

## **APPLICATION REPORT – 19/00830/REMAJ**

**Validation Date: 26 September 2019**

**Ward: Pennine**

**Type of Application: Major Reserved Matters**

**Proposal: Reserved matters application for the erection of 53 dwellings (appearance, landscaping, layout, and scale) pursuant to outline planning permission 13/01055/OUTMAJ (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: Mike Halsall**

**Applicant: Redrow Homes Ltd**

**Agent: Cass Associates**

**Consultation expiry: 20 December 2019**

**Decision due by: 17 January 2020**

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### **RECOMMENDATION**

1. It is recommended that this application is approved, subject to conditions.

### **SITE DESCRIPTION**

2. The application site is located to the south of Town Lane and east of Lucas Lane, in Whittle-le-Woods. The M61 bounds the site to the east and there is an existing housing estate located to the west and south, through which site access is gained via Royton Drive at the southern end of the site.
3. The site comprises a matrix of small, irregularly shaped fields. Field boundaries are formed of hedges and hedgerow trees. The woodland character is most mature along Lucas Lane which is contained by a continuous tree group. There is an unbroken corridor of trees situated between the eastern boundary of the site and the motorway.
4. Public Right of Way 9-22-FP-46 dissects the south eastern end of the site after emerging from the yard of Croston's Farmhouse (a grade II listed building). This crosses the M61 on a pedestrian bridge to link with routes leading to the Leeds- Liverpool canal towpath. To the west, footpath 9-22-FP-46 connects to Footpath 9-22-FP-45 to form a route onto Lucas Lane and Footpath 9-22-FP-47 which leads through the existing housing estate to the south. From Lucas Lane, footpath 9-22-FP-44 bisects the existing housing in the northern part of the urban expansion area to provide a direct link to Town Lane.
5. 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.

6. The site forms part of an allocated housing site within the Chorley Local Plan (2012-2026) and Planning Committee resolved to grant outline planning permission ref. 13/01055/OUTMAJ in September last year and it is to that planning permission that this reserved matters application relates.
7. The outline consent was 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.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

8. The proposal seeks approval of reserved matters relating to the appearance, landscaping, layout and scale of 53no. dwellings. The outline consent allowed for up to 83 dwellings, however, this has been reduced significantly by the applicant due to various site constraints, as explained later within this report.
9. In terms of layout, the majority of the properties are set in from the site boundaries due to constraints such as site 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). The indicative site layout shown with the outline planning application indicated some plots located close to Croston House, which is on the Council's list of locally important buildings and the grade II listed building of Croston's Farm. The Council raised concerns over the relationship shown on the indicative plans with these properties at outline stage. This has been reflected in the detailed site layout drawings accompanying the reserved matters submission as the separation distance has been significantly increased. These issues are discussed later in this report.
10. The applicant's Design and Access statement explains that the layout is characterised by a linked series of housing clusters which are arranged in the frame provided by trees and hedges. The development is placed on existing platforms of land so as to avoid any marked regrading of the land. A primary point of vehicular access is taken from Royton Drive. This crosses the track leading to Crostons Farm and runs along the western boundary to a mid-point before being aligned to bisect the site. This also gives access for pedestrians and cyclists. Linear hedges and hedgerow trees separate the house clusters and give them a distinct setting. Only a limited number of trees and a length of hedgerow are to be removed to accommodate the proposed development.
11. House types are grouped into clusters. The style or appearance of the houses resonates with the predominant house types and details in the Whittle-le-Woods urban expansion area as a whole. The dwellings are two storey with facing materials of brick walls and tiled roofs. There would be eight 2-bed dwellings, sixteen 3-bed dwellings, twenty-two 4-bed dwellings and seven 5-bed dwellings. There would be a mixture of detached and terraced properties spread throughout the development. There would be a pump station on the western side of the site access road, close to the entrance point to the new estate.
12. Along the eastern and southern boundaries of the site the front face of each house faces the main source of noise (M61). This is to give a degree of acoustic protection to rear gardens. Elsewhere houses are aligned to form streets or small groups of homes served off access ways and incorporated around the overarching framework provided by hedgerows and trees.
13. A sustainable approach to surface water drainage is incorporated by way of a detention pond in the north western sector of the site. This would allow the management of surface water run-off but, in turn, it provides landscape character and ecological benefit.
14. The interface with the motorway is addressed directly by an acoustic fence. The visual impact of the fence is tempered, where possible, by structural landscape which falls in the area between new housing and the fence.

