

## APPLICATION REPORT – 13/01055/OUTMAJ

**Validation Date: 12 November 2013**

**Ward: Pennine**

**Type of Application: Major Outline Planning**

**Proposal: Outline application (specifying the access) for residential development comprising up to 83 dwellings with vehicular access to be taken from Royton Drive.**

**Location: Land Bounded By Town Lane (To The North) And Lucas Lane (To The West)  
Town Lane Whittle-Le-Woods**

**Case Officer: Caron Taylor**

**Applicant: Redrow Homes Ltd (Lancashire Division)**

**Agent: Cass Associates**

**Consultation expiry: 16 August 2019**

**Decision due by: 31 October 2019 (Subject to an extension of time)**

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### **UPDATE REPORT:**

### **RECOMMENDATION**

It is recommended that outline planning permission is granted subject to conditions and a S106 Obligation to secure the provision of 14 social rented units and £134 per dwelling towards public open space for children/young people.

### **BACKGROUND**

This application was originally report to Committee on 4 February 2014 when it was resolved to grant planning permission subject to conditions and a s106 agreement.

Back in 2014, the proposed development was fully policy compliant in terms of proposing 30% affordable housing and a £1748 payment per dwelling towards public open space (plus an additional £140 per dwelling if the amenity open space was to be provided off-site) and any maintenance charges.

However, the s106 legal agreement has not been signed and the planning application remains undetermined. The applicant now proposes to proceed with the development and has provided updated viability information that sets out that the development is not viable with the affordable housing and public open space contributions as originally proposed.

## UPDATED CONSULTATIONS

Due to the time that has passed since the original committee resolution, some of the technical reports have also been updated and some consultees have taken the opportunity to make further comments as follows:

### Environmental Health

Environmental Health officers have no objection to the principle of housing on this site however, due to the time that has passed since consideration of the original application, and because of the increase in traffic flows on the M61, they have asked that at reserved matters stage an updated noise assessment report is submitted. This is to ensure that the mitigation methods identified and the lay out of the site are appropriate and sufficient to protect residents from noise.

In addition to the above, the applicant should also provide an air quality assessment at the reserved matters stage. The development is in close proximity to the M61 and the harmful effects of particulate matter are far better understood now than when the original application was made. In order to ensure that the development does not permit new residents to be adversely affected by particulates produced by the vehicles fumes, tyre, brake and road wear associated with such high traffic flows and proximity to this source, an air quality assessment should be submitted, identifying any necessary mitigation measures to ensure that exposure to levels of particulate matter (PM10) do not exceed national air quality objectives or WHO standards for PM2.5.

The applicant, in the original application, has made no mention of sustainable travel or energy generation. This is now a more prominent issue and, therefore, consideration should be given to the installation of electric vehicle charging points and renewable energy by the developers when detailed plans are submitted to future proof the development.

### Highways England

Have no objection but make the following comments:

From a traffic impacts point of view, the site is not located close to a point of access to the strategic road network (SRN) that they are responsible for. Given the scale of the development, Highways England do not, therefore, anticipate the traffic generated would have any material impact upon the SRN.

However, there are some important matters to consider given that the site is next to the SRN and which the applicant should note in readiness for a reserved matters application, which are as follows:

### Geotechnical & Drainage

Highways England very much welcome the developer's intention not to lay out the development in a way where properties are built right up to the motorway boundary; instead leaving a substantial buffer between individual properties and the motorway boundary.

As part of this, they note that there is an intention to create a 4 metre high earth bund together with a 2 metre high fence, which would be close to the motorway boundary and actually on the boundary either side of the farm accommodation bridge. This means that there is a potential for the weight of the bund to destabilise the motorway earthworks / cutting and result in runoff from it onto the motorway verge.

Given the location and scale of the bund, Highways England have formally recommend that the applicant's detailed design for this feature be accompanied by a detailed ground investigation

survey and risk assessment carried out in accordance with the requirements of the Design Manual for Roads and Bridges standard HD22/08 'Managing Geotechnical Risk' and also the Design Manual for Roads and Bridges standard BD2/12 'Highway Structures: Approval Procedures and General Design Approval Procedures'.

No works shall begin on site until such time as Highways England has approved the applicant's design and intended construction method statement. Consequently, their response to the outline application confers no comment on whether the bund proposal would be deliverable in engineering terms or acceptable in terms of the risk it may pose to the stability of the motorway earthworks. As a result, this part of the intended site layout is very much at the applicant's risk at this stage and may need to change later based on discussions with Highways England.

Before any works begin on site, Highways England will also need to approve the applicant's proposed working methods to ensure that the motorway is protected during construction – typical aspects that would need to be covered include site runoff, dust, fire, poorly-directed temporary lighting and errant site construction vehicles breaching onto the motorway itself.

The applicant will also need to demonstrate that the bund would be adequately drained in itself, and not result in run-off being generated that would flow towards and onto the motorway verge. There must also be no connection between the site drainage system and the motorway drainage system.

#### Boundary Fencing

The boundary fence should be not less than 2 metres in height and be located at least 1 metre back from the existing wooden post and rail motorway boundary fence, be on the developer's land and be of a close-boarded type. If the fence is to be greater than 2 metres, its design and materials will require formal technical approval by Highways England. There shall be no direct vehicular or pedestrian access of any kind between the site and the M61 motorway.

Finally, no construction works associated with this planning application shall be carried out on land in the ownership of the Highways England Company Limited under Titles LAN79609, LAN79608, LAN80072 or LA76849.

#### GMEU Ecology

Have commented that the updated ecological assessment has identified no material changes to the ecological value of the site since the previous survey in 2013. The ecological issues remain unchanged. Since 2013 however there has been updates to the National planning Policy Framework, strengthening the requirement to achieve biodiversity net gain, with proposals to introduce mandatory use of biodiversity matrices in the forthcoming Environment Bill. Conditions are recommended.

#### Bats

One tree with bat roosting potential is proposed for removal. All the buildings were assessed as having negligible potential and all other trees with bat roosting potential are currently proposed for retention. Further surveys are recommended for the tree to be removed but as this is an outline application and the layout indicative, the consultants recommend that further information is provided via condition. GMEU agree with this approach and should the detailed layout require removal of any other trees with bat roosting potential, then further surveys are required for these trees.

The risk of impacts on foraging and commuting routes is also highlighted around the boundary of the site. This risk currently appears to be low with houses backing on to these boundaries,

though the finalised layout may differ. GMEU are satisfied that this issue can be dealt with at reserved matters in line with the recommendations of sections 5.4.6 and 5.4.7 of the ecological report.

#### Other protected species

All other protected species were assessed as being very unlikely to be present. They have no reason to doubt this assessment, with little likelihood of colonisation owing to the isolation of the site from potential sources of colonisation and lack of suitable habitat. GMEU believe it would be unreasonable to require updates for most of these species as part of reserved matters or prior to development. However, badger being more mobile could colonise the site. Therefore, if development is delayed an updated badger survey should be provided.

#### Proximity to Lucas Lane BHS

The BHS is located approximately 10m to the west of the development. It appears however to be well buffered from the development by trees and no actual housing is proposed at the nearest point to the BHS within the indicative layout. GMEU are, therefore, currently satisfied that no further measures are required at this stage. If the reserved matters layout however indicates any change protection measures may be required.

