

Item 4e **13/00564/FUL**

Case Officer **Nicola Hopkins**

Ward **Pennine**

Proposal **Construction of 8 two bedroom affordable dwellings**

Location **Land 35 Metres South Of 25 Ryefield Heapey**

Applicant **Primrose Holdings Ltd**

Consultation expiry: **1 August 2013**

Application expiry: **26 August 2013**

Proposal

1. The application relates to the erection of 8 two bedroom dwellings on an open area of land at Ryefield, Heapey. The dwellings are all 2 storey and proposed in two terraced rows. It is proposed that all of the properties will be constructed for a Registered Social Provider and retained in perpetuity as affordable rented dwellings for people on the housing waiting list.

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:
 - Background information
 - Principle of the development- Rural Settlement
 - Principle of the development- Amenity Open Space
 - Density
 - Affordable Housing
 - Impact on the neighbours and levels
 - Open Space
 - Trees and Landscape
 - Traffic and Transport
 - Contamination and Coal Mines
 - Sustainability
 - Section 106 Agreement

Representations

4. **5 letters of objection** have been received raising the following concerns:
 - Will cause considerable disruption to the community of sheltered bungalows.
 - The access road will be busier with traffic- the access road is very limited
 - New development will cause considerable anxiety to everyone.
 - Will cause noise and disturbance to the elderly residents- peace will be disturbed
 - Concerns over who may be housed in this area.
 - The present area is very safe without fear of intrusion

- The construction work would severely affect the residents' everyday lives.
 - Parking is limited already.
 - This estate provides sheltered accommodation for elderly people who have given up their homes to move into a location where their needs can be met, in terms of peace, quiet, support and safety.
 - The residents who will be most disrupted because of this proposed development will be mainly 90+ as their homes are nearest. Most of these could not cope with this, and it will undoubtedly have a detrimental effect on their physical and mental health.
 - The scale and nature of any development should be in keeping with the settlement, and that it should contribute to a solution for a local housing problem- this would not be the case- more accommodation for the elderly would be more appropriate, due to an increasing elderly population.
 - An influx of families would change the character of the area
 - The properties are on a higher level than the existing bungalows and as such will be able to look directly into the lounge windows
 - Loss of trees
5. **The Ryes Association** have written in raising the following concerns, the letter contains 48 signatures:
- The properties in this area are sheltered accommodation
 - The properties will attract young families which will have a negative impact on the quiet and peaceful ambience
 - There is already limited parking which will be restricted further by the proposed dwelling
 - There needs to be clear access at all times for ambulances
 - Noise, dust and dirt is highly likely to upset the elderly residents
 - Noise from construction traffic
 - There are 5 residents over the age of 90 living in the bungalows closest to the proposed site and this will inevitably cause them a lot of unnecessary stress and upset.

Consultations

6. **Planning Policy** has commented on the fact that the area of land is currently amenity open space. This issue is addressed within the report.
7. **Lancashire County Council (Highways)** have commented on the proposals which is addressed below
8. **Chorley's Waste & Contaminated Land Officer** has commented that a condition will be required in respect of contamination.
9. **The Council's Housing and Support Services Manager** has commented on the affordable housing element and in particular the justification for affordable rented properties in this case.

Assessment

Background Information

10. At Development Control Committee in May 2012 Members resolved to approve an application by Primrose Holdings, subject to a S106 Agreement, for 37 dwellinghouses at Withnell Fold Mill. As part of the consideration of that application it was considered that the location of the application site within Withnell Fold was not an appropriate location for affordable housing, due to limited connectivity with a variety of local services which the residents of affordable dwellings in particular would require. As such it was agreed that the provision of 20% affordable housing associated with the Withnell Fold development, in

accordance with planning policy at that time, would be provided off-site over one, two or three sites. This would be in the form of predominantly 2 bedroom houses for rent within any of the following locations:

- Bretherton
- Brindle
- Charnock Richard
- Eccleston
- Heapey
- Heath Charnock
- Heskin
- Hoghton
- Mawdesley
- Wheelton

11. Alternatively the applicants would pay a commuted sum in lieu of the affordable housing units.
12. Since Members approved the Withnell Fold application, sites to accommodate the off-site affordable housing provision within the rural wards identified have been considered by Primrose Holdings and the Council. This site has been put forward as a possible site for that provision.
13. The affordable housing obligations within the Withnell Fold S106 are as follows:
 - To provide 20% Off-Site Affordable Housing as follows:
 - Either by the erection of 8 Rented Units at Ryefield, Heapey (Planning Application 13/00564/FUL) subject to full planning approval and the Council's formal approval in writing to develop the land for Affordable Housing Units, or
 - By the erection of 7 off-site affordable dwellings comprising a mixture of Social Rented Units and Intermediate Units, within the Rural Wards.
 - To provide the Commuted Sum in lieu of Affordable Housing in the event that planning permission cannot be secured for an off-site affordable housing development.
14. The S106 Agreement has been drafted and agreed between all parties, but as yet is unsigned.
15. As such if this planning application is not successful, alternative sites within the rural areas can be explored although it should be noted that to date a thorough consideration of alternative sites has been undertaken with limited appropriate sites identified. If no off-site affordable housing is provided Primrose Holdings will pay the Council a commuted sum and then a site(s) will need to be identified by the Council for the affordable housing provision.

Principle of the development- Rural Settlement

16. The application site is a grassed area of open space located adjacent to the elderly person's bungalows at Ryefield/ Ryecroft. These bungalows incorporate a mix of 1 and 2 bedroom bungalows which are managed by CCH.
17. The application site is located within the Village of Wheelton and the Parish of Heapey which are some of the rural settlements within Chorley. As such Policy GN4 of the Local Plan is applicable. Policy GN4 states:

Development in Abbey Village, Bretherton, Brindle, Brinscall, Charnock Richard, Croston, Gib Lane, Gregson Lane, Higher Wheelton, Hoghton, Mawdesley, Wheelton and Withnell will be limited to:

- (a) infill sites;
- (b) the rehabilitation and reuse of buildings;
- (c) that which provides affordable housing to meet a recognised local need in accordance with Policy HS8;
- (d) that which meets a particular local community or employment need; or
- (e) the re-use of previously developed land, bearing in mind the scale of any proposed development in relation to its surroundings and the sustainability of the location.

18. The only criterion which this site could meet is (c). Local Plan Policy HS8 also applies and states:

Residential development of open land, other than a small gap in an otherwise built-up frontage, within a Rural Settlement excluded from the Green Belt will be restricted to schemes which would significantly contribute to the solution of a recognised local housing problem.

In all cases, all of the following criteria must be satisfied:

- (a) a substantial majority of the dwellings will be made available at significantly below current market costs;
- (b) the occupancy of the dwellings will be limited on first and subsequent occupancy to people with close local connections who are unable to afford market housing;
- (c) the development is shown to be economically viable and be capable of proper management for example through a village trust or similar local organisation;
- (d) any remaining dwellings connected financially with the development will be limited to specialist types of accommodation for which there is a proven local need;
- (e) the scale and nature of the development will be in character with the settlement;
- (f) the development will be within a settlement with suitable adequate local facilities such as schools, shops and public transport services

19. To address the requirements of these policies the application is supported by an Affordable Housing Statement which states: *The Central Lancashire Core Strategy clearly sets out that one of the primary objectives is to increase access to affordable housing in rural areas. The Chorley Rural Housing Needs Study specifically states that there is a need for 148 affordable houses a year in rural areas, and specifically 9 per year in Heapey. By delivering 8 affordable houses, in a sustainable location and within the village boundary, on a scale that is appropriate to the village, the application therefore meets both existing, and forthcoming planning policies.*

20. In respect of Policy HS8 taking each criterion in turn, in relation to (a) all the dwellings proposed will be affordable and secured as such through a legal agreement, in terms of (b) a local connections clause will be applied to the proposed properties, (c) a Registered Social Provider will own and manage the properties. Criterion (d) is not relevant to the application, as no market dwellings are proposed. Criterion (e) and (f) are discussed below in the relevant sections referring to scale and nature, and facilities. Subject to these being satisfactory the development will be acceptable in principle.