15. The layout accommodates the public right of way along the southern boundary and this is proposed to be improved as part of the development. There are links between the public footpath and the routes threading through the housing development and a new footpath would be included to the north western corner of the site to provide a connection to Lucas Lane.

## REPRESENTATIONS

16. Responses have been received from 14 individuals, Whittle-le-Woods Residents Association and Whittle-le-Woods Flood Action Group, raising objections to the application on the following grounds (summarised):
- Traffic and pollution generation
  - Limited access for emergency vehicles
  - Royton Drive is too narrow
  - Danger to children playing out
  - No room to construct access road – parking of diggers / machinery
  - Access to driveways during construction period
  - Junction of Buckton Close and Royton Drive has poor visibility
  - Exiting onto A6 is already dangerous
  - Access should also be provided to Town Lane
  - The scheme does not encourage children to play out and adults to walk
  - Protected trees will be lost
  - Danger to pets from increased traffic
  - Footpaths will be lost
  - Air quality and noise from M61
  - GPs, schools and dentists are over-stretched, and infrastructure not updated
  - Construction noise
  - The 20mph speed limit on the estate through which access would be gained is not adhered to or policed
  - No need for any more houses
  - Increase in crime / anti-social behaviour
  - Reducing productivity of Lancashire
  - Increased flood risk
  - The access road will drive a wedge through the hamlet of Lucas Green by separating Crostons Farm from other properties
  - The application breaches Chorley design policy guidance
  - The properties are overbearing on and damage the viewing aspects of properties on both Berry Avenue and Town Lane
  - Harm to wildlife – biological heritage site is frequented with deer
  - Detention pond will not add suitable landscape character
  - Acoustic fence should be accompanied by planting to avoid visual impact and assist noise attenuation
  - Existing residents would be best served by building temporary access from Town Lane for the construction period
  - Harm to the setting of Croston's Farmhouse and Lucas House
  - Cumulative impacts with other developments
17. One individual responded to make comments neither in support nor objecting to the scheme, as follows:
- Please consider putting grit bins on the entrance to the estate; making footpaths pram friendly - gates instead of styles, mitigation measures during construction; improved play area and a community garden.
18. All objections and comments listed above that are classed as material planning considerations are addressed within the following sections of this report.

## CONSULTATIONS

19. Lancashire County Council Archaeology Service (LCCAS): Responded to state that the Heritage Statement submitted in support of the planning application has the results of a recent (May 2019) HER search and discusses the impact on the settings of the listed buildings in the area. LCCAS consider this will have been dealt with more fully by Chorley Council and offer no objections or advice other than on the basis of current knowledge, there is no requirement for any further archaeological interventions.
20. The Coal Authority: Responded with no comments as the development is not located within a Development High Risk Area.
21. British Telecommunications Open Reach: No comments have been received.
22. Environment Agency: Have responded with no comments. This is because the Environment Agency only respond to consultations on specific planning proposals, such as those located within Flood Zones 2 or 3 or those with critical drainage problems. This process has changed since the consultation process on the outline planning application for this site. It is now Lancashire County Council as Lead Local Flood Authority (LLFA) who are responsible for responding to consultations such as that being proposed here. Their comments are provided below.
23. Lead Local Flood Authority (LLFA): Responded to state that they have no objection to the proposed development, subject to the requirements of conditions 16 and 17 of the outline planning consent being satisfied in full. They also state that the submitted Flood Risk Assessment and Drainage Strategy provides a good assessment of flood risk of the site but questioned the methodology behind the estimations for calculating runoff rates. Following further exchanges of emails and revised drainage figures being produced by the applicant, the LLFA confirmed to the Council that they have reached a common understanding on the discharge rate issue and confirm the LLFA would be happy to accept the rate based on a green-field run-off rate of 4.33 l/s/ha.
24. Greater Manchester Ecology Unit (GMEU): Responded to state that in terms of the planting proposals that have been provided they are generally satisfied with the species choices. GMEU also identified that further information was required in the form of a bat survey of a tree to be removed as part of the proposed development and a Landscape and Environmental Management Plan. The bat survey was supplied by the applicant following the request from GMEU and was confirmed as being to their satisfaction. The Landscape and Environmental Management Plan (LEMP) is required to be submitted by a condition attached to the outline planning consent, prior to the commencement of development. It is a requirement that the LEMP identifies a net gain in on-site biodiversity.
25. Highways England: Responded to state that they welcome the provision of the substantial buffer between individual properties and the motorway boundary. They have requested that a pre-commencement condition be attached to any grant of consent so Highways England can review and approve the design of the earth bund to be located adjacent to the highway verge. Similarly, Highways England have requested a condition be attached so they can review the applicant's proposed working methods to ensure that the motorway is protected during construction from aspects such as site runoff, dust, fire, etc. and a condition in relation to the design of fencing.
26. Ramblers' Association (Chorley Branch): Responded to request that Public Rights of Way be a minimum of 1.5m wide and not crowded in that they can continue to enjoy the rural ambience and view and appreciate the heritage of Lucas Lane Hamlet and Croston's Farm. They also requested that the existing Rights of Way are not diverted onto proposed estate roads.