#### Nesting Birds

The development will result in the loss of bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended.

#### Invasive Species

Himalayan balsam is present on the site. This species is listed under schedule 9 part 2 of the Wildlife and Countryside Act 1981 (as amended). A condition is recommended along the following lines is applied to any permission.

#### Contributing to and Enhancing the Natural Environment

Section 170 of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment. The development will result in the loss of up to 6.5ha of habitat, though in reality the footprint of the housing is restricted to a much smaller area, with the higher value ecological features around the boundary and across the site retained.

GMEU are satisfied based on the indicative layout that there is adequate potential to achieve net gain on site and that mitigation for loss of bird nesting and bat roosting habitats can also be provided. To achieve this however will require a high quality scheme, with a detailed Landscape and Environmental Management Plan provided as part of reserved matters.

Given potential timescales, they recommend that this is supported by the use of biodiversity matrices as the government is currently committed to making the use of biodiversity matrices mandatory as part of the forthcoming Environment Bill. The current proposal is that these matrices demonstrate a minimum of 10% net gain and a management agreement of 30 years. It should be noted that this approach only relates to habitat losses. Mitigation for impacts on species is separate. Therefore, a separate scheme for provision of bird nesting and bat roosting opportunities would be required.

#### Environment Agency

Have no comments to make as the application is outside the types of referrals the Environment Agency wishes to be consulted on. These changes were introduced since the Environment Agency provided comments on the original planning application on 4 December 2013.

Our previous consultation response of 4 December 2013 (ref. NO/2013/105862/01-L01) THE Environment Agency requested conditions pertaining to the implementation of a Flood Risk Assessment and the provision of a surface water drainage scheme. They no longer request these as such matters are now within the remit of the Lead Local Flood Authority.

Their previous response also included a request for the inclusion of a planning condition relating to the control and management of Himalayan balsam. They no longer request this condition however they advise the council may wish to consult its ecologist regarding the control and management of Himalayan balsam on the site.

#### Lancashire County Council Public Rights of Way

Have no changes to their original comments and state that further comments will be provided on submission of a reserved matters planning application regarding the upgrade and location of the Public Right of Way network.

### **VIABILITY CONSIDERATIONS**

Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size (which this is), in urban areas such as this. No on-site provision has been identified by the applicant.

However, some critical viability issues affecting the deliverability of the development have been identified. A viability assessment has been submitted by the applicant demonstrating that only limited contributions to planning obligations are possible as making the full contribution would result in the profit margin to the developer being limited to the point where the possibility of obtaining development finance would be severely restricted. As a result there would be no incentive to deliver the scheme. The viability case has been considered by the Council's viability consultant, which led to some of the assumptions being challenged by the Council. The applicant provided further information leading to further discussions with the Council's viability consultant. After further investigation it was accepted that the proposed development would not be capable of supporting all of the necessary planning obligations required by local policies, but that some contribution would be possible, and the applicant has agreed to make provision for 14 social rented units and £134 per dwelling towards public open space for children/young people.

It is, therefore, recommended that the viability case is accepted and that no further contributions can be supported. The development is, therefore, considered acceptable without the full contribution necessary under the circumstances, when balanced against the benefits of proposed development on the site in question.

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#### **Original Report from 4<sup>th</sup> February 2014**

<b>Item 4c</b>	<b>13/01055/OUTMAJ</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Pennine</b>
<b>Proposal</b>	<b>Outline application (specifying the access) for residential development comprising up to 83 dwellings with vehicular access to be taken from Royton Drive.</b>
<b>Location</b>	<b>Land Bounded By Town Lane (To The North) And Lucas Lane (To The West) Town Lane Whittle-Le-Woods</b>

**Applicant**                      **Redrow Homes Ltd (Lancashire Division)**

**Consultation expiry:** 12 December 2013

**Application expiry:** 11 February 2014

### **Proposal**

1. Outline application (specifying the access) for residential development comprising up to 83 dwellings with vehicular access to be taken from Royton Drive.

### **Recommendation**

2. It is recommended that this application is approved subject to conditions and a legal agreement.

### **Main Issues**

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

- Principle of the development
- Density
- Levels
- Design, layout and impact on the neighbouring properties
- Design
- Open space
- Trees and landscape
- Ecology
- Traffic and transport and Public Rights of Way
- Affordable housing
- Contamination and coal mines
- Drainage and flood risk
- Legal agreement
- Community Infrastructure Levy
- Sustainable resources

### **Representations**

4. Twenty letters of objection have been received on the following grounds:
  - Not enough services for an additional 83 dwellings;

- The transport infrastructure cannot cope with this due to the mass of buildings on Buckshaw Village;
- The land is needed natural land and green space which will have an immediate and destructive impact upon the local environment and the conservation area;
- It will have a detrimental impact on the community, as there have been too many new buildings in our locality in the last few years;
- The properties on Town Lane will be overlooked, losing their current level of privacy;
- Lucas lane in particular is barely suitable for vehicles as it is and certainly will not be able to cope with the inevitable increased traffic. Turning out of Lucas Lane onto Town Lane is hazardous and it would only be a matter of time before a serious accident happens;
- Disruption to people's daily lives caused by the building works;
- Royton Drive is already dangerous and wholly unsuitable for providing access for another 83 dwellings. It has several 'pinch points' where the road is too narrow as well as having a very hazardous 90 degree bend where only one car can pass at a time. With an abundance of parked cars lining the kerbs and children regularly playing on the road, any proposal to increase the number of vehicles using this route could be very dangerous;
- The application is at odds with the Chorley Local Plan Policy BNE1 (Design Criteria for New Development) as a) the residual cumulative highways impact of the development would prejudice highway safety, pedestrian safety and the free flow of traffic; b) The proposal would have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses
- As a neighbour it could cause flooding to their land;
- The access is via the roundabout onto the A6. The potential impact of an additional 400 vehicles will not be minimal;
- The Transport Assessment makes no mention of the impact of traffic on Lucas Lane and its access to Town Lane to the north which is a single track Lucas Lane from Town Lane and is used as route of convenience to and from the existing Royton/Dunham drive properties and thence to the A6;
- The planning application document talks about providing pedestrian access onto Lucas Lane from the new development (there is certainly no room for a footpath) - how long will it be before a pedestrian is killed/injured?;
- They live close to the proposed access and the proposal will have a huge impact upon their privacy as a resident with undoubted increase in the number of people walking past their house every day and night;
- It will affect the ability for children living near the entrance to the estate to play safely and therefore the quality of family life will be adversely impacted upon;
- It will have a detrimental impact upon the environment;
- There will be increased light pollution caused by additional street lighting which will have a subsequent effect upon local wildlife including birds;

