy birch, and multi-stemmed goat willow. The category B tree (T36) is also an English Oak approximately 7m high. It is sited in the southeast corner of the site.

56. The applicant has been asked about whether the loss of these trees can be avoided but it is not possible due to the significant level differences across the site and the need to grade the site to make it developable. Given the size of the site, the number of Category A and B trees to be lost is particularly low (three individual and one small group of three trees) and the trees to be lost although regrettable are considered necessary given the site constraints. A landscaping condition is proposed.

57. The Arboricultural Impact Assessment submitted with the application states that a foul water sewage connection is proposed underneath tree group G5 and to avoid the requirement to remove or fragment the group, pipe installation should be done using trenchless techniques. This can be controlled through a planning condition securing the production and implementation of an Arboricultural Method Statement.

58. 32m of hedgerow would also be removed to facilitate the development. The hedgerows on the application Site are a habitat of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Hedgerows on the site were surveyed during the Phase 1 habitat survey as to their species diversity and quality. As a result an individual hedgerow survey was not required as the hedgerows have poor species diversity, though they are intact and provide connectivity across the site. Where native hedgerow is being removed replacement planting of species-rich native hedgerow will need to be undertaken. This can be controlled by a condition.

Ecology

59. An Ecological Assessment has been submitted with the application and reviewed by the Council's ecology advisor. This confirms that there are no internationally or nationally designated sites within 1km but the site adjoins areas of ancient semi-natural broad-leaved woodland of high conservation value to the south, east and west which are Biological Heritage Sites. It also states the central area of dense/continuous scrub and the outgrown hedgerows within the site have connectivity with the surrounding established broad-leaved woodland. The habitats present act as important resources for wildlife, particularly in the form of corridors between the site and the surrounding landscape.

60. There are three invasive plant species on the site and a non-native invasive species method statement will be required to ensure appropriate management and removal of them. Areas of

native bluebell are also scattered throughout the site. Native bluebells are protected and a mitigation strategy will be required in relation to their removal or translocation during development. These can be controlled by a condition.

61. The Ecological Assessment notes that Great Crested Newts (GCN) were identified within 100m of the site during surveys in 2012 and subsequently in 2015. A medium population of GCN are supported across the site and wider area, so mitigation is required. Consequently a Natural England GCN licence will be required to develop the site and an exclusion exercise will be carried out, under licence, to remove newts from the working area.

62. In terms of bats there are seven mature trees present within the site identified as having bat roost potential. These trees are being retained within the development and a lighting strategy (taking into account the 15m buffer zone) will be controlled by a condition to ensure this is fit for purpose in terms of ecology.

63. In line with the Framework a condition securing enhanced site biodiversity and a landscaping scheme are also proposed.

64. There is a need to undertake pre-commencement/preconstruction surveys for a number of groups as site conditions can alter in the period between initial assessment and the implementation of the proposal; for mature trees, for the presence of roosting bats, badgers, non-native plant species and breeding birds. Conditions are also proposed to ensure the protection of the 15m stand-off to the woodland, location of site compounds and material storage areas.

65. The Council's ecologist also recommends conditions in relation to provision of full details of the design of mitigation proposals including for GCNs and details of highways design e.g. wildlife dropped kerb, full drainage details, maintenance of the Sustainable Urban Drainage System (SuDS) features and bat and bird features.

66. It has been clarified with the applicant that the SUDs features can be designed to hold water permanently in 'normal' rainfall conditions and this design of the features to secure is covered by the proposed conditions.

67. There is a duty on the Council to have regard to the Habitats Directive in the exercise of its functions. It must consider in relation to a planning application:

    (i) whether any criminal offence under the 2010 Regulations against any European Protected Species is likely to be committed; and
    (ii) if one or more such offences is likely to be committed, whether it can be satisfied that the three Habitats Directive "derogation tests" are met. Only if the Council is satisfied that all three tests are met may planning permission be granted.

    These three tests are:
    a. the development must be for one of the reasons listed in regulation 53(2) of the 2010 Regulations. This includes imperative reasons of overriding public interest of a social or economic nature or of a public health and safety nature
    b. there must be no satisfactory alternative, and
    c. favourable conservation status of the European Protected Species in their natural range must be maintained.

68. During the development there is potential for degradation of amphibian aquatic habitat in terms of GCN. Once constructed fragmentation of terrestrial and aquatic habitat resources are unlikely, however, the inadvertent entrapment of amphibians along the new road network could result in significant amphibian mortality in the long term, if insensitive road drainage systems are adopted and if no means of integration with hard surfaces is provided for amphibians.

69. The applicant's ecologist acknowledges that these impacts would be likely to trigger the Conservation of Habitats and Species Regulations 2010 (CHSR) and the Wildlife and

Countryside Act (WCA). In order to avoid the risk of offences and to proceed with the development lawfully, a European Protected Species (EPS) development licence will be required, supported by an appropriate scheme of mitigation.

70. Natural England has standing advice in relation to protected species that is a material consideration. As set out above GCN have been recorded adjacent to the site and as such the proposed works will need to proceed under a European Protected Species Licence (EPS) from Natural England.

71. In such cases the GCN standing advice confirms that a mitigation and compensation strategy should be produced which will be included within the mitigation licence application to assess how the proposals will affect the newts.

72. The Council's ecologist is satisfied with the outline mitigation statement submitted in respect of GCN and along with conditions securing final details it is considered there is no reason to believe that a licence would not be issued.

73. 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.

74. It is considered that the mitigation measures proposed, controlled by conditions will ensure that the favourable conservation states of GCN in the local area. Which will satisfies the third test.

75. In respect of the first two tests, which are essentially 'land-use planning' tests, these need to be considered by the Council. The site is an allocated housing site and therefore complies with the Development Plan and forms part of the Council's five year housing land supply. It is therefore considered it meets the first test of a social and economic nature as the Council is required to make available and maintain a ready supply of residential development land over the plan period, to help deliver sufficient new housing of appropriate types to meet future requirements. In terms of the second test the land has been through the Local Plan process to become an allocated housing site. As part of this process lots of sites for housing were considered in the area and following a Public Inquiry this site has been selected as the most suitable to serve the housing needs of the area. As such it is considered that the proposals satisfy the three tests and the ecological impacts of the scheme can be satisfactorily addressed via planning controls/a Natural England licence.

76. The Council's ecologist recommends that the Council utilises the provisions of a Section 106 Obligation to ensure that resources and responsibility for the SuDS maintenance - both flood and GCN mitigation and to ensure the 15m woodland buffer are adequately secured for the operational life span of the development. This is proposed.

77. They also recommend that given the complexity of the GCN mitigation it is strongly advised that the Local Authority are party to the development of the GCN licence to ensure that it effectively integrates with the timetabling and other matters associated with the construction of the scheme. It should be made clear that the mitigation is also provided by way of protecting the status of common toad (Section 41 species) and reptiles (Wildlife & Countryside Acct 1981). Therefore they recommend a condition to require the submission of the draft European Protected Species Licence application. This is proposed.

78. Other protected species present on/ within the vicinity of the site include bats, and breeding birds, though the site is considered of low importance for breeding birds. However the surveys undertaken consider that significant impacts on these species are unlikely within the footprint of the proposed scheme subject. Precautionary surveys and mitigation are recommended which can be addressed by condition. Whilst the results of these surveys may necessitate a Natural England licence, at this stage it is not considered that the scheme will result in a breach of the Habitats Regulations in respect of these species.

Landscape

79. A Landscape and Visual Impact Assessment (VIA) accompanies the application.

80. The site sits at the southern edge of Eaves Green as exists. The main visual impact will be from close up as from many further away public locations it will be screened from view by topography and woodland. It is considered that the visual impact of the development on users of the local public rights of way and the existing housing to the north will be worse that expressed in the VIA and as it is considered the effects of the mitigation planting is over-estimated around the northern and north western boundaries of the site and public rights of way. This is however unavoidable in building out an allocated housing site adjacent to existing properties.

81. From the south, although visible the proposal will be largely viewed against the backdrop of existing housing.

Drainage

82. A Flood Risk Assessment and Drainage Management Strategy has been submitted with the application and reviewed by United Utilities and Lancashire County Council as Lead Local Flood Authority. An indicative drainage strategy has also been provided. The site is within Flood Zone 1 as identified by the Environment Agency.

83. The Planning Practice Guidance establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

84. Investigations have shown that the likelihood of implementing infiltration methods across the site will be limited due to the steep terrain which results in significant level differences once developed and introducing infiltration (soakaways) has the potential to cause structural instabilities. It is therefore proposed to discharge surface water run-off to the watercourse as exists at present, pre-development. The discharge rate from the site is proposed to be restricted to the pre-development rate. This will generate a storage requirement during intense rainfall events. SuDS features have been incorporated into the surface water strategy; attenuation ponds are proposed to provide attenuation up to and including a 100 year return period storm event with an allowance for climate change of a 40% increase in rainfall intensity. The ponds will also improve water quality prior to discharge into the watercourse. The drainage water strategy is therefore considered to be in accordance with the Planning Practice Guidance subject to final details being controlled by condition.

85. The Lead Local Flood Authority have no objection to the application subject to conditions that the development shall be carried out in accordance with the submitted Flood Risk Assessment; the development shall not be occupied until completion of SuDS; details of management and maintenance of the SuDS shall be agreed and construction of the attenuation basins and flow control devices.

86. Due to on site levels it is proposed to collect the foul drainage by gravity through the development and convey it to a proposed pumping station at the lowest point that will pump the foul discharge back up to the public foul water sewer network to the north of site.

87. United Utilities have no objection to the application subject to a condition that the drainage shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy Plan, with no surface water permitted to drain directly or indirectly into the public sewer, to prevent an undue increase in surface water run-off and to reduce the risk of flooding. They also ask for a condition relating to the management and maintenance of the proposed sustainable drainage systems.

88. Subject to conditions the proposal is considered acceptable in terms of drainage.

Coal Mining

89. The site is partly within a High Risk coal mining area and partly in a Low Risk area as defined by The Coal Authority. There are two mine shafts within the application boundary. The applicant has submitted a Desk Study & Ground Investigation Report and this has been reviewed by The Coal Authority.

90. The Coal Authority advises the site layout appears to have been designed around the positions of the shafts and that the Report proposes their full stabilisation, as such they have no objection to the application subject to the imposition of a condition requiring the remedial works as proposed to be undertaken.

Sustainability

91. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on 26th March 2015, which effectively removed the Code for Sustainable Homes. The Bill does include transitional provisions which include:

"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."

92. Given this change, instead of meeting the Code Level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. An Energy Report has been submitted with the application which shows a 19.92% reduction in energy requirements over the 2013 Building Regulations can be achieved on the site. This can be controlled by a condition.

Community Infrastructure Levy (CIL)

93. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development, unless an exemption can be applied for, and the charge is subject to indexation in accordance with the Council's Charging Schedule.

94. Lancashire County Council (LCC) as Education Authority has requested a contribution towards education places. The request for a contribution from LCC Education is noted, however this is an allocated housing site and education requests such as this are included in the CIL levy. Although there is an increase in the number of properties on the site over that envisaged in the Local Plan allocation it will also result in more CIL being paid than was originally envisaged.

CONCLUSION

95. The site is an allocated housing site and its development is acceptable in principal. The site is challenging in terms of levels but on balance the application is considered to comply with the Development Plan as a whole.

96. The applicant states they are unable to provide all the planning gain required in terms of the public open space payment and the level of affordable housing required by policy. A viability assessment has been submitted with the application and externally assessed on behalf of the Council. This is accepted as robust and viability is a material consideration that must be taken into account. An overage/clawback is proposed as part of a Section 106 legal agreement that if the developer makes more profit on the development than envisaged in the viability assessment then the Council will receive some or all of the difference in the increase, to go towards affordable housing and/or public open space, up to the limit of what should have been paid by the developer if the scheme had been fully policy compliant when submitted.

97. The application is recommended for approval subject to conditions and a Section 106 legal agreement, with the details of the overage/clawback to be delegated to the Director (Customer and Digital) in consultation with the Chair and Vice-Chair of the committee.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Suggested Conditions

<table>
<tr><th>No.</th><th>Condition</th></tr>
<tr><td>1.</td><td>The development shall be carried out in accordance with the following plans and documents:
<table>
<tr><th>Title</th><th>Drawing Reference</th><th>Received date</th></tr>
<tr><td>Planning Layout</td><td>TWM014 - PL01 (Sheet 1) Rev W</td><td>24/04/2017</td></tr>
<tr><td>Planning Layout</td><td>TWM014 - PL01 (Sheet 2) Rev Q</td><td></td></tr>
<tr><td>Materials Layout</td><td>TWM014 - ML02</td><td></td></tr>
<tr><td>Landscape General Arrangement (2)</td><td>2331-102</td><td></td></tr>
<tr><td>Landscape General Arrangement (3)</td><td>2331-103</td><td></td></tr>
<tr><td>Landscape General Arrangement (4)</td><td>2331-104</td><td></td></tr>
<tr><td>Shared Surface Areas</td><td>2331-105</td><td></td></tr>
<tr><td>Attenuation Basins - Landscape Proposals</td><td>2331-106</td><td></td></tr>
<tr><td>Footpath Network</td><td>2331-107</td><td></td></tr>
<tr><td>Amenity Space - Landscape Proposals</td><td>2331-108</td><td></td></tr>
<tr><td>Open Space Provision</td><td>2331-110 Rev A</td><td>25/08/2016</td></tr>
<tr><td>Planting Plan (5 of 14)</td><td>2331-205</td><td></td></tr>
<tr><td>Planting Plan (6 of 14)</td><td>2331-206</td><td></td></tr>
<tr><td>Planting Plan (7 of 14)</td><td>2331-207</td><td></td></tr>
<tr><td>Planting Plan (8 of 14)</td><td>2331-208</td><td></td></tr>
</table>
</td></tr>
</table>

	Planting Plan (9 of 14)	2331-209	
	Planting Plan (10 of 14)	2331-210	
	Planting Plan (11 of 14)	2331-211	
	Planting Plan (12 of 14)	2331-212	
	Planting Plan (13 of 14)	2331-213	
	Planting Plan (14 of 14)	2331-214	
	Housetype Range	TWM014/HT1	
	Focal House Types	TWM014/HT3	25/08/2016
	Adopted Roads Plan	TWM014 AR02 Rev A	25/08/2016
	Waste Management Plan	TWM014 SK02	
	Site Location Plan	TWM014 LP03 Rev P2	25/08/2016
	Garage Details	300-GD-01	24/03/2017
	Urban Core Enhanced Elevations Pack	TWM014/HT4	11/01/2017
	Ecological Constraints Plan	G5170.010A Rev A	11/01/2017

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

2. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan will include details of which elements of the following will apply to each phase:
1. Ecology surveys and mitigation measures;
2. Arboricultural Method Statement;
3. Approved Landscaping;
4. Boundary Treatments;
5. Surface Water Sustainable Drainage Scheme;
6. Public Open Space;
7. Roads and Other Highways Works; and,
8. Travel Plan.

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

3. Prior to the occupation of plots 133, 152, 153, 155 or 156, the access road through to the adjoining land (marked 'Future Connection to LPA Land') shall have been constructed up to the application boundary in accordance with the approved plans.

Reason: To ensure access to the land to the east is secured to ensure the housing allocation can be comprehensively developed.

4. Prior to the commencement of any dwelling on each phase, full details of the existing and proposed ground levels and proposed dwelling finished floor levels (all relative to ground levels adjoining the site) for that phase shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details shown on previously submitted plans(s). The development shall be carried out strictly in conformity with the approved details.

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

5. For each phase, prior to the construction of any retaining walls to be used as part of that phase, full details of them shall be submitted to and approved in writing by the Local Planning Authority. The development shall only then be carried out in accordance with the approved details.

	Reason: To ensure the design and appearance of the retaining walls is appropriate to the area.
6.	For each phase, prior to excavation of the foundations for any dwellings hereby approved samples of all external facing and roofing materials for that phase (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.*
7.	For each phase, prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the occupation of the final dwelling in that phase. *Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.*
8.	Each bin collection areas/point shown on the approved plans shall be provided prior to occupation of any of the dwellings they serve. *Reason: To ensure appropriate bin collection areas are provided for all the dwellings on the site.*
9.	The development shall proceed in full accordance with the proposals detailed in Section 15: OUTLINE STRATEGY FOR RISK REDUCTION/REMEDIATION STRATEGY, as detailed in the: Desk Study & Ground Investigation Report for Eaves Green, Chorley, Lancashire dated February 2016 REPORT NO: 15TAY021/DSGI. Upon completion of any necessary remediation works set out in the report a validation report which demonstrates works have been completed shall be submitted to and approved in writing by the Local Planning Authority. *Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use.*
10.	All the dwellings hereby approved shall achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. No dwelling shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate. *Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.*
11.	For each phase, no development shall take place, until a Construction Management Plan for that phase has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered

	to throughout the construction period. The Statement shall provide for: 1. Vehicle routing and the parking of vehicles of site operatives and visitors; 2. hours of operation (including deliveries) during construction; 3. loading and unloading of plant and materials; 4. storage of plant and materials used in constructing the development; 5. siting of cabins, site compounds and material storage area (ensuring it complies with the Great Crested Newt mitigation details); 6. the erection of security hoarding where appropriate; 7. wheel washing facilities; 8. measures to control the emission of dust and dirt during construction; 9. a scheme for recycling/disposing of waste resulting from demolition and construction works; 10. Fencing of the 15m buffer zone to the woodland during construction. *Reason: In the interests of highway safety and to protect the amenities of the nearby residents*
12.	Prior to any site clearance, vegetation removal, earth moving or other enabling works for each phase, pre-commencement surveys for that phase shall be undertaken and reports produced including mitigation protocols where necessary, which shall be submitted to and approved in writing by the Local Planning Authority. These should encompass: • All mature trees for the presence of roosting bats, with particular focus on trees T56, T59 and T53 & T54. This should include aerial inspection and activity surveys if necessary to assess change in condition. This should be undertaken as near to the commencement of development as possible (within 6 months); • Badger survey of whole site and including buffer of 30m. This should be undertaken 6 months prior to scheduled start of works; • Invasive non-native species including Himalayan Balsam, Japanese knotweed and rhododendron (including a Construction Methodology and Treatment Plan to ensure that areas supporting these species are appropriately identified (to 7m of the growing margins) for Japanese Knotweed, treated and spoils supporting plant materials are disposed of in an effective and legal manner; • Breeding birds. Given the complex nature of the site and the phased construction it should include a detailed protocol in relation to all breeding birds (in accordance with the TEP Ecological Mitigation Report 5.18 – 5.25); • The development shall be carried out in accordance with the approved protocol(s) and any mitigation measures. *Reason: To ensure that conditions on the site have not altered in the period between the assessment and implementation of the proposal and if so secure any necessary mitigation. This is required to be a pre-commencement condition as the survey are required to be carried out prior to any site clearance or vegetation removal.*
13.	The area shown on drawing ref: 65170.010A shall be reserved and used as a Great Crested Newt mitigation area in order to implement key elements of the Great Crested Newt Mitigation Strategy as set out within TEP Ecological Mitigation Report (Ref: 5170.015), unless an alternative is submitted to an agreed in writing by the Local Planning Authority when the development shall then be carried out in accordance with the relevant approved details. *Reason: To ensure that appropriate mitigation can be achieved.*
14.	Prior to the laying or any roads or footway (or any sub-surface of them) as

