

Item 4b **13/00453/REMMAJ**

Case Officer **Nicola Hopkins**

Ward **Coppull**

Proposal **Reserved matters application for the erection of 28 dwellings at 47 Clancutt Lane, Coppull,**

Location **47 Clancutt Lane Coppull Chorley PR7 4NR**

Applicant **Mr Robert Duvall**

Consultation expiry: 1 August 2013

Application expiry: 30 August 2013

Proposal

1. The application is a reserved matters application for the erection of 28 dwellings at the site. Outline planning approval was secured at appeal in July 2012 for the erection of up to 29 dwellings at the site following the demolition of the existing dwelling.
2. The outline planning approval at this site secured the principle of residential development on this site along with the access arrangements. This application purely seeks to address the siting, design and landscaping details of the development.

Recommendation

3. It is recommended that this application is granted conditional reserved matters approval

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Background information
 - Housing Development
 - Density
 - Internal arrangements
 - Levels
 - Impact on the neighbours
 - Design
 - Open Space
 - Affordable housing
 - Trees and Landscape
 - Ecology
 - Flood Risk
 - Traffic and Transport
 - Public Right of Way
 - Noise
 - Archaeology
 - S106 Agreement
 - Sustainability

Representations

5. **16 letters of objection** have been received raising the following points:
 - Objections from the last application were ultimately ignored and overruled.
 - The system is a farce that allows 1 person, who isn't even from the local area, to go against the decision of the local council.
 - The lane isn't wide enough for the extra cars and the roundabout at the bottom wouldn't cope with extra traffic.

- Additional danger to children playing on the lane
- Extra strain on the poor water supply to the area
- Loss of a protected tree
- The development of Camelot/ Dave Barrons caravan site will meet Chorley's housing needs. Will 28 new homes here really make any difference?
- Drainage of the planned estate which has to have separate systems, i.e. surface water and sewage. Clancutt Lane, Birchwood Drive, Holly Crescent area drains are an old fashioned system where the surface water and sewage are both linked to the same drain, where do the builders plan to link their drainage system to, or are they planning to lay a complete new system down Clancutt Lane?
- Overlooking, noise and disturbance
- Clancutt Lane was originally built as a farm road to Clancutt House and ten other properties on the lane. Later the estates of The Heyes, Longfield Avenue, Birchwood Drive, Holly Crescent, the Pear Tree estate and The Brambles have all been built; all leading onto Clancutt Lane, yet no improvements to Clancutt Lane have ever been carried out.
- Since a bus service began the small buses negotiating the exit of Clancutt Lane to Chorley, have to place their vehicle over the centre of the exit of Clancutt Lane to be able to turn left, this manoeuvre needs to be carried out so as not to hit either the raised kerb on their left, or the keep left traffic bollards in the middle of the B5251 on their right, therefore stopping vehicles of any size from entering Clancutt Lane whilst the bus is in this position.
- Loss of wildlife habitat for the likes of deer, foxes, rabbits, bats, birds of prey etc.
- The lack of a need for more housing in the village with the village infrastructure not coping i.e. poor transport links, schooling and facilities etc.
- The village losing its identity becoming a commuter village, with the village borders shrinking fast.
- Numerous houses in the area up for sale with no buyer's.
- No facilities for the obvious children which will come with the families living on the development.
- The developer will build & leave with no regard for what is left
- The land is greenbelt and should be retained as such
- What will the original house owners of Clancutt Lane get back from the developers? i.e. maintenance of Clancutt Lane?
- What will be the site operating hours? Parking for site workers?
- Creation of a seating area would help with the integration of the 2 phases
- Possibility for landscape linkages
- Possibility of structural damage to existing properties?
- Will the developers be willing to improve the existing houses at a reduced price?
- The proposed developments boundary with Clancutt Lane should be a permanent wall and not fencing.
- There should be a covenant placed on this boundary preventing any breaches onto Clancutt Lane. There has been instances of the Fire Brigade attending to extinguish fires on the railway bridge and a covenant as outlined is necessary
- Four of the "affordable houses" back onto existing properties as the new plan have crammed four of these in a row, can the "affordable houses" not be distributed evenly or back onto the railway line so no current residents have to deal with this intrusion into what is currently a peaceful location.
- The new plans are more focused on quantity rather than quality of housing with as many properties being crammed in as possible.
- Impact on the properties on Pear Tree Avenue- these properties are described as "substantial" and "imposing" on the Morris homes website. It would be more appropriate to have single storey properties along this side of the development or properties with detached garages to provide more spaces between the imposing houses themselves.
- Loss of several trees along the boundary with Clancutt Lane

