

## **APPLICATION REPORT – 20/00377/FULMAJ**

**Validation Date: 28 April 2020**

**Ward: Clayton-le-Woods West And Cuerden**

**Type of Application: Major Full Planning**

**Proposal: Erection of 115 dwellings with associated parking, landscaping, drainage, pump station, layout of roads and footways and other associated works**

**Location: Land Adjoining Cuerden Residential Park Nell Lane Cuerden**

**Case Officer: Mr Iain Crossland**

**Applicant: Monaco Nell Lane Limited**

**Agent: Mr Simon Pemberton, Lichfields**

**Consultation expiry: 3 June 2020**

**Decision due by: 28 July 2020**

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### **RECOMMENDATION**

1. It is recommended that planning permission is refused for the following reasons:
  1. Due to the rural character of Nell Lane, which provides a high level of public amenity, works to the highway along Nell Lane necessary for the construction of access to the proposed development would be harmful to the character of the lane and locality through the urbanising effect from the scheme of highway works and removal of important hedgerow contrary to policy BNE1 of the Chorley Local Plan 2012 - 2026.
  2. The application proposes a level of affordable housing that is below that required by policy 7 of the Central Lancashire Core Strategy. The financial viability case advanced by the applicant does not adequately justify the non provision of affordable housing and does not meet the requirements of the National Planning Policy Framework and National Planning Practice Guidance. The proposal, therefore, conflicts with policy 7 of the Central Lancashire Core Strategy.
  3. The application does not propose to provide any contribution towards public open space as required by policy HS4b of the Chorley Local Plan 2012-2026. The financial viability case advanced by the applicant does not adequately justify the non provision of public open space and does not meet the requirements of the National Planning Policy Framework and National Planning Practice Guidance. The proposal, therefore, conflicts with policy HS4b of the Chorley Local Plan 2012-2026.

### **SITE DESCRIPTION**

2. The application site comprises an area of grassland located to the south of Nell Lane between the Cuerden Caravan Park and Shady Lane. The site is located on part of a wider mixed use allocation as defined in the Chorley Local Plan 2012 – 2026, and is positioned to the north of a major development site that continues to be developed, in part, for housing. The character of the area is one of urban rural fringe, however, the immediate area has become increasingly suburban following its allocation within the local plan and subsequent phased residential development.

3. The site is framed by mature trees to the perimeter, and in particular along the border with Nell Lane. The trees are protected by Tree Preservation Orders. The character of Nell Lane is that of a rural tree lined lane.
4. It is noted that in 2018, there was a proposal for the development of 87 dwellings (18/00917/FULMAJ) on this site with access from Nell Lane. The proposed development was considered at the February 2019 Committee, whereby members voted to defer the application for a site visit. Following this the application remained under assessment but was never determined and was eventually withdrawn by the applicant.
5. A further application for a slightly larger site, including an additional parcel of land to the south, for the erection of 115 dwellings with access to be taken from Parkhurst Avenue (ref.19/00417/FULMAJ) was approved in December 2019 and remains extant.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. This application seeks planning permission for the erection of 115 dwellings with associated parking, landscaping, drainage, a pump station, layout of roads and footways and other associated works on land adjoining Cuerden Residential Park. The proposed dwellings would be private rented properties managed by a private organisation.
7. Vehicular access would be gained from Nell Lane and a pedestrian and cycle link would be developed to the south of the site with the intention of linking with the existing developments. The dwellings themselves would be of a simple modern design and would include detached and semi-detached property types. A pumping station would be developed in the north east corner of the site around which a wildflower meadow would be planted.
8. A programme of highway works would be carried out along Nell Lane to facilitate the passage of vehicles generated by the proposed development between the site and the main local highway network. This would include speed limit signage along Nell Lane, footway extensions and road markings to delineate pedestrian walking areas; installation of traffic calming features (speed cushions and chicanes) and introduction of priority traffic flows to cause vehicles to slow down on entry to Nell Lane and approaching the site access; and minor realignment/alteration to the south radius of Shady Lane and Nell Lane with give-way and hazard line markings for improved junction visibility.

## **REPRESENTATIONS**

9. Representations have been received from the occupiers of 124no. addresses citing the following, summarised, grounds of objection:
  - Impact on highway safety
  - Unsuitable access to the site from narrow lanes
  - Impact on highway and junction capacity affecting the efficient functioning of the highway network
  - Access should be through the existing access road at Parkhurst Avenue.
  - Nell Lane is well used by pedestrians, cyclists and horse riders
  - Impact on the character of Nell Lane through highway works and increased vehicular usage
  - No affordable housing provision.
  - Lack of cycle or pedestrian provision
  - Loss of trees
  - Loss of hedgerow
  - Ecological impact
  - Biodiversity would be reduced.
  - Flood risk and drainage
  - Loss of access to land for recreation / dog walking, and in particular loss of access to caravan park residents, which the site owner is failing to provide
  - Potential archaeological importance
  - Lack of school place provision

- No provision towards public open space
- The design of the dwellings does not reflect local character
- Should include more housing for elderly
- There is a need for affordable housing
- Lack of local amenities
- Lack of access to public transport
- Consultation not adequate / extensive enough
- No more houses are needed
- The amount of housing should be reduced and replaced by recreational amenity space for residents
- The Ikea site should be used instead

10. An objection has been received from **Cllr Gabbott** as follows:

As Ward Councillor I will be objecting to this planning application because the access via Nell Lane is unsafe and unsuitable. It is a narrow country lane, the average width is 3m and we have already documented the safety concerns at the previous planning meeting surrounding this particular rural country lane.

This development's proposed access from Nell Lane will have a significant and severe impact on the local highways and road safety. It has previously been noted that Nell Lane has sub-standard visibility and it is unfathomable that Nell Lane Monaco Ltd want construction vehicles careering up and down throughout each day. We as a council are responsible for ensuring we take these concerns seriously, advise the committee appropriately so they can make the correct decision which can surely only be to reject this application in its entirety because there is no alternative route that can be used as access other than the Parkhurst Avenue development.

The sightlines have been described as severely hindered due to the mature hedgerow and a previous application wanted to destroy 90m of it and this application looks set to cause destruction of yet more ancient and well established hedgerow with the proposed road widening. It will surely cause this amount of hedgerow to vastly increase with a proposal of a 5m widening which is almost double the average width. I believe this further evidences the unsuitability of this Lane by the fact that a 3m width lane requires an additional 5m. This will have a detrimental impact on the natural landscape and is clearly unnecessary because access can quite clearly be utilised from the Parkhurst Avenue development without any destruction of the environment. I understand that this may not be a possible alternative for this application and that is not a concern for the council but for this developer and is why I am requesting this application is refused.

