

Item 4m **12/01134/OUTMAJ**

Case Officer **Adele Hayes**

Ward **Clayton-le-Woods And Whittle-le-Woods**

Proposal **Outline application for means of access for up to 85 new dwellings. All other matters reserved.**

Location **JF Electrical Little Quarry Hill Top Lane Whittle-Le-Woods Chorley**

Applicant **Ruttle Plant Holdings Ltd**

Consultation expiry: **10 July 2013**

Application expiry: **13 March 2013**

Proposal

1. This application seeks outline planning permission for the erection of up to 85no. dwellings at Little Quarry, Hill Top Lane, Whittle-le-Woods. Consent is sought for the means of access to the site with all other matters reserved for subsequent approval.
2. The application site is some 6.61ha in extent. It is safeguarded land as designated under Local Plan policy DC3.18 and lies immediately adjacent to the settlement boundary of Whittle-le-Woods. It comprises the former Little Quarry and there are two buildings present on the site. They are industrial in appearance and of poor design. The quarry has been remodelled so that the site could become a dry ski-slope. The land rises gradually to the existing quarry pool from Hill Top Lane. Steeper slopes then lead to a fairly level part of the site that runs along the northern boundary.
3. Although the definition of previously developed land set out in the Framework excludes "*land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures*", a dry ski-slope use cannot be considered as greenfield restoration of the land and as such the land is considered to be previously developed land.
4. To the north and east, the site is bound by agricultural fields that also form safeguarded land with the M61 forming the boundary to the Green Belt beyond. The southern boundary is formed by Hill Top Lane.
5. On the opposite side of Hill Top Lane is Whittle Hill Quarries. Mineral extraction and the removal of quarry waste are scheduled to cease at the site not later than 21st February 2042 with final restoration by 21st February 2043. The quarry had previously been worked to a depth of around 40 metres and some rock extraction has recommenced.
6. To the south-west and west the application site is bound by residential development.

Recommendation

7. It is recommended that this application is granted conditional outline planning approval subject to an associated Section 106 Agreement

Main Issues

8. The main issues for consideration in respect of this planning application are:

Principle of the development
Density
Affordable Housing
Impact on the neighbours
Design
Open Space
Education
Trees and Landscape
Ecology
Flood Risk and Drainage
Traffic and Transport
Public Rights of Way
Contamination and Coal Mines
Sustainability

Representations

9. 17 letters have been received citing the following grounds of objection:

- The village and in particular the dwellings to the west of the development will suffer greatly from the prolonged noise associated with the excavation, traffic and construction.
- The junction with Hill Top Rd is not adequate to support the traffic and the claim that 2 HGVs can pass safely on Hill Top Rd especially with proposed footpath isn't credible. HGVs do service the quarry but the residents have complained for many years about the disruption they cause - they do not respect the 20mph limit and deposit mud and grime on the roads and cars parked along it. Another 85 houses will increase the traffic on this already congested road and make the area more dangerous for motorists and pedestrians.
- Lord Street is an unadopted street with no lighting. The residents are responsible for its upkeep and do not want any alterations or the steps removing as they are of historic value.
- Privacy is threatened as properties will be overlooked.
- The HGV's had to travel in and out in single file as the road is too narrow and the junction at the best of times is hazardous to say the least. The cars that come there already nearly cause accidents never mind adding over 100 cars extra for 85 dwellings.
- Chorley Old Road cannot cope with the current traffic never mind any more, it's a joke at the moment once people are coming home from work. Whichever direction you go from there it is single file till you get to the A6 as Mill Lane cannot cope, if all the traffic is going to go down there either.
- As a horse rider from the parish of Brindle for the past 30 + years, I am extremely concerned by the extra traffic in the area in which I, and many others ride and have ridden in over those years in what is now a reasonably quiet area-85 dwellings are an awful lot of development with at LEAST one car per dwelling!! I would like to know what the impact will be on the narrow lanes we use in the area-as I dare not imagine.
- Lord Street is a private road with no street lighting and the accessibility is limited to a public footpath only. This should not be used as a proposed connection to so many houses. This will significantly increase the number of people using the private street and therefore reduce resident's rights to the privacy of the private road that the house owners have adopted and maintained.
- This is over-development in the village area of the highest order. The amount of development currently taking place on pockets of land along Chorley Old Rd in the past 2 years is ridiculous. Traffic and parking along Chorley Old Rd already makes driving along there a difficult proposition. The area provides a rural wide open space and the surrounding road of Hill Top Lane is, in many places, only sufficient for single file traffic. To then add up to 85 more houses and associated cars (probably 2 per house so 170) is too much. The junction of Hill Top Lane and Chorley Old Rd is always a difficult one to

negotiate and this would make what is currently a bad problem a lot worse. The village is becoming nothing more than a large building plot and does not need more and more houses especially being so close to Buckshaw and the recently allowed development off Town Lane and Lucas Lane.

