

Item 4c **13/00062/FULMAJ**

Case Officer **Matthew Banks**

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

Proposal **Erection of 14 no. detached two and a half storey dwellings, associated garaging and infrastructure.**

Location **Burrows (Grass Machinery) Limited Wigan Road Clayton-Le-Woods LeylandPR25 5SD**

Applicant **Arley Homes NW Limited**

Consultation expiry: **15 April 2013**

Application expiry: **24 April 2013**

Proposal

1. This application seeks permission for the erection of 14 no. detached two and a half storey dwellings, associated garaging and infrastructure.

Recommendation

2. It is recommended that this application is granted full conditional planning approval subject to the signing of an associated Section 106 Agreement.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development;
 - Density;
 - Impact on neighbour amenity;
 - Levels;
 - Design and layout
 - Trees and Landscape;
 - Ecology;
 - Impact on highways, access and parking;
 - Drainage and Sewers;
 - Section 106 Agreement.

Representations

4. Two letters of objection have been received, the contents of which can be summarised as follows:
 - The highway aspect of this development will need to be considered carefully as it is close to Moss Lane. Traffic leaves Moss Lane trying to turn right and people travel from the Hayrick lights at an excessive speed. The speed limit could be reconsidered.
 - Plot 14 would be built within close proximity to Oaktree Bungalow which will take light from the windows and result in overlooking and loss of privacy to two habitable rooms;
 - Does the dwelling at plot 14 need to be 2.5 stories high?
 - The first floor window in the side elevation of plot 14 will have direct views into the lounge, dining room and kitchen of Oaktree Bungalow. The first floor window should have frosted glass;
 - Flooding and drainage is of serious concern as the water table in this area is very high;
 - Hard landscaping of the grassed areas within each plot will lead to excess rain water;
 - The new drainage/flood defences should be sufficient to alleviate any flooding in the future before it becomes costly for nearby residents.

Consultations

8. **Lancashire County Council Highways** – raise no objection to the application, however, request that the highway conditions attached to the two previous applications are imposed with this application.
9. LCC Highways have also requested a contribution of £42,000 to be secured through a Section 278 Highways agreement to improve the 2no. existing bus stops on Wigan Road near the junction with Lancaster Lane and to provide a new footway along Wigan Road.
10. **Lancashire County Council Ecology** – Consider that a number of issues should be addressed/considered before the application can be determined favourably.
11. This specifically concerns part of an existing pond within the curtilage of plot 6. LCC Ecology consider that unless any purchase of plot 6 comes with some form of legal obligation to retain and appropriately manage this pond, the development could mean the future existence and appropriate management of the pond cannot be guaranteed. This could result in the potential loss of the pond. LCC Ecology therefore consider that the applicant should demonstrate the pond will be retained, protected and will be appropriately managed in the long term.
12. LCC Ecology have also suggested a number of standard conditions and informatives to be imposed if permission is granted.
13. **Lancashire County Council Education** – Consider that a contribution of £59,402 is required for the provision of 5no. Primary school places.
14. **Architectural Liaison Officer** – Raise no objection to the application, however, have noted that during the period 31/01/2012 to 31/01/2013 there have been reported crimes and incidents within the immediate vicinity of this location (including burglary in a building other than a dwelling). As such, in order to prevent the opportunity for criminal activity a number of informatives have been recommended relating to design.
15. **CBC Waste and Contaminated land officer** – raises no objection to the development and considers the Remediation Validation Report to have satisfactory conclusions.
16. **CBC Environmental Health** – Raise no objection. A suitable noise assessment has been carried out. The recommendations contained within the report are accepted provided they are conditioned with any approval.
17. **CBC Planning Policy** – In accordance with Local Plan Policy HS21 a contribution of £19,306 is required. This equates to £1,190 for amenity greenspace, £5,964 for equipped play areas and £12,152 for playing pitches. This should be secured by Section 106 Agreement.
18. **Environment Agency** – Have no comments to make. Refer to standing advice.
19. **Public Right of Way Officer** – Raise no objection.
20. **United Utilities** – Raise no objection subject to conditions including a restriction on the surface water discharge rate from the site.
21. **Parish Council** – Consider the estate road to appear narrow.