The Fire and Rescue Service which must be seen as absolutely vital when reviewing a planning application as they are the emergency responders and must be able to service a development. They recommend a minimum carriageway width between kerbs of 3.7m (MfS section 6.7) and the fact that the average width is 3m goes to show just how unsuited Nell Lane is as a main and sole access road into a development. The plan is to widen the road in the centre of Nell Lane however the junction with Wigan Road or Shady Lane Junction with Sheep Hill Brow will still remain considerably less than 3.7m meaning there is inadequate space for emergency vehicles to access this new development even with the widening scheme in place. This practically guarantees that if emergency vehicles would still struggle for access and is considerably under the recommended requirement width which I assume presents a risk to safety that construction vehicles including; excavators; wagons and construction workers would significantly increase risk to the residents I serve, the general public and the construction workers themselves.

The main point that you can see running through my opposition to this is Nell Lane as access, it is absolutely vital that access is not granted from this road. When the construction phase commences, it will be putting the community I am elected to represent at risk. Not only does it risk their wellbeing in the event of collisions that could occur but it also risks harming the local landscape too.

I am extremely disappointed in the developer as they have not once attempted to contact me as the local ward councillor to address the issues I have raised. It seems rather the opposite that during the Coronavirus Pandemic they deliver a few leaflets and submit a planning application with little consultation with the community. It feels this application has been hastily written by the Salford based company rather than to try and understand and assuage local concerns they have gone full steam ahead hoping the application will get through with minor adjustments that make no real difference to the previous application. The 1 page document detailing a road widening proposal is an outrage and I am appalled by its lack of quality because it does not address the issue and solve a problem, it helps the middle of Nell Lane but costs us more loss of the environment and does not help improve the wider routes e.g. access from Wigan road to Nell Lane which is still too narrow and the access from shady lane with the junction being with sheep hill lane/town Brow which is also too narrow.

Cuerden is known for its corridors of hedgerows and trees and in an ever-developing world it is essential we keep these features to ensure the countryside feel to our rural areas.

Finally, this application fails to comply with the following in our local plan:

- Chapter 2, vision, paragraph 2.3: the area has a lack of services due to nothing being built to support this development e.g. school or GP.
- Chapter 7: this does not protect or enhance the natural environment but in fact harms in substantially and goes directly against the councils newly adopted green agenda.
- SO17: it restricts room for the villages to breathe and will have a detrimental impact to central Lancashire's natural environment assets.
- BNE 1, D) as it will have a severe impact on highways and will prejudice highway safety not just located at the development access but a knock on affect to neighbouring junctions.
- BNE 1, F) as it will have an enormous impact on historic hedgerows and local landscape features such as tree and hedgerows.

11. An objection has been received from **Cllr Clifford** as follows:

As Chorley Council's Champion of Environment and Green Space I wish to object to this planning application on the grounds of loss of amenity and the damage it will cause to the established Wildlife corridors of Nell Lane, Shady Lane and the wider area.

Since Chorley Council has declared a Climate Emergency and the Executive has adopted the findings of the Overview and Scrutiny Task Group set up to develop Chorley's Green Agenda we must embed green considerations in all decisions more than ever.

Nell Lane is the quintessential 'English country Lane' with a beautiful array of trees and native hedgerow, throughout the year it is a delight to visit. Its visual appeal is enjoyed by all and this plan destroys the essence of what it is, a 'country lane'. By removing the established hedgerow, removal of trees, severe crowning of remaining trees, installation of a footpath and the addition of street furniture to Nell Lane, the essence of Nell Lane as a 'country lane is lost'.

This urbanisation of Nell Lane will be a huge loss of amenity and constitutes the destruction of Clayton-le-Woods finest example of an 'English country lane' and a beautiful lane that should be protected for the public and not be destroyed by unsuitable development.

Residents do not want footpaths and street furniture they want to see insects flying along by the narrow lane edges, birds nesting in the hedgerows, a wealth of small mammals scurrying along in the grassy ditches and most of all this narrow green corridor remain intact with no new entrances now and for future generations. Our environment protected in Chorley.

The removal of nearly 100 metres of hedgerow to allow this development will have a huge impact on the established Wildlife corridors around Nell Lane and Shady lane resulting in a net loss of biodiversity.

The impact caused by increased vehicle movements along Nell Lane cannot be mitigated. The increase in traffic along Nell Lane and neighbouring Shady Lane will cause huge mortality to the remaining wildlife population (insects and mammals alike) residing in the area.

As nature plays an equal part in the fight to mitigate the Climate Emergency allowing this application to proceed is against the aims of the Council and our green agenda and therefore should be refused on the above grounds.

## **CONSULTATIONS**

12. Greater Manchester Ecology Unit: Have recommended conditions.
13. Waste & Contaminated Land: Have no objection.
14. Lancashire County Council Highway Services: Have no objection subject to conditions.
15. Lead Local Flood Authority: Have no objection subject to conditions.
16. United Utilities: Have no objection.
17. Lancashire County Council (Education): Comment that there is a requirement for primary school places from this development of 26 primary places x current cost per place = 26 x £16,645.01 = £432,770.26. There would be no secondary place requirement.
18. Lancashire County Council (Archaeology): Have no objection.
19. Lancashire Wildlife Trust: No comments have been received.
20. CPRE (Lancashire Branch): Object to the proposed development for reasons including highway safety, highway capacity, lack of affordable housing provision, insufficiently high quality design, loss of trees and hedgerows, biodiversity impact, and impact on the character of the area.
21. Lancashire Fire And Rescue Service: No objection
22. **Clayton le Woods Parish Council:** Object citing the following reasons:
  1. The Nell Lane access road is deemed unsuitable, potentially dangerous and unnecessary.
  2. Further to the above as the access via Nell Lane is unnecessary all the destruction of natural habitat, hedgerows, trees, vegetation and the environment is unnecessary and would result in the loss of green space and wildlife corridors. There is a significant detrimental impact to the area if access is granted from Nell Lane i.e. safety, traffic congestion, flooding issues.
  3. This new application has the proposed permanent entrance from Nell Lane as the only access to these properties once the development is completed. This would be unsuitable for a development of this size and would also fragment the community.
23. **Cuerden Parish Council:** Object to this application and have commented as follows:

Nell Lane was deemed unsuitable for construction traffic by Chorley Borough Councillors last July 2019 when Redrow Homes made their application so why should this decision be reversed?

Before the COVID outbreak many people accessed Nell Lane for pleasure, health benefits and to appreciate its unique and natural charm. Post COVID these numbers have increased substantially and will, hopefully, continue to increase in the future. If this application is

allowed many families, elderly residents of the Cuerden Residential Park and children walking to the school bus will have to negotiate construction traffic on Nell Lane for the duration of this development's construction. Then they will have to negotiate the excessive traffic 115 new dwellings will bring to the area as they attempt to walk on Shady Lane and negotiate an area without a footpath at the end of Nell Lane on to Wigan Road. As one Chorley Borough Councillor said the last time this plan was proposed when they visited this site "It was like dodgems" trying to avoid traffic.

