

**Item 4c**                      **12/01247/FULMAJ**

**Case Officer**              **Nicola Hopkins**

**Ward**                         **Chorley South East**

**Proposal**                    **Development of 70 dwellings and associated infrastructure**

**Location**                  **Site of Former Social And Athletic Club Duke Street Chorley**

**Applicant**                  **Fellow Homes & Northern Trust Ltd**

**Consultation expiry:** **25 March 2013**

**Application expiry:** **10 April 2013**

**Proposal**

1. The application relates to the former Social and Athletic Club on Duke Street and proposes the erection of 70 dwellings and associated infrastructure.
2. The proposals incorporate the erection of 64 two storey dwellinghouses, incorporating a mixture of detached, semi-detached and terraced properties, and a two storey block of apartments incorporating 6 one bedroom apartments.

**Recommendation**

3. It is recommended that this application is granted conditional planning approval subject to the associated Section 106 Agreement

**Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development
  - Financial Viability
  - Open Space
  - Affordable Housing
  - Density
  - Levels
  - Impact on the neighbours
  - Design
  - Trees and Landscape
  - Ecology
  - Flood Risk
  - Traffic and Transport
  - Sustainability
  - Contamination
  - Section 106 Agreement

**Representations**

5. 2 letters of objection have been received raising the following concerns:
  - Impact on wildlife

- Implications from an increase in traffic and traffic congestion
  - Concerns over the loss of mature poplar trees.
6. **Accent Group** has written on behalf of the residents at Richmond house and Richmond court. The concerns are about the proposals and the impact it will have on them.
  7. A petition has been received from the tenants of Richmond House who are concerned that the access will be granted via Richmond court. The petition contains 16 signatures

### **Consultations**

8. **Lancashire County Council (Ecology)** have commented that it seems unlikely that the proposed development would have any significant ecological impacts subject to various planning conditions.
9. **The Environment Agency** have commented that the proposed development will only meet the requirements of the National Planning Policy Framework if the measures, as detailed in the Flood Risk Assessment (FRA), are implemented and secured by way of a planning condition on any planning permission.
10. **Chorley's Housing Manager (Strategy)** has commented on the affordable housing provision which is addressed within the report.
11. **Director People and Places** has no comments to make
12. **United Utilities** have raised no objections subject to conditions
13. **Chorley's Waste & Contaminated Land Officer** has commented in respect of land contamination and mitigation measures- these can be addressed by condition
14. **Lancashire County Council (Education)** have requested a contribution towards 24 primary school places of £285,131
15. **CTC (Right to Ride for Chorley)** have made the following comments:
  - All developers should be socially obliged to provide travel planning for 'would be purchasers' in the form of a 'Welcome Pack'.
  - The sale's staff should be trained in the travel planning initiatives, so potential residents know where the Bus and Railway stations and other attractions are.
  - The main arterial roads such as Pall Mall are very difficult to cross for pedestrians. This only encourages more cars as people don't feel safe to walk or cycle and the result is more congestion, pollution, health problems and not a very pleasant environment to live.
16. **Sport England** have been consulted on the proposals. At the time of writing this report a formal response had not been received.

## **Applicants Case**

17. The supporting information provides the following background information in support of the application:
- The site had originally been the private sports and social club for Chorley Motors which became Leyland Motors and later Multipart UK. The latter went into receivership and the site was acquired from the receiver. The club was run in conjunction with the Victory Park Social Club and Chorley
  - Now called the Duke Street Social Club it proved unviable and lost a significant amount of money, especially in the two years up to closure in 1996. The decision was made to close the club and concentrate all sport and social activities at nearby Victory Park which offered more and better facilities including snooker tables, darts, dominoes, regular dancing and cabaret entertainment and a function room. All 1200 existing members of the Duke Street club were offered membership of the Victory Park club. Of these only 12 took up the offer.
  - In the year the club closed bowlers were allowed to complete their remaining fixtures for the season. Around 1999, efforts were made by the site owner to find a bowling club willing to take on the maintenance of the green to ensure its inclusion as part of any re-development scheme. No club could be found then and it is still the case now as evidenced by responses to the community consultation carried out in 2008 prior to submission of planning application no. 08/001170/OUTMAJ.
  - The football pitch had drainage problems and lack of interest in its use meant the maintenance costs were not covered. The clubhouse was destroyed by fire caused by vandals.
  - In conclusion, although the club was once an integral part of the sporting and social scene associated with the time the main factory was at full production, subsequent income did not cover ever increasing running costs. Eventually the losses became unsustainable and the club had to close. A nearby alternative was offered providing better facilities in the same locality. It is clear there is no demand for use of this site and it is not commercially viable to use the site for sporting and social uses. Efforts have been made to design a re-development proposal that includes a bowling green; no club is willing to take on its running, leaving any such facility to be adopted by the council if it is to be sustained.

## **Planning Policies**

### **National Planning Policy Framework (The Framework)**

18. The Framework was published in March 2012. Annex 1 of the Framework states that for 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004. For policies adopted before 2004, as is the case for the Chorley Borough Local Plan Review which was adopted in 2003, after this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. This 12 month period ends on 27<sup>th</sup> March 2013.
19. At the heart of The Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means:
- Approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in The Framework, taken as a whole; or
  - Specific policies in The Framework indicate development should be restricted.
20. Paragraph 17 also sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. It states planning should:
- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
  - Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

North West Regional Spatial Strategy:

- **Policy DP1:** Spatial Principles
- **Policy DP4:** Make the best use of Existing Resources and Infrastructure
- **Policy DP7:** Promote Environmental Quality
- **Policy RDF1:** Spatial Priorities
- **Policy L4:** Regional Housing Provision
- **Policy L5:** Affordable Housing
- **Policy RT9:** Walking and Cycling
- **Policy EM5:** Integrated Water Management
- **Policy EM15:** A Framework for Sustainable Energy in the North West
- **Policy EM16:** Energy Conservation and Efficiency

Adopted Chorley Borough Local Plan Review:

- **GN1:** Settlement Policy- Main Settlements
- **GN5:** Building Design and Retaining Existing Landscape Features and Natural Habitats
- **GN9:** Transport Accessibility
- **EP4:** Species Protection
- **EP9:** Trees and Woodland
- **HS1:** Housing Allocations
- **HS4:** Design and Layout of Residential Developments
- **HS6:** Housing Windfall Sites
- **HS21:** Playing Space Requirements
- **TR1:** Major Development- Tests for Accessibility and Sustainability
- **TR4:** Highway Development Control Criteria
- **TR18:** Provision for pedestrians and cyclists in new developments

Central Lancashire Core Strategy (adopted July 2012)

Policies to be given weight are:

- **Policy MP** clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the framework. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations

indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate otherwise taking into account Policy MP a) and b).