Principle of the development- Amenity Open Space

21. The application site falls to be considered amenity open space and although the land is not currently specifically allocated within the local plan, Policy LT15 of the current Local Plan is applicable as the land is amenity open space. Policy LT15 states:

Development in areas of amenity open space identified on the Proposals Map or on other open land which makes a significant contribution to the character of an area, either individually or as part of a wider network of open space, will not be permitted unless either:

- (a) it will lead to greater public access to, and enhance the visual amenity of, the open space and it will not have a detrimental effect on any site of nature conservation value or;
- (b) the development involves a change of use or extension to an existing building which will not harm the amenity value of the open space.

22. The site is not identified on the current proposals map and as such must be assessed to determine whether it makes a significant contribution to the character of an area. If it is considered that this site does make a significant contribution to the character of the area then the proposal is only acceptable if it meets one of the two criteria set out above.
23. As part of the evidence base for the Adopted Core Strategy and emerging Local Plan the Central Lancashire Open Space Study was undertaken which assessed the quality and value of all open spaces in the Borough. Value was assessed in relation to the following three issues:
 - **Context of the site i.e. its accessibility, scarcity value and historic value.**
 - **Level and type of use.**
 - **The wider benefits it generates for people, biodiversity and the wider environment.**
24. This site was assessed as being of high quality and low value. The value assessment takes into account amenity benefits and as the site scores low for value, this suggests that the site does not make a significant contribution to the character of the area.
25. Local Plan Policy HS21 sets a standard of 0.45 hectares per 1,000 population for the provision of amenity open space from new housing developments. There is currently a surplus of provision in Wheelton in relation to this standard. However Members will be aware that the emerging Local Plan has reached an advanced stage and this site is a proposed open space allocation within the emerging Local Plan under Policy HW2. Policy HW2 states: Land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless:
 - a) Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or
 - b) It can be demonstrated that the loss of site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and
 - c) The site is not identified as being of high quality and/or high value in the Open Space Study; and
 - d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and
 - e) The site does not make a significant contribution to the character of an area in terms of visual amenity.
26. This emerging policy will require, criterion b), schemes to demonstrate that the loss of the site will not lead to a deficit of provision in the local area in terms of quantity and accessibility.
27. The Council's current evidence base in respect of open space, The Open Space Study, recommends an increased standard for amenity greenspace overall (0.73 hectares per 1,000 population) when compared to the current Local Plan which is proposed to be reflected within Policy HS4A of the emerging Local Plan. When utilising this increased standard, which is based on up to date evidence, there is actually a deficit of amenity greenspace in Wheelton

contrary to criterion b) of emerging Policy HW2. Additionally Criterion c) of the emerging policy does not allow the loss of any open space identified as being of high quality and/or high value in the Open Space Study. As set out earlier the site is identified as high quality (and low value) within the Open Space Study and as such the proposal would not be in accordance with criterion c) of Policy HW2.

28. Whilst Policy LT15 carries greater weight as the emerging Local Plan has been subject to examination it is considered that, in accordance with the Framework, a degree of weight can be afforded to the policies which are non-controversial. In this case no representations have been received in respect of Policy HW2 and there are no modifications proposed within the 'Inspectors Minded Main Modifications' which is out for consultation until 26 August 2013. As such it is not considered that this policy is controversial and substantial weight can be afforded to this policy when considering the proposals.
29. The up to date evidence base demonstrates a deficit of amenity open space within the area and although the area of land does not make a significant contribution to the character of the area the loss of this area of land will contribute to the deficit of this type of amenity space within Wheelton and is therefore contrary to the emerging Local Plan.

