

APPLICATION REPORT – 19/00251/FUL

Validation Date: 25 March 2019

Ward: Coppull

Type of Application: Full Planning

Proposal: Erection of a building comprising 4no. apartments and a building comprising 2no. bungalows with associated parking and landscaping

Location: Land To The Rear Of 13-16 Spinners Close Coppull

Case Officer: Mr Iain Crossland

Applicant: Mr Christopher Pugh, Tatton Estates

Agent: Miss Katie Morgan, Baldwin Design Consultancy

Consultation expiry: 3 December 2020

Decision due by: 24 May 2019

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions.

SITE DESCRIPTION

2. The application site is located within the settlement area of Coppull to the west side of an existing mill pond, once associated with Coppull Ring Mill located to the north, and on land between the pond and a recent housing development located to the west at Spinners Close. The majority of the land is designated as Existing Open Space within the Chorley Local Plan 2012 – 2026 and the pond is used for recreational fishing purposes and falls within the ownership of the applicant. Some of the site is with an area identified as a Biological Heritage Site.

3. The character of the locality is mixed and has undergone significant change since the mill building changed from its original purpose. The mill building, which is grade II listed, is located to the north of the site and has now become the Coppull Enterprise Centre, which is divided amongst a range of businesses and uses. To the east side of the pond is The Red Herring public house, which is also grade II listed. To the north, south and west are residential developments including the recent development at The Landings, a less recent development at Spinners Close and more well established housing stock to the south. As such there is a range of building types and uses in the vicinity. The pond and surrounding greenspace forms an important visual amenity role in this context, and is a prominent feature on entering the Coppull Enterprise Centre and new housing development at The Landings. It is noted that the trees to the southern portion of the site are protected by tree preservation orders.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks planning permission for the erection of a building comprising 4no. apartments and a building comprising 2no. bungalows with associated parking and landscaping. The proposed buildings are of a modern design style with the apartment building resembling a pair of semi detached dwellings. There would be an access road from the estate road serving The Landings, with dedicated resident and visitor parking spaces.

5. It is noted that the proposal has been amended since the application was originally submitted from a single two storey building of greater scale and mass comprising eight apartments that extended across the entirety of the rear gardens at nos.13 to 16 Spinners Close.

REPRESENTATIONS

6. Representations have been received from the occupiers of 9 no. addresses citing the following grounds of objection:

- Impact on the amenity of occupiers at Spinners Close due to overlooking, overshadowing and overbearing resulting in loss of privacy, light and outlook.
- Loss of public open space, which has been identified for protection.
- Loss of trees and ecological impact.
- Impact on the character of the area.
- Impact on highway capacity.
- Impact of construction works on the integrity of nearby houses.
- Impact of construction works on amenity of neighbouring occupiers.
- There is no evidence of anti-social behaviour and littering as put forward by the applicant.
- Impact on drainage.
- Concerns over the stability of the land.
- The development includes land in other ownership.

CONSULTATIONS

7. Coppull Parish Council: Have commented that there would be considerable loss of amenity and overshadowing of the rear of the properties on Spinners Close and loss of wildlife habitat as well as additional traffic on Mill Lane.

8. Greater Manchester Ecology Unit: Recommend a condition requiring a landscape and ecological management plan to secure the proposed net gain for biodiversity.

9. Waste & Contaminated Land: Have no objection.

10. Lancashire County Council Highway Services (LCC Highways): Have no objection subject to conditions.

11. Lead Local Flood Authority: Have no comments to make.

12. United Utilities: Have no objection subject to conditions.

13. Lancashire Fire And Rescue Service: Recommend standard advice.

PLANNING CONSIDERATIONS

Principle of development

14. One of the core principles of the National Planning Policy Framework (the Framework) is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location with access to some local amenities such as shops, schools, community centres, churches, sports facilities and public houses, with some access to public transport. The Framework also states that development in sustainable locations should be approved without delay.

15. In relation to the status of the application site the Framework provides support for the protection of public open space, whilst paragraph 174 d) of the Framework explains that planning policies and decisions should contribute to and enhance the natural and local environment by a) protecting and enhancing [...] sites of biodiversity [...] (in a manner commensurate with their statutory status or identified quality in the development plan); d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

16. The Central Lancashire Core Strategy Policy 1 is concerned with locating growth and identifies Coppull as an Urban Local Service Centre where some growth and investment is encouraged. The proposed site is located within the defined settlement boundary of Coppull, under policy V2 of the Chorley Local Plan 2012 - 2026. Within the settlement boundary there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and other policies and proposals.