- Chorley Old Road already has far too much traffic on it. It is dangerous, and having another 80 plus houses will send it over the limit. A pinch point already exists at the entrance to Hill Top lane, and a serious accident is waiting to happen here. Furthermore, there is no detail to show how the land will be developed with elevation details.
- Having houses set above existing properties is not acceptable.
- Hill Top Lane, Top o th'lane and the surrounding quiet lanes would also be ruined by traffic
- The embankment along with the tree line needs to remain to ensure any level of privacy.
- Whittle Le Woods has already been over developed and has more than played its part in the requirement for new homes.
- Whittle-le-Woods has provided more building land in the Local Plan than was stipulated in the Central Lancashire Core Strategy. Therefore this land should remain as safeguarded land for the duration of the Plan. This site has previously been granted permission for the formation of a dry ski slope. The conditions contained reference to the traffic levels and stipulated that because of the difficulties with resident parking at the Hill Top Lane/Chorley Old Road junction, double yellow lines need to be provided at that junction to give better site lines and so provision for resident parking must be made at the rear of the Village store on Chorley Old Road. As it can be assumed that similar traffic journeys would be evident within this application and as it has already been established that there is a problem, this has not been satisfactorily addressed in this application.
- There would be adverse impact on highway safety and parking; nature conservation and trees; character of the area; residential amenity including loss of light, overlooking and loss of privacy; noise and disturbance.
- This land was submitted for inclusion in the original site suggestions for development but was not carried forward at the first review. This land should remain undeveloped for the length of the Local Plan. This land has been infilled with waste over the past 10 years and is consequently currently unsuitable for development. There is a large fissure in the field adjacent to the top of the quarry which appeared some years ago due to quarrying too close to the boundary without shelving. This fissure is slowly enlarging and the whole landfill site seems to be slipping towards Smith Street. Also on the east face there has been a significant rock fall about 5 months ago proving that the rock face has become unstable. The traffic information included in this application would be impressive if it were understandable. The residents of Chorley Old Road and those who use it will be able to supply the required information on traffic conditions rather than the 'experts'.
- There is a lack of pedestrian access to the site other than the public footpath through Lord Street which has no dedicated pavements and would be totally unsuitable as a sole access route to the new development for circa 250 people.
- The proposed "new "footpath entrance onto Smith St is over land not currently owned by the council.
- The existing collapse of neighbouring land into the site was investigated some 30 + years ago and was found to be as a result of a natural geological fault line which runs across the old Quarry site, with this instability on the site an insurer would not cover the proposed newly built properties.
- The past promises of a previous sport facility in the village never materialised.
- The development with its structural geological problems will never materialise and is being used by the current owners as a smoke screen and if passed will provide its current owners the motive to fill and level the existing pond and site with inert material which will generate many many thousands of pounds in tipping fees for thousands of extra tonnes brought to the site and more years of misery for the people of Whittle with lorries rumbling through the village and yet more profit for the owners.
- The original timetable for infill of the site has been extended by the council and Lancashire County Council on numerous occasions. It is time it was closed for further redevelopment and allowed to be reclaimed by nature.
- Traffic will be a serious nuisance yet any traffic planner will be able to statistically prove that potential accidents, injuries or deaths caused by an estimated 250 car journeys per day (91,250 each year) are within acceptable guidelines.

- Local residents are assured that laying 65,000 square metres of cement and tarmac presents only a low increased risk of flooding. Four of the five wettest years since 1910 have occurred since year 2000. Neither Government nor scientists can predict what climate change will bring yet the developers can predict the risk to my home is low without defining “low” – 1%, 5% 10%? We will only be able to cross that bridge when we get to it if it has not been washed away. Add the sudden impact of several hundred people looking down into existing properties and gardens, and Lord St and Smith St changing from quiet streets into busy thoroughfares and a major loss of valued peace and privacy in a large number of homes.
- Chorley's Planning Policy requires consideration of maintaining and enhancing local identity and distinctiveness-this application will further ruin Whittle as a village and is completely unnecessary.

Consultations

10. Whittle-le-Woods Parish Council object to this planning application on the following grounds:

Approval for previous infilling of this site had been granted on the condition that the site be used for a community amenity. To use the site for housing would then be going back on one of the conditions upon which the original planning permission to infill the site was granted.

The site is and will remain unstable for a long time. There has not been nearly enough land settlement time since the infilling took place. It should be noted that Langdale Grove residents are currently suffering because, after 40 years, the land their homes is built on is still unsettled and is liable to movement.

The sewerage infrastructure on Chorley Old Road is already inadequate to deal with current usage. The requirements produced by additional housing stock would overload the sewerage system.

The fish filled lake would have to be filled in and drained. Where would this water be moved to?

The area has begun to subside with a number of fissures opening.

The already difficult traffic situation on Chorley Old Road and at the junction with Hill Top Lane will be made even worse by the increased number of vehicles that this proposed development would undoubtedly create, both during construction and once inhabited.

The Borough Policy is to develop brownfield sites. One has become available on Kem Mill Lane with the closure of Woodfit and this would be suitable for housing.

The parish is constantly being targeted for development and with each passing year more open spaces disappear. This has to stop and the open areas maintained for the benefit of current and future residents.

The Parish Council has been informed by the Borough Council's planning department that there is enough housing stock in the village and the quota for new building has been reached, but still large applications such as these keep being raised and granted.

The Parish Council strongly and unanimously believe that the site must remain as a village amenity and not be taken over for housing.

11. **Lancashire County Council (Ecology)** no comments received

12. **Lancashire County Council (Minerals)** comment the development plan for the area, specifically the saved policies of the *Lancashire Minerals and Waste Local Plan 2006* and the *Lancashire Minerals and Waste Development Framework Core Strategy* and emerging *Site Allocations and Development Management Policies* DPDs are of relevance.

The application is in a Mineral Safeguarding Area as defined by emerging policy M2 of the *Joint Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies* DPD and *Proposals Map* and protected by Policy CS1 of the adopted *Joint Lancashire Minerals and Waste Local Development Framework Core Strategy*.

Although the development is located within the Mineral Safeguarded Area of Little Quarry, the quarry has until recently been operating as a landfill site, moreover the immediate area

would not have the potential for commercial quarrying given the proximity of housing and the motorway.