- **Policy 1** Locating Growth
- **Policy 4** Housing Delivery
- **Policy 5** Housing Density
- **Policy 7** Affordable Housing
- **Policy 22** Biodiversity and Geodiversity
- **Policy 17** Design of new buildings
- **Policy 27** Sustainable Resources & New Developments

#### **Supplementary Planning Guidance**

- The Central Lancashire Supplementary Planning Document Design Guide (adopted October 2012) is relevant as it aims to encourage high quality design of places, buildings and landscapes in the Borough. This supersedes the Chorley Design Supplementary Planning Guidance (July 2004)
- The Central Lancashire Supplementary Planning Document- Affordable Housing (adopted October 2012)
- Interim guidelines - new equipped play areas September 2010
- Trees and development September 1999

#### **Emerging Local Plan**

21. Publication Chorley Local Plan 2012 - 2026 (Submission 21 December 2012)

Relevant Policies are:

- ST3: Road Schemes and Development Access Points
- ST4: Parking Standards
- HS1: Housing Site Allocations
- HS4A: Open Space Requirements in New Housing Developments
- HS4B: Playing Pitch Requirements in New Housing Developments
- EP7: Development and Change of Use in District and Local Centres
- BNE1: Design Criteria for New Development. Criteria a, b, c, d, f, g and h are relevant to the proposal.
- BNE9: Trees
- BNE10: Species Protection

#### **Emerging Supplementary Planning Guidance**

- Open Space and Playing Pitch Supplementary Planning Document – The purpose of this DPD is to provide guidance on the interpretation and implementation of the Council's open space and playing pitch policies as set out within the emerging Local Plan.

#### **Other Material Considerations**

##### ***Community Infrastructure Levy***

The Chorley CIL Draft Infrastructure Charging Schedule has been submitted for examination which is estimated to be in spring 2013. CIL will be charged on the total net additional floorspace created (measured as a gross internal area) as follows:

## **Assessment**

### Background Information

22. Members may recall that outline planning permission was granted at this site for 71 dwellings at Development Control Committee in March 2009. This approval was subject to the Section 106 Agreement which was never signed and as such the permission never issued.
23. The previous approval incorporated the following S106 obligations:
  - 20% on site affordable housing
  - Upgrading the existing play area on the Rangletts Recreation Ground (£50,000).
  - To deliver drainage improvements, access and changing facilities for users of sports pitches on the Westway Playing Fields (£525,000).
24. The obligations in respect of playspace were significantly higher than other residential applications to compensate for the loss of the Duke Street playing field and to satisfy Sport England's requirements. Northern Trust, who owns the site, was unable to secure a housing developer with the above obligations and have submitted this application in partnership with Fellow Homes to construct 70 dwellings on the site. The obligations proposed as part of this application differ to the original proposals as addressed below.

### Principle of the development

25. In accordance with The Framework land in built-up areas such as private residential gardens, parks, recreation grounds and allotments is excluded from the definition of previously developed land. As such the site falls to be considered 'greenfield' land.
26. At the Public Inquiry into the Local Plan Review in 2002 the Inspector concluded that the site is, in principle, suitable for housing in terms of government guidance and structure plan policy. He accepted that the site is a sustainable location, well placed for local services and public transport and the site could make a contribution to affordable housing and relatively high-density development. However the site was retained as allocated play space and was not included within the housing allocations Policy within the Local Plan as the Inspector considered that there was an opportunity to re-establish the recreation use on the site which was financially viable. This was based on evidence provided of financial support and people who wanted to pursue this option. Returning the site to a meaningful recreation use would require considerable investment and restoration work.
27. Without the evidence and financial support at the time of the Public Inquiry it is clear from the Inspectors comments that the designation of this site may have been removed from the Local Plan. This notwithstanding however the site was retained as allocated play space which is one of the main material planning considerations in respect of this planning application.
28. The previous application at this site was granted planning permission subject to the S106 Agreement for housing at the site which established the principle of housing on the site and as that application is still a 'live' application this is a material planning consideration in respect of this application.
29. The site is currently allocated as play space under policy LT14 of the Local Plan however within the emerging Local Plan the site is proposed to be allocated as housing land under policy HS1.13. Only limited weight can be attached to this Policy as the emerging Local Plan will be subject to examination in April and there are objections to Policy HS1.
30. The supporting information submitted with the application states that the level of contribution required for the improved playing pitch facilities (associated with the previous application) renders any redevelopment completely unviable, the reason why no progress has been made on the approved scheme. The revised proposal subject of this application seeks to overcome the same local plan policy considerations as before but with a viable and deliverable scheme following the Council's up dated approach to the level of replacement provision required.
31. The Design and Access Statement confirms that the site has been promoted through the emerging Local Plan. At all stages of the site allocations DPD/Chorley Local Plan it has been allocated for residential development. The sustainability appraisal detailed site assessment

scores the site very highly with the support summary stating “Site is in a highly sustainable location close to the town centre and services/shops on Pall Mall. Development of this site will add local customers to an area suffering from lack of investment thereby sustaining those local shops and services. The site has the ability to meet the sustainable principles embodied in the Core Strategy”. The only negatives identified are in relation to its Local Plan review allocation as urban green space and its distance to the motorway network.

