

Item 4a **12/00872/FULMAJ**

Case Officer **Caron Taylor**

Ward **Clayton-le-Woods West and Cuerden**

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

Location **Land adjoining Cuerden Residential Park, Nell Lane Cuerden Lancashire**

Applicant **Campbells Park Homes**

Consultation expiry: 17 October 2012

Application expiry: 17 December 2012

Proposal

1. The application is a full application for 52 park style homes for older persons (over 55) and associated development including replacement community building, bowling green, allotments, pavilion, equipment store, activity trail, balancing ponds, access arrangement, internal roads, footpaths and landscaping (resubmission of refused application 11/00941/FULMAJ).
2. It would involve an extension of the existing Cuerden Residential Park accessed from Nell Lane. The existing site has a licence for 186 park homes and is 5.797 hectares in area. The proposed extension is 3.3 hectares. The enlarged site as proposed would be accessed by two vehicular access points and one pedestrian access.

Recommendation

3. It is recommended that this application is approved subject to a legal agreement.

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Background Information

Policy Assessment

- Principle of Housing on the Land
- Affordable Housing/ Special Needs Housing
- Density
- Timing

Technical Assessment

- Housing Development
- Levels
- Impact on Neighbours
- Proposed Community Building
- Open Space
- Other Elements of the Proposal
- Trees and Landscape

- Ecology
- Flood Risk and Drainage
- Traffic and Transport
- Crime and Safety
- Sustainable Resources

Representations

5. 3 letters of objection have been received on the following grounds:
 - The extra housing is quite simply not required. For years the park has been dying. There are many empty spaces, and some homes have been on the market for over two years;
 - The application is premature as the new local development plan has not yet been approved, and if granted may set a precedent for other planning applications in the vicinity;
 - Nell Lane being a narrow country lane with no footpath, would not safely cope with the additional amount of vehicles and pedestrians;
 - Drainage and flooding issues. Flooding remains a serious issue and has been so for years. The work done on the much vaulted new ponds has made no difference, and even the A49 has been affected;
 - The letters of support were drafted by Lieth Planning and should be ignored. They contain statements that are simply not true and do not represent the views of all the residents as they claim to do and they were submitted to the council by the applicant;
 - The only significant change in the application from the refused one, is the inclusion by the applicant of a £50,000 commuted sum to the Council. The site owner has stated quite publicly that he has been assured that this application will definitely be accepted. There are those who would perhaps find both the letters and the money to be questionable.
6. 111 letters of support have been received on the following grounds:
 - The existing site is a good community. People feel safe and look after each other;
 - The elderly do not all want to live in apartments and care homes at exorbitant prices, but in their own homes;
 - They consider the current proposal has addressed the issues of the previous refusal;
 - The site would be a good use of the space;
 - It will provide an improvement of the existing facilities and secure additional benefits such as allotments, bowling green etc.;
 - They believe the homes are affordable by their nature;
 - More weight should be given to the nature of the residents that live on the site, what they want and need and the significant benefits it will bring to older people. They consider this outweighs the requirement for a contribution to affordable housing, but if the Council feel it doesn't then the contribution proposed should be accepted;
 - Downsizing to a bungalow allows large houses to be vacated for young families.
7. 2 letters not objecting to the principle of the proposed development have been received raising the following concerns:
 - Severe flooding has occurred, on several occasions, at the junction of Nell Lane and Wigan Road /A49. They have witnessed the water pouring through the hedgerow from the residential park onto Nell lane and Wigan Road, quite recently causing the police to close A49 in an attempt to minimise the threat of flooding to Maple Tree Cottage and Lydiate Head Cottage. The water from this junction ultimately flows with force down a normally 'dry' ditch to the rear of cottages on Lydiate Lane, on occasions causing a threat of flooding to the properties with basements, our property being one of them. The weight of water on these occasions has led to severe erosion of the ditch;
 - An increase in the size of the residential park can only increase the amount of surface water. Balancing ponds may potentially deal with future increases of the surface water but will they address the existing problem?;
 - During periods of heavy rainfall the residents affected are on tender hooks wondering if they are going to be flooded. The surface water from the existing residential park leads

to problems and concerns. For this application to be considered an appropriate and effective assessment of drainage in this part of Cuerden needs to be undertaken, in fact with or without this application the problem needs to be addressed sooner rather than later;

- Concern for properties with basements below invert level of ditch with water back feeding up lower level drainage;
- Noticeable dampness in basements. Which are normally dry (built on sand). Dampness has been noted and flooding in extreme inclement weather;
- Effect to septic tanks and resultant percolation drainage with possible back feed contamination;
- Erosion of the ditch due to volume of water;
- Neighbourly concern to keep the ditch clear of debris, tree branches etc. Resultant blockage forms a flood risk;
- Adequate surface water drainage should be included to not make the flooding on Nell Lane any worse.

Consultations

8. Clayton-le-Woods Parish Council

Have no comments to make to the application. Their views remain the same as before (they made no comments to the previous application).

9. Cuerden Parish Council

Express concerns regarding the application. In principle they have no objections to the scheme, however they have major concerns regarding the drainage and resultant flooding at Nell Lane and the A49 junction also to the rear of cottages on Lydiate Lane (open/culvert dry ditch). This was raised as part of the previous application and residents have expressed their concerns:

- During floods water pours through hedgerow from Residential Park onto Nell Lane and Wigan Road;
- Surface water from Residential Park running onto Nell Lane;
- Closure of road and flooding to properties and impacting on septic tanks and erosion of the ditch from the amount of surface water entering it.

Some residents are concerned that this overload is a result of hard standing surface water i.e. roofs, roads and paved areas.

The above areas should be properly addressed before the application is considered.

10. **Lancashire County Council (Ecology)**

State they commented on the previously submitted application. As far as they are aware, the biodiversity value of the application area has not changed significantly since the earlier ecology surveys/assessments were carried out. Although the applicant does not appear to have submitted any additional ecological information in support of this application, the earlier ecological assessments are sufficiently current to enable determination of this application. In the absence of any additional information, and as this is a resubmission, they consider that their comments made in respect of application 11/00941/FULMAJ remain valid and applicable to the current application and they have no further comments to make at this time. Their comments on the previous application were:

11. They initially raised concerns that insufficient information to demonstrate that the proposals are in accordance with the requirements of biodiversity legislation, planning policy or guidance in respect of protected species (great crested newts and badgers) and Species of Principal Importance (common toads) had been submitted. Following receipt of these comments further information was submitted by the applicant which demonstrates that the presence of great crested newts within the application area is reasonably unlikely. The consultant ecologist has also confirmed that badgers are not present within or adjacent to the application area. The Ecologist has confirmed that the applicant has now submitted sufficient information (biodiversity) to enable determination of this application. The Ecologist has confirmed that if Chorley Council is minded to approve this application, planning conditions would be appropriate to address the following issues:

- Prior to works on site, details of working methods for the avoidance of impacts on protected and priority species and habitats shall be submitted to Chorley Council
- Prior to the commencement of works, a scheme of landscaping (to include habitat creation and management) shall be submitted to Chorley Council for approval in writing in consultation with specialist advisors.
- All trees (and hedges) retained within or adjacent to the application area shall be adequately protected in accordance with recognised guidelines (e.g. the British Standard).
- The applicant will adopt appropriate working methods to prevent the spread of species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

12. **The Environment Agency**

Have no objection in principle to the proposed development subject to the inclusion of conditions which require a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, to be submitted to and approved in writing by the local planning authority. This should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event and include details of how the scheme shall be maintained and managed after completion, to prevent the increased risk of flooding, both on and off site

13. **The Police Architectural Liaison Officer**

State they commented upon this original planning application consultation on 17/11/2011 – 11/00941/FULMAJ. At that time they made a number of recommendations in relation to security at this proposed development. Although there is still no reference made to designing out crime at the development in the Design and Access statement, a Crime Prevention Statement dated June 2012 has been prepared which deals with the concerns they raised. As a result of this they have no additional comments to make in respect of the development as measures are going to be put in place in order to prevent the opportunity for criminal activity at the site.