As noted above, the proposal would improve the existing Public Right of Way that crosses the site, and this would not be diverted. Additional footpaths would be introduced to improve connectivity through the site.

27. Lancashire County Council Highway Services (LCC Highways): Initially responded to state that the highways layout and level of off-road car parking conforms to current guidelines and the proposed development would not have a severe impact on highway safety within the site and a safe and suitable access to the site has been provided for all road users. That said, LCC Highways requested the plans be amended to provide the following;
- improved sustainability and interconnectivity across the site in terms of including a 3m wide pedestrian /cycle link onto Lucas Lane to the north of the site to reduce walking and cycling distances by 550m to access Whittle-le-Woods facilities such as the convenience store, primary school, sports facilities and play areas, church, pubs, community centre etc.
  - the upgrading of Public Right of Way 9-2-FP45 from Mottram Close to the bridge over the M61 to ensure that other future development opportunities can be catered for and ensure future sustainability and interconnectivity opportunities are not missed;
  - the site layout be revised to improve access for refuse collection vehicles and fire appliances to comply with Manual for Streets and Approved Document B (Fire Safety) with regards to reversing distances etc.

The applicant submitted amended plans to the Council which reflect the above recommendations. LCC Highways were consulted on the revised plans and responded to state that the details are acceptable apart from a hedgeline which is shown at the end of vehicle turning heads which needs to be set-back 2m from the back edge of the turning head and 1m from the sides to allow overhanging of the vehicle. LCC Highways have confirmed that this issue could be conditioned as the required changes would not affect the shown layout and can be fully achievable within the site.

28. Lancashire Fire and Rescue Service: No comments have been received.
29. Natural England: Responded to state they have no comments.
30. Waste & Contaminated Land: Responded to recommend a condition be attached to the reserved matters consent. The recommended condition is already attached to the outline planning consent and so it is considered unnecessary to repeat this condition on any reserved matters consent.
31. Lancashire County Council Public Rights of Way: No comments have received. LCC Highways' response, summarised above, provides comments on Public Rights of Way.
32. United Utilities: Responded to state that further to their review of the submitted Drainage Strategy, the plans are acceptable in principle. They have no objection to the overall drainage proposals i.e. surface water from the site draining to the nearby watercourse and foul flows being pumped into a nearby public foul sewer. A condition has been recommended by UU to be attached to the reserved matters consent. Such a condition with the same objective is already attached to the outline consent and so it is considered unnecessary to repeat this condition on any reserved matters consent.
33. Lancashire Constabulary Architectural Liaison: Responded with some recommendations for the developer in relation to measures to reduce crime, such as fence heights, security lights and intruder alarms.
34. National Grid UK Transmission: No comments have been received.
35. Council's Tree Officer: Responded to state that the loss of two trees at the site entrance would be a loss to the area as they are good specimens with high amenity value. One of the trees is protected with a Tree Preservation Order. All retained trees should be safeguarded by adherence to tree protection measures and BS 5837:2012. As compensation for the loss of the two trees, the Tree Officer recommended the planning of six semi-mature oak trees on site, which was later incorporated into a revised landscaping proposal from the applicant.