Assessment

Principle of the development

22. The site is within the settlement of Clayton-le-Woods as defined by the Adopted Chorley Borough Local Plan Review 2003. The site was last used for grass machinery sales, servicing, repairs, car sales and petrol station and is predominately a brownfield site.
23. Planning permission was first granted in September 2011 (ref: 11/00480/FULMAJ) for the erection of 13 detached dwellings which established the principle of developing the site for this purpose. A

subsequent planning application was approved in January 2012 (ref: 11/00894/FULMAJ) which granted permission for a different layout, accommodating 14 instead of 13 detached dwellings.

24. Since the most recent approval in 2012, the site has now been acquired by a different housing developer (Arley Homes) who is seeking to build a different range house types with a varied layout.
25. As such, taking into consideration the recent, extant planning consents at the site, the proposal for residential development is therefore considered to be acceptable in principle.

Density

26. The application site extends to an area of approximately 0.80 hectares. The provision of 14 dwellings on the site therefore equates to a density of 17 dwellings per hectare. This is considered to be slightly less than normal figure used by the Council, however, there are a number of site specific circumstances which have dictated this density. This includes the provision of a footpath along Wigan Road, that the properties nearest the road (plots 1 and 14) are set back significantly from the edge of the carriageway to respect the established building line and the constraints dictated by the pond positioned to the north-east of the site. Additionally, it is also relevant to note that the surrounding area is made up of properties occupying larger plots. As such, taking all relevant points into consideration, the density is considered acceptable for the local context.
27. It is also relevant to note that the density proposed with this application is the same as that previously accepted by the Council by permitting the application 11/00894/FULMAJ.

Impact on neighbour amenity

28. It has been noted that a letter of objection has been received from the occupier of the adjacent property Oaktree Bungalow. This neighbour has raised specific concerns outlined in more detail at the beginning of the report, however, many of the issues raised relate to the position of plot 14 and concerns of dominance, overlooking and loss of privacy.
29. It has been noted that Oaktree Bungalow is the only neighbouring property directly bounding the application site to the south. This property comprises a bungalow with a driveway and single width tandem garage attached to it on the side bounding with the application site. The property has a window, door and high level window in its northern elevation facing plot 14 which would have a two storey gable end nearest this boundary.
30. It has been noted that the original application for residential development permitted a double garage nearest this boundary and then a two storey detached dwelling under the previous application, the latter of which is similar to that proposed with the current application.
31. In terms of the proposed relationship, the side window of Oaktree Bungalow will face the gable end of the property at plot 14. However, a gap of approximately 5.5m will be maintained (the same gap as that approved with the previously approved application 11/00894/FULMAJ). Furthermore, such an arrangement is not considered to be an unusual relationship between residential properties.
32. It has been noted that the property at plot 14 includes a secondary access door at ground floor level and a narrow window at first floor level serving a bathroom. In terms of the impact on Oaktree Bungalow, the ground floor secondary access is not considered to result in any significant detrimental harm and is a feature often found to the side elevation of larger residential properties. Additionally, the first floor window would serve a bathroom (not a habitable room), would be conditioned to be obscure glazed and so would not result in any significant detrimental harm in respect of overlooking or loss of privacy.
33. In terms of overshadowing from the dwelling at plot 14, it has been acknowledged that the property would be two and a half stories high and so would be substantial in size. However, the proposed dwelling would be positioned directly north of Oaktree Bungalow and so whilst appearing visible, would not result in any overshadowing.