Nell Lane is prone to flooding and these incidents are well documented. LCC have failed to adequately address this issue and the added burden of 115 houses and their infrastructure will exacerbate this problem.

Over 80 metres of hedgerows, 60 metres of which is on Nell Lane, will be removed causing the loss of wildlife and harm to existing established hedgerows. Hedgehogs are in decline and will soon be extinct. This entire development will have a detrimental effect on all local wildlife. Removal of habitat such as hedgerows will severely impact a variety of species such as the beloved hedgehogs (once regularly seen in the area) and other precious wildlife. By removing this wildlife corridor, habitat and nesting area, our dwindling British Countryside Wildlife will be a distant memory conforming with the current national trend. Nell Lane is host to many trees protected with TPOs. This protection is for a reason and the same importance must be acknowledged for hedgerows under "The Hedgerows Regulations 1997 DEFRA".

700 houses have already been built on this estate within the last 2 years and added to the existing neighbouring "Flowers Estate", we have serious concerns regarding the additional traffic that these developments bring to the already congested Hayrick, M6 junction and Wigan Road. Can the current infrastructure cope with another 115 dwellings?

It is disappointing that at such a time of national crisis that COVID brings, this developer has sought to proceed with this application when many of our parishioners are self isolating, may be sick or are unable to voice their concerns as they have on the previous attempts to develop this site.

## **PLANNING CONSIDERATIONS**

### Principle of the development

24. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
25. The application site forms part of an allocated mixed use site for housing and employment covered by policies HS1.31 and EP1.15 of the Chorley Local Plan 2012 - 2026. The total area of the mixed use site allocation is approximately 38Ha and the proportion that is estimated for employment development is 15Ha under policy EP1.15. This suggests that the remaining 23Ha is available for housing development under allocation HS1.31.
26. To date a number of housing developments have been approved across the area of the site allocated as mixed use and whilst there have been no proposals for employment development, approximately 15Ha of land would remain available within the allocation for employment uses when accounting for previous planning permissions for housing and including the current application. On this basis, an adequate area of employment land, in line with the policy requirement, could still be realised across the site. The balance of the remaining undeveloped land will be reviewed as part of the ongoing local plan update process.
27. It is noted that planning permission has been granted for the erection of 115 dwellings on this site and on adjoining land (ref. 19/00417/FULMAJ) in December 2019 and that this permission remains extant. As such the 115 dwellings could be built out without the need for any further planning permission. The development for 115 homes was considered against

the Development Plan in place at the time and found to be in conformity with the relevant policies of the Development Plan. The same Development Plan remains in place today and the acceptability of the principle of residential development on this site has been established.

28. The housing allocation HS1.31, that includes the application site, estimates that the whole allocation will provide 699 dwellings in total. The planning permissions that have been approved within the allocation to date already exceed this figure. It should be noted, however, that the housing allocation numbers detailed in policy HS1 are indicative and that the housing requirement is a minimum to ensure enough housing is provided through the Local Plan period. It is considered that in this case, the greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plan) housing figures are not to function as ceilings.
29. Consequently, the development of housing on this site is considered to be in compliance with the development plan and is acceptable in principle.

#### Design and impact on the character of the area

30. The proposed development would be located to the east of a residential caravan park, and to the north of recent residential housing developments some of which have been completed and others that are under development. Otherwise the site is bound by Nell Lane to the north and open land to the east and south. As such the site is most visually prominent from the north at Nell Lane. There are mature trees and hedgerow along this boundary of the site.
31. Nell Lane is a lane of rural character dividing pasture land on either side, other than in the area of the caravan park to the south. There are two dwellings at the eastern end of the road and one dwelling at the western end. The lane is lined by mature trees and hedgerow on low embankments, which results in a sense of enclosure. The hedgerows are considered to be 'important' in line with The Hedgerows Regulations 1997. These features also conceal the caravan park and dwellings to some extent. There are no footways, streetlighting or other highway paraphernalia, and as such the lane has a simple rural character.
32. Nell Lane itself is well used by pedestrians and cyclists, and in particular by residents of the nearby caravan park in seeking recreational amenity. This has been identified through a number of the representations that have been received. This has also been recognised by Lancashire County Council (LCC) having recently implemented a temporary road closure along Nell Lane and Shady Lane under Section 14 (1) (b) of the Road Traffic Regulation Act 1984. The LCC webpage dedicated to promoting 'Active Travel in Lancashire' explains that this is in response to the corona virus lockdown, whereby LCC have introduced a range of temporary measures across the county, creating more space for people to safely walk or cycle as an alternative to public transport and also to help people adhere to social distancing guidance. LCC state that they have introduced a number of new measures to make it easier for people to walk and cycle in busy areas whilst maintaining social distancing.
33. LCC state that they have reallocated some road spaces, by creating modal filters and pop-up cycle lanes. This will help people who have chosen to travel in different ways rather than by public transport or car as lock down continues to ease. A modal filter, sometimes referred to as a road closure, is a road design that restricts the passage of certain types of vehicle. Examples of modal filters include cul-de-sacs, bollards, boom barriers and planters. Modal filtering is often used to help create a low traffic neighbourhood, where a transport network is reconfigured to divert motor traffic away from residential streets and instead toward feeder roads. Nell Lane has been closed to all vehicular traffic since July 2020 through using planters as physical barriers to traffic as part of the road closure order.
34. On the basis of the above it is concluded that Nell Lane is a well used public thoroughfare used for leisure and recreational purposes. Its present simple rural character is well established amongst those that use it, and is of value locally.