14. Due to the additional security measures that have been proposed for the pavilion building and replacement community building they recommend that they are built to Secured by Design standards.

15. **United Utilities**

In line with previous applications, the developer still intends to continue to drain land drainage into an already overloaded combined sewer network and treatment works, which is unacceptable to United Utilities and they have no obligation to accept surface water runoff from ditches /land or highway drainage into the public sewer network therefore alternative arrangements must be made.

16. Also, it is their belief that the calculation of the surface water runoff rate is fundamentally flawed. The developer has based his calculations on the figure of 3.337ha which is the equivalent area for the whole site to calculate greenfield runoff when in actual fact they should have used a figure based on proposed impermeable area of 0.359 ha because the rest of the site remains greenfield or permeable paving, which acts the same as greenfield.

17. However, they advise condition could be applied to any permission to ensure satisfactory drainage of the sit and to protect their position and to reduce the risk of flooding to the area.

18. [The applicant has been advised of the comments of United Utilities - see drainage section below].

19. **Lancashire County Council (Highways)**

The application is a re-submission of refused application 11/00941/FULMAJ, and as there is no material highway change they state their previous highway comments will still stand.

20. With regards to public concern for flooding on Nell Lane owing to excess surface water, they are satisfied this matter has been suitably addressed within the level of response that has been provided by both the Environment Agency and United Utilities.
21. They therefore have no further highway comments to add at this time other than those already previously provided.
22. They had no overriding highway objection to the proposed development subject to various conditions being applied.
23. **Chorley's Waste & Contaminated Land Officer**
Request a condition requiring a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures before any development commences.
24. **Lancashire County Council (Archaeology)**
An area to the south-west of the application site was the subject of a desk-based assessment by Oxford Archaeology North in 2008, which identified a single area of interest; the Roman road from Preston to Wigan, Margary 70c (Lancashire Historic Environment Record PRN 26143) which is currently projected to run either to the west or east of Woodcock's Farm. Lancashire County Archaeology Service does not consider that the identified non-designated heritage asset is of sufficient significance to require any further pre-determination site investigation.
25. Any surviving archaeological evidence for the road would be considered to be of local significance only and could therefore be adequately dealt with by means of an appropriate scheme of archaeological mitigation (e.g. geophysical survey, archaeological excavation and recording). Such a scheme would be in accordance with National Planning Policy Framework, paragraph 141.
26. They recommend that should the local planning authority be minded to grant planning permission to this or any other scheme, that the applicants be required to undertake a phased programme of archaeological work, and that such works be secured by means of a condition.
27. **Strategic Housing**
It would not be appropriate for any of the new park homes to represent the affordable element required of 30%. The owner of the site / developer should therefore be asked to pay a commuted sum in lieu of affordable provision on site – assuming that he/she is not able to provide the affordable element elsewhere off site.
28. The commuted sum is calculated using the formula from the Affordable Housing SPD as follows:
29. Average house prices for locality and house type x 33% of open market value x affordable housing requirement on site (30% or 35%). Using Land Registry data for August 2012 property sales (all property types) the average price paid was £106,415. Properties for sale currently on the Cuerden Park site ranged from £25k to £130k. 30% = 15.6 (rounded up as per draft Affordable SPD) to 16 units (£106,415 x 33%) = £35,117 x 16 units = £561,872.

Applicant's Case

30. The applicant remains of the opinion that older persons housing should be treated by the local authority as a special housing need its own right, it is acknowledged that the Council still consider that the Applicant should be required to make a contribution towards affordable housing. Given the nature of the development it has been agreed that a financial contribution, as opposed to the provision of on-site affordable housing, would be the most appropriate way forward. Given that Policy 7 of the adopted Core Strategy only requires special needs housing to make a contribution towards affordable housing (no %

has been explicitly outlined in this regard), as well as the extensive investment into the site and its community through the services and facilities proposed within this application, the commuted sum payment proposed by the applicant is £50,000.

31. The level of provision proposed has been based on the net increase in dwelling units to be provided on site and has taken account of the specialist nature of the development proposed. It assesses the viability and deliverability of the development with a contribution equivalent to the requirements of the Affordable Housing SPD. In calculating the financial contribution proposed the Applicant has paid regard to the original financial request of the local authority which was understood to be calculated as follows (using semi-detached or terraced properties):
 - $52 \times £119,000 = £6,188,000$, $10\% = £618,800$
 - $52 \times £93,500 = £4,862,000$, $10\% = £486,200$The Council were seeking an average of the two payments, namely a contribution of £552,500.
32. The Council's requested contribution would simply render the proposed development unviable. As such the Applicant is proposing a reduced contribution which is more reasonable and more accurately reflects the level and nature of exceptional development costs, which are necessary to facilitate the open space allocation and the extensive wider community benefits to be achieved for the existing and proposed residents of the site and local area.
33. When assessing the level of contribution being proposed it is also necessary to bear in mind that a park home development cannot achieve the density levels of a standard residential development and the open market value of the various units would not compare with standard open market values.
34. Taking account of the extraordinary development costs associated with this purpose built development for older persons, and the financial contribution requested by the Local Authority, they state they could argue that the development costs are of such a scale as to warrant no financial contribution towards affordable housing at all. However, the Applicant is willing to make a financial contribution of £50,000 to assist the Council in addressing the affordable housing needs within Chorley.
35. Given that this contribution has been justified the applicant considers that the affordable housing related reason for refusal of the previous application has been addressed.

Policy Assessment

Background Information

36. There is extensive planning history associated with the site. Planning permission was granted in January 1961 and November 1964 to use the land as a caravan site. Further permissions were granted in 1968 and 1973 for more caravans and 36 garages.
37. In 1976 and 1981 applications to extend the caravan park were refused and a subsequent appeal dismissed. In 1983 an application was refused to extend the caravan park by 15 units.
38. In 1987 an application was refused for a further extension to the park. At the time the existing park occupied approximately 4 hectares and provided approximately 186 caravans. This application related to an extension which covered 0.6 hectares. The applicants appealed this decision which was allowed.
39. In 2000 (00/00073/COU) planning permission was refused to change the use of the agricultural land adjacent to the existing caravan park to uses in connection with a mobile home site, including the siting of mobile homes. At this time the existing park occupied 5.6 hectares and had 186 units of accommodation. The application site occupied 3.2 hectares and the proposals involved relocating 7 existing caravans and providing 14 additional units along with a bowling green and open space. This application was refused for the following reason:

The proposed development, in so far as it relates to the siting of residential mobile homes, is contrary to policies C3 and H16 of the adopted Chorley Borough Local Plan and Policy DC3 of the Chorley Borough Local Plan Review. The proposed development is not one which would normally be permissible in the countryside. Rather, it is one appropriately sited on sites allocated for housing purposes and other suitable urban sites. The proposed development would be detrimental to the visual amenities of the area, appearing as an additional urban intrusion into the surrounding area of rural character.

