

Item 4c 13/00452/FULMAJ

Case Officer Nicola Hopkins

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

Proposal Erection of 14 residential dwellings in a mix of 2, 3 and 4 bedroom detached and semi- detached houses.

Location Back Lane Reservoir Back Lane Clayton-Le-Woods

Applicant Kingswood Homes (UK) Ltd

Consultation expiry: 25 June 2013

Application expiry: 20 August 2013

Proposal

1. The application relates to the erection of 14 residential dwellings at Back Lane Reservoir. The site covers 0.5 hectares and is at the junction of Fiddlers Lane and Back Lane in Clayton Brook. The current use of the land is as a covered reservoir owned by United Utilities, which is surplus to their requirements. The reservoir protrudes 2.5m above the ground level and there is some plant and hard standing within the site. The existing access is from Fiddler's Lane.

Recommendation

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

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Housing Development
 - Density
 - Levels and relationship with neighbours
 - Design
 - Open Space
 - Trees and Landscape
 - Ecology
 - Traffic and Transport
 - Drainage and Sewers
 - Sustainability
 - S106 Agreement

Representations

4. **12 letters of objection** have been received raising the following concerns:
 - An increase in traffic would need traffic calming measures to be brought in.
 - Although there is a 20 mph limit, Back Lane is used as a rat run and cars often speed down the lane.
 - Also in school time the traffic is horrendous and the road sometimes impassable.

- The number of parking spaces/garage spaces is inconsistent with a reasonable level of likely occupancy levels for the development.
- Cars will park on the side of the road.
- Increased and unacceptable risk to cyclists, pedestrians and other road users.
- Fiddlers Lane only has a footpath on a single side opposite to the existing properties
- Heavy wagons servicing the site would make it dangerous not only for the residents but school children as well.
- Loss of a historic underground reservoir in order to construct more houses in an already heavily over-developed area.
- Too many houses proposed
- Plans are not accurate- houses will be very close to the existing houses
- Loss of privacy- need to fully understand the proposed boundary treatments
- The egress of the proposed buildings is into an area which is controlled by a temporary speed limit during school times and, traffic calming measures in order to reduce the risk to the young people travelling to and from the school.
- Only one footpath on Back Lane is available for the schoolchildren and the plans show that the only footpath on Back Lane will be dissected by the driveways of the 14 planned properties which potentially could produce another 28 vehicles coming and going at the same time young children are walking to school. This will significantly increase the potential for injury to young people
- The school itself has a self-imposed one-way system due to the volume of traffic and the prospect of significant additional traffic is only going to exacerbate this situation and further increase the risk of injury to children and their escorts.
- The character of the area will be impacted upon due to the buildings and the removal of a truly wild area, which supports mature trees, wildlife, flowers and fauna.
- Bats are roosting on the land
- Intrusion of privacy due to the buildings overlooking our property, additional noise, loss of light and disturbance. The inclusion of a few trees will not be a sufficient barrier to prevent this.
- This area has been the subject of intensive development over a number of years and can no longer sustain further building without adversely affecting on the quality of life of the existing residents and the environment.
- Building on the land will lead to the necessity for drainage, the drains in Carlton Avenue are private and the residents have no intention of allowing their use by the developers.
- Presently the ground absorbs the water therefore it will be highly likely that my property, which is below the proposed buildings, will flood following heavy rainfall.
- Bins will create an untidy appearance
- The south side of Back Lane should be developed instead
- The area is a conservation area
- The trees and hedgerows should be protected.
- This is a heritage asset
- The removal of the tall hedge will have a deleterious effect on the wildlife and on the attractiveness of the area.
- The period of construction will cause delays through obstruction of the highway by construction equipment, deliveries, staff parking and utilities provision.

5. **Clayton-le-Woods Parish Council** wish to reiterate their previous objections on traffic grounds and over development of the site.