34. As such, it is not considered the occupier of Oaktree Bungalow would experience any significant detrimental harm in terms of their amenity to warrant refusal of the application on these grounds.
35. In terms of other outward neighbour relationships, it has been noted that the Secretary of State granted outline permission for 300 residential properties on land adjoining the site. The Council is also in receipt, and is considering an application for reserved matters pursuant to the outline application (ref: 13/00138/REMAJ). It is therefore relevant to consider the relationship between the proposed dwellings and those at the adjacent site.
36. To the north, plot 1 would face Wigan Road and would have no windows facing the adjacent site in a northerly direction. Therefore this relationship is considered acceptable.
37. Plots 2 and 3 would face the rear gardens of 2no. residential properties at the adjacent site, however, both would maintain a distance of 10m to the northern site boundary and so would be in accordance with the Council's adopted interface distances (which require a minimum distance of 10m).
38. The distance between the rear elevations of Plots 4 and 5 and the northern site boundary would be marginally shorter than required at 9.88m and 9.82m respectively. However, it is also relevant to note that these properties would overlook a turning head at the adjacent site and so the marginal shortfall in interface distance would not result in the loss of private amenity space of a nearby plot. Furthermore, it is relevant to note that where the first floor windows of the properties at plots 2-5 would directly face dwellings at the adjacent site, they would face the gable ends and so there would be no detrimental harm in terms of overlooking or loss of privacy. As such, it is not considered a refusal of the application could be sustained in respect of this relationship.
39. Plots 6-9 would have habitable windows facing a number of residential properties and their respective gardens at the adjacent site. However, all these plots maintain a distance of over 10m in accordance with the adopted interface standards and where they face residential properties at the adjacent site, this once again would be gable ends.
40. The distance between the rear elevations of plots 10-13 and the southern site boundary would also accord with the adopted interface guidelines at over 10m and so this relationship is considered acceptable.
41. Concern was initially shown for the boundary treatment surrounding plot 6 and the adjacent site. The original plans showed part of the boundary treatment to comprise a 1.2m high field fence, however, this raised concern that such an arrangement would leave plot 6 with very limited private amenity space when viewed from the adjacent site. This relationship was made worse because of a pond (known as pond 7) positioned to the north-eastern site boundary would act as a focal point at the adjacent site. As such, amended plans have been submitted to overcome these concerns and replace the 1.2m high fence with a 1.8m high featheredged fence. This relationship is now considered acceptable.
42. Internally, each plot is now considered to maintain an acceptable relationship between one another and would retain sufficient private amenity space which is expected of a large detached property.

Levels

43. There will be approximately a 1m difference in levels between the properties on the frontage with Wigan Road and those to the rear of the site as the land raises gently from west to east. However, this would not be readily noticeable due to the length of the site and the gradual rise in levels.
44. The surrounding land is relatively level, comprising gentle undulating fields to the north and east. The levels proposed at the adjacent site are appropriate compared to those shown at the application site and would ensure both developments sit next to one another comfortably whilst not leading to any detrimental overlooking or loss of privacy.

45. The proposed levels are therefore considered to be acceptable when viewed internally within the site, when compared to those submitted with the application 13/00138/FULMAJ and when compared to those at neighbouring properties which already exist in the area.

Design and layout

46. The design and scale of the proposed dwellings are typical of a development being undertaken by a volume build developer in that they have a modern design with traditional feature elements. The design and scale of the dwellings and the plot sizes are however considered to be acceptable as they are similar to the dwellings in the surrounding area and other house types on the adjacent site.
47. The layout of the development is modern in character and has taken account of the site boundaries and the existing hedge lines and trees. Plots 1 and 14 are set back from Wigan Road with detached garages to the immediate south and north respectively. The building line created by these properties will respect the established building line of the properties to the south (the nearest comprising Oaktree Bungalow and Wyndom). The site access would be taken from the mid-part of the western site boundary and the layout would include a grassed area to the front, planted with fruit trees.
48. The site entrance would be gated approximately 25m back from the edge of the carriageway and would form a conventional cul-de-sac arrangement. Plots 2-5 would face in a southerly direction, plots 10-13 would face in a northerly direction and plots 6-9 would face in a westerly direction down the cul-de-sac towards Wigan Road.
49. Amendments have been sought during the application process to ensure the front driveways are long enough to form usable parking spaces, whilst the pedestrian access arrangements around the gated entrance have been improved to allow easier and safer access. The garage of plot 6 has been moved closer to the northern site boundary to improve the outlook from the property at plot 6 and the sizes of garages relating to plot 9 and 10 have been amended to ensure they also form usable parking spaces.
50. The proposed layout is considered to sit comfortably next to the proposed development at the adjacent site, particularly as it will be enclosed by a 1.8m high boundary treatment.
51. Consideration has also been given to the appearance of the development when viewed from the surrounding area and more specifically, the location of the pond to the north-east of the site. This pond will form a focal point at the adjacent development with multiple properties overlooking it. However, it is not considered the proposed boundary treatment would appear visually intrusive or out of character in this context.
52. Part of an existing pond to the north-eastern corner of the site will be retained and is separated from the domestic curtilage of plot 6 by a 1.8m high featheredged fence. The pond will be maintained and managed by an independent management company. The applicant indicates covenants will be included in the land transfer of this plot to allow access to the pond for any necessary works. Additionally, by conditioning the recommendations outlined in the ecological report, this will improve this area of the site both visually and from an ecological perspective.
53. Having regard to the above, the design and layout of the site is considered acceptable.