36. Regulatory Services - Environmental Health Officer: Initially responded to state that the submitted acoustic report is acceptable and the required mitigation measures should seek to protect prospective residents and recommends that the measures outlined in the report are followed. Further information was requested with regard to the internal ventilation systems which are required if windows remain closed to reduce noise. A revised report was submitted by the applicant to include the required details and the Council's Environmental Health Officer has recommended a condition be attached to require the mitigation measures to be implemented.
37. Whittle le Woods Parish Council: Responded raising objections to the reserved matters application, on the following grounds (in summary)
- Flood risk – proposals need to include committed and enforceable flood risk management
  - Access via Royton Drive - there are concerns of safety and of the impact upon the local infrastructure of additional vehicles exiting the estate onto the A6 and of the additional impact upon the already stretched local infrastructure.
  - Impact to a green field site
  - Loss of historic sites
  - Trees should not be removed
  - Impact upon the historic hamlet of Lucas Green
  - Impact upon Lucas Lane Pasture Local Wildlife site and enhanced boundary treatments are required
38. Lancashire Wildlife Trust: Responded with a precautionary objection on the basis that at the time of responding, no response had yet been received by the Council's ecological advisors. The response from the wildlife trust stated the following concerns/requests (in summary);
- The fencing proposed should protect Lucas Lane Pasture BHS's important flora from damage by major physical disturbance consequent on the increase of the local human population.
  - Any necessary avoidance, mitigation or compensation measures should be proposed for any loss of bat and barn owl foraging habitat.
  - If some form of collective biodiversity offsetting could secure such management, and maintenance of identified grassland ecological networks, in association with losses of lower quality grassland habitat as a result of ongoing housing development along the A6 corridor in Whittle-le-Woods, that would be welcome

The above issues have been covered by the Greater Manchester Ecology Unit's consultation response, mainly with regards to the requirement for the applicant to submit a Landscape and Environment Management Plan demonstrating a net-gain in biodiversity on-site.

## **PLANNING CONSIDERATIONS**

### Principle of the development

39. The acceptability of the principle of the development has been established by the grant of outline planning permission for 83no. dwellings on this site.

### Housing density

40. The application site area is 6.51ha 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).
41. This reserved matters application is for 53 dwellings, which equates to a gross density of 8 dwellings per hectare. This is lower than the outline application, which was for 83 dwellings and had a gross density of 13 dwellings per hectare.

42. The net developable area of this allocation is relatively low because of a significant number of constraints on site. The applicant has explained that the number of proposed dwellings at the site has been influenced by the site's features and constraints. The result is a relatively low density. The valuable site features and constraints influencing the density of development at the site can be summarised as follows:
- Variable topography across the site;
  - The retention of trees and hedgerows where possible;
  - The incorporation of a significant surface water attenuation pond;
  - The imperative of incorporating the public right of way;
  - The mitigation measures to address noise from the M61; and
  - The need to respect the nearby heritage assets.
43. It is considered that a density lower than that set out in the Local Plan for this site is justifiable due to 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.

#### Flood risk

44. The application site is not located within an area at risk of flooding, i.e. Flood Zones 2 or 3. That said, Section 14 of The National Planning Policy Framework (the Framework) requires that, when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Further, paragraph 165 of the Framework states that:
- “Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*
- a) take account of advice from the lead local flood authority;*
  - b) have appropriate proposed minimum operational standards;*
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
  - d) where possible, provide multifunctional benefits.”*
45. Paragraph 080 of National Planning Practice Guidance: Flood Risk and Coastal Change sets out the following hierarchy of drainage options: into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain or another drainage system; to a combined sewer.
46. Policy 29 of the Central Lancashire Core Strategy (2012) seeks to reduce risk of flooding by, amongst other things, appraising, managing and reducing flood risk in all new developments, encouraging the adoption of Sustainable Drainage Systems; and seeking to maximise the potential of Green Infrastructure to contribute to flood relief.
47. The risk of flooding is a key concern of local residents. The proposal includes sustainable drainage measures in the form of an attenuation pond in the north western corner of the site which is designed to hold water and restrict the flow into an existing watercourse. This was selected by the applicant as the most suitable option as initial site investigations revealed that the underlying site deposits are likely to have poor infiltration and so are unlikely to be suitable for soakaways. The unnamed watercourse bordering the western boundary of the site enters and exits the site in the north-western extent, therefore, a connection to the unnamed watercourse in this location appears the most practical option and provides the closest connection from the proposed pond.
48. The pond would have multifunctional benefits in the form of biodiversity enhancements and would be managed throughout the lifetime of the development (see condition 17 below).
49. The scheme has been assessed by the Lead Local Flood Authority who have no objections to the proposed development, subject to the requirements of conditions 16 and 17 attached to the outline planning permission, which were originally recommended by the Environment Agency. The conditions are as follows:

16. 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.*

17. 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.*

50. In light of the above, the proposed development incorporates the most suitable sustainable drainage option available to its location and would reduce the risk of surface water flooding. It is noted that the Lead Local Flood Authority has no objection to the scheme. The proposal, therefore, accords with national and local planning policy with regards to flood risk and surface water drainage and is acceptable in this regard.