40. The applicant's appeal against this refusal was dismissed.
41. In 2001 (01/00291/COU) planning permission was granted to change the use of the agricultural land adjacent to the existing park for uses in connection with the mobile home site, including allotments, footpaths, informal open space and tree planting. This site occupies the land subject to both the current application and the above 2000 planning application however it is apparent on site that this permission was never implemented.
42. The most recent application at the site was earlier this year (11/00941/FULMAJ) and was also for 52 bungalow style park homes for older people (over 55s) and associated development including replacement community building, bowling green, allotments, pavilion/equipment store, activity trail, balancing ponds, access arrangements and internal roads, footpaths and landscaping. This application was refused for four reasons:
 1. *With reference to:*
 - *Planning System General Principles;*
 - *National Planning Guidance, including PPS1, PPS2, PPS3, PPS4 & PPS12;*
 - *The Development plan, including policy DC3 (GN1 – Clayton le Woods) of the Chorley Local Plan Review;*
 - *Central Lancashire Core Strategy;*
 - *Chorley Site Allocations & Development Management (SADM) DPD (preferred option)*
 - *Other material considerations as detailed within the report to the Development Control Committee;*

The Central Lancashire Core Strategy identifies some growth across six Urban Local Service Centres, and is currently at examination stage. The Chorley SADM DPD identifies sites that could accommodate a level of growth, together with a phasing policy and is at preferred options stage. The level of growth and the sites to be allocated to support that growth are matters to be determined by the SADM DPD, and there are representations on this site in favour and against, and representations about other sites that may also have the potential to support a level of growth.

The Council has a five year housing supply, and there is no requirement to consider the application favourably as per paragraph 71 of PPS3. This application is one of a number of applications on Safeguarded Land that if approved, would set a precedent, and the cumulative effect would be so significant that granting permission would individually and cumulatively undermine the spatial vision, aims, and objectives of existing and proposed plans that are and will form the Development Plan.

Due to the current supply with Clayton le Woods and the Borough, there is not an urgent need to increase growth and there are a significant number of sites that could deliver the level of growth that will be determined by the SADM DPD process. This site has been assessed as having a sustainability score of B, that when compared to the existing, proposed and potential sites within Clayton le Woods is not any more sustainable than the other options and so there is not a more urgent case to deliver growth over the Central Lancashire Core Strategy area. This site and this location does not represent an urgently needed solution or the most sustainable location to deliver growth, the level of which has not been determined.

Delivery of sustainable development includes not only site specific criteria, but also wider benefits to support the required infrastructure to support the spatial vision, aims and objectives of the plan and to achieve sustainable development. The infrastructure delivery schedules within Chorley and Central Lancashire detail infrastructure projects that arise in order to meet the overall spatial vision, aims and objectives of the Core Strategy and so achieve sustainable development.

- 2. The proposed replacement community building and pavilion building would be located within an area of Safeguarded Land. Within these areas development other than that permissible in the countryside under Policy DC1 (Development in the Green Belt) of the Adopted Chorley Borough Local Plan Review will not be permitted. Policy DC1 of the Local Plan (which is derived from national guidance in PPG2) sets out appropriate development and includes essential facilities for outdoor sport and outdoor recreation, for cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes. It is not considered that the proposals constitute essential facilities for outdoor sport and recreation in accordance with Planning Policy Guidance Note 2 and reiterated by Chorley Borough Local Plan Review Policy DC1.*
- 3. The application is not accompanied by sufficient information to demonstrate that the proposals accord with the requirements of adopted Policy SR1 in respect of either the proposed residential dwellings or the proposed community building. As such the proposal is contrary to Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
- 4. The proposed development does not incorporate a proportion of affordable housing in accordance with Policy HS5 of the Adopted Local Plan Review (supplemented by PPS3: Housing) or the emerging Core Strategy Policy 7. As such the proposals are considered to be contrary to Policy HS5 and Government advice contained in PPS3.*

Principle of the Housing on the Land

43. Non-permanent dwellings such as caravans and mobile homes are included in overall housing supply if they are the occupant's main residence and council tax is payable on them. As this is the case for the park homes proposed in this application, they will be treated the same as permanent dwellings and be included in the Council's housing supply figures.
44. The site adjoins the settlement of Clayton-le-Woods, which the Core Strategy identifies as an Urban Local Service Centre. The site is allocated as Safeguarded Land in the current Local Plan under Policy DC3. It is proposed to be allocated as a mixed-use housing and employment site in the emerging Local Plan (under Policies HS1.31 and EP1.15) that is currently at submission stage but has not yet been adopted. An Examination in Public is scheduled to take place in April/May.
45. There have been a number of appeal decisions on sites allocated on Safeguarded Land in the current Local Plan which are material considerations in the determination of the application.
46. In July 2011 an appeal decision relating to a proposal for 300 dwellings on a Safeguarded Land site in Clayton-le-Woods (appeal ref: APP/D2320/A/10/2140873) was allowed even though the Inspector concluded that the development of Safeguarded Land for housing was contrary to Local Plan Policy DC3, and that there was a proven 5.4 years supply of land for housing. The Secretary of State stated that:
 - Clayton-le-Woods is a main place for growth as it is identified as an Urban Local Service Centre where 'some growth and investment will be encouraged';
 - there would need to be a steep increase in housing delivery from now onwards, and that the area of strategic land that includes the appeal site is realistically the only land available in Clayton-le-Woods for delivering this growth;

- that given the extensive consultation which has occurred on this proposed designation since November 2006, the area's consistent identification for growth, and the relatively advanced stage of the Core Strategy, this part of the Core Strategy should be afforded significant weight.
47. The Planning Inspector and the Secretary of State both agreed that there was a five-year supply of housing in the Borough. They also took the view that the determination of need involves a consideration of more than the five-year housing supply and that it should take account of wider issues, particularly the planned growth within the emerging Core Strategy and this was a material consideration in determining the appeal. This permission secured a 30% contribution to affordable housing.
 48. In July 2012 an appeal against the Council's decision to refuse planning permission for a development of up to 135 dwellings on Safeguarded Land to the north and west of Lucas Lane, Whittle-le-Woods was upheld by an Inspector even though it was concluded that the Council had a small oversupply of houses and therefore a five year + 5% supply could be demonstrated.
 49. The Inspector concluded that the (then unadopted) Core Strategy identified Whittle-le-Woods as an area for some degree of development and whilst the Site Allocations DPD (emerging Local Plan) was at an early stage it was clear that some Safeguarded Land would need to be released to provide for the necessary growth. As the appeal site represented the Council's preferred option in the emerging Local Plan and as there were no infrastructure constraints prohibiting it being brought forward, the Inspector concluded that the release of the land now would not undermine the Development Plan process or set a harmful precedent. This permission also secured 30% affordable housing in line with Core Strategy Policy 7.
 50. Following this appeal decision Redrow were granted permission for up to 160 dwellings on land to the south of the current site (on land that is also part of the HS1.31 allocation), which will also provide 30% affordable housing.
 51. In recent appeal decisions at Clayton-le-Woods and Whittle-le-Woods, the issues of prejudice/prematurity were considered by the Inspector who concluded that the release of these sites at the current time would not prejudice the delivery of the strategic aims and objectives of the Local Plan/Core Strategy. The site to which this application relates is allocated within Phases 1, 2 and 3 for release in the Emerging Local Plan. This document is at an advanced stage and it can be concluded that this site will both be allocated for development and brought forward at some point in the future.
 52. Inspectors have also concluded that Policy DC3 should be considered out of date and afforded limited weight in appeal decisions against the Council's refusals in respect of Safeguarded Land sites at Wigan Road and Lucas Lane.
 53. Therefore although the Council considers that the proposal would be in breach of saved Policy DC3 this policy must be read in the context of other material considerations that may be more up to date.
 54. Given the appeal decisions detailed above the principle of housing development at this location is accepted through its continued allocation in the emerging Local Plan. The issue of the mixed-use allocation will be considered later.