Trees and landscape

54. The majority of the site is previously developed and includes large areas of hardstanding. This means there are no substantial trees within the body of the site, however, there is hedging to part of the northern and southern site boundaries and sporadic tree planting to the north-east and south-west site boundaries.
55. The proposed site plan indicates that the existing hedging will be retained as will some of the more valuable trees positioned on the site boundary. The application would also retain more

mature trees to the southern boundary which provide a natural screen to the garden of Oaktree Bungalow.

56. None of the trees are protected by tree preservation order and although to be retained (as shown on plan), none are worthy of protection for future retention. Indicative landscaping has been shown as part of the development which will be secured by planning condition.

Ecology

57. The application site in the main is considered to have limited ecological value. However, the site includes part of a pond to the north-east of the site which is proposed to be retained by the development. The remainder of the pond is within the ownership of the adjacent land owner and will be managed accordingly as part of that application.
58. As part of the application Lancashire County Council (LCC) Ecology have been consulted and initially identified a number of issues which required attention before the application could be determined favourably.
59. LCC Ecology showed particular concern for the initial approach to managing and securing the future maintenance of the pond. Originally, part of the existing pond as shown was within the curtilage of plot 6 and it was proposed to transfer the management and maintenance of the pond to the purchasers of this plot. This was considered to be an unworkable arrangement which would not secure the future existence or appropriate management of the pond as only part of the pond was proposed to be within the curtilage.
60. As such, the applicant has amended the plans to exclude the pond area from the domestic curtilage of the property of plot 6 by way of a 1.8m high featheredged fence. The applicant has also agreed to have the pond maintained and managed by an independent management company. Covenants will be included in the private land transfer to allow access to the pond for any necessary works. Details of the management company will be secured by planning condition and implemented accordingly thereafter.
61. Aside from the above, LCC Ecology have also stated that consideration should be given to issues such as vegetation clearance works affecting nesting birds and consideration given to external lighting restrictions. It is considered that such issues could be dealt with by planning condition or informative notes where appropriate.

Impact on highways, access and parking

62. In respect of highway safety, the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impact of development is severe.
63. The application site was formally occupied by Burrows Grass Machinery which involved grass machinery sales, servicing, repairs, car sales and a petrol filling station. The existing access included two entry points from Wigan Road at both north and south points on the western site boundary, incorporating a typical 'in/out' arrangement.
64. The original residential consent for this site (11/00480/FULMAJ) gained permission with a new principal access towards the north of the western site boundary and 2no. separate vehicular accesses from Wigan Road to serve plots 1 and 2. The previously approved application 11/00894/FULMAJ sought to change this arrangement and included a more central principal access with further vehicular access points to the north and south serving plots 1, 2, 13 and 14.
65. The current application seeks once again for a different access arrangement. This would include a single principle vehicular access from Wigan Road, positioned centrally to the western site boundary. The proposed access would enjoy good visibility in both a north and south direction and would include a relatively wide opening to allow easy access for vehicles entering and exiting the site.

66. There would be no other points of access for vehicles from Wigan Road, which is considered to be an improvement on the two previously approved schemes. The site would include a straight access road, measuring approximately 25m back from the edge of the highway, at which point, access to the site would be gated for both vehicles and pedestrians. Gating of the access could cause issues in respect of refuge collection or access for emergency vehicles and so a condition will be imposed (should permission be granted) to ensure access to the site is managed and controlled in such a way that access can be gained if necessary. Once entrance to the site has been gained, the road would then unfold in a standard cul-de-sac arrangement including vehicular access to each property and a turning head towards the eastern part of the site.
67. All the properties proposed with this development would have 5no. bedrooms and so in accordance with the relevant parking standards, each plot is required to have 3no. off-road parking spaces. These spaces will be achieved in different ways depending on the position of the plot. Plots 1, 6, 9, 10 and 14 would include off-road parking space in front of and within a detached double garage, whereas plots 2-5 and 11-13 would include off-road parking space in front of an integral double garage.
68. The internal sizes of the detached garages have been amended to ensure 2no. cars can be comfortably accommodated within and are now considered acceptable. The integral garages to some of the plots and marginally substandard in size, however, together with the space available to the front of each dwelling, each plot will comfortably accommodate 3no. off-road parking spaces in accordance with the relevant guidance.
69. In terms of pedestrian movements, the site would include a footway extending into the site from Wigan Road up to the gated entrance. Pedestrians would then gain access to the main part of the site through a pedestrian gate, shortly after which they would have to share the road surface with vehicles.
70. The comments received from LCC Highways raise no overriding objection to the application, taking into consideration the previous consents and the proposed arrangements.
71. Aside from the above, LCC Highways have requested a contribution of £42,000 to improve the 2no. existing bus stops on Wigan Road and to provide a new footway along Wigan Road. However, it must be considered that the existing two permissions at the site did not include such contribution requests and the works on which the contribution would be spent are not considered to be essential to make the development acceptable in planning terms. As such, it is not considered reasonable or necessary in this case to secure such a contribution. Should LCC Highways wish to pursue this, they could do this through Section 278 of the Highways Act 1980 when negotiating the access works with the developer.
72. As such, on balance of the above, the development is not considered to result in any significant harm to highway safety and so is in accordance with the Framework and Policy TR4 of the Adopted Chorley Borough Local Plan Review.