Consultations

6. **Lancashire County Council (Ecology)** have raised concerns about the proposals.

7. **The Environment Agency** have no comments to make
8. **The Architectural Design and Crime Reduction Advisor** has requested that Secured by Design is made a planning condition.
9. **United Utilities** have no objection subject to various conditions
10. **Lancashire County Council (Highways)** have assessed the internal layout arrangements and their comments are included within the report.
11. **Lancashire County Council (Archaeology)** has commented on the application which is addressed below.

Assessment

Background Information

12. An outline planning application was submitted to the Council in November 2011 for the demolition of 47 Clancutt Lane (and associated outbuildings) and erection of up to 29 residential dwellings. This application was considered at Development Control Committee on 14 February 2012 and refused for the following reason:

With reference to:

- Planning System General Principles;
- National Planning Guidance, including PPS1, PPS2, PPS3, PPS4 & PPS12;
- The Development plan, including policy DC3 (GN1 – Coppull) of the Chorley Local Plan Review;
- Central Lancashire Core Strategy;
- Chorley Site Allocations & Development Management (SADM) DPD (preferred option)
- Other material considerations as detailed within the report to the Development Control Committee;

Coppull is not identified within the Chorley Borough Local Plan Review as a location for growth and this proposal in the context of the Development Plan would not support its wider aims, vision and objectives.

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

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

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

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

13. The applicants appealed this decision and the site was subject to an appeal hearing on 16th May 2012. The Planning Inspector allowed the appeal subject to a number of conditions.
14. Following the grant of outline planning approval at this site the principle of redeveloping the site for housing has been established.

Density

15. The site covers an area of 0.83 hectares. 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.
16. It is considered that a density of 29 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.

Internal arrangements

17. It is noted that a number of the plots (4/ 5/ 6/ 12) only have 9 metre long gardens, below the Council guideline of 10 metres, however plot 12 does not directly face any rear private garden areas and plots 4, 5 and 6 back onto the properties on Pear Tree Lane however due to the presence of Clancutt Lane over 10 metres is maintained to the private rear garden areas in accordance with the Council's spacing standards. As such the proposed first floor rear windows will not create overlooking to the detriment of existing neighbours. Additionally these plots provide an adequate amount of private amenity space for the future residents.
18. When the application was originally submitted the relationship of plots 22/24 and plots 22/23 was not considered to be acceptable due to the location for the first floor bedroom windows and the potential for loss of privacy for the future residents. The applicants were advised of this and the plans have been amended accordingly.

Impact on the neighbours

19. The proposals have been subject to amendments during the application process to ensure that the scheme accords with the Council's spacing standards, taking into consideration level changes, to protect the amenities of the existing and future residents. The specific relationships are addressed below.
20. The immediate neighbours to the site are 45 Clancutt Lane, 2/ 4/ 6 Birchwood Drive, 24/ 43 Holly Crescent and the properties to the east of the site on Pear Tree Avenue. 45 Clancutt Lane is a 2 storey detached dwellinghouse located at the access to the site, there are no immediate neighbours proposed in respect of this part of the site and as such there will be no loss of amenity created to the existing residents.
21. Plot 28 is a two storey detached dwellinghouse located close to the rear boundary of 2 and 4 Birchwood Drive, which are 2 storey detached dwellinghouses. The property on plot 28 is a Berrington house type which is designed with the main habitable room windows within the front and side elevations. The rear elevation, which faces 2/4 Birchwood Drive, incorporates a door at ground floor level and 2 first floor windows which serve a bathroom and landing and as such can be obscurely glazed to protect the amenities of the existing residents.
22. At the closest point plot 28 is approximately 13.5 metres from the rear elevation of 2 Birchwood Drive. The Council's guideline for rear windows to a gable (which this can be