17. The proposal would involve the loss of part of an area of public open space that is designated under policy HW2 of the Chorley Local Plan 2012-2026 as Reservoir, Mill Lane. Policy HW2 protects all existing open space, sport and recreational facilities and requires alternative provision to be made under criterion a) of the policy unless the proposal satisfies all of criteria b) to e). The proposal is assessed against these criteria below:

18. Criterion a) has not been satisfied: "*alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available*", therefore the proposal is assessed against the criteria below:

b) It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility

19. Most of the site falls within the open space typology of natural/semi-natural greenspace. There is currently a deficit of provision of this typology in Coppull and the loss of part of the open space would make the deficit worse. It is noted, however, that Yarrow Valley County Park is within relatively close proximity but technically falls within Euxton north ward. The Country Park comprises over 322ha of designated semi-natural greenspace and extends up to the settlement boundary of Coppull, whilst the main entrance is only 1 mile from the application site and there are also public rights of way off Sunny Brow (FP-15) just 0.8 miles from the site. These lead into and through the Country Park. To put this into context, Yarrow Valley Country Park is over 4.5 times the amount of natural / semi-natural green space identified as being required for Euxton and Coppull combined. As a result the reality is that there is reasonable quantity and accessibility to this typology of open space in the locality.

c) The site is not identified as being of high quality and/or high value in the Open Space Study

20. The site is identified as low quality and high value in the new Open Space Study.

d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area

21. The wider area of open space, which includes the reservoir, does serve a recreational need in the local area as it is used for fishing, although its specified purpose is not for recreation. However, the western strip of the open space that is proposed to be developed is a more semi natural woodland that has regenerated and does not serve any particular recreational function.

e) The site does not make a significant contribution to the character of an area in terms of visual amenity

22. Part of the proposed site is covered by existing hard standing, which does not contribute positively to the character of the area in terms of visual amenity. The remainder is covered with scrub and trees, which provides a green backdrop and softens the periphery of the open space, along the southern boundary in particular. The proposed development would be located within the area of hard standing but would result in the loss of some trees and vegetation to the western side of the open space as it would extend to the south of the area of hard standing. Although the wider open space does make a significant contribution to the character of the area, the loss of this part of the site would have only a limited impact on the overall significant contribution that the open space provides. Furthermore it is proposed that the retained open space would be improved through a landscape and environmental management plan, which it is considered would mitigate the loss of the western strip of the open space through improving the

remaining area of open space. Overall, the area of the public open space that would be lost would only be a small proportion of the entire area and would be a portion of lower quality.

23. As the site has been assessed as scoring high value in the Open Space Study and would technically lead to a further deficit of provision of this typology in Coppull, alternative provision would be required under criterion a) in order to comply with policy HW2, however, there are no improvement schemes within the accessibility catchment area of 800m for this typology. Furthermore the proposal would result in the loss of only a small part of the open space, which is partially covered with hardstanding and is of lower quality. The remainder of the open space would be improved as part of the overall proposal. The primary purpose of natural / semi-natural open space typology is for wildlife conservation, biodiversity and environmental education and awareness. Given that the remainder of the site would be improved for biodiversity this would offset the loss of the poorer quality area that would be developed. In addition, Yarrow Valley is nearby, which provides additional opportunities for environmental education and awareness for local residents. As such it is considered that the proposed development complies with the objectives of policy HW2 of the Chorley Local Plan 2012-2026 in this instance, subject to an appropriately detailed landscape and ecological management plan being secured by condition and implemented in full.

Impact on character and appearance of locality

24. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

25. The application site forms part of an existing open space centred around a former mill pond, or lodge as it is referred to locally. Over time trees and vegetation have colonised the banks and area around the pond, whilst there is a gravel track to the north west side that connects with the access road, and is generally used by those accessing the pond for fishing. There are larger and better quality trees situated to the south of the site and the pond. The trees and vegetation to the west of the pond and adjacent to the hardstanding have a generally scrubby appearance, however, they do provide a softened semi natural backdrop to the pond in this area of the site.