- Both old and new build property is currently available in the area, with many unsold for long periods of time;
- There is no case for an increase in housing in this vicinity as there is on-going building of new, affordable houses in Buckshaw Village;
- Increase in the volume of cars, heavy goods vehicles i.e. making deliveries, maintenance, repairs.
- Loss and further erosion of green land - impacting upon family life;
- Noise from the motorway is a problem on Royton Drive. They cannot open their bedroom windows as the sound prevents them from sleeping. The noise levels would be much higher on the proposed development;
- The Grade 2 listed building of Croston's Farm lies within this boundary line, but also the ancient hamlet of Lucas Green, with Lucas House at its centre. This local heritage will be lost;
- They ask that properties are not allowed up to the fence line with Lucas House;
- Lucas Lane is a fine country lane used by pedestrians and dog walkers;
- There are insufficient plans formulated to the poor drainage systems from this land which persistently result in flooding and saturated land. Chorley will not be able to sustain its market town impact with the rate it allows housing development;
- The previous Redrow application on the other side of Lucas Lane went to appeal and the main argument was that the Council's 5 year supply of building land was met and therefore this extra piece of land was not required, so what has changed within a year? The Council is saying this new development delivers the council's five year housing land supply. Either the previous statements were incorrect or this one is. They can't both be right;
- Chorley's housing requirements have been identified and planned for the next 10 years;
- One of the supporting documents states that a sewage pumping station will be required for this development and should be located at the north-west of the site where ground levels are lowest. Councillors will be aware that this area of the site adjoins the picturesque and historically important Lucas Lane and close to the area which has previously been designated as a Biological Heritage site;
- The overall result of this and other developments will be that Lucas Green will finally become totally enveloped in a residential housing estate. The proposal needs to be considered in the bigger picture with the other already approved Redrow development;
- The proposed access would drive a stake through the heart of the hamlet by separating the Grade II listed Croston's Farm from the rest of the Green. They believed this is not commensurate with published planning and development policies;
- The proposal has an adverse effect on Lucas Green as a rural heritage asset and the setting of a Grade II listed building;
- The proposal will cause ecological damage, including to bats;
- The gradient of the land from the grounds of Lucas House through the development site will lead to overlooking of Lucas House and its grounds;



- The proposed houses would suffer from noise from the M61 and will not be a high quality environment for residents;
- The Coal Authority advises that extensive hazards from past coal mining may currently exist in the area of the site;
- The location and topography of the site will not provide a high quality housing development;
- It is impossible to believe that building on the fields upside of Lucas House will not increase the discharge rate into the watercourse on their land and result in flooding;
- There is uncertainty in the ability of the sewerage system to cope with the additional output coupled with already approved development;
- The character of Whittle-le-Woods will be lost;
- New development does not respond to its context and is not in keeping with the character of the area. The proposal would certainly adversely affect the character or setting of a listed building (Croston's Farm). The proposal would have a significant detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its density and layout.
- The proposal would have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses.
- Lucas House has been recognised as a Locally Important Building and yet the boundary with Lucas House has been given no special consideration on the masterplan; indeed it is the only boundary of the whole site which does not have open green space to act as a buffer. Landscaping treatment to screen is suggested but they feel this would be ineffective considering the topography of the site;
- Sufficient land supply to meet Chorley housings requirements have already been identified and planned for, for the next 5/6 years as argued by the council on the application for the land west of Lucas Lane. This application falls outside of this plan as the housing needs for the area have already been accounted for;
- The site to the west of Lucas Lane should be completed before any further Green Field sites are started;
- The aspect of green borders and the village appeal of Whittle are being eroded and planners should consider at what point the very nature of the village be lost. This may affect the sustainability of the area;
- An old Landfill tip on land on Town Lane sits across one of the main streams taking water from the proposed site; they have concerns around pollution being brought to the surface at the bottom of their garden as it also crosses the old landfill site and stream;
- The increase in traffic and how this will impact on Lucas lane which is a single track road and Town lane, specifically the fact the town lane Lucas Lane junction is a national speed limit junction, they therefore believe that the road should be made one way or closed all together to motor vehicles;
- Properties on Town Lane will be overlooked;

- The hamlet of Lucas Green will become totally enveloped in a residential housing estate and ruin its rural setting and would separate Croston's Farm from the rest of the hamlet;
  - The proposal will have a negative impact on the setting of a listed building and two Locally Important Buildings;
  - The proposal will have a detrimental impact on ecology;
  - The M61 motorway would provide a poor quality environment for future residents;
  - There are extensive hazards from past coal mining in the area of the site;
  - The sewerage system may not be able to cope with the development;
  - The proposal coupled with the already approved scheme on the other side of Lucas Lane would leave the lane effectively as a 'folly';
  - A wider view of the development in conjunction with the already approved development to the west rather than viewing them as individual application.
5. Six letters of no objection/or conditional objection and asking for issues to be taken into account/raising concerns have been received:
- The already busy roundabout at Royton Drive which has a blind spot for residents that live along the stretch heading towards Doorway to Value, they suggest that planning consider putting in place speed bumps in order to slow the traffic down rather than being able to accelerate at the exit points on Preston road from Royton Drive, this has caused a number of accidents at the garage and around that area;
  - If planning is passed could a zebra crossing be considered at the garage, this would avoid children that use the school bus service having to navigate across the already busy road;
  - Implementing a speed camera and lowering the speed limit on the Preston Road from Royton Drive to the M6 and M61 would also be welcomed as a resident;
  - The existing cul-de-sac will be used for access and is currently widely used for playing in by children. Children use these areas partly because the 'playing field' provided as part of the original development is unfit for purpose. It is too wet at the moment, only the perimeter hard surfaced path is used for exercising dogs. Could resources be found to insert proper drainage so that the facility becomes useable or could houses be built there in exchange for a more suitable and equal area?;
  - A bat survey will be required as they routinely see bats on summer evenings next to proposed site access and they may roost in buildings which will be demolished;
  - There is an Oak tree partially blocking the proposed site access that is the subject of Tree Preservation Order. Surgery will be required to facilitate access. Do builders have rights to remove healthy limbs that ordinary folk are denied?;
  - They have no objection to the proposed development in principle, but have serious concerns relating to the surface water run-off. They understand the plan is that this is to be directed into the existing stream which runs through their garden/land (front of house 44/46/48 Town Lane). On occasions of severe weather recently the stream overflowed and flooded their garden. They have a genuine worry that an increase/channelled volume of water will result in on-going problems.

6. Whittle-le-Woods Parish Council

State they have no comments.

**Consultation Responses**

7. **Chorley Council Planning Policy**

This proposal is on a greenfield site in Whittle-le-Woods. Whittle-le-Woods is identified as an Urban Local Service Centre in Central Lancashire Core Strategy Policy 1, where some growth and investment is encouraged. The site is a proposed housing allocation (HS1.43B) in the emerging Chorley Local Plan, which in line with the Inspector's Partial Report can now be given significant weight. Therefore, housing is acceptable in principle on this site. Policy HS2 of the emerging Local Plan sets out indicative phasing timescales. Appendix E indicates that unit completions are expected on this site during the 2012 – 2016 phase, which would be in accordance with this application.

8. The application site area is 6.51 ha which is smaller than the Local Plan HS1.43B allocated site, which is 7.1 ha. The allocation includes Croston's Farmhouse (Grade II Listed) and barn and the field that lies to the east, but these are not included as part of the application site. 107 dwellings are allocated on HS1.43B, which relates to a density of 30 dwellings per hectare on a net developable area of 50% (or a gross density of 15 dwellings per hectare). The net developable area of this allocation is relatively low because of a significant number of constraints on site, such as its topography.