treated as due to the lack of habitable room windows) is 12 metres and as the existing and proposed properties have a similar finished floor level (2 Birchwood Drive is 13cm lower than the proposed property and 4 Birchwood Drive is 20cm lower than the proposed property) the distance between the existing and proposed properties exceeds the Council's spacing guideline for this type of relationship ensuring that the amenities of the future and existing residents are protected.

23. 6 Birchwood Drive is a 2 storey detached property whose side gable is located adjacent to the proposed rear garden boundary of plot 27. When the application was originally submitted the property on plot 27 was approximately 7 metres from the boundary with 6 Birchwood Drive, at its closest point, and the nearest first floor window was approximately 9 metres from the boundary. Although, due to the orientation of the proposed property, this relationship only directly faces the side garden area of 6 Birchwood Drive the property on plot 27 has been relocated further away from the existing property to improve this relationship. The siting and orientation of the proposed property does not allow any overlooking to the private rear garden area of 6 Birchwood Drive.
24. There are no windows within the side gable of 6 Birchwood Drive which would create overlooking to the detriment of the future residents. The existing property is 0.72 metres lower than the proposed property on plot 27 however due to the orientation of the proposed properties this level difference will not create any loss of amenity to the existing or future residents.
25. 24 Holly Crescent is a semi-detached bungalow with a single storey side extension adjacent to the boundary with plot 20. When the application was originally submitted the first floor window in the side elevation of 24 Holly Crescent directly faced the side gable of plot 20 and only retained a distance of 7 metres (in this case 13 metres was required as 24 Holly Crescent is 0.69 metres lower than plot 20) which would create loss of amenity to 24 Holly Crescent. However plot 20 has been relocated further back into the site so that the proposed and existing dwellings are offset which protects the amenities of both the existing and future residents.
26. 43 Holly Crescent is a semi-detached dormer bungalow located adjacent to the boundary with plot 19's rear garden. There is a first floor side window in the side elevation of 43 Holly Crescent however this is sited approximately 10 metres from the rear garden area of plot 19 and as such will not create any loss of privacy to the detriment of the future residents. The proposed property on plot 19 is 0.94 metres higher than 43 Holly Crescent however the siting of the proposed dwellings and the orientation, the proposed properties are north of the existing dwelling, ensures that the proposals will not create loss of light or loss of amenity to the detriment of the existing residents.
27. 80 to 87 Pear Tree Avenue are 2 storey detached dwellinghouses located to the east of the application site. The dwellinghouses were granted planning permission in the early 80s (81/00429/FUL) and have been constructed at a slightly lower land level than the proposed dwellings (84 Pear Tree Avenue is 0.6 metres lower than plot 4). At the closest point the dwellings retain 22 metres from the rear elevation of the proposed properties to the rear elevation of the existing properties, which takes into account the slight level difference, and the dense landscaping between the application site and the existing houses ensures that there will be no loss of amenity to either the existing or future residents.
28. To protect the neighbours amenities in the future permitted development rights will be removed from a number of plots to require the submission of a planning application for extensions.

Design

29. At outline stage the Council's Policy and Design Team Leader has made the following comments in respect of the indicative layout plan submitted with the application. The submitted proposals have addressed these comments as follows:
 - Overall there is too much space given over to front forecourt parking/highways- **front parking provision is necessary in respect of this site to secure an appropriate**

density however integral garages have been utilised along with an improved landscaping scheme