Affordable Housing/Special Needs Housing

55. One of the issues to be considered is whether the Council wish to see the site given permission for 52 Park homes with only a £50,000 contribution to affordable housing as proposed by the applicant.
56. The principal Development Plan policy for the delivery of affordable housing is Policy 7 of the Central Lancashire Core Strategy and its associated Affordable Housing Supplementary Planning Document (SPD).

57. Criterion (a) of the adopted Core Strategy Policy 7 states that targets for affordable housing are set subject to site and development considerations such as financial viability and contributions to community service. The target to be achieved from market housing schemes is:
- 30% in urban parts of Preston, South Ribble and Chorley
 - 35% in rural areas on sites in or adjoining villages that have, or will have, a suitable range of services
 - 100% on rural exception sites including those in the Green Belt.
58. Site thresholds are 15 dwellings (0.5 ha or part thereof) reducing to 5 dwellings (0.15 ha or part thereof) in rural areas. Off-site provision or financial contributions are acceptable where robustly justified.
59. The proposed scheme is for park homes and the applicant cannot therefore offer a proportion as affordable housing as park homes would not be accepted by social housing providers. The Council therefore accepts that in this case any affordable housing would need to be provided by payment of a contribution towards off-site provision (commuted sum).
60. The SPD states that Policy 7 of the Central Lancashire Core Strategy recognises that financial viability is a consideration in the delivery of affordable housing. Housing viability studies were carried out for the three Central Lancashire Authorities in March 2010 as part of the evidence base for the Core Strategy. Based on a residual development appraisal the studies concluded that the levels of affordable housing set out in Policy 7 of the Core Strategy were achievable with an acceptable return to the developer and landowner. Nevertheless, the study also concluded that there will be site-specific circumstances where achievement of the affordable housing proportions set out in Policy 7 may not be possible. The Council will therefore need to take into account specific site viability concerns when these are justified.
61. It also states that if there is any doubt about viability on a particular site, it will be the responsibility of the developer to make a case that applying the Council's affordable housing requirement for their scheme makes the scheme unviable. Where a developer or landowner considers that there are significant constraints sufficient to jeopardise or prevent them from meeting the Council's affordable housing policy targets, this will need to be demonstrated by the submission of a suitable financial appraisal.
62. The Affordable Housing SPD sets out a formula for calculating commuted sums for affordable housing. At the time of the initial calculation the applicant had not submitted a viability assessment so the average price of a unit for sale during August 2012 on the existing Cuerden Park site used was £106,415. This would result in an affordable housing contribution of £561,872. Information submitted since shows that the units would be sold at £127,500. This would result in a required contribution of £673,200.
63. The applicant under the current application is offering to make a contribution of £50,000 towards off-site affordable housing and following the request of Officers has submitted a Viability Assessment to support this.
64. The Viability Assessment has been assessed by a Chartered Surveyor in the Council's property services provider. The assessment initially showed that the scheme would be in deficit of -£1,535,998.
65. However, included in the assessment under 'Exceptional Development Works' required (abnormal costs) are the provision of new facilities including a bowling green, pavilion, allotments, a dog walking track and replacement of the community centre building on the existing site. These are not considered abnormal costs but rather are facilities that the applicant finds it desirable to provide. Taking these costs out of the assessment the scheme would just about breakeven but would still not provide any return to the developer or any funds for commuted sums in respect of affordable housing. Other potential profits

e.g. ground rents and income from facilities, have not been included in the appraisal. The applicant was asked for further information on this point and advised that ground rent is charged at £20 per week and equates to approximately £200,000 per annum. However they advise that costs such as wages and salaries, utility rates, insurance and management costs etc. equate to £191,515. Therefore it results in a residual income of approximately: £8,485 per annum which would not allow for a further contribution towards affordable housing.

66. In this case the applicant is offering £50,000 towards affordable housing as well as stating that all of the units will provide accommodation for older people (over 55s) and the applicant has agreed that age restriction on occupation will form part of the legal agreement.
67. Criterion (d) of Policy 7 of the Core Strategy states that special needs housing including extra care accommodation will be required to be well located in communities in terms of reducing the need to travel to care and other service provision and a proportion of these properties will be sought to be affordable subject to such site and development considerations as financial viability and contributions to community services.
68. The applicant therefore argues that park homes should fall to be considered under criterion (d) (covering special needs housing) of Policy 7, rather than standard market housing. This criterion only requires special needs housing (which they argue over 55's housing should be classed as) to provide a proportion (which is not specified) of affordable housing and does not specify a 30% requirement.
69. The supporting statement submitted with the application states *'It should be noted that this development is an extension to an existing residential park home site. Furthermore, that the development itself will be meeting a specialised housing need within Chorley for housing for older people (as identified within the Core Strategy).'*
70. The Strategic Housing Market Assessment (SHMA) states in line with national forecast trends, the older age categories are expected to witness the greatest increases as a proportion of total resident population in the Borough.
71. Therefore although the normal level of affordable housing provision (30%) is not being provided and the proposal is a market housing scheme (albeit restricted to over 55s), Members may wish to give weight to the fact that the park homes will be for over 55s and that £50,000 is being proposed as a contribution towards affordable housing in accordance with criterion (d) of Policy 7. In addition a financial viability appraisal has also been submitted to show a higher contribution to affordable housing cannot be provided and the scheme is providing a number of community benefits in terms of a new community centre building etc.

Density

72. Core Strategy Policy 5 relates to housing density and states that the three Central Lancashire authorities will secure densities of development which are in keeping with local areas and which have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area. Consideration will also need to be made to making efficient use of the land.
73. The development allowed at appeal involving 300 dwellings on land at Wigan Road (by Fox Land and Property) secured development of approximately 22 dwellings per hectare. However the Secretary of State acknowledged that the average density for this parcel would be 35 dwellings of per hectare taking into account areas of the site that would not be developed for housing e.g. primary access road, areas for a sports pitch, habitat creation etc.
74. The application by Redrow for up to 160 dwellings equates to a density of 19 dwellings per hectare. This scheme also includes a primary access road.