Drainage and Sewers

73. The application site is not within a designated flood risk area, however, a local resident has raised concerns regarding the proposed drainage arrangements and issues of localised flooding in the area.
74. Policy EP18 of the Adopted Local Plan Review states that applications will be refused if the site does not have adequate foul and surface water drainage arrangements and other essential services in place.
75. With considering the two previously approved applications, discussions were held with both the Environment Agency and United Utilities. In the case of the current application the Environment Agency have no comments to make and United Utilities have raised no objection, subject to the site draining on a separate system with only foul drainage connected to the foul sewer.

76. United Utilities have also stated they will accept surface water to existing flow rates of 31l/s, provided they do not increase as a result of the development. This will be controlled by planning condition (the same as the two previous applications) to ensure the development does not increase the risk of flooding.
77. In addition, United Utilities have indicated that their water mains system may need extending to serve the development, however, this could be secured separately under Sections 41, 42 and 43 of the Water Industry Act 1991.
78. Aside from the above, the specification and finer details of the drainage system to be used will have to adhere to stringent controls under the Building Regulations 2000 (as amended) relating to drainage and waste disposal.
79. On balance of the above, the development is therefore considered to be in accordance with Policy EP18 of the Adopted Chorley Borough Local Plan Review.

Section 106 Agreement

80. Policy HS21 of the Local Plan requires new housing development to include provision for appropriate areas of open space. The Council has also produced Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments. Consequently, new open space provision or a financial contribution for new provision or improvements will be required where there is an identified deficiency in quantity, accessibility or quality/value.
81. The Council's Planning Policy section has advised that a financial contribution is required in this case which is outlined in more detail below.
82. Local Plan Policy HS21 sets a standard of 0.45 hectares per 1,000 population. There is currently a surplus of amenity open space in Clayton-le-Woods in relation to this standard. There is no deficit in accessibility as the site falls within the accessibility catchment (800m) of an area of amenity greenspace, a contribution towards new provision is therefore not required from this development. However, there is an area of amenity greenspace within the accessibility catchment of the site that is identified as being of low quality and low value in the Open Space Study (site 1954 – Off Cypress Close). A contribution towards the improvement of this site is therefore required.
83. Local Plan Policy HS21 sets a standard of 0.25 hectares per 1,000 population. There is currently a deficit of provision for young children/young people for equipped play areas in Clayton-le-Woods in relation to this standard. A contribution towards new provision is therefore required from this development.
84. 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.
85. A Section 106 legal agreement is therefore necessary to secure the requisite contribution in lieu of the above. This has amounted to a total of £19,306.
86. Comments have been received from LCC Education in respect of contributions required for places towards primary and secondary schools. This has resulted in a request for 5 primary and 4 secondary places.
87. The comments received from LCC Education indicate that there is a surplus of both primary and secondary spaces available in the borough. However, these comments have not taken into account the additional demand created by a number of large scale developments immediately surrounding the application site, which would actually mean there is a shortfall of places.
88. As such, it is considered that the contribution of £59,402 is justified in this case and should be incorporated into the Section 106 legal agreement. Updated comments have been

requested from LCC Education in respect of the above which will be reported to committee on the addendum.

89. In respect of secondary school places, LCC Education consider there to be 1396 places available within local schools over the next 5 years. This would reduce to 1326 with 66 places taken from approved developments and 4 taken from the current application. As such, it is not considered a contribution towards the provision of secondary school places is required in this case.
90. As outlined previously, LCC Highways have requested a contribution of £42,000 to improve the 2 existing bus stops on Wigan Road and to provide a new footway along Wigan Road. However, as stated previously, this does not meet the tests set out within the Framework and as such, is not justified.