#### Financial Viability

32. Members will note within the body of the report that this application is accompanied by a Financial Viability Assessment which seeks to secure reduced planning obligations in respect of this scheme based upon the predicted profit margins associated with the development. The assessment is submitted on a confidential basis as it contains commercially sensitive information however the assessment has been reviewed by Liberata on behalf of the Council.
33. Liberata have concluded that all the costs in the appraisal appear to be usual and necessary for the scheme. The land price appears to be comparable for its location and the remediation costs do not appear unusual. Liberata have commented that the proposed selling values appear low and there may be some opportunity to secure some more planning gain by attaching more reasonable selling prices.
34. The following headline figures are derived from the assessment which Liberata consider is reasonable in respect of this site:
- |                    |            |
|--------------------|------------|
| Land Value         | £750,000   |
| Construction Costs | £6,770,264 |
| Sales              | £7,480,959 |
| ROI                | £710,694   |
35. This rate of return equates to 9.5% which is less than would be usually expected for a residential development however the applicants are willing to accept this return to secure the development of the site. This scenario includes the following obligations:
- 20% affordable housing
  - £90,580 towards open space provision

#### Open Space

36. Policy 24 of the Core Strategy relates to Sport and Recreation. The Policy states:
- Ensure that everyone has the opportunity to access good sport, physical activity and recreation facilities (including children’s play) by:
- (a) Devising robust minimum local standards based on quantified needs, accessibility and qualitative factors, through seeking developer contributions (either in the form of new provision or financial payment in lieu) where new development would result in a shortfall in provision.
  - (b) Protecting existing sport and recreation facilities, unless they are proven to be surplus to requirements or unless improved alternative provision is to be made.
  - (c) Developing minimum local sport and recreation standards in a Supplementary Planning Document.
  - (d) Identifying sites for major new facilities where providers have evidence of need.
37. The previous use of the application site was as a playing field and as such criterion (b) of Policy 24 is applicable which seeks to protect existing facilities. Additionally due to the previous use of the site Policy LT14 of the Local Plan is also applicable. Policy LT14 states:
- Land currently or last used as, or ancillary to, a park, recreation ground, playing field, bowling green, tennis court (except within a residential curtilage), play area and other areas of open space, in private, educational or institutional ownership or available for public use and including those identified on the Proposals Map, unidentified or newly created, will be retained for its recreation and amenity value.
- Development which involves the loss of any parks, recreation grounds, playing fields, bowling greens, tennis courts (except those within residential curtilages), play areas and other areas

of open space, in whole or part, will only be permitted where it will not have a detrimental effect on any site of nature conservation value or historic interest and either:

- i. it can be demonstrated that the retention of the site is not required to satisfy a current or future recreational need and there is a clear excess of this type of facility for the catchment and the site has no special significance in the interests of sport; or
- ii. an equivalent or enhanced new facility is provided in a convenient location to serve the catchment before the existing facilities cease to be available; or
- iii. in the case of proposals to develop part of the facility, the development will not affect land capable of forming, or forming part of, a playing pitch, bowling green or tennis court (outside a residential curtilage) including any safety margin and does not result in the loss of, or inability to make use of any playing pitch, bowling green or tennis court or the loss of any other sporting/ancillary facility on the site

38. In respect of the current proposals parts (i) and (ii) are applicable and the applicant is required to demonstrate compliance. This requirement also forms part of the Central Lancashire Core Strategy Policy 24 which states that the Council will seek to protect existing sport and recreation facilities, unless they are proven to be surplus to requirements or unless improved alternative provision is to be made.

39. The submitted supporting information states that there has been no sporting facility on the site since 1996 and no prospect of any being provided in the future. It has therefore not contributed practically to the supply of formal playing fields for over 16 years and has no special significance in the interests of sport. The submitted information goes on to state that there is in the immediate area playing fields on the opposite side of both Duke Street and Brindle Street.

40. The Council commissioned a Playing Pitch Strategy (published in June 2012) as part of the evidence base for the emerging Chorley Local Plan. This identifies a borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches.

41. The applicants consider that part (ii) of policy LT14 can be satisfied by the provision of a commuted sum for play space as set out below. However part (ii) of LT14 and criterion (b) of policy 24 states that the redevelopment of open space will only be permitted if improved alternative provision is to be made.

42. Policy HS1 of the Local Plan requires a contribution to be made towards the provision of outdoor play space. Policy HS21 sets out the requirements for POS associated with residential developments. The Central Lancashire Open Space Study (May 2012) and Playing Pitch Strategy (June 2012) provide the evidence base for POS requirements in the Borough. Based on this the following provisions are required as a result of this development, if planning permission is granted:

43. Amenity greenspace  
Local Plan Policy HS21 sets a standard of 0.45 hectares per 1,000 population. There is currently a surplus of provision in the Chorley South East ward in relation to this standard, a contribution towards new provision is therefore not required from this development.

44. Equipped play area  
Local Plan Policy HS21 sets a standard of 0.25 hectares per 1,000 population. There is currently a deficit of provision in the Chorley South East ward in relation to this standard, a contribution towards new provision off-site is therefore required from this development. The amount required is £426 per dwelling.

45. Playing Pitches  
A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan



which identifies sites that need improvements. The financial contribution required is £868 per dwelling.

