

Item 4 **09/00696/FULMAJ** **Permit (Subject to Legal Agreement)**

Case Officer **Mr Andy Wiggett**

Ward **Coppull**

Proposal **Residential development comprising 40 dwellings and associated access roads**

Location **Land Between Waggon And Horses Public House And Summerfields Chapel Lane Coppull**

Applicant **Arley Homes North West Ltd**

Proposal The application is in full and proposes the redevelopment of the site of the Waggon and Horses public house at the corner of Coppull Moor Lane and Chapel Lane and the redevelopment of the site and what is now an adjoining field for 40 dwellings. The application is accompanied by a sustainability statement, transport statement, flood risk assessment, phase 1 environmental site assessment, ecological survey and assessment, flood risk assessment and a noise report. The site is bounded by 2 storey dwellings to the north on Summerfields, a main railway line to the west, Chapel Lane to the east and Coppull Moor Lane to the south with dwellings beyond.

Policy **Regional Spatial Strategy:**
Policy DP1: Spatial Principles
Policy RDF1: Spatial Priorities
Policy RDF2: Rural Areas
Policy L4: Regional Housing Provision
Policy CLCR: Central Lancashire City Region Priorities

Chorley Borough Local Plan Review
DC3 – Areas of Safeguarded Land
DC10 – The Protection of Community Facilities in Rural Areas
HS4 – Design and Layout of Residential Areas
HS5 – Affordable Housing
GN5 – Building Design and Retaining Landscaping Features and Natural Habitats
TR4 – Highway Development Control Criteria

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Guidance 2: Green Belts
Planning Policy Statement 3: Housing
Planning Policy Guidance 13: Transport

Planning History **08/01253/OUTMAJ** – outline application for residential development for 33 dwellings and access and scale – permit subject to a S106 agreement

Consultations **Environment Agency** – No objection in principle subject to a condition requiring surface water attenuation. Support the

recommendations in the Ecological Survey and Assessment with regard to protection of vegetation, breeding birds and bats. Recommend a buffer zone next to the railway line.

Neighbourhoods Directorate – Satisfied with the submitted Phase 1 report and the recommended intrusive ground investigation works. Should contamination be found appropriate measures should be taken to render the site safe for the intended use and the application conditioned as such.

Lancashire County Council Highways – There are no objections to the principle of this development, the site access or the general arrangements. However, there are a number of minor issues to be addressed concerning the alignment of the new road, the length of some driveways, kerb radius to Chapel Lane/Coppull Moor Lane and the radius of the new Summerfields junction. These can be dealt with at the S38 stage.

Lancashire County Council Ecologists – I have reviewed the Ecological Survey and Assessment submitted. Provided conditions are attached as follows the proposals should be in accordance with the biodiversity planning policy – for the precautionary protection of bats, replacement bat roosting opportunities, protection of breeding birds, protection of trees and landscape management.

United Utilities – No objection to the proposal provided the site is drained on a separate system. A public sewer crosses the site and building over it is not permitted. An access strip of 6m wide, 3m either side of the centre line is required.

Network Rail – Require that all/any building or structure must be at least 2m from the railway boundary so that any maintenance work can be carried out without encroaching onto railway land.

Parish Council – No objections.

Representations

2 letters of objection have been received raising the following points

- Extra traffic on Chapel Lane will cause safety problems together with the use of Summerfields as the only access point
- Affect the outlook of existing adjacent dwellings
- Loss of public house as a community facility
- Spoil the rural nature of the area
- 40 dwellings is excessive for the site

Applicant's Case

The applicant has submitted a planning statement raising the following matters:

- The illustrative layout shows 40 dwellings at a density of 37 dwellings per hectare
- One new access is shown onto Chapel Lane by utilising Summerfields
- The public house has not traded well for a number of years and due to competition in the area, poor location and small size it will continue to prove unviable
- Although shown as safeguarded land in the Local Plan, following the adoption of the RSS

and its housing figures not being maximums together with the demonstrable need for affordable housing represent very special circumstances

- A community involvement exercise was carried out in December last year involving leafleting 150 local addresses and a public exhibition. 15 responses were received with 9 expressing support and 4 against the proposal
- The site is in a sustainable location only 850m from the centre of Coppull close to shops, pubs, services and public transport
- There will be 11 affordable housing units
- There is already a resolution to approve in outline a scheme for 33 houses which only requires the signing of a Section 106 agreement to include 11 affordable dwellings
- Will create a high quality sustainable redevelopment that respects the grain and character of the surrounding area