9. This application proposes up to 83 units, which is less than the housing allocation, and which equates to a gross density of 13 dwellings per hectare. However, the applicants have undertaken a detailed assessment of site constraints and have highlighted a significant number including site topography, a large number of mature trees, marshy ground/drainage, a public right of way and the site's location next to the M61 motorway and the listed building. Policy 5 of the Core Strategy on housing density states that the authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on amenity, character, appearance and distinctiveness and environmental quality of an area and that consideration will be given to making efficient use of land. The density proposed appears low, but is justified by the significant amount of constraints on this site, the need to secure development in keeping with the local area and the fact that the site is accessed through an existing residential area.

10. There is a significant need for more affordable housing in the Borough and the applicants are proposing 30% affordable housing, which accords with Policy 7 of the Central Lancashire Core Strategy.

11. **Lancashire County Council (Ecology)**

State the submitted ecological assessment appears to provide a reasonable evaluation of biodiversity value and an adequate assessment of likely impacts on biodiversity. In their opinion, significant impacts on biodiversity can be adequately avoided, mitigated or compensated at the site (in accordance with The National Planning Policy Framework paragraph 118), and there is thus no significant biodiversity constraint to development. Moreover the indicative layout indicates the retention of undeveloped areas where biodiversity benefit could be delivered, although this would clearly depend upon the final layout, the details of landscaping, the design of the sustainable urban drainage system and the incorporation of measures for biodiversity (such as bird nesting and bat roosting habitat). If Chorley Council is minded to approve this application, they detail matters that should be addressed through planning conditions or at any reserved matters stage.

## 12. The Environment Agency

Have no objection in principle to the proposed development as submitted subject to the inclusion of conditions requiring the development to be carried out in accordance with the submitted flood risk assessment, and that a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, be submitted and approved by the Council. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event to prevent the increased risk of flooding, both on and off site.

13. They go on to say that there is a frequent flooding problem on Town Lane where the local watercourses meet and enter the culvert. Properties towards the western end of Town Lane and houses numbered 44-48 regularly have their gardens flooded and on some occasions have flooded internally. This is due to the existing infrastructure not being able to cope with the run-off from the areas both to the west and east of Lucas Lane. The Flood Risk Assessment states that run-off will be limited to current greenfield rates (which equates to 7.36 l/sec/ha). However, with the above in mind, they recommend that run-off from the site is reduced from the current rate so that the existing situation is improved. They recommend matching the run-off rate calculated for the site to the west of Lucas Lane (which equates to 4.32 l/sec/ha).
14. They also request a condition requiring a scheme for the removal or the long-term management /control of Himalayan balsam on the site to be submitted to and approved by the Council.
15. The Environment Agency support the proposed ponds as enhancement of the existing wet features on site but advise against using wildlife ponds as part of a Sustainable Urban Drainage System as wildlife ponds could suffer from either direct pollution incidents or from the long-term accumulation of contaminants within the sediments, both of which may have a detrimental impact on the biota.
16. They support the recommendations of the *Ecological Survey and Assessment* (Ribble Ecology, dated March-July 2013).

## 17. The Police Architectural Design and Crime Reduction Advisor

State they have conducted a crime and incident search of this policing incident location and during the period 14/11/2012 to 14/11/2013 there have been recorded incidents and crimes including burglary in a building other than a dwelling and criminal damage. In order to reduce the opportunity for criminal activity at the proposed development and provide a safe and sustainable environment for residents they recommend the principles of the Secured By Design security be incorporated into the scheme.

18. Reference is made to Secured By Design on page 50 of the Design and Access Statement including private driveways, defensible space at the front of the dwellings etc. this is supported. As this is an outline application further security advice can be provided when detailed elevations and numbered plots are available. The scheme has a footpath running through it to the green open space at the East of the site that leads to routes along the Leeds and Liverpool Canal. Whilst permeability is supported in new housing developments it should be carefully integrated into the scheme so as not to generate crime. The footpath should be at least 3 metres wide with a 2 metre verge on either side, it should be well lit with an even

spread of lighting and afforded as much natural surveillance from the surrounding dwellings as possible e.g. from active rooms such as the lounge.

**19. Chorley's Conservation Officer**

The site is adjacent to a listed building, a designated heritage asset as defined in Annex 2 of the National Planning Policy Framework, and two 'Locally Important Buildings', which are heritage assets as defined by Annex 2 to the Framework. The significance of any heritage asset is made up of a number of elements, one of which being its setting. In my view the proposed development has the potential to have an impact upon the significance of the all these buildings.

20. The Framework at Paragraph 128, states that 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. Whilst the application makes mention of these facts the information supplied does not, in their opinion, adequately fulfil the requirements of Paragraph 128 of the Framework. The following comments are therefore based upon the available information. It will be necessary for the applicant to address this shortfall upon the submission of any reserved matters application.

21. In their view the proposed development has the potential to have a substantial impact upon the significance of the Grade II listed building, Croston's Farm by degrading the setting of the building. The close proximity of plots 81, 82 and 83 to this asset has the potential to cause substantial harm to the setting of the listed building. Enhanced boundary landscape planting could help in this respect as far as plots 82 and 83 are concerned, however the only acceptable solution for plot 81 is for it to be deleted.

22. Also to be considered is the impact upon Lucas House, which is a Locally Important Building, a heritage asset as defined by Annex 2 of the Framework. Whilst clearly this building is of lesser significance than Croston's Farm the damage that could be caused to its significance must still be weighed in consideration of the acceptability of the proposed development. In this case they consider that enhanced boundary landscaping to the rear of plots 1 – 10 could overcome any loss of significance or other harm that the proposed developed could cause.

23. Lucas Green is also a Locally Important Building, however because of the greater distance between this building and the development site it is their opinion that, potentially, the impact upon the significance of this heritage asset is less than that for those buildings mentioned above.

24. In the absence of the information required under Paragraph 128 of the Framework it is difficult to give a definitive opinion. However based upon the available information it is their opinion that in its present form the proposed development is unacceptable. However they suggest modifications which could be incorporated that would enable the development to be considered acceptable upon submission of any reserved matters application.

**25. Chorley's Environmental Health Officer**

The acoustic report is acceptable as far as an outline application is concerned. As indicated by the author they would recommend a suitably worded planning condition that requires a scheme of noise mitigation measures to be submitted to, and approved by, the local planning authority. This would be best submitted at reserved matters stage when the orientation of properties is considered and any specifications for glazing and acoustic ventilation systems etc.

**26. Chorley's Strategic Housing**

Request 30% affordable housing on the site composed of:

Tenure

70% (18 homes) for Social rent and 30% (7 homes) Intermediate sale/shared ownership

Mix

18 x 2 bed houses for Social rent

7 x Intermediate sale /shared ownership = 5 x 3bed houses and 2 x 2bed houses

27. All of the affordable homes should be transferred to one affordable housing provider which is a member of Select Move e.g. Adactus or New Progress.

28. If development starts on site without having secured relief from the Community Infrastructure Levy for the affordable properties it will apply, and cannot be claimed retrospectively. The developer therefore needs to have agreed the affordable element with the Council and registered provider before starting on site.

**29. United Utilities**

Have no objection to the proposal subject a condition requiring a foul and surface water drainage scheme to be submitted and approved.