26. The proposed development involves the construction of a single storey building comprising two bungalows and a two storey building comprising four apartments in the vicinity of the access track to the west side of the site. A surfaced road would be constructed into the site with parking spaces included for residents and visitors. The development would necessitate the removal of a mature poplar and a mature willow tree in addition to a number of smaller young trees at the west side of the pond in the southern section of the application site.

27. This would have the effect of opening up the west side of the space when viewed from the north and east. The proposed development would have the effect of continuing the built form of The Landings development into the site, which would have the benefit of better connecting the housing development into the green space. The two buildings that would be constructed would face onto the pond with an active frontage, which would allow for natural surveillance, whilst proving a connection with the space.

28. The single storey bungalow building would be of a simple modern form with a hipped roof and front gables. There would be gardens to the sides and front doors facing onto the access road. The apartment building would be a simple two storey building with a dual pitched roof resembling a pair of semi detached houses. Both buildings would be faced in red brick with feature sills and lintels. Their design and appearance would reflect some of the characteristics of the housing estate at The Landings and would form a natural spur from this development. The proposed development would allow for some replanting of trees, and the planting of a native hedgerow and wildflower meadow, whilst improvements to the area around the pond are also proposed.

29. Given that the part of the open space that would be developed is already partially open with a hard surfaced gravel track and the trees that would be removed are of a lesser quality,

appearance and variety, the overall appearance of the site and area would not be compromised to any harmful extent. The development would result in the western side of the site having a less scrubby appearance and would be of a more orderly managed form that would be more suburban in character. This would reflect the evolving nature of the surroundings since the development of Spinners Close to the west, which was also previously scrub land, and The Landings to the north, which formed a parking and manoeuvring area to Coppull Ring Mill.

30. Overall, it is considered that the proposed development would not have a harmful impact on the character of the area and would be an appropriate design response to the site. This complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Neighbour amenity

31. Policy BNE1 of the Chorley Local Plan 2012-2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.

32. The nearest dwellings to the application site are at Spinners Close to the west and Mavis Drive to the south. In both instances these are situated at a lower level to the application site. There are four dwellings at nos.13 to 16 Spinners Close, which back onto the application site and have rear gardens adjacent to the site. The proposed single storey building comprising the bungalow dwellings would be situated directly to the rear of no.13 Spinners Close. It would be positioned at a floor level approximately 2m higher than the rear garden at this dwelling and would have an eaves and ridge height of approximately 2.8m and 5.7m respectively. The building would be located approximately 20.5m away from the dwelling at its nearest point, whilst it would be around 6m from the garden boundary fence. There would be no windows to habitable rooms in the rear of the proposed building and, therefore, no impact on privacy, whilst the degree of separation and height of the building is such that it would not have an unacceptably harmful impact on outlook or light, with only some impact on direct early morning light levels occurring. When accounting for the difference in levels the bungalows would have an impact similar to that of a gable end to a dwelling, the interface for which the Council considers acceptable at 12m. In this instance the separation is approximately 20.5m.

33. The proposed two storey building would be positioned to the rear of no.16 Spinners Close at an angle. It would be situated at a floor level approximately 2m higher than the rear garden at this dwelling and would have an eaves and ridge height of approximately 5.4m and 9m respectively. The building would be located approximately 20m away from the dwelling at its nearest corner point, whilst it would be around 14m from the garden boundary fence. There would be windows to habitable rooms in the rear elevation of the proposed building at ground floor and first floor, although some of these would be high level windows. These windows would not be parallel facing those at no.16 Spinners Close, given the angle of the building, and would not result in views over the garden area at this dwelling. Given the relative positioning and degree of separation there would be no unacceptable impact on privacy levels. The degree of separation and relative positioning of the buildings are such that it would not have a harmful impact on outlook or light, with only some impact on direct early morning light levels, which are already compromised to some extent by the existing trees and vegetation.

34. The dwellings at nos.14 and 15 Spinners Close would remain largely open to the rear and would face areas of garden, parking and vehicle manoeuvring, which would be largely screened by hedges and fences.

35. Dwellings to the south at Mavis Drive would be located approximately 35m from the two storey apartments building, whilst it would be at least 18m from the gardens to these properties. The degree of separation is such that there would be no unacceptable impact on the amenity of the occupiers of these dwellings.

36. There is a more recently completed dwelling at no.110 Mill Lane that is located to the north of the application site. It would be positioned approximately 13m from the proposed single storey bungalow building. There would be parallel facing windows at ground floor, however, any intervisibility between these windows would be screened by boundary fencing. The degree of

separation and height of the building are such that there would be no unacceptably harmful impact on outlook or light in relation to this dwelling.