Assessment

In March this year Committee considered a report on an outline application on the site for 33 dwellings and resolved to grant planning permission subject to the applicant entering into a Section 106 agreement for the provision of 11 affordable houses and the necessary contribution to the provision of play areas. The current application follows the site's acquisition by a housebuilder who has produced a layout using their own house types rather than the illustrative layout produced for the outline application. The submitted designs and streetscene are considered acceptable in this location and show walls and railings along the Chapel Lane frontage, a timber post and rail fence along Coppull Moor Lane towards the junction where there would be wrought iron railings. The houses themselves would be of red brick and grey roof tile with a variety of house types including some with raised ridge heights of 0.6m to accommodate additional bedrooms in the roofspace with roof lights or small dormer.

The main issues to consider with regard to this new application are: planning policy, housing considerations, highway considerations, ecological considerations and loss of a community facility these are dealt with in turn.

Planning Policy

The Development Plan comprises the Regional Spatial Strategy and the saved policies in the Chorley Local Plan. The Local Plan policies will be replaced by the Local Development Framework and site allocations DPD. Both of these documents are in the course of preparation with adoption anticipated in two years time. The application site is covered by Policy DC3 which identifies land which may be required for development in the future. The concept of safeguarded land is set out in PPG2 Green Belts. This explains that in order to ensure the protection of Green Belts over a long timescale it may be necessary to

safeguard land between the urban area and the Green Belt which may be required to meet longer-term development needs. Regional/strategic guidance should provide a strategic framework for considering this issue. No development which would prejudice later comprehensive development should be permitted. Finally it is advised that development policies should provide that planning permission for the permanent development of safeguarded land should only be granted following a review which proposes the development of particular areas of safeguarded land. It is explained that making safeguarded land available in other circumstances would thus be a departure from the plan.

The Waggon and Horses with its large curtilage could be developed in isolation by way of a change of use to residential purposes but this would represent piecemeal development and sterilise a corner of the site. A comprehensive approach to the development of the whole of the land now rather than wait for two or three years for the LDF to be adopted is the recommended way of dealing with it and this proposal follows this approach.

Housing Considerations

The above situation is complicated by the fact that Policy DC3 is a saved policy and in the letter from the Government Office agreeing to policies being extended until the LDF is adopted, it is emphasised that where the policies were adopted some time ago new national policy guidance will be afforded considerable weight in decisions. This is particularly so with PPS3 Housing, issued in 2006 which states the Government's commitment to providing affordable housing. The current application proposes that there will be 11 units of affordable housing provided, this is in line with Policy L5 of the RSS but higher than the figure in Policy HS5 of the Local Plan. Policy HS5 states that for sites over 15 dwellings the Council will seek a minimum of 20% of the total number of units, which for this application would result in 8 affordable units. The Council would only be able to insist on a higher proportion of affordable houses in rural settlements excluded from the Green Belt and Coppull does not fall within this category. Agreement has been reached with a Housing Association who will manage the affordable housing. In this context it is considered that very special circumstances have been demonstrated to overcome the safeguarded land policy and not establish a precedent for all other such land in the Borough in view of the need for affordable housing in Coppull.

The site satisfies all the other criteria in PPS3 with regard to location in that the site is within walking distance of the centre of Coppull and other facilities and is on a limited bus route. It can be viewed as a small scale rounding off of Coppull linking in to the existing housing development on Summerfields.

Highway Considerations

The applicants have submitted a Transport Statement which concludes that the road safety record around the site does not represent a material concern in the context of the proposed development. The minor increases in traffic flows generated by the proposed development will not have a material impact on the

operation or safety of the local highway network. The Statement concludes that there are no overriding reasons to refuse planning permission on highway safety grounds. The Highway Authority have confirmed that the use of Summerfields as the access into the development is acceptable. They have raised some minor concerns that the applicant has now addressed by way of an amended plan and this also indicates a 10m radius to the Chapel Lane/Coppull Moor Lane junction . Other matters will be dealt with through the S38 adoption process.

The community involvement exercise results revealed that only two respondents raised the issue of increased traffic, however, local residents have objected on highway grounds but without the support of the Highway Authority a refusal on these grounds could not be maintained. The applicant's Transport Statement indicates that there would be a very small number of trips likely to be generated by the development such that a large investment in public transport by way of additional bus stops and support for the existing bus service would be difficult to substantiate.

