

Item **11/00074/FULMAJ**

Case Officer **Mrs Nicola Hopkins**

Ward **Coppull**

Proposal **Application for the erection of 10 two bedroom dwellings and 20 three bedroom dwellings (incorporating four 2.5 storey three bedroom dwellings- plots 1, 7, 9 and 21) with associated access, car parking and landscaping. Including refurbishment and reconfiguration of garden and fencing of 47 Clean-cut Lane.**

Location **47 Clancutt Lane Coppull Chorley PR7 4NR**

Applicant **ID4L (Clancutt) Limited**

Consultation expiry: 20 May 2011

Application expiry: 11 May 2011

Proposal

1. This application relates to the erection of 30 dwellinghouses on land adjacent to 47 Clancutt Lane, Coppull. The application proposes the erection of 30 affordable family dwellings which will be managed by a Registered Social Landlord
2. The application site is allocated as safeguarded land under Policy DC3.9 of the Local Plan. Safeguarded land is treated as if it Green Belt until such time as the land is needed for development

Recommendation

3. It is recommended that this application is refused

Main Issues

- The main issues for consideration in respect of this planning application are:
- Principle of the development
- Current Planning Policy Status
- Background information
- Affordable Housing
- Density
- Levels
- Impact on the neighbours
- Design
- Open Space
- Trees and Landscape
- Ecology
- Flood Risk
- Traffic and Transport
- Public Right of Way
- Contamination and Coal Mines
- Drainage and Sewers

- The reconfiguration of the garden areas of 47 Clancutt Lane
- Neighbour concerns

Representations

4. 33 letters of objection have been received raising the following concerns:

- Traffic generation
- Highway safety issues
- Impact on water and sewer system
- Impact on wildlife
- Lower values of properties
- Impact on busy junction at top of Clancutt Lane
- Has been recorded anti-social behaviour in the area
- Design out of character with the surrounding area
- The inclusion of tandem parking spaces does not work in practice
- Access via the backs of the dwellings by vehicles should be restricted
- Sufficient housing within the area
- Parking in the area is a problem- not adequate for construction traffic
- Noise
- Not enough capacity in the local schools for additional children
- Flooding
- Land in safeguarded within the local plan
- Impact on biological heritage site
- Loss of privacy
- Ensure the dog waste bin is retained
- Noise and dirt by construction traffic
- Loss of trees and hedgerows
- No need for more affordable housing within Coppull
- Layout is tight and does not reflect the open character of the area
- No cycle route
- Will the application involve the derelict buildings at the bottom of Clancutt Lane
- Object to the inclusion of 2.5 storey dwellings on privacy grounds and design grounds.

5. 2 letters have been received not objecting to the application but raising concerns.

6. 1 letter of support has been received.

7. **Coppull Parish Council** object to this application on highway grounds and that the site would be bordering/encroaching into the green belt.

8. **Lindsey Hoyle MP** has raised concerns in respect of loss of privacy to existing residents and the additional pressure on the sewerage system.

Consultations

9. **Lancashire County Council (Ecology)** have stated the applicant should be required to submit the results of the great crested newt survey prior to determination of this application, in order that all relevant information is considered.

10. **Policy and Design Manager** has made comments on design which are addressed later within the report

11. **The Environment Agency** object to the application in respect of impact on Great Crested Newts
12. **The Architectural Design and Crime Reduction Advisor** has confirmed that the applicants intend for the development to be constructed for accreditation by Secure by Design. He has raised the issue of the anti-social behaviour on the railway bridge
13. **Lancashire County Council (Archaeology)** have no objection subject to a condition
14. **United Utilities** have no objection subject to various conditions/ informatives
15. **Lancashire County Council (Highways)** initially raised some specific comments in respect of the proposed layout however they have no over-riding highway objection to the proposed development in principle.
16. **Chorley's Waste & Contaminated Land Officer** has no objection subject to various conditions/ informatives
17. **Lancashire County Council (Planning Contributions)** have made a S106 request for waste and education which are addressed later within the report
18. **Corporate Director People and Places** recommends that the developers closely follow the recommendations outlined within the submitted acoustic report
19. **Sustrans** have requested that consideration is given to off site cycle routes and cycle storage
20. **Coal Authority** standing advice
21. **The Council's Arboricultural Officer** has commented on the proposals which are addressed later within the report
22. **Planning Policy** have commented on the principle of developing safeguarding land and the current housing land supply figure which is addressed within the report.

Applicants Case

23. The agent for the application has made the following points in support of the proposals:

Whilst the site is safeguarded land and subject to green belt policy there are very special circumstances and significant material considerations which weigh in favour of the development. These are that it will:

- Deliver new housing to meet the Borough's requirements
- Deliver a significant number of much needed affordable family homes
- Address Coppull's existing and future housing requirements with a high quality design led development
- Provide high quality residential development on a sustainable Greenfield site
- Provide a mix of family housing which respect the existing character of the village
- Promote sustainable development which makes best use of existing services, facilities and local transport links
- Develop a site identified in the SHLAA as suitable for housing
- Not adversely affect the character and purpose of the green belt

24. A further letter has been submitted by the agents for the application dated 21st April setting out the following points:

- We remain of the view that there is a need for new homes and in particular affordable homes in Coppull, and thus that the application should be supported by the Council.