35. The application proposes that vehicular and pedestrian access would be provided from Nell Lane and it is proposed to deliver road improvement works along Nell Lane to ensure a safe access point to and from the site. A comprehensive scheme of highway improvement works have been agreed with LCC Highways as a way of ensuring an appropriately safe access. This would include widening the highway to 5.5m wherever possible, speed limit signage along Nell Lane, footway extensions and road markings to delineate pedestrian walking areas; installation of traffic calming features including speed cushions and chicanes created through road markings and kerbed build outs with bollards, and the introduction of priority traffic flows to cause vehicles to slow down on entry to Nell Lane and approaching the site access; and minor realignment/alteration to the south radius of Shady Lane and Nell Lane with give-way and hazard line markings for improved junction visibility. Street lighting along the entire length of Nell Lane would also need to be introduced.
36. There would also be approximately 60m of established and 'important' hedgerow removed in the creation of the access to the site. Although this would be mitigated to some extent through replacement planting, the hedging that would be planted would be set further back within the site rather than in the position the existing historic hedge. Further a paved footway would be constructed either side of the access road for approximately 24m west and 14m east along the south side of Nell Lane.
37. The extent of the necessary highway works to Nell Lane, and associated loss of 'important' hedgerow would be such that it would change the character of Nell Lane from a simple rural lane to that of an urbanised estate road along its entire length. This would be harmful to the character of the lane and the locality to such an extent that it would result in an unacceptable impact.
38. The proposed housing would comprise 14 two-bed units, 60 three-bed units and 41 four-bed units. There are seven different house types proposed across the application site, providing a mix of semi-detached and detached dwellings. The access would link into the main internal estate spine road, leading into a series of cul-de-sacs. The majority of dwellings would be accessed off this main spine road, with a number accessed off the separate cul-de-sacs. A pedestrian footpath would run along the north of the site parallel to Nell Lane. This would provide a route for pedestrians and would be made available for public use.
39. Parking would be provided by a mix of private driveways and shared parking courts to the front and sides of the dwellings. All units would be provided with two parking spaces. Each dwelling would have an enclosed rear garden and designated spaces for the storage of waste and recycling bins.
40. Landscaping and vegetation would be used to create a boundary that would separate the adjoining fields to the east and south, with existing hedgerows retained within the site and along these boundaries. The trees located to the north of the site are to be retained and accompanied by additional landscaping. There would be a soft entrance into the site, with landscaping located to the east and west of the proposed access, where the existing hedge would need to be removed. There would also be significant landscaping in the north east corner of site, surrounding the proposed pump station. The majority of trees and shrubs that run through the middle of the site from east to west are to be retained. The proposals also include trees in the front garden areas of dwellings.
41. The dwellings themselves would be well set back from the highway along Nell Lane and any views from Nell Lane would be filtered by the trees and hedgerow that would be retained, in addition to a new hedgerow and planting that would take place as part of the landscaping scheme. The dwellings closest to Nell Lane would face this highway, with an intervening estate road between. Dwellings at plots 1 and 98, would be corner properties next to the access road and would be dual aspect, which would respond well to this positioning providing a frontage to Nell lane and detail facing the new estate road. This would result in a positive relationship with Nell Lane that is not obtrusive in the context of this lane of rural character, given the degree of separation and retention of landscaping.



42. The proposed estate roads and layout follow a logical pattern and would incorporate a range of dwelling types and designs that would provide enough difference so as to create some distinctiveness, whilst the dwellings themselves would include consistent materials and details that would provide a level of coherence across the new estate.
43. The design of the dwellings themselves would be simple in appearance and includes red brickwork to reflect the existing local vernacular. Features such as porches, different roof types and varying set backs would provide some diversity across the development. It is noted that there is a range of property types in the area and that the proposed dwellings reflect the scale of existing dwellings and the suburban setting. In particular, this reflects more recent development to the south.
44. The properties would all have garden areas providing sufficient space for the storage of bins and driveway parking. The frontages would be open plan contributing to an open and uncluttered street scene. The density of the development would be relatively low, and reflects the evolving suburban character of the area and density of nearby housing estates.
45. There are numerous mature trees and hedgerows to the periphery of the site, which would largely be retained in accordance with the proposed landscaping and tree protection plan, which would help to frame the development within the landscape to some extent. There are also trees and hedgerows within the site that would be retained.
46. Overall, the layout and design of the proposed housing and landscaping would result in an adequate form of development in and of itself, however, the necessary works to the highway along Nell Lane would be so transformative as to completely alter the character of the lane from a simple rural thoroughfare to that of an urban estate road. It is, therefore, considered that the proposed development in implementing a necessary scheme of highway works along Nell Lane would be harmful to the character of the locality to the extent that it would not comply with policy BNE1 of the Chorley Local Plan 2012-2026.

#### Impact on neighbour amenity

47. There is a sufficient degree of separation between the proposed development and the existing dwellings on Nell Lane and Shady Lane to ensure that the Council's spacing guidelines are met. As such it is considered that the proposal would not result in any loss of amenity for existing residents or the future residents within the development.
48. There are a series of caravans / mobile homes along the western boundary of the site. The rear gardens to the proposed dwellings at plots 1 to 24 would adjoin the mobile home park. The relative positioning and degree of separation between these proposed dwellings and the mobile homes is such that there would be no unacceptable impact on outlook, light or privacy and that the amenity of existing residents of the mobile homes and future residents of the proposed dwellings would not be harmed.
49. In terms of the interface distances between the proposed properties themselves, these are considered to be acceptable in relation to the Council's guidelines taking into account the level changes across the site. The proposal is, therefore, considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed dwellings.
50. Overall, therefore, the proposed housing would have no adverse impact on the amenity of any existing or future residential occupiers.

#### Impact on highway safety / access

51. In 2018, there was a proposal for the development of 87 dwellings (18/00917/FULMAJ) on this site with access from Nell Lane. To mitigate the impacts of the proposal and ensure safe access for all, various highway improvement measures were agreed for implementation. The measures agreed were as follows.
  - Implement a TRO to reduce the existing speed limit of the 40mph on Nell Lane to 30mph.
  - Widen the carriageway of Nell Lane as far as possible to 5.5m.

- Implement horizontal and vertical speed reduction measures to include carriageway narrowings, speed cushions, priority gateways and associated signage and lighting.
  - Provide street lighting on the entire Nell Lane.
  - Provide footways on the south side of Nell Lane from the site access to the entrance to the Cuerden Residential Park and towards east of the site access for improved visibility.
  - Provide 3.0m wide pedestrian/cyclist link from the development along the edges of the open fields south of the site to connect Parkhurst Avenue to include lighting.
  - Provide 3.0m wide pedestrian/cyclist access through the site from the proposed site access to the existing field access near Shady Lane to include lighting. It was agreed that the access will not be accepted for highway adoption and that its maintenance would be the applicant's responsibility.
  - Install pedestrian phase to the existing traffic signal at A49 Wigan Road/A5083 Lydiate Lane.
  - Implement physical measures to improve visibility at Shady Lane/Nell Lane.
  - Improve two existing bus stops south of A49 Wigan Road/A5083 Lydiate Lane to quality disability compliant standard with raised kerbs, boarding areas, bus stop bay markings, 'bus stop' worded markings, clearways and bus shelters.
  - Provide commuted sum of £5,000 per bus stop, secured through s106 agreement of the Town and Country Planning Act 1990 towards maintenance of the bus shelters for a period to be agreed with LCC Highways.
52. Apart from the 3.0m wide pedestrian/cyclist access to be provided through the site from the proposed access to the existing field access near Shady Lane, the commuted sums for bus stop improvements and the Travel Plan contribution, dealt with below, all highway improvement works were to be carried out through the s278 agreement of the Highways Act 1980. The 2018 proposal for 87 dwellings was, however, later withdrawn.
53. In 2019, a further proposal was submitted and granted planning permission (19/00417/FULMAJ) for development of 115 dwellings on the same but expanded site to include the open field immediately south of the site. The development was proposed to be accessed from Parkhurst Avenue, with a secondary narrower access proposed to Nell Lane that would be restricted to emergency use only for vehicles by means of installation of rising/collapsible bollards, whilst allowing everyday pedestrian/cyclist use.
54. In the 2019 proposal, as Nell Lane was no longer going to be the main access to the site, some of the highway improvements that were agreed with the Local Highway Authority as part of the 2018 withdrawn application were no longer considered necessary and as such were reduced to the following.
- Provide footways on the south side of Nell Lane from the site access to the entrance to the Cuerden Residential Park and towards east of the site access for improved visibility.
  - Provide 3.0m wide pedestrian/cyclist access through the site from the proposed site access to the existing field access near Shady Lane to include lighting. The access was not to be accepted for highway adoption with the applicant responsible for its maintenance.
  - Install pedestrian phase to the existing traffic signal at A49 Wigan Road/A5083 Lydiate Lane.
  - Implement physical measures to improve visibility at Shady Lane/Nell Lane.
  - Improve two existing bus stops south of A49 Wigan Road/A5083 Lydiate Lane to quality disability compliant standard with raised kerbs, boarding areas, bus stop bay marings, 'bus stop' worded markings, clearways and bus shelters.
  - Provide commuted sum of £5,000 per bus stop, secured through s106 agreement of the Town and Country Planning Act 1990 towards maintenance of the bus shelters for a period to be agreed with LCC Highways.
55. The current 2020 application is also for development of 115 dwellings at the same site, but unlike the approved 2019 proposal, the site no longer incorporates the open field between it and the existing developments to the south. The current site boundary is the same as that of the 2018 application and the development would be accessed from Nell Lane with only a pedestrian/cyclist access to Parkhurst Avenue.