46. The requirements of Policy HS21 are applicable to any residential site notwithstanding the previous land use and as such it is not considered that securing commuted sums in accordance with policy HS21 adequately addresses the requirements of Policies LT14 and 24 in respect of providing alternative provision. It is not considered that the £90,580 required as part of Policy HS21 would be sufficient to provide alternative provision and in this case, due to the previous use of the site, additional contributions would be required over and above HS21 requirements to ensure that the scheme accords with Policy LT14 and Policy 24.
47. This is the reason why a much larger commuted sum was included within the S106 Agreement for the previous application for this site. The figures included, set out above, were to be allocated for improvements to the play space and the provision of Multi Use Games Area at Rangleys recreation area and to provide quality pitches and changing facilities at Westway.
48. The S106 Agreement associated with the previous application was never signed however and as such the commuted sum payments were never secured. The current application is supported by a financial viability assessment which demonstrates that a larger POS payment would render the scheme unviable.
49. This application will result in the loss of a playing pitch within Chorley where there is an identified deficit of such provision and does not provide sufficient commuted sum to provide alternative provision. As such the proposals are contrary to Policy LT14 of the Adopted Local Plan and Policy 24 of the Adopted Core Strategy.
50. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.
51. It is noted that the site is proposed to be allocated for residential use in the emerging local plan and although only limited weight can be afforded to this policy (HS1), due to the fact there are objections to this policy as a whole, no objections have been received in respect of this specific allocation. Following the adoption of the emerging local plan allocated housing sites will only be subject to standard POS requirements (which will be Policies HS4A and HS4B of the Local Plan 2012-2026) which are being secured as part of this application. Additionally the Council's Community Infrastructure Levy document (CIL) will be subject to examination in Spring 2013 with an expected adoption of Summer 2013.
52. In this case it is considered that it has been demonstrated that the POS contribution is the maximum achievable within the financial limits of this scheme, if the applicants await the adoption of the emerging local plan it may be that this site is allocated for housing for which only standard POS obligations would be applicable and the adoption of the emerging local plan is estimated to be approximately around the adoption of CIL which would have additional financial implications in respect of this scheme, these may further reduce the amount of POS obligations which could be realistically secured from this scheme.
53. It is considered, on balance that although these proposals will result in the loss of a playing pitch the contributions secured will assist on improving other pitches within the Borough in accordance with the Playing Pitch Strategy. Sport England have been consulted on the proposals however their comments are yet to be received. These will be reported on the addendum.

#### Affordable Housing

54. Policy 7 of the Central Lancashire Core Strategy requires 30% on site affordable housing. The Council's Housing Manager has confirmed that this scheme is required to provide 21 affordable homes on site, split 70% for Social Rent and 30% for Intermediate sale (shared ownership).

55. The originally submitted application incorporated 12 (18%) on site affordable houses split as follows:
- 8 x 2 bedroom apartments
  - 4 x 1 bedroom apartments
- The tenure split to be agreed.
56. However the plans were amended and the scheme now incorporates 14 (20%) on site affordable houses split as follows:
- 6 x 1 bedroom apartments
  - 6 x 2 bedroom houses
  - 2 x 3 bedroom houses
57. Clearly the provision of 14 on site affordable units is below the require 30% (the provision of 14 units equates to 20%) and the supporting documentation states that the provision of more on site affordable housing will render the scheme unviable.
58. Policy 7 of the Core Strategy does include provision for accepting a lower percentage of affordable housing as it includes: *'subject to such site and development considerations as financial viability and contributions to community services'* however the onus is on the developer to make a case that applying the Council's affordable housing requirement for their scheme makes the scheme unviable.
59. In this regard the agents for the application have submitted Financial Viability Assessment detailing various scenarios. These have been assessed by Liberata on behalf of the Council who have confirmed that the submitted viability demonstrates that the maximum number of affordable units which can be achieved whilst securing a viable scheme is 20%.
60. In respect of the suggested mix above this has been reviewed by the Council's Housing Manager who is seeking mainly 2 bed houses and the following mix of dwellings is requested:
- 10 x Social Rent houses (10 x 2 bedroom houses )
  - 4 x Intermediate sale (shared ownership) houses (4 x 3 bedroom houses)
61. However this suggested split would have further implications on the financial viability of the scheme and it is considered that the affordable units detailed on the layout plan (6 x 1 bedroom apartments, 6 x 2 bedroom houses, 2 x 3 bedroom houses) provides a mix of affordable units within a sustainable location.
62. The tenure of these units would be as follows:
- 6 x 1 bedroom apartments- social rent
  - 6 x 2 bedroom houses- social rent
  - 2 x 3 bedroom houses- intermediate sale (shared ownership)

### Density

63. The site covers an area of 1.5 hectares. A development of 70 dwellings equates to a density of 46 dwellings per hectare. Policy 5 of the Core Strategy relates to housing densities and states that the authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.
64. It is considered that a density of 46 dwellings per hectare is appropriate for this Chorley location in close proximity to the town centre. The density ensures efficient use of land within a sustainable location in accordance with guidance contained within the framework.

### Levels

65. The majority of the site is substantially lower than the peripheral levels of the boundaries. The site works include imported fill to raise to formation levels to accord with the boundaries. The

finished floor levels of the dwellings have been provided with the application and do not adversely impact on the amenities of either the existing or future residents.

#### Impact on the neighbours

66. The immediate neighbours to the site are as follows:

- 11A Brindle Street
- 37-43 Harrison Road and 19 Harrison Road
- 55-67 Richmond Court
- 81-83 Richmond Court
- Richmond House

#### 67. 11A Brindle Street

This property is a two storey semi-detached property which has a side gable which faces the application site. Plot 46 is proposed to be sited adjacent to this property although it will be set forward in the street scene compared to the existing property. There is a first floor window in the side elevation of plot 46 however this does not serve a habitable room and can be obscurely glazed.

There is a quadruple garage proposed at the rear garden boundary however this will be a single storey garage and its siting, to the north of the garden area of 11A Brindle Street, ensures that the proposal will not adversely impact on the amenities of the residents.

The proposed property will have a finished floor level which is 0.25 metres lower than the existing property and as such no loss of amenity will be create through significant level differences.

#### 68. 37-43 Harrison Road and 19 Harrison Road

These properties are two storey semi-detached dwellings which back onto the application site. Plots 34 to 42 are proposed to be sited to the rear of these dwellings. The closest relationship within this part of the site retains 24 metres from the rear of the existing property to the rear of the proposed property. This exceeds the council's standard requirement of 21 metres rear to rear window distance.

The proposed dwellings will have a finished floor level which is 0.29 metres higher than the existing properties however this level change does not necessitate a greater spacing distance in accordance with the Council's guidelines.