Consultations

6. **Lancashire County Council (Ecology)** have advised that If Chorley Council is minded to approve this application, it will therefore be important to secure adequate mitigation and compensation for impacts on biodiversity through planning conditions.
7. **The Environment Agency** have no comments to make
8. **The Architectural Design and Crime Reduction Advisor** has commented that reported crime in the area is low however the properties would benefit from alarms being fitted, this would considerably reduce crime and the fear of crime. I would ask that consideration be given to this being a planning condition.
9. **Chorley's Conservation Officer** has commented on the proposals which is addressed below.
10. **United Utilities** has commented on drainage solutions for the site which is addressed below. They have no objection subject to conditions.
11. **Lancashire County Council (Highways)** have confirmed that the impact on local highways of this proposed development can be accommodated safely and conveniently into the local highway network subject to certain provisions. These are addressed below.
12. **Chorley's Waste & Contaminated Land Officer** has no objection subject to conditions in respect of ground investigation and remediation/ validation
13. **Lancashire County Council (Education)** have requested a contribution towards primary school places which is addressed below.
14. **The Council's Tree Officer** has commented on the trees on site which is addressed below

Assessment

Principle of the development

15. Members may recall that outline planning permission was secured at this site at Development Control Committee in November 2010. United Utilities owned the site at outline stage however they have since sold it to Kingswood Homes who have submitted this full application.
16. The outline planning approval at this site established the principle of redeveloping the site for housing and also fixed the access points. The outline scheme was based upon the erection of 8 dwellings and the current proposals accommodate 14 dwellings. Due to the increased number of dwellings the access points have changed when compared to the outline approval hence why a full planning application is required as opposed to a reserved matters application.
17. As the outline approval is still extant it is considered that the principle of developing the site for housing has been established.

Housing Development

18. The proposals incorporate the following:
 - One 2 bedroom bungalow (87 sq.m).
 - Two 4 bedroom detached houses (120 - 124 sq.m).
 - Six 3 bedroom semi- detached houses (86 sq.m).

- Four 2 bedroom semi-detached houses (71 sq.m).
- One 3 bedroom detached house (97 sq.m).

Density

19. The site covers 0.5 hectares which equates to a density of 28 dwellings per hectare. Policy 5 of the Core Strategy relates to housing densities and states that the authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.
20. It is considered that a density of 28 dwellings per hectare is appropriate for this location. The density ensures efficient use of land within a sustainable location in accordance with guidance contained within the framework.

Levels and relationship with neighbours

21. The application site and existing reservoir is currently at a higher land level than the residential development, to the rear, on Carlton Avenue. The proposal shows extensive engineering works to remove the reservoir and take the ground level, to where the proposed houses would be situated. The proposed relationships are as follows:

Plot	Finished Floor Level	Carlton Avenue	Finished Floor Level	Difference (metres)
1	94.030	19	92.120	1.9
2	93.370	19	92.120	1.25
3	93.580	17	92.080	1.5
4	93.580	17	92.080	1.5
5	93.310	15	91.310	2
6	93.310	15	91.310	2
7	93.060	11a	91.060	2
8	92.560	11	91.060	1.5
9	92.560	9	91.060	1.5
10	92.270	9	91.020	1.25
11	92.270	7	91.020	1.25
12	92.440	7	91.190	1.25
13	92.440	5	91.190	1.25
14	91.990	5	91.190	0.8

22. Due to the difference in land levels set out above the Council's standards spacing distances are increased as follows to reflect this land level difference:

Plot	Garden Length- 10 metres plus ** metres	Length proposed (metres)	Rear window to window distances- 21 metres plus ** metres	Distance proposed (metres)
1	Bungalow (not applicable)			
2	13 (plus 3m)	16.6	24 (plus 3m)	24
3	14 (plus 4m)	17.4	25 (plus 4m)	25.4
4	14 (plus 4m)	18.2	25 (plus 4m)	25.4
5	16 (plus 6m)	19	27 (plus 6m)	27.2
6	16 (plus 6m)	19	27 (plus 6m)	27.4

7	16 (plus 6m)	19	27 (plus 6m)	27.2
8	14 (plus 4m)	18.6	25 (plus 4m)	26.3
9	14 (plus 4m)	18.2	25 (plus 4m)	26.4
10	13 (plus 3m)	17	24 (plus 3m)	24.4
11	13 (plus 3m)	16	24 (plus 3m)	25.3
12	13 (plus 3m)	15.4	24 (plus 3m)	24.3
13	13 (plus 3m)	14.6	24 (plus 3m)	24
14	11 (plus 1m)	13.8	22 (plus 1m)	22.4

23. As set out above the proposed dwellings accord with the Council's spacing guidelines in respect of the relationship with the properties on Carlton Avenue and incorporates greater spacing standards to mitigate for the land level difference. As such it is considered that the layout of the scheme respects the amenities of the existing and future residents.
24. Plot 1 is proposed to be a detached bungalow which also has an immediate neighbour boundary with 21 Fiddlers Lane, also a detached bungalow. The proposed property is 9.8 metres, at its closest point, from the common boundary with 21 Fiddlers Lane however the introduction of a bungalow on this plot ensures that there are no first floor windows to create overlooking/ interlooking issues. The property has been designed with no habitable room windows facing 21 Fiddlers Lane to protect the amenities of the existing residents.
25. 19 Fiddlers Lane, a semi-detached bungalow, is located to the north of plot 1. Ground floor habitable room windows are proposed within the north elevation of plot 1 which faces 19 Fiddlers Lane however these are sited over 23 metres from the boundary of number 19 and as such will not create any loss of privacy for the existing or future residents.
26. Plot 14 also has a common boundary with 1 and 3 Carlton Avenue. The proposed dwelling will have a floor level which is 0.5 metres (which does not generate the need for a greater spacing distance) higher than the existing properties, maintains over 13 metres to the rear boundary and 21 metres to the rear elevation of 3 Carlton Avenue. As such the relationship accords with the Council's guidelines and will respect the amenities of the existing and future residents.
27. Due to the level differences and the sensitive relationship between the proposed and existing dwellings permitted development rights for extensions will be removed from this scheme so the Council can keep control over further extensions and potential impacts at this site.

Design

28. As set out above works will need to be undertaken to the site to remove the existing structure and address the levels on site. To address the level changes on site and to respect the amenities of the existing and future residents a number of the properties have been designed as split level houses. Plots 8, 9, 10, 11, 12, 13 and 14 are viewed as bungalows from the front elevation however at the rear the property drops down and is a two storey dwellinghouse.
29. The character of the area is very mixed with detached and semi-detached bungalows to the rear on Carlton Avenue and two storey semi-detached dwellings on Back Lane. It is considered that the design of the properties, incorporating a detached bungalow and split level houses, reflects the character of the area, represents an innovative design which utilises the change in land levels and is appropriate for this site.

Open Space

30. In accordance with Policy HS21 of the Adopted Local Plan proposals for new housing development will be required to include provision for outdoor play space. For housing developments of less than 1 hectare a commuted sum from the development may be secured for use in the provision or improvement of open space facilities in the locality. In this case the following requirements are generated from the proposed development:

Amenity greenspace

Local Plan Policy HS21 sets a standard of 0.45 hectares per 1,000 population. There is currently a deficit of provision in Clayton Brook/Green in relation to this standard, a contribution towards new provision is therefore required from this development. The amount required is £85 per dwelling.

Provision for children/young people (equipped play area)

Local Plan Policy HS21 sets a standard of 0.25 hectares per 1,000 population. There is currently a deficit of provision in Clayton Brook/Green in relation to this standard, a contribution towards new provision is therefore required from this development. The amount required is £426 per dwelling.

Playing Pitches

A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The financial contribution required is £868 per dwelling.

Trees and Landscape

31. There are a number of trees and hedgerows on the site and as such the application is supported by a Tree Impact and Protection Appraisal. The appraisal identified 11 individual trees, five groups of trees and one hedge on the site. The surveyed trees consist of various deciduous broadleaf and evergreen coniferous species including Common Oak, Leyland Cypress and Sycamore.
32. A number of the trees located within the site boundaries are afforded statutory protection under a TPO, Tree Preservation Order No. 8 (Clayton-Le-Woods) 1994, which covers six individual trees, four of which are Oaks (T1, T2, T5 and T6) and two of which are Sycamores (T3 and T4).
33. The appraisal identifies that the proposed development will require the removal of four moderate quality trees and one moderate quality group, along with two low quality trees, three low quality groups and one low quality hedge. In respect of the protected trees this includes the removal of Oak T6 and Sycamore T4. The remainder of the protected trees will be maintained as part of the proposals. The report asserts that the removal of the trees in question can be adequately mitigated for through new tree and hedge planting with suitable species for the locations.
34. It is noted within the report that an area of one of the proposed driveways and a footpath encroach within the root protection areas of two of the protected trees (T2 and T5). In order to avoid damage to tree root the construction of these areas of hard surfacing will incorporate using a specially designed 'no-dig' cellular confinement system. This will be secured by condition.

35. The Council's Tree Officer has visited the site and confirmed that there are four oak trees, two sycamores and the hawthorn hedge running along Back Lane that merit retention and there does not appear to be anything of merit within the site. It is considered that although the proposals do involve the removal of trees and a hedgerow it is noted that the majority of the higher quality trees are retained as part of the development. It is considered that a suitable planting scheme will adequately mitigate for the loss of the higher quality trees, in particular two of the protected trees, in this case.

Ecology

36. The Ecologist at Lancashire County Council has reviewed the proposals and confirmed that as part of the previous applications at this site the most significant biodiversity issue related to potential impacts on lowland dry acid grassland. However mitigation and compensation measures for impacts on this habitat have been secured (application reference 12/01010/DIS) and the Ecologist has addressed any remaining impacts on biodiversity arising from the proposals.
37. The application is supported by an updated Ecological Assessment which notes that the acid grassland has been translocated from the site; the majority of trees on the western boundary are expected to be retained; mitigation for impacts on bats can be achieved through additional roosting opportunities in new buildings and planting of beneficial tree species; existing hedgerows on site (hawthorn and Leylandii) support nesting birds and dense bramble scrub is likely to similarly support nesting birds. As such measures to avoid a breach of the Wildlife and Countryside Act 1981 (as amended) are therefore required, together with new planting to replace the loss of nesting bird habitat. In respect of great crested newts updated pond surveys are not thought necessary.
38. The Ecologist considers that the recommendations for mitigation and compensation contained within the assessment are appropriate and proportionate to the impacts at this site. The Ecologist has however commented that the submitted information does not demonstrate that these recommendations would be implemented in their entirety and has raised the following points:
- There does not appear to be any SUDS element to the proposals, and therefore there is no compensation for the loss of the marshy grassland. As this habitat, of acknowledged wildlife value as part of the mosaic that existed on site, is not to be replaced, it will be important to ensure that the landscaping scheme delivers enhancement in other ways to offset this loss.
 - Although the site layout does indicate a hedgerow (necessary to compensate for the loss of existing hedgerows, and to provide replacement bird nesting and bat foraging habitat) along the eastern boundary, there is no detail of hedgerow creation (i.e. width, height, species, protection, retention, management). Moreover, this new hedgerow appears to form part of garden curtilages. In general, it is not appropriate for replacement habitat to be created within gardens, as retention/ appropriate management is then the responsibility of future householders and compensation for impacts on biodiversity cannot therefore be guaranteed.
 - The Planning Statement makes reference to a landscape scheme within the Bowland Tree Consultancy Ltd Tree Report. I have been unable to find any detailed landscaping proposals within the Tree Report, although the tree impact plan notes that specific numbers, species and locations of new trees will be agreed with the LPA as part of the landscaping scheme. Thus whilst the Tree impact plan does indicate approximate locations for new trees, and the inclusion of a hedgerow along the eastern boundary, there

do not appear to be any detailed proposals which could be implemented as part of a planning approval.

39. To ensure that the Ecologist points are addressed suitable conditions will be attached to the recommendation.
40. Following a supreme court ruling (Morge vs. Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
 - Is the proposal likely to result in a breach of the Habitats Regulations?
 - If so, is Natural England likely to grant a licence?
41. As set out above it is not considered that the proposals will affect protected species.
42. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
 - (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - (b) there must be no satisfactory alternative and
 - (c) favourable conservation status of the species must be maintained.
43. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
44. As set out above the ecological impacts of the proposals have been fully considered and as such it is considered that the Council, subject to suitable conditions, has discharged its obligations in respect of the above tests.

Traffic and Transport

45. The scheme incorporates a mix of 2, 3 and 4 bedroom dwellings. For the 2 and 3 bedroom dwellings two off road parking spaces are required and for the 4 bedroom dwellings three off road parking spaces are required. The scheme accords with these parking requirements. The two 4 bedroom dwellings incorporate integral garages which accord with the Manual for Streets dimensions and as such are considered to be suitable to accommodate a car.
46. The area in front of the proposed new houses is adopted public highway as far as the back of the footway, which includes an area of verge. Lancashire County Council's Developer Support Manager has reviewed the proposals along with the submitted Transport Statement (TS). Although the Developer Support Manager is generally content with the TS she has noted that there are street lighting columns on the Fiddlers Lane length of site frontage and the presence of the back gate to Clayton-le-Woods primary school on Fiddlers Lane draws children and adults at school times.
47. The Developer Support Manager is also content with the TS description of proposed traffic generation. For a development of this scale, we can assume that the 8 trips generated by the new houses in the morning peak, and again in the evening peak hours, are distributed evenly between Back Lane south of the development and Fiddlers Lane north of the development,

i.e. on average the proposed development will contribute no more than 4 new trips in the peak hour on each stretch of existing highway.

48. The morning peak of 8 – 9 am overlaps with traditional school arrival time for 15 – 20 minutes (8.40 – 9 am), and the evening peak does not coincide with traditional school departure times. Therefore the statistical or 'average' impact on school-related journeys will be an additional one vehicle passing the school access during the school morning arrival period.
49. The Developer Support Manager does not consider that the proposal will have a significant impact on local road conditions, given that the existing roads have the benefit of 20mph speed limit and traffic calming. Even so, the following improvements offered by the developer should be secured as of benefit to regularising and supporting use of the local road network:
 - Relocating school signs to a more prominent location;
 - Providing new studs to highlight the appropriate pedestrian crossing point over Fiddlers Lane where the existing footway ends; and
 - Reinstating the barriers which were partially removed when one of the dropped kerbs was constructed.
50. The TS identifies the need to relocate some trees and shrubs to secure improved visibility for the new private driveways serving the houses. The Developer Support Manager requires that all trees and shrubs be removed from the verge and relocated behind the footway i.e. clearly in private garden areas, firstly to secure visibility, secondly to minimise risk of damage to utility services in the verge and lastly for the avoidance of future doubt over responsibility/maintenance.
51. This notwithstanding however the Developer Support Manager has confirmed that if it is desirable from an amenity perspective to have some decorative planting in the verge once existing trees, shrubs and other vegetation have been removed, an appropriately-worded condition should be applied to ensure that any such planting is shallow-rooted and maintained at a height at or below 600mm, in order to minimise risks listed above.
52. The Developer Support Manager is satisfied with the proposals from a highway safety and traffic generation perspective. As such the proposals are considered to be acceptable subject to conditions relating to planting and works within the highway should be carried out under an appropriate legal agreement with the County Council.

Existing Structure on the Site

53. As noted above concerns have been raised in respect of the loss of a heritage asset on the site. Back Lane Reservoir is a small Victorian subterranean reservoir. Despite two applications by a local interest group and one by the Council's Conservation Officer on their behalf to English Heritage, the structure (together with its near neighbour the former pumping station on Preston Road) remains unlisted because it does not fulfil the necessary criteria to warrant designation. In short there are better examples of similar structures already listed.
54. Nevertheless the structure can be considered to be a heritage asset, as defined by Annex2 to the Framework, of local significance.
55. Below the surface level sealed concrete inspection chamber cover is a vaulted brick structure with associated outlet filters and pipes that utilises finely coursed (almost 'gauged') Accrington brick that survives in remarkably good condition. The reservoir itself has been out of use since replaced by the later, 20th Century larger reservoir located on the opposite side of Back Lane. Above ground none of the structure, apart from the concrete inspection

chamber lid, is visible apart from a small raised mound in the ground surface. The structure is completely sealed and inaccessible.

56. Throughout discussions with the local interest group, who were seeking to purchase the site from the then owner, United Utilities, for a very modest sum and turn it into some sort of heritage site, the problem that remained to be overcome was finding an end use for the structure and to demonstrate an income source to fund on-going maintenance. Discussions also took place with the local coordinator for the Heritage Lottery Fund and it is understood that it was the lack of a viable business case that brought any thoughts of obtaining Lottery Funding for any 'Heritage' project to an end.
57. The Council's Conservation Officer considers that whilst the loss of the structure is regrettable, it has been demonstrated on more than one occasion that it is not worthy of designation. The best outcome is therefore to secure by condition a programme of Archaeological Recording of the building before its demolition commences. All buildings must earn their keep and in the absence of an alternative, viable economic use and an inability to be able to be converted to an alternative use, this is the best outcome for the site – record for posterity before removal and redevelopment of the site.

Drainage and Sewers

58. United Utilities preferred drainage solution would be to drain through a separate system which connects to the existing separate system to the west of the site on Wood End Road however this has implications in respect of cost and crossing third party land.
59. As such United Utilities have agreed with the developer that the most cost effective drainage strategy would be to drain the site through a separate system where surface water is restricted to greenfield runoff rates then combining at the last manhole before draining from site through a dedicated combined sewer that connects into the existing combined sewer outside no. 50 Back Lane.
60. To offset the connection of surface water into the combined sewer United Utilities have requested that permeable paving is utilised which would reduce the overall volume of surface water discharging from the site into the combined sewer. This can be addressed via condition.
61. United Utilities have confirmed that the developer should not be allowed to drain into any former private sewers that serve existing dwellings because these systems have not been designed to accommodate additional flow. This will be addressed via condition.

Sustainability

62. Policy 27 of the Adopted Central Lancashire Core Strategy states that all dwellings will be required to meet Level 4 of the Code for Sustainable Homes from January 2013.
63. The Policy also states that subject to other planning policies, planning permission for new built development will only be granted on proposals for 5 or more dwellings where all of the following criteria are satisfied:
 - (a) Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;

- (b) Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures,
- or appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%;
- (c) Appropriate storage space is to be provided for recyclable waste materials and composting;
- (d) If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.

64. As the proposed development exceeds 5 dwelling units both parts of the Policy will need to be satisfied in respect of the proposals.
65. The application is supported by an Energy Efficiency & Resource Conservation Statement and a Code for Sustainable Homes Pre-Assessment Report which demonstrates how the proposals meet the above policy requirements. Adherence with the measures contained within the reports will be secured by condition.

Section 106 Agreement

66. The requirements in respect of Policy HS21 will be secured via obligations set out within the associated S106 Agreement as follows:
- Amenity greenspace = £1,190
 - Equipped play area = £5,964
 - Playing pitches = £12,152
 - TOTAL = £19,306
67. Lancashire County Council Education have requested £23,761 towards 2 primary school places based upon the proposed number of bedrooms in each of the dwellings proposed and the associated yield from each dwelling (it is noted that the figures which have been used to generate the yield are incorrect however utilising the correct figure still results in a yield of 2 places).
68. The request details that there are currently 195 places available within local schools with 82 generated from approved applications within the area (It should be noted that these approved applications include 2 applications at Buckshaw Village which should not be counted as a primary school has already been secured in respect of the increase in numbers generated by Buckshaw Village). This leaves a total of 113 places available which minus the yield generated from this development leaves 111 places available.
69. The request also goes on to reference planning applications pending approval which, if approved, creates a shortfall in places. However it is not clear from the information submitted where these applications have progressed to and where there is a resolution to approve these applications.
70. In accordance with the Framework 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.

71. Although further clarification has been requested from the Education Authority in respect of the school places justification no response has been received to date. As the information provided confirms that there are at least 111 primary school places available it is not considered that the request is necessary in respect of this application. As such the request does not meet the above tests.

Overall Conclusion

72. Policy 1 of the Core Strategy identifies appropriate locations for growth within Chorley. Clayton Brook is identified as an area where some growth and investment will be encouraged and as such the principle of development within the area is considered acceptable. The development of the site for residential purposes has been established by the grant of outline planning permission and the site is proposed to be allocated for housing development within the emerging Local Plan (Policy HS1.27). As set out above the proposals will not adversely impact on the neighbours amenities.

73. The framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and it is considered that the development of this site has the ability to meet the sustainable principles embodied in the Core Strategy. As such it is considered that the development of this site will contribute to the aims of both the framework and the Core Strategy.

Other Matters

Public Consultation

74. In accordance with the Council's Statement of Community Involvement the applicants undertook a public consultation event prior to formal submission and invited 120 households. Concerns raised centred around the potential overlooking of the properties on Carlton Avenue.

75. Another concern related to highway safety issues. Two residents were opposed to any development on the site describing it as a natural habitat that should be left alone. There were also objections relating to the demolition of the reservoir.

76. Kingswood Homes have offered to sell the reservoir for use as a community facility if it can be demonstrated that it could be maintained and funded in the long term.

77. A meeting with Ward Councillors took place on 20th May 2013 however there has been no feedback to the planning officers in respect of the outcomes of this meeting.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Central Lancashire Adopted Core Strategy

- Policy MP
- Policy 1 Locating Growth
- Policy 4 Housing Delivery
- Policy 25 Community Facilities
- Policy 22 Biodiversity and Geodiversity
- Policy 17 Design of new buildings

- Policy 27 Sustainable Resources & New Developments

Adopted Chorley Borough Local Plan Review

Policies:

- GN1: Settlement Policy
- GN5: Building Design & Retaining Existing Landscape Features.
- EP4- Species Protection
- EP9- Trees and Woodland
- HS4- Design and Layout of Residential Developments
- HS21- Playing Space Requirements
- TR1- Major Development – Tests for Accessibility & Sustainability
- TR4- Highway Development Control Criteria
- TR18: Provision for Pedestrians and Cyclists in New Development

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Emerging Local Plan

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

Relevant Policies are:

- ST3: Road Schemes and Development Access Points
- ST4: Parking Standards
- HS1.27: Housing Site Allocations
- HS4A: Open Space Requirements in New Housing Developments
- HS4B: Playing Pitch Requirements in New Housing Developments
- BNE1: Design Criteria for New Development. Criteria a, b, c, d, f, g and h are relevant to the proposal.
- BNE9: Trees
- BNE10: Species Protection

Emerging Supplementary Planning Guidance

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

Planning History

94/00679/OUT Outline application for demolition of reservoir structure and development of the site for housing. Approved March 1995.

04/00880/FUL Installation of 17.8m monopole, 6 antennas, 1 Nortel 3G cabinet, 1 D5 Nokia cabinet and associated equipment. Refused September 2004.

10/00518/OUT- Outline application for residential development with all matters reserved, except for access. Approved November 2011

12/01010/DIS- Application to discharge condition numbered 10 (acid grassland) of planning approval 10/00518/OUT. Discharged November 2012

Recommendation: Permit (Subject to Legal Agreement)

Conditions

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

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

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

Title	Plot	Drawing Reference	Received date
Existing Site and Location Plan		L01	17 May 2013
Proposed Site Plan		L02	17 May 2013
Sections E-H; Interfaces		G10	17 May 2013
Sections A-G; Interfaces		G09	17 May 2013
Type 5 Plans and Elevations	10/ 11/ 12/ 13	G07	17 May 2013
Type 2b Plans and Elevations	7	G03	17 May 2013
Type 3a Plans and Elevations	3/ 4	G04	17 May 2013
Type 3b Plans and Elevations	5/ 6	G05	17 May 2013
Type 4 Plans and Elevations	8/ 9	G06	17 May 2013
Type 6 Plans and Elevations	14	G08	17 May 2013
Image Sheet 1		G12	17 May 2013
Type 1 Plans and Elevations	1	G01 Rev A	12 July 2013
Type 2a Plans and Elevations	2	G02	17 May 2013
Tree Impact Plan		BTC476-TIP	17 May 2013

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

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

Reason: To ensure that the materials used are visually appropriate to the locality. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.

4. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.

5. Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other

fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.

6. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.

7. The integral garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

8. Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate adequate replacement tree planting and hedgerow creation to offset the losses of trees and hedgerows. The scheme shall comprise a high proportion of locally appropriate native species of known value to wildlife (specifically bats and nesting birds). The scheme shall demonstrate that the native species hedgerow to be created along the eastern boundary will be of a width, height and density to adequately replace the nesting bird habitat that will be lost to facilitate development. If the hedgerow is to form garden boundaries, then the scheme shall demonstrate how the hedgerow will be adequately protected (e.g. by post and rail fence) and secured/maintained for the duration of development (for example through restrictive covenant which secures retention and appropriate maintenance of a native species hedgerow).

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.

9. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.

Reason: To safeguard the visual amenity of the area. In accordance with Policies GN5 and EP9 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.

10. Notwithstanding the details of the submitted plans, the proposed driveways shall be constructed using permeable materials on a permeable base, the details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials and shall be retained thereafter.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off. In accordance with Policy No.GN5 and EP18 of the adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.

Reason: In the interests of neighbour amenity. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.

12. All dwellings commenced after 1st January 2013 will be required 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. In accordance Policy 27 of the Adopted Central Lancashire Core Strategy.

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

Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Adopted Central Lancashire Core Strategy.

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

Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Adopted Central Lancashire Core Strategy.

15. The development hereby approved shall be completed in accordance with the submitted Energy Efficiency & Resource Conservation Statement which demonstrates that the carbon dioxide emissions of the development will be reduced by at least 15%.

Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Adopted Central Lancashire Core Strategy.

16. Notwithstanding any indication on the approved plans, no development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system, restricting surface water discharge to 6.5 l/s has been approved by the Local Planning Authority. The development shall be completed, maintained and managed in accordance with the approved details.
Reason: To secure proper drainage and to reduce the risk of flooding. In accordance with Government advice contained within the National Planning Policy Framework
17. Notwithstanding the submitted plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.
Reason: To promote sustainable development, secure proper drainage and to reduce the risk of flooding. In accordance with guidance contained within the National Planning Policy Framework.
18. The development hereby permitted shall be carried out in accordance with the recommendations (section 7.2) of the submitted Preliminary Risk Assessment and Geo-environmental investigation (prepared by LK).
Once the reservoir has been decommissioned and removed the composition of material below the reservoir shall be fully investigated, including a minimum of three soil sample to be tested in the footprint of the reservoir. The results shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the dwellings hereby approved. If it is identified that there is the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.
The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.
Reason: 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 Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).
19. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use. In accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).
20. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections. Such surveys shall be carried out by an appropriately experienced and qualified individual and submitted to and approved in writing by the Local Planning Authority. If nesting birds are present, works that would disturb nesting shall be delayed until such time as

nesting is complete (i.e. The young have fledged and left the nest, the nest has been abandoned, dependent young are absent).

Reason: To ensure the continued protection of nesting birds. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and guidance contained within the National Planning Policy Framework.

21. Prior to the commencement of development, details of bat roosting and bird nesting opportunities to be incorporated into the development (both new buildings and retained trees) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and maintained thereafter.
Reason: To ensure the continued protection of bats and birds. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and guidance contained within the National Planning Policy Framework.

22. 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 areas so fenced. All excavations within the area so fenced shall be carried out by hand.
Reason: To safeguard the trees to be retained. In accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review

23. Prior to the commencement of the development a scheme for external lighting shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting scheme shall comply with paragraph 125 of the NPPF by demonstrating the avoidance of light pollution/ light spill into areas of wildlife habitat, including mature trees, hedgerows, bat roost and bird box entrances. The scheme shall be in accordance with guidance issued by the Bat Conservation Trust and Institute of Lighting Engineers. The scheme thereafter shall be completed in accordance with the approved details.
Reason: To ensure the continued protection of nesting birds and bats. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and guidance contained within the National Planning Policy Framework.

24. No works shall take place on the site until the applicant, or their agent or successors in title, have secured the making of a photographic record of the building. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority (Chorley Council). Upon completion the photographic record of the building shall be submitted to the Local Planning Authority.
Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site. In accordance with Government advice contained within the National Planning Policy Framework.

25. The following highway improvements/alterations to Back Lane / Fiddlers Lane shall be undertaken prior to the occupation of the dwellings hereby approved:
 - Relocating the school signs to a more prominent location.
 - Providing new white stud road markings to formalise the pedestrian crossing at the North West corner of the site.

- Reinststate the barriers which were partially removed when one of the dropped kerbs was constructed.

Reason: In the interests of highway and pedestrian safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

26. Any new planting within the highway verge shall be shallow-rooted and maintained at a height at or below 600mm to ensure adequate visibility for the drivers of vehicles entering and leaving the site.

Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving the site, to minimise risk of damage to utility services in the verge and for the avoidance of future doubt over responsibility/maintenance. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

27. All windows in the ground floor of plot 1's east elevation shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

Reason: In the interests of the privacy of occupiers of neighbouring property. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.

28. The construction of the proposed driveways and a footpath located within the root protection area of trees T2 and T5 (detailed on the Tree Impact Plan ref: BTC476-TIP, hatched blue) shall be undertaken using a 'no-dig' cellular confinement system method of construction as detailed within the submitted Tree Impact and Protection Appraisal, dated May 2013.

Reason: To ensure the continued protection of the trees in accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review.