Ecological and Environmental Issues

The applicants have submitted an Environmental Site Assessment which concludes that whilst no significant risks of contamination have been identified it is recommended that a ground investigation be undertaken to characterise the ground condition on the site and confirm that no contamination risks are present . This will also provide information to allow suitable foundations to be designed for the proposed dwellings and to assess the extent and nature of some fly tipping on the site. This can be secured through the imposition of a suitable condition.

Due to the site's closeness to the railway line a noise assessment accompanied the application. It concludes that when assessed in relation to criteria in PPG24 Planning and Noise, the majority of the site was where noise mitigation measures may make development acceptable. However, there should be no houses within 3m of the railway boundary and the nearest houses to the railway should be gable end on and adequate sound insulation glazing to windows overlooking the railway fitted with possibly acoustic ventilation so that they can be kept closed.

The Ecological Survey and Assessment accompanying the application concludes that provided the guidance detailed in Section 5 is satisfactorily applied during the site design and ultimately the site construction, the development of the site to a residential development is feasible and acceptable in terms of ecology and nature conservation interests and constraints. The conditions suggested by the County Ecologist covering bats, breeding birds and tree protection will secure this.

The applicant has submitted a Sustainability Statement as required by Policy SR1 of the Council's DPD – Sustainable Resources. This has raised issues with regard to demonstration of the 10% reduction in carbon emissions and is the subject of ongoing negotiations and there is a possible means of achieving this. A condition is recommended to deal with this situation.

Loss of Community Facility

Policy DC10 is concerned with the retention of community facilities such as a public house where the local residents would be disadvantaged or likely to lead to the closure of others. The applicant has to demonstrate that alternative facilities exist elsewhere, that it is no longer viable, efforts have been made to sell or let it, or it is in an isolated location. This proposal would mean the loss of a public house but the previous applicant provided a detailed history of the poor commercial success of the enterprise. As there are several public houses serving the population of Coppull it is unlikely that a refusal on the grounds of the loss of a community facility would be supported on appeal. The community involvement exercise carried out in December of 2008 produced 15 responses out of the 150 leaflets and questionnaires sent out. Four objectors were concerned about the loss of the public house but it was demonstrated in the Operations Report that it is not a viable concern.

Other Issues

The application was supported by a flood risk assessment which concludes that there is no evidence of flooding in the area. Surface water attenuation on site will be required to restrict the discharge rate. Due to the nature of the site with drift deposit clays overlying rocks, soakways and infiltration SUDS are precluded. United Utilities have agreed in principle how the site might be drained.

Conclusion

The proposed use of the land for the erection of 40 dwellings is acceptable with the imposition of suitable conditions. Its loss as a community facility would be difficult to substantiate. Highway aspects have been resolved. The main issue with this application remains the reconciliation with its classification as safeguarded land. It is advised that the provision of a significant number of affordable houses in accordance with the advice in the Regional Spatial Strategy and PPS3 represents the necessary circumstances to overcome Policy DC3 following the opinion of GONW in their letter extending the Local Plan policies. To release this site in advance of the LDF will not undermine the thrust of the Local Plan and therefore, not represent a departure to be notified to the Government Office.

Recommendation **Permit subject to a legal agreement on contribution to playspace provision and affordable housing.**

Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason : To ensure a satisfactory means of drainage and in accordance with Policy No. EP18 of the Adopted Chorley Borough Local Plan Review.

3. No development shall take place until:

- a) a methodology for investigation and assessment of ground contamination has been submitted to and approved in writing by the Local Planning Authority. The investigation and assessment shall be carried out in accordance with current best practice including British Standard 10175:2001 "Investigation of potentially contaminated sites – Code of Practice". The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works, a validation report containing any validation sampling results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with the guidance set out in PPS23: Planning and Pollution Control

4. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.

5. Before the demolition of the buildings on the site the survey for the possible presence of roosting bats as recommended in Section 5.2 of the report prepared by Environmental Research and Advisory Partnership received on the 23rd December 2008 shall be carried out and the results submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures found to be necessary shall be agreed in writing by the Local Planning Authority and implemented before development on the site commences.

Reason: To secure the protection of vulnerable species in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.

6. No development shall take place until full details have been submitted of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show the on-site measures to be installed and implemented so as to produce a minimum of 10%, or locally set targets (whichever is the higher) of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling. No

development shall commence until the scheme has been approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area, in line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1 and Chorley Borough Council's Sustainable Resources DPD.