75. The development now proposed would equate to a density of 15.8 dwellings per hectare. However, the proposed layout does include the provision of other facilities (although these are not being provided as a requirement of planning policy).
76. Although the future development of this site for housing at some stage is accepted, an issue that must be considered is the ability of the site as a whole to support the wider strategic elements of the proposed allocation. Policy HS1 of the emerging Local Plan envisages a total of 699 dwellings on the whole allocation (ref: HS1.31) along with 20 hectares of employment land and a new primary school if needed. If the current application was permitted, along with the applications already granted on the wider allocation, the remainder of the site not subject to permissions (7.3 hectares allowing for 20 hectares of employment land under policy EP1.15) would need to be built out at a density of approximately 26 dwellings per hectare, assuming the whole of this land was developed for housing. However, this density is not allowing for any land constraints including ponds or retention of existing field hedgerows, or the provision of facilities on the site, which would reduce the developable area.
77. However, due to the size of the site it is not considered that the lower density on this site and the number of dwellings 'lost' as a result would cause some harm but that this would not seriously and significantly undermine the Council's housing delivery.

Timing

78. The Local Plan Publication Version allocates land under HS1.31 for 699 dwellings. Policy HS2 of the Publication Version of the DPD sets out a phasing schedule for the housing development on the overall allocated site to enable the Council to manage growth and ensure a steady supply of land availability across the Borough over the plan period.
79. Policy HS2 in terms of this allocation provides for 90 dwellings in the period 2012-2016 (Phase 1), 305 over the period of 2016-22021 (Phase 2) and 304 from 2021-2026 (Phase 3).
80. It is anticipated that the 300 dwellings that have already been approved in outline on the Fox land to the south of the site will be commence first. Although a reserved matters application has not yet been submitted housing developers are currently undertaking public consultation and reserved matters applications are expected to be submitted shortly. It is considered that 90 dwellings are achievable on this site in Phase 1 in accordance with the phasing schedule (Policy HS2).
81. The 160 Redrow dwellings also approved in outline are likely to fall into phase 2 due to conditions requiring infrastructure to be completed (by a third party) before development starts on the site which means it is unlikely that a significant number of dwellings would have been started prior to 2016. This would also be accordance with the phasing schedule (Policy HS2).
82. If this current application was approved it is likely that some of the park homes would be developed in phase 1 of the phasing schedule and therefore together with a proportion of the 300 dwellings on the Fox land could result in over 90 dwellings being provided in Phase 1 contrary to the phasing schedule. However, Policy HS2 states that development will be permitted in order to achieve the general sequence of development as set out in the phasing schedule to deliver the annual rate of supply under Core Strategy Policy 4: Housing Delivery.
83. The application site is relatively small in size and will not rely on the delivery of infrastructure associated with the rest of the allocation and can be developed independently of it. In addition there is possible uncertainty about delivery of other parts of the wider allocation (reserved matters applications have not yet been submitted on the parts of the site that benefit form outline permission). Also the properties that are proposed (over 55s properties) are different in nature to the normal market housing on the wider site due to their occupation restriction. It is not therefore considered that allowing

the proposal will cause significant harm to the general sequence of development set out in the phasing schedule under Policy HS2.

84. In addition, although the emerging Local Plan has been submitted to the Secretary of State and is therefore at an advanced stage, the weight individual policies can be afforded depends on the extent to which there are unresolved objections and their significance. Policy HS2 as a whole was subject to eight objections at publication stage which limits the weight that can be afforded to the policy at this stage.

Policy Conclusions

85. Given the appeal decisions the principle of housing development at this location is accepted through its continued allocation in the emerging Local Plan. The issue of the mixed-use allocation will be considered later.
86. It is not considered that development at the density proposed will preclude the rest of the proposed allocation coming forward, so it is not considered that development at this density would be harmful to such an extent that would justify refusal on this basis alone.
87. Although the application would be contrary to the phasing schedule under Policy HS2 due to a number of factors specific to this site it is not considered that allowing the proposal will cause significant harm to the general sequence of development set out in the phasing schedule under Policy HS2.
88. The proposal is therefore considered acceptable in principle, subject to technical issues discussed below.

Technical Assessment

89. Housing Development

The proposed development includes the erection of 52 detached park homes. All of the units are two bedroom park homes with individual parking which reflects the layout of the existing park.

90. Although the application is supported by layout plans and elevations of typical park homes the design and size of units proposed has not yet been determined by the Park owners. If planning permission was granted for this development the future park home owners have a choice of which unit they wish to be erected on the individual plots. The designs are all very similar and each unit has a standard width of 6.090m where there are variations are the length of the units (varying from 9.14 metres to 14.63 metres) and the internal room arrangement.
91. The applicant has provided a brochure from Homeseeker Park Homes from which the units are sourced from. It is considered that as the designs are very similar and that the number of units will be fixed at 52 the precise details of the units to be erected on each plot can be addressed via condition and linked back to the possible variations of floor plan set out within the submitted information.

92. Levels

Levels generally fall from east to west and also down towards an informal ditch running through the centre of the site. The source of the ditch is from an existing pond just outside the application boundary (shown on the layout plan). There is also a man-made balancing pond at the western end of the ditch.

93. Impact on the neighbours

The immediate neighbours to the site are Southworths Farm, which is sited close to the existing community centre, Cuerden Cottage and 1 and 2 Nell Lane on the opposite side of Nell Lane.

94. As addressed below the proposals incorporate demolishing the existing community centre and replacing it with a larger community centre. Southworths Farm is a detached dwelling

house located to the south of the proposed community centre. The rear elevation of the property faces the side elevation and car park of the existing community centre.

95. The proposed replacement building is part single, part two storey however the two storey element is not located to the immediate rear of Southworths Farm. Southworths Farm therefore will face the single storey element of the community centre and the car park as is the current situation. Only two windows are proposed in the side elevation of the community centre facing Southworths Farm and these, due to their location, will not allow overlooking to the detriment of the residents. As such it is not considered that the replacement community centre will adversely impact on the neighbours amenities.
96. Cuerden Cottage is situated to the east of the application site and three of the new proposed residential homes are sited close to the boundary. There is vegetation and space retained between the proposed park homes and the boundary and due to the nature of these single storey dwellings it is not considered that the proposals will create loss of amenity to the detriment of the existing residents.
97. Numbers 1 and 2 Nell Lane are located on the opposite side of Nell Lane. These properties are separated from the proposed park homes by the existing highway and vegetation. It is considered that the proposed park homes, by virtue of their single storey design and distance retained between the existing and proposed properties, ensures that the development will not adversely impact on the existing or future residents.
98. It is noted that the layout of the proposed and existing park homes is relatively tight and not in accordance with the Council's Spacing Standards however this is a very specific design feature for this type of accommodation and the future residents will be aware of the relatively restricted curtilages when purchasing the properties. In this case it would not be considered appropriate to impose the standard spacing distances as this would not reflect the character of the existing park.
99. Proposed Community Building
The existing site accommodates an existing community building. The proposals incorporate demolishing this building and erecting a replacement community building. The existing building accommodates the on-site post office, bar and entertainment area and office accommodation for the site owners and is a single storey construction with some living accommodation within the roof space.
100. The proposed new building will accommodate a bar, entertainment area, office accommodation, post office, hairdresser and health care accommodation for visiting chiropractors etc. The proposed building is a modern construction which is part single storey, part two-storey constructed out of timber cladding with a grass/ sedum roof.
101. the current building has a floor area of 477 sqm whereas the proposed building has a floor area of 580 sqm. The main consideration is the fact that this site is located within an area designated as Safeguarded Land. Within these areas development other than that permissible in the countryside under policies DC1 (Development in the Green Belt) and DC2 (Development in the Area of Other Open Countryside) will not be permitted. Policy DC1 of the Local Plan (which is derived from national guidance in PPG2 but must now be read in the context of the NPPF).
102. The erection of a community building does not fall within any of the criteria which is considered appropriate development within the Green Belt however the fact that there is an existing building on the site is a material consideration in this case. A pavilion is also proposed. At the time of the previous application this was considered to constitute more than 'essential' as was set out in PPG2. However, the NPPF replaces this with a requirement that facilities are 'appropriate' rather than 'essential'.
103. Following the previously refused application the Council advised the applicant that their main concern related to the size of the pavilion building. This element of the scheme has

there been reduced in footprint in the current application and is now considered to comply with the NPPF.