	part of each phase, the location and detailed design of highway details and furniture associated with the highways/footpaths for that phase shall be provided (including wildlife dropped kerbs, gulley pot locations and specification). *Reason: In order to mitigate for amphibian casualties and make the proposal as permeable as possible to the movement of Great Crested Newts and other amphibians*
15.	The 15m buffer shown on the approved plans where it is contiguous with the woodland and Biological Heritage Sites shall be maintained throughout the development and shall be fenced off during construction with no vehicles or machinery entering the buffer, no earth moving taking place and nothing stored within the area. *Reason: To ensure this area is not disturbed during the development.*
16.	Prior to the installation of any permanent external lighting as part of each phase, a 'lighting design strategy' for that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall identify areas/features on site that are potentially sensitive to lighting for bats and any other species that may be disturbed and show how and where the external lighting will be installed (through appropriate lighting contour plans) so that it can be demonstrated clearly that any impacts on wildlife are negligible (in particular bats. All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy and retained as such. *Reason: To ensure any lighting scheme is in accordance with the ecology reports in terms of being bat sensitive and is retained as such.*
17.	Prior to the construction of any of the dwellings on a particular phase, details of the location of bird and bat boxes (in accordance with the Ecological Mitigation and Enhancement Strategy submitted with the application) for that phase shall be submitted to and agreed in writing with the Local Planning Authority. The development shall then be carried out in accordance with the approved details. *Reason: To ensure biodiversity enhancement measures are incorporated into the development.*
18.	Prior to any vegetation removal, earth moving or topsoil stripping, as part of each relevant phase,, full details of the location for translocated bluebells from that phase shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. *Reason: To ensure that any bluebells that cannot be retained are relocated*.
19.	A draft European Protected Species Licence application shall be submitted to the Local Planning Authority prior to submission to Natural England. *Reason: Given the complexity of the great crested newt mitigation to ensure that it effectively integrates with the timetabling and other matters associated with the construction of the scheme.*
20.	Prior to any site clearance or soil stripping as part of each phase, an Arboricultural Method Statement for that phase shall be submitted to and agreed in writing with the Local Planning Authority. This shall include details for the protection of all trees to be retained and details how construction

	works will be carried out within any Root Protection Areas of retained trees. It shall also include specification for pipe installation (using trenchless techniques) in relation to the foul water sewage connection proposed underneath tree group G5. The development shall only be carried out in accordance with the approved Arboricultural Method Statement. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the Root Protection Areas. *Reason: To safeguard the trees to be retained.*
21.	A scheme of landscaping for each Phase or Sub-Phase shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of that Phase or Sub-Phase of development. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on the site and those areas to be seeded. 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 within the relevant Phase or Sub-Phase, 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 interests of the amenity of the area.*
22.	For each phase, prior to the construction of any part of any dwelling above ground level,, full details of the alignment, height and appearance of all fences, walls and gates to be erected on the site (including around any SuDS features) (notwithstanding any such details shown on previously approved plans) for that phase shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other fences shown in the approved details shall be 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.*
23.	Prior to commencement of development on each relevant phase, a scheme for remedial works in relation to past coal mining activities on that phase should be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall then be carried out as part of the development. *Reason: Mine entries located within the site pose a risk to public safety and the stability of the proposed development is not properly remediated. This is required to be a pre-commencement condition to ensure a satisfactory scheme can be achieved before development commences on the site.*
24.	For each phase, no development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme for that phase have been submitted to and approved in writing by the local planning authority. The submitted details shall accord with the submitted Indicative Drainage Strategy (Ref: TAY78 103 P5) and FLOOD RISK ASSESSMENT AND DRAINAGE MANAGEMENT STRATEGY (Ref: HYD047_EAVES.GREEN_FRA&DMS) and Supplementary Information Note 1 (Ref: 12622264v5).

	Those details shall include, as a minimum: 1. Limit the surface water run-off generated by the critical storm periods for 1 in 30 & 1 in 100 year + allowance for climate change so that it will not exceed the run off from the undeveloped site and not increase the risk of flooding off-site; 2. Provision of compensatory flood storage for Q100 + Climate Change for the following catchments as indicated on drawing TAY78/103/P5 – Indicative Drainage Strategy:- Catchment A – between 756 m^3 and 1096 m^3 Catchment B – between 280 m^3 and 407 m^3 Catchment C – between 1106 m^3 and 1614 m^3 Catchment D – between 804 m^3 and 1178 m^3 3. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed; 4. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant); 5. Flood water exceedance routes, both on and off site; 6. A timetable for implementation, including phasing as applicable (taking into account the Great Crested Newt timetable (table 3 of the GCN Mitigation Strategy submitted with the application); 7. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven; 8. Confirmation of the opening up of any culverts across the site; 9. Finished floor levels are set no lower than 150mm above Ordnance Datum (AOD); 10.Details of water quality controls, where applicable; 11.The detailed design, construction and timetables of the SuDS features designed to support open water the majority of the time in normal rainfall conditions; 12.The detailed design and location of headwalls/outfalls to ensure a sympathetic interface with the woodland Biological Heritage Site. The mitigation measures shall be implemented in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority. *Reason:* *1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.* *2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.* *3. To ensure safe access and egress from and to the site.* *4. To reduce the risk of flooding from blockages to the existing culvert (s).* *5. To reduce the risk of flooding to the proposed development and future occupants.* *6. To ensure that there is no flood risk on or off the site resulting from the proposed development.* *7. To ensure that the scheme has biodiversity benefits.*
25.	For each phase, no development hereby permitted shall be occupied until the sustainable drainage scheme (or relevant elements of it) for that phase, has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance

	plan. *Reason: To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.*
26.	For each phase, no dwelling hereby permitted shall be occupied until details of an appropriate management and maintenance plan for the sustainable drainage system for that phase for the lifetime of the development have been submitted which, as a minimum, shall include: a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as: i. on-going inspections relating to performance and asset condition assessments ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime; c) Means of access for maintenance and easements where applicable. The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details. d) Arrangements for phasing of management works to take account of biodiversity features, particularly protected species *Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.*
27.	For each phase, all relevant attenuation basins and flow control devices/structures shall be constructed and operational prior to the commencement of any other development as part of that phase . *Reasons: To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate and to prevent flood risk on-site and off-site during the construction of the Development.*
28.	For each phase, notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul waters for that phase has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details. *Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.*

29.	For each phase, before the development hereby permitted is first commenced, other than site enabling works, full details of the layout, phasing or provision of the public open space for that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the provision and equipping of these areas is to be carried out in strict accordance with the approved details. *Reason: To ensure adequate provision for public open space within the development.*
30.	The car parking spaces for each dwelling shall be surfaced or paved, drained and marked out all in accordance with the approved plan before that dwelling is first occupied. The car parking spaces and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. *Reason: To ensure adequate on site provision of car parking and manoeuvring areas.*
31.	No development shall be commenced other than site enabling works until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed. No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads. *Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.*
32.	For each phase, no dwellings shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets, public open space (including the 15m buffer) and any other areas not to be within the development adopted (including details of any Management Company) for that phase have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established. *Reason: To ensure appropriate management and maintenance of the site*.
33.	For each phase, no roads proposed for adoption shall be commenced until full engineering, drainage and constructional details for them have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. *Reason: In the interest of highway safety and to ensure any streets for adoption will be constructed to the appropriate standard.*
34.	The new estate road/access between the site and Lower Burgh Way shall be constructed in accordance with the Lancashire County Council

	Specification for Construction of Estate Roads to at least base course level before any other development takes place within the site. *Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.*
35.	No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement (relating to the widening of footways, carriageways, works relating to the site access and the extension of the left turn lane at the A6 Bolton Road/B5252 Myles Standish Way). have been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. *Reason: In order to satisfy the Local Planning Authority that the final details of the scheme are acceptable before work commences on site and it is therefore required to be a pre-commencement condition.*
36.	For the relevant phase, no above ground works shall commence until details of the improvements to Burgh Lane South track (footpaths – FP3, FP1 and FP2) including the lighting scheme have been submitted to and approved by the Local Planning Authority, they shall then be constructed and completed in accordance with the approved details prior to occupation of any of the plots numbered 124 or higher on the approved plans. *Reason: In order to satisfy the Local Planning Authority that the final details of the footpath improvements are acceptable before work commences on site and to promote and provide access to sustainable transport/multi-modal options.*
37.	For each phase, prior to the first occupation of any dwelling hereby approved, a Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out. *Reason: To promote and provide access to sustainable transport/multi-modal options.*
38.	No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. *Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.*

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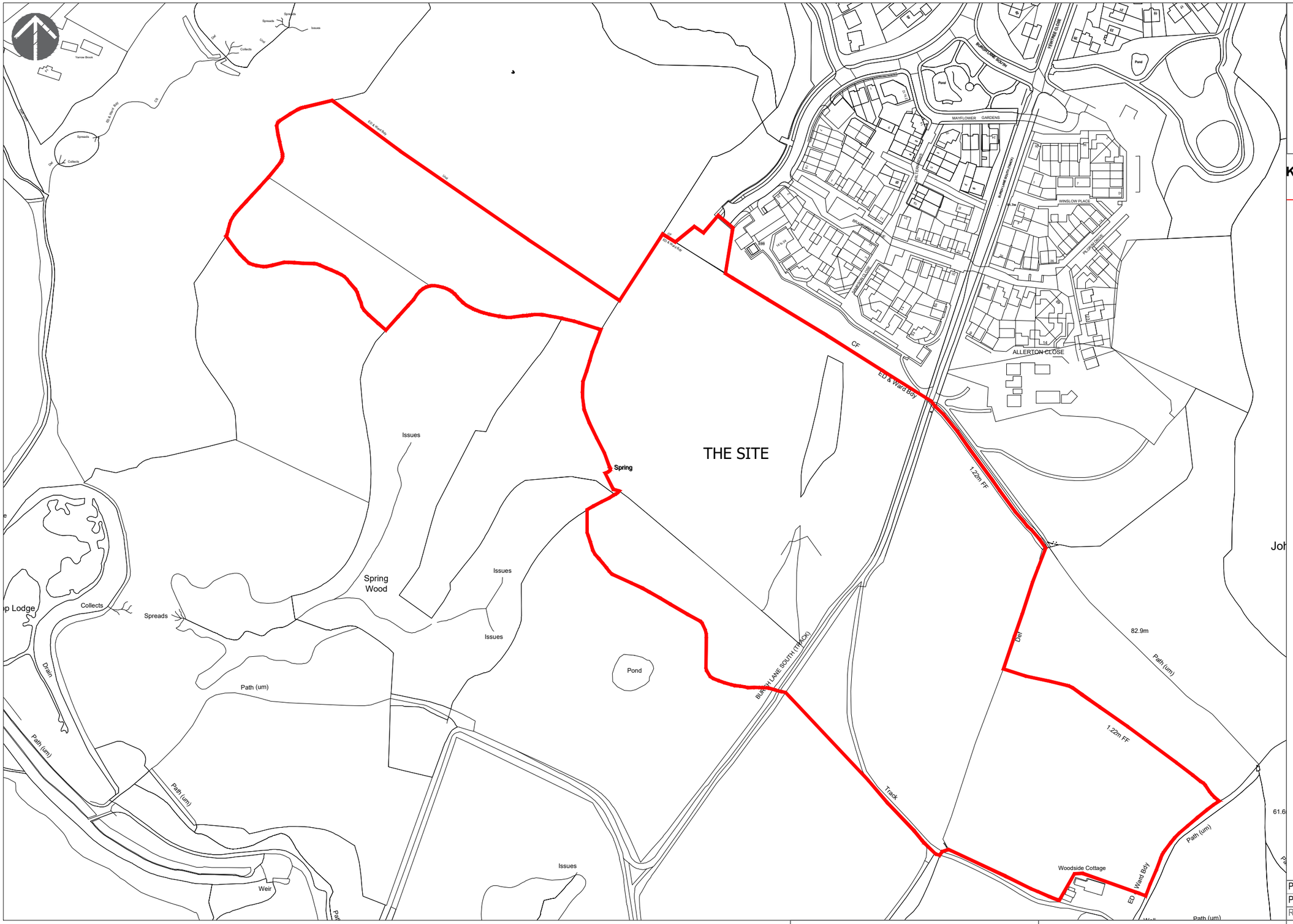

Note:
Do not scale from this drawing
All contractors must visit the site and be responsible for taking and checking dimensions.
All construction information should be taken from figured dimensions only.
Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.

This drawing is for planning purposes only. It is not intended to be used for construction purposes. Whilst all reasonable efforts are used to ensure drawings are accurate, Astle Planning and Design Ltd accept no responsibility or liability for any reliance placed on, or use made of, this plan by anyone for purposes other than those stated above.

Key

Development Boundary

ISSUED FOR PLANNING

Rev.	Date	Description	By	Ch
P2	16-08-2016	Red edge amended	RH	MP
P1	05-08-2016	First Issue	RH	MP

1 Application A Location Plan
Scale: 1:2500

1:2500 0 25 50 75 125m

Astle Planning & Design Limited
Suite 2A,
2nd Floor,
The Steam Mill,
Steam Mill Street,
Chester,
CH3 5AN
01244 886644
info@astlepd.co.uk
www.astlepd.co.uk
architecture
masterplanning
urban design

Client: Taylor Wimpey

Project: **EAVES GREEN CHORLEY**

Drawing Title: **Application A Location Plan**

Drawn by	RH	Checked by	MP	Date	05-08-2016
Status	PLANNING	Scale @ A3	1:2500		
Job no.	TWM014	Dwg.no.	LP03	Rev.	P2

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APPLICATION REPORT – 16/00805/FULMAJ

Validation Date: 26 August 2016

Ward: Coppull

Type of Application: Major Full Planning

Proposal: Full application for the erection of 88 dwellings, associated access, drainage and the provision of public open space and landscaping.

Location: Land 120M South West Of 21 Lower Burgh Way Lower Burgh Way Chorley

Case Officer: Caron Taylor

Applicant: Taylor Wimpey UK Limited

Agent: Nathaniel Lichfield & Partners (now Lichfields)

Consultation expiry: 13 October 2016

Decision due by: 30 June 2017

Report Update

This application was deferred for a site visit at the committee meeting held on 25th April. The original report for that meeting is set out below.

The follow was reported on the Addendum on 25th April:

Highways:
As per paragraph 45 of the report on the agenda, an amended plan has been received showing the carriageway and the footway on the section of Lower Burgh Way between Capesthorne Drive and the first proposed access running west into the development widened to 7.3m and 3.5m respectively as requested by Lancashire County Council Highways. This aspect is, therefore, considered acceptable.

The application is again recommended for approval subject to conditions and a Section 106 legal agreement, with the details of the overage/clawback arrangements to be delegated to the Director (Customer and Digital) in consultation with the Chair and Vice-Chair of the committee.

Other matters:
Boundary review:
Comments were raised at the previous committee regarding the need for a boundary review before the application is determined. The site is an allocated housing site in the Local Plan 2012-2026 and the allocation was not made subject to a boundary review having to take place.

Digital Strategy:
In order to achieve the Council's wider strategic objectives of digital inclusion, that are set out in the Digital Strategy, and in the interests of achieving a sustainable form of development, it is considered appropriate that the developer be required to provide infrastructure to facilitate super-fast broadband for future occupants of the site. This will need to be secured through the imposition of a suitable condition.

Previous Committee Report (conditions on the addendum on 25th April are detailed and updated where relevant at the end of this report)

Please note: Much of this report is the same as for application ref: 16/00804/FULMAJ as most of the technical reports and submission documents cover both sites, in addition the sites are covered by the same housing allocation in the Local Plan.

RECOMMENDATION

1. That the application is approved subject to conditions and a Section 106 legal agreement.

SITE DESCRIPTION

2. The application site is situated at the end of Lower Burgh Way, Eaves Green at the southern extent of Chorley, though it is within the ward and parish of Coppull as the boundary line is along the northern boundary of the site.

3. It is predominantly semi-improved grassland with scattered scrub.

4. To the east the site is partly bounded by the existing residential properties on the Birkacre Park development (which forms the southern extent of the existing built up residential area around Lower Burgh Way to the south of Myles Standish Way) and partly by the allocated housing site covered by application ref: 16/00804/FULMAJ (also on this agenda) which also bounds with the site to the south. To the north and west the site bounds with Burgh Wood.

5. The general landscape surrounding the site is characterised by extensive areas of woodland and hedgerows defining the field boundaries.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. The application is a full application submitted on behalf of Taylor Wimpey UK Limited for the erection of 88 dwellings, associated access, drainage and the provision of public open space and landscaping. The site is owned by the Homes and Communities Agency (HCA).

7. The Council are also considering two other applications, one also on this site and one on the adjacent parcel of land:

   - A full application for the erection of 201 dwellings, associated access, drainage and the provision of public open space and landscaping (herein called Application A) ref: 16/00804/FULMAJ;
   - An outline planning application made by the HCA for up to 100 dwellings specifying access (herein called Application C) ref 16/00806/OUTMAJ;

8. It should be noted that as this application relates to the same parcel of land as Application C above, only one of them could be implemented if they were both approved. Therefore the maximum number of dwellings that could be delivered by all three applications is 301.

RELEVANT HISTORY OF THE SITE

Ref: 15/01130/SCE **Decision:** EIA not required **Decision Date:** 14 December 2015
Description: Request for Screening Opinion Pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 for the erection of up to 360 dwellings, landscaping, access and associated infrastructure.

Associated adjacent applications:
Ref: 16/00804/FULMAJ **Decision:** Pending consideration
Description: Full application for the erection of 201 dwellings, associated access, drainage and the provision of public open space and landscaping.

Ref: 16/00806/OUTMAJ **Decision:** Pending consideration
Description: Outline permission for up to 100 dwellings with associated landscaping and public open space. Permission is sought for means of access as part of this application.

REPRESENTATIONS
An e-petition has been received objecting to the development which has 375 names on it. A further petition with 139 names on it and 59 individual objections have also been received (some people have signed both petitions and/or sent in a letter). In total **573 objections** have been received.

The objections can be summarised as:

Impact on greenbelt

- Homeowners who recently purchased homes were assured that there would be no further development in the area because of the area being designated Green Belt.

Impact on amenities

- Local schools are oversubscribed and would put pressure on services and school places provided;
- Schools and health services are not within walking distance of the development;
- Current infrastructure (schools, A&E, Police, Fire, doctors, dentists, shops, play areas, libraries, Sure Start etc.) is insufficient and would require additional provision;
- Chorley is overpopulated;
- The fields and woods are used by existing homeowners;
- Lack of local park / play facilities – taking away greenspace for families to play – not safe to play on road;
- Not enough jobs in Chorley for number of houses planning to build;
- Need improved green spaces for the number of homes planned;
- No football pitches within reasonable distance from this development – questions why Council tax is cost it is;
- No amenities local to site but a cinema is being built in town centre;
- Questions why developer is paying £15 per dwelling for allotments in Adlington;
- Could a community hub be planned into development, or a shop / café at least?

Impact on traffic

- Roads are already too busy and this would have an impact on traffic, and increasing traffic flow;
- Only one access road in and out of the development / Lower Burgh Way is the main access road, and, should this road ever be closed, there is no emergency access to the estates;
- Traffic driving through the estate to and from Myles Standish Way is significant and requires traffic calming measures;
- There is limited public transport in the area, which means most residents will rely on cars, which would put pressure on the local roads;
- Impact on parking whilst new development takes place;
- Lower Burgh Way past Birkacre Park development is congested with traffic and parked cars;
- Houses that face onto Lower Burgh Way have no barrier between house and road;
- Roads would require additional maintenance to cope with increase in traffic, including gritting in winter;
- Difficult to cross road on foot;
- Increase in noise and air pollution;
- Application does not state what provision of parking there is;
- One small lane farm track will become cut through for residents between phase 1 and phase 2 of the developments;
- Problems with driving schools driving slowly and using roads to turn vehicles;
- Cars still speed despite home zoning area;
- Need to improve traffic junction – A6 & Myles Standish Way;
- Roads cannot cope with additional traffic – have to wait 3-6 months to have roads repaired;
- Little visitor parking.