Density

30. The site covers 0.2 hectares which equates to a density of 40 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.
31. It is considered that a density of 40 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.

Affordable Housing

32. As set out earlier all of the proposed houses will be affordable rented dwellings managed by a Registered Social Provider. The Council's Housing and Support Services Manager has reviewed the proposals and confirmed the scheme represents Primrose Holding's off site contribution of affordable homes in respect of their Withnell Fold development. On completion the 8 properties will be transferred to an Affordable Housing Provider and let on the basis of affordable rents. The Council will have 100% nomination arrangements in respect of the properties. The Council's Housing and Support Services Manager has discussed the proposals with one of the Council's preferred RPs who have confirmed that the size and standards of the properties proposed met their requirements for an affordable property.
33. It is noted that the properties will all be affordable rent. The Central Lancashire Affordable Housing SPD sets out the types of affordable housing tenures which are appropriate within Chorley and it is noted that affordable properties for rent at affordable rent levels will only be considered acceptable where there is a demonstrable link to a HCA funded scheme or in exceptional circumstances where it is appropriate because of the particular location or type of housing proposed. This is because the preferred tenure for rented properties within Chorley is socially rented dwellings.
34. In this case when considering affordable rented properties rather than social rent the following considerations were taken into account:

- In accordance with Planning Policy at the time the Withnell Fold application was considered by Members the developer only needs to provide 7 affordable properties however on the Ryefield site the developer has agreed is to provide an additional property thereby providing 8 homes in total.
 - The Registered Provider (RP) who has been in discussions with the developer has expressed a preference for Affordable rented units to support their affordable housing programme with the Homes and Communities Agency
 - The completed homes will be let to people with a local connection to the rural locality.
35. Although the Council make the final decision in respect of the tenure of affordable housing the developer's discussions with a RP demonstrate that this is a deliverable scheme and with interest at this stage has the potential to result in a fast delivery of the affordable units.
36. In this case the exceptional circumstances for allowing affordable rented properties are the fact that the provision of 8 units represents an overprovision of units in respect of the Withnell Fold scheme, this provision will nearly address all of Heapey's affordable housing needs (9 affordable units) within one development and the developers discussions with a RP demonstrate that the scheme is deliverable in a timely manner. As such Members are asked to consider whether in this circumstance affordable rented properties are suitable.

Impact on the neighbours and levels

37. The immediate neighbours to the site are 18, 20, 22 and 25 Ryefield all of which are bungalow accommodation. 22 and 20 Ryefield face the application site and are located 24 metres away from the front elevation of the proposed dwellings. The land level of the application site rises when compared to the level of the road and as such the proposed dwellings will be constructed at a higher land level than the existing bungalows. The proposed dwellings will be approximately 1.19m higher than 20 and 22 Ryefield.
38. It should be noted that the Council's spacing distance which would be applicable to the relationship between 20/22 Ryefield and the proposed dwellings is 21 metres however this mainly relates to first floor windows which the existing properties do not have. The proposed dwellings maintain over 24 metres to the existing dwellings which factors in the difference in land levels. Although the ground floor windows on the proposed dwellings, which will serve the living room, will be at a higher level than the windows on the front of 20/22 Ryefield it is considered that a distance of 24 metres will ensure the amenities of the existing and future residents are protected.
39. 18 Ryefield's side elevation faces the application site. This property is located over 30 metres from the front elevation of the proposed dwellings and as there are no windows in the side elevation of 18 Ryefield this relationship is considered to be acceptable.
40. 25 Ryefield backs onto the highway which will serve the proposed development and has its back garden facing the application site. The proposed dwellings will have a finished floor level which is approximately 1.81 metres higher than the level of 25 Ryefield. The originally submitted scheme maintained 14 metres (taking into account the presence of the footpath and grassed area outside of the curtilage of 25 Ryefield) from the front elevation to the rear garden boundary of 25 Ryefield. The Council's standard spacing distance is 10 metres first floor window to garden boundary which should be increased in this situation to 15 metres to take into account the level difference. The agent for the application was advised of this and the proposed dwellings have been relocated 1 metre back into the site to improve the relationship with 25 Ryefield.