- Plots 15-21 are particularly poor in their relationship to the streetscene. This element of the scheme lends itself to the principles of home zone- **this part of the site has been amended removing the large mass of parking and integrating various house types.**
- I would like to see more variation with the properties i.e. detached interspersed with the mews type houses in order to create a more interesting streetscene. The 21m separation distance seems to be dictating a fairly non-descript suburban style layout which is out of context with the character of the area. The layout previously submitted responded to the site and context more successfully- **the scheme is now predominantly detached with the terraced properties integrated in. The scheme incorporates various designs of properties**
- Property 29 as a focal property/visual stop needs more design consideration. At the very least it should have habitable windows to the side elevation. However, ideally I would prefer to see it rotated to face onto the access road- **the orientation of this property reflects the outline indicative layout however a dual aspect house is proposed with habitable room windows in the side elevation facing the access road to add visual interest.**
- The applicant should ensure that any side elevations to the main street include habitable windows in order to create interest and also enhance safety and security- **the scheme incorporates several dual aspect houses to add interest and provide overlooking.**
- Plot 14 could be angled into the street and the garage should be located more conveniently to the property- **this plot (now plot 15) proposes an identical siting however the garage has been relocated for convenience**
- I can see the trees to the north and eastern boundaries becoming an issue with residents given how close properties 8, 9 and 10 are to them-**this is addressed below.**

30. The applicants also sought design comments at pre-application stage which have directed the proposed submissions. The scheme proposes a modern housing development of all two storey properties. The immediate surrounding area comprises of various house types and styles however it is considered that a development of two storey detached and terraced properties is appropriate for this site whilst the layout secures an appropriate density.

Open Space

31. A contribution towards the provision of new play space provision at Longfield Avenue was secured as part of the S106 Agreement secured at outline stage. There is an existing play space on Longfield Avenue which it is proposed to relocate to the former garage site on Longfield Avenue. This proposed site is within 350 metres of the application site and the contribution will be utilised to part fund this enhanced facility to benefit the residents of Coppull and any future residents of this site.

Affordable Housing

32. 30% affordable housing, in accordance with Core Strategy Policy 7, was secured at outline stage. This involves the construction of 8 two bedroom terraced properties (plots 7-10 and 16-19) on the site which includes 6 affordable rent properties and 2 shared ownership properties.

Trees and Landscape

33. There are existing trees and shrubs on the site. In 2011 the trees on site were assessed and a Tree Preservation Order (TPO 5 (Coppull) 2011) was placed on the trees which were considered to have an amenity value. This included three individual trees (an Ash and 2 Oaks) and a group of 6 Oak trees.

34. Due to the presence of trees on the site the application is supported by an Arboricultural Survey and Constraints Report which originally accompanied the outline application at this site. The proposed planning layout details the retention of the 6 Oak trees along the North West boundary, the Ash tree on the north east boundary and the Oak tree at the western boundary of the site. The protected Oak tree within the site however is detailed for removal.

35. The trees which were protected represented those trees with the highest amenity value and were identified as retainable within the survey which accompanied the outline application. However the indicative layout submitted at outline stage detailed the removal of this Oak tree within the site. Although the loss of this tree will have some impact on the visual amenities of the site its removal enables development of this part of the site securing an appropriate density for this site. To mitigate for the loss of this tree a replacement planting scheme will be secured via condition.

Ecology

36. The Ecologist at Lancashire County Council has reviewed the proposals and submitted surveys. The surveys submitted with the outline application indicated that no impacts on European protected species were predicted but there were opportunities for bats to roost; the existing building did support 'good numbers of house sparrow nests' and the site as a whole was of 'moderate' biodiversity due to the mature trees, species-rich hedgerow and semi-improved neutral grassland. The report emphasised that maintenance of biodiversity value would depend upon the retention of mature trees and hedgerows, replacement bat roosting and bird nesting opportunities, and landscaping "to promote species diversity" and habitat connectivity using berry and nut bearing shrub species, nectar bearing flowers and heavy standard trees.
37. Conditions 1 and 3 of the outline planning approval relate to the maintenance of biodiversity value. Condition 1 requires details of siting, design and landscaping however the Ecologist originally raised concerns that the application was not supported by detailed landscaping proposals and that the planning layout appeared to demonstrate that biodiversity value would not be maintained; existing features of biodiversity would not be retained sympathetically within the development and enhanced, and apparently no landscaping (to offset losses) is proposed.
38. In response to this the applicant has produced a detailed landscaping scheme which has been forwarded to the Ecologist for comment. These comments will be reported on the addendum.
39. Condition 3 requires details of the provision of bat roosts and bird nesting provisions. The originally submitted information did not clearly detail this provision and the Ecologist requested details of when, where and how bat roosting and bird nesting provision will be delivered at this site.
40. In response to this request the applicant has submitted a plan detailing the location of 3 bat boxes within the retained trees and bat tubes (provision built into the external wall of the dwellinghouse) incorporated into 19 of the proposed dwellings.
41. This information has been forwarded to the Ecologist and their comments will be reported on the addendum.