Impact on countryside

- Loss of a country park and the impact on the surrounding countryside;
- Impact on Yarrow Valley Park;
- Loss of country heritage site;
- Loss of considerable open space, semi-rural environment and green fields;
- Woodland will be ruined after this development;
- Layout suggests “link road” to “council owned land” – hope council homes will not be developed next to exclusive development;
- Council should insist developers provide improved access to surrounding countryside, woods and lake – policy ST1 of Local Plan states this therefore development does not comply with the plan;
- Will put pressure on nature conservation areas – would like buffer zone between development site and nature conservation areas;
- Would prefer hedging rather than fencing and restricted direct access to nature area to discourage creation of unauthorised and randomly created pathways;
- Yarrow Valley Park will become City Park / Farm surrounded by houses.

Impact on local wildlife

- Development could have an impact on wildlife – hedgehogs, deer and foxes, great crested newts often seen in the area;
- Low level lighting required to support bat population;
- Species would be endangered by development ;
- Wildflower meadows have been destroyed.

Impact on public rights of way / walking

- Conditional objection about the impact of public rights of way. Certain PROW run across or along the edge of the proposed development and the objector wishes these to be retained;
- Impact on walking routes – routes reduced;
- Public footpath through middle of two Birkacre estates will provide a cut through route;
- Development will take away walking routes which are part of the Chorley community spirit.

Impact on health and safety

- Planned provision for “ponds” as part of a flood management scheme and how these will be managed safely in terms of potential for accidental drownings;
- Anthrax ridden cows buried in fields off development site;
- Proposed play area to be located over a mineshaft.

Impact on view

- View would be hindered by the development;
- Lack of trees planned for the site would mean it would turn into a concrete jungle.

Impact on drainage

- Impact on water and drainage and pollution at the proposed development;
- Flood risk / more localised flooding towards Yarrow Valley;
- Existing waste water disposal / sewerage inadequate and has not been adopted by United Utilities (Birkacre Park);
- Gardens of existing properties already suffer from flooding and new development takes away natural drainage;
- Potential flooding in Croston as a consequence of surface water drainage;
- Effect on small businesses and insurance premiums in Croston as a consequence of flood risk.

Impact on technology

- Access to internet services, given the proposed increase of houses, and the speed of internet provided.

Impact on amenity of neighbouring residents

- Some residents purchased homes specifically for their personal circumstances because they wanted to life in a less built up area;
- Right to light impacted if houses are elevated above the existing houses and request that the field be levelled or lowered;
- Noise and dirt from development site will disturb those who work from home and therefore homes closest to current development should be built first;
- Play areas likely to attract older children or teenager who do not respect the play area or its intended purpose;
- Increased crime levels due to increased residents;
- No weekend working for sake of current residents – cut down on disruption and noise pollution;
- Light pollution from standard street lighting rather than low level lighting in the adjacent Birkacre Park development;
- The Design and Access Statement shows the elevation of the proposed houses to be level with those on Sampson Close. This is not considered to be the case as the ground level rises on the public open space making the application land to be at a higher elevation – concerned about impact on the natural light of the properties on Sampson Close.

Size and nature of development

- Size of proposed development and affordable housing is not commensurate with the nature of existing developments in the area;
- Birkacre Park development was emphasised as being “English Heritage” and no design restrictions appear to be applied to maintain the aesthetic character of the area;
- Investigation needed regarding the availability of “brownfield” sites in order to avoid using this greenspace, and explanation of why other sites are not deemed suitable;
- Explanation needed of how these developments meet government housing targets;
- Consistency needed across developments to ensure existing and new development feel like one community rather than two separate developments;
- Already sufficient properties on the market;
- Reduce number of planned houses to appease residents;
- Properties crammed in – could lead to social unrest;
- Proposed house styles have little or no aesthetic appeal – Birkacre Park development has house types unique to the area rather than standard “Lego” houses proposed.

Accuracy of planning application

- Proposed plans appear outdated and do not accurately reflect the proximity of the existing development to the proposed site and question whether subsequent planning application is accurate;
- More houses are proposed than allowed for in the allocation in the Local Plan especially when the Council owned land is included;
- The proposal is not in line with the phasing in the Local Plan;
- The topographical survey only extends to the application boundary.

Compliance with guidance

- Proposed development would not comply with Supplementary Planning Guidance Interface Distances;
- How was demand determined - who was consulted on the Local Plan, what were baseline assumptions and the relevance of these to current application(s) – questions whether all plans in region been reviewed to ensure no “doubling up”.

General comments

- Council being greedy – only want housing developments because they will contribute extra Council Tax;
- Would like housing developers to make a contribution to the community to provide a family eating establishment;
- Would like to know plans for Council owned land next to site;
- Council need to focus on building on brownfield sites;

- Proposed development not flagged in searches;
- Told by their Councillor that there would be a five year gap in building;
- Expressed objections in 2015 – is no weight given to these?;
- Eaves Green is a forgotten area of Chorley.

CONSULTATIONS
Coppull Parish Council:
Whilst the Parish Council is not necessarily against the above development and recognise the need for new homes to be built, concerns have been expressed regarding the impact on local services. Given the number of people who would be resident on these new developments it is likely that Coppull, which has itself seen an increase in population due to new housing developments, would face additional pressure on services such as schools, doctors and dentists. The Parish Council would like to know how Chorley Council, in conjunction with other agencies, is seeking to manage this?

Cllr Lees:
Opposes the above application due to the following reasons:

- In the Sustainable Appraisal of the Local Plan, [housing allocation] HS1.1 is deemed as level 4. It states that the current lack of infrastructure should delay the implementation of development until such time that the infrastructure situation has been addressed. Despite LCC's request for monies in the " Consultees documents " for school funding, no such monies are included in the Community Instructure Levy allocations;
- In the NPPF it states that convenience stores should be within walking distance of any new development. The nearest convenience store is 2 miles by car and 1.7 miles on foot. This is not within walking distance carrying shopping;
- As stated in the LCC's highways response, there is nothing in this application to address the requirements in public transport;
- This application would result in 850 homes being accessed by only one road from the junction with Myles Standish Way and Lower Burgh Way. No additional exits are available in case of emergencies;
- Whilst they accept the concept of the inclusion of [housing allocation] HS1.1 in the Local Plan, I feel that this should only be considered once the requirements for improvements to the infrastructure have been implemented.

The Coal Authority	Have no objection to the application.
Environment Agency	Advise that they do not wish to be consulted on the application so have no comments to make. Advise the Lead Local Flood Authority are consulted.
Greater Manchester Ecology Unit	See body of report.
Regulatory Services - Environmental Health	Have no objection to this application, however in order to minimise the likelihood of nuisance issues arising from noise, vibration or dust, they would recommend that the applicant complies with the information contained in the Chorley Council document "Code of Practice for Construction and Demolition" including the information on appropriate working hours.
Ramblers Association (Chorley Branch)	No response received.
Waste & Contaminated Land Officer	Make a number of comments regarding waste storage and collection. The development shall proceed in full accordance with the proposals detailed in Section 15: OUTLINE STRATEGY FOR RISK REDUCTION/REMEDIATION STRATEGY, as detailed in

	the: Desk Study & Ground Investigation Report for Eaves Green, Chorley, Lancashire dated February 2016 REPORT NO: 15TAY021/DSGI. Upon completion of remediation works set out in the report a validation report which demonstrates works have been completed shall be submitted for approval. This condition cannot be discharged until the validation report information has been approved by the Council.
Lancashire Highway Services	See body of report.
Lead Local Flood Authority	No objection subject to conditions.
Strategic Housing	For a development of this size in Chorley a 30% affordable housing contribution is required, which equates to 26.4 properties and is therefore rounded down to 26 according to the policy. All affordable dwellings should meet the Nationally Described Space Standards. The Rent Reduction for Registered Providers 2016-20 and LHA Cap from 2018 should be taken into account when factoring in expected offer values for Social Rented properties.
Planning Policy on Open Space	Amenity greenspace = £12,320 (or £61,600 for maintenance if provision made on-site and adopted by the Council) Equipped play area = £0 or £11,440 (for maintenance if adopted by Council, but intended to be privately maintained). Parks/Gardens = £0 Natural/semi-natural = £49,016 Allotments = £1,320 Playing Pitches = £140,712 **Total = £214,808**
Lancashire County Council Public Rights Of Way	No response received.
Lancashire Constabulary Architectural Liaison	Recommend a number of security measures. Some of these are not covered by planning. Those that are, are covered in the body of the report.
Lancashire County Council (Education)	Request funding for nine secondary school places of £182,732.31. They state they are not seeking a contribution for primary school places.
Tree Officer	North boundary of the site woodland Burgh Wood. Mature mixed broadleaved trees that have a significant impact on the local environment and contributing to the local landscape. Woodland with good amenity value, contributing to the landscape. Woodland of a particular visual importance to the landscape with high wildlife/habitat value. Area South West of Sampson Close. Mainly young self-set willow with a small area of more mature self-set willow. Trees of low quality.

	Individual trees of high quality located in the Burgh Lane South (track) area and within hedge and field boundaries. John Wood. East of Pilgrim Drive. South east of Allerton Close. Mixed mature broadleaved woodland with significant impact on the local environment. Woodland of particular importance as an arboricultural landscape feature. High amenity, wildlife habitat value. Some good individual trees along southern boundary fence.
United Utilities	Have no objection to the application subject to conditions.

PLANNING CONSIDERATIONS

Principle of Development

9. The site was originally allocated for housing in the 1997 Local Plan as part of a wider housing allocation. During preparation of the 2003 Local Plan it was proposed that this housing allocation be carried forward, however the Local Plan Inspector concluded that as the site did not have planning permission it was unlikely to be developed in that plan period and the Council should not rely on the allocation to meet housing needs. It was advised that the site should be assessed again in the next review of the Local Plan. The housing allocation was therefore deleted and the site was allocated as land safeguarded for future development in the 2003 Local Plan.

10. During preparation of the Chorley Local Plan 2012-2026 the site was considered as a housing allocation alongside all other safeguarded land and other sites put forward. A Sustainability Appraisal of all sites being considered was undertaken and this site scored a Band D (Band A being the most sustainable) due to the distance of the site to a number of facilities such as a supermarket, convenience store and a GP surgery. Despite this the site was put forward as a housing allocation as sufficient land was needed to be allocated to meet the housing requirement of the borough and this site was more suitable than some other sites being considered. The site also had access to a local bus service which would provide residents with access to services in Chorley Town Centre. It was not envisaged at the time of allocation that facilities would be provided on-site. Only three objections were received to this allocation at the Preferred Options stage and none were received at the Publication stage. The Local Plan Inspector found the allocation to be sound and the site is therefore an allocated housing site in the Chorley Local Plan 2012-2026 under Policy HS1.1 and the proposal is acceptable in principle.

11. The whole of the allocation is for 419 dwellings. Part of the allocation has already been developed for 153 dwellings by Miller Homes (now Birkacre Park), leaving 266 dwellings. There are currently three planning applications under consideration, however two of them are on the same parcel, so the maximum number of dwellings that could be delivered by these applications is 301. In addition there is approximately 2 hectares of the allocation remaining, which assuming a density of 30 dwellings per hectare could, in theory, accommodate approximately 60 dwellings (though due to the topography of the site this is estimated as being 25). That would lead to a total of 479 dwellings being delivered on the site which is 60 dwellings more than envisaged in the Local Plan. However, the housing allocation numbers are indicative and the housing requirement is a minimum to ensure enough housing is provided through the Local Plan.

12. Policy HS2 of the Local Plan and its associated Appendix B covers Phasing of Housing Development. The allocation is sequenced in all three of the proposed phases, 2012-2013, 2016-2021 and 2021-2026, but also includes the Birkacre Park development to the north that has already taken place, therefore further housing is phased for the third and second phases, 2016-2021 and 2021-2016. Given the size of this proposal taken together with the adjacent site subject to separate applications on this committee agenda it is considered that if

permitted the developments are likely to take place within the phasing timeframes set out in the plan.

13. Subject to the proposal meeting other planning policies the proposal is considered acceptable in principal.

Affordable housing

14. The Central Lancashire Core Strategy Policy 7 states that subject to such site and development considerations as financial viability and contributions to community services, market housing schemes should achieve a target of 30% on developments of 15 or more dwellings, this would equate to 26 affordable dwellings on site.

15. This is reiterated by the associated Affordable Housing Supplementary Planning Document which also states that where a developer or landowner considers that there are significant constraints sufficient to jeopardise or prevent them from meeting the Councils' affordable housing policy targets, this will need to be demonstrated by the submission of a suitable financial appraisal.

16. The application was originally submitted on the basis that no affordable housing could be provided. Policy 7 of the Core Strategy requires 30% provision on site. Following negotiations Taylor Wimpey it is now proposing to provide 13 social rented affordable units on site which equates to 14.8% provision. This is less than the normal policy requirement, however the site to the east (recently sold to the HCA by the Council) has been required as part of the land deal to be developed with 100% affordable housing (given the topography of the site it is expected this will provide 25 dwellings). Therefore although the current application only provides 14.8% affordable housing, which is less than the policy requires, when considered together with the site to the east they will together provide 33.6% provision, therefore exceeding the policy requirement across both sites which has been controlled by the Council through the land deal with the HCA. This is a material consideration in determination of this application and the amount of affordable housing that will provided on this site together with the site to the east is considered to comply with the aims of the development plan as a whole. The proposal is therefore considered acceptable in terms of affordable housing subject to a Section 106 controlling affordable units on this site.

Public Open Space

17. In terms of open space there is no requirement for new provision of amenity greenspace on-site as there is no deficit in the ward. The applicant is proposing 015ha of on-site provision, which meets the requirements of Policy HS4A. The applicant advises that this will be maintained by a private management company and therefore no maintenance contribution is required.

18. In accordance with Policies HS4A and HS4B of the Local Plan 2012-2026, Open Space and Playing Pitch SPD and the Planning Pitch Strategy there is a financial contribution required from this development of £191,048. The applicant states that they can afford to only pay £1,320 of this (the amount required towards allotments) otherwise the scheme will be unviable.

19. The applicant argues that they should not have to pay £49,016 of the required contribution which is towards natural and semi-natural green space as they are providing this on site. However, as set out in the Open Space and Playing Pitch SPD, on-site provision of natural/semi-natural greenspace is not considered appropriate. The Open Space Study states "*Areas of Central Lancashire are set in natural surroundings with ready access to the Countryside. For this reason it is not considered appropriate to require developer contributions towards the creation of natural and semi natural greenspace sites*." Instead contributions are sought to improve existing natural/semi-natural greenspace within the accessibility catchment of a site (800m) that is identified as low quality and/or low value. The site is within the accessibility catchment (800m) of an area of natural/semi-natural greenspace identified as being low quality in the Open Space Study (site 1827 – Plock Wood, Lower Burgh Way) a contribution towards improving this site is therefore required. The site is

also adjacent to Yarrow Valley Country Park therefore there is not a need for additional natural/semi-natural greenspace in this area.

20. Notwithstanding the above the applicant argues that they can only afford to pay £1,320 of the required about (the amount required towards allotments) otherwise the scheme is unviable.

21. A play area is proposed close to the site entrance. This is considered acceptable to cater for children on this and the adjacent site. The final details of this could be controlled by a condition.

Viability

22. Although the affordable housing provision is considered to comply with the development plan as a whole, the applicant states the scheme is not viable if they have to pay any open space contributions other than £1,320 towards allotments.

23. Viability is a material planning consideration. Paragraph 173 of the National Planning Policy Framework (the Framework) states:

> *137. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*

24. A viability appraisal has been submitted with the application and has been assessed externally on behalf of the Council. The applicant states that this demonstrates that the development cannot deliver the policy requirements and create sufficient land value to meet the Framework test [paragraph 173].

25. In March 2014 the government launched its Planning Practice Guidance (PPG). As set out above, Section 173 of the Framework establishes that viability should consider competitive returns to a willing landowner and willing developer to enable the development to be deliverable. The PPG advises that this competitive return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected wherever possible.

26. The PPG makes specific reference to a land owner's competitive return in paragraph 24:

> *'…. A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy'*

27. It is considered that a project specific case for the profit level utilised in the viability appraisal has been made. The site presents a number of physical constraints. It is considered that cost of dealing with these constraints to facilitate development has been properly demonstrated when identifying the price/value of the land *'to provide an incentive for the land owner to sell in comparison with other options'.*

28. Extensive testing of the viability has taken place on behalf of the Council and it is considered that it is robust and the scheme is only viable with the affordable housing provision outlined above and the allotments commuted sum payment.

29. There is therefore a shortfall between what is required by policy and what can be paid by the applicant to ensure the allocated housing site is brought forward. It is therefore proposed to put an overage/clawback clause in the Section 106 legal agreement associated with any permission linked to the profit ultimately made by the developer from the development of the land. If more profit is made than envisaged by the viability appraisal submitted with the

application then the Council will receive the difference in the increase, to go towards public open space, up to the limit of what should have been paid by the developer if the scheme had been fully policy compliant when submitted.

Design and Layout

30. The proposed development will be accessed via a new road coming off the existing turning head at the end of Lower Burgh Way.

31. In terms of road hierarchy there will be one main road through the site with a number of narrower cul-de-sacs access off it. There will be a single feature 'square' where the properties will be positioned closer to the road and the detailing of the properties themselves given more vertical proportions. This reflects similar squares on the Application A parcel to the east. There will also be changes of surfacing on the carriageway to reduce vehicle speeds. These will aid legibility of the site for residents and provide variety in the streetscene. It is envisaged by the applicant that all the roads will be put forward for adoption apart from some of the narrower access ways which will remain privately owned.

32. Discussions have taken place regarding the layout of the site, however the layout of the properties is restricted by a drainage easement running across the site east to west over which properties cannot be built (though it can have ancillary development such as parking spaces and roads). In addition, this easement cannot fall within the rear gardens of properties. As a result the properties back on to the landscape buffer to the north, rather than front on which would be a preferred design solution. Discussions have taken place to ensure the rear boundary treatments of the properties will be appropriate and they can be softened with appropriate planting. It is proposed that final details be controlled by condition.

33. On the southern boundary of the site the properties will bound with the Application A site where the properties will back onto the roadway and front elevations of the properties on the adjacent parcel. Whilst this layout would not normally be supported this layout is a result of the drainage easement to the north of the site and the resultant restrictions this places on the rest of layout, whilst also maintaining an efficient use of land. There is a level difference between the two parcels and they will be separated by a small landscaped slope which will create a visual buffer between them and improve the relationship visually. Cross-sections of this have been provided. Subject to conditions controlling the landscaping of the slope the relationship is accepted due to the restrictions of the site and other options have been explored but are not possible.

34. On the east and west boundaries of the site the properties are proposed be either side onto the site boundaries or face outwards towards the 'Mill View Circus' entrance feature on the adjacent parcel which is acceptable.

35. As a result of comments from the Council's Waste Officer a number of bin collection areas have been added across the site and the proposal is now considered acceptable in this respect.

36. The Police Designing Out Crime Officer has made a number of recommendations on security. In relation to those matters raised covered by the planning process the access into the rear garden of the properties is shown to be via a gate and the apartment block is separated from communal areas by fences and a hedge to prevent unrestricted access. Therefore it is considered the scheme complies with the recommendations.

37. The existing Birkacre Park housing immediately to the north is a more bespoke housing development using 'Home Zone' principals developed under an outline permission obtained by The Homes and Communities Agency. Application A will be viewed more in the context of this existing development, as this application site will be on the other side of Lower Burgh Way. As the end of Lower Burgh Way is approached a landscaped area with children's play area is proposed with properties facing it therefore providing a 'front' facing' development as the site is approached.