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

State that there is limited infrastructure in the area to cater for the different modes of transport and this requires addressing if the proposed development is not to exacerbate the existing situation. They recommend that the sustainability of the site is enhanced through upgrading of a number existing Public Rights of Way to pedestrian/cycle links through a Section\_278 agreement of the Highways Act 1980. They also recommend a condition requiring submission of a Framework Travel Plan prior commencement of any development, with a Full Travel Plan to follow.

31. They have no objections in principle to the current outline planning application, but recommend that consideration is given to widening Lucas Lane East from Lucas Green Farm up to the junction with Town Lane to allow a greater number of points of access to the site, unless there are overriding planning reasons against it.

**32. Highways Agency**

Have no objection to the application.

**33. Chorley's Waste & Contaminated Land Officer**

The proposed development site lies within 250m of an historic landfill site, and the site itself features some in-filled ground. Due to the large scale of development and proposed sensitive end-use they recommend a condition relating to investigation for ground contamination.

**34. Lancashire County Council (Public Rights of Way)**

The application area incorporates Public Footpath No. 46 Whittle-le-Woods. Public Footpath No. 45 Whittle-le-Woods will also be affected by the proposed development. It is clear that

the application will affect the above Public Footpath and that a diversion under the Town and Country Planning Act 1990 will be needed to allow the development to commence. If the proposed development is granted planning permission they ask that Lancashire County Council Public Rights of way team be on any proposed diversion at an early stage.

35. Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, this is the responsibility of the landowner to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.
36. The Town and Country Planning Act 1990 has provision for diverting Definitive Public Rights of Way if a diversion is necessary to allow the development to take place. The Highways Act 1980 also has provision for the diversion of Definitive Rights of Way, though with regards to new developments, the Town and Country Planning Act 1990 is the appropriate legislation to use. It should be noted by the applicant that objections may be raised using either of the above Acts. Lancashire County Council will not process a diversion application in relation to these paths in connection with a development proposal.
37. Should the paths be obstructed during the development or be obstructed after the development has taken place, Lancashire County Council will consider commencing criminal proceedings.
38. The development must not commence until the necessary procedures are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side roads orders, or if it is necessary to divert the above listed Public Rights of Way, then the necessary Orders must be confirmed prior to construction to avoid enforcement action should the above Public Footpath become affected. There is no provision under the Town and Country Planning Act 1990 to allow a retrospective diversion of paths that are already affected by either partially completed or completed development.

**39. Chorley's Tree Officer**

States the site is extensive with a large number of mature trees within former hedgerows. Defects were visible in a number of the trees, cavities, decay and damaged branches.

40. The tree survey is an accurate reflection of the trees on site. Trees and groups identified 'U' on the Tree Survey Schedule are of low quality with defects and in decline, they cannot be realistically retained.
41. Trees within Tree Survey Report BS Category 'A' and 'B' have conservation benefits, good examples of their species and have visual landscape value. Trees in this category have retention value.

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

Do not seek a contribution for primary or secondary school places. However, they state that if other pending planning applications are approved prior to a decision being made on this development a claim for primary school provision could be up to a maximum of 15 places which would be up to £178,207 [see Community Infrastructure Levy section of this report].

#### 43. **Chorley Planning Policy Team of Public Open Space**

State there is justification for the following contributions based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD:

#### 44. Amenity Greenspace

£140 per dwelling towards improving the following sites (numbering as per the Council's Open Space Study):

- Site 1428 Orchard Drive to the south of the application site,
- Site 1432 Foxglove Drive
- Site 1535 Delph Way Open Space Study

45. However, the above figure will differ if amenity open space is provided on site at any reserved matters stage. If 0.1454ha of amenity open space is provided then a financial contribution of £58,160 towards maintenance will be required (unless it is retained by the developer or a management company is used), rather than a contribution of £140 per dwelling towards improving existing sites.

#### 46. Provision for children/young people

£134 per dwelling towards improving the following site (numbering as per the Council's Open Space Study):

- Site 1431 – The Ridings

#### 47. Allotments

A contribution of £15 per dwelling towards either new provision or improving the quality of the following sites:

- Site (HW5.2) Land at Sylvesters Farm, Euxton (reference as per the Chorley Local Plan 2013-2026)

48. The following numbering as per the Council's Open Space Study:

- Site 1648 – Preston Rd, Whittle-le-Woods
- Site 1646 - Worthy Street, Chorley
- Site 1649 – Maybank/Oakdene, Withnell Fold.

#### 49. Playing Pitches

A contribution of £1,599 per dwelling towards the improvement of existing playing pitches in the Borough.

### **Assessment**

#### Principle of the development

50. The application site is an allocated housing site in the emerging Chorley Local Plan 2012 – 2026. In terms of the weight to be given to the emerging Local Plan, on 25<sup>th</sup> October 2013 the Inspector issued her Partial Report on her findings into the soundness of the Chorley



Local Plan. The Inspector's Partial Report is a material consideration in the consideration of this planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound (subject to any modifications), with the exception of matters relating to Gypsies and Travellers. The examination of the local plan remains open, and the Inspector is expected to reconvene the examination in April 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan by September 2014, following a supplementary report.

51. Paragraph 18 of the Partial Report states: *"For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers."*
52. The policies of the emerging Local Plan are therefore given significant weight in the decision making process and the proposal is considered acceptable in principle.

#### Density

53. The housing allocation envisages 107 dwellings on the site, whereas the application is for up to 83 dwellings. This is equivalent to 13 dwellings per hectare. This is a lower number of dwellings with a correspondingly low density, however the applicant has provided a detailed site constraints plan that sets out the justification for this, which is accepted.

#### Levels

54. The levels of the site slope down gradually from the motorway, with steeper slopes at the north end of the site towards Town Lane and the east towards Lucas Lane East and Lucas House. The most southern part of the site where the existing riding school is located is relatively flat. The applicant has been made aware that any reserved matters application will need to take these level changes into account when designing the internal layout of the scheme to ensure the relationship between existing and proposed properties is acceptable.

#### Design, Layout and Impact on Neighbouring Properties

55. The proposal is only made in outline (specifying access) at this stage and therefore the design and layout of the properties are not applied for. The plan provided is therefore indicative only, however the Council need to be satisfied that up to 83 dwellings could be developed satisfactorily on the site.
56. In terms of layout the indicative plan shows that the majority of the properties are set in from the site boundaries due to constraints such as levels and the need to create an acoustic bund against the motorway (which is informed by a report that accompanies the application on the assessment and mitigation of road traffic noise from the M61). One element of the site however (plots 1-9) is indicated as bounding with Lucas House, which is on the Council's list of Locally Important Buildings. The Council have raised concerns over the relationship shown on the indicative plans with this property and have advised that this may not be acceptable at any reserved matters stage when layout is applied for. It is however accepted that up to 83 properties could be successfully located on the site.
57. Issues raised by the Conservation Officer in terms of the relationship of the proposed properties with Lucas House and Croston's Farm, a Grade II listed building have also been

raised with the applicant, as have those of the Police Architectural Liaison Officer in relation to the relationship of properties with the footpath through the site that would need to be taken into account at any reserved matters stage when the layout is considered.

58. As this is only an outline application it is considered 83 properties could be acceptably accommodated on the site at any reserved matters stage including achieving an acceptable relationship with the adjacent listed building and Locally Important Buildings and other properties nearby such as those on Town Lane. The detailed design criteria set out in Policy BNE1 would be considered at this stage.