37. Overall the proposed development would have no unacceptably detrimental impact on the amenity of any neighbouring residential occupiers.

Impact on heritage assets

38. The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting.

39. In relation to listed buildings and their setting Section 66(1) sets out that the Council should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

40. The National Planning Policy Framework 2021 (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:

41. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:

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

42. At paragraph 199 the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

43. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

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

44. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

45. At paragraph 202 the Framework provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should

be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

46. Paragraph 205 sets out that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

47. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:

- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
- b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
- c) Identifying and adopting a local list of heritage assets for each Authority.

48. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:

- a) Applications affecting a Heritage Asset or its setting will be granted where it:
 - i. Is in accordance with the Framework and relevant Historic England guidance;
 - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
 - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;

- b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:
 - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
 - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
 - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
 - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
 - iv. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
 - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.

49. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.

50. The proposed development site is located approximately 53 metres to the south west of the former Coppull Ring Mill, now Coppull Enterprise Centre, a grade II listed former cotton mill. The site to the immediate west of the extant mill building was previously occupied by the companion Mavis Mill, which was near identical in size and design and with which it shared the boiler and

engine house. Mavis Mill was demolished in the 1960s. The whole site was one of the last developed mill sites in the area, dating from 1906. The site of Mavis Mill is now occupied, in part, by a quite recent housing development.

51. The extant mill building is an imposing red brick and faience structure with a distinctive stair tower, now incorporating telecommunications equipment, to the south east corner. Between it and the proposed development site is a quite substantial pond, a former reservoir that supplied the mill with water for, amongst other things, the boilers that supplied steam to the mill engine.

52. To the south of the site are to be found the traditional mill workers terraced housing, with more recent housing developments, for example, at Spinney Close to the west. The east of the mill site is bounded by the West Coast Main (railway) Line between Preston and Wigan.

53. The significance of the listed building is derived from its sheer scale and design, which remains substantially unchanged from when it was last active as a cotton mill. The most notable change occurred prior to listing with the loss of its immediate neighbour, Mavis Mill. Given the substantial mass and presence of the Coppull Ring Mill building, the separation distance to the proposed development site, the relatively small scale of the proposed development and the presence of other dwellinghouses in relatively close proximity, it is considered that the proposed development would have little material impact upon the setting thereof. The existence of the 'lake' in the intervening distance also helps to maintain a degree of visual separation between the site and the listed building.

54. It is, therefore, considered that the proposed development would preserve the appearance and setting of the adjacent grade II listed building, Coppull Ring Mill (now Coppull Enterprise Centre) and thus also sustain the significance of this designated heritage asset. Accordingly the proposed development would meet the duty to 'preserve' as laid down by s.66 of the P(LBCA) Act 1990 and meet the objectives of Chapter 16 of the Framework, policy 16 of the Central Lancashire Core Strategy and policy BNE8 of the Chorley Local Plan 2012-2026.

Highway safety

55. Policy BNE1 of The Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development provided that, the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.

56. The proposed development would result in the construction of two buildings comprising six dwellings, made up of two one bedrooled bungalows and four two bedrooled apartments. On-site parking provision for a total of 11 no. cars would be included, which complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026. In addition to this secured bicycle parking stands would be provided to aid those seeking to access to the pond for recreational purposes.

57. The site is accessed off Mill Lane, which provides access to a recently developed residential housing scheme. As part of this housing development there have been improvements to the pedestrian movements with 2m wide footways and bridleway improvements.

58. LCC Highway Services have confirmed that they do not have any objections regarding the proposed development and are of the opinion that it would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Ecology and biodiversity

59. Policy BNE9 of the Chorley Local Plan 2012-2026 sets out how development should safeguard biodiversity. Any adverse impacts on biodiversity should be avoided, and if unavoidable should be reduced or appropriately mitigated and/or compensated.

60. Part of the site falls within BNE9 (Darlington Sidings and Clancutt Brook) biological heritage site. The Biodiversity and Nature Conservation SPD, in line with the Framework, seeks the

enhancement of sites and a net gain in biodiversity, where possible. Paragraph 85 explains that proposals are to be encouraged that will enhance, restore or add to designated sites, priority habitats, other biodiversity or geological features, or which will enhance or restore ecological networks.