However, the proposed development is within 150m of Whittle Hill quarry which is currently inactive but could be worked without requiring further permissions, and consideration will need to be given to the potential impacts of the development on the future working of the quarry, and any potential impacts of the quarry workings on the proposed development. The Council will need to satisfy itself that the proposed development would not be subject to any major issues of noise, dust or blasting vibration associated with the current or potential future working of the quarry.

Whilst the current permission contains a comprehensive set of planning conditions covering matters such as noise and dust, these conditions were established to mitigate the impacts on the existing properties around the site. Developments that encroach closer to the quarry may not benefit from the mitigation afforded by these conditions, as their circumstances will differ given their closer proximity. Care needs to be taken that development is not allowed to encroach so close to the quarry that it becomes impossible for the quarry operator to comply with set or recognised limitations on noise, dust and vibration levels in relation to mineral workings, thereby constraining the ability to work minerals from this quarry in the future.

In view of these comments the applicant was requested to provide evidence of the likely environmental impacts from present or future quarry operations on future occupiers of the proposed housing development. The submitted noise report has been assessed by the Council's Environmental Health Officers.

13. **Lancashire County Council (Highways)** is supportive of the proposed residential development in principle, and comment that the pedestrian/cycle link through Smith Street is considered to be a critical element in alleviating the unacceptable difficulties pedestrian/cyclists would have in using Hill Top Lane, limiting environmental impact of car-borne trips on Hill Top Lane and other residential roads in the area and providing permeability and route choice for residents of the proposed development.

The County Council, as Local Highway Authority, initially objected to the application as originally submitted due to apparent unresolved legal issues relating to a piece of land at the end of Smith Street.

However the applicant's agent has since provided land registry evidence that the land is in Council ownership and as such the route can be satisfactorily provided.

LCC have therefore removed their initial objection and recommend the imposition of conditions.

14. **Lancashire County Council (Education)** does not require a contribution for education provision.
15. **The Environment Agency** no comments received
16. **United Utilities** have no objection to the proposal subject to the imposition of a condition requiring a scheme for the provision and implementation of a surface water regulation system, restricting surface water discharge to greenfield runoff rates, to be approved by the Local Planning Authority.
17. **The Architectural Liaison Officer, Local Policing Unit** comment that during the last 12 months, crime within the immediate area has included theft from vehicles, criminal damage and burglary. Care should be taken to avoid this development becoming a target for those already engaging in crime within this area.

The initial design should reflect these risks and reduce the opportunity for crime and anti-social behaviour taking hold.

There is one main vehicular access into the development. This limits the permeability of the area and meets with the principles of Secured by Design.

Including the main access, there are 5 pedestrian access points and it is recommended that this number is reduced as the routes provide additional access and escape routes for intruders' intent on committing crimes such as burglary and theft from vehicles.

18. **Director People and Places** People & Places - Noise/Emissions initially commented that the nearest residential property on the proposed development is approximately 70 metres or less from Whittle Hill Quarry. Although Whittle Hill Quarry is currently inactive, it could be worked again without requiring further permissions.

Although there are existing conditions on Whittle Hill Quarry relating to the hours of operation for mining and use of explosives, noise from plant and machinery and general noise levels at the site boundary, it is reasonable to expect that the potential impact of the quarry workings on the proposed development should be considered by the applicant. Although distances to Whittle Hill Quarry from the proposed development and existing properties are similar, issues such as topography may have an effect on the noise levels experienced at the proposed development. Therefore, it is not necessarily the case that noise levels at the proposed development will be similar to the noise levels which would be experienced at existing properties.

Accordingly the applicant was requested to commission a member of the Institute of Acoustics to provide a noise assessment to consider the potential impact of the quarry workings on the proposed development. The assessment undertaken on behalf of the applicant considers the potential for noise from the nearby quarry on the proposed development.

The findings of the report are accepted and no objections are raised to the application.

19. **Strategic Housing Services Officer** comments that the 'affordable' homes should be split in terms of tenure as follows :

70% Social Rent and 30% Intermediate sales (i.e. shared ownership)

The required house types are:

18 units x Social Rent:

4 x 1bed 2 person flats

12 x 2bed 4 person houses

2 x 3bed 5 person houses

8 units x Intermediate sale:

2 x 2bed 4 person houses

6 x 3bed 5 person houses

All of the 'affordable' homes should be sold to one Affordable Housing Provider /Registered Provider who has stock / management presence in the borough and is a member of the Select Move choice based lettings system e.g. Adactus/CCH or New Progress.

20. **Chorley's Waste & Contaminated Land Officer** no comments received
21. **Parks & Public Open Space** no comments received
22. **The Coal Authority** recommend standing advice that will be included as an informative

Applicant's Case

23. The application site has had a long development history, first for quarrying which created a substantial void, then for remediation by means of backfilling the void with inert material,

mainly construction soils. At the time of commencing the filling operation, it was intended to create a synthetic ski slope which could take advantage of the topography to provide a good quality experience of dry skiing, including ski tows, runs of several levels of difficulty and a mogul slope.