Flood Risk

42. Due to the size of the site, less than 1 hectare, there is no requirement for the submission of a flood risk assessment however the application is supported by a Drainage Strategy Report.
43. The report confirms that:
- Unless site specific infiltration testing proves the site capable of supporting disposal by infiltration methods, surface water from the development should be attenuated to greenfield rates before discharge into the Clancutt Brook system in accordance with the requirements of The Environment Agency and United Utilities.
 - Foul water from the development should discharge into the local foul sewerage system in accordance with the requirements of United Utilities.
 - All potentially adoptable drainage works should be in accordance with the requirements of Sewers for Adoption 6th Edition and any additional United Utilities specific requirements.
 - Any works affecting watercourses should be in accordance with the requirements of The Environment Agency.

- Adoption of the proposals for surface water disposal, together with incorporation of rainwater harvesting from new roof areas will meet the mandatory requirements of SUR 1 of The Code for Sustainable Homes.

44. United Utilities have reviewed the report and confirmed that, in line with the drainage report, foul must drain separate to surface water and all surface water must be drained to the nearby watercourse. Surface water discharge must be restricted to a maximum pass forward flow of 6.5 l/s. This can be addressed via condition.

Traffic and Transport

45. The outline application dealt with the access arrangements to the site and as such this part of the proposals has already been assessed and approved. At outline stage the Highway Engineer had no overriding objection to the access arrangements. The approved access arrangements are reflected on the current submission.

46. At outline stage the highway engineer did comment that in respect of the internal road layout although the site layout plan was illustrative it was unlikely that the courtyard access and layout arrangement will prove acceptable from a point of operation facility for servicing vehicles and the highway will be required to be built to adoptable standards.

47. Lancashire County Council have assessed the proposed internal road layout from an adoptability perspective and confirmed that:

- The access off the adopted highway should be constructed under a Sec 278 Agreement.
- Evidence of swept path analyst for a twin rear axle vehicle for the turning head and internal bend should be provided
- There is no problem with adopting this layout.
- There are a few minor issues which would need to be addressed with the developer before LCC will enter into a legal agreement with the developer (such as a tree within the highway and edging kerb details etc.).

48. The applicant was made aware of these comments and incorporated the details within the amended plans, additionally a swept path analysis has been provided. Lancashire County Council as the adoption authority are satisfied with the proposals.

49. The proposals include the erection of 6 three bedroom detached dwellinghouses, 8 two bedroom terraced houses and 14 four bedroom detached dwellinghouses. For the two and three bedroom properties 2 off road parking spaces are required and for the four bedroom properties 3 off road parking spaces are required.

50. It is noted that the original submission did not meet this standard for all of the plots. The applicant was advised of this and the parking provision has been increased to ensure adequate driveway space is provided to park cars clear of the highway whilst the garage doors are open. Additionally originally the integral garages did not meet the Manual for Streets dimensions to 'count' as a parking space however the house types have been amended to rectify this issue.

51. As the garages are required for parking provision in the case of a number of the proposed plots a condition removing permitted development rights to convert the garages into living accommodation will be attached to the recommendation.