#### Open Space

59. In terms of amenity open space it is likely that this will be provided on site at any reserved matters stage. Emerging Local Plan Policies HS4A and HS4B and the approach in the associated Supplementary Planning Document requires 0.1454ha of amenity open space to be provided on site (with a financial contribution towards maintenance unless this is to be done by a management company) or £140 contribution per dwelling if it is provided off site.
60. The policies also require a contribution of £134 contribution per dwelling for improvement of existing facilities for children/young people, £15 per dwelling towards either new provision or improving the quality of existing allotment sites and £1,599 per dwelling towards the improvement of existing playing pitches in the Borough.
61. The above will need to be secured through a Section 106 legal agreement. Such an agreement will be worded in terms of amenity open space so that the applicant will either provide the amount of space on site or the contribution per dwelling (and any maintenance if it is to be put forward for adoption, unless an appropriate arrangement to secure its management is proposed).
62. Subject to the above being secured the proposal is considered acceptable in relation to emerging Local Plan Policies HS4A and HS4B.

#### Trees and Landscape

63. There are a large number of trees on the site. An Arboricultural Impact Assessment has been submitted with the application which surveyed 52 individual trees and 16 groups of trees/hedgerows. Three hedgerows are to be partially removed (two of which are low quality with one moderate quality). Four trees are to be removed to facilitate the development. One of these, an Ash tree, is a category 'C' tree (a tree of low quality or a young tree), two trees, an Alder and Sycamore are category 'U' trees (trees of a condition that they cannot be realistically retained as living trees for longer than 10 years). Only one tree, an Oak, is a category 'B' tree (trees of moderate quality with a remaining life expectancy of at least 20 years). This tree is covered by Tree Preservation Order 12 (Whittle-le-Woods) 1992, but its loss is unavoidable as it is positioned at the new access point. The removal of these trees is considered acceptable.
64. It is clear from the indicative plans that the applicant intends to design the scheme around the existing trees and therefore it involves the loss of only four trees on the site, which is welcomed (three of which are not worthy of protection). A Tree Preservation Order has been placed on the trees on the site that fall within category A or B, and some trees on the south part of the site around the existing riding school buildings are already protected by Tree Preservation Order 12 (Whittle-le-Woods) 1992.
65. A landscaping scheme for the site would be secured at a later stage.

## Ecology

66. An Ecological Survey and Assessment accompanies the application which has been reviewed by Lancashire County Council Ecology Service. They state in their opinion, significant impacts on biodiversity can be adequately avoided, mitigated or compensated at the site (in accordance with The National Planning Policy Framework paragraph 118), and there is thus no significant biodiversity constraint to development.
67. The proposal is therefore considered acceptable in relation to ecology and Policy BNE10 subject to conditions.

## Traffic and Transport and Public Rights of Way

68. Lancashire County Council Highways have no objections to the outline planning permission but request a package of measures to be implemented before the development is occupied, should a reserved matters application be approved.
69. In terms of sustainability they state that the site seems to lack external connectivity, especially to Lucas Lane East and Town Lane. It needs to be integrated with the wider community to avoid it becoming isolated. Manual for Streets states that developments with only one or two means of access should be avoided as they segregate existing and new development. They state the majority of residents would rely on the car as the main source of transport because, even with a travel plan, bus stops are outside the recommended 400m walking distance from the site. They recommend that consideration be given to widening the section of Lucas Lane East from Lucas Green Farm and Lucas House up to its junction with Town Lane, a distance of approximately 300m to allow access from the site onto it allowing a shorter route from the site for residents. They state from a highways perspective, there are no reasons why widening of this section of Lucas Lane East cannot be delivered and unless there are overriding planning reasons against it they recommend that serious consideration is given to its widening. It is likely that vehicles heading north from the site would use Lucas Lane East in preference to travelling via the A6 Preston Road which would present safety risks due to its narrow width and absence of lighting.
70. To respond to this it is considered that there are overriding planning reasons against this suggestion. Lucas Lane East is, and still has, the character of a rural country lane. The section of the lane between which it starts adjacent to no. 2 Lucas Lane until just before Lucas Green Cottage has the existing development built in the 1990s on either side of it, but despite this it has largely maintained its rural lane character from where it joins the section of lane that LCC Highways are now referring to. It is considered that widening the suggested section of road from Lucas Green Farm and Lucas House up to its junction with Town Lane would decimate its rural character. Although the Redrow scheme approved on appeal (ref: 11/00992/OUTMAJ) will be sited to the east of it and the proposed scheme is to the west of it, it is considered its character will still be largely maintained as a rural lane as the proposed properties are not hard up to the boundaries with it, but rather are set in from the lane. This is helped by the trees that are located along the west boundary of the lane (subject to a Tree Preservation Order). Therefore LCC Highway's suggestion is noted but it is considered there are planning reasons against it that outweigh the benefits.
71. It is agreed that some residents of the proposed development may choose to use Lucas Lane East rather than the A6 Preston road to travel north, but it is considered that most journeys will be via the A6, particularly as there will be no direct link from the development's access point from Royton Drive, the current access from the riding school onto Lucas Lane East being removed to vehicles (but maintained for pedestrians). Again, it is not considered

any increase in traffic using Lucas Lane East would outweigh the negative impacts of widening it.

72. LCC Highways have asked for enhancement of a number of existing Public Rights of Way (PROW) to pedestrian/cycle links via a Section 278 agreement (relating to works to be carried out on the existing adopted highway), including PROW 45 the route of which is from close to Lucas House to the rear of 1 Mottram Close, PROW 47 which leads from here to the turning head of the cul-de-sac of Mottram Close and PROW 46 which leads from the rear of 1 Mottram Close across the site and over the footbridge over the M61 motorway. It is considered necessary that PROW 45 and 47 are upgraded to encourage permeability with the surrounding areas, and allow access to other routes that cyclists can use, however it is not considered reasonable or necessary to upgrade footpath 46 (which leads over the M61 footbridge) to a cycle route as it then meets with other PROW that cross the fields. These are pedestrian only routes and are across open fields so it is not envisaged that these are likely to be upgraded for cycles in the foreseeable future.
73. It is also agreed that a pedestrian link should be provided to the north of Lucas Lane East, close to its junction with Town Lane and the applicant has been aware of this for any future reserved matters stage.
74. LCC Highways recommend a condition requiring submission of a Framework Travel Plan prior to commencement of any development, with a Full Travel Plan to follow and this can be secured by a condition.
75. The National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is not considered that in this case they would be severe. The application is therefore considered acceptable in terms of highways subject to conditions.

#### Affordable Housing

76. The application proposes 30% affordable housing which is in accordance with Policy 6 of the Core Strategy and would be secured through a Section 106 legal agreement.

#### Contamination and Coal Mines

77. The site is in a Low Risk Area as identified by The Coal Authority, therefore a Coal Mining Risk Assessment is not required. The Coal Authority Standing Advice informative note needs to be added to any decision notice if permission is granted.