41. In respect of the window relationship between the proposed dwellings and 25 Ryefield over 22 metres is maintained. Applying the Council's first floor window to first floor window separation distance, which is not strictly applicable in this case as the existing dwellings do not have first floor windows, a separation distance of 26 metres would be required which is not met in this situation and could not be achieved within the limitations of the application site. However in this situation, taking into consideration the fact that 25 Ryefield is a bungalow, the presence of a rear boundary fence at 25 Ryefield and the distance maintained, it is considered that this relationship will not result in any loss of privacy to the existing or future residents.

Open Space

42. 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

43. As set out earlier based upon the up to date evidence base there is a deficit of amenity greenspace within Wheelton and as such a contribution towards new provision/ improvement from this development is required. The site is within the accessibility catchment of an amenity greenspace that is identified as being of low quality but high value within the Open Space Study (Meadow Street Play Area and amenity open space) and therefore a contribution towards improvements to this site will benefit the area in respect of the provision of amenity greenspace. 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 Wheelton 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

44. The site is an open area of amenity grassland which incorporates a number of trees and vegetation. The densest part of the vegetation forms the boundary between the application site and the open field to the rear of the site. To facilitate the development a number of trees are proposed to be removed and as such the application is supported by an Arboricultural Impact Assessment.
45. Twenty one individual trees and four groups of trees were assessed. Seven trees and one group of trees were recorded as retention category 'B', fifteen trees/groups as retention category 'C' and two tree as retention category 'U' (unsuitable for retention). Category C trees are defined as trees of low quality with an estimated remaining life expectancy of at

least 10 years, or young trees with a stem diameter below 150mm. The following trees are proposed to be removed to facilitate the development:

Tree Reference	Type	Classification
T2	Alder	C
T3	Oak	C
T4	Sycamore	C
T10	Lime	C
T11	Beech	C
T13	Hawthorn	C

46. Works to trees identified as part of G12 will also be undertaken to facilitate the development which involves removing the stems back by approximately 2.5 metres. Two additional trees are to be removed for arboricultural reasons (T5 and T14) as they are unsuitable for retention and are poor quality specimens with limited long term futures.
47. The remaining trees are proposed to be retained as part of the development and the survey states that there is a small area of root protection area (rpa) in respect of one Silver Birch tree to be retained (ref:T1) which will be affected during construction. A section of this RPA will need to be disturbed to accommodate the development of a pedestrian footpath, car parking space and landscape planting area. To ensure that this tree experiences minimal disturbance a minimum-dig method of construction is recommended for the construction of the footpath and car parking space. This can be secured by condition.
48. The Impact Assessment states that the remaining trees will be unaffected by the development but will require protection to ensure they remain in a healthy condition post development. This can also be secured by condition.
49. The Council's Tree Advisor has reviewed the proposals and has advised on the retention of trees T1, T2, T3, T4 and T10. Of the trees suggested for retention only one tree, T1, will be retained and the remaining will be removed to facilitate the development. The Tree Advisor has recommended the removal of trees T5, T11, T13, T14 and T15 in accordance with the submitted report.
50. It is noted that the proposals involve the removal of several trees which the Tree advisor has recommended for retention. These trees cannot be retained and the development proceed however if, taking into account all of the other material considerations, the recommendation is positive to mitigate for the loss of trees on this site a replacement tree planting scheme can be secured by condition.
51. Although this is Council owned land due to the development proposed it is considered prudent at this stage to introduce a Tree Preservation Order on the trees to be retained to ensure their continued protection. The proposed Tree Preservation Order extends to the trees on the opposite side of the existing turning head which do not form part of the application site. It is considered appropriate to include these trees as noting the neighbours' concerns about parking in the area which, although this