#### Impact on designated heritage asset

51. Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA) are relevant to the 'Special considerations affecting planning functions'.

52. Section 66 states:

*'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

53. Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

54. Section 16 of the Framework refers to conserving and enhancing the historic environment. The following paragraphs contained therein are considered to be pertinent in this case:

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

55. The Central Lancashire Core Strategy (2012) (the Core Strategy), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to:

*'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*

56. Policy BNE1 of the Chorley Local Plan 2012 – 2026 requires that proposals do not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas.
57. Policy BNE8 of the Chorley Local Plan 2012 – 2026 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, 'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.'
58. The nearest proposed built feature to the locally listed building of Lucas House would be a pump station, located approximately 30m to the south east. Lucas Green is located further from the application site, behind Lucas House. The pump station would be located at a much lower land level than these historic buildings, thus limiting the level of intervisibility, and additional vegetation planting is proposed between them. The nearest dwellings would be located approximately 55m to the east of Lucas House. These relationships are considered acceptable. The nearest proposed buildings to Croston's Farmhouse are a garage located approximately 20m to the north, a dwelling located approximately 30m to the north and a further garage located approximately 30m to the north east. Again, it is considered that these relationships are acceptable and are assisted by the location of existing vegetation between the listed building and the proposed development, most of which is proposed to be retained.
59. In light of the above, it is considered that the proposed development would preserve the appearance of the adjacent grade II listed building and locally listed buildings and thus also sustain the significance of these designated heritage assets. Accordingly, the proposed development would be in conformity with S.66 and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, S.16 of the National Planning Policy Framework, Core Strategy Policy 16 and the Chorley Local Plan 2012 – 2026, policies BNE1 and BNE8.

#### Impact on character and appearance of locality

60. The Framework attaches considerable importance on achieving good design and a high quality built environment. It states that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high quality design is reflected in the Central Lancashire Core Strategy (policy 17) and the Chorley Local Plan 2012 – 2026 (policy BNE1). It is considered that detached dwellings of the design proposed on this plot would be appropriate to the character of the area.
61. The prevailing dwelling types within the vicinity of the application site are detached two storey dwellings and it is considered that the proposed dwellings would assimilate with the built form of existing dwellings on the housing estate to the south and would act as a logical extension to those existing dwellings. Similarly, the appearance of the proposed houses resonates with the predominant house types and details in the Whittle-le-Woods urban expansion area as a whole.
62. In light of the above, the proposal would not cause harm to the character and appearance of the locality. The development, therefore, complies with policy BNE1 of the Chorley Local Plan 2012 – 2026 in this regard.

#### Residential amenity, including noise and air quality

63. The application site is located adjacent to the M61 motorway, with the nearest proposed dwelling located approximately 80m away. Paragraph 180 of the Framework requires that planning decisions should ensure that new development is appropriate for its location,

taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

64. With regards to air quality, it is considered that the separation distances, differing land levels and natural buffer provided by trees would offer adequate mitigation with regards to air emissions from the M61. It is worth noting that the borough does not contain any Air Quality Management Areas, which are areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.
65. With regards to noise, the applicant has submitted an acoustic report in support of the planning application which is to the satisfaction of the Council's Environmental Health Officer. The report identifies mitigation measures in the form of acoustic glazing, internal alternative ventilation in dwellings and an acoustic bund and fencing between the dwellings and the motorway. These measures can be controlled by a suitably worded condition attached to a reserved matters consent.
66. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
67. Other than the buildings of historic importance noted above, the nearest existing dwellings to the application site would be those on Royton Drive. There would be approximately 70m separation distance between the nearest of those dwellings and the nearest of the proposed dwellings.
68. The proposed dwellings have been designed in such a way so as to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots.
69. In light of the above, it is considered that the proposal would be acceptable in terms of amenity impacts and accords with policy BNE1 in this regard.