24. In the time since that original consent was granted in 1998, the advance of ski technology and in particular to construction of the 'Chill Factor e' snow sports centre near the Trafford Centre has meant that synthetic outdoor ski facilities have lost their interest and commercial viability. The comparable centre at Rossendale has closed as one consequence of the technological advances.
25. Whilst there is a requirement to restore the tip by grading and landscaping its surface, the landform is that conceived for the ski facilities. If restored to this form, the site will have no beneficial use and will inevitably give rise to maintenance, drainage, health and safety and security issues. The hazards arising as a result of proximity of such unmanaged land adjacent to a large residential area were unfortunately underlined by the death last year of a young man in the lake in the adjacent quarry.
26. There are therefore substantial merits in allowing the development of an alternative use to the outmoded ski slope proposal in order to secure a beneficial use of this land which will remove the risks associated with leaving it without any beneficial use.
27. In addition, there are sound planning policy reasons to allow housing development on the site. There is an established need now and in the long term for significant housing development in Chorley and in the wider Central Lancashire area. Whittle-le-Woods is a community identified in the recently adopted Core Strategy as an urban service centre where growth and investment will be encouraged to meet housing and employment needs. The policy requires that growth and investment be concentrated on well-located brownfield sites. The application proposals are in full conformity with the policy of the Core Strategy. This is a brownfield site without beneficial use located in a settlement identified for housing growth. There is therefore a statutory presumption in favour of allowing the proposals and, as sustainable development, a presumption in favour of approving the application existing by virtue of the Framework. The proposals can only be properly refused if they would cause unacceptable harm to other planning considerations sufficient to outweigh the strong presumption in favour of the scheme.
28. The application has considered the full range of potential impacts that could arise from the development and where necessary has taken advice from specialist consultants. There are no areas where unacceptable harm would arise which could support refusal of the application, including the principle of developing safeguarded land.
29. A recent appeal decision relating to land north and west of Lucas Lane, Whittle-le-Woods (appeal ref: 21726932) is of direct relevance in this regard. In that appeal, the main issue was whether permitting the proposed development of safeguarded land would be premature and cause material harm to the proper planning of the area. As a result of that appeal planning permission was granted on the greenfield safeguarded site. It is to be noted, however, that the application site is previously developed land without beneficial use, and therefore its development under the development plan policies is sequentially far preferable to the release of greenfield land for development arising from the appeal decision.
30. The following extract from the appeal decision provides a useful introduction to establishing the principle of development at the application site:
31. *The Appeal Site forms part of a larger Area of Safeguarded Land identified in Policy DC3.18 of the Local Plan (LP). The supporting text explains that Areas of Safeguarded Land are excluded from the surrounding Green Belt and they should be treated as if they were Green Belt until such time as a need for the land has been identified in a future review of the Plan. Policy DC3 says that only development permitted under Policies DC1 (Green Belt) and DC2 (Countryside) will be acceptable in Areas of Safeguarded Land. The proposed residential*

development does not accord with either of these policies and is therefore contrary to Policy DC3 of the Development Plan; as agreed by the main parties at the Inquiry.

32. *The Plan Period for the adopted Local Plan was until 2006 and Policy DC3, along with other policies, has been saved, but that does not necessarily mean it is up to date in terms of paragraph 215 of the National Planning Policy Framework (the Framework).*
33. *The 2003 Local Plan (LP), with a Plan Period ending in 2006, has housing policies related to a very much smaller housing provision under the old Regional Planning Guidance 3, and this development was directed away from Chorley, where more restrictive policies applied. There is no strategy in the adopted Plan to meet the housing needs after 2006 and very few of the allocations remain to be developed. The housing policies of the Plan are therefore outdated, as concluded by the Secretary of State in the Wigan Road Appeal decision and by the Inspector for the Clancutt Lane appeal. Accordingly, paragraph 14 of the Framework and its presumption in favour of sustainable development applies in this case. The principle of safeguarding land for later development following a Local Plan review is however still current policy in paragraph 85 of the National Planning Policy Framework (The Framework). The Council accepted that the minimum level of housing provision can only be met by the release of some Safeguarded Land, and the specific areas identified in Policy DC3 clearly need to be reassessed. The fundamental question in this case is therefore whether there is a need to release this part of an Area of Safeguarded Land in advance of a formal Plan Review.*
34. The application site forms part of an Area of Safeguarded Land where the proposed residential development would be contrary to the Development Plan which, in respect of Policy DC3, is out of date. The presumption in favour of sustainable development in paragraph 14 of NPPF therefore applies. The proposals represent sustainable development as defined in NPPF and there is therefore a presumption in favour of the proposals

Assessment

Principle of the development

35. Whittle-le-Woods is a designated Urban Local Service Centre in the Core Strategy, so is appropriate for some housing growth and investment.
36. This proposal is located on land designated as safeguarded by Policy DC3.18 in the adopted Chorley Local Plan. There have been a number of appeal decisions on sites on designated safeguarded land, which are material considerations in the determination of this application. In the decisions for housing applications on safeguarded land at Clayton-le-Woods, Coppull and Lucas Lane, Whittle-le-Woods, Inspectors have concluded that Policy DC3 should be considered out of date and afforded it limited weight in their appeal decisions. Therefore, although this proposal would be in breach of saved policy DC3 this policy must be read in the context of other material considerations that may be more up-to-date.
37. The Chorley Local Plan 2012 – 2026 has now been the subject of an Examination in Public. This Plan allocates some of the DC3.18 land for housing (Policy HS1.43A, HS1.43B, HS1.43C and HS1.44) but does not allocate the land that is subject to this planning application for housing. A site suggestion for housing was received at the Issues and Options stage of the process, but the Council did not allocate the land for housing at Preferred Option or Publication stage. The land that is subject to this application forms part of the designated BNE3.10 West of M61 Whittle-le-Woods Safeguarded Land. Therefore, this proposal is contrary to the emerging Local Plan. The site was the subject of submissions at the examination and was visited by the Inspector. The matter of this site and the Local Plan Examination is not a settled matter.
38. Paragraph 17 of the Planning System General Principles document states that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so

substantial, or where the cumulative effect so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location, or phasing of new development which are being addressed in policy in the DPD. It also states that a proposal for development which has an impact on only a small area would rarely come into this category. In the Whittle-le-Woods appeal decision, when looking at a proposal for up to 135 dwellings, the Inspector stated that in the light of the Council's overall housing requirements, 135 units could hardly be considered so substantial that it would prejudice the development plan process. This application is for fewer dwellings (up to 85) and following the Whittle-le-Woods appeal decision it is not considered that it is so substantial, or the cumulative effect so significant, that granting permission could prejudice the emerging Local Plan by predetermining decisions about the scale, location or phasing of new development.