Safeguarded Land

- The land in question has been tested and subsequently accepted through the adopted Local Plan as being suitable and able to accommodate housing. It was designated as Safeguarded Land to reserve it for future housing development at the edge of the settlement, whilst allowing a long term Green Belt boundary to be set. Therefore, it cannot be disputed that the Council considers the land suitable for housing.
- The site was allocated as safeguarded in the 1997 Local Plan, with its allocation rolled forward into 2003 Local Plan, where it was noted as to come forward after 2006. We are now 14 years on from the initial allocation and the land remains suitable for development.
- We appreciate that the saved policies within the Local Plan remain to be material considerations, however it is the delays in the plan making system which have meant that the local plan is now dated and has not been reviewed. Further, the whole purpose of safeguarding is so that the land can come forward for development when needed. It was envisaged to be after 2006, which we are now well beyond.
- The site is not allocated as Green Belt land, and never has been, therefore PPG2 and its presumption against inappropriate development are not applicable in this case. The Proposals Map and supporting policies clearly distinguish between Green Belt land and safeguarded land. In this respect, whilst Policy DC3 states that the land ought to be treated like Green Belt, it does not state it must be treated as Green Belt, as plainly it couldn't as it isn't. As such there is no requirement to meet PPG2 tests. Indeed, the policy does state that development complying with the criteria set out in Policy DC1 (which includes provision for affordable housing for local needs in accordance with Policy DC5) and DC2 will be permitted.
- You raise the point that Policy DC5 does not list Coppull as one of the rural locations, however taking this rigid policy approach does not take account of the fact that Coppull has affordable housing needs, which cannot be ignored, and the only reason it fails the policy is not because there no affordable need, but rather it is deemed to lie in open countryside and does not adjoin a listed rural location. We acknowledge that the proposal represents a departure from the plan in this respect, but the other material considerations way in favour of approval.
- It is also worth noting that the land was safeguarded for future housing use and therefore the restriction put in place was to ensure that the land was not developed for other unsuitable uses that would prevent the future development of the site for housing. The policy has been successful and the land is now free to accommodate the long term needs anticipated in 1997 and 2003.

Year housing land supply

- We remain of the view that the Council does not have a deliverable 5 year housing supply. The latest SHLAA notes a supply based on adopted RSS figures of just over 5 years. However, when this supply is interrogated, it is clear that a number of the sites will not fully yield in 5 years, and also that the Council is heavily reliant on Buckshaw Village for almost half its supply. With this slippage, we believe that the Council will fall short of a 5 year deliverable supply, and in particular will not provide units to meet the needs of Coppull.

- Turning to the proposed 20% reduction on the RSS housing targets as suggested in the Emerging Core Strategy, this is not adopted policy and therefore is of reduced weight, and is not based on any research evidence. Furthermore it runs contrary to recent Government proclamations about increasing housing supply, not suppressing it.
- Looking forward, in our planning statement we reviewed the sites put forward in the SHLAA to show that Clancutt Lane is a strong competitor site for allocation, and that Greenfield sites would be required to meet the affordable and housing needs of Coppull. It is also worth remembering that the SHLAA benefit from no planning status, whereas the Clancutt Lane site is a site allocated in a dated plan for future housing development. This has been tested and accepted.
- Even if the Council can demonstrate a five year housing land supply, it does not have a surplus and therefore, a small site such as Clancutt Lane will contribute towards, and not adversely affect, the future distribution of housing. With the bulk of supply in Buckshaw Village, it will help meet the needs of Coppull.
- Given the significant delays in bringing forward the LDF process, there is need for small sites and windfalls to come forward to meet needs.

Affordable Housing Need

- Looking at affordable housing delivery, since 2003 the Council has not delivered enough affordable housing to meet its requirements, falling considerably short. As such there is a compelling need for new affordable units, and with the bulk of housing supply at Buckshaw, where low affordable provision levels are set, and with limited sites in Coppull, it is clear that looking forward the borough will continue to struggle to hit its targets, and make up for previous shortfalls.
- The current application will yield 100% affordable units. If the site were to be allocated and come forward through the Allocations DPD it would only yield the Core Strategy compliant 30% affordable units. As such early release will provide a positive benefit.
- We appreciate the Council's concerns that, in releasing safeguarded sites for housing, it will set a precedent amongst other safeguarded sites in the Borough. However the release of the Clancutt Lane site is unique in that it is for a 100% affordable scheme. Given this need for housing and affordable housing, there is a clear reason for developing open land, which whilst it appears as countryside, is very much a reserve of land for future housing. Given that there is little brownfield land in Coppull, it is inevitable that greenfield sites will be required.

Prematurity of LDF

- The production of the LDF has been delayed and as a result, sites for new housing have not been identified through the appropriate DPDs. Without a healthy five year supply of housing land, there is a need to find sites for housing to meet current and short term needs. Given that safeguarded sites have already been considered and accepted as suitable for future housing development (after 2006), sites such as Clancutt Lane should not be delayed in coming forward to meet needs. They are preferable to sites identified through the SHLAA as these have not been tested through a plan examination process and deemed suitable for development, unlike safeguarded sites.
- Holding back the allocation of sites for development until the adoption of the Site Allocations DPD (2012/13) will not provide a housing to meet current and short term needs as it takes around 12-18 months from making an application to delivering houses. As such an

application after the DPD is adopted will not yield till around 2014. With current and short term needs, this small scale affordable scheme ought not be delayed.