61. The application is accompanied by an ecology assessment of the site. This acknowledges that the site falls within Darlington Sidings & Clancutt Brook Biological Heritage Site (BHS), and that the proposal would result in the loss of woodland, which cannot be replaced on the site. However, the report states that it is not anticipated that the functionality of the BHS or the woodland would be significantly impacted by the proposal, as long as best practice pollution prevention and tree protection measures are implemented.

62. Habitat fragmentation would be minimised through the planting of a 93m native hedgerow. It is stated that the landscaping proposals would result in a 50.3% biodiversity net gain. A management plan should be implemented over a 15 year period. This would include enhancement of retained woodland in and adjacent to the site as well as the management of newly created wildflower grassland. It is anticipated that additional biodiversity enhancements could be provided through the installation of bat and bird boxes and brash piles for hedgehog.

63. A sensitive lighting strategy would be implemented to minimise impacts to foraging bats. A pre-commencement check of introduced shrub would be undertaken for hedgehogs prior to any clearance and brash piles retained as refugia for this species. Gaps would also be retained under boundary fences to allow for the passage of hedgehogs through the site.

64. Paragraph 174(d) of the Framework states that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity..." The Government 25-year Environment Plan states that government will "embed environmental net gain principle for development".

65. In July 2019, the Government issued revised planning practice guidance (NPPG) with details on how planners can implement "net environmental gain" requirements when assessing development proposals, including new advice on protecting wildlife.

66. Revised guidance recently published by the Government states that net gain in planning describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand. Net gain is an umbrella term for both biodiversity net gain and wider environmental net gain. It states: "Planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity".

67. In terms of measuring net gain, the guidance states that using a metric is a pragmatic way to calculate the impact of a development and the net gain that can be achieved. It goes on to state that "tools such as the Defra biodiversity metric can be used to assess whether a biodiversity net gain outcome is expected to be achieved".

68. The ecology assessment has been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit) (GMEU) who advise that the ecological consultants appear to have undertaken a detailed survey of the site and carried out an appropriate level of survey. GMEU confirm that provided long term enhancements are made on the rest of the BHS in the applicant's ownership as set out in the ecological assessment, the proposal could deliver a net gain for biodiversity. A detailed and costed management plan for a minimum of 15 years would need to be provided and then implemented in full. Monitoring reports would also be required. It is recommended that this be secured through a condition requiring a landscape and ecological management plan (LEMP), which would be subject to detailed review and examination in consultation with GMEU in order to ensure that the proposed biodiversity benefits are delivered in a sustainable manner. On this basis the proposal is considered to comply with policy BNE9 of the Chorley Local Plan 2012-2026 in consideration of the significant benefit derived from the provision of new homes.

Impact on trees

69. The application site comprises a number of trees the majority of which are located to the south of the site. The best quality specimens are located along the southern boundary and would be retained. Approximately 15no. trees (recorded as 2no. individual trees and parts of 2no. tree groups) would be removed to facilitate the development proposal. The tree groups include younger trees that are low value multi-stemmed specimens. The two individual trees comprise a mature willow of good condition and a poplar of impaired condition. The removal of all these trees would permanently reduce canopy cover on site by approximately 20%. The functions of the retained portion of the tree groups as screening, shade and wildlife area would remain largely unaffected and the canopies of retained trees within the group would have the opportunity to regrow over time to replace those that would be removed to some degree.

70. Policy BNE10 of the Chorley Local Plan 2012-2026 provides specific requirements in relation to trees and in particular requires replanting where development would take place that would result in the loss of, or inappropriate works to, trees in area where trees make a valuable contribution to landscape character.

71. The trees that have been identified for removal have been assessed by the Council's tree officer, who considers that they have minimal arboricultural value but do provide some amenity benefits in terms of the screening that they provide. The loss of the trees would reduce the amount of available screening in relation to the nearby dwellings, in particular at Spinners Close. However, their removal would not compromise the landscape character of the area to a harmful extent, given their limited quality and level of tree retention. The best quality trees would be retained and some replanting would be secured through a landscape and ecological management plan.

72. On the basis that a landscaping scheme is provided to mitigate some of the resultant harm through the loss of trees and a tree protection plan is secured in relation to the remaining trees, it is considered that the proposal complies with policy BNE10 of the Chorley Local Plan 2012-2026.