38. A variety of properties are proposed across the site including semi-detached and groups of mews but the majority of properties will be detached and all will be two or two and a half storey (incorporating room in the roof with small dormers). As the application is also made by Taylor Wimpey the suite of house types proposed are similar to those on the Application A site. The development also proposes one block of duplex apartments (plots H1-H6), but as per on the Application A site, these are designed as two-storey with similar design features to the other house types proposed so will still sit well alongside the palette of house types proposed. They also have habitable room windows facing towards the children's play area providing natural surveillance.

39. In the wider area there are a wide range of house types all of modern construction but are also mainly two-storey. It is considered the proposed house types are in keeping with the Eaves Green area as a whole.

40. In terms of impact on existing properties the nearest properties are those facing Lower Burgh Way. The proposed properties will be slightly lower in terms of their finished floor levels than the existing properties and the proposals comply with the Council's interface distances in relation to them so are acceptable.

Density

41. Policy 5 of the adopted Core Strategy covers housing density and requires developments to be in keeping with an area but also make an efficient use of land. The proposal will be equivalent of 24.6 dwellings per hectare, higher than Application A as the levels are not as restrictive. Considering the proposed layout in the context of the immediate surrounding area it is considered that the proposal will be in keeping in terms of density with the modern housing estates close to the site and the proposal is therefore considered acceptable in this respect.

Levels

42. Although there are level differences across the site, they are not as severe as Application A. The nature and therefore layout of the site also means that the majority of properties backing onto each other do so across the slope of the site rather than down the slope, reducing the level differences between them. As a result nearly all the plots comply within the Council's interface distances and where they do not they are close to meeting them.

43. The levels demonstrated on the proposed layout plans are indicative as until the final details of the development platforms are known the applicant cannot confirm them exactly. It is considered however that the applicant has provided enough level information (including cross-sections) to enable the Council to properly assess this aspect and the applicant is happy for a condition to be applied to any permission that final levels, including finished floor levels should be agreed with the Council prior to dwellings commencing on site. As with Application A the interface distances have to be considered against achieving an efficient use of land on an allocated housing site. On balance the levels on this site are considered acceptable, subject to a condition securing final details.

Access and Highways

44. This application is for 88 dwellings. There are also two other applications currently being considered on the land immediately to the west, on the same piece of land (one made by Taylor Wimpey for 88 dwellings ref: 16/00806/FULMAJ) and the other made in outline but specifying access by the HCA for up to 100 dwellings (ref: 16/00806/OUTMAJ).

45. The main access to the site will be via a continuation of Lower Burgh Way and then a turning onto a new access road serving the site off the existing turning head where Lower Burgh Way currently ends.

46. LCC Highways were concerned about the developments at Eaves Green being accessed from a single point of access to the B5252 Myles Standish Way in terms of assisting maximum accessibility, connectivity and efficient operation in emergencies. Amendments have now been made to the access arrangements:

- The widening of the existing footway along Lower Burgh Way to incorporate a 3.5m wide footway/cycleway;
- The widening of the southern section of Lower Burgh Way to 7m to provide a continuous 7m width for around the last 30m of Lower Burgh Way which currently narrows to around 6m at its southern end;
- Confirmation is provided that a Fire Tender can access the site via Capesthorne Drive in an emergency if necessary (swept path analysis has been undertaken);
- Increasing the length of the existing left turn lane at the junction on the approach from Myles Standish Way and the A6 Bolton Road by at least two vehicle lengths to accommodate additional left turning traffic.

47. To aid accessibility to the side by non-car modes the developer has agreed to pay a commuted sum to be advised by LCC Highways (expected to be approximately £5,000) for the provision of bollard lighting to Burgh Lane on the unlit section up to Myles Standish Way. They are also proposing to provide bollard lighting on Burgh Lane South within the application site and the widening of the gravel track to the southern boundary within the application site to 3m to facilitate this as a cycle route. This would then allow future extension to the south of the site. Some of these aspects will only be secured as part of Application A, as they directly affect that site or are within the boundaries of that application.

48. The matter of the traffic impact issues at the junction of A6 Bolton Road and B5252 Myles Standish Way has been raised with the applicant. It is acknowledged that there is an issue which involves right turning traffic on the Myles Standish Way arm of the junction queuing back to a point which blocks traffic wishing to turn left. In order to minimise this issue, an improvement scheme has been prepared which increases the left turn flare length on Myles Standish Way by two vehicles, thus allowing for extra queuing space for left turning traffic without being impeded by right turning traffic. This scheme is likely to cost in the region of £30,000 and this will be offered by the applicants through a Section 106 agreement to provide this improvement to the local highway network.

49. These amendments have been provided to LCC Highways. They state that to ensure the carriageway and the footway are sufficiently wide to accommodate large vehicles [including emergency vehicles] and pedestrians, that the section of Lower Burgh Way between Capesthorne Drive and the first proposed access running west into the development should be widened to 7.3m and 3.5m respectively, however the latest plan shows widening of 30m section of the carriageway and the footway to widths of 7.0m and 3.0m and needs to be amended. This has been raised with the applicant and this matter will be updated on the addendum.

50. In terms of parking on site, two external parking spaces are provided per dwelling, where a third space is required for larger properties this is provided via a garage space which is considered acceptable.

51. In relation to the proposal to increase the length of the existing left turn lane at the junction on the approach from Myles Standish Way and the A6 Bolton Road by at least two vehicle lengths to accommodate additional left turning traffic (the length it can be extended is limited by a bridge), it is known that there are existing issues at this junction with delays to left turning traffic due to the left turn flow being impeded by right turning traffic. Taking into account existing and proposed development in the area assuming 12 years of traffic growth even with this improvement there will still be an increase in queuing at this junction in the future, so although LCC Highways welcome the extension of the left turn lane they consider it will have minimal impact on the predicted queuing levels in the future and does not go far enough in providing lasting solution to the queuing problems at the junction.

52. In terms of public transport the recommended walking distance to bus stops from residential developments in urban areas is 400m. In this case the nearest bus stop to the proposed development is located 700m away to the south of Lower Burgh Way/Dale View. LCC Highways therefore recommended that public transport accessibility be enhanced by extending bus service into the development with improved service provision. The applicant

has had discussions with the local bus company but they are not able to extend the bus service into the site.

53. It is not considered that in the planning balance the increased walk to a bus stop and the junction factors together would warrant refusal of the application particularly given as this is an allocated housing site which has been subject to scrutiny via the Local Plan process.

54. Subject to the update on the addendum the highway works and highway commuted sums will be controlled by a Section 106 legal agreement and/or through a Section 278 agreement with the County Council under the Highways Act 1980 as appropriate.

Trees

55. There is designated ancient woodland immediately adjacent to the site to the north and west (Burgh Wood).

56. The Forestry Commission and Natural England publishes standing advice for local planning authorities for use in determining planning application on or affecting ancient woodland and veteran trees.

57. A 15m stand-off/buffer zone between the development and the ancient woodland is proposed and all high value trees along the woodland edge are proposed to be retained and protected. Back gardens are not included in the buffer zone; they are retained as amenity space which is considered acceptable.

58. Two individual trees will be removed to facilitate the development, however they are both young hawthorn Category C trees (trees of low value). The other trees on the site; one Category A and one Category B will be retained. No hedgerow will need to be removed on this site.

59. The proposal is therefore considered acceptable in relation to trees subject to a condition securing tree protection during construction.

Ecology

60. An Ecological Assessment has been submitted with the application and reviewed by the Council's ecology advisor. This confirms that there are no internationally or nationally designated sites within 1km but the site adjoins areas of ancient semi-natural broad-leaved woodland of high conservation value to the south, east and west which are Biological Heritage Sites. It also states the central area of dense/continuous scrub within the site has connectivity with the surrounding established broad-leaved woodland. The habitats present act as important resources for wildlife, particularly in the form of corridors between the site and the surrounding landscape.

61. There are three invasive plant species on the site and a non-native invasive species method statement will be required to ensure appropriate management and removal of them. Areas of native bluebell are also scattered throughout the site. Native bluebells are protected and a mitigation strategy will be required in relation to their removal or translocation during development. These can be controlled by a condition.

62. The Ecological Assessment notes that Great Crested Newts (GCN) were identified within 100m of the site during surveys in 2012 and subsequently in 2015. A medium population of GCN are supported across the site and wider area, so mitigation is required. It may be that the works on this site can be carried out using Reasonable Avoidance Measures (also protecting common reptiles and other amphibians), though a Natural England licence will be needed if GCN are found at any stage.

63. In terms of bats there are seven mature trees present within the site identified as having bat roost potential. These trees are being retained within the development and a lighting strategy (taking into account the 15m buffer zone) will be controlled by a condition to ensure this is fit for purpose in terms of ecology.

64. In line with the Framework a condition securing enhance site biodiversity and a landscaping scheme are also proposed.

65. There is a need to undertake pre-commencement/preconstruction surveys for a number of groups as site conditions can alter in the period between initial assessment and the implementation of the proposal, for mature trees, for the presence of roosting bats, badgers, non-native plant species and breeding birds. Conditions are also proposed to ensure the protection of the 15m stand-off to the woodland, location of site compounds and material storage areas.

66. Conditions are also recommended by the Council's ecologist to provide full details of the design of mitigation proposals including for GCNs and details of highways design e.g. wildlife dropped kerb, full drainage details and bat and bird features

67. The Council's ecologist advises that given the complexity of the great crested newt mitigation it is strongly advised that the Local Authority are party to the development of any great crested newt licence to ensure that it effectively integrates with the timetabling and other matters associated with the construction of the scheme. It should be made clear that the mitigation is also provided by way of protecting the status of common toad (Section 41 species) and reptiles (Wildlife & Countryside Acct 1981). Therefore they recommend a condition to require the submission of the draft European Protected Species Licence application. This is proposed.

68. There is a duty on the Council to have regard to the Habitats Directive in the exercise of its functions. It must consider in relation to a planning application:

(i) whether any criminal offence under the 2010 Regulations against any European Protected Species is likely to be committed; and
(ii) if one or more such offences is likely to be committed, whether it can be satisfied that the three Habitats Directive "derogation tests" are met. Only if the Council is satisfied that all three tests are met may planning permission be granted.

These three tests are:
a. the development must be for one of the reasons listed in regulation 53(2) of the 2010 Regulations. This includes imperative reasons of overriding public interest of a social or economic nature or of a public health and safety nature
b. there must be no satisfactory alternative, and
c. favourable conservation status of the European Protected Species in their natural range must be maintained.

Great crested newts

69. During the development there is potential for degradation of amphibian aquatic habitat. Once constructed fragmentation of terrestrial and aquatic habitat resources are unlikely, however, the inadvertent entrapment of amphibians along the new road network could result in significant amphibian mortality in the long term, if insensitive road drainage systems are adopted and if no means of integration with hard surfaces is provided for the amphibians.

70. The applicant's ecologist acknowledges that these impacts may trigger the Conservation of Habitats and Species Regulations 2010 (CHSR) and the Wildlife and Countryside Act. In order to avoid the risk of offences and to proceed with the development lawfully, a European Protected Species (EPS) development licence will be required, supported by an appropriate scheme of mitigation.

71. Natural England has standing advice in relation to protected species that is a material consideration. As set out above Great Crested Newts have been recorded adjacent to the site and as such the proposed works will need to proceed under a European Protected Species Licence (EPS) from Natural England.

72. In such cases the Great Crested Newt standing advice confirms that a mitigation and compensation strategy should be produced which will be included within the mitigation licence application to assess how the proposals will affect the newts.

73. As set out above the Council's ecologist is satisfied with the outline mitigation statement submitted in respect of Great Crested Newts and along with conditions securing final details it is considered there is no reason to believe that a licence will not be issued.

74. 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.

75. It is considered that the mitigation measures proposed, controlled by conditions will ensure that the favourable conservation states of GCN in the local area, which will satisfies the third test.

76. In respect of the first two tests, which are essentially 'land-use planning' tests, these need to be considered by the Council. The site is an allocated housing site and therefore complies with the Development Plan and forms part of the Council's five year housing land supply. It is therefore considered it meets the first test of a social and economic nature as the Council is required to make available and maintain a ready supply of residential development land over the plan period, to help deliver sufficient new housing of appropriate types to meet future requirements. In terms of the second test the land has been through the Local Plan process to become an allocated housing site. As part of this process lots of sites for housing were considered in the area and following a Public Inquiry this site has been selected as the most suitable to serve the housing needs of the area. As such it is considered that the proposals satisfy the three tests and the ecological impacts of the scheme can be satisfactorily addressed via planning controls/ a Natural England licence (if necessary).

77. A condition is therefore proposed that either Reasonable Avoidance Measure shall be submitted and implemented or if it becomes necessary then a draft application for a European Protected Species Licence shall be submitted.

78. The Council's ecologist recommends that the Council utilise the provisions of a Section 106 Obligation to ensure the 15m woodland buffer are adequately secured for the operational life span of the development. This is proposed.

79. Other protected species present on/ within the vicinity of the site include bats, and breeding birds, though the site is considered of low importance for breeding birds. However the surveys undertaken consider that significant impacts on these species are unlikely within the footprint of the proposed scheme subject. Precautionary surveys and mitigation are recommended which can be addressed by condition. Whilst the results of these surveys may necessitate a Natural England licence at this stage it is not considered that the scheme will result in a breach of the Habitats Regulations in respect of these species.

Landscape/Landscaping

80. A Landscape and Visual Impact Assessment (VIA) accompanies the application (together with the adjacent site).

81. The site sits at the southern edge of Eaves Green as exists. This site will be less visible in the landscape than Application A as it is contained by woodland on the north and west sides and by the development of Application A or existing development to the east and south.

82. As with Application A the main visual impact will be from close up as from many further away public locations it will be screened from view by topography, existing woodland or existing and proposed adjacent development. It is considered that the visual impact of the development on users of the local public rights of way and the existing housing to the north will be worse that expressed in the VIA and as it is considered the effects of the mitigation planting is over-estimated around the northern and north western boundaries of the site and

public rights of way. This is however unavoidable in building out an allocated housing site adjacent to existing properties.

83. From the south, although visible the proposal will be viewed beyond the development of Application A.

Drainage

84. A Flood Risk Assessment and Drainage Management Strategy has been submitted with the application and reviewed by United Utilities and Lancashire County Council as Lead Local Flood Authority. An indicative drainage strategy has also been provided.

85. The site is within Flood Zone 1 as identified by the Environment Agency.

86. The Planning Practice Guidance establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

87. This site has a standalone drainage strategy separate from Application A as the two sites need to be able to be developed separately.

88. The surface water run-off is proposed to discharge to the short length of open channel watercourse on the site with the discharge rate proposed to be restricted to the pre-development rate. Restricting the rate of run-off will generate a storage requirement during periods of intense rainfall events. Sustainable Urban Drainage Systems (SuDS) have been considered for this parcel but there is limited scope to implement these on this parcel due to the topography and the lack of surrounding land due to the woodland and other development. Traditional storm water storage will therefore be used on site sized to prevent overland run-off offsite from storm events up to and including the 100 year return period storm event with an allowance for climate change in the form of a 40% increase in rainfall intensity.

89. The Lead Local Flood Authority have no objection to the application subject to conditions that the development shall be carried out in accordance with the submitted Flood Risk Assessment; the development shall not be occupied until completion of SuDS and details of management and maintenance of the SuDS shall be agreed.

90. The foul drainage system will also standalone from Application A. Due to on site levels it is proposed to collect the foul drainage by gravity through the development and convey it to a proposed pumping station in the southwest corner that will pump the foul discharge back up to the public foul water sewer network to the north of site.

91. United Utilities have no objection to the application subject to a condition that the drainage shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy Plan, with no surface water permitted to drain directly or indirectly into the public sewer, to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

92. Subject to conditions the proposal is considered acceptable in terms of drainage.

Coal Mining

93. The site is partly within a High Risk coal mining area and partly in a Low Risk area as defined by The Coal Authority.

94. The applicant has submitted a Desk Study & Ground Investigation Report and this has been reviewed by The Coal Authority.

95. The Coal Authority considers that the content and conclusions of the Desk Study & Ground Investigation Report are sufficient for the purposes of the planning system and meets the requirements of the Framework in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent Building Regulations application.

96. The Coal Authority therefore does not require any conditions be applied in relation to this application.

Sustainability

97. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removed the Code for Sustainable Homes. The Bill does include transitional provisions which include:

"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."

98. Given this change, instead of meeting the Code Level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. An Energy Report has been submitted with the application which shows a 19.92% reduction in energy requirements over the 2013 Building Regulations can be achieved on the site. This can be controlled by a condition.

Community Infrastructure Levy (CIL)

99. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development, unless an exemption can be applied for, and the charge is subject to indexation in accordance with the Council's Charging Schedule.

100. Lancashire County Council (LCC) as Education Authority has requested a contribution towards education places. The request for a contribution from LCC Education is noted, however this is an allocated housing site and education requests such as this are included in the CIL levy. Although there is an increase in the number of properties on the site over that envisaged in the Local Plan allocation it will also result in more CIL being paid than was originally envisaged.

CONCLUSION

101. The site is an allocated housing site and its development is acceptable in principal. The site is challenging in terms of levels but on balance the application is considered to comply

with the development plan as a whole subject to conditions and a Section 106 legal agreement.