39. Paragraph 18 of the Planning System General Principles states that planning applications should continue to be considered in the light of current policies, but that account can also be taken of policies in emerging DPDs, with the weight to be attached depending upon the stage of preparation or review. It states that where a DPD has been submitted for examination, but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. It also states that converse may apply if there have been representations which oppose the policy and that much will depend on the nature of those representations and whether there are representations in support of particular policies.
40. This proposal for housing on safeguarded land is contrary to policy in the emerging Local Plan. The Framework provides further advice on the weight that can be given to emerging policies in Paragraph 216. It states that decision takers may also give weight to relevant policies in emerging plans according to three different factors:
 - The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
41. In terms of the first bullet point, the emerging Local Plan was submitted in December 2012. Therefore, this plan is at a very advanced stage, so can be afforded weight in relation to this bullet point.
42. In terms of the second bullet point, four objections were made to the BNE3.10 safeguarded land allocation at publication stage. Two of them propose housing allocations on other areas of the wider BNE3.10 safeguarded land, one proposes a housing allocation at Whittle Hill Quarries to the south of the site and one proposes a housing allocation on the land that is the subject of this planning application. The Parish Council objected to the site suggestion for housing on this site at Issues and Options stage, but supported the Council's decision to safeguard (and not allocate) the site at Publication (and Preferred Option) stage. Therefore, there is both support and objection to relevant policies. Therefore, it cannot be said that Policy BNE 3.10 is non-controversial; consequently the weight that can be given to this designation is reduced, reflecting advice in the Framework paragraph 216 and The Planning System General Principles paragraph 18.
43. In terms of the third bullet point, the Framework supports the identification of safeguarded land and the Council considers that relevant policies on housing are consistent with the Framework, so the emerging plan can be afforded weight in relation to this bullet point.
44. In summary, it is not considered that significant weight can be attached to Policy BNE 3.10 in the emerging Local Plan yet, because it is subject to outstanding objections of some significance; which have been submitted to the Local Plan Examination Inspector and cannot be identified as a settled matter.

45. In terms of the emerging policy situation, the emerging Local Plan was submitted in December 2012. The Examination in Public hearings for the emerging Local Plan took place in April/June. It is anticipated that further hearing sessions specifically into the matter of the Gypsy Traveller Accommodation Assessment and Traveller's site allocations will be held in January/February 2014.
46. The Council will proceed with its consultation on the proposed main modifications to the Plan. This will begin on 1 July 2013 for an eight week period. Following receipt of the responses to the consultation, the Inspector will issue an interim report on their findings into the soundness of the Plan on all matters other than those relating to Travellers (October).
47. There is no urgent need to develop this site in terms of housing supply as the Council has a five year housing supply plus 5%, which was accepted by the Inspector in the Lucas Lane, Whittle-le-Woods appeal decision. Housing development is underway on a number of smaller sites in Whittle-le-Woods and up to 135 dwellings have been permitted at the Lucas Lane, Whittle-le-Woods site. Therefore, there is no urgent need to approve this site to meet borough-wide or Whittle-le-Woods housing requirements.
48. The Core Strategy has a target for 70% of new housing to be on brownfield sites and it is accepted that since this application site is brownfield, this application would help to meet that target, but this is just one consideration in the planning balance.
49. Emerging Local Plan Policy HS2 is a phasing policy which states that development will be permitted in order to achieve the general sequence of development as set out in the phasing schedule to deliver the annual rate of supply under Core Strategy Policy 4: Housing Delivery. As this site is not proposed for allocation in the emerging Local Plan it is not included within the housing development phasing schedule. However, paragraph 5.20 of the reasoned justification to this policy states that the priority for phasing is to develop sustainable brownfield sites. Therefore, since this is a sustainable brownfield site, its development would be in accordance with the thrust of the phasing policy. The site is likely to take a number of years to firstly prepare and then a developer would need to be identified.
50. The applicants are proposing 30% affordable housing; this is in accordance with Core Strategy Policy 7.
51. On balance and in this instance the principle of residential development is considered to be acceptable.

Density

52. The developable area of the site is approximately 3ha in extent and the erection of up 85 dwellings will provide a development density of some 28.3dph. Existing development which forms the context of the application site to the north and east is built at a lower density. The proposed density level will also enable the provision of a significant amount of open space across the wider site. It is considered in this instance that the proposed density will make efficient and effective use of the land whilst reflecting the density of the surrounding development.

Design and layout

53. The application is for outline planning permission and the only matter not reserved is access. It is proposed that access to the site will be gained from Hill Top Lane. The existing access will be utilised with some modifications as shown on the submitted access plan.
54. As only access is being applied for, the design and layout aspects of the proposals cannot be considered in detail. However the submitted indicative layout demonstrates the development form that is anticipated will be taken forward at reserved matters stage.
55. The scale parameters proposed are:

Height: 4.5m – 10m
Width: 3.5m – 12.5m
Depth: 6m – 11m

56. Pedestrian/cycle links into the site will be provided via Smith Street, Lord Street and the various footpaths. It is considered that this level of connectivity between the development and the surrounding area is appropriate. Development will front onto Hill top Lane to enhance the street scene and the amenity green space and the slopes will form an attractive background. Significant landscaping will be provided throughout the development. This will effectively soften the transition from open countryside to built development. This will be aided by the proposed expanse of open space provision.
57. The design of the dwellings will be considered at reserved matters stage. However it is anticipated that the development will comprise house types from a developer's portfolio which incorporate some features found in the area.