#### Drainage and Flood Risk

78. A Flood Risk Assessment and Drainage Management Strategy accompanies the application and states the proposed development will increase the impermeable area of the site by approximately 45% which will result in increased surface water run-off rates and volumes. This increase will be taken into account in the surface water drainage design by including an attenuation pond and discharge via flow control. This would ensure no increase in flood risk at the site or elsewhere.
79. The Environment Agency state they do not object to the application subject to a condition that a drainage strategy has been submitted to and approved in writing by the Council demonstrating the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site (which equates to 7.36 l/sec/ha) following the corresponding rainfall event as the application proposes. This is what is proposed by the application.

80. The Environment Agency however states there is a frequent flooding problem on Town Lane where the local watercourses meet and enter the culvert. Properties towards the western end of Town Lane and houses numbered 44-48 regularly have their gardens flooded and on some occasions have flooded internally. This is due to the existing infrastructure not being able to cope with the run-off from the areas both to the west and east of Lucas Lane. The Flood Risk Assessment states that run-off will be limited to current greenfield rates (which equates to 7.36 l/sec/ha). However, with the above in mind, they recommend that run-off from the site is reduced further from the current rate so that the existing situation is improved. They recommend matching the run-off rate calculated for the site to the west of Lucas Lane (which equates to 4.32 l/sec/ha).
81. Restricting the surface water run-off to existing greenfield rates is the normal requirement for sites such as this, so that they do not add greater run-off to that which exists. If there are existing issues the Council cannot normally require a developer to solve it, providing they do not make the existing situation any worse. However, the comments of the Environment Agency in relation to Town Lane have been brought to the applicant's attention and they have confirmed they are able to achieve the reduced run-off rate recommended of 4.32 l/sec/ha and will incorporate this into the scheme.
82. Therefore it is considered that the development is going to provide an improvement in flood risk to the properties on Town Lane, as the drainage strategy will reduce run-off from the site will reduced below current undeveloped levels. The proposal is therefore considered acceptable in relation to drainage and flood risk subject to conditions.

#### Legal Agreement

83. A Section 106 legal agreement will be required to secure affordable housing and public open space on the site along with any necessary maintenance charges.

#### Community Infrastructure Levy

84. Lancashire County Council have not requested a contribution to education in relation to the application, however they state it may be required for up to 15 primary school places if other pending applications are approved prior to a decision being made on the application.
85. However, since the 1<sup>st</sup> September 2013 this has been covered by the Community Infrastructure Levy (CIL) and the Council cannot 'double charge' by asking for a contribution through a legal agreement.
86. The application is only made in outline so at this stage the floor area of the dwellings is not known. A basic CIL calculation based on an average property size, minus the floor area of the existing riding school building on site, would result in a CIL payment of £657,475, but a more detailed CIL calculation will be done at any reserved matters stage.

#### Sustainable Resources

87. This is covered by Policy 27 of the Core Strategy. The policy requires all new dwellings commenced after 1<sup>st</sup> January 2013 to meet Level 4 of the Code for Sustainable Homes or Level 6 from January 2016.
88. The applicant states that the appropriate application of the requirements under the Code for Sustainable Homes has been considered by the Examiner who considered the Draft Community Infrastructure Levy (CIL) Charging Schedules for the three local authorities in Central Lancashire (Examiner's report 24 June 2013). They state the Examiner highlighted that the appraisals that underpin the build cost information include development built to

Code Level 4 only. The viability assessments do not take account of the step change to Code Level 6. Rather, the three local authorities will review CIL charging levels in 2015 ahead of the January 2016 trigger date for Code Level 6. As the viability of the CIL Charging Schedule for Chorley is founded on meeting only Code Level 4, they state it is inappropriate to impose a requirement to meet Code Level 6 at this stage. If this requirement were to be imposed then there would be a serious mismatch between the CIL charge to be levied and planning requirements associated with the Code for Sustainable Homes. This issue will be updated on the addendum.

89. The policy also requires either appropriate decentralised, renewable or low carbon energy sources to be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15%, or installation of additional building fabric insulation measures beyond that required to achieve the relevant Code Level.
90. The applicant states a Carbon Reduction Statement will be drafted for this particular development at detailed design stage. It will explore the use of low carbon technology to generate energy and evaluate this against the benefits that can be derived from enhanced building fabric insulation measures (beyond that required to achieve Code Level 4 in this instance). This evaluation will shape the way in which energy efficiency or energy reduction measures are incorporated into the development. The applicants are therefore aware of this requirement and it will be the subject of a condition requiring the above details to be submitted.

#### Other Issues

91. Representations have questioned why the site will deliver the Council's five year housing land supply when at the appeal of the previous Redrow application on the other side of Lucas Lane it was argued that the Council's 5 year supply of building land was met and therefore that extra piece of land was not required. To respond to this, at the time of the appeal the site allocations for the emerging Local Plan had not been decided and the Council argued that allocation decisions should be made through the Local Plan process. This process has now taken place and the Inspector has issued an interim report on the emerging Local Plan so its policies (except that relating to Gypsies and Travelling Show People) now carry significant weight. The application site is an allocated site in the emerging Local Plan.

#### **Overall Conclusion**

92. It is recommended that this application is approved subject to conditions and a legal agreement.

#### **Planning Policies**

##### National Planning Policies:

The National Planning Policy Framework

##### Joint Core Strategy

Policies: 4, 5, 7, 27

##### Emerging Local Plan 2012-2026

Policies: HS1.43B, HS2, HS4A, HS4B, BNE10

#### **Planning History**

There is no planning history on this site directly relating to this application but an application made by Redrow on the site to the west of Lucas Lane East was approved at appeal and has the following planning history:

**11/00992/OUTMAJ:** Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access. Appeal allowed.

**12/01244/REMAJ:** Reserved Matters application for residential development comprising of 121 dwellings and associated works (pursuant to outline permission ref: 11/00992/OUTMAJ). Permitted March 2013.

**13/00804/OUTMAJ:** Section 73 application to vary condition 11 (Code for Sustainable Homes) attached to outline planning approval 11/00992/OUTMAJ. Permitted November 2013.

## **CONDITIONS**

1. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

*Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. Either, before the development hereby permitted is first commenced, or with any reserved matters application, details of measures to be implemented at the access point to the site to prevent vehicles from accessing Lucas Lane from it shall be submitted to and approved in writing by the Local Planning Authority. The measures approved shall be implemented before the access to the development from Royton Drive hereby approved is brought into use.

*Reason: To prevent direct vehicle access from the access point to the site to Lucas Lane East.*

3. Any application(s) for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and to ensure that any reserved matter(s) application can be properly assessed.*

4. Either, before the development hereby permitted is first commenced, or with any reserved matters application, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with a timetable approved in writing with the Local Planning Authority.

*Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.*

5. Either, before the development hereby permitted is first commenced, or with any reserved matters application, 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. The plans and particulars submitted in accordance with the landscape reserved matters application(s) shall include:

- i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
- ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
- iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
- v) details of all native species hedgerows on the site which are to be retained and details of any to be removed, and for those to be retained details of their maintenance and enhancement, and any replacement planting;
- vi) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree and native hedgerow from damage before or during the course of development;
- vii) In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (i) above;
- viii) No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the fenced off areas and all excavation within these fenced areas shall be carried out by hand.