104. Open Space

Part of the site is allocated under Policy LT13.12 of the Adopted Chorley Borough Local Plan Review. This Policy allocates part of the site for the provision of play space. It is proposed as part of the Site Allocations & Development Management Policies Preferred Option DPD to continue this play space allocation under Policy HW1.12.

105. It is proposed on the part of the site allocated under this Policy to locate the proposed allotments, bowling green and pavilion building/ equipment store. In respect of the allotments it has been established in case law (Crowborough Parish Council v Secretary of State for the Environment and Wealden District Council [1981]) that the use of land as an allotment (including growing food, flowers, fruit, seeds and for the breeding and keeping of livestock) is an agricultural use. The existing use of the land is agricultural land and as such planning permission is not required to use the land for allotments.

106. In respect of the proposed bowling green the allocation within the Local Plan for Playing Fields/ Casual Playspace ensures that this element of the proposal is appropriate development.

107. For all new housing developments there is a requirement for either new provision or a contribution to off-site openspace provision where justified for amenity openspace, play areas and pitch provision. In this case it is not considered a contribution towards play areas could be justified as the site is for over 55s housing provision. In terms of amenity openspace and playing pitches such facilities are being provided as part of the layout including footpaths, an activity trail and a bowling green. It is therefore considered that the onsite facilities proposed are acceptable in relation to policy HS21 of the Local Plan and a separate contribution to off-site facilities is not required.

108. Other Elements of the Proposal

The proposed scheme also includes an activity trail, balancing ponds and footpaths. It is considered that these elements of the proposal are in accordance with the objectives of providing opportunities for appropriate outdoor sport and outdoor recreation and retaining and enhancing landscapes in accordance with advice contained in NPPF. As such these elements of the proposal are considered to be acceptable.

109. Trees and Landscape

The application site is very rural in character and bordered by mature trees, a hedgerow and vegetation. As such the application is supported by a Tree Survey and Arboricultural Constraints Assessment. In total 40 individual trees, 3 groups of trees and 7 areas of hedgerow have been assessed as part of the application.

110. The assessment identifies 15 trees with high quality value, 8 trees with moderate quality value and 16 trees with low quality value. It is proposed to retain these trees as part of the development proposals. The only trees which are identified for removal are a Leylands Cypress Tree which is classed as having low amenity value to ensure the health of the adjacent Oak Tree which has a high value and Sallow (Willow) tree with a low amenity value.

111. Group 1, which includes Sallow trees, is also identified for removal, as this is in a central location on the site, to accommodate the development. These trees are identified as having low quality value.

112. In respect of the hedgerows on site a section of the hedgerow along Nell Lane are identified for removal to accommodate the proposed access.

113. As it is proposed to retain the majority of the trees and hedgerows into the overall development it is considered that the scheme will not adversely impact on the character of

the area. To ensure the most valuable trees are protected TPO (Clayton le Woods) 2012 has been placed on the trees. Replacement hedgerows can be addressed by condition.

114. The landscaping plans include tree planting and the creation of two new water bodies within the site area. Areas of the site have been set aside for use as a bowling green and an allotment.

115. Ecology

It is considered that the imposition of conditions will ensure the development meets the tests of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994, in that the favourable conservation of species will be maintained in accordance with the comments of the County Ecologist.

116. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority is required to engage with the Directive.

117. Flood Risk and Drainage

Due to the size of the application site the application is supported by a Flood Risk Assessment (FRA) which has been reviewed by both the Environment Agency and United Utilities. Additionally concerns have been raised by the immediate neighbour in respect of excess surface water overloading the drainage system and causing flooding of the highway at the bottom of Nell Lane.

118. It is an accepted position that the drainage of the existing site is inadequate and cannot easily be rectified.

119. The proposals incorporate the following features:

- All roadways (including driveways) to be porous paved or run-off directed to adjacent landscaped areas.
- Bowling green / allotment storage shed to be fitted with green roof system
- A large balancing pond, to work in tandem to the existing balancing pond.

120. Therefore, the only surface water run-off that will be positively collected on the site will be clean roof water run-off from the park homes. The proposed development will cater for the peak back flow from the existing site and therefore resolve existing problems which it would be difficult to resolve if the application site was developed by someone unassociated with the existing site.

121. The applicant's drainage engineer has responded to the comments of United Utilities and responds that the way of calculating Greenfield run-off rate is arguable and the same formula used has been successfully implemented on a number of schemes previously presented and approved by United Utilities. However, whichever way it is calculated, ultimately the developer will have to comply and meet United Utilities' regulations at the time the detailed design is undertaken. Sewer connection agreements will be formally processed to ensure the proposed design, flow rates, connection points etc. meet with their requirements.

122. They states that the Flood Risk Assessment/Drainage Strategy is still sound and will serve as an appropriate solution, however, it was always going to be subject to detailed design and approval via the necessary statutory bodies. If United Utilities insist that flow rates be reduced then this will simply mean that the attenuation volume will need to be increased to reflect this, which given the nature and layout of the site shouldn't cause much of an obstacle.

123. Therefore it is considered that the issues raised by United Utilities covered by a condition required details to be submitted to the Council and they will be discharged in consultation with United Utilities.

124. The Environment Agency has no objection to the proposal subject to the inclusion of conditions relating to surface water drainage for the site. This would enable sustainable drainage principles to be secured and an assessment of the hydrological and hydrogeological context of the development. As part of a condition the Environment Agency would require the applicant to demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event and include details of how the scheme shall be maintained and managed after completion.
125. As such it is considered that the flood risk and drainage can be adequately addressed by the imposition of conditions.