Impact on the neighbours

58. There are residential properties immediately adjoining the site to the west. Whilst matters of siting are not for consideration at this stage, there is a sufficient degree of separation between the existing dwellings and the developable area of the site to ensure that the Council's spacing standards will be respected. As such it is considered that the proposal will not result in any loss of amenity for existing residents and the future residents within the development.

Open Space

59. Policy HS21 of the adopted Local Plan covers Playing Space Requirements for new developments and sets a standard of 0.45 hectares per 1,000 population. There is currently a surplus of provision in the Clayton-le-Woods and Whittle-le-Woods ward in relation to this standard, a contribution towards new provision in the ward is therefore not required from this development. However amenity greenspace will be provided on site.

Provision for children/young people (equipped play area)

60. Local Plan Policy HS21 sets a standard of 0.25 hectares per 1,000 population. There is currently a deficit of provision in the Clayton-le-Woods and Whittle-le-Woods ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The Council's approach as set out in the Interim Planning Guidelines associated with Policy HS21 is for equipped play areas to only be provided on-site on developments of 100 or more dwellings. On-site provision will only be acceptable if the layout satisfactorily prevents nuisance to residents of the new development. In this instance the on-site provision is considered to be acceptable.

Playing Pitches

61. 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 amount required is £868 per dwelling and this will be secured through a Section 106 Obligation.
62. As part of the residential development, over 3.5ha of the site will provide open space including:
- Amenity green space along the slopes;
 - Formal public open space at the top of the site where users will be able to take advantage of the 360 degree views;
 - A Local Equipped Area of Play; and,
 - Enhanced open space along the footpaths.

Trees and Landscape

63. There are no protected trees within the site boundaries of the planning application although there are trees located around the perimeter of the site, outside of the quarried area and the proposed developable area. The indicative layout shows that the development, including the re-modelling of the land form, will be set well back from trees or hedges and will not adversely impact root protection zones.
64. There is potential for the development of this site to provide public access improvements into and through the site and footpaths are proposed through to Lord Street and Smith Street but these will be of permeable material and constructed around existing trees using no-dig techniques.
65. It is therefore considered that existing trees will not be affected by the outline proposals.

Ecology

66. An ecological assessment accompanies the application and concludes that the principle of the proposed development is feasible from ecological and nature conservation standpoints and that the development is in accordance with biodiversity considerations. This includes the protection and conservation of protected and Priority Species and the Framework guidance that biodiversity should be enhanced by incorporation of new biodiversity in the design of development.
67. It is considered that these conclusions are valid provided that the new biodiversity proposals including landscape planting and pond creation, as detailed in the assessment, are applied throughout the design and construction of the development, including retention and management of the enhanced biodiversity following the completion of the development. To guarantee the successful implementation and long-term protection of the increased biodiversity, the biodiversity enhancements and habitat creation proposals will be made subject to a Habitat Creation and Management Plan. The recommendations set out in the submitted Ecological Survey and Assessment will be incorporated into the development as shown on the indicative masterplan and can be secured by the imposition of a condition.

Flood Risk and drainage

68. A flood risk assessment accompanies the application that has reviewed all sources of flood risk to both the proposed development and to the existing adjacent development as a result of the proposals. It is concluded that there is no flood risk and appropriate conditions are proposed.

Traffic and Transport

69. The Applicant has produced a Transport Assessment (TA) in which the junctions of A6/B5256 roundabout, A6/Mill Lane, A6/Shaw Brow and Old Chorley Road/Hill Top Lane were studied and seeks to demonstrate that the development will not have a material impact on the operational performance of the local and strategic road network.
70. After reviewing the TA and following a meeting, the developer was asked to submit additional information relating traffic growth and assessment years and to demonstrate that A6/Cow Well Lane will not be adversely impacted by the proposed development.
71. The applicant was also requested to provide potential amelioration measures for Hill Top Lane and its junction with Chorley Old Road for improved pedestrian safety and visibility and to address the issue of land ownership to enable pedestrian/cycle link to be provided along Public Rights of Way (FP28 & 29) from the proposed development to Smith Street. The applicant has provided this information together with plans, aimed at addressing the above issues. Various methodologies and assumptions for a number of key areas were used by the applicant in the transport assessment.