102. The applicant states they are unable to provide all the planning gain required in terms of the public open space payment, other than for allotments. A viability assessment has been submitted with the application and externally assessed on behalf of the Council. This is accepted as robust and viability is a material consideration that must be taken into account. An overage/clawback is proposed as part of a Section 106 legal agreement that if the developer makes more profit on the development than envisaged in the viability assessment then the Council will receive the difference in the increase to go towards public open space, up to the limit of what should have been paid by the developer if the scheme had been fully policy compliant when submitted.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Suggested Conditions

<table>
<tr><th>No.</th><th>Condition</th></tr>
<tr><td>1.</td><td>The development shall be carried out in accordance with the following plans and documents:
<table>
<tr><th>Title</th><th>Drawing Reference</th><th>Received date</th></tr>
<tr><td>Planning Layout</td><td>TWM014 - PL01 (Sheet 1) Rev W</td><td>24/04/2017</td></tr>
<tr><td>Materials Layout</td><td>TWM014 - ML01 Rev D</td><td>24/04/2017</td></tr>
<tr><td>Landscape General Arrangement (1)</td><td>2331-101 Rev H</td><td>22/03/2017</td></tr>
<tr><td>Shared Surface Areas</td><td>2331-105 Rev C</td><td>24/01/2017</td></tr>
<tr><td>Attenuation Basins - Landscape Proposals</td><td></td><td>25/08/2016</td></tr>
<tr><td>Attenuation Basins - Landscape Proposals</td><td>2331-106 Rev D</td><td>25/08/2016</td></tr>
<tr><td>Footpath Network</td><td>2331-107 Rev D</td><td>25/08/2016</td></tr>
<tr><td>Amenity Space - Landscape Proposals</td><td>2331-108 Rev D</td><td>25/08/2016</td></tr>
<tr><td>Play Provision</td><td>2331-109 Rev E</td><td>11/01/2017</td></tr>
<tr><td>Open Space Provision</td><td>2331-110 Rev A</td><td>25/08/2016</td></tr>
<tr><td>Housetype Range</td><td>TWM014/HT2 (April 2017)</td><td>24/04/2017</td></tr>
<tr><td>Focal House Types</td><td>TWM014/HT3 (August 2016)</td><td>25/08/2016</td></tr>
<tr><td>Adopted Roads Plan</td><td>TWM014 AR01 Rev A</td><td>25/08/2016</td></tr>
<tr><td>Waste Management Plan</td><td>TWM014 SK01 Rev P6</td><td>24/04/2016</td></tr>
<tr><td>Site Location Plan</td><td>TWM014 LP01 Rev P3</td><td>25/08/2016</td></tr>
<tr><td>Garage Details</td><td>300-GD-01</td><td>24/03/2017</td></tr>
<tr><td>Urban Core Enhanced Elevations Pack</td><td>TWM014/HT4</td><td>11/01/2017</td></tr>
<tr><td>Ecological Constraints Plan</td><td>G5170.010A Rev A</td><td>11/01/2017</td></tr>
</table>
Reason: To define the permission and in the interests of proper development.</td></tr>
</table>

2.	No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan will include details of which elements of the following will apply to each phase: 1. Ecology surveys and mitigation measures; 2. Arboricultural Method Statement; 3. Approved Landscaping; 4. Boundary Treatments; 5. Surface Water Sustainable Drainage Scheme; 6. Public Open Space; 7. Roads and Other Highways Works; and, 8. Travel Plan. *Reason: To define the permission and in the interests of proper development.*
3.	Prior to the commencement of any dwelling on each phase, full details of the existing and proposed ground levels and proposed dwelling finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details shown on previously submitted plans(s). The development shall be carried out strictly in conformity with the approved details. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*
4.	For each phase, prior to their construction full details of any retaining walls to be used on that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall only then be carried out in accordance with the approved details. *Reason: To ensure the design and appearance of the retaining walls is appropriate to the area.*
5.	For each phase, prior to excavation of the foundations for the development hereby approved samples of all external facing and roofing materials for that phase (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.*
6.	For each phase, prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the final dwelling in that phase. *Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.*
7.	Each bin collection areas/point shown on the approved plans shall be provided prior to occupation of any of the dwellings they serve. *Reason: To ensure appropriate bin collection areas are provided for all the dwellings on the site.*
8.	The development shall proceed in full accordance with the proposals detailed in Section 15: OUTLINE STRATEGY FOR RISK REDUCTION/REMEDIATION

	STRATEGY, as detailed in the: Desk Study & Ground Investigation Report for Eaves Green, Chorley, Lancashire dated February 2016 REPORT NO: 15TAY021/DSGI. Upon completion of any necessary remediation works set out in the report a validation report which demonstrates works have been completed shall be submitted to and approved in writing by the Local Planning Authority. *Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use.*
9.	All the dwellings hereby approved shall achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. No dwelling shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate. *Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.*
10.	For each phase, no development shall take place, until a Construction Management Plan for that phase has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: 1. Vehicle routing and the parking of vehicles of site operatives and visitors; 2. hours of operation (including delivers) during construction; 3. loading and unloading of plant and materials; 4. storage of plant and materials used in constructing the development; 5. siting of cabins, site compounds and material storage area (ensuring it complies with the Great Crested Newt mitigation details); 6. the erection of security hoarding where appropriate; 7. wheel washing facilities; 8. measures to control the emission of dust and dirt during construction; 9. a scheme for recycling/disposing of waste resulting from demolition and construction works; 10. Fencing of the 15m buffer zone to the woodland during construction. *Reason: In the interests of highway safety and to protect the amenities of the nearby residents*
11.	Prior to any site clearance, vegetation removal, earth moving or other enabling works for each phase, pre-commencement surveys for that phase shall be undertaken and reports produced including mitigation protocols where necessary, which shall be submitted to and approved in writing by the Local Planning Authority. These should encompass: • All mature trees for the presence of roosting bats, with particular focus on tree T16. This should include aerial inspection and activity surveys if necessary to assess change in condition. This should be undertaken as near to the commencement of development as possible (within 6 months); • Badger survey of whole site and including buffer of 30m. This should

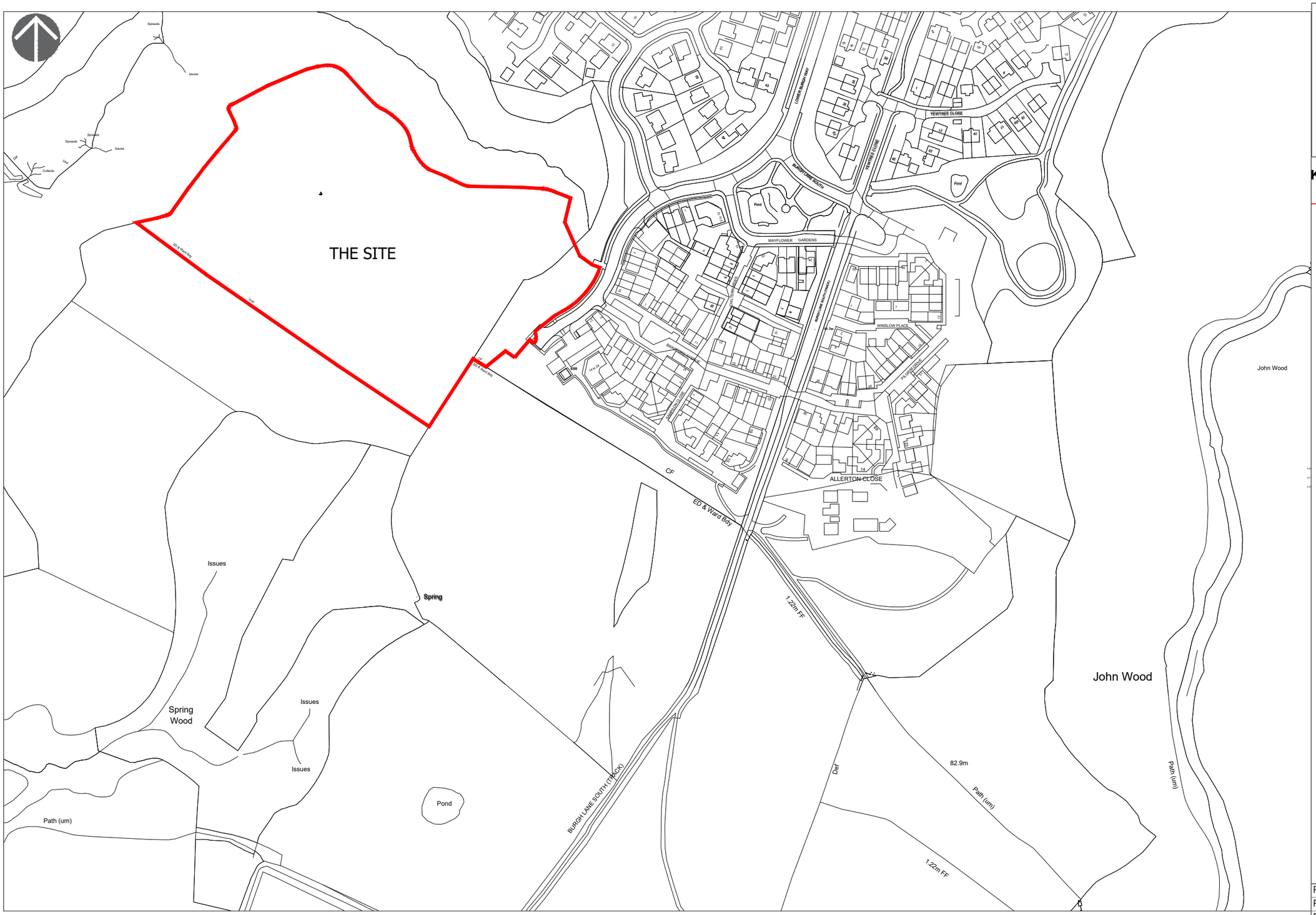
	be undertaken 6 months prior to scheduled start of works; • Invasive non-native species including Himalayan Balsam, Japanese knotweed and rhododendron (including a Construction Methodology and Treatment Plan to ensure that areas supporting these species are appropriately identified (to 7m of the growing margins for Japanese Knotweed only), treated and spoils supporting plant materials are disposed of in an effective and legal manner; • Breeding birds. Given the complex nature of the site and the phased construction it should include a detailed protocol in relation to all breeding birds (in accordance with the TEP Ecological Mitigation Report 5.18 – 5.25); • The development shall be carried out in accordance with the approved protocol(s) and any mitigation measures. *Reason: To ensure that conditions on the site have not altered in the period between the assessment and implementation of the proposal and if so secure any necessary mitigation. This is required to be a pre-commencement condition as the survey are required to be carried out prior to any site clearance or vegetation removal.*
12.	Prior to the laying or any roads or footway (or any sub-surface of them) as part of each phase the location and detailed design of highway details and furniture associated with the highways/footpaths for that phase shall be provided (including wildlife dropped kerbs, gulley pot locations and specification). *Reason: In order to mitigate for amphibian casualties and make the proposal as permeable as possible to the movement of Great Crested Newts and other amphibians*
13.	The 15m buffer shown on the approved plans where it is contiguous with the woodland and Biological Heritage Sites shall be maintained throughout the development and shall be fenced off during construction with no vehicles or machinery entering the buffer, no earth moving taking place and nothing stored within the area. *Reason: To ensure this area is not disturbed during the development.*
14.	Prior to installation of any permanent external lighting as part of each phase, a 'lighting design strategy' shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall identify areas/features on site that are potentially sensitive to lighting for bats and any other species that may be disturbed and show how and where the external lighting will be installed (through appropriate lighting contour plans) so that it can be demonstrated clearly that any impacts on wildlife are negligible (in particular bats. All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy and retained as such. *Reason: To ensure any lighting scheme is in accordance with the ecology reports in terms of being bat sensitive and is retained as such.*
15.	Prior to the construction of any of the dwellings on a particular phase, details of the location of bird and bat boxes (in accordance with the Ecological Mitigation and Enhancement Strategy submitted with the application) for that phase shall be submitted to and agreed in writing with the Local Planning Authority. The development shall then be carried out in accordance with the approved details. *Reason: To ensure biodiversity enhancement measures are incorporated into*

	the development.
16.	Prior to any vegetation removal, earth moving or topsoil stripping as part of each relevant phase, full details of the location for translocated bluebells from that phase shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. *Reason: To ensure that any bluebells that cannot be retained are relocated*.
17.	Prior to the preparation of the site for development (to include any vegetation clearance, topsoil stripping or earthmoving) a scheme for the establishment and maintenance of Reasonable Avoidance Measures will be submitted in writing and subsequently implemented. The Reasonable Avoidance Method Statement will include an appendix detailing the licensing principles and methodology which will be followed should it become necessary to apply for a European Protected Species licence during the development. *Reason: Given the complexity of the great crested newt mitigation to ensure that it effectively integrates with the timetabling and other matters associated with the construction of the scheme.*
18.	Prior to any site clearance or soil stripping as part of each phase, an Arboricultural Method Statement for that phase shall be submitted to and agreed in writing with the Local Planning Authority. This shall include details for the protection of all trees to be retained and details how construction works will be carried out within any Root Protection Areas of retained trees. It shall also include specification for pipe installation (using trenchless techniques) in relation to the foul water sewage connection proposed underneath tree group G5. The development shall only be carried out in accordance with the approved Arboricultural Method Statement. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the Root Protection Areas. *Reason: To safeguard the trees to be retained.*
19.	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 dwellings or the completion of the development within the relevant Phase, 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, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interest of the appearance of the locality.*
20.	For each phase, prior to the construction of any part of any dwelling above ground level, full details of the alignment, height and appearance of all fences, walls and gates to be erected on the site (notwithstanding any such details shown on previously approved plans) for that phase shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other fences shown in the approved details shall be erected in conformity with the approved details. *Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.*

21.	No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum: 1. Limit the surface water run-off generated by the critical storm periods for 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances' so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. 2. Provision of compensatory flood storage for Q100 + Climate Change for the following catchments as indicated on drawing TAY78/103/P5 – Indicative Drainage Strategy:- Catchment A – between 756 m^3 and 1096 m^3 3. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. 4. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant) 5. Flood water exceedance routes, both on and off site; 6. A timetable for implementation, including phasing as applicable; 7. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven. 8. Finished floor levels are set no lower than 150mm above Ordnance Datum (AOD). 9. Details of water quality controls, where applicable. 10. The detailed design and location any headwalls/outfalls to ensure a sympathetic interface with the woodland Biological Heritage Site. The mitigation measures shall be implemented in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority. *Reason:* *1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.* *2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.* *3. To ensure safe access and egress from and to the site.* *4. To reduce the risk of flooding from blockages to the existing culvert (s).* *5. To reduce the risk of flooding to the proposed development and future occupants.* *6. To ensure that there is no flood risk on or off the site resulting from the proposed development.*
22.	Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details. *Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding*

23.	For each phase. before the development hereby permitted is first commenced, other than site enabling works, full details of the layout, phasing or provision and equipping of the public open space and play areas for that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the provision and equipping of these areas is to be carried out in strict accordance with the approved details. *Reason: To ensure adequate provision for public open space and play areas within the development, this is required to be a pre-commencement condition to ensure this is property planned prior to a start on site.*
24.	Prior to the marketing of the site full details of the marketing documentation showing prospective purchasers the location and approved details of the play area shall be submitted to an approved in writing by the Local Planning Authority. *Reason: To ensure the provision of equipped play space to benefit the future occupiers of the site and prospective purchasers are aware of the location of the equipped play space.*
25.	The car parking spaces for each dwelling shall be surfaced or paved, drained and marked out all in accordance with the approved plan before that dwelling is first occupied. The car parking spaces and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. *Reason: To ensure adequate on site provision of car parking and manoeuvring areas.*
26.	No development shall be commenced, other than site enabling works, until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed. No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads. *Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway. This is required to be a pre-commencement condition to ensure the roads will meet the necessary standard before works start on the development.*
27.	For each phase, no dwellings shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets, public open space) including 15m buffer) and any other areas not to be within the development adopted (including details of any Management Company) have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established. *Reason: To ensure appropriate management and maintenance of the site*.
28.	For each phase, no roads proposed for adoption shall be commenced until full engineering, drainage and constructional details for them have been submitted

	to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. *Reason: In the interest of highway safety and to ensure any streets for adoption will be constructed to the appropriate standard.*
29.	The new estate road/access between the site and Lower Burgh Way shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any other development takes place within the site. *Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.*
30.	Prior to occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out. *Reason: To promote and provide access to sustainable transport/multi-modal options.*



1 Application C Location Plan

Scale: 1:2500

1:2500 0 25 50 75 125m

Note:
Do not scale from this drawing
All contractors must visit the site and be responsible for taking and checking dimensions.
All construction information should be taken from figured dimensions only.
Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.

This drawing is for planning purposes only. It is not intended to be used for construction purposes. Whilst all reasonable efforts are used to ensure drawings are accurate, Astle Planning and Design Ltd accept no responsibility or liability for any reliance placed on, or use made of, this plan by anyone for purposes other than those stated above.

Key

Development Boundary

ISSUED FOR PLANNING

Rev.	Date	Description	By	Chd
P3	17-08-2016	Red edge amended	RH	MP
P2	16-08-2016	Red edge amended	RH	MP
P1	05-08-2016	First Issue	RH	MP

Astle Planning & Design Limited
Suite 2A,
2nd Floor,
The Steam Mill,
Steam Mill Street,
Chester,
CH3 5AN
01244 886644
info@astlepd.co.uk
www.astlepd.co.uk

architecture
masterplanning
urban design

Client: Taylor Wimpey

Project: **EAVES GREEN CHORLEY**

Drawing Title: **Application C Location Plan**

Drawn by	Checked by	Date
RH	MP	05-08-2016

Status	Scale @ A3
PLANNING	1:2500

Job no.	Dwg.no.	Rev.
TWM014	LP02	P3

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APPLICATION REPORT – 16/00806/OUTMAJ

Validation Date: 26 August 2016

Ward: Coppull

Type of Application: Major Full Planning

Proposal: Outline application for up to 100 dwellings with associated landscaping and public open space. Permission is sought for means of access as part of this application.

Location: Land 120M South West Of 21 Lower Burgh Way Lower Burgh Way Chorley

Case Officer: Caron Taylor

Applicant: Taylor Wimpey UK Limited

Agent: Nathaniel Lichfield & Partners (now Lichfields)

Consultation expiry: 13 October 2016

Decision due by: 30 June 2017

Report Update

This application was deferred for a site visit at the committee meeting held on 25th April. The original report for that meeting is set out below.

The follow was reported on the Addendum on 25th April:

Highways:
As per paragraph 45 of the report on the agenda, an amended plan has been received showing the carriageway and the footway on the section of Lower Burgh Way between Capesthorne Drive and the first proposed access running west into the development widened to 7.3m and 3.5m respectively as requested by Lancashire County Council Highways. This aspect is, therefore, considered acceptable.

The application is again recommended for approval subject to conditions and a Section 106 legal agreement, with the details of the overage/clawback arrangements to be delegated to the Director (Customer and Digital) in consultation with the Chair and Vice-Chair of the committee.

Other matters:
Boundary review:
Comments were raised at the previous committee regarding the need for a boundary review before the application is determined. The site is an allocated housing site in the Local Plan 2012-2026 and the allocation was not made subject to a boundary review having to take place.

Digital Strategy:
In order to achieve the Council's wider strategic objectives of digital inclusion, that are set out in the Digital Strategy, and in the interests of achieving a sustainable form of development, it is considered appropriate that the developer be required to provide infrastructure to facilitate super-fast broadband for future occupants of the site. This will need to be secured through the imposition of a suitable condition.

Previous Committee Report

Please note: Much of this report is the same as for application ref: 16/00804/FULMAJ and particularly application ref: 16/00805/FULMAJ (which is on the same piece of land) as most of the technical reports and submission documents cover both sites, in addition the sites are covered by the same housing allocation in the Local Plan.

RECOMMENDATION

1. The application is recommended for approval subject to conditions and a Section 106 legal agreement.

SITE DESCRIPTION

2. The application site is situated at the end of Lower Burgh Way, Eaves Green at the southern extent of Chorley, though it is within the ward and parish of Coppull as the boundary line is along the northern boundary of the site.

3. The site is the same as that covered by application ref: 16/00805/OUTMAJ. That application is a full application made by Taylor Wimpey on the site for 88 dwellings. This application is made by the owner of the site, The Homes and Communities Agency, for permission for up to 100 dwellings. It is made in outline only but permission for means of access is sought.

4. The site is predominantly semi-improved grassland with scattered scrub, to the east the site is partly bounded by the existing residential properties on the Birkacre Park development (which forms the southern extent of the existing built up residential area around Lower Burgh Way to the south of Myles Standish Way) and partly by the allocated housing site covered by application ref: 16/00804/FULMAJ which also bounds with the site to the south. To the north and west the site bounds with Burgh Wood.

5. The general landscape surrounding the site is characterised by extensive areas of woodland and hedgerows defining the field boundaries.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. This application is an outline application submitted on behalf of the Homes and Communities Agency for the erection of up to 100 dwellings with associated landscaping and public open space. Permission is sought for means of access as part of the application.

7. The Council are also considering two other applications, one also on this site and one on the adjacent parcel of land:

   - A full application for the erection of 201 dwellings, associated access, drainage and the provision of public open space and landscaping (herein called Application A) ref: 16/00804/FULMAJ.
   - A full application submitted on behalf of Taylor Wimpey UK Limited for 88 dwellings on land owned by the Homes and Communities Agency (HCA) (herein called Application B) 16/00805/FULMAJ;

8. It should be noted that as this application relates to the same parcel of land as Application B above, only one of them could be implemented if they were both approved. Therefore the maximum number of dwellings that could be delivered by all three applications is 301.

RELEVANT HISTORY OF THE SITE

Ref: 15/01130/SCE **Decision:** EIA not required **Decision Date:** 14 December 2015
Description: Request for Screening Opinion Pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 for the erection of up to 360 dwellings, landscaping, access and associated infrastructure.

Associated adjacent applications:
Ref: 16/00804/FULMAJ **Decision:** Pending consideration

Description: Full application for the erection of 201 dwellings, associated access, drainage and the provision of public open space and landscaping.