Traffic and Transport

126. The existing residential park is accessed via Nell Lane, and the development will include a new site access. Nell Lane is a 'C' classified distributor road which is rural in character. It is a single carriageway between 4.0 - 4.5m wide with a soft verge on both sides flanked by trees and hedgerow. The road is subject to the national speed limit of 60mph however speeds are likely to be much lower at around 30-35mph.
127. The Highway Engineer has reiterated his comments made to the previous application. At this time he confirmed that there have been no recorded traffic accidents along Nell Lane in the last 5 years and that in terms of traffic generation the site should generate up to 100 vehicle trips per day including a max of 11 vehicle trips at peak traffic hours. The Engineer considers that this will have a negligible material impact on the existing highway network.
128. The site has a low accessibility score (13) and it is outside walking distance to most destinations which will inevitably lead to an increase in car use. However the site is well located in respect of bus stops, which are available on Wigan Road, and there is a direct pedestrian link to the stops through the community building car park. In addition facilities and services are available on site including a Post Office and hairdressers as well as new facilities proposed in the form of a bowling green, allotments etc. which increases the sustainability of the site.
129. It is also proposed as part of the travel plan that a twice daily mini-bus service will be provided for use by all residents. This will be provided by the park owners and managed/operated by the residents. The site is also close to the national cycle network (route 55 through Cuerden Valley).
130. The development will be served by a new access off Nell Lane and will be linked internally with the existing Park. The internal highway will not be to adoptable standards and will remain privately maintained however the general layout of the roads is in keeping with the existing arrangements on site and is considered to be acceptable for these proposals. Additionally the application site also incorporates separate footpath links through the site for walking/dog walking etc. which is something that is not apparent on the main Park site.
131. The new access will be sited approximately 150m west of Shady Lane and it is considered that the provision of this new access closer to Shady Lane may encourage residents on the Park site to walk to Cuerden Valley Park.
132. A new footpath link is proposed on the inside of the hedge along Nell Lane. The Highway Engineer considers that it would be beneficial to continue this footpath to provide a cycle /pedestrian link on to Shady Lane so that residents can safely walk to the park.
133. The new vehicular access to the site will be in the form of a simple priority junction 5.5m wide with 6m radii (although there are some inconsistencies as the plan detailing the vehicle tracking actually indicates 10m radii). It is also proposed to widen the carriageway on Nell Lane to 5.5m for a distance of 30m on both sides of the new access. Nell Lane at the locality is approximately 7m wide (1m wide verge on the north side, a 4m wide carriageway and a 2m wide verge on the south side) therefore the Highway Engineer considers that the above proposed highway improvements are feasible.

134. Nell Lane is a 60mph speed road however the Highway Engineer considers that speeds are likely to be subjectively much lower and as such a visibility sightline of 65m is required in each direction.
135. The access arrangement plans detail a 2.4m x 65m visibility to the satisfaction of the Highway Engineers comments on the previous application. The proposals include the planting of a new hedge, to replace the hedge that requires removal to achieve the visibility splay, and railings at the site entrance. A pedestrian access is also provided onto Nell Lane in close proximity to Cuerden Residential Park.
136. Nell Lane is very rural in character and the proposals to achieve the proposed secondary access include removing a section of the existing hedge and widening the carriageway which has the potential to adversely impact on the character of the area. The proposed treatment of the access however is very rural in character and it is proposed to replace the hedge along this boundary. As such, it is not considered that the proposals will adversely impact on the character of Nell Lane.
137. The Highway Engineer comments that as part of the residential development on the Wigan Rd site there is likely to be a request for footway provision on Shady Lane and they would therefore prefer to see a direct pedestrian link onto Shady Lane from the Cuerden site to link up with the above footway.

Crime and Safety

138. Additional security measures have been made to the site and buildings since the last application. Due to this the Police Architectural Liaison Officer is satisfied that measures are going to be put in place in order to prevent the opportunity for criminal activity at the site. These can be controlled by conditions.

Sustainable Resources

139. A revised Sustainability Statement has been submitted with this application which deals with the matters raised in Policy SR1 of the Sustainable Resources Development Plan Document. Policy SR1 has now been superseded by Policy 27 of the adopted Central Lancashire Core Strategy. This requires dwellings to achieve Code Level 4 from 1st January 2013 and Code Level 6 from 1st January 2016.
140. The information submitted with the application shows that the proposed park homes can be built to achieve Code for Sustainable Homes Level 3 (which was a reason for refusal of the previous application), however from the 1st of January 2013 dwellings are now required to meet Code Level 4 and will increase to Code Level 6 in 2016 if a normal three-year permission is granted. This issue was raised with the applicant and they have contacted the manufacturer of the park homes who advises that are able to be built to meet Code Level 4. The issue regarding the rise to Code Level 6 will be reported on the addendum.
141. The development also incorporates large green spaces which will promote biodiversity, balancing ponds for sustainable drainage and the provision of a mini bus service which will significantly reduce the level of traffic generated by the development. The applicant also advises that the proposed community building and pavilion building will be built to BREEAM 'Very Good' standard. The Code Level of the park homes and BREEAM on the non-residential buildings can be secured by condition and the proposal is therefore considered acceptable in accordance with Policy 27 of the Core Strategy subject to an update on the addendum.

Overall Conclusion

142. The principle of housing (which includes park homes) is considered acceptable taking into account the provisions of the Central Lancashire Core Strategy, the advanced stage of the emerging Local Plan and previous appeal decisions in the Borough on Safeguarded Land.

143. It is acknowledged that the appeal decisions considered at paragraphs 45-52 did secure 30% affordable housing on the sites but in this instance the normal level of affordable housing provision (30%) is not being offered and that the proposal is a market housing scheme. However, Members may wish to give weight to the fact that the Park homes will be for over 55s and that £50,000 is being proposed towards the contribution of affordable housing in accordance with criterion (d) of Policy 7. In addition a financial viability appraisal has also been submitted to show a higher contribution to affordable housing cannot be provided. In addition the scheme is providing a number of community benefits in terms of new and upgraded facilities.
144. It is not considered that development at the density proposed will preclude the rest of the proposed allocation coming forward, so it is not considered that development at this density would be harmful to such an extent that would justify refusal on this basis alone.
145. Although the application would be contrary to the phasing schedule under Policy HS2, on balance it is considered that allowing the proposal will not cause significant harm to the general sequence of development set out in the phasing schedule under Policy HS2 and it is a material consideration that this site can be developed independently of the remaining allocation.
146. The proposal, subject to conditions, will improve the management of surface water and thereby reduce the harm from flooding and the concern over perceived threat of flooding in the immediate area.
147. The harm by reason of density and policy HS2 and the reduced delivery of affordable housing is considered to be outweighed by the benefits of the scheme in mitigating current flooding problems and the benefits of the new facilities to existing and future occupiers.
148. The technical matters associated with the application are considered acceptable and it is therefore recommended for approval subject to a legal agreement securing £50,000 towards affordable housing and restricting the age of occupiers of the park homes.
149. A legal agreement will also restrict occupation of the park homes so that at least one occupier is aged over 55 or over.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: DC3, HS4, HS21, EP4, EP9, TR4

Joint Core Strategy

Policy 1, 2, 4, 5, 7, 9

[Emerging] Chorley Local Plan Publication Version

HS1, HS2, HS4B, HS4B, EP1, EP10

Planning History

11/00941/FULMAJ: Planning Application for 52 bungalow style park homes for older people (over 55s) and associated development including replacement community building, bowling green, allotments, pavilion/equipment store, activity trail, balancing ponds, access arrangements and internal roads, footpaths and landscaping
Application Number- Refused 14th February 2012.