52. Concerns have been raised about the increase in traffic along Clancutt Lane. This was addressed at outline stage where the highway engineer considered that the scale of the development is well within the recommended guideline of 80 units before requiring a transport assessment and as such the additional traffic will not have an adverse impact on operation of the adjacent highway network.

Right of Way

53. There is a public right of way (Footpath 19) which runs adjacent to the northern boundary of the site over the railway bridge. The footpath also connects in a North West direction along Pear Tree Avenue. The proposed development will not affect the route of this right of way.

Noise

54. The main consideration from a noise perspective is the proximity of the railway line to the proposed development. At outline stage an Environmental Noise Impact Assessment was submitted in respect of both garden and internal areas of proposed properties to ensure that they are adequately protected from noise from the railway line. The measures suggested included standard thermal double glazing, trickle ventilation openings and the gardens on the western and north-western site boundaries to be protected by acoustic screening.
55. The following condition was attached to the outline planning approval:
Prior to the commencement of the development full details of the acoustic screening, in accordance with the suggested noise mitigation measures set out within the submitted Environmental Noise Impact Assessment Acoustic Consultancy Report (Ref: 1724/Enia dated October 2011) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.
56. The proposed scheme includes the erection of a 2.4 metre high acoustic fence along the north and western boundaries of the site including along the rear boundaries of plots 7-19 in accordance with the original suggestions.
57. The erection of this acoustic fence and measures including within the houses as suggested at outline stage will be secured by condition to protect the amenities of the future residents.

Archaeology

58. Lancashire County Council's Planning Officer (Archaeology) has made the following comments on the application:

The 1st Edition Ordnance Survey 1:10560 map (Lancashire Sheet 77), surveyed 1844-7, shows the site to have been occupied by a building, whose function and date of construction is unknown, in the area of proposed plots 3-6. The 1:2500 1st Edition OS (Lancashire Sheet 77.15) surveyed in 1893 shows the site to be occupied by further small buildings. By 1910, they appear to have been subdivided into a small terrace. These buildings were demolished sometime between 1939 and the mid-1960s. The site however is still considered to have the potential to contain structural remains of the mid-late 19th century buildings, as well as evidence for possible earlier use of the site.

Lancashire County Archaeology Service would therefore recommend that the following condition should be attached to any planning permission that may be granted:

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

59. This issue was raised at outline stage where it was considered that the likely significance of any asset, given that it may or may not exist, would go beyond the requirements of the relevant policy at that time (PPS5). It is acknowledged that the Framework states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However it is considered that to request a programme of archaeological recording where the potential significance of any heritage asset is uncertain and where even the very existence of a heritage asset is also uncertain is considered to be unreasonable. As such a condition requiring a programme of archaeological work was not secured at outline stage and would be unreasonable to request such a condition at this reserved matters stage.

Section 106 Agreement

60. The S106 obligations were secured at outline stage, as this application is reserved matters the obligations will trigger once this development commences.

Sustainability

61. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 (this increases to Level 6 on 1st January 2016).

62. Policy 27 also includes the following requirements:

Criteria (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;

Criteria (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%;

Criteria (c) - Appropriate storage space is to be provided for recyclable waste materials and composting;

Criteria (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.

63. This part of the policy relates to a reduction in carbon emissions. Both parts of the Policy were secured via condition at outline stage which will be applicable to this development.

Overall Conclusion

64. The principle of redeveloping this site for up to 29 dwellings has already been established and this application purely seeks to address the siting, scale and design of the dwellinghouses along with the landscaping of the site. The proposals are considered to be acceptable for this site whilst protecting the amenities of the existing and future residents. As such this reserved matters application is recommended for approval.

Other Matters

Neighbour Concerns

65. Some of the concerns raised by residents are addressed within the body of the report. In response to the other queries:

- What will be the site operating hours? Parking for site workers?- this will be addressed by a construction management condition
- Possibility of structural damage to existing properties?- this is a private matter
- Will the developers be willing to improve the existing houses at a reduced price?- this is a private matter

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Central Lancashire Core Strategy

Policies:

- **Policy 1** Locating Growth.
- **Policy 2** Infrastructure.
- **Policy 3** Travel
- **Policy 4** Housing requirements.