Given the distance retained between the proposed and existing dwellings and the finished floor levels of the proposed properties the proposed dwellings will not result in any loss of amenity to the detriment of the residents of Harrison Road.

#### 69. 55-67 Richmond Court

These properties form a two storey terraced row of properties which form part of the larger Richmond House development. The rear of these properties face the application site. Plots 34 and 27 will be immediately adjacent to the boundary with these properties.

The scheme retains 12 metres from the rear of the existing properties to the side gable of the proposed properties in accordance with the Council's guidelines. The proposed properties will have a finished floor level which is 0.78 metres lower than the existing properties which ensures that a greater spacing distance is not required, due to the drop in levels, to protect the amenities of the existing residents.

There is a ground floor and first floor window in the side elevation of plots 34 and 27 which serve a bathroom and dining room (although this is not the only source of light) however these can be obscurely glazed.

The existing properties are sited between 6-7 metres from the rear garden areas of plots 34 and 27. This is lower than the Council's normal requirement of 10 metres from first floor windows to rear garden areas however as the existing properties are already in situ the future residents of plots 34 and 27 will be aware of this relationship prior to purchasing the property

and in this case this relationship secures a high density development in a sustainable location.

#### 70. 81-83 Richmond Court

These properties form a terraced row of properties which form part of the larger Richmond House development. The rear of these properties faces the application site. Plots 1-6 (the proposed affordable housing block) will be located on the opposite side of Richmond Court.

There are ground and first floor windows located within the elevation of the proposed apartment block which is closest to 81-83 Richmond Court, these windows serve habitable rooms. However 81-83 Richmond Court are bungalows (which negates the need to maintain 21 metres first floor window to first floor window distance) and it is considered that the distance retained between the proposed dwellings and the existing dwellings (14.5 metres) will maintain the amenities of the existing and future residents

#### 71. Richmond House

This property is a three storey block of residential apartments which is managed by Accent Group. Plots 1-14 (which are the proposed affordable units) are proposed to be sited on the opposite side of Bedford Street to Richmond House.

The managing agent has written on behalf of the residents expressing their concerns, which are set out above, and a petition from the residents of Richmond House has also been submitted.

Plots 1-6 of the proposed scheme is a two a storey apartment block and plots 7-14 are two storey terraced properties which face Richmond House. The proposed apartment block is 16 metres from Richmond House and the proposed dwellings are sited 32 metres (at the closest point) from Richmond House.

It is not considered that the relationship between Richmond House and the proposed dwellinghouses will result in any loss of amenity for the future or existing residents due to the spacing distance retained.

There are habitable room windows proposed in the elevation of the apartment block closest to Richmond House however as these windows are not the only source of light into these rooms these can be obscurely glazed to protect the amenities of the future and existing residents.

The proposed properties will have a finished floor level which is lower than Richmond House and as such it is not considered that the proposals will result in loss of amenity through significant land level differences.

The residents' concerns relate to direct vehicular access to the proposed dwellings within this part of the site as it is proposed to serve all plots 1-14 via Bedford Street and Richmond Court. This will be addressed by the Highway Engineer on the addendum.

#### Design

72. A number of years ago a Design Brief for this site was published which included specific design specifications for this site. Planning Policy has advanced since this document was published and the Council now has an adopted Design Guide Supplementary Planning Document which is applicable to this application. The original Design Brief did however incorporate the following features:

- A high density development- a density of 46 dwellings per hectare is in accordance with the brief.
- A maximum of two storey high properties along the southern boundary- the whole site accommodates 2 storey dwellings
- A focal building on the corner of Duke Street and Brindle Street to act as a focal point and to create identity. The row of terraced properties on plots 57-60 incorporate specific design features including front gable features and create a sense of height (the design incorporates higher than normal two storey dwellings) at this focal point location.
- An area of public open space adjacent to the boundary with Richmond Court to provide amenity space for the future residents and to benefit the visual amenities of the area. This

has not been detailed on the submitted plan and as set out above recent evidence has demonstrated that there is a surplus of amenity greenspace in this area. As such this feature is no longer considered necessary.

73. In design terms the surrounding area constitutes a mixture of two storey residential properties with the Richmond House complex immediately adjacent to the site, which incorporates 2 storey terraced properties, bungalows and a three storey apartment complex. As such a mixture of standard house types and an apartment block are considered to be appropriate in terms of the character of the area.

#### Trees and Landscape

74. There are existing trees on the site which include Sycamore, Lime, Silver Birch and Lombardy Poplar. Prior to the submission of the previous planning application on this site the trees on site were assessed by the Council's Arboricultural Officer.
75. At this time the Officer commented that the Sycamores have been pollarded and coppiced previously which has resulted in poor specimens, this is reflected with the Tree Survey submitted in support of this application. The Officer also commented that the Poplars, located along the northern boundary of the site, are visually imposing trees and not worthy of retention. The Officer did however consider that the Silver Birch and Lime Tree on site were good example of trees, worthy of retention and as such these trees have been protected by Tree Preservation Order 2 (Chorley) 2008.
76. A number of the trees surveyed as part of this application are outside the application site and proposed to be retained. The two protected trees are incorporated into the layout plan for retention and are sited away from the proposed dwellinghouses to ensure protection and future retention.
77. The remainder of the trees on site will be felled, including the Sycamores and Poplars, however a condition will be attached to the recommendation requiring replacement trees to mitigate for the trees which will be felled as part of the development and a condition ensuring protection for retained trees during the construction period.