Ref: 16/00805/FULMAJ **Decision:** Pending consideration
Description: Full application for the erection of 88 dwellings, associated access, drainage and the provision of public open space and landscaping.

REPRESENTATIONS
An e-petition has been received objecting to the development which has 375 names on it. A further petition with 139 names on it and 60 individual objections have also been received (some people have signed both petitions and/or sent in a letter). In total **574 objections** have been received.

The objections can be summarised as:

Impact on greenbelt

- Homeowners who recently purchased homes were assured that there would be no further development in the area because of the area being designated Green Belt.

Impact on amenities

- Local schools are oversubscribed and would put pressure on services and school places provided;
- Schools and health services are not within walking distance of the development;
- Current infrastructure (schools, A&E, Police, Fire, doctors, dentists, shops, play areas, libraries, Sure Start etc.) is insufficient and would require additional provision;
- Chorley is overpopulated;
- The fields and woods are used by existing homeowners;
- Lack of local park / play facilities – taking away greenspace for families to play – not safe to play on road;
- Not enough jobs in Chorley for number of houses planning to build;
- Need improved green spaces for the number of homes planned;
- No football pitches within reasonable distance from this development – questions why Council tax is cost it is;
- No amenities local to site but a cinema is being built in town centre;
- Questions why developer is paying £15 per dwelling for allotments in Adlington;
- Could a community hub be planned into development, or a shop / café at least?

Impact on traffic

- Roads are already too busy and this would have an impact on traffic, and increasing traffic flow;
- Only one access road in and out of the development / Lower Burgh Way is the main access road, and, should this road ever be closed, there is no emergency access to the estates;
- Traffic driving through the estate to and from Myles Standish Way is significant and requires traffic calming measures;
- There is limited public transport in the area, which means most residents will rely on cars, which would put pressure on the local roads;
- Impact on parking whilst new development takes place;
- Lower Burgh Way past Birkacre Park development is congested with traffic and parked cars;
- Houses that face onto Lower Burgh Way have no barrier between house and road;
- Roads would require additional maintenance to cope with increase in traffic, including gritting in winter;
- Difficult to cross road on foot;
- Increase in noise and air pollution;
- Application does not state what provision of parking there is;
- One small lane farm track will become cut through for residents between phase 1 and phase 2 of the developments;
- Problems with driving schools driving slowly and using roads to turn vehicles;

- Cars still speed despite home zoning area;
- Need to improve traffic junction – A6 & Myles Standish Way;
- Roads cannot cope with additional traffic – have to wait 3-6 months to have roads repaired;
- Little visitor parking.

Impact on countryside

- Loss of a country park and the impact on the surrounding countryside;
- Impact on Yarrow Valley Park;
- Loss of country heritage site;
- Loss of considerable open space, semi-rural environment and green fields;
- Woodland will be ruined after this development;
- Layout suggests "link road" to "council owned land" – hope council homes will not be developed next to exclusive development;
- Council should insist developers provide improved access to surrounding countryside, woods and lake – policy ST1 of Local Plan states this therefore development does not comply with the plan;
- Will put pressure on nature conservation areas – would like buffer zone between development site and nature conservation areas;
- Would prefer hedging rather than fencing and restricted direct access to nature area to discourage creation of unauthorised and randomly created pathways;
- Yarrow Valley Park will become City Park / Farm surrounded by houses.

Impact on local wildlife

- Development could have an impact on wildlife – hedgehogs, deer and foxes, great crested newts often seen in the area;
- Low level lighting required to support bat population;
- Species would be endangered by development ;
- Wildflower meadows have been destroyed.

Impact on public rights of way / walking

- Conditional objection about the impact of public rights of way. Certain PROW run across or along the edge of the proposed development and the objector wishes these to be retained;
- Impact on walking routes – routes reduced;
- Public footpath through middle of two Birkacre estates will provide a cut through route;
- Development will take away walking routes which are part of the Chorley community spirit.

Impact on health and safety

- Planned provision for "ponds" as part of a flood management scheme and how these will be managed safely in terms of potential for accidental drownings;
- Anthrax ridden cows buried in fields off development site;
- Proposed play area to be located over a mineshaft.

Impact on view

- View would be hindered by the development;
- Lack of trees planned for the site would mean it would turn into a concrete jungle.

Impact on drainage

- Impact on water and drainage and pollution at the proposed development;
- Flood risk / more localised flooding towards Yarrow Valley;
- Existing waste water disposal / sewerage inadequate and has not been adopted by United Utilities (Birkacre Park);
- Gardens of existing properties already suffer from flooding and new development takes away natural drainage;
- Potential flooding in Croston as a consequence of surface water drainage;

- Effect on small businesses and insurance premiums in Croston as a consequence of flood risk.

Impact on technology

- Access to internet services, given the proposed increase of houses, and the speed of internet provided.

Impact on amenity of neighbouring residents

- Some residents purchased homes specifically for their personal circumstances because they wanted to life in a less built up area;
- Right to light impacted if houses are elevated above the existing houses and request that the field be levelled or lowered;
- Noise and dirt from development site will disturb those who work from home and therefore homes closest to current development should be built first;
- Play areas likely to attract older children or teenager who do not respect the play area or its intended purpose;
- Increased crime levels due to increased residents;
- No weekend working for sake of current residents – cut down on disruption and noise pollution;
- Light pollution from standard street lighting rather than low level lighting in the adjacent Birkacre Park development;
- The Design and Access Statement shows the elevation of the proposed houses to be level with those on Sampson Close. This is not considered to be the case as the ground level rises on the public open space making the application land to be at a higher elevation – concerned about impact on the natural light of the properties on Sampson Close.

Size and nature of development

- Size of proposed development and affordable housing is not commensurate with the nature of existing developments in the area;
- Birkacre Park development was emphasised as being “English Heritage” and no design restrictions appear to be applied to maintain the aesthetic character of the area;
- Investigation needed regarding the availability of “brownfield” sites in order to avoid using this greenspace, and explanation of why other sites are not deemed suitable;
- Explanation needed of how these developments meet government housing targets;
- Consistency needed across developments to ensure existing and new development feel like one community rather than two separate developments;
- Already sufficient properties on the market;
- Reduce number of planned houses to appease residents;
- Properties crammed in – could lead to social unrest;
- Proposed house styles have little or no aesthetic appeal – Birkacre Park development has house types unique to the area rather than standard “Lego” houses proposed.

Accuracy of planning application

- Proposed plans appear outdated and do not accurately reflect the proximity of the existing development to the proposed site and question whether subsequent planning application is accurate;
- More houses are proposed than allowed for in the allocation in the Local Plan especially when the Council owned land is included;
- The proposal is not in line with the phasing in the Local Plan;
- The topographical survey only extends to the application boundary.

Compliance with guidance

- Proposed development would not comply with Supplementary Planning Guidance Interface Distances;
- How was demand determined - who was consulted on the Local Plan, what were baseline assumptions and the relevance of these to current application(s) – questions whether all plans in region been reviewed to ensure no “doubling up”.

General comments

- Council being greedy – only want housing developments because they will contribute extra Council Tax;
- Would like housing developers to make a contribution to the community to provide a family eating establishment;
- Would like to know plans for Council owned land next to site;
- Council need to focus on building on brownfield sites;
- Proposed development not flagged in searches;
- Told by their Councillor that there would be a five year gap in building;
- Expressed objections in 2015 – is no weight given to these?;
- Eaves Green is a forgotten area of Chorley.

CONSULTATIONS

Coppull Parish Council:

Whilst the Parish Council is not necessarily against the above development and recognise the need for new homes to be built, concerns have been expressed regarding the impact on local services. Given the number of people who would be resident on these new developments it is likely that Coppull, which has itself seen an increase in population due to new housing developments, would face additional pressure on services such as schools, doctors and dentists. The Parish Council would like to know how Chorley Council, in conjunction with other agencies, is seeking to manage this?

Cllr Lees:

Opposes the above application due to the following reasons:

- In the Sustainable Appraisal of the Local Plan, [housing allocation] HS1.1 is deemed as level 4. It states that the current lack of infrastructure should delay the implementation of development until such time that the infrastructure situation has been addressed. Despite LCC's request for monies in the " Consultees documents " for school funding, no such monies are included in the Community Instructure Levy allocations;
- In the NPPF it states that convenience stores should be within walking distance of any new development. The nearest convenience store is 2 miles by car and 1.7 miles on foot. This is not within walking distance carrying shopping;
- As stated in the LCC's highways response, there is nothing in this application to address the requirements in public transport;
- This application would result in 850 homes being accessed by only one road from the junction with Myles Standish Way and Lower Burgh Way. No additional exits are available in case of emergencies;
- Whilst they accept the concept of the inclusion of HS1.1 in the Local Plan, I feel that this should only be considered once the requirements for improvements to the infrastructure have been implemented.

The Coal Authority	Have no objection to the application.
Environment Agency	Advise that they do not wish to be consulted on the application so have no comments to make. Advise the Lead Local Flood Authority are consulted.
Greater Manchester Ecology Unit	See body of report.
Regulatory Services - Environmental Health	Have no objection to this application, however in order to minimise the likelihood of nuisance issues arising from noise, vibration or dust, they would recommend that the applicant complies with the information contained in the Chorley Council document "Code of Practice for Construction and Demolition" including the information on appropriate working hours.
Ramblers Association (Chorley Branch)	No response received.

Lead Local Flood Authority	No objection subject to conditions.
Waste & Contaminated Land Officer	Make a number of comments regarding waste storage and collection. The development shall proceed in full accordance with the proposals detailed in Section 15: OUTLINE STRATEGY FOR RISK REDUCTION/REMEDIATION STRATEGY, as detailed in the: Desk Study & Ground Investigation Report for Eaves Green, Chorley, Lancashire dated February 2016 REPORT NO: 15TAY021/DSGI. Upon completion of remediation works set out in the report a validation report which demonstrates works have been completed shall be submitted for approval. This condition cannot be discharged until the validation report information has been approved by the Council.
Lancashire Highway Services	See body of report.
Strategic Housing	For a development of this size in Chorley a 30% affordable housing contribution is required. All affordable dwellings should meet the Nationally Described Space Standards. The Rent Reduction for Registered Providers 2016-20 and LHA Cap from 2018 should be taken into account when factoring in expected offer values for Social Rented properties.
Planning Policy on Open Space	Amenity greenspace = £14,000 Equipped play area = £0 or £13,000 (for maintenance if adopted by Council, but intended to be privately maintained). Parks/Gardens = £0 Natural/semi-natural = £55,700 Allotments = £1,500 Playing Pitches = £159,900 **Total** **= £231,100**
Lancashire County Council Public Rights Of Way	No response received.
Lancashire Constabulary Architectural Liaison	Recommend a number of security measures. Some of these are not covered by planning. Those that are, are covered in the body of the report.
Lancashire County Council (Education)	Request funding for 15 secondary school places of £182,732.31. They state they are not seeking a contribution for primary school places.
Tree Officer	North boundary of the site woodland Burgh Wood. Mature mixed broadleaved trees that have a significant impact on the local environment and contributing to the local landscape. Woodland with good amenity value, contributing to the landscape. Woodland of a particular visual importance to the landscape with high wildlife/habitat value. Area South West of Sampson Close. Mainly young self-set willow with a small area of more mature self-

	set willow. Trees of low quality. Individual trees of high quality located in the Burgh Lane South (track) area and within hedge and field boundaries. John Wood. East of Pilgrim Drive. South east of Allerton Close. Mixed mature broadleaved woodland with significant impact on the local environment. Woodland of particular importance as an arboricultural landscape feature. High amenity, wildlife habitat value. Some good individual trees along southern boundary fence.
United Utilities	Have no objection to the application subject to conditions.

PLANNING CONSIDERATIONS

Principle of Development

9. The site was originally allocated for housing in the 1997 Local Plan as part of a larger housing allocation. During preparation of the 2003 Local Plan it was proposed that this housing allocation be carried forward, however the Local Plan Inspector concluded that as the site did not have planning permission it was unlikely to be developed in that plan period and the Council should not rely on the allocation to meet housing needs. It was advised that the site should be assessed again in the next review of the Local Plan. The housing allocation was therefore deleted and the site was allocated as land safeguarded for future development in the 2003 Local Plan.

10. During preparation of the Chorley Local Plan 2012-2026 the site was considered as a housing allocation alongside all other safeguarded land and other sites put forward. A Sustainability Appraisal of all sites being considered was undertaken and this site scored a Band D (Band B being the most sustainable) due to the distance of the site to a number of facilities such as a supermarket, convenience store and a GP surgery. Despite this the site was put forward as a housing allocation as sufficient land was needed to be allocated to meet the housing requirement of the borough and this site was more suitable than some other sites being considered. The site also had access to a local bus service which would provide residents with access to services in Chorley Town Centre. It was not envisaged at that time that facilities would be provided on-site. Only three objections were received to this allocation at the Preferred Options stage and none were received at the Publication stage. The Local Plan Inspector found the allocation to be sound and the site is therefore an allocated housing site in the Chorley Local Plan 2012-2026 under Policy HS1.1 and the proposal is acceptable in principle.

11. The whole of the allocation is for 419 dwellings. Part of the allocation has already been developed for 153 dwellings by Miller Homes (now Birkacre Park), leaving 266 dwellings. There are currently three planning applications under consideration, however two of them are on the same parcel, so the maximum number of dwellings that could be delivered by these applications is 301. In addition there is approximately 2 hectares of the allocation remaining, which assuming a density of 30 dwellings per hectare could, in theory, accommodate approximately 60 dwellings (though due to the topography of the site this is estimated as being 25). That would lead to a total of 479 dwellings being delivered on the site which is 60 dwellings more than envisaged in the Local Plan. However, the housing allocation numbers are indicative and the housing requirement is a minimum to ensure enough housing is provided through the Local Plan.

12. Policy HS2 of the Local Plan and its associated Appendix B covers Phasing of Housing Development. The allocation is sequenced in all three of the proposed phases, 2012-2013, 2016-2021 and 2021-2026, but also includes the Birkacre Park development to the north that has already taken place, therefore further housing is phased for the third and second phases,

2016-2021 and 2021-2016. Given the size of this proposal taken together with the adjacent site subject to separate application on this committee agenda it is considered that if permitted the developments are likely to take place within the phasing timeframes set out in the plan.

13. Subject to the proposal meeting other planning policies it is acceptable in principal.

Affordable housing

14. The Central Lancashire Core Strategy Policy 7 states that subject to such site and development considerations as financial viability and contributions to community services, market housing schemes should achieve a target of 30% in Chorley on developments of 15 or more dwellings. This application is for up to 100 dwellings, less than that could be built if the application were permitted, but if the full 100 dwellings were applied for at any Reserved Matters stage would equate to 30 affordable dwellings on site.

15. This is reiterated by the associated Affordable Housing Supplementary Planning Document which also states that where a developer or landowner considers that there are significant constraints sufficient to jeopardise or prevent them from meeting the Councils' affordable housing policy targets, this will need to be demonstrated by the submission of a suitable financial appraisal.

16. The application was originally submitted on the basis that no affordable housing could be provided. Policy 7 of the Core Strategy requires 30% provision on site. Following negotiation with the HCA it is now proposing to provide 15% social rented affordable units on site which equates to 15 dwellings being provided if all 100 dwellings are developed (a 15% percentage if a lower number of dwellings are developed). This is less than the normal policy requirement, however the site to the east (recently sold to the HCA by the Council) has been required as part of the land deal to be developed with 100% affordable housing (given the topography of the site it is expected this will provide 25 dwellings). Therefore although the current application only provides 15% affordable housing, which is less than the policy requires, when considered together with the site to the east they would together provide 32% provision, therefore exceeding the policy requirement across both sites. This has been controlled by the Council through the land deal with the HCA. This is a material consideration in determination of this application and it is considered to comply with the aims of the development plan as a whole. The proposal is therefore considered acceptable in terms of affordable housing subject to a Section 106 controlling affordable units on this site.

Public Open Space

17. In accordance with Policies HS4A and HS4B of the Local Plan 2012-2026, Open Space and Playing Pitch SPD and the Planning Pitch Strategy there is a financial contribution required from this development of £231,000. The applicant states that they can afford to only pay £1,500 of this (the amount requires towards allotments) otherwise the scheme will be unviable.

18. The applicant argues that they should not have to pay £55,700 of the required contribution which is towards natural and semi-natural green space as they are providing this on site. However, as set out in the Open Space and Playing Pitch SPD, on-site provision of natural/semi-natural greenspace is not considered appropriate. The Open Space Study states "*Areas of Central Lancashire are set in natural surroundings with ready access to the Countryside. For this reason it is not considered appropriate to require developer contributions towards the creation of natural and semi natural greenspace sites*." Instead contributions are sought to improve existing natural/semi-natural greenspace within the accessibility catchment of a site (800m) that is identified as low quality and/or low value. The site is within the accessibility catchment (800m) of an area of natural/semi-natural greenspace identified as being low quality in the Open Space Study (site 1827 – Plock Wood, Lower Burgh Way) a contribution towards improving this site is therefore required. The site is also adjacent to Yarrow Valley Country Park therefore there is not a need for additional natural/semi-natural greenspace in this area.

19. Notwithstanding the above the applicant argues that they can only afford to pay £1,500 of the required about (the amount required towards allotments) otherwise the scheme is unviable.

Viability

20. Although the affordable housing provision is considered to comply with the development plan as a whole, the applicant states the scheme is not viable if they have to pay any open space contributions other than £1,500 towards allotments.

21. Viability is a material planning consideration. Paragraph 173 of the National Planning Policy Framework (the Framework) states:

> *137. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*

22. A viability appraisal has been submitted with the application and has been assessed externally on behalf of the Council. The applicant states that this demonstrates that the development cannot deliver the policy requirements and create sufficient land value to meet the Framework test [paragraph 173].

23. In March 2014 the government launched its Planning Practice Guidance (PPG). As set out above Section 173 of the Framework establishes that viability should consider competitive returns to a willing landowner and willing developer to enable the development to be deliverable. The PPG advises that this competitive return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected wherever possible.

24. The PPG makes specific reference to a land owner's competitive return in paragraph 24:

> *'…. A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy'*

25. It is considered that a project specific case for the profit level utilised in the viability appraisal has been made. The site presents a number of physical constraints. It is considered that cost of dealing with these constraints to facilitate development has been properly demonstrated when identifying the price/value of the land *'to provide an incentive for the land owner to sell in comparison with other options'.*

26. Extensive testing of the viability has taken place on behalf of the Council and it is considered that it is robust and the scheme is only viable with the affordable housing provision outlined above and the allotments commuted sum payment.

27. There is therefore a shortfall between what is required by policy and what can be paid by the applicant to ensure the allocated housing site is brought forward. It is therefore proposed to put an overage/clawback clause in the Section 106 legal agreement associated with any permission linked to the profit ultimately made by the developer from the development of the land. If more profit is made than envisaged by the viability appraisal submitted with the application then the Council would receive the difference in the increase, to go towards public open space, up to the limit of what should have been paid by the developer if the scheme had been fully policy compliant when submitted.

Design and Layout

28. The application is only made in outline however the access point is applied for in full. The proposed development would be accessed via a new road coming off the existing turning head at the end of Lower Burgh Way.

29. The layout, appearance, landscaping and scale of the proposal are not the subject of this outline application, however the Council need to be satisfied that the number of dwellings applied for could be satisfactorily accommodated on the site.

30. Application B made by Taylor Wimpey shows 88 dwellings can be satisfactorily accommodated on the site, but it is considered that up to 100 could be achieved with smaller house types as many of the Taylor Wimpey layout are detached properties. It is therefore considered that an acceptable scheme could be achieved on the site in terms of layout, appearance, landscaping and scale.