#### Highway safety

70. Policy BNE1 of the Chorley Local Plan 2012 – 2026 requires that the residual cumulative highways impact of the development is not severe and would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
71. The vehicular access to the site would be provide from Royton Drive to the south, as approved by the outline consent.
72. (LCC) Highways are of the opinion that the highways layout and level of off-road car parking conforms to current guidelines and the proposed development would not have a severe impact on highway safety within the site and a safe and suitable access to the site has been provided for all road users.
73. Adequate parking spaces are proposed to serve the dwellings, by way of garages and/or driveway space. This would ensure that the proposal complies with the Council's parking standard set out at policy ST4 of the Chorley Local Plan 2012 - 2026.
74. It is considered that the surrounding highway network could accommodate the uplift in traffic associated with the delivery of the dwellings and that the residual cumulative impacts on the road network would not be severe. It is also noted that LCC Highways have no objection to the proposed development subject to the imposition of conditions. The proposal conforms to national and local planning policy with regards to highway safety and is therefore acceptable.

### Ecology

75. Section 170 of the Framework states that the planning system should contribute to and enhance the natural and local environment. Policy BNE1 of the Chorley Local Plan 2012 – 2026 requires that proposals do not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site. Policy BNE9 of the Chorley Local Plan 2012 – 2026 explains that biodiversity and ecological network resources will be protected, conserved, restored and enhanced.
76. A Biological Heritage Site is located approximately 10m to the west of the development site. It is however well buffered from the development by trees and no housing is proposed at the nearest point to the BHS. The Greater Manchester Ecological Unit are satisfied with the proposal and a condition is attached to the outline consent that requires a net gain in biodiversity value to be demonstrated by the development. It is, therefore, considered that the proposal accords with national and local policy in this regard.

### Community Infrastructure Levy

77. 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 and the charge is subject to indexation in accordance with the Council's Charging Schedule.

### Public open space

78. The existing S106 obligation includes the provision of £134 per dwelling towards public open space for children/young people.

## **CONCLUSION**

79. The details of the proposed dwellings are considered to be acceptable and the reserved matters application is recommended for approval, subject to the conditions identified below.

## **RELEVANT HISTORY OF THE SITE**

**Ref:** 13/01055/OUTMAJ      **Decision:** PEROPP      **Decision Date:** 10.09.2019  
(Resolution to grant outline planning permission)

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

**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

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 51 of the Planning and Compulsory Purchase Act 2004.*

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

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Location Plan	n/a	30 August 2019
Detailed Site Layout	DSL-001 Rev D	23 December 2019
RETAINING WALLS & LEVELS PLAN	4422 /Eng/125	30 August 2019
TREE PROTECTION PLAN	4079.15 Rev A	30 August 2019
PROPOSED S38 STREET LIGHTING DESIGN	n/a	12 December 2019
Land Disposal Layout	LDL-001 Rev B	29 November 2019
Boundary Treatment Layout	BTL-001 Rev B	29 November 2019
HIGHWAY MATERIALS	4422 /Eng/116 Rev A	29 November 2019
S38 - Plan	4422 /Eng/110 Rev B	29 November 2019
PROPOSED DRAINAGE LAYOUT	4422 /Eng/101 Rev B	29 November 2019
Waste Management Layout	WML-001 Rev B	29 November 2019
Swept Path Analysis Refuse Vehicle	SCP/190353/ATR01 Rev B	30 August 2019
Cycle Storage Layout	CSL-001	29 November 2019
Cycle Store 2	n/a	29 November 2019
Site Cross Sections Sheet 1 of 3	19228 / 902	29 November 2019
Site Cross Sections Sheet 2 of 3	19228 / 903	29 November 2019
Site Cross Sections Sheet 3 of 3	19228 / 904	29 November 2019
Landscape Proposals Sheet 1	4079.18 Rev A	12 December 2019
Landscape Proposals Sheet 2	4079.19 Rev A	12 December 2019
Landscape Proposals Sheet 3	4079.20 Rev B	12 December 2019
Landscape Proposals Sheet 4	4079.21 Rev B	12 December 2019
Oxford Elevations and Plans	EF_OXFO_DM.3 Rev A	30 August 2019
Oxford Lifestyle Elevations and Plans	EF_OXFOQ_DM.3 Rev A	30 August 2019
Marlborough Premium Elevations	EF_MARBP_DM.6 Rev A	30 August 2019
Marlborough Premium Plans	EF_MARBP_DM.6 Rev A	30 August 2019
The Avon 3 Block Elevations	EF_AA3_M.2	30 August 2019
The Avon 3 Block Elevations	EF_AA3_M.2	30 August 2019
The Stour Avon Elevations	EF_SA_M.1.0	30 August 2019
The Stour Avon Plans	EF_SA_M.1.0	30 August 2019
Balmoral Premium Elevations	EF_BALMP_DM.6.0	30 August 2019
Balmoral Premium Plans	EF_BALMP_DM.6.0	30 August 2019
The Blenheim Elevations	EF_BLENP_DM.1	30 August 2019
The Blenheim Plans	EF_BLENP_DM.1	30 August 2019
Henley Premium Elevations	EF_HENLP_EM.6 Rev A	30 August 2019
Henley Premium Plans	EF_HENLP_EM.6 Rev A	30 August 2019
Leamington Lifestyle Elevations and Plans	EF_LEAMQ_DM.2 Rev A	30 August 2019
Garage SGS_002 Elevations and Plans	EF_GAR_SGS2	30 August 2019
Garage DGD_001 Elevations and Plans	EF_GAR_DGD1	30 August 2019
Triple Garage 1 Elevations and Plans	n/a	30 August 2019