Overall Conclusion

91. On the basis of the above, the application is accordingly recommended for approval subject to conditions and the signing of an associated section 106 agreement.

Planning Policies

National Planning Policy Framework

Central Lancashire Core Strategy

Policies 1, 4, 5, 17, 22, 26 and 27

Adopted Chorley Borough Local Plan Review

Policies GN5, EP4, EP9, HS4, HS6, HS21, TR4 and EP18.

Emerging Chorley Local Plan

Policies HS1, HS4A, HS4B, BNE1, BNE9 and BNE10

Planning History

The site history of the property is as follows:

Ref: 88/00285/FUL **Decision:** PERFPP **Decision Date:** 14 June 1988

Description: Erection of storage building on land at rear of premises

Ref: 00/00588/FUL **Decision:** PERFPP **Decision Date:** 24 August 2000

Description: Erection of replacement steel framed warehouse,

Ref: 11/00480/FULMAJ **Decision:** PERFPP **Decision Date:** 7 September 2011

Description: Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 13 no. detached two-storey dwellings and associated infrastructure.

Ref: 11/00894/FULMAJ **Decision:** PERFPP **Decision Date:** 18 January 2012

Description: Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 14 no. detached two-storey dwellings and associated garaging and infrastructure (changes to access point and layout of the previously approved permission 11/00480/FULMAJ and an additional house).

Application Number – 13/00062/FULMAJ

- Erection of 14 no. detached two and a half storey dwellings, associated garaging and infrastructure.
- Approve subject to conditions.
- 24 April 2013.

**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. All windows serving the second floor rear facing dormers of the properties on plots 1, 2, 3, 6, 7, 8, 9, 10, 12, 13 and 14 hereby permitted 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 properties and in accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.
3. Surface water run-off from the site shall be restricted to existing rates.
Reason: In order that the proposed development does not contribute to an increased risk of flooding and in accordance with the National Planning Policy Framework and Policy EP18 of the Adopted Chorley Borough Local Plan Review.
4. The integral/attached and detached garages hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with the National Planning Policy Framework and Policy Nos. HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.
5. Surface water shall not discharge to the foul/combined sewer and the site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soak away/watercourse/surface water sewer (which may require the consent of the Environment Agency).
Reason: To prevent flooding, foul flooding and pollution of the environment and in accordance with the National Planning Policy Framework and Policy No. EP18 of the Adopted Chorley Borough Local Plan Review.
6. The development shall only be carried out in full accordance with the approved Ground Investigation Report and Remediation Validation Report (received 24th January 2013). 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 that the land is remediated to an appropriate standard for the proposed end use, in accordance with the National Planning Policy Framework.
7. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences, railings, walls and gates to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. Boundary treatments should not be flush to the ground, or suitably sized gaps should be left at strategic points. No dwelling shall be occupied or land used pursuant to this permission before all walls and fences have been erected in

accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in order to retain habitat connectivity for Species of Principal Importance, such as amphibians and hedgehogs. In accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5, EP4 and HS4 of the Adopted Chorley Borough Local Plan Review.

8. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the 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 the National Planning Policy Framework, Policy No. 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

9. 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. 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 the National Planning Policy Framework, Policy No. 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

10. Before the properties hereby permitted are first occupied, the driveways shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways 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 the National Planning Policy Framework and Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

10. All dwellings are required to be constructed to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 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 and in accordance with the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.

11. 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 and in accordance with the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.

12. 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

and in accordance with the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.

- 13.** Before the construction of the site hereby permitted is commenced facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
Reasons: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose material thus creating a hazard for road users and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.
- 14.** The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan titled: 'Planning Layout'; Drawing number 102; Revision C; Received 25th March 2013.
Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with the National Planning Policy Framework and Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
- 15.** The development hereby permitted shall be carried out in conformity with Section 8 of the Traffic Noise Assessment (received 1 February 2013).
Reason: To protect the amenity of the future occupiers of the site in accordance with the National Planning Policy Framework and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
- 16.** The level of the access shall be constructed 0.150m above the crown level of the carriageway.
Reason: To safeguard the future reconstruction of the highway and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
- 17.** Before the access is used for vehicular purposes, that part of the access and driveways extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.
Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users and in accordance with the National Planning Policy Framework and Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
- 18.** 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 be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition is that shown on the approved plan (Titled: Planning Layout; Drawing number: 102; Revision: C; Received: 25 March 2013).
Reason: To ensure adequate visibility at the street junction or site access and in accordance with the National Planning Policy Framework and Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
- 19.** The proposed access from the site to Wigan Road shall be constructed to a (minimum) width of 5.50m. Radii shall be 10m.
Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users and in accordance with the National Planning Policy Framework Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
- 20.** The existing access to the site shall be physically and permanently closed and the verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access).
Reason: To limit the number of access points to, and to maintain the proper construction of the highway and in accordance with the National Planning Policy Framework and Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