Density

31. Policy 5 of the adopted Core Strategy covers housing density and requires developments to be in keeping with an area but also make an efficient use of land. If the full 100 dwellings were built out the proposal would be equivalent of 27.9 dwellings per hectare, higher than Application A as the levels are not as restrictive. Considering the proposed layout in the context of the immediate surrounding area it is considered that the proposal would be in keeping in terms of density with the modern housing estates close to the site and the proposal is therefore considered acceptable in this respect.

Levels

32. Although there are level differences across the site, they are not as severe as Application A. As this is an outline application finished floor levels would be considered at reserved matters stage but it is considered, having assessed Application B that the Council's Interface Distances will have to be considered against achieving an efficient use of land on an allocated housing site, but on balance acceptable levels can be achieved.

Access and Highways

33. This application is for up to 100 dwellings and the access point is applied for in full. It would be the same as for Application B, via a turning onto a new access road serving the site off the existing turning head where Lower Burgh Way currently ends.

34. LCC Highways were concerned about the developments at Eaves Green being accessed from a single point of access to the B5252 Myles Standish Way in terms of assisting maximum accessibility, connectivity and efficient operation in emergencies. Amendments have now been made to the access:
    - The widening of the existing footway along Lower Burgh Way to incorporate a 3.5m wide footway/cycleway;
    - The widening of the southern section of Lower Burgh Way to 7m to provide a continuous 7m width for around the last 30m of Lower Burgh Way which currently narrows to around 6m at its southern end;
    - Confirmation is provided that a Fire Tender can access the site via Capesthorne Drive (swept path analysis has been undertaken);
    - Increasing the length of the existing left turn lane at the junction on the approach from Myles Standish Way and the A6 Bolton Road by at least two vehicle lengths to accommodate additional left turning traffic.

35. To aid accessibility to the site by non-car modes the developer has agreed to pay a commuted sum to be advised by LCC Highways (expected to be approximately £5,000) for the provision of bollard lighting to Burgh Lane on the unlit section up to Myles Standish Way. They are also proposing to provide bollard lighting on Burgh Lane South within the application site and the widening of the gravel track to the southern boundary within the application site to 3m to facilitate this as a cycle route. This would then allow future extension to the south of the site. Some of these would only be secured as part of Application A, as they directly affect that site or are within the boundaries of that application.

36. The matter of the traffic impact issues at the junction of A6 Bolton Road and B5252 Myles Standish Way has been raised with the applicant. It is acknowledged that there is an issue which involves right turning traffic on the Myles Standish Way arm of the junction queuing back to a point which blocks traffic wishing to turn left. In order to minimise this issue, an improvement scheme has been prepared which increases the left turn flare length on Myles

Standish Way by two vehicles, thus allowing for extra queuing space for left turning traffic without being impeded by right turning traffic. This scheme is likely to cost in the region of £30,000 and this will be offered by the applicants through a Section 106 agreement to provide this improvement to the local highway network.

37. These amendments have been provided to LCC Highways. They state that to ensure the carriageway and the footway are sufficiently wide to accommodate large vehicles [including emergency vehicles] and pedestrians, that the section of Lower Burgh Way between Capesthorne Drive and the first proposed access running west into the development should be widened to 7.3m and 3.5m respectively, however the latest plan shows widening of 30m section of the carriageway and the footway to widths of 7.0m and 3.0m and needs to be amended. This has been raised with the applicant and this matter will be updated on the addendum.

38. In terms of parking on site, two external parking spaces are provided per dwelling, where a third space is required for larger properties this is provided via a garage space which is considered acceptable.

39. In relation to the proposal to increase the length of the existing left turn lane at the junction on the approach from Myles Standish Way and the A6 Bolton Road by at least two vehicle lengths to accommodate additional left turning traffic (the length it can be extended is limited by a bridge), it is known that there are existing issues at this junction with delays to left turning traffic due to the left turn flow being impeded by right turning traffic. Taking into account existing and proposed development in the area assuming 12 years of traffic growth even with this improvement there will still be an increase in queuing at this junction in the future, so although LCC Highways welcome the extension of the left turn lane they consider it will have minimal impact on the predicted queuing levels in the future and does not go far enough in providing lasting solution to the queuing problems at the junction.

40. In terms of public transport the recommended walking distance to bus stops from residential developments in urban areas is 400m. In this case the nearest bus stop to the proposed development is located 700m away to the south of Lower Burgh Way/Dale View. LCC Highways therefore recommended that public transport accessibility be enhanced by extending bus service into the development with improved service provision. The applicant has had discussions with the local bus company but they are not able to extend the bus service into the site.

41. It is not considered that in the planning balance the increased walk to a bus stop and the junction factors together would warrant refusal of the application particularly given as this is an allocated housing site which has been subject to scrutiny via the Local Plan process.

42. Subject to the update on the addendum the highway works and highway commuted sums will be controlled by a Section 106 legal agreement and/or through a Section 278 agreement with the County Council under the Highways Act 1980 as appropriate.

Trees

43. There is designated ancient woodland immediately adjacent to the site to the north and west (Burgh Wood).

44. The Forestry Commission and Natural England publishes standing advice for local planning authorities for use in determining planning application on or affecting ancient woodland and veteran trees.

45. A 15m stand-off/buffer zone between the development and the ancient woodland is proposed and all high value trees along the woodland edge are proposed to be retained and protected. Back gardens are not included in the buffer zone; it is retained as amenity space which is considered acceptable.

46. Two individual trees would be removed to facilitate the development, however they are both young hawthorn Category C trees (trees of low value). The other trees on the site; one

Category A and one Category B would be retained. No hedgerow would need to be removed on this site.

47. The proposal is therefore considered acceptable in relation to trees subject to a condition securing tree protection during construction.

Ecology

48. An Ecological Assessment has been submitted with the application and reviewed by the Council's ecology advisor. This confirms that there are no internationally or nationally designated sites within 1km but the site adjoins areas of ancient semi-natural broad-leaved woodland of high conservation value to the south, east and west which are Biological Heritage Sites. It also states the central area of dense/continuous scrub within the site has connectivity with the surrounding established broad-leaved woodland. The habitats present act as important resources for wildlife, particularly in the form of corridors between the site and the surrounding landscape.

49. There are three invasive plant species on the site and a non-native invasive species method statement will be required to ensure appropriate management and removal of them. Areas of native bluebell are also scattered throughout the site. Native bluebells are protected and a mitigation strategy will be required in relation to their removal or translocation during development. These can be controlled by a condition.

50. The Ecological Assessment notes that Great Crested Newts (GCN) were identified within 100m of the site during surveys in 2012 and subsequently in 2015. A medium population of GCN are supported across the site and wider area, so mitigation is required. It may be that the works on this site can be carried out using Reasonable Avoidance Measures (also protecting common reptiles and other amphibians), though a Natural England licence will be needed if GCN are found at any stage.

51. In terms of bats there are seven mature trees present within the site identified as having bat roost potential. These trees are being retained within the development and a lighting strategy (taking into account the 15m buffer zone) will be controlled by a condition to ensure this is fit for purpose in terms of ecology.

52. In line with the Framework a condition securing enhanced site biodiversity and a landscaping scheme are also proposed.

53. There is a need to undertake pre-commencement/pre-construction surveys for a number of groups as site conditions can alter in the period between initial assessment and the implementation of the proposal, for mature trees, for the presence of roosting bats, badgers, non-native plant species and breeding birds. Conditions are also proposed to ensure the protection of the 15m stand-off to the woodland, location of site compounds and material storage areas.

54. Conditions are also recommended by the Council's ecologist to provide full details of the design of mitigation proposals including for GCNs and details of highways design e.g. wildlife dropped kerb, full drainage details and bat and bird features

55. The Council's ecologist advises that given the complexity of the great crested newt mitigation it is strongly advised that the Local Authority are party to the development of any great crested newt licence to ensure that it effectively integrates with the timetabling and other matters associated with the construction of the scheme. It should be made clear that the mitigation is also provided by way of protecting the status of common toad (Section 41 species) and reptiles (Wildlife & Countryside Acct 1981). Therefore they recommend a condition to require the submission of any draft European Protected Species Licence application. This is proposed.

56. There is a duty on the Council to have regard to the Habitats Directive in the exercise of its functions. It must consider in relation to a planning application:

(i) whether any criminal offence under the 2010 Regulations against any European Protected Species is likely to be committed; and
(ii) if one or more such offences is likely to be committed, whether it can be satisfied that the three Habitats Directive "derogation tests" are met. Only if the Council is satisfied that all three tests are met may planning permission be granted.

These three tests are:
a. the development must be for one of the reasons listed in regulation 53(2) of the 2010 Regulations. This includes imperative reasons of overriding public interest of a social or economic nature or of a public health and safety nature
b. there must be no satisfactory alternative, and
c. favourable conservation status of the European Protected Species in their natural range must be maintained.

Great crested newts

57. During the development there is potential for degradation of amphibian aquatic habitat. Once constructed fragmentation of terrestrial and aquatic habitat resources are unlikely, however, the inadvertent entrapment of amphibians along the new road network could result in significant amphibian mortality in the long term, if insensitive road drainage systems are adopted and if no means of integration with hard surfaces is provided for the amphibians.

58. The applicant's ecologist acknowledges that these impacts may trigger the Conservation of Habitats and Species Regulations 2010 (CHSR) and the Wildlife and Countryside Act. In order to avoid the risk of offences and to proceed with the development lawfully, a European Protected Species (EPS) development licence will be required, supported by an appropriate scheme of mitigation.

59. Natural England has standing advice in relation to protected species that is a material consideration. As set out above Great Crested Newts have been recorded adjacent to the site and as such the proposed works will need to proceed under a European Protected Species Licence (EPS) from Natural England.

60. In such cases the Great Crested Newt standing advice confirms that a mitigation and compensation strategy should be produced which will be included within the mitigation licence application to assess how the proposals will affect the newts.

61. As set out above the Council's ecologist is satisfied with the outline mitigation statement submitted in respect of Great Crested Newts and along with conditions securing final details it is considered there is no reason to believe that a licence will not be issued.

62. 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.

63. It is considered that the mitigation measures proposed, controlled by conditions will ensure that the favourable conservation states of GCN in the local area, which will satisfies the third test.

64. In respect of the first two tests, which are essentially 'land-use planning' tests, these need to be considered by the Council. The site is an allocated housing site and therefore complies with the Development Plan and forms part of the Council's five year housing land supply. It is therefore considered it meets the first test of a social and economic nature as the Council is required to make available and maintain a ready supply of residential development land over the plan period, to help deliver sufficient new housing of appropriate types to meet future requirements. In terms of the second test the land has been through the Local Plan process to become an allocated housing site. As part of this process lots of sites for housing were considered in the area and following a Public Inquiry this site has been selected as the most suitable to serve the housing needs of the area. As such it is considered that the proposals

satisfy the three tests and the ecological impacts of the scheme can be satisfactorily addressed via planning controls/ a Natural England licence (if necessary).

65. A condition is therefore proposed that either Reasonable Avoidance Measure shall be submitted and implemented or if it becomes necessary then a draft application for a European Protected Species Licence shall be submitted.

66. The Council's ecologist recommends that the Council utilise the provisions of a Section 106 Obligation to ensure the 15m woodland buffer are adequately secured for the operational life span of the development. This is proposed.

67. Other protected species present on/ within the vicinity of the site include bats, and breeding birds, though the site is considered of low importance for breeding birds. However the surveys undertaken consider that significant impacts on these species are unlikely within the footprint of the proposed scheme subject. Precautionary surveys and mitigation are recommended which can be addressed by condition. Whilst the results of these surveys may necessitate a Natural England licence at this stage it is not considered that the scheme will result in a breach of the Habitats Regulations in respect of these species.

Landscape/Landscaping

68. A Landscape and Visual Impact Assessment (VIA) accompanies the application (together with the adjacent site).

69. The site sits at the southern edge of Eaves Green as exists. This site will be less visible in the landscape than Application A as it is contained by woodland on the north and west sides and by the development of Application A or existing development to the east and south.

70. As with Application A the main visual impact will be from close up as from many further away public locations it will be screened from view by topography and woodland. It is considered that the visual impact of the development on users of the local public rights of way and the existing housing to the north will be worse that expressed in the VIA and as it is considered the effects of the mitigation planting is over-estimated around the northern and north western boundaries of the site and public rights of way. This is however unavoidable in building out an allocated housing site adjacent to existing properties.

71. From the south, although visible the proposal will be viewed beyond the development of Application A.

Drainage

72. A Flood Risk Assessment and Drainage Management Strategy has been submitted with the application and reviewed by United Utilities and Lancashire County Council as Lead Local Flood Authority. An indicative drainage strategy has also been provided.

73. The site is within Flood Zone 1 as identified by the Environment Agency.

74. The Planning Practice Guidance establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

75. This site has a standalone drainage strategy separate from Application A as the two sites need to be able to be developed separately.

76. The surface water run-off is proposed to discharge to the short length of open channel watercourse on the site with the discharge rate proposed to be restricted to the pre-

development rate. Restricting the rate of run-off will generate a storage requirement during periods of intense rainfall events. Sustainable Urban Drainage Systems (SuDS) have been considered for this parcel but there is limited scope to implement these on this parcel due to the topography and the lack of surrounding land due to the woodland and other development. Traditional storm water storage will therefore be used on site sized to be sized to prevent overland run-off offsite from storm events up to and including the 100 year return period storm event with an allowance for climate change in the form of a 40% increase in rainfall intensity.

77. The foul drainage system will also standalone from Application A. Due to on site levels it is proposed to collect the foul drainage by gravity through the development and convey it to a proposed pumping station in the southwest corner that will pump the foul discharge back up to the public foul water sewer network to the north of site.

78. The Lead Local Flood Authority have no objection to the application subject to conditions that the development shall be carried out in accordance with the submitted Flood Risk Assessment; the development shall not be occupied until completion of SuDS and details of management and maintenance of the SuDS shall be agreed.

79. United Utilities have no objection to the application subject to a condition that the drainage shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy Plan, with no surface water permitted to drain directly or indirectly into the public sewer, to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

80. Subject to conditions the proposal is considered acceptable in terms of drainage.

Coal Mining

81. The site is partly within a High Risk coal mining area and partly in a Low Risk area as defined by The Coal Authority.
82. The applicant has submitted a Desk Study & Ground Investigation Report and this has been reviewed by The Coal Authority.

83. The Coal Authority considers that the content and conclusions of the Desk Study & Ground Investigation Report are sufficient for the purposes of the planning system and meets the requirements of the Framework in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent Building Regulations application

84. The Coal Authority therefore does not require any conditions be applied in relation to this application.

Sustainability

85. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removed the Code for Sustainable Homes. The Bill does include transitional provisions which include:

"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable

Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."

86. Given this change, instead of meeting the Code Level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. An Energy Report has been submitted with the application which shows a 19.92% reduction in energy requirements over the 2013 Building Regulations can be achieved on the site. This can be controlled by a condition.

Community Infrastructure Levy (CIL)

87. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development, unless an exemption can be applied for, and the charge is subject to indexation in accordance with the Council's Charging Schedule.

88. Lancashire County Council (LCC) as Education Authority has requested a contribution towards education places. The request for a contribution from LCC Education is noted, however this is an allocated housing site and education requests such as this are included in the CIL levy. Although there is an increase in the number of properties on the site over that envisaged in the Local Plan allocation it will also result in more CIL being paid than was originally envisaged.

CONCLUSION

89. The site is an allocated housing site and its development is acceptable in principal. The site is challenging in terms of levels but on balance the application is considered to comply with the Development Plan as a whole subject to conditions and a Section 106 legal agreement. The application is made in outline with only access applied for in detail, however it is considered that the matters reserved can be satisfactorily achieved on the site.

90. The applicant states they are unable to provide all the planning gain required in terms of the public open space payment, other than for allotments. A viability assessment has been submitted with the application and externally assessed on behalf of the Council. This is accepted as robust and viability is a material consideration that must be taken into account. An overage/clawback is proposed as part of a Section 106 legal agreement that if the developer makes more profit on the development than envisaged in the viability assessment then the Council will receive the difference in the increase, to go towards public open space, up to the limit of what should have been paid by the developer if the scheme had been fully policy compliant when submitted.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Suggested Conditions

Proposed approved plans condition to follow.

Other conditions:

No.	Condition
1.	The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters. *Reason: To define the permission and in the interests of the proper development of the site.*
2.	Before the development hereby permitted is first commenced, full details of the reserved matters to be approved (namely the siting, design, landscaping of the site and the external appearance of the dwellings) shall be made to the Council before the expiration of three from the date of this permission and the development hereby permitted shall be begun two years from the date of Reserved Matters approval. *Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.*
3.	Either with any reserved matters application or prior to the commencement of each dwelling full details of the existing and proposed ground levels and proposed dwelling finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details shown on previously submitted plans(s). The development shall be carried out strictly in conformity with the approved details. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*
4.	Either with any reserved matters application or to their construction full details of any retaining walls to be used on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall only then be carried out in accordance with the approved details. *Reason: To ensure the design and appearance of the retaining walls is appropriate to the area.*
5.	Either with any reserved matters application or prior to excavation of the foundations for the development hereby approved 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.*
6.	Either with any reserved matters application or prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture 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. *Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.*

7.	The development shall proceed in full accordance with the proposals detailed in Section 15: OUTLINE STRATEGY FOR RISK REDUCTION/REMEDIATION STRATEGY, as detailed in the: Desk Study & Ground Investigation Report for Eaves Green, Chorley, Lancashire dated February 2016 REPORT NO: 15TAY021/DSGI. Upon completion of remediation works set out in the report a validation report which demonstrates works have been completed shall be submitted to and approved in writing by the Local Planning Authority. *Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use.*
8.	All the dwellings hereby approved shall achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. No dwelling shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate. *Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.*
9.	No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: 1. Vehicle routing and the parking of vehicles of site operatives and visitors; 2. hours of operation (including delivers) during construction; 3. loading and unloading of plant and materials; 4. storage of plant and materials used in constructing the development; 5. siting of cabins, site compounds and material storage area (ensuring it complies with the Great Crested Newt mitigation details); 6. the erection of security hoarding where appropriate; 7. wheel washing facilities; 8. measures to control the emission of dust and dirt during construction; 9. a scheme for recycling/disposing of waste resulting from demolition and construction works; 10. Fencing of the 15m buffer zone to the woodland during construction. *Reason: In the interests of highway safety and to protect the amenities of the nearby residents*
10.	Prior to any site clearance, vegetation removal, earth moving or other enabling works pre-commencement surveys shall be undertaken and reports produced including mitigation protocols where necessary, which shall be submitted to and approved in writing by the Local Planning Authority. These should encompass: • All mature trees for the presence of roosting bats, with particular focus on tree T16. This should include aerial inspection and activity surveys if necessary to assess change in condition. This should be undertaken as near to the commencement of development as possible (within 6 months);