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of the appearance of the locality.*

5. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

*Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.*

6. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

*Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.*

7. No part of the development shall be occupied or brought into use until the sustainable off-road footpaths and shared cycle path links have been constructed in accordance with the approved details and are available for use and maintained thereafter.

*Reason: In the interests of highway safety and sustainability of the site.*

8. No development shall be commenced 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.

*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.*

9. No dwelling within each phase shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

*Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.*

10. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development 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 that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.*

11. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption 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; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.*

12. The private car parking and manoeuvring areas to be marked out in accordance with the approved plan, before occupation of the associated dwelling and permanently maintained thereafter.

*Reason: To allow for the effective use of the parking and turning areas.*

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

*Reason: To allow for the effective use of the parking areas.*

14. All vegetation planting at the end of vehicle turning heads shall be set-back 2m from the back edge of the turning head and 1m from the sides to allow overhanging of the vehicle.

*Reason: To allow for the effective use of the parking and turning areas.*

15. No development shall take place, including any works of demolition, until a Construction Method Statement 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:

- i. the parking of vehicles of site operatives and visitors
- ii. hours of operation (including deliveries) during construction
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works

*Reason: in the interests of highway safety and to protect the amenities of the nearby residents.*

16. No development pursuant to this application shall commence until a detailed construction plan working method statement relating to site development earthworks and drainage alongside the motorway has been submitted to and accepted by Highways England and the Local Planning Authority. Earthworks detail for the earth bund shall accord with the requirements of the Design Manual for Road and Bridges Standard CD 622 'Managing Geotechnical Risk'.

*Reason: To ensure that the safety and integrity of the M61 motorway is maintained.*

17. No development shall take place until:

(a) A plan showing the alignment and elevational treatment of a close-boarded fence of not less than two metres in height to be erected along the eastern boundary of the development site (or at least one metre from any part of the existing motorway fence where the boundary lies within one metre of this) has been submitted to and agreed in writing by the local planning authority in consultation with Highways England; and

(b) The fence approved by part (a) of this condition has been erected in accordance with the agreed details.

Thereafter, the fence shall remain in situ and only be repaired or replaced in accordance with the requirements of this condition. The applicant should contact Highways England (HE) to arrange a pre-start site inspection to agree the state of HE's assets and alignment of the new fence as specified in the list of conditions.

*Reason: To protect highway land from construction activities and to prevent any access between the site and strategic road network for safety reasons. This needs to be a pre-commencement condition as it deals with safeguards associated with both the construction phase and use of the development.*

18. No drainage from the proposed development shall connect into the motorway drainage system.

*Reason: To ensure that the safety and integrity of the M61 motorway is maintained.*

19. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

*Reason: To safeguard the trees to be retained.*

20. The development shall be implemented in accordance with the noise mitigation measures identified at Section 5.0 of the submitted Noise Impact Assessment (document reference AC107460-2R1), received on 09 December 2019.

*Reason: To protect the amenities of future occupiers of the dwellings.*

21. Prior to the commencement of development of the pump station to be located to the west of the access road, details of its design and appearance shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In order that the Council may be satisfied with the details of the proposal.*