72. Assessment years and traffic growth - The traffic growth figures have been derived from the NTM adjusted growth factor methodology. Whilst no issues are raised with this methodology, no committed developments in the area seem to have been taken into account. Major committed developments in Town Lane (Lucas Lane) for example which would impact the development study routes and junctions was not considered. Nonetheless, the figures adopted have accounted for the area development site allocation as apart from development in Lucas Lane, there are no other major committed developments which could be expected to result in higher than average growth on the surrounding network. As such, the applicant's growth factors are acceptable.
73. Analysis period - The proposal has adopted a traffic survey done in 2012 for the TA with the analysis based on peak times of 08:00 – 09:00 (AM) and 17:00-18:00 (PM). This approach is acceptable.
74. Trip generation and distribution - The applicant's trip generation figures have been analysed by the County Council's Highway Engineer who has confirmed that there are comparable rates. It would therefore appear that the projected impact of vehicular traffic from the development can be fully absorbed by the existing highway network. The trip distribution, as presented, seems to reflect the true nature of the current highway network. Vehicles seem to have been fairly distributed in both directions from Chorley Old Road/Hill Top Lane towards the A6.
75. Proposed site access (Hill Top Lane) -The applicant proposes to alter the existing vehicle access to Hill Top Lane for use to access the development. Hill Top Lane in its current form is not considered acceptable to serve the developments due to safety concerns and lack of footways. However, the applicant is willing to fund local safety improvements including contributing towards provision of a pedestrian/cycle link to Smith Street to serve as the alternative passage for pedestrians and cyclists between the site and Chorley Old Road. Lord Street was considered for this purpose, but later ruled out due to its narrow width that is below the standard width required under the DDA for safe access for push/wheel chair users. In addition apparent unauthorised across part of it is currently being investigated by the Council.
76. The proposed local safety improvements as shown on the submitted plans are acceptable in principle although the locations of some of the features may need to be revised as they may be outside the adopted highway.
77. Visibility splay at the site access is currently far below what is required for a 60mph road, however, the applicant's proposed improvement measures includes making the section of Hill Top Lane between Chorley Old Road and the central island located east of the site access a 20mph zone. This would reduce the need for longer horizontal visibility distances.
78. It is evidently clear that footways cannot be provided on Hill Top Lane. However, it is noted that along the carriageway, within the limits of the highway adoptions, there are sections that can be paved into footways to provide 'refuge' for pedestrians in the event of having to give way to vehicles, especially large vehicles.
79. These footways will not be of standard width and it is also unlikely that this will be in continuous length due to limitations of the adopted highway in some sections, however, even if these are provided in short lengths on both sides of the road wherever space allows within the proposed improvement area, it will go a long way in assisting pedestrians to use the road in safety. The proposed improvement scheme as shown on the submitted plans seems acceptable, but a Stage 1 Safety Audit will be required to see if there are any safety implications for the proposal.
80. Pedestrians and Cyclists Access and Public Transport - It is acknowledged that due to the inherent layout and the narrow width of Hill Top Lane, the site is not accessible to pedestrians and cyclists. However, as alternative to pedestrians/cyclists using the narrow carriageway of Hill Top Lane, the applicant has proposed a pedestrian/cycle link along the

existing footpaths (FP28 & FP29) through the wooded area (Dianthus Nurseries) to connect Smith Street. The use of Lord Street was also suggested, but it was agreed that Lord Street would be unsuitable due to its undue slope and narrow width which falls below DDA approved Standard for ensuring safe passage of people with mobility difficulties and wheel/push chair users.

81. The applicant's agent has provided evidence that a piece of land at the end of Smith Street is owned by Chorley Council and therefore the proposed pedestrian/cycle link can be satisfactorily routed through Smith Street.
82. Public Transport Improvements - A public transport improvement is one of the essential transport infrastructures identified by the Core Strategy to accompany residential development proposals. As such, the applicant will be required to fund improvements to the two existing bus stops close to Chorley Old Road/Hill Top Lane to DDA standard with shelter, raised kerb etc. This will require a commuted sum secured through a Section 106 Obligation.
83. Internal site layout - The application has been submitted in outline and consent is only sought for the means of access to the site. However, the illustrative Masterplan appears to be acceptable. At the reserved matters stage, the detailed internal site layout will be expected to follow the principles of the Manual for Streets (MfS & MfS2) and the LCC's Creating Civilised Streets. Issues such as servicing, delivery, waste collection and routing should be in line with appropriate standards. The final detailed layout should be sufficient in order to be accepted for adoption under the Section 38 agreement of the Highways Act 1980 with adequate measures to control vehicle speeds. The speed control measures should be through the design and layout of the roads and buildings without the need for vertical deflections.
84. Construction strategy and phasing – The TA notes that prior to any commencement of the development, the developer will be required to submit a construction phasing plan, including off-site highways works, for approval by the Local Planning Authority in consultation with the Highway Authority.
85. Mitigation - The local safety improvement measures as detailed on the plans referred to above, including the proposed 20mph zone and the waiting restriction at Chorley Old Road/Hill Top Lane, should help minimise the impact and influence of the proposal to deliver sustainable development. However, these measures involve making of Traffic Regulation Orders, a separate procedure from the planning application process which involves public consultation in which the proposed schemes can only proceed when any objections received during the consultation are successfully resolved. These public consultations are statutory and are required even if the development has received planning permission and can often be expensive and lengthy process. The applicant is responsible for all costs associated with the consultation, advertisement of the Orders and implementation of the measures. This will require a commuted sum secured through a Section 106 Obligation.
86. Travel Plan - The applicant's amended Framework Travel Plan does not meet the County Council's submission criteria. Apart from the appointment of the Travel Plan Co-ordinator and informing LCC's Travel Plan Team of contact details 3 months prior to initial occupation as rightly indicated by the applicant in the submission, the Framework Travel Plan should include the following commitments.
 - to complete a residents travel survey within 3 months of 40% occupation.
 - to submit a Full Travel Plan to the Planning Authority within 3 months of the residents' travel survey (within 6 months of 40% occupation.)
 - clarification of how each property will provide cycle storage
 - to review the Full Travel Plan annually for at least 5 years (including surveys)
87. The applicant has been requested to make the recommended revisions.
88. As a Framework Travel Plan (FTP) does not include any targets, once the above issues have been addressed in a revised Framework Travel Plan, it has been requested by LCC that a

Full Travel Plan is made conditional to any planning approval along the time scales in the Framework Travel Plan.

89. A contribution of £6,000 is required to enable LCC Travel Team to provide a range of services.

90. Public Right of Way

91. Footpaths 25, 27, 28, 29 and 30 all provide access to the application site. The footpaths have not been surfaced but they are however relatively level and run alongside the boundary of the site. They can be used to gain access to the site from Hill Top Lane to the north and south. Two further access points are available from the west via Lord Street and Smith Street.