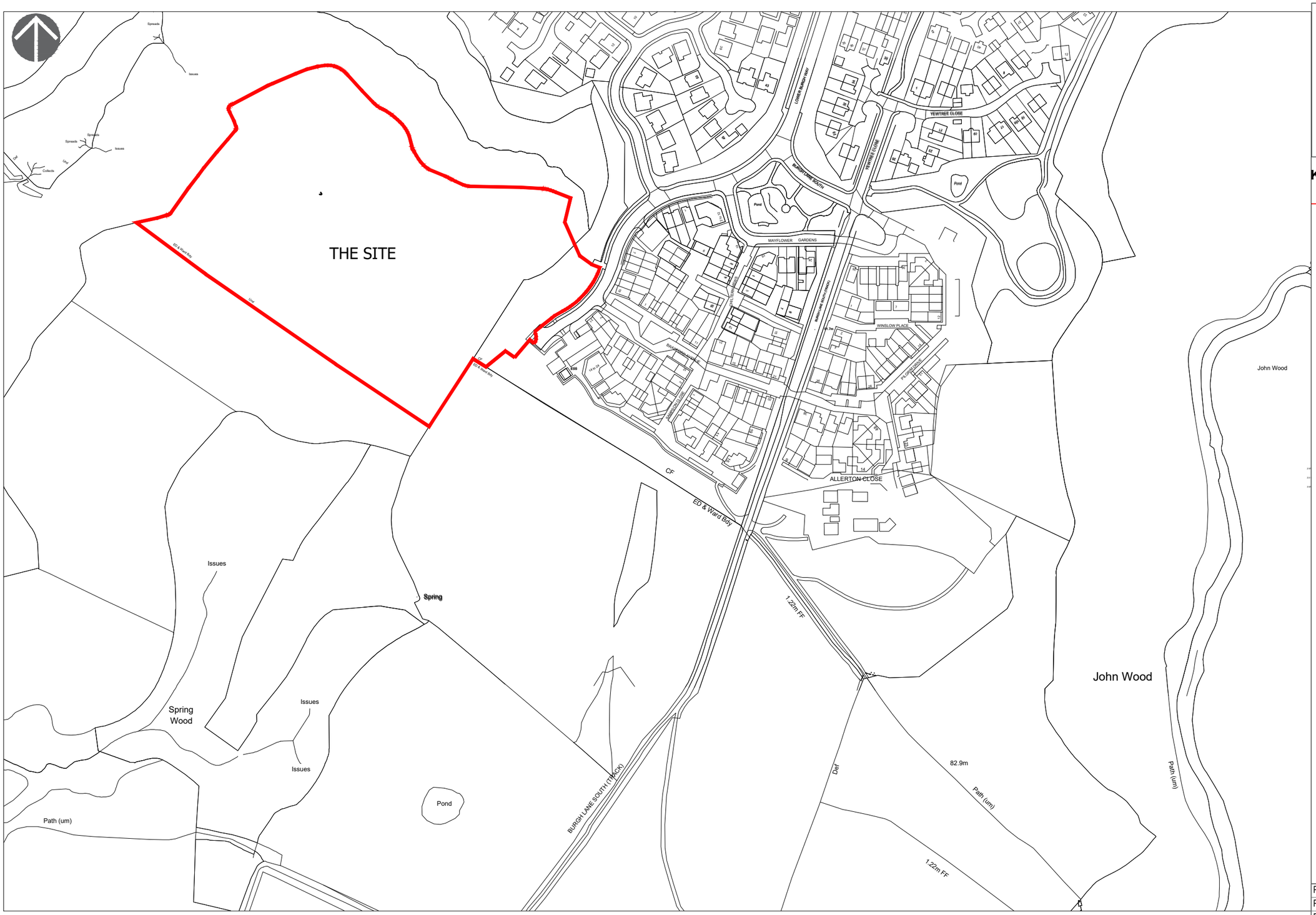
	• Badger survey of whole site and including buffer of 30m. This should be undertaken 6 months prior to scheduled start of works; • Invasive non-native species including Himalayan Balsam, Japanese knotweed and rhododendron (including a Construction Methodology and Treatment Plan to ensure that areas supporting these species are appropriately identified (to 7m of the growing margins for Japanese Knotweed), treated and spoils supporting plant materials are disposed of in an effective and legal manner; • Breeding birds. Given the complex nature of the site and the phased construction it should include a detailed protocol in relation to all breeding birds (in accordance with the TEP Ecological Mitigation Report 5.18 – 5.25); • The development shall be carried out in accordance with the approved protocol(s) and any mitigation measures. *Reason: To ensure that conditions on the site have not altered in the period between the assessment and implementation of the proposal and if so secure any necessary mitigation. This is required to be a pre-commencement condition as the survey are required to be carried out prior to any site clearance or vegetation removal.*
11.	Prior to the laying or any roads or footway (or any sub-surface of them), the location and detailed design of highway details and furniture associated with the highways/footpaths shall be provided (including wildlife dropped kerbs, gulley pot locations and specification). *Reason: In order to mitigate for amphibian casualties and make the proposal as permeable as possible to the movement of Great Crested Newts and other amphibians.*
12.	The 15m buffer shown on the approved plans where it is contiguous with the woodland and Biological Heritage Sites shall be maintained throughout the development and shall be fenced off during construction with no vehicles or machinery entering the buffer, no earth moving taking place and nothing stored within the area. *Reason: To ensure this area is not disturbed during the development.*
13.	Prior to installation a 'lighting design strategy' shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall identify areas/features on site that are potentially sensitive to lighting for bats and any other species that may be disturbed and show how and where the external lighting will be installed (through appropriate lighting contour plans) so that it can be demonstrated clearly that any impacts on wildlife are negligible (in particular bats. All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy and retained as such. *Reason: To ensure any lighting scheme is in accordance with the ecology reports in terms of being bat sensitive and is retained as such.*
14.	Prior to the construction of any of the dwellings details of the location of bird and bat boxes (in accordance with the Ecological Mitigation and Enhancement Strategy submitted with the application) shall be submitted to and agreed in writing with the Local Planning Authority. The development shall then be carried out in accordance with the approved details. *Reason: To ensure biodiversity enhancement measures are incorporated into the development.*

15.	Prior to any vegetation removal, earth moving or topsoil stripping full details of the location for translocated bluebells shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. *Reason: To ensure that any bluebells that cannot be retained are relocated*.
16.	Prior to the preparation of the site for development (to include any vegetation clearance, topsoil stripping or earthmoving) a scheme for the establishment and maintenance of Reasonable Avoidance Measures will be submitted in writing and subsequently implemented. If it becomes necessary that a European Protected Species Licence is required then a draft application shall be submitted to the Local Planning Authority prior to submission to Natural England. *Reason: Given the complexity of the great crested newt mitigation to ensure that it effectively integrates with the timetabling and other matters associated with the construction of the scheme.*
17.	Prior to any site clearance or soil stripping an Arboricultural Method Statement shall be submitted to and agreed in writing with the Local Planning Authority. This shall include details for the protection of all trees to be retained and details how construction works will be carried out within any Root Protection Areas of retained trees. It shall also include specification for pipe installation (using trenchless techniques) in relation to the foul water sewage connection proposed underneath tree group G5. The development shall only be carried out in accordance with the approved Arboricultural Method Statement. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the Root Protection Areas. *Reason: To safeguard the trees to be retained.*
18.	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 dwellings or the completion of the development within the relevant Phase, 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, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interest of the appearance of the locality.*
19.	Either with any reserved matters application or prior to any above ground works full details of the alignment, height and appearance of all fences, walls and gates to be erected on the site (notwithstanding any such details shown on previously approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other fences 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.*
20.	No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in

	writing by the local planning authority. Those details shall include, as a minimum: 1. Limit the surface water run-off generated by the critical storm periods for 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances' so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. 2. Provision of compensatory flood storage for Q100 + Climate Change for the following catchments as indicated on drawing TAY78/103/P5 – Indicative Drainage Strategy:- Catchment A – between 756 m^3 and 1096 m^3 3. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. 4. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant) 5. Flood water exceedance routes, both on and off site; 6. A timetable for implementation, including phasing as applicable; 7. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven. 8. Finished floor levels are set no lower than 150mm above Ordnance Datum (AOD). 9. Details of water quality controls, where applicable. 10. The detailed design and location of any headwalls/outfalls to ensure a sympathetic interface with the woodland Biological Heritage Site. The mitigation measures shall be fully implemented prior to the commencement of any dwelling on the site and subsequently implemented in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority. *Reason:* *1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.* *2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.* *3. To ensure safe access and egress from and to the site.* *4. To reduce the risk of flooding from blockages to the existing culvert (s).* *5. To reduce the risk of flooding to the proposed development and future occupants.* *6. To ensure that there is no flood risk on or off the site resulting from the proposed development.*
21.	Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details. *Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.*
22.	Before the development hereby permitted is first commenced, other than site

	enabling works, full details of the layout, phasing or provision and equipping of the public open space and play areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the provision and equipping of these areas is to be carried out in strict accordance with the approved details. *Reason: To ensure adequate provision for public open space and play areas within the development, this is required to be a pre-commencement condition to ensure this is property planned prior to a start on site.*
23.	Prior to the marketing of the site full details of the marketing documentation showing prospective purchasers the location and approved details of the play area shall be submitted to an approved in writing by the Local Planning Authority. *Reason: To ensure the provision of equipped play space to benefit the future occupiers of the site and prospective purchasers are aware of the location of the equipped play space.*
24.	Any reserved maters application for layout shall be accompanied by a plan showing the location of the affordable housing to be provided on the site in accordance with this permission. *Reason: To ensure the residential development provides appropriate affordable housing.*
25.	The car parking spaces for each dwelling shall be surfaced or paved, drained and marked out all in accordance with the approved plan before it is first occupied. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. *Reason: To ensure adequate on site provision of car parking and manoeuvring areas.*
26.	No development shall be commenced, other than site enabling works, until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed. No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads. *Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway. This is required to be a pre-commencement condition to ensure the roads will meet the necessary standard before works start on the development.*
27.	No dwellings shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets, public open space including 15m landscape buffer and any other areas not to be within the development adopted (including details of any Management Company) have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has

	been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established. *Reason: To ensure appropriate management and maintenance of the site*.
28.	No roads proposed for adoption shall be commenced until full engineering, drainage and constructional details for them have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. *Reason: In the interest of highway safety and to ensure any streets for adoption will be constructed to the appropriate standard.*
29.	The new estate road/access between the site and Lower Burgh Way shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any other development takes place within the site. *Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.*
30.	Prior to occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out. *Reason: To promote and provide access to sustainable transport/multi-modal options.*



Note:
Do not scale from this drawing
All contractors must visit the site and be responsible for taking and checking dimensions.
All construction information should be taken from figured dimensions only.
Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.

This drawing is for planning purposes only. It is not intended to be used for construction purposes. Whilst all reasonable efforts are used to ensure drawings are accurate, Astle Planning and Design Ltd accept no responsibility or liability for any reliance placed on, or use made of, this plan by anyone for purposes other than those stated above.

Key

Development Boundary

ISSUED FOR PLANNING

Rev.	Date	Description	By	Chd
P3	17-08-2016	Red edge amended	RH	MP
P2	16-08-2016	Red edge amended	RH	MP
P1	05-08-2016	First Issue	RH	MP

1 Application C Location Plan
Scale: 1:2500

1:2500 0 25 50 75 125m

Astle Planning & Design Limited
Suite 2A,
2nd Floor,
The Steam Mill,
Steam Mill Street,
Chester,
CH3 5AN
01244 886644
info@astlepd.co.uk
www.astlepd.co.uk
architecture
masterplanning
urban design

Client: Taylor Wimpey

Project: EAVES GREEN CHORLEY

Drawing Title: Application C Location Plan

Drawn by	Checked by	Date
RH	MP	05-08-2016

Status	Scale @ A3
PLANNING	1:2500

Job no.	Dwg.no.	Rev.
TWM014	LP02	P3

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APPLICATION REPORT – 17/00403/REM

Validation Date: 25 April 2017

Ward: Clayton-le-Woods West And Cuerden

Type of Application: Reserved Matters

Proposal: Reserved matters application pursuant to outline planning permission 14/00025/OUTMAJ for substitution of house types on plots 131, 154, 157 & 160 inc. approved under reserved matters approval 14/01003/REMMAJ

Location: Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane Lancaster Lane Clayton-Le-Woods

Case Officer: Adele Hayes

Applicant: Mr Jim Sergeant

Consultation expiry: 12 June 2017

Decision due by: 20 June 2017

RECOMMENDATION

1. It is recommended that the application is approved.

SITE DESCRIPTION

2. The applicant's wider site is 8.48 hectares and is located to the north of Clayton-le-Woods, within the defined settlement as indicated on the proposals map of the Local Plan. On the southern boundary there is a pond and Woodcocks Farm is located to the north. The land directly to the south of the application site benefits from planning permission for up to 300 dwellings and that development is currently under construction.

3. The site is relatively flat with a rise in land levels from the west towards Shady Lane.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks reserved matters approval for plot substitutions on part of the approved development. The revised proposal affects 4no. plots pursuant to outline permission ref: 14/00025/OUTMAJ and which were approved previously under reference 14/01003/REMMAJ.

5. Consent is sought for details of appearance, landscaping, layout and scale. Details relating to means of access into the site from Wigan Road were approved at the outline stage.

6. The proposed development is subject to a number of conditions attached to the outline permission and a separate S106 Obligation.

RELEVANT HISTORY OF THE SITE

Ref: 12/00941/OUTMAJ **Decision:** PEROPP **Decision Date:** 6 November 2012
Description: Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access. (Resubmission of Application: 11/01093/OUTMAJ).

Ref: 13/00803/OUTMAJ **Decision:** PEROPP **Decision Date:** 25 November 2013
Description: Section 73 application to vary condition 2 (Code for Sustainable Homes) attached to outline planning approval 12/00941/OUTMAJ

Ref: 14/00025/OUTMAJ **Decision:** PEROPP **Decision Date:** 23 September 2014
Description: Section 73 application to vary condition 16 of outline permission 13/00803/OUTMAJ to omit reference to the construction of a footpath / cycleway link along the eastern side of Wigan Road from the site entrance to Lancaster Lane

Ref: 14/01003/REMMAJ **Decision:** PERRES **Decision Date:** 18 December 2014
Description: Reserved matters application pursuant to outline planning permission 14/00025/OUTMAJ for the development of land to the east of Wigan Road for the erection of 154 dwellings (part amendment to reserved matters approval 13/00822/REMMAJ)

Ref: 15/00771/OUTMAJ **Decision:** PDE **Decision Date:** Pending
Description: Section 73 application to vary conditions 2, 27, 28 (all relating to Code for Sustainable Homes) and condition 29 (Carbon Reduction Statement) in respect of plots 28 to 87, 90 to 109 and 125 to 161 (118 plots in total) attached to planning approval reference 14/00025/OUTMAJ

Ref: 16/00257/MNMA **Decision:** PEMMAZ **Decision Date:** 4 May 2016
Description: Minor non-material amendments involving elevational alterations to previously approved house types approved under reserved matters consent 14/01003/REMMAJ

Ref: 16/00787/MNMA **Decision:** PEMNMZ **Decision Date:** 6 October 2016
Description: Minor non material amendment involving revision to the wording of condition no.27 (affordable housing) of planning permission ref. 14/00951/OUTMAJ.

REPRESENTATIONS

7. No representations have been received.

CONSULTATIONS

8. No consultations have been undertaken given that the proposal only involves plot substitutions.

PLANNING CONSIDERATIONS

Principle of the development

9. The principle of redeveloping the site with housing was originally established as being acceptable by the grant of outline planning permission in 2012; the subsequent Section 73 applications to vary condition 2 (Code for Sustainable Homes) and 16 (construction of a footpath / cycleway link); and by the approval of subsequent reserved matters applications.

10. The acceptability of the principle of development has been established and this application is for the consideration of the substitution of the approved house types on four of the approved plots.

Design and character of the development

11. The design principles for the proposed development are set out in the Design Code for the site and the proposed substitutions are considered acceptable.

12. The general design principle for the affected part of the site remains unchanged and incorporates a perimeter block layout with strong street frontages and secure defensible rear gardens. The individual house types of the plots involved comprise detached dwellings only.

Traffic and Transport

13. The acceptability of the principle of the site access was established by the grant of outline planning permission. This is a further reserved matters application that seeks approval for plot substitutions only.

14. The properties each have four bedrooms and therefore require three spaces each.

15. The level of off street parking proposed complies with the Council's standards and includes either an integral or a detached garage of sufficient size to accommodate a vehicle, plus driveway parking.

Impact on the neighbours

16. The wider application site rises on a west / east axis. The affected plots are within the heart of the development and it is considered that the plot substitutions will not result in any significant loss of amenity for the future residents within the development.

CONCLUSION

17. Housing is acceptable in principle on this site. The proposal will contribute to the achievements of sustainable development and will be consistent with the requirements of the Framework which has a presumption in favour of sustainable development. The reserved matters details are considered acceptable and the application is recommended for approval. The applicant is bound by the conditions placed on the outline permission and the legal agreement that was submitted at that time.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Suggested Conditions

No.	Condition
1.	The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters. *Reason: To define the permission and in the interests of the proper development of the site.*
2.	The proposed development must be begun not later than two years from the date of this permission.

	Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3.	The approved plans are:

Plan reference number:	**Title:**	**Date received:**
4225-LP-01 Rev E	Location Plan	11 April 2017
4225-DSL-01 Rev AG	Detailed Site Layout	11 April 2017
4255-ML-05 Rev P	Materials Layout	11 April 2017
4225-WML-02 Rev J	Waste Management Layout	11 April 2017
4225 WML-10 Rev L	Code for Sustainable Homes	11 April 2017
4255-BDL-04 Rev Q	Boundary Details Layout	11 April 2017
EF STRA DM5 (Brick)	The Stratford	11 April 2017
EF CAMB DM5 (Render)	The Cambridge	11 April 2017
EF WELW DM5 (Brick)	The Welwyn – Floor Plans	11 April 2017
EF WELW DM5 (Brick)	The Welwyn - Elevations	11 April 2017
EF MARW DM4 (Render)	The Marlow	11 April 2017
N/A	Single garage Type 1	11 April 2017

	Reason: To define the permission and in the interests of the proper development of the site.
4.	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.*
5.	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.*
6.	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 dwellings or the completion of the development within the relevant Phase, 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, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interest of the appearance of the locality.*
7.	The car parking spaces for each dwelling shall be surfaced or paved, drained and marked out all in accordance with the approved plan before it is first occupied. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. *Reason: To ensure adequate on site provision of car parking and manoeuvring areas.*

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The Hedgerows, Clayton-le-Woods

Key

Revision	Date	Amendment	Initials
F	11.04.17	Planning Application to re-plan Plots 131,154,157 & 160	JS
E	14.02.17	Planning Application to re-plan Plots 82 & 122 - Windsors to Stratfords	JS
D	18.05.16	Planning Application to Re-Plan to Plots 119-124	JS
C	14.03.16	NMA Application - Amended Plot red edge indicated	JS
B	24.11.15	NMA Application - Amended Plot red edge indicated	JS
A	20.10.15	NMA Application - Plot update red edge indicated	JS

Development	Clayton-le-Woods		
Location	off Wigan Road, Leyland		
Marketing Name	The Hedgerows		
Drawing Title	Location Plan		
Drawing Number	4225-LP-01		
Revision	F	Scale @ A1	1:1250
Drawn By	CPM	Date Started	25.07.15
Checked by		Date	

REDROW HOMES

Redrow Homes Lancashire

Redrow House, 14 Eaton Avenue, Buckshaw Village, Chorley, PR7 7NA
Tel: 01772 643700 Fax: 01772 643701 Web: www.redrow.co.uk

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Report of	Meeting	Date
Director (Customer & Digital)	Development Control Committee	20 June 2017

PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 24 MAY 2017 AND 12 JUNE 2017

PLANNING APPEALS LODGED

None

APPEAL DECISIONS

Planning Application: 16/00766/FULHH - Inspectorate Reference: APP/D2320/W/17/3168896

Appeal by Mr. & Mrs. Lems against the delegated decision to refuse full planning permission for the erection of a replacement garage.

The Grange, Preston Road, Coppull, Chorley PR7 5HY

Appeal allowed: 5 June 2017

PLANNING APPEALS WITHDRAWN

None

ENFORCEMENT APPEALS LODGED

None

ENFORCEMENT APPEAL DECISIONS

None

ENFORCEMENT APPEALS WITHDRAWN

None

Report Author	Ext	Date	Doc ID
Adele Hayes	5228	12 June 2017	***

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