Flood risk and drainage

73. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

74. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:

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

75. In the absence of a detailed drainage scheme at this stage it is recommended that a condition is attached to any grant of planning permission requiring the applicant to submit details of a sustainable surface water drainage scheme that is designed in accordance with the surface water drainage hierarchy outlined above. It is recommended that the condition requires such details to be submitted prior to the commencement of development, and that any subsequently approved scheme be implemented in full.

Sustainability

76. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill

received Royal Assent on Thursday 26th March 2015, which effectively 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.”

77. “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.”

78. Given this change, instead of meeting the code level, the bungalow 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.

Public open space (POS)

79. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

80. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.

81. Specifically the guidance was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications.

82. To this end whilst it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.

83. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.

84. There is currently a surplus of provision in Coppull in relation to this standard and, therefore, a contribution towards new provision is not required. The approach would, therefore, be to improve existing facilities in the catchment. However, the site is not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is, therefore, not required from this development.

Land stability

85. It is noted that some concerns have been raised by nearby residents in relation to the stability of the land and the impact that any works on the site might have upon their dwellings. Policy BNE7 of the Chorley Local Plan 2012-2026 relates to development on unstable or potentially unstable land. The preamble to this policy states in paragraph 7.23 that the Framework refers to preventing both new and existing development being put at unacceptable risk from, or being adversely affected by land instability. It states that unstable land is most likely to arise in connection with former coal workings such as in and around Adlington (including Anderton and Heath Charnock), Coppull and Chorley Town. It is clear, therefore, that this policy relates to sites which may have a potential stability risk specifically associated with coal workings or quarries.

86. It is known that a Phase I & Phase II site investigation report was submitted with the adjacent development site at The Landings, which included a coal mining report. It is noted that paragraph 4.3 of the Phase II report states that the site is in an area that is affected by coal mining and, therefore, a Coal Authority Coal Mining Report was obtained for the purposes of the report. The salient points of the coal mining report being: "According to the records in our possession, the property is not within the zone of likely physical influence on the surface from past underground workings". "The property is not in the likely zone of influence of any present underground coal Geo-Environmental Investigation January 2012 Land off Mill Lane, Coppull 44209p1r0 14 of 44 workings". "There are no known coal mine entries within, or within 20 metres of, the boundary of the property". "The property is not within the boundary of an opencast site from which coal has been removed by opencast methods". "The Coal Authority has not received a damage notice or claim for the property since 31 October 1994. There is no current Stop Notice delaying the start of remedial works or repairs to the property". Based on this and the recorded geology of the adjacent site, the risk of past recorded coal mining affecting surface stability of the application site is considered to be negligible. Consequently it is not considered that a stability report is necessary in this instance.

87. The application site is located at the top of a bank relative to Spinners Close and Mavis Drive and it is a matter for any developer of the site to satisfy themselves that development would not compromise the stability of the adjacent land and buildings. The Local Planning Authority can only determine the application on the basis of the information submitted, however, this does not mean that the land is free from instability. This is a matter for the landowner to ensure from a public safety perspective and in relation to other surrounding land and assets that may be affected. Ultimately the responsibility for the safe development rests with the developer.

Community Infrastructure Levy

88. 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.

Other matters

89. Impact of construction works on amenity of neighbouring occupiers: The method of construction is a matter for the developer to consider in line with building regulations. The impact of the building works on the amenity of neighbouring occupiers can be managed through the submission of a construction method statement, which is recommended by required by condition.

90. There is no evidence of anti-social behaviour and littering as put forward by the applicant: There is some evidence of anti-social behaviour at the site that has been advanced in the form of an email from the local PCSO.

91. The development includes land in other ownership: This is a civil matter to be resolved between the developer and any affected land owners.

CONCLUSION

92. The proposed development would not result in any significant harm to the character of the area or the amenity of neighbouring occupiers and there would be no unacceptable impact on highway safety or ecology. The loss of the public open space would not be harmful in consideration of the nature of the land to be developed and improvements that would be carried out to the remaining public open space. The proposed development is, therefore, considered to be acceptable and as such is recommended for approval subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 16/00656/FULMAJ

Decision: PERFPP

Decision Date: 11 May 2018

Description: Detailed planning consent for the erection of 75 dwellings with associated access arrangements at land adjacent to Coppull Enterprise Centre, Chorley

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

Suggested conditions

To follow