- **Policy 7** Affordable Housing
- **Policy 17** Design of new buildings
- **Policy 27** Sustainable Resources

Adopted Chorley Borough Local Plan Review

Policies:

- **DC3-** Areas of Safeguarded Land
- **GN1-** Settlement Policy – Main Settlements
- **GN5-** Building Design and Retaining Existing Landscape Features and Natural Habitats
- **HS4-** Design and Layout of Residential Developments
- **HS6-** Housing Windfall Sites
- **HS21-** Playing Space Requirements
- **TR4-** Highway Development Control Criteria

Emerging Local Plan

Policies:

- **ST3:** Road Schemes and Development Access
- **ST4:** Parking Standards
- **HS1:** Housing Site Allocations
- **HS2:** Phasing of Housing Development
- **HS4A:** Open Space Requirements in New Housing Developments
- **HS4B:** Playing Pitch Requirements in New Housing Developments
- **BNE1:** Design Criteria for New Development
- **BNE9:** Trees
- **BNE10:** Species Protection

Planning History

11/00074/FULMAJ: Application for the erection of 10 two bedroom dwellings and 20 three bedroom dwellings (incorporating four 2.5 storey three bedroom dwellings- plots 1, 7, 9 and 21) with associated access, car parking and landscaping. Including refurbishment and reconfiguration of garden and fencing of 47 Clancutt Lane. Refused May 2011 for the following reason:

The application site is within safeguarded land (site DC3.9), where development other than that permissible in the countryside under saved Policy DC1 of the Chorley Local Plan Review and PPG2 will not be permitted. A five year land supply is available and it has not been demonstrated that this development is needed at this time. The provision of 100% affordable housing does not constitute sufficient justification to release the land at this time. As such the proposal is contrary to Policy DC3 of the Chorley Local Plan Review, The Planning System: General Principles (paras 17-19), Planning Policy Guidance Note 2 and Planning Policy Statement 3.

11/00993/OUTMAJ: Outline application for the demolition of 47 Clancutt Lane (and associated outbuildings) and erection of up to 29 residential dwellings (all matters reserved except for access). Refused February 2012- allowed on appeal

Recommendation: Approve Reserved Matters Conditions

1. **The proposed development must be begun not later than two 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 bat roosts and bird nesting provisions detailed on the approved plans shall be incorporated into the construction of the dwellings (bat tubes) hereby approved and provided (bat boxes) prior to the occupation of the dwellings hereby approved. These provisions shall be retained in perpetuity thereafter.**

Reason: In the interests of the continued protection of protected species in accordance with Government advice contained with the National Planning Policy Framework.

3. The existing soil levels around the base of the trees to be retained shall not be altered.
Reason: To safeguard the trees to be retained and in accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review
4. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.
Reason: To safeguard the trees to be retained and in accordance with policy EP9 of the Adopted Chorley Borough Local Plan Review
5. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.
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).
6. The development hereby approved shall incorporate the following noise mitigation measures:
 - The erection of a 2.4 metre high acoustic fence, in accordance with the approved details, between points A and B detailed on the approved Planning Layout Plan
 - The inclusion of standard thermal double glazing and trickle ventilation openings within the rear elevations of plots 7-19 inclusive***Reason: In the interests of the future residents' amenities and to reduce the potential noise impact of the adjacent railway line. In accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework.***
7. Prior to the occupation of the development hereby permitted a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating.
Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Adopted Central Lancashire Core Strategy.
8. 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 with Policy 27 of the Adopted Central Lancashire Core Strategy.

9. 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.

10. 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.

11. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage of the site in accordance with Government advice contained within the National Planning Policy Framework

12. Prior to the commencement of the development a scheme for the disposal of foul and surface waters, including a detailed timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details and timetable.

Reason: To secure adequate drainage at the site in accordance with Government advice contained within the National Planning Policy Framework.

13. Prior to the commencement of the development a scheme for the provision of a surface water regulation system, including a detailed timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans and agreed timetable.