#### Ecology

78. Due to the nature of the site and the fact that there are existing trees on site the proposed development has the potential to create ecological implications. As such an Ecological Appraisal has been submitted as part of the application.
79. The Ecological Assessment makes the following conclusions:
- Statutory / non-statutory sites of ecological interest = No concerns or constraints.
  - BAP Priority Habitats and/or rare or protected plant species = No concerns or constraints.
  - Invasive plant species = Presence of a Cotoneaster species that should be treated as invasive species.
  - Bats, Badger, Great crested newt, other amphibians, Water vole, Otter and reptiles = No concerns or constraints
  - Breeding birds = The Bramble scrub, trees and shrubs throughout the Site are suitable for use by low numbers of breeding birds.
80. In accordance with the conclusions set out above the Ecological Survey and Assessment recommends the following measures:
- Standard protection of breeding birds is applicable for all shrubs, Bramble scrub and trees in the site.
  - No clearance to habitat outside the breeding season, so that birds are displaced before they establish nesting territories. The breeding season is typically regarded as March to August inclusive.
  - Prevention of the spread of invasive species (Cotoneaster).
  - Protection of the roots and canopies of trees
81. The report also includes the following opportunities:

- Incorporate landscape planting into the scheme which favours species that can contribute value to wildlife through the provision of shelter and food sources.
  - New shrubs and trees should be planted in mixed-species clusters, which provide greater value than single-species planting.
  - Boundary fences permeable to wildlife
  - Outdoor lighting is typically a deterrent to wildlife, so where it is required, should be kept directional, low-level, focussed and/or screened or hooded.
82. The Ecologist at Lancashire County Council has commented that the development is unlikely to have any significant ecological impacts on the proviso that the following issues are addressed by appropriately worded planning conditions:
- A precautionary inspection of features suitable to support roosting bats shall be carried out immediately prior to commencement of works.
  - Prior to commencement of development, a landscaping/habitat creation and management plan (to include adequate foraging habitat for bats; compensatory planting for any loss of trees, shrubs, rough grassland; management details of replacement planting/ habitat and retained areas of semi-natural vegetation; replacement nesting opportunities for birds, including provisions for house sparrow), shall be submitted
  - External lighting associated with the development shall be minimal
  - Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.
  - If any invasive/injurious weeds are encountered then working methods shall be employed to eradicate such species and prevent their spread into the wild.
  - All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines
83. Following a supreme court ruling (Morge vs. Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
- Is the proposal likely to result in a breach of the Habitats Regulations?
  - If so, is Natural England likely to grant a licence?
84. As set out above it is not considered that the proposals will affect protected species.
85. 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.
86. 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.
87. As set out above the ecological impacts of the proposals have been fully considered and as such it is considered that the Council, subject to suitable conditions, has discharged its obligations in respect of the above tests.

#### Flood Risk

88. Due to the size of the site the application is supported by a Flood Risk Map. This has been reviewed by the Environment Agency who have confirmed the proposed development will only meet the requirements of the Framework if the measures, as detailed, are implemented

and secured by way of a planning condition on any planning permission. These relate to surface water run-off and surface water drainage and can be secured by condition.

### Traffic and Transport

89. At the time of writing this report no comments had been received from Lancashire County Council Highways, these will be reported on the addendum.
90. It is noted that in respect of the previous outline application the Highway Authority raised no objection to the scheme which incorporated one vehicular access point to the site off Brindle Street. This scheme also incorporates one new vehicular access point off Brindle Street in a similar location to the outline application however this application also proposes to utilise Bedford Street (which serves Richmond House) to access plots 1-14 including direct road access to plots 7-14 off Bedford Street. These access arrangements are one area of concern raised by the residents of Bedford Street.
91. The scheme incorporates 2 parking spaces per property (1 for the 6 bedroom flats) which is considered acceptable for the size of dwellings proposed. Where a garage 'counts' as a parking space they measure 6x3 metres in accordance with Manual for Streets/

### Sustainability

92. Policy 27 of the Adopted Central Lancashire Core Strategy states that all dwellings will be required to meet Level 4 of the Code for Sustainable Homes from January 2013.
93. The Policy also states that subject to other planning policies, planning permission for new built development will only be granted on proposals for 5 or more dwellings where all of the following criteria are satisfied:
  - (a) Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;
  - (b) Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures,  
Or appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%;
  - (c) Appropriate storage space is to be provided for recyclable waste materials and composting;
  - (d) If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.
94. As the proposed development exceeds 5 dwelling units both parts of the Policy will need to be satisfied in respect of the proposals.
95. The application is supported by a Sustainability Statement which states that the dwellings will meet Code for Sustainable Homes Level 4 however the submitted financial viability assessment which was reviewed by Liberata does not propose that the houses achieve Code Level 4. This has been queried with the agent particularly in respect of the fact that Liberata considers that additional profit could be secured from this scheme by applying more appropriate sales prices.
96. In response the agent has provided a breakdown of the sales prices for the market properties which are based upon the sales at the Quarry Road site taking these figures into account the profit is calculated to be £7,481,500 which is very similar to the figure set out above (£7,480,959). In respect of the affordable units the applicant has confirmed that they do not receive any return on these and in fact on the appraisal on both Quarry Road and Duke Street they are indicating a loss in the region of approximately £150,000.

97. The properties in Quarry Road are constructed to Code for Sustainable Homes level 3 and it is proposed to construct these dwellings to the same code as the financial viability demonstrates that code 4 is unviable. The agent for the application has confirmed that constructing the dwellings to code 4 would not ensure a higher value could be secured as, *in general, the house purchasing public are not ecology led but market led. This is particularly the case at the entry level of the housing market where the purchasers are often desperate to get onto the property ladder, and therefore want a two or three bed house at the most competitive price to suit the limited budget available. The on-cost of providing Code Level 4 makes the purchase price out of reach. This situation is further aggravated by the banks reluctance to lend money to purchasers with little or no equity in such a depressed economy and consequent housing market, although this is not the case in the south east. The properties could be marketed at a higher price, but they wouldn't sell.*
98. As such in this case the maximum code level achievable is code level 3 which will be secured by condition.

#### Contamination

99. The Council's Waste and Contaminated Land Officer has reviewed the proposals and confirmed that there is potential for ground contamination at this site. Due to the size of development and sensitive end-use (residential housing with gardens), no development shall take place until an assessment of ground contamination at the site has been undertaken. This can be addressed by condition.