21. The dwellings shall not be commenced until all the off-site highway works have been constructed in accordance with the approved plans.
Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and in accordance with the National Planning Policy Framework and Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
22. The development hereby permitted shall be carried out in full accordance with the Recommendations detailed in section 5.1.9 of the Ecological Appraisal (ERAP April-May 2011) submitted with application 11/00894/FULMAJ and the recommendations detailed in paragraphs c, d, e, and f of section 5.5.4 of the Ecological Appraisal (ERAP, January 2013) submitted with this application.
Reason: In order to avoid impacts on amphibians (which have been recorded in the area and may be on the site) and to enhance the pond habitat. In accordance with the National Planning Policy Framework, Policy 22 of the Adopted Central Lancashire Core Strategy and Policy EP4 of the Adopted Chorley Borough Local Plan Review.
23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and the amenity of the future occupiers of the approved dwellings and those surrounding the site. In accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
24. The development hereby permitted shall only be carried out in accordance with the approved landscaping details on the plan titled 'General Arrangements'; Drawing number: 901; received: 24th January 2013. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons prior to the occupation of any dwellings or the completion of the development, whichever is the sooner, and any trees or plants, including the existing retained trees and plants detailed on the approved landscaping scheme as well as newly planted trees and plants which within a period of 5 years from the completion of the development or during the course of construction works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of matching size, stature and species unless an alternative is approved in writing by the Local Planning Authority following the submission and consideration of an updated landscaping scheme.
Reason: In the interest of the appearance of the locality and in accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.
25. Prior to the commencement of development, full details of the Management Company to deal with the future management of the site and a management plan detailing the continued management/maintenance of: (1) the pond (positioned to the north-east of the application site); (2) the 2no. orchard areas to the front of plots 1 and 14 (respectively) and; (3) the gated access to the site shall be submitted to and approved in writing by the local planning authority. The details shall include:
- Details of who will maintain the land;
 - Details of how the land will be maintained and kept (including grass, foliage, trees and litter);
 - Details of the regularity of maintenance;
 - Details access arrangements for emergency vehicles and refuge collection;
 - Contact details should issues of maintenance/access arise;

The site shall therefore be maintained / managed in accordance with the approved details thereafter.

Reason: To ensure continued maintenance of the land, to protect the appearance of the locality and to allow safe access/egress to the site. In the interests of the amenities of the local residents and in accordance with Policy 17 of the Adopted Central Lancashire Core Strategy and Policies GN5, HS4, EP4 and TR4 of the Adopted Chorley Borough Local Plan Review.

26. 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 at the site and in accordance with the National Planning Policy Framework and Policies EP4 and EP9 of the Adopted Chorley Borough Local Plan Review.

27. All windows in the first floor south elevation of the dwelling at plot 14 hereby permitted 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 properties and in accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.

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

Title	Drawing Reference	Revision	Received date
Double/double garage	DG_DG/DETAIL/101	A	25/03/2013
Sandown 5 bed house plot 1	H23BB-5/101	A	25/03/2013
Sandown 5 bed house plots 6, 9, 10 & 14	H23BB-5/102	A	25/03/2013
Double garage	DG/DETAIL/101	A	25/03/2013
Planning Layout	102	C	25/03/2013
Location plan	101	-	24/01/2013
General Arrangements	901	-	24/01/2013
Topographical land survey	S11/153	-	24/01/2013
Merton option 5 bed house plot 4	H2278-5/101	-	24/01/2013
Merton option 5 bed house plots 5 and 11	H22782-5/102	-	24/01/2013
Harbury 5 bed house plots 2, 8 and 13	H2174-5/101	-	24/01/2013
Harbury 5 bed house plot 7	H2174-5/102	-	24/01/2013
Harbury 5 bed house plots 3 and 12	H2174-5/103	-	24/01/2013

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