56. The submitted Transport Assessment has provided adequate description of existing site information and baseline conditions such as location and use of the site, current personal injury accidents on the studied road network and traffic forecasts to assist in understanding the context of the proposed development. In the TA, issues such as measures to reduce the need to travel, sustainable accessibility, residual trips and mitigation measures were addressed.
57. The proposed site access to Nell Lane would be 5.5m wide with 6.0m corner radii, similar to the 2018 withdrawn application. The proposed 115 dwellings comprise 14no, 2-beds, 60no, 3-beds and 41no, 4-beds. The dwellings include no integral garages, but in contrast with Local Authority Parking Standard, the applicant proposes 2no. curtilage parking spaces for each dwelling including the 4-bedrooms each of which requires 3no parking spaces under the Council's adopted standards. This means the applicant's overall parking provision would be 41no. spaces below the standard.
58. In paragraph 3.3.4 of the TA, the applicant seeks to justify the proposed parking provision by citing the provisions under policy ST4 of the current Chorley Local Plan. Policy ST4 states that parking provision for proposed developments should be made in accordance with the Parking Standard and that provision below the standard should be supported by evidence detailing the local circumstances that justify deviation from the standard. Although the application site is not located in a particularly sustainable area in terms of the availability of public transport provision and local amenities there is a need to balance the provision of adequate car parking with an adequate form of development and an efficient use of land in the provision of housing. In consideration of the need to create an attractive street scene through the development of the site it is considered that a small reduction in off street parking can be accepted on the basis that full provision would lead to a street scene awash with hard surfacing leading to a poor form of development.
59. In the 2018 withdrawn application, it was considered that there was need for external connectivity of the proposed development to the existing residential area to the south. As most of the destinations to local shops, amenities and services listed in paragraph 4.2.3 of the TA were outside walking distance of site, it was proposed to provide a lit pedestrian/cyclist link from the site along the edge of the open fields south of the site to connect Parkhurst Avenue to facilitate access to amenities in the south direction of the site. The current proposal would provide a similar link, thereby providing the same level of integration.
60. The applicant has agreed to implement the above listed highway improvement measures agreed for the 2018 withdrawn application to ensure sustainability of the proposed development and has reproduced the plan agreed for the Nell Lane scheme as shown on submitted drawing no. 73518-CUR-00-XX-DR-TP-75001-P01 (09/03/20). However, the proposed improvements listed by the applicant in paragraph 3.2.4 of the TA falls far short of the measures agreed. For the proposal to be acceptable the above list of the 2018 agreed improvements will need to be adhered to. There is a long-standing highway drainage issues on Nell Lane which need to be taken into account during the implementation of the scheme. It should also be noted that the improvement schemes on Nell Lane will be subject to stage 1 road safety audit. The Trigger point for the s278 off-street works of highway improvements will be before commencement of development.
61. The interim travel plan submitted is acceptable as it contains the following minimum highway requirements.
- Commitment and timescale for the appointment of a Travel Plan Coordinator at least 1 month prior to first occupation and the position retained for at least 5 years.
  - Commitment and timescale to undertake travel surveys within 3 months of business commencing.
  - Commitment and timescale for developing a Full Travel Plan within 3 months of 1st travel survey.
  - Details of cycling, pedestrian and public transport links to and within the site.
  - Details of provision of secure cycle storage.

- Outline objectives and targets.
  - List of proposed measures to be introduced particularly those to be implemented prior to the development of the Full Travel Plan.
  - Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.
62. When developed, the Full Travel Plan will include the following as a minimum:
- Contact details of a named Travel Plan Co-ordinator.
  - Results from the travel survey.
  - Details of cycling, pedestrian and public transport links to and through the site.
  - Details of the provision of secure cycle storage.
  - Objectives.
  - SMART 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.
63. Based on the proposed scale of development, LCC would request a developer contribution of £18,000 secured through the s106 agreement to enable LCC Highways to provide the following range of services:
- Appraise initial Travel Plan submitted to the Planning Authority and provide constructive feedback.
  - Work closely with the Developer's appointed Travel Plan Coordinator, the end use where appropriate, local community groups.
  - Oversee the progression from the Interim Travel Plan to the Full Travel Plan/s in line with agreed timescales.
  - Monitor and support the development, implementation and review of the Full Travel Plan for minimum of 5 years. This will include reviewing:
    - Annual surveys.
    - Progression of initiatives / actions plan.
    - Targets.
64. The Trigger point for the s106 contributions will be prior to commencement of development to enable suitable support to be provided early in the process.
65. The proposal is acceptable in principle from a highway safety perspective, subject to the implementation of the above 2018 agreed full list of improvements including the provision of the pedestrian/cyclist link to the south of the site.