#### Drainage and Sewers

100. The application is supported by a Drainage Strategy which confirms that the site will connect into the existing combined sewers located in Brindle Street. The report states that in the absence of surface water features within or adjacent to the site surface water will be attenuated before being discharged into the combined sewer.
101. In order to make a connection to the public sewer it will be necessary to raise the ground levels along the Brindle Street frontage and the southern boundary to approximately 1.2 metres above the existing south eastern site boundary levels.
102. United Utilities have assessed the submissions and notwithstanding the submitted assessment United Utilities will only permit foul drainage connected into the combined sewer. United Utilities have confirmed that they have no objection to the proposals subject to:
- This site must be drained on a separate system, with only foul drainage connected into the combined sewer.
  - Surface water should discharge to the soakaway/SUDS or directly to watercourse. If surface water is allowed to be discharged to the public combined sewerage system we will require the flow to be attenuated to a maximum discharge rate of 12 l/s which is equivalent to existing Greenfield runoff rates.
  - The submission of a scheme for the provision of foul and surface water drainage. The scheme shall provide for separate systems, together with any necessary surface water regulation system.
  - All foul water & any residual surface water discharges shall only connect to the combined sewer network located at the junction of Duke Street & Brindle Street.
  - The submission of a scheme for the provision and implementation of a surface water regulation system, restricting any residual surface water runoff emitting from the site to 12 l/s.
103. These requirements can be addressed by conditions.

#### Section 106 Agreement

104. The total amount of financial contribution, in respect of POS, required for 70 dwellings (to be secured via an S106 Agreement) is:
- Equipped play area: £29,820
  - Playing pitches: £60,760



- TOTAL: £90,580

105. The Section 106 Agreement will also secure 20% (14 units) affordable housing.
106. Lancashire County Council Education have confirmed that the latest projections for the local primary schools show there to be a shortfall of 314 places in 5 years' time, the shortfall will occur without the impact from this development. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.
107. With an expected yield of 24 places from this development the shortfall would increase to 338. Therefore, LCC Education are seeking a contribution from the developer in respect of the full pupil yield of 24 places. This equates to £285,131.
108. However as set out above the financial viability of this scheme is a consideration. If the suggested contribution was applied then the scheme would be rendered unviable and would not be developed.

### Overall Conclusion

109. This proposal will result in the loss of playing pitch provision within Chorley where there is an identified deficit of such provision. As such the proposals are contrary to Policies contained with the Adopted Local Plan and the Adopted Core Strategy and therefore the proposals are considered on balance.

Positive Elements	Negative Elements
The provision of 14 affordable units in a sustainable location	The Core Strategy requires 30% affordable housing which would secure 21 affordable units
A contribution to playing pitch and equipped play space improvement/provision within the area	In order to accord with the relevant planning policies the contribution should be over and above the standard provision to secure equivalent alternative provision
The proposal will secure additional housing within the Borough in a sustainable location.	The financial viability of the scheme results in a development which cannot provide a contribution to education provision and still be viable.

110. As set out above this is a finely balanced decision. The application which has been approved in principle (08/01170/OUTMAJ) establishes the principle of housing at this site and the financial limitations of the scheme dictate what can be secured as part of the proposals.
111. This site is proposed to be allocated as a housing site within the emerging local plan and as part of the evidence base, which supports this suggested allocation, a detailed site assessment of this site was undertaken. This concluded that the site is in a highly sustainable location close to the town centre and services/shops on Pall Mall. Development of this site will add local customers to an area suffering from lack of investment thereby sustaining those local shops and services. The site scored category B in respect of sustainability (Band A being the most sustainable and Band E the least sustainable).
112. The application site is located within Chorley Town which is identified within Policy 1 of the Core Strategy as a key service centre and an area for growth and investment. The policy

does acknowledge that some greenfield development will be acceptable within Chorley Town.

113. The framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and it is considered that the development of this site has the ability to meet the sustainable principles embodied in the Core Strategy. As such it is considered that the development of this site will secure benefits whilst contributing to the aims of both the framework and the Core Strategy. To secure the benefits quickly members may consider imposing a shorter timescale, for example 1 year, to commence development.

## Other Matters

### Public Consultation

114. Northern Trust did consult the neighbours to the site separately to the Council however this was undertaken when the formal application had been submitted. 19 responses were submitted to Fellow Homes which included:

- 5 responses do not support the scheme
- 5 responses neither support or object to the scheme
- 9 responses which support the scheme

## Planning History

**97/00747/FUL-** Demolition of existing pavilion building and erection of 57 two storey houses. Refused

**97/00756/FUL-** Demolition of existing pavilion building and erection of 57 two storey houses. Withdrawn

**05/01146/OUTMAJ-** Outline application for the redevelopment of 1.5ha of land for residential use and bowling green. Withdrawn

**08/01170/OUTMAJ-** Outline application for the erection of 71 dwellings including access and scale. Approved subject to the S106 Agreement (Agreement never signed).

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

1. The proposed development must be begun not later than three years from the date of this permission.  
*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004*
2. The hereby permitted shall be carried out in accordance with the following approved plans:

Title	Plot	Drawing Reference	Received date
Topographical Survey		S05/016	2 January 2013
Location and Site Plan		11/060/L01	2 January 2013
Proposed Site Plan		11/060/P01 Rev B	1 March 2013
2H667 House Type	15/ 16/ 17/ 24/ 25/ 26/ 27/ 28/ 31/ 32/ 33/ 34/ 35/ 36/ 60/ 61/ 63/ 64/ 65	11/060/P02	2 January 2013
3H775 House Type	19/ 20/ 21/ 22/ 30/ 37/ 38/ 39/ 40/ 41/ 44/ 46/ 47/ 48/ 49/ 50/ 51/ 52/ 55/ 56/ 57/ 58/ 59/ 62/ 66/ 67/ 69	11/060/P03	2 January 2013
3H827 House Type	18/ 23/ 29/ 42/ 43/ 45/ 53/ 54/ 68/ 70	11/060/P04	2 January 2013