Assessment

Principle of the development

25. The main Policy consideration is the fact that the site is allocated within the Adopted Local Plan under Policy DC3.9 as safeguarded land. Planning Policy Guidance Note 2:Green Belts (PPG2) encourages the designation of land as safeguarded which may be required to meet longer term development needs however this allocation does not mean that the land is allocated for development at the present time as its purpose is meeting possible longer-term development needs.
26. The supporting information submitted with the application has referenced the age of the current local plan. However the Secretary of State saved the Safeguarded Land Policy (DC3) in September 2007 for ongoing use. As Planning Policy Statement 3:Housing (PPS3) became a material consideration after 1 April 2007 it is considered that in saving Policy DC3, the Secretary of State must have considered that Policy DC3 was consistent with PPS3. There have been changes to PPS3 since that date however it is not considered that any of them are material to Policy DC3 and the designation of the site as safeguarded land.
27. Policy DC3 states that development, other than that permissible in the countryside under Policies DC1 or DC2, will not be permitted on Safeguarded Land. Policy DC1 lists the development which is considered to be appropriate development within the Green Belt and includes: (f) to provide affordable housing for local needs in accordance with Policy DC5. However Coppull is not included within the list of rural locations which Policy DC5 relates to. As such it is not considered that the proposal falls to be considered appropriate development within this rural area and is therefore inappropriate development which by definition is harmful to the Green Belt.
28. It is clear within PPG2 that planning permission for the permanent development of safeguarded land will only be granted following a local plan review and making safeguarded land available for permanent development in other circumstances would be a departure from the plan.
29. The agent, within their second supporting letter, states that *the whole purpose of safeguarding is so that the land can come forward for development when needed. It was envisaged to be after 2006, which we are now well beyond.* It is acknowledged that the purpose of safeguarding land under Policy DC3 of the Local Plan was to safeguard the land for development needs which might arise beyond the plan period, i.e. after 2001 and the safeguarded land would remain protected until 2006. However as the Council has a current 5 year housing land supply it is considered that retaining this land for future development needs is consistent with the purposes of allocating the site as safeguarded within the Local Plan, in accordance with PPG2.
30. Additionally Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) was amended by Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) on 29 December 2009. It is therefore an up to date expression of national guidance (as amended) and seeks to protect the countryside for its own sake. Therefore unless there is a need for development on this site the Local Planning Authority should seek to protect the countryside as a natural resource. This is in accordance with Policy DC3 and PPS1.

31. In accordance with paragraph 54 of PPS3 the Council have identified a 5.76 year supply of deliverable housing within the Borough. In allocating land as safeguarded land with the Local Plan the Local Planning Authority accepted that, for example, housing was acceptable in principle. The issue that remains is whether there is a current need for such housing development on this site.
32. Taking this into account and the Council's current housing land supply there is no requirement to consider the development of this site favourably for housing. It is acknowledged that this site is identified within the Central Lancashire Strategic Housing Land Availability Assessment 2010 (SHLAA) for potential future housing development however this site will be reviewed, in accordance with PPG2, as part of the Site Allocations and Development Management Policies Development Planning Documents (DPD). It is therefore considered that this site, along with other safeguarded sites within the Borough, should remain protected until the Site Allocations and Development Management Policies DPDs identifies such land as needed for release to cater for the development need in the Borough.
33. It is acknowledged that this site is included within the Central Lancashire Strategic Housing Land Availability Assessment 2010 (SHLAA) however the SHLAA only provides an evidence base on the potential housing land supply across Central Lancashire. This document does not allocate specific sites for housing development but will be used as a key piece of evidence to inform the Core Strategy and Site Allocations Development Plan Document work. Additionally the SHLAA states that this land is safeguarded for future development needs. An LDF Review of land is needed to permit housing development. As set out above the Council has a 5 year housing supply and as such there is no need to release this site for housing.
34. The Central Lancashire Strategic Housing Market Assessment 2009 (SHMA) does identify a need for affordable housing across the three Central Lancashire areas including Chorley however the provision of affordable housing in Chorley has increased in recent years. The Council's Corporate target was gross 50 units for 2008/09 and 2009/10, this target is also in place for 2010/11 and 2011/12 which is set out within the Local Area Agreement. Affordable housing completions were low in 2006/07 and 2007/08 and in 2008/09 the completions were below the target of 50. However in 2009/10 this target was exceeded as 107 units were provided and the Council expects the target to be exceeded again for 2010/11 with an estimated provision in excess of 150 units. There are existing deliverable sites within the 5 year supply which will provide affordable housing and the Council is on course to exceed its affordable housing targets. As such it is not considered that the provision of 100% affordable housing on this site would carry significant weight to constitute very special circumstances on its own to release this site for housing development.
35. On 23rd March 2011 the Ministerial Statement on "Planning for Growth" was published and on 31 March 2011 the Chief Planner for the DCLG wrote to Chief Planning Officers in this regard. Chorley Council welcomes the Chief Planning Officers letter and the Ministers Statement "Planning for Growth" and in particular the commitment to introduce a strong presumption in favour of sustainable development. However this site will be assessed as part of the LDF process and the Site Allocations DPD and it is not considered that this publication outweighs the need to review this site for future housing development as part of the Site Allocations work particularly as the Council has a 5 year housing land supply.

Current Planning Policy Status

36. The Development Plan for Chorley currently consists of the Adopted Chorley Borough Local Plan Review, the North West Regional Spatial Strategy (RSS) and the Sustainable Resources DPD. On 6th July 2010 the Secretary of State for the Department of Communities and Local Government revoked Regional Strategies, including the Regional Spatial Strategy

for North West England (RSS). However, on 10th November 2010 the decision to revoke the RSS was found unlawful at the High Court.