#### Ecology and trees

66. Due to the nature of the application site, the application is supported by an ecological survey and assessment, as well as supplementary reports. These have been reviewed by the GMEU Ecologist. They advise that ecological issues relating to this site have been discussed at length previously as part of planning applications 18/00917/FULMAJ and 19/00417/FULMAJ. The updated survey has found no change in circumstances. The main ecological issue, however, is mitigation for loss of over 3ha of grassland.
67. The 3.3 hectare (ha) site comprises one field of unmanaged semi-improved grassland with tall-herb vegetation, marshy grassland and bramble scrub and one field of managed improved grassland with boundary hedgerows and mature trees. Nell Lane is present to the north, Cuerden Residential Park lies to the west and fields of improved grassland are present to the south and east.
68. The ecology report states that the site and the adjacent land has no statutory or non-statutory designation for nature conservation and no designated sites would be directly or indirectly adversely affected by the proposals.
69. No species-rich habitats are present. No rare or uncommon plant species were detected at the site. None of the semi-improved grassland habitats and tall-herb vegetation within the site are of significant interest in terms of their plant species composition.

70. The semi-mature and mature trees on the site boundaries are of local value as they function as minor wildlife corridors and provide habitat for animal life. The retention and protection of the trees is considered feasible within the remit of the development proposals, and is reflected in the tree protection plan.
71. With regards to the presence of bats the current and previous surveys have identified that a significant number of the boundary trees have bat roosting potential. The majority of these trees are to be retained and previous emergence surveys found no evidence of bats roosting in trees to be removed. Two trees identified in the most recent survey are stated to require removal, T31 and T35 on the tree constraints plan. However, the landscape proposals indicate that only T35 is to be removed. The last emergence survey for this tree occurred in September 2018. It is, therefore, accepted that the updated ecological reports recommendation that prior to removal the tree should be resurveyed. These details could be conditioned. The consultants also note the risk of external lighting on the bat foraging and commuting potential of the hedgerows and mature trees to be retained. However, the proposed layout shows that any street lighting would be screened from these features by the housing. Therefore, no further information or measures are required.
72. Previous surveys have assessed the risk of great crested newts being present due to a combination of factors including distance, physical barriers to movement and ponds being dry. The updated ecology report carried out an eDNA survey of the pond adjacent to the site, which has previously been dry but presumably owing to the wet winter and early spring is currently holding water. The survey proved negative.
73. The proposed development would result in the loss of significant lengths of hedgerow and a number of trees. This has the potential to affect 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, therefore, it is an offence to damage or destroy such features whilst in situ. The removal of such features outside the bird nesting season can be controlled by condition. It is noted that trees and hedgerow would be planted through the landscaping of the site, which would help to return the nesting opportunities that would be initially lost.
74. A number of invasive species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended were recorded on the site including Japanese knotweed, rhododendron, monbretia, cotoneaster and Virginia creeper. It is an offence to introduce or cause to grow wild any plant listed under this schedule. As such a method statement detailing eradication and/or control and/or avoidance measures for Japanese knotweed, rhododendron, monbretia, cotoneaster and virginia creeper prior to any earthworks taking place would need to be secured.
75. Section 170 of the National Planning Policy Framework (the Framework) states that the planning system should contribute to and enhance the natural and local environment. The development would result in the loss of two fields, one of low ecological value, the other of low to moderate ecological value. The development would also result in the loss of a small number of mature trees and approximately 80m of native hedgerow.
76. The proposed development would provide an increased area of on-site mitigation relative to previous proposals through the provision of an area of species rich grassland in the north east corner of the site. This would have some ecological value in that it is a block rather than a strip of grassland. There would also be three smaller areas of species rich grassland within the site in addition to the planting of over 50 new trees and new hedgerow. Previously the on-site mitigation was covered by a Landscape and Environmental management plan. This is still valid as the ecological issues remain unchanged i.e. mitigation for grassland, hedgerows, loss of trees and bird nesting habitat.
77. Overall, it is considered that the proposed mitigation measures are adequate compensatory measures for the impact on biodiversity from the proposed development. It is considered that the ecological impacts of the proposal have been fully considered and as such it is

considered that the Council, subject to suitable conditions, has discharged its obligations in consideration of biodiversity mitigation and any potential impact on protected species.

#### Drainage

78. The applicant has provided a flood risk assessment (FRA) and drainage strategy with the planning submission. This demonstrates that the site is at low risk of flooding from all sources.
79. Some surface water attenuation may be provided on site by a cellular attenuation structure that would be detailed as part of any Detailed Drainage Strategy for the site. All the surface water collected on site would be conveyed via a pumping station, discharging into the River Lostock. Currently based on levels, there is the potential for some water to shed from the site onto Nell Lane. The Drainage Strategy would be designed so as to prevent water shedding onto Nell Lane following development of the site as all surface water would be intercepted and discharged via the pumping station.
80. With regards to the historical flooding in the area, United Utilities and the Environment Agency have not provided any records of flooding to the site or in the vicinity to date, however, the Lead Local Flood Authority have advised of flooding, which has occurred along Nell Lane. The location, extent or cause of the flooding are not recorded. As such it is unknown as to whether this flooding was due to excessive surface water or a lack of maintenance of existing drainage. The capture of all surface water on site and discharge via the pumping station would, however, ensure that no excess water is shed onto Nell Lane over and above existing levels.
81. The Lead Local Flood Authority (LLFA) have assessed the site in consideration of this strategy and have no objection to the proposed development subject to the inclusion of an appropriate condition requiring the final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme.
82. The LLFA note, however, advise that Standard S12 of the Non-Statutory Technical Standards for Sustainable Drainage Systems requires that pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity and have concerns over the use of this method. A previous development at the Hedgerows to the south of the proposed site included an 8 l/s surface water and separate foul connection on Parkhurst Avenue, which were designed to accommodate drainage from future development on the proposed site. However, the proposed development would not make use of this arrangement, which would allow for gravitational drainage of the proposed site and should normally be prioritised over drainage via pumping.

#### Archaeology

83. The site is thought to be crossed by the line of the Roman road from Wigan to Preston, Margary 70c, a non-designated heritage asset recorded on the Lancashire Historic Environment Record (PRN26143). The road is shown running north to south through the site, along the eastern boundary. There is, therefore, a potential for the proposed development to encounter buried archaeological remains associated with the Roman road and associated road side activity. Surviving remains are however considered unlikely to be of the highest significance and could be adequately preserved by record (archaeological excavation and recording).
84. Furthermore, the development site also falls within an area identified by Historic England as a possible deserted medieval settlement (PRN1647). Although the site was visited by the Ordnance Survey in 1975 and no traces of the settlement were observed, there is still some potential for below-ground remains of medieval date to be encountered by any ground disturbance in this area.