Affordable Apartments	1-6 (inclusive)	11/060/P05 Rev A	19 February 2013
Plots 57-60 Plans and Elevations	57-60 (inclusive)	11/060/P06	2 January 2013
3H775/ 33H827 Plans and Elevations		11/060/P07	2 January 2013
2H667 Plans and Elevations		11/060/P08	2 January 2013
Existing and Proposed Levels		11/060/P09 Rev B	1 March 2013
Plots 7-10 and 11-14 House Type	7-14 (inclusive)	11/060/P10	19 February 2013
6m x3m Single Garage- Gable to Road	18/ 23/ 29/ 62	11/060/G01	1 March 2013
6m x3m Twin Garage- Eaves to Road	54/ 55	11/060/G02	1 March 2013
6m x3m Twin Garage- Pyramid Roof	43/ 51/ 52/ 53	11/060/G03	1 March 2013
6m x3m Twin Two-Way Garage- Pyramid Roof		11/060/G04	2 January 2013
Standard Twin Garage		11/060/G06	2 January 2013
Standard Single Garage		11/060/G07	2 January 2013
Quadruple Garage	42/ 46/ 47/ 48	11/060/G08	19 February 2013
External Works- 1800mm brickwork Screen Wall		11/060/EW01	2 January 2013
External Works- 1800mm Timber Screen Fence		11/060/EW02	2 <sup>nd</sup> January 2013
External Works- 1800mm Party Fence		11/060/EW03	2 <sup>nd</sup> January 2013

**Reason:** For the avoidance of doubt and in the interests of proper planning

3. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

**Reason:** To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.

4. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

**Reason:** To ensure that the materials used are visually appropriate to the locality. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.

5. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.  
*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.*
6. The garages hereby approved on plots 18, 23, 29, 43, 51, 52, 53, 54, 55 and 62 shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.  
*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking. In accordance with Policies GN5, HS4 and TR4 of the Chorley Borough Local Plan Review 2003.*
7. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. The scheme should include a landscaping/habitat creation and management plan (to include adequate foraging habitats for bats, compensatory planting for loss of trees, shrubs, rough grassland; management details of replacement planting/ habitats, and retained areas of semi-natural vegetation; replacement nesting opportunities for birds, including provisions for the house sparrow) which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. The plan should demonstrate maintenance and enhancement of biodiversity and include full details of planting mixes, habitat establishment proposals, aftercare, and long term management of both newly created habitat and habitat retained on site. The approved plan shall be implemented in full. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within 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.

*Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.*

8. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 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. In accordance with Policies GN5 and EP9 of the Chorley Borough Local Plan Review 2003.*
9. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting

shall be carried out in accordance with the approved details within nine months of the tree felling.

*Reason: To safeguard the visual amenity of the area. In accordance with Policies GN5 and EP9 of the Chorley Borough Local Plan Review 2003.*

10. All windows in the:

- South elevation of plot 46
- West elevation of plot 34
- West elevation of plot 27
- West elevation of plots 1-6 (the elevation closest to Bedford Street)

shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

*Reason: In the interests of the privacy of occupiers of neighbouring property. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.*

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwellings on plots 7-26 (inclusive), 30- 32 (inclusive), 34-45 (inclusive), 50-53 (inclusive), 69 and 70 (including porches, garden sheds, greenhouses, garages or car ports) shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.

*Reason: In the interests of neighbour amenity. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.*

12. All the dwellings hereby approved will be required to meet Code Level 3 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.

*Reason: In the interests of minimising the environmental impact of the development. In accordance with guidance contained within the National Planning Policy Framework and Policy 27 of the Central Lancashire Core Strategy 2012.*

13. Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.

*Reason: In the interests of minimising the environmental impact of the development. In accordance with guidance contained within the National Planning Policy Framework and Policy 27 of the Central Lancashire Core Strategy 2012.*

14. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.

*Reason: In the interests of minimising the environmental impact of the development. In accordance with guidance contained within the National Planning Policy Framework and Policy 27 of the Central Lancashire Core Strategy 2012.*

15. Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating.

*Reason: In the interests of minimising the environmental impact of the development. In accordance with guidance contained within the National Planning Policy Framework and Policy 27 of the Central Lancashire Core Strategy 2012.*

16. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.  
*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents. In accordance with Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.*

17. Any Cotoneaster species on the site shall be controlled/treated in accordance with Environment Agency guidelines. Following the treatment of the species evidence to demonstrate that the species had been eradicated/controlled shall be submitted to and approved in writing by the Local Planning Authority.  
*Reason: To prevent the further spread of a Cotoneaster species as a result of the development.*

18. There is potential for ground contamination at this site. Due to the size of development and sensitive end-use (residential housing with gardens), no development shall take place until:

a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;

b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;

c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

*Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).*

19. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).*

20. Prior to the commencement of the development a site plan indicating the plots/dwellings that will require gas protection measures, in accordance with the supplementary gas appraisal dated 9th December 2008 ref: 7353/1/NMW submitted by Encia, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

***Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).***

21. Notwithstanding the submitted details, no development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system, restricting any residual surface water runoff emitting from the site to 12 l/s, has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, maintained and managed in accordance with the approved details.

***Reason: To reduce the risk of flooding to the proposed development and future occupants. In accordance with guidance contained with the National Planning Policy Framework.***

22. Notwithstanding the submitted details this site must be drained on a separate system, with only foul drainage connected into the combined sewer. Surface water should discharge to the soakaway/SUDS or directly to watercourse which may require the consent of the Local Authority.

***Reason: To secure proper drainage and a sustainable form of development. In accordance with guidance contained with the National Planning Policy Framework.***

23. Notwithstanding the submitted details, no development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems, together with any necessary surface water regulation system and shall 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. The drainage of the site shall then be implemented in accordance with the approved scheme prior to occupation of the dwellings.

***Reason: To ensure a satisfactory means of drainage, to promote sustainable development and to ensure a safe form of development that does not pose an unacceptable risk of pollution to water resources or human health nor any problems with flooding. In accordance with guidance contained with the National Planning Policy Framework.***