37. It is however likely that Regional Strategies will be scrapped as part of the Government's proposed Localism Bill. Therefore at the present time the RSS remains part of the Development Plan although the intention to scrap the RSS is a material planning consideration.
38. The RSS includes housing requirements which run from April 2003. The Annual Monitoring Report 2009/10 indicates that Chorley has a 5.76 year deliverable supply of housing for the period 2011 – 2016 in relation to Regional Spatial Strategy Requirements.
39. The Council's Core Strategy, which has been produced jointly with South Ribble and Preston, is currently at submission stage and is due to be examined at EIP on 28th June 2011. Therefore the Policies within this Core Strategy are a material consideration as part of this application although the weight attached to them is limited. However the relevant Core Strategy Policies are addressed below.
40. Policy 1, of the Core Strategy, identifies Coppull as an Urban Local Service Centre however this site is actually located outside of the defined settlement of Coppull. The Policy does state that some Greenfield development will be required on the fringes of the main urban areas however this will be based on need and identified as part of the Site Allocations DPD.
41. Policy 4 of the emerging Core Strategy sets out housing requirements of 334 dwellings per annum for the two-year period 2010-2012. This is an interim measure and no figures are stated for the period after this; the intention is that a full review of housing requirements will be carried out and new housing requirement figures produced. Until new housing requirement figures are produced for the longer term there is uncertainty over housing requirement figures for this period. If the 334 figure continues there is a requirement for the five-year period of: $334 \times 5 = 1670$ units. This results in Chorley having a $(2,558/334)$ 7.66 year deliverable housing supply.
42. Policy 7 of the Central Lancashire Publication Core Strategy relates to affordable housing and part (b) does state that '*A percentage requirement at or near 35% will be sought in rural areas on sites in or adjoin villages with appropriate services, although on all exception sites including those in the Green Belt the requirement will be 100%.*' However part (b) of this Policy specifically refers to rural exception sites and Coppull is not a rural Village. As such the provision of 100% does not specifically accord with this part of the Policy. This part of the Policy only refers to rural exception sites as defined in paragraph 30 of PPS3.

Background Information

43. The supporting information, submitted with the application, sites two precedents within the Borough of developing safeguarded land. The first of these is the Waggon and Horses (Policy DC3.10) site in Coppull. The residential redevelopment of this site was considered appropriate as The Waggon and Horses had large curtilage which could have been developed in isolation by way of a change of use to residential purposes however this would represent piecemeal development and sterilise a corner of the site. As such it was considered appropriate to apply a comprehensive approach to the development of the whole of the land rather than wait for the Local Development Framework (LDF) to be adopted. The application site is different to the Waggon and Horses site by virtue of the fact that the existing dwelling has a limited curtilage and that notwithstanding the changes to PPS3 no longer result in the curtilage of the dwellinghouse falling within the definition of previously

developed land. As such piecemeal development of the application site is not considered to be an issue.

44. The second site referred to is the piece of safeguarded land in Cuerden (Policy DC3.8). This was heard at Public Inquiry in March 2011 and the appeal related to non-determination. This notwithstanding however the Council were minded to refuse the application on the grounds that the land was safeguarded and there was no need for additional housing within the Borough at this time. The applicants in this case accepted that the development of safeguarded land was inappropriate and attempted to justify the overriding need for development on the lack of a robust 5 year housing land supply. The result of this appeal is still pending.
45. Additionally the submitted Planning Statement to the application identifies that the redevelopment of this site does not accord with green belt policy and as such very special circumstances are required which includes 'There are no other suitable sites to accommodate affordable housing in Coppull' however the subsequent assessment only considers allocated housing sites and not all appropriate brownfield land within Coppull. For example the Council are currently considering an application for 51 dwellings at Coppull Enterprise Centre which will incorporate a percentage of affordable houses.

Affordable Housing

46. The proposals involve the erection of 30 dwellings all of which are proposed to be affordable units managed by an RSL. The relevant planning policy within the Local Plan in respect of affordable housing is HS5. In accordance with Policy HS5 (and PPS3) the Council can only require 20% on site affordable housing. The Local Plan also incorporates Policy DC5 which does incorporate provisions for a limited number of dwellings to meet a local need for affordable housing within/adjoining the specified rural settlements. However as Coppull is not a rural settlement Policy HS5 does not apply.
47. The applicants have stated that 100% affordable housing on this site constitutes very special circumstances to permit the release of this piece of safeguarded land however as set out above the Council has a 5 year supply of housing and is exceeding its targets in respect of the provision of affordable housing. As such it is not considered that the provision of 100% affordable housing justifies the release of this land.
48. The applicants have referred to Policy 7 of the Central Lancashire Publication Core Strategy which relates to affordable housing. The Core Strategy is currently at submission stage and although it carries some weight this weight is limited. Part (b) of Policy 7 of the Publication Core Strategy does state that 'A percentage requirement at or near 35% will be sought in rural areas on sites in or adjoin villages with appropriate services, although on all exception sites including those in the Green Belt the requirement will be 100%.' However part (b) of this Policy specifically refers to rural exception sites, a fact which is confirmed within the Submission Core Strategy, and Coppull is not a rural Village. As such the provision of 100% affordable housing on this site does not accord with this part of the Policy.
49. Based on 20% affordable housing there would be 6 affordable units on the site which based on need within the area would be split between 4 social rented units and 2 intermediate units. The greatest need in the Borough is 2/3 bedroom accommodation and as this scheme incorporates 2 and 3 bedroom accommodation this type of accommodation can easily be accommodated on this site.

Density

50. The site covers an area of 0.83 hectares. The erection of 30 dwellings equates to 36 dwellings per hectare which is considered to be an appropriate density.

Levels

51. The site is relatively flat. The levels at the site entrance are approximately one metre higher than the western parts of the site however this difference is not apparent on site as the land gradually grades down within the site. The main issue in respect of levels is the impact on the immediate neighbours and the finished floor levels of the proposed dwellings which is addressed below.