*Reason: To allow any reserved matters application(s) to be assessed in relation to trees and hedgerows on the site.*

7. The proposed development site lies within 250m of an historic landfill site, and the site itself features some infilled ground. Due to the large scale of development and proposed sensitive end-use (residential housing with gardens), either, before the development hereby permitted is first commenced, or with any reserved matters application:

- a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.



Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use.*

8. All dwellings commenced after 1 January 2013 shall achieve Level 4 and all dwellings commenced after 1 January 2016 shall achieve Level 6 of the Code. No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that the relevant Code Level has been achieved.

*Reason: To ensure the development is in accordance with Policy 27 of the adopted Central Lancashire Core Strategy.*

9. Either, before the development hereby permitted is first commenced, or with any reserved matters application, full details of the onsite measures to be installed and implemented for that property to reduce carbon emissions by the figure set out in Policy 27 of the adopted Core Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of the predicted energy use of the development expressed in terms of carbon emissions and how energy efficiency is addressed. The approved details shall be implemented in full and retained thereafter.

*Reason: To ensure the development is in accordance with Policy 27 of the adopted Central Lancashire Core Strategy.*

9. Any reserved matters application(s) shall be accompanied by full details of the type design and location of the affordable housing units to be provided on the site for written approval by the Local Planning Authority. The development shall only be carried out in accordance with the details approved in writing by the Local Planning Authority.

*Reason: So the acceptability of the affordable housing can be assessed.*

10. *Either*, before the development hereby permitted is first commenced, *or* with any reserved matters application, a Framework Travel Plan (including a timetable for its implementation) shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

The Framework Travel Plan when developed should include the following as a minimum:

1. Commitment and timescale for the appointment of a Travel Plan Coordinator (suggest at least
2. A commitment and timescale to undertake travel surveys (recommend within 3 months of reaching 75% of dwellings occupied).
3. A commitment and timescale for the development of a Full Travel Plan (recommend within 3 months of 1st travel survey).
4. Details of cycling, pedestrian and public transport links to and within the site.
5. Details of the provision of cycle parking for any properties where suitable storage is not available.
6. List of any proposed measures to be introduced particularly any to be implemented prior to the development of the Full Travel Plan.
7. Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.
8. include a schedule for the submission of a Full Travel Plan within a suitable time frame of first occupation or another identifiable stage of development

The Full Travel Plan when developed would need to include the following as a minimum:

- Contact details of a named Travel Plan Co-ordinator
- Results from residents travel survey
- Details of cycling, pedestrian and public transport links to and through the site
- Details of the provision of cycle parking for any properties where suitable storage is not available.
- Objectives
- SMART (Specific, Measurable, Achievable, Realistic and Time-related). Targets for non-car modes of travel, taking into account the baseline data from the survey
- Action plan of measures to be introduced, and appropriate funding
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years

*Reason: To ensure that the development provides sustainable transport options.*

11. Reserved matters applications shall be accompanied by details of the provision for cycle parking for each property and shall be implemented as approved. *Reason: To ensure each property has cycle parking provision provided.*

12. Either, before the development hereby permitted is first commenced, or with any reserved matters application, details of the foul drainage of the site shall submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

*Reason: To ensure a satisfactory drainage scheme is implemented for the site.*

13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), Ref: w1350-130311-FRA & Drainage Strategy, and the following mitigation measures detailed within the FRA:

*1. Finished floor levels are raised to 150 mm above ground levels.*

The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

*Reason: To reduce the risk of flooding to the proposed development and future occupants.*

14. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed 4.32 l/sec/ha. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

*Reason: To prevent the increased risk of flooding, both on and off site and reduce the run-off to the properties on Town Lane.*

15. Either, before the development hereby permitted is first commenced, or with any reserved matters application, a detailed method statement for removing or the long-term management / control of Himalayan balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Himalayan balsam during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

*Reason: To prevent the spread of Himalayan balsam.*

16. No works of tree felling, hedgerow clearance or demolition shall take place between from the beginning of March to the end of August unless the absence of nesting birds has been confirmed by surveys that have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To protect nesting birds which are a protected species.*

17. If the development hereby approved does not commence before 30 April 2021 all buildings and trees proposed for removal will be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the Local Planning Authority.

*Reason: Surveys for protected species do not remain valid indefinitely; updated surveys will be required to ensure continued compliance with relevant biodiversity legislation.*

18. As part of an application for reserved matters consent further bat surveys will occur for tree Qr1 as detailed in the Ecological Survey and Assessment ERAP Ref 2019-143 sections 5.4.1 to 5.4.3 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. These additional surveys will also be carried out for any other trees listed under table 3.4 of the same report if removal is proposed as part of reserved matters.

*Reason: To implement precautionary measures for the avoidance of a breach of the Conservation of Habitats and Species Regulations 2010 (as amended).*

19. As part of an application for reserved matters consent an external lighting scheme will be provided as detailed in the Ecological Survey and Assessment ERAP Ref 2019-143 sections 5.4.6 t and 5.4.7 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

*Reason: To protect bats which are a protected species.*

20. If earthworks do not commence prior to March 2020 a survey of the site and within 30m of the boundaries for badger setts will occur and the findings supplied to and agreed in writing by the Local Planning Authority.

*Reason: To protect badgers which are a protected species.*

21. As part of an application for reserved matters consent a Landscape and Environmental Management Plan will be provided. This should:

- Demonstrate a 10% net gain in the biodiversity value of the site post development through the use of biodiversity off-set matrices;
- Provide full details of habitats to be enhance and habitats to be created including habitat type, area and target condition;
- Provide full details of proposed species to be planted or introduced by seed to the site;
- Provide details on the methodology to create and establish the proposed habitats and enhance the existing habitats;
- Provide a bird and bat box plan;
- Detail of how site permeability will be maintained;
- Provide a 10 year management plan
- Provide details of mechanisms to monitor and remediate if necessary the success of the plan
- Provide details and evidence of competence of the body (s) responsible for implementing, monitoring and managing the site.

The works shall be carried out strictly in accordance with the approved details.

*Reason: For maintenance and enhancement of biodiversity.*

20. The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Title</b>	<b>Drawing Reference</b>	<b>Received date</b>
Indicative site layout (showing access point)	TBC	TBC
Site Access Layout Plan	TBC	TBC

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

21. Any reserved matters application shall include details of the noise mitigation measures (including any sound insulation measures to the dwellings) to be implemented to control the impact of traffic noise on the development. The development shall only then be carried out in accordance with the approved details.

*Reason: To ensure the development is laid out and constructed so that the noise from the M61 motorway is at acceptable levels.*

22. Either, before the development hereby permitted is first commenced, or with any reserved matters application, details of improvements to Public Rights of Way 45, and 47 (Whittle-le-Woods) for use by bicycles shall be submitted to and approved in writing by, the Local Planning Authority. No part of the development shall be occupied or brought into use until the footpaths/cycle links have been constructed in accordance with the approved details and are available for use.

*Reason: To improve the sustainability of the site.*

23. No part of the development hereby approved shall be occupied until the access point from Royton Drive has been constructed in accordance with the approved plans.

*Reason: To ensure the site is has an acceptable access.*

24. Any reserved matters application shall be in accordance with the parameters for the scale and building heights set out in the Design and Access Statement submitted with this application.

*Reason: To ensure any reserved matter application is in accordance with the parameters of the outline permission.*