92. Lord Street is a single lane, unlit street which serves a number of dwellings; access to the footpath is a small set of stairs and so is not accessible to all. Smith Street however is lit, has footways running up to the connection with the footpath and provides level access.

93. The footpaths around the site, and in particular their connection with Smith Street, significantly increase its connectivity to the established community of Whittle-le-Woods.

94. Contamination and Coal Mines

95. The site is within a low risk area in terms of former coal mines as identified by the Coal Authority, therefore if the application is approved an informative note would be required to be applied to any decision notice.

96. Sustainability

97. Policy 27 of the Core Strategy relates to Sustainable Resources in New Developments. This requires new dwellings to be built to Level 4 (or Level 6 if commenced after January 2016) of the Code for Sustainable Homes and for schemes of over 5 dwellings additional building fabric or decentralised, renewable or low carbon energy sources should be installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%. This could be imposed by conditions.

98. Section 106 Agreement

99. Due to the nature of the development a section 106 Agreement will be required to secure the necessary planning obligations resulting from the development in accordance with the tests set out within the Framework as follows. Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

100. In respect of this current application this would include:

- a commuted sum of £868 per dwelling towards playing pitch provision.
- a commuted sum of £6000 towards travel plan monitoring by Lancashire County Council.
- a commuted sum of £3000 towards the promotion of a Traffic Regulation Order by Lancashire County Council.

Overall Conclusion

101. The pedestrian/cycle link through Smith Street is considered to be a critical element in alleviating the unacceptable difficulties pedestrians/cyclists would have in using Hill Top Lane, limiting environmental impact of car-borne trips on Hill Top Lane and other residential roads in the area and providing permeability and route choice for residents of the proposed development.

102. The applicant has demonstrated that this can be provided and the application is recommended for approval.

Planning Policies

National Planning Policies:

The Framework

Adopted Chorley Borough Local Plan Review

Policies:

GN5 Building Design and Retaining Existing Landscape Features and Natural Habitats;
GN6 Priority Urban Fringe Areas;
GN9 Transport Accessibility;
DC3-18 Areas of Safeguarded Land;
EP4 Species Protection;
EP12 Environmental Improvements;
EP13 Under-used, derelict and unsightly land;
EP15 Unstable Land;
EP18 Surface Water Run-off;
EP21A Light Pollution;
EP22 Energy Conservation;
HS4 Design and Layout of Residential Developments;
HS5 Affordable Housing;
HS6 Housing Windfall Sites;
HS19 Public Open space Requirements in Housing Developments;
HS21 Playing Space Requirements;
TR1 Major Development – tests for accessibility and sustainability;
TR19 Improvement or provision of footpaths, cycleways and bridleways in existing networks and new development; and,
LT12 Golf, other outdoor sport and related development.

Supplementary Planning Guidance

Design Guide

Joint Core Strategy

Policy 1: Locating Growth;
Policy 4: Housing Delivery;
Policy 5: Housing Density;
Policy 6: Housing Quality;
Policy 7: Affordable Housing;
Policy 17: Design of New Buildings;
Policy 22: Biodiversity and Geodiversity;
Policy 26: Crime and Community Safety;
Policy 27: Sustainable Resources and New Developments.

Sites for Chorley- Issues and Options Discussion Paper December 2010

Planning History

The site history of the property is as follows:

Ref: 94/00786/CTY **Decision:** REFUSE **Decision Date:** 2 December 1994

Description: County Matters Application for Backfilling to Sandstone Quarry with Inert Waste to Form Land Fill.

Ref: 96/00234/CTY **Decision:** PERMIT **Decision Date:** 10 July 1996
Description: Restoration of quarry, including importation of 400,000 cubic metres of inert waste material and retention of office and store buildings,

Ref: 96/00235/CTY **Decision:** PERMIT **Decision Date:** 10 July 1996
Description: Removal of condition to allow permanent retention of office & store building beyond the period of 24 months, following cessation of mining operations,

Ref: 97/00905/CTY **Decision:** PERLCC **Decision Date:** 29 April 1998
Description: Construction of a dry ski slope,

Ref: 98/00841/CTY **Decision:** PERMIT **Decision Date:** 4 August 1999
Description: Construction of dry ski slopes and alterations to highway,

Ref: 04/01272/CTY **Decision:** PERMIT **Decision Date:** 9 December 2004
Description: Variation of Condition 1 of planning permission 9/98/841 - to allow land filling operations to continue to 1st September 2008

Ref: 08/01027/CTY **Decision:** PERMIT **Decision Date:** 18 November 2008
Description: Variation of condition 1 and 28 of pp 09/04/1272 to allow landfilling operations to continue until Sept 2011 and amendments to final levels,

Ref: 10/01030/CTY **Decision:** REFLCC **Decision Date:** 24 December 2010
Description: Variation of conditions 1 and 27 of planning permission 09/08/1027 to allow land filling operations to continue up until 3 September 2011

Ref: 12/01134/OUTMAJ **Decision:** PCO **Decision Date:**
Description: Outline application for means of access for up to 85 new dwellings. All other matters reserved.

Ref: 93/00519/CTY **Decision:** PERFPP **Decision Date:** 21 October 1993
Description: Continued use of land as stone quarry

Ref: 94/00170/FUL **Decision:** REFFPP **Decision Date:** 20 May 1994
Description: Backfilling of quarry with inert waste to form landfill and retention of office building adjacent to current site entrance

Ref: 92/00040/FUL **Decision:** PERFPP **Decision Date:** 31 March 1992
Description: Continued use of land as stone quarry - registration of interim development orders

Recommendation: Permit subject to legal agreement

Conditions

Conditions to follow on the Addendum