85. The current Ordnance Survey map shows the Parish boundary between Cuerden and Clayton-Le-Woods to run down the middle of Nell Lane, rather than either side of it. The Tithe map appears to show the same arrangement and, therefore, as far as Lancashire County Council Historic Environment Team are aware the hedgerow does not satisfy Criteria 1-4 of the Hedgerows Regulations 1997.
86. The requirements under Criterion 5 were further clarified by a note issued by DEFRA on 23rd May 2002, which quote case law and states that the phrase in 5 (a) "pre-dating the Inclosure Acts" should be taken to mean "before 1845 (whether or not Inclosure Acts exist for the area in question)" and also notes that the completeness of the field system in question is irrelevant.
87. The boundaries on the north (south side of Nell Lane), east and south of the site, as well as that which runs E-W across the centre of the site, would appear to be visible on the 1838 Clayton-Le-Woods Tithe map, all forming part of the as-then existing field system. This would confirm their pre-1845 origin, and in doing so satisfy Criterion 5a, meaning that they should be considered 'Important Hedgerows' in line with the Hedgerows Regulations 1997.
88. In line with previous advice concerning the development of this site (18/00917/FULMAJ, dated 30/10/2018 & 19/00471/FULMAJ, dated 03/06/2019) the Historic Environment Team would wish to re-iterate the need for a programme of post-permission archaeological evaluation of the site by means of a combination of geophysical survey and trial trenching, and the archaeological excavation and recording of any archaeological deposits encountered by such evaluation work. A 'watching brief' on all site groundworks (as required in previous planning conditions) is not considered to be an appropriate mitigation strategy by virtue of the fact that it would necessarily involve the observation of construction works in areas of no archaeological interest, and might cause significant delay should works need to be halted to enable remains that have been encountered to be excavated and recorded. The use of condition is therefore advised requiring a programme of archaeological works

#### Affordable housing

89. Paragraph 64 of the Framework states that where major housing development is proposed, planning policies and decisions should expect at least 10% of the homes to be made available for affordable home ownership. Policy 7 of the Central Lancashire 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. The proposed development would make no provision or contribution towards the provision of affordable housing.
90. The application is supported by a viability report, which seeks to demonstrate that viability is a significant issue in the current case of providing a scheme of 100% private rented homes. It seeks to demonstrate that even without any s.106 contributions, the scheme is at the margins of viability. It is recommended in the report that this be a material consideration when the Council is considering the site's ability to provide any planning obligations. It is concluded that it would be *"unreasonable for the Council to impose any additional burden on the development by seeking affordable housing"*.
91. The Council has sought the services of a viability consultant in assessing the applicant's case, and are advised that the development is capable of contributing towards the provision of affordable housing. Notwithstanding this it is noted that the previously approved development (ref.19/00471/FULMAJ) covering this site committed towards the full provision of affordable housing in line with Core Strategy Policy 7 through the delivery of a market housing scheme.
92. The Central Lancashire Housing Study identifies a need for 132 affordable rented units a year in Chorley, as such it is important that housing developments, particularly those sites allocated for housing in the Local Plan, contribute to affordable housing delivery in line with Core Strategy policy 7. As at 31st March 2020 there were 850 households on the housing waiting list in the borough, which further demonstrates the need for affordable housing in Chorley. There is currently no up to date evidence relating to private rented housing in

Chorley, therefore, it not possible to identify any benefits of a 100% private rented scheme that would outweigh the requirement to deliver affordable housing at an allocated site.

93. On the basis of the above the proposed development would not comply with the policy 7 of the Central Lancashire Core Strategy.

#### Public open space

94. Central Lancashire Core Strategy policy 24 seeks to ensure that all communities have access to sports facilities. Chorley Local Plan 2012 – 2026 policy HS4A stipulates that all new housing developments will be required to make provision for open space, and recreation facilities where there is an identified deficiency in the area. Where there is an identified local deficiency in quantity and/or accessibility, open space provision will be required on-site. Where on-site provision is not appropriate, off-site financial contributions are required. Chorley Local Plan 2012 – 2026 policy HS4B stipulates that all new housing development will be required to pay financial contributions towards new playing pitch provision.
95. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD.
96. In relation to policy HS4a there is currently a deficit of provision for children and young people in Clayton-le-Woods in relation to this standard. As such a contribution towards new provision in the settlement is, therefore, required from this development. As the development is 100 or more dwellings the required provision for children and young people should be provided on-site. The amount required is 0.022 hectares. However, the extant planning permission covering the site (ref.19/00417/FULMAJ) does not include for any on-site provision and, therefore, it is not considered reasonable to seek such provision in this instance.
97. In relation to policy HS4b a Playing Pitch Strategy was published in June 2012, which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan, which identifies sites that need improvements. The amount required from the development is £1,599 per dwelling.
98. The proposed development would make no provision or contribution towards the provision of public open space on the basis of marginal viability, the case being that the scheme is for 100% private rented homes. A viability report has been advanced in support of this setting out why the applicant considers the provision of planning obligations to be unviable.
99. The Council has sought the services of a viability consultant in assessing the applicant's case, and are advised that the development is capable of contributing towards the provision of public open space. Notwithstanding this it is noted that the previously approved development (ref.19/00471/FULMAJ) covering this site committed towards the full provision of contributions towards public open space in line with policy HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD.
100. On the basis of the above the proposed development would not comply with policy HS4b of the Chorley Local Plan 2012 – 2026.

#### Education

101. The application site forms part of an allocated site designated for housing and employment use within the Chorley Local Plan 2012 to 2026. The allocation includes the delivery of a primary school. Lancashire County Council as Local Education Authority note that there would be a shortfall impact on primary school place provision across the wider strategic site. It is the intention the new school would be delivered through planning obligations and Community Infrastructure Levy funds.



## Sustainability

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

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

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

103. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

## Employment skills provision

104. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire’s priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;

- Increase employment opportunities by helping local businesses to improve, grow and take on more staff
- help businesses to find suitable staff and suppliers, especially local ones
- improve the skills of local people to enable them to take advantage of the resulting employment opportunities
- help businesses already located in Central Lancashire to grow and attract new businesses into the area

105. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:

- Creation of apprenticeships/new entrants/graduates/traineeships
- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university

- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

106. This could be secured by a condition.

#### Community Infrastructure Levy (CIL)

107. 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.

#### Planning balance

108. The application site has been allocated for mixed use development including residential, and the acceptability of the principle of the residential development of the site has been established through a previous planning permission. As such, there is a social benefit through the development of the site in line with the allocation as set out in the Chorley Local Plan 2012-2026, which carries significant weight.

109. The development would contribute to the provision of housing and the housing land supply within the Borough, and it is considered that significant weight should be attached to this social benefit.

110. The development of the site would result in on-site construction jobs and off-site jobs in construction related industries. The construction phase would also provide training opportunities in the form of apprenticeships. In the longer-term new residents would increase local expenditure which would boost the local economy and sustain local jobs. The Central Lancashire Employment Skills Supplementary Planning Document (the SPD) would also help to secure local employment benefits through the development of the scheme. These economic benefits are considered to carry some moderate weight.

111. Through the assessment of the development as set out above it is considered that the extent of the necessary highway works to Nell Lane would be such that it would change the character of Nell Lane from a simple rural lane to that of an urbanised estate road along its entire length. Furthermore, the removal of 60m of 'important' hedgerow would further exacerbate the impact on character. This would be harmful to the character of the lane and the locality contrary to policy BNE1 of the Chorley Local Plan 2012 – 2026, which is considered to carry significant weight.