Impact on the neighbours

52. As set out above a number of concerns have been raised by the neighbours in respect of the proposed application. The immediate neighbours to this site are 2, 4 and 6 Birchwood Drive, 45 Clancutt Lane, 60 Clancutt Lane, 80-87 Pear Tree Avenue and 24 and 43 Holly Crescent.
53. The properties on Pear Tree Avenue back onto the application site, their rear gardens extend up to the boundary with the access road which runs along the eastern boundary of the application site. Views of these properties are partly screened by existing vegetation along the road boundary. The proposed dwellings back onto the access road with the rear gardens extending up to this road. The nearest proposed dwelling is 24 metres away from the rear elevation of 82 Pear Tree Avenue which exceeds the Council 21 metre rear to rear spacing standard. As such it is not considered that there will be any loss of amenity to the existing or future residents in respect of this relationship.
54. 2, 4 and 6 Birchwood Drive are located to the south of the application site. The properties are 9, 13 and 2 metres away from the application site boundary, respectively, at their closest point. The rear elevation of number 2 faces the access road and parking arrangements for plot 1 and as such will not result in any loss of amenity. The rear elevation of number 4 faces the side elevation of plot 1 however there is over 22 metres retained between these properties, the property on plot 1 is sited at an angle and there is an existing substation between the properties. As such it is not considered, notwithstanding the fact that the property on plot 1 is a 2.5 storey dwelling, that any loss of amenity will result from this relationship. The side elevation of number 6 is adjacent to the boundary of the site close to the rear garden of plot 1. Number 6 Birchwood Drive is a 2 storey detached dwelling with windows in the side elevation facing the site. It is unlikely that these windows serve habitable rooms however this notwithstanding these windows will face a small part of the rear garden on plot 1 which is not considered to be the most usable part of this garden area. Additionally the future resident will be aware of this relationship on occupation of the dwelling.
55. Number 24 Holly Crescent is a semi-detached bungalow located adjacent to the boundary with plot 11. The property has a single storey side element which extends up to the boundary with plot 11 and a first floor window (serving the roof space) in the side elevation facing the application site. This window is located approximately 4.4 metres from the site boundary and will face the front garden area of plot 11. As plot 11 is offset from 24 Holly Crescent it is not considered that the erection of a two storey dwelling will adversely effect the amenities of these residents.
56. Number 43 Holly Crescent is sited adjacent to the proposed rear garden of plot 12. Due to the siting of the existing and proposed dwellings it is not considered that this relationship will adversely impact on the amenities of the existing or future residents.

57. There is no direct rear to rear relationship between the existing and proposed dwellings along the southern boundary of the application site. Where proposed dwellings are located close to existing dwellings there are no first floor side windows in the two storey dwellings which could lead to loss of privacy. There are side windows proposed in the 2.5 storey dwelling on plot 1 however due to the siting of this property in respect of 2 and 4 Birchwood Drive it is not considered that this relationship will adversely impact on the neighbours' amenities.
58. Number 45 and 60 Clancutt Lane are located next to the access into the site. No new dwellings will be sited close to this property and as such it is not considered that there will be any adverse impact on amenities through loss of privacy or overlooking.
59. As such it is not considered that the proposed development will adversely impact on the amenities of the existing or future residents.
60. The 2 storey dwellings are 4.95 metres high to the eaves. Taking into account the FFL of 11 (73.10) the level of the eaves will be 78.05. The eaves level of 24 Holly Crescent is 75.76 which is a approximately 2.30 metre difference however this accounts for the fact the property on plot 11 the dwelling is 2 storey and 24 Holly Crescent is a bungalow. As set out above it is not considered that, due to the siting of the proposed property, that there will be any adverse impact nor will the view from the first floor window be obscured as the properties are offset. The proposed finished floor levels are higher than the existing levels on the site however taking into account the fact that there are no direct relationship issues regarding the existing dwellings it is not considered that the finished floor levels of the proposed dwellings will result in an adverse impact on the neighbours' amenities.

Design

61. Concerns were raised in respect of the design and appearance of the original submission. The agents for the application were advised that in accordance with PPS3 one of the criteria to be considered when determining planning applications is 'Achieving high quality housing'. Additionally both PPS3 and PPS1 imply that good design is fundamental to the development of high quality housing. No evidence was submitted which detailed how the design had been drawn up or that it reflected the character of the surrounding area. As such the originally submitted scheme was considered to be contrary to advice contained in PPS3.
62. The design and character of the area has also been raised as an area of concern by the local residents. Further discussions with the Policy and Design Manager resulted in amendments to the scheme. The Policy and Design Manager has assessed the amendments and confirmed that he is satisfied that the amended Design and Access Statement details how the final design and layout has been arrived at. He still does however have a minor concern which is:
 - The dormer on the 2.5 storey dwelling is considered to be unacceptable. A suggested solution is to lower the roof ridge and step the dormer back from the main facade.
63. The agents for the application have submitted an amended plan of the 2.5 storey dwelling which has been forwarded to the Policy and Design Manager for comment. This will be addressed on the addendum.

Open Space

64. In accordance with Policy HS21 of the Adopted Local Plan proposals for new housing development will be required to include provision for outdoor play space. In appropriate developments of less than 1 hectare a commuted sum from the development may be secured for use in the provision or improvement of open space facilities in the locality.

65. This is considered to be appropriate in respect of this application and in accordance with the Council's Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments. These guidelines state that where fewer than 100 dwellings are to be built in a housing development it is not normally expected that an equipped play area will be provided on-site.
66. The off site play space contribution is a tariff based approach and equate to £1,379 per dwelling which results in a contribution of £41,370 from this development. The Council's Parks and Open Spaces Manager has confirmed that this contribution would be used towards the provision of new play space provision at Longfield Avenue, Coppull. There is an existing play space on Longfield Avenue which it is proposed to relocate to the former garage site on Longfield Avenue. This proposed site is within 350 metres of the application site and the contribution will be utilised to part fund this enhanced facility to benefit the residents of Coppull and any future residents of this site.

Trees and Landscape

67. The majority of the site is not previously development land and is characterised by scrubland. There are several trees within and along the boundary of the site none of which are protected by a Tree Preservation Order. The application is supported by an Arboricultural Survey and Constraints Report in respect of the trees on/adjacent to the site.
68. 34 trees and 5 hedgerows were identified on the site. The proposed development incorporates the retention of some of these trees however some will be removed. The submitted report concludes that the trees, due to their location have a low/moderate visual amenity. The trees are poor specimens of little intrinsic value. The Constraints Plan identifies a number of opportunities to develop the site. These can be increased slightly by the removal of C category trees. The removal of these trees would unlikely have any significant detriment on the treed character of the local area.
69. The Council's Arboricultural Officer has assessed the submitted report and Constraints Plan and confirmed that the best of the trees in the area are off-site. The site itself is mainly characterised by scrub growth although there are some young oak trees which are worthy of protection.
70. The Arboricultural Officer considers that some of the trees identified for retention in the tree report are worthy a TPO including an oak tree (no. 2599). Although this is off-site a section of canopy overhangs the site. The limes trees (no. 2597) are in poor condition and suppress the young oaks (no. 2596). Removal of these limes would enable the oaks to grow and as such the oak trees should be protected. The ash tree (no. 2595) and oak tree (no. 2590) are good examples of the species and as such are worthy of retention as they contribute to the visual amenities of the area.
71. The Arboricultural Officer does not consider that the other trees on the site are worthy of retention.
72. Concerns have been raised by local residents in respect of the loss of trees and hedgerows. However as set out above the trees worthy of retention will be protected by virtue of a TPO and the remainder can be removed as part of the redevelopment of the site without an adverse impact on the character and appearance of the area.

Ecology

73. The originally submitted application was supported by an Ecological assessment. However the Ecologist at Lancashire County Council has confirmed *according to the ecology report*,

habitats within the application area are suitable to support great crested newts, and there is a pond within 50m that may support breeding great crested newts. The report therefore states that surveys for great crested newts need to be carried out in support of this application. It appears that the proposals will impact on other biodiversity interests. It would be inappropriate to comment on the impacts of the scheme, or the adequacy of mitigation proposals, until such time as the great crested newt survey results (together with mitigation proposals, if required) have been submitted.

74. Additionally The Environment Agency object on the grounds that a GCN survey has not been submitted with the application and so the potential impacts of the development on GCN and their habitats within the site cannot be determined.
75. Concerns have also been raised by local residents in respect of the impact on wildlife.
76. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
 - (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - (b) there must be no satisfactory alternative and
 - (c) favourable conservation status of the species must be maintained.
77. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
78. In the absence of a Great Crested Newt Survey it was not possible for the Local Planning Authority to determine whether the three derogation tests have been met, particularly the 'favourable conservation status of the species must be maintained'. However on 9th May the Great Crested Newt Survey was submitted which confirmed no Newts were identified on the site. This information has been forwarded to the Ecologist at LCC and the Environment Agency and the neighbours have been consulted on the receipt of additional information. Any comments will be reported on the addendum.

Flood Risk

79. The site is located within Flood Zone 1 however as the site is less than 1 hectare in size a Flood Risk Assessment is not required to accompany the application. The Environment Agency have confirmed this in writing to the applicants however they have confirmed that surface water run-off from the site would need to be restricted to Greenfield run-off rates. Additionally a planning condition will be required prior to the commencement of the development detailing a scheme for surface water disposal and attenuation.
80. Concerns have been raised by local residents in respect of flooding however, as set out above, the Environment Agency do not raise this as a concern.

Traffic and Transport

81. The Highway Engineer has assessed the proposals and confirmed that as the scheme incorporates footways, provision for 2 off-street car parking spaces, will provide for 5.5m wide

carriageway and 2.0m wide footways he has no over-riding highway objection to the proposed development in principle. However the Highway Engineer has requested that the applicant be required to satisfy certain conditions as follows:

82. The applicant will need to prove a minimum forward visibility of 18m at the access on approach from Clancutt Lane in accordance with Manual for Streets for speeds up to 15mph. The Highway Engineer has requested that all trees and shrub planting at No 45 Clancutt Lane falling within the visibility envelope should be removed and any fence or wall structure to be less than 900mm height above the crown level of the proposed carriageway at the location. In this regard the agent for the application has confirmed that the latest site plan shows that the 18m visibility splay required clips the existing fence by around 1m. This fence is in the ownership of No. 45 Clancutt Lane and therefore not in the ownership of the applicants. The agents for the application have added a note to the drawing for the contractor to liaise with the owner to replace 1 fencing panel with a 900mm high panel. At the current level a visibility splay of 16m is possible. This is considered to be acceptable.
83. Similarly the applicant will again need to prove a forward visibility of 18m along the road in the outbound direction at the bend to the rear of No 47 Clancutt Lane. In this regard the agent for the application has confirmed to achieve the 18m visibility splay they have set back the wall where the road turns the corner.
84. At number 45 Clancutt Lane a 1m x1m footway visibility splay is required for vehicle/pedestrian intervisibility. There is an existing 2m high fence and vegetation at 45 Clancutt Lane which is outside of the applicant's site boundary and as such this will need to be achieved through detailed footway design at the location. This can be addressed via condition.
85. The proposed parking for number 47 is impractical with tight and difficult manoeuvring owing to insufficient space. Minimum visibility sightlines of 2m x2m will also be required on either side of the parking area to enable vehicle/pedestrian intervisibility at the location. Any vegetation or structure will be required to be less than 900mm height above the crown level of the road at the location. In this regard the agent for the application has confirmed that they are unsure how many bedrooms the existing house has however 3 off-street car parking spaces have been provided on the amended plan with 2m visibility splay.
86. The Highway Engineer would prefer to see minimum 3.6m wide parking area to properties where the parking spaces are bounded by a building line on either side (dwelling and fencing). This will enable a 900mm clearance on either side of the parked vehicle for residence for access and aid inclusive mobility. In this regard the agent for the application has confirmed the minimum requirement for car parking spaces is the 2.4m wide space + 500mm clearance. The plot 9 arrangement has been revised to allow for a clear area adjacent the car parking space. Throughout the scheme a 3m width is provided for all parking to comply with the minimum requirements and exceed these to allow an extra 100mm space.
87. Likewise, for spaces provided side by side a min of 500mm clearance needed from all fences and walls (2.4m x 4.8m typical parking space). In this regard the agent for the application has confirmed that they have allowed for a 500mm clearance adjacent the car parking space where there are side by side car parking spaces.
88. Plot 1 – the proposed car parking spaces are set at a skewed angle to the footway and will give rise to awkward vehicle manoeuvring. The spaces will be required to be realigned and set perpendicular to the footway. In this regard the agent for the application has confirmed that this arrangement has been revised on the amended plan.

89. Give Way road markings to be placed across Clancutt Lane at the new junction. This can be addressed via condition and has been incorporated onto the amended plan
90. Finally, the highway will be required to be built to adoptable standards. This is to safeguard future Section 38 adoption agreement. This can be addressed via an informative.
91. It is considered that all the Highway Engineer original requirements have been/ can be addressed via condition. Following the receipt of the amended plan this was forwarded to the Highway Engineer who has confirmed that the applicant has satisfactorily demonstrated that the visibility requirements can be satisfied therefore the plan layout is generally acceptable. He has also confirmed:
92. For tandem parking spaces (where the space is bounded by a fence/structure on 2 –sides) a 3.4m wide space should be provided and similarly 2.9m wide where bounded on the 1 side. For side by side parking a 5.8m wide space, where bounded on both sides, will be required and a 5.3m wide space, where bounded on 1 side, will be required. The amended plan incorporates 3 m wide spaces at each tandem location and no additional provision for side by side parking, which is technically not in full compliance.
93. The Highway Engineer also originally considered that the car parking layout at Plot 7 was impractical in respect of the lengthways arrangement and the spaces should be accessible right angled to the road. The agents for the application have submitted an amended plan in this regard which the Highway Engineer considers addresses his concerns.
94. In respect of plot 1 the vehicle access has been realigned to fall at right angle to the road as requested by the Highway Engineer and as such is therefore acceptable.
95. A number of neighbours have raised concerns in respect of highway safety and traffic generation however as set out above the Highway Engineer has raised no objection and all of his concerns have been addressed. As such it is not considered that the scheme will have any adverse highway safety implications.

Public Right of Way

96. There is a public right of way (Footpath 19) which runs adjacent to the northern boundary of the site over the railway bridge. The footpath also connects in a north west direction along Pear Tree Avenue. The proposed development will not affect the route of this right of way.

Contamination and Coal Mines

97. In respect of contamination the Council's Waste & Contaminated Land Officer considers that there is a potential for ground contamination at this site however this can be addressed by a suitably worded condition.

Drainage and Sewers

98. In respect of drainage from the site United Utilities have assessed the scheme and have raised no objection subject to various conditions/ informatives.
99. Concerns have been raised in respect of the impact on the water and sewer system however United Utilities have not raised any concerns in terms of capacity in the area.

47 Clancutt Lane

100. Part of the site is occupied by 47 Clancutt Lane which is a detached dwellinghouse which is currently unoccupied. The property will be retained as part of the development however the existing detached outbuildings will be demolished and the garden area will be reconfigured.
101. The dwelling will maintain a reasonable sized garden area with a wall at the boundary and space for three cars to park. The reconfiguration of this curtilage is therefore considered to be acceptable.

Neighbour concerns

102. The majority of the concerns raised by residents are addressed above however the following concerns have also been raised:
103. Lower values of properties. This is not a material planning consideration
104. Has been recorded anti-social behaviour in the area. The Council's Architectural Liaison Officer has confirmed there have been incidents on the bridge and there may be an opportunity to design out the problem. This will be added as an informative.
105. Access via the backs of the dwellings by vehicles should be restricted. This relates to the properties on Pear Tree Avenue which does not form part of this application.
106. Sufficient housing within the area. This is not a material planning consideration
107. Parking in the area is a problem- not adequate for construction traffic. A condition could be added requiring full details of construction activity and in particular parking wholly within the site for construction traffic
108. Noise - Although it is acknowledged that there will be an element of noise during the construction phase this could be conditioned to acceptable working hours. Following the construction phase the development will not raise noise over and above that expected at a residential site.
109. Not enough capacity in the local schools for additional children. This is addressed below as part of the Section 106 obligations.
110. Ensure the dog waste bin is retained. This is outside the application site.
111. Noise and dirt by construction traffic. This could be controlled via condition as per above.
112. No need for more affordable housing within Coppull. There is a need for affordable housing across the Borough as whole and although it is agreed that the need does not justify the release of the land currently in the future it is expected that there will be an element of affordable dwellings on this site.
113. Will the application involve the derelict buildings at the bottom of Clancutt Lane. This property does not form part of the application site.

Section 106 Agreement

114. Due to the nature of the development a Section 106 Agreement will be required to secure:
 - 20% affordable housing (6 units). 4 two bedroom accommodation and 2 three bedroom accommodation. 4 social rented properties and 2 intermediate properties.

- £41,370 for the provision of play space at the former garage site Longfield Avenue, Coppull
115. Lancashire County Council Planning Obligation Team have requested contributions to both education and waste management. The education request is based on the size of the proposal which could yield 11 primary school and 8 secondary school places. The Obligations Team have confirmed that there are 8 spare places within the local primary schools however due to other developments in the area the expected total public yield is 152. As such based on the yield from this development they are requesting £130, 239 for primary school places.
116. However in accordance with the Community Infrastructure Levy Regulations the following tests need to be met in respect of S106 obligations:
- (a) necessary to make the development acceptable in planning terms
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
117. It is considered that as there are 8 spare places in the local primary schools for the next 5 years and this scheme will yield 11 places this scheme could be reasonably expected to contribute to 3 places (the number over and above the number of current spare places). This equates to £35,519 (using the County's DCSF Multiplier) and is considered to make the development acceptable, is directly related to the development (based on 3 places) and is fairly related in scale and kind, as such meeting the CIL tests. This will be secured via the S106 Agreement.
118. In respect of secondary school places there is considered to be sufficient to meet the demands of this scheme
119. The Obligations Team have also requested £14,400 to Waste Management however it is not considered that this request meets the tests and as such is not included.

Overall Conclusion

120. The proposals falls to be considered a departure from the local plan in respect of its safeguarded land allocation and justification has not been forwarded to justify its release for housing.
121. In accordance with government advice contained in PPG2 and PPS3 the release of safeguarded land will only be permissible as part of a local plan review and the fact that there is not currently a need for housing within the Borough results in there being no need to release this site for housing.
122. Additionally minor concerns have been raised in respect of the design of the dormer on the 2.5 storey dwellings which will be included within the suggested reasons for refusal awaiting further comments from the Policy and Design Manager.

Other Matters

Public Consultation

123. There has been no formal community involvement with residents however the agent for the application has confirmed that the developer has discussed issues with the residents as and when requested.

124. In accordance with the Council's Statement of Community Involvement the Council encourage active consultation with the community prior to the submission of an application however community involvement is not a mandatory requirement when submitting a planning application. As such it would not be possible to refuse the application due to the lack of such an exercise.

Sustainability

125. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. The agent for the application has confirmed that 20% of the building materials will be recycled and as much waste as possible will be recycled. Appropriate renewable energy power generation equipment will be installed 15% minimum. Rainwater will be recycled and hard surfaces will be designed so as to minimise run off. Appropriate storage areas will be provided for recyclable waste materials and compost.

126. However the Policy and Design Manager considers that the references to sustainability are inadequate and the applicant is required to demonstrate compliance with Chorley's Sustainable Resources DPD.

127. In accordance with Policy SR1 of the DPD the scheme will be required to achieve a 15% reduction in carbon emission through the use of low and zero carbon technologies and the relevant Code for Sustainable Homes Level will be required for each dwelling (Code Level 3 now, Code Level 4 after 2013). This could be addressed by suitably worded conditions.

Waste Collection and Storage

128. The application is supported by a tracking plan which details that there is sufficient room within the adopted highway for a refuse collection vehicle. As the road will be adopted each property will have direct kerb access for bin collection purposes.

Planning Policies

National Planning Policies:

PPS1, PPG 2, PPS3, PPS4, PPS7, PPS9, PPG13, PPS22, PPS23, PPS25, PPG17

North West Regional Spatial Strategy:

Policies DP1, DP4, DP7, RDF1, L4, L5, RT9, EM1, EM5, EM15, EM16, EM17

Adopted Chorley Borough Local Plan Review

Policies: DC1, DC3, GN5, GN9, EP4, EP9, EP17, EP18, HS4, HS5, HS6, HS21, TR1, TR4, TR18

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Central Lancashire Strategic Housing Land Availability Assessment Supplement (November 2010)

Chorley Borough Council's Housing Land Monitoring Report (April 1st 2009 to March 31st 2010)

Joint Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 4: Housing Delivery

Policy 5: Housing Density

Policy 7: Affordable Housing

Policy 17: Design of New Buildings

Policy 22: Biodiversity and Geodiversity

Policy 24; Sport and Recreation

Policy 27; Sustainable Resources and New Developments

Policy 29: Water Management

Sites for Chorley- Issues and Options Discussion Paper December 2010

CH0292: Clancutt Lane

Planning History

No planning history

Recommendation: Refuse Full Planning Permission

Reasons

1. The application site is within safeguarded land (site DC3.9), where development other than that permissible in the countryside under saved Policy DC1 of the Chorley Local Plan Review and PPG2 will not be permitted. A five year land supply is available and it has not been demonstrated that this development is needed at this time. The provision of 100% affordable housing does not constitute sufficient justification to release the land at this time. As such the proposal is contrary to Policy DC3 of the Chorley Local Plan Review, The Planning System: General Principles (paras 17-19), Planning Policy Guidance Note 2 and Planning Policy Statement 3.
 2. In terms of design the proposed dormer window on the 2.5 storey dwellings (plots 1, 7, 9 and 21) is considered to be unacceptable by virtue of the fact that the dormer window will be visually prominent within the street scene, does not sit comfortably within the roof and will not be subordinate to the main roof structure. As such this element of the design is considered to be contrary to Policy GN5 of the Adopted Chorley Borough Local Plan Review, the Council's Design Guidance SPG and advice contained in PPS1: Delivering Sustainable Development
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