**Recommendation: Permit (Subject to Legal Agreement)
Conditions**

1. Notwithstanding any indication on the approved plans, no development shall be commenced unless and until a drainage strategy for the disposal of foul water has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme which shall be completed prior to the permitted dwelling being first occupied
Reason: To secure proper drainage to the site and in accordance with the National Planning Policy Framework.
2. The buildings hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Core Strategy.
3. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on previously submitted plan(s)) on the site shall have been submitted to and approved in writing by the Local Planning Authority. No park home shall be occupied until all approved fences and walls have been erected in conformity with the approved details.
Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
4. During the construction period, all trees and hedges to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard British Standard *BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations* at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.
Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review and the National Planning Policy Framework.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.
6. No development shall take place until a scheme of landscaping in line with the landscape masterplan submitted with the application (to include habitat creation and management) has been submitted to the Local Planning Authority and

approved in writing. The scheme shall demonstrate appropriate maintenance and enhancement of hedgerows (with native species appropriate to the local area only) in order to maintain their value to breeding birds, foraging and commuting bats; maintenance and enhancement of habitats for amphibians; and maintenance and enhancement of habitat connectivity.

Reason: In the interest of the amenity of the area and in accordance with Policy GN5 of the adopted Chorley Borough Local Plan Review.

7. Prior to any works taking place on site, details of working methods for the avoidance of impacts on protected and priority species and habitats shall be submitted to Local Planning Authority and approved in writing. The details shall include precautions for the avoidance of impacts on wildlife (including breeding birds, amphibians, hedgehogs, hedgerows, trees, ponds, watercourses). The development shall only be carried out in accordance with the approved details.

Reason: To ensure there are no detrimental impacts on protected species and in accordance with the National Planning Policy Framework.

8. No part of the development shall be occupied until all the internal highway works and the new access point to Nell Lane have been constructed in accordance with the approved plans.

Reason: To enable traffic to enter and leave the premises in a safe manner without causing a hazard to other road users in accordance with Policy TR4 of the adopted Chorley Borough Local Plan Review and the National Planning Policy Framework.

9. Prior to the commencement of the development a scheme detailing the route to be taken by construction and delivery vehicles shall be submitted to and approved in writing by the Local Planning Authority. Delivery vehicles shall include those delivering park homes, or part of park homes. Only the authorised route shall be used to access the site.

Reason: To avoid large vehicles using narrow roads and avoid unacceptable impacts on the amenity of surrounding properties and in accordance with Policy TR4 of the adopted Chorley Borough Local Plan Review and the National Planning Policy Framework.

10. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. It shall include details of the which surfaces will be permeable and the construction details of the permeable surfacing. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Core Strategy.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted, within the visibility splay, be erected or planted or allowed to remain upon the land any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the approved new access road from the continuation of the nearer edge of the carriageway of Nell Lane, to points measured 65m in each direction along the nearer edge of the carriageway of Nell Lane, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be approved in writing by the Local Planning Authority.

Reason: To ensure adequate visibility at the street junction or site access and in accordance with Policy TR4 of the adopted Local Plan Review and the National Planning Policy Framework.

12. During construction and layout out of the site a wheel was facility shall be provided at the new entrance/exit hereby permitted within the site by which means the wheels of vehicles may be cleaned before leaving the site and such a facility shall be retained as such until completion of the development.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users, in accordance with adopted Chorley Borough Local Plan Review Policy TR4 and the National Planning Policy Framework.

13. The use of the resulting building as hereby permitted shall be restricted to the hours 08:00 to 23.30 Monday to Thursday, 08.00 to midnight Friday and Saturday and 08:00 to 22:30 on Sundays.

Reason: To safeguard the amenities of local residents and in accordance with Policy EP20 of the adopted Chorley Local Plan Review and the National Planning Policy Framework.

14. The flat roofs of the community building hereby permitted shall not be used as a terrace or balcony and there shall be no public access to them.

Reason: To ensure to amenity of surrounding properties and in accordance with Policy HS4 of the adopted Chorley Borough Local Plan Review and the National Planning Policy Framework.

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

Plan Ref.	Received On:	Title:
11-016 SK10	7 September 2012	Parking Adjacent Homes
3894-02 Rev C	7 September 2012	Landscaping Masterplan
11-016-1001	7 September 2012	Community Building
11-016-1000E	7 September 2012	Site Layout Plan
11-016-1004	7 September 2012	Proposed Entrance Details
11-016-1002 Rev A	7 September 2012	Bowling Green Pavilion

Homeseecker Park & Leisure Homes 2012 Brochure Print Reference TS114589/08/12

Reason: To define the permission and in the interests of the proper development of the site.

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

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

17. Before any park home hereby permitted is occupied the car park spaces to serve that park home shall be surfaced or paved, drained and marked out all in accordance with the approved plans. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

18. Before the bowling green hereby permitted is first brought into use the car parking spaces immediately adjacent to it to the east (as shown on the approved site layout plan), shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

19. Due to the size of the development and the proposed sensitive end-use (residential housing) the development hereby permitted shall not commence until the applicant

has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: Please note it is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework.

20. The park homes to be placed on the site hereby approved shall all be chosen from 'Homeseeker Park and Leisure Homes Brochure 2012' (Print reference TS114589/0812) unless an alternative park home is submitted to and approved in writing by the Local Planning Authority. Each park home thereafter shall be constructed and retained in accordance with the approved details.

Reason: To ensure the park homes are appropriate to the area to respect the visual amenities of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Core Strategy.

21. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: To secure the appropriate excavation and recording of any archaeological deposits that may survive on the site and in accordance with the National Planning Policy Framework

22. Notwithstanding any indication on the approved plans, no development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system, restricting domestic surface water discharge to 5 l/s, has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To secure proper drainage and to reduce the risk of flooding and in accordance with National Planning Policy Framework

23. For the avoidance of doubt, no ditches, ponds, other water features, highway drainage, or land drainage shall be allowed to drain directly or indirectly into the public sewer network.

Reason: To prevent the risk of flooding and in accordance with the National Planning Policy Framework.

24. For the avoidance of doubt, surface water must drain separate from the foul and only domestic surface water will be permitted to discharge directly or indirectly into existing foul, combined or surface water sewerage systems.

Reason: To secure proper drainage and to reduce the risk of flooding and in accordance with the National Planning Policy Framework.

25. The development shall not commence until details of a 'Design Stage' assessment and related certification and a Carbon Reduction Statement have been submitted to and approved in writing by the Local Planning Authority. These shall demonstrate that the park homes will meet the relevant Code Level and the site as a whole shall reduce carbon dioxide emissions of predicted energy use by at least 15%. The development shall be carried out entirely in accordance with the approved assessment, certification and Carbon Reduction Statement.

Reason: To ensure the development is in accordance with Core Strategy Policy 27 and the NPPF.

26. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, the hierarchy outlined in Building Regulation H3 for the disposal of surface water and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event and include details of how the scheme shall be maintained and managed after completion and detail any necessary infrastructure. The scheme shall subsequently be implemented in accordance with the approved details before the first park home is occupied.
Reason: To prevent the increased risk of flooding, both on and off site and in accordance with the National Planning Policy Framework.
27. Within 6 months of occupation of each park home a Final Certificate, certifying that the relevant Code for Sustainable Homes Level has been achieved, shall be submitted to the Local Planning Authority.
Reason: To ensure the development is in accordance with Core Strategy Policy 27 and the NPPF.
28. All park homes ready for occupation after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all park homes ready for occupation after 1 January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. In addition the site as a whole shall reduce carbon dioxide emissions of predicted energy use by at least 15% through either additional building fabric insulation measures or through appropriate decentralised, renewable or low carbon energy sources.
Reason: To ensure the development is in accordance with Core Strategy Policy 27 and the NPPF.