112. The development would make no contribution towards the provision of affordable housing as required by policy 7 of the Central Lancashire Core Strategy, and it is not considered that there are matters affecting the viability of the scheme to such an extent that no contribution is possible. Furthermore the development of a private rented housing scheme as opposed to a market housing scheme is of no greater benefit, whilst a previously approved market housing scheme committed to making policy compliant provision of affordable housing on site, and addition to a commuted sum equivalent to part of a dwelling. The non provision of affordable housing contrary to policy 7 of the Central Lancashire Core Strategy would therefore harm the delivery of much needed affordable housing in the Borough, which is considered to carry significant weight.

113. The development would make no contribution towards the provision of public open space as required by policy HS4b of the Chorley Local Plan 2012-2026, and it is not considered that there are matters affecting the viability of the scheme to such an extent that no contribution is possible. Furthermore, the development of a private rented housing scheme as opposed to a market housing scheme is of no greater benefit, whilst a previously

approved market housing scheme committed to making full provision of public open space via a commuted sum payment. The non provision of public open space contrary to policy HS4b of the Chorley Local Plan 2012-2026 would be detrimental to ensuring that everyone has the opportunity to access good sport, physical activity and recreational facilities, which is considered to carry significant weight.

114. It is concluded that, on balance, the benefits associated with the proposed development would not outweigh the significant harm through the impact on the character of Nell Lane, non provision of affordable housing and non provision of any contribution to public open space. The proposal conflicts with policy 7 of the Central Lancashire Core Strategy, and policies HS4b and BNE1 of the Chorley Local Plan 2012-2026, and would not therefore constitute sustainable development (in the terms of the Framework).

#### Other matters

115. Loss of access to land for recreation / dog walking, and in particular loss of access to caravan park residents, which the site owner is failing to provide: The application site has no status as recreational land and is allocated for housing and employment uses in the Chorley Local Plan 2012 – 2026. The level of recreation provision for residents at the caravan park is the responsibility of the site owner, and does not relate to the assessment of a planning application on this site.

116. Impact of construction traffic on highway safety and amenity: Concerns have been raised with regards to the impact of construction traffic using Parkhurst Avenue on highway safety and public amenity. It is recognised that this would lead to a period of disruption for residents of Parkhurst Avenue. It is, however, recognised that this would be a temporary impact and that construction sites are often located within urban areas close to residential properties and smaller highways that are normally only used by cars. It is considered that in circumstances, such as this, where construction is likely to impact on residential amenity and the efficient functioning of the highway network that a construction method statement is provided prior to the commencement of development. This would include information about vehicle routing, delivery times, details of site operation, materials storage, wheel wash facilities etc, and it is recommended that this is required by condition. This could include the routing of vehicles along Nell Lane and could be secured by condition.

117. Consultation not adequate / extensive enough: Consultation on the planning application has been carried out in full accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Chorley Council Statement of Community Involvement.

#### **CONCLUSION**

118. The proposed development would require an extensive scheme of highway works to be implemented along Nell Lane in order to provide adequate access to the proposed residential development. This would result in significant harm to the character of Nell Lane such that it is considered unacceptable and contrary to policy BNE1 of the Chorley Local Plan. The proposed development would not provide any affordable housing contrary to the provisions of policy 7 of the Central Lancashire Core Strategy, and the viability case submitted in support of the proposal is not accepted. The proposed development would make no contribution towards the provision of public open space contrary to policy HS4b of the Chorley Local Plan 2012-2026 and the viability case submitted in support of the proposal is not accepted. It is therefore recommended that the application be refused on this basis.

#### **RELEVANT HISTORY OF THE SITE**

**Ref:** 89/01222/FUL      **Decision:** WDN      **Decision Date:** 26 April 1990  
**Description:** Development of 1.3ha of land east of mobile home park for car park bowling green and pitch and putt course

**Ref:** 83/00694/FUL      **Decision:** REFFPP      **Decision Date:** 6 December 1983

**Description:** Extension to Leyland Mobile Homes Park by approximately 1.8 acres (15 units and bowling green)

**Ref:** 00/00073/COU      **Decision:** REFEUD      **Decision Date:** 29 March 2000

**Description:** Change of use from redundant agricultural land to uses in connection with a mobile home site, including the siting of mobile homes,

**Ref:** 01/00291/COU      **Decision:** PERFPP      **Decision Date:** 1 August 2001

**Description:** Change of use from agricultural land to uses in connection with a mobile home site, including allotments, footpaths, informal open space and tree planting,

**Ref:** 11/00941/FULMAJ      **Decision:** REFFPP      **Decision Date:** 14 February 2012

**Description:** Planning Application for 52 bungalow style park homes for older people (over 55s) and associated development including replacement community building, bowling green, allotments, pavilion/equipment store, activity trail, balancing ponds, access arrangements and internal roads, footpaths and landscaping

**Ref:** 12/00872/FULMAJ      **Decision:** PERFPP      **Decision Date:** 20 August 2013

**Description:** Planning application for 52 style park homes for older persons (over 55) and associated development including replacement community building, bowling green, allotments, pavilion, equipment store, activity trail, balancing ponds, access arrangement, internal roads, footpaths and landscaping (resubmission of refused application 11/00941/FULMAJ)

**Ref:** 18/00917/FULMAJ      **Decision:** WDN      **Decision Date:** 7 February 2020

**Description:** Erection of 87no. dwellings on land to the south of Nell Lane

**Ref:** 19/00417/FULMAJ      **Decision:** PERFPP      **Decision Date:** 6 December 2019

**Description:** Erection of 115 dwellings on land at Nell Lane, Clayton-le-Woods with access taken from Parkhurst Avenue

**Ref:** 20/00053/DIS      **Decision:** PCO      **Decision Date:** Pending

**Description:** Application to discharge conditions 8 (invasive species method statement), 11 (hard landscaping), 14 (surface water drainage scheme - phase 1), 15 (dwelling emission rate - phase 1), 19 (employment and skills plan), 24 (estate phasing plan - phase 1), 26 (highway management and maintenance - phase 1), 27 (section 38 details - phase 1), 28 (site access - phase 1) attached to planning permission 19/00417/FULMAJ - Erection of 115 dwellings on land at Nell Lane, Clayton-le-Woods with access taken from Parkhurst Avenue

**Ref:** 20/00931/DIS      **Decision:** PCO      **Decision Date:** Pending

**Description:** Application to discharge conditions 18 (broadband strategy - phase 1) and 32 (construction plan) attached to planning permission 19/00417/FULMAJ - Erection of 115 dwellings on land at Nell Lane, Clayton-le-Woods with access taken from Parkhurst Avenue

**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.