Reason: To secure adequate drainage at the site in accordance with Government advice contained within the National Planning Policy Framework.

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

Title	Plots	Drawing Reference	Received date
Location Plan		N925/P/LOC 01	20 May 2013
Proposed Finished Floor Levels		N925/P/SL 01	31 May 2013
Topographical Land Survey		MH.TS.30 Rev A	31 May 2013
Didsbury House Type Elevations	11	N925/P/HTDID/01	20 May 2013
Didsbury House Type- Floor plans	11	N925/P/HTDID/02	20 May 2013
Dunham 2 House Type Elevations	14	N925/P/HTDUN/01	20 May 2013
Dunham 2 House Type Floor Plans	14	N925/P/HTDUN/02	20 May 2013
Ely House Type Elevations	26/ 27	N925/P/HTELY/01	20 May 2013
Ely House Type Floor Plans	26/ 27	N925/P/HTELY/02	20 May 2013
Rufford 2 House Type Elevations	2/ 13	N925/P/HTRUF/01	20 May 2013
Rufford 2 House Type Floor Plans	2/ 13	N925/P/HTRUF/02	20 May 2013
Wharfdale + House Type Elevations	20	N925/P/HTWHA+/01	18 July 2013
Wharfdale + House Type Floor	20	N925/P/HTWHA+/02	18 July 2013

Plans			
Appleton 2 + House Type Elevations	3/ 5/ 12/ 21/ 24	N925/P/HTAPP+/01	18 July 2013
Appleton 2 + House Type Floor Plans	3/ 5/ 12/ 21/ 24	N925/P/HTAPP+/02	18 July 2013
Berrington 2 SA House Type Elevations	1/ 15/ 22/ 23/ 28	N925/P/HTBER/01	20 May 2013
Berrington 2 SA House Type Floor Plans	1/ 15/ 22/ 23/ 28	N925/P/HTBER/02	20 May 2013
Bramhall + House Type Elevations	4/ 6/ 25	N925/P/HTBRA+/01	18 July 2013
Bramhall + House Type Floor Plans	4/ 6/ 25	N925/P/HTBRA+/02	18 July 2013
Budworth House Type Elevations	7/ 8/ 9/ 10/ 16/ 17/ 18/ 19	N925/P/HTBUD/01	20 May 2013
Budworth House Type Floor Plans	7/ 8/ 9/ 10/ 16/ 17/ 18/ 19	N925/P/HTBUD/02	20 May 2013
Means of Enclosure		N925/P/FENCE/01	20 May 2013
Standard Screen Fence Details 2		F1-2	20 May 2013
Planning Layout		N925/P/PL 01 Rev A	18 July 2013
Proposed Site Access		0134-03 Rev A	14 November 2011
Landscape Structure Plan		M2243.01	18 July 2013
Garages Plans and Elevations		N925/GARAGE/01	18 July 2013
Location of Bat Boxes		N925/P/PL 01	18 July 2013

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

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, 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:** *In the interest of the appearance of the locality. In accordance with Policy GN5 of the Adopted Chorley Borough Local Review and Policy 17 of the Adopted Central Lancashire Core Strategy*
16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors
 - hours of operation (including deliveries) during construction
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works
 - full details of the site manager/ foreman including a contact number
- Reason:** *in the interests of highway safety and to protect the amenities of the nearby residents. In accordance with Policies GN5, EP20 and TR4 of the Adopted Chorley Borough Local Plan Review.*

17. 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 (for clarification the rear garden fence detail will be fence type ref:SF2 and the divisional fencing to delineate the rear garden areas will be fence type ref:SF1). 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
18. 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
19. 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
20. The integral and detached 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 and Policy 17 of the Adopted Central Lancashire Core Strategy.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwellings on plots 1-6 (inclusive) and 20-28 (inclusive), 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.
22. All windows in the south elevation of plot 28 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.

23. All windows in the first floor of the south elevation of plots 19 and 20 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.
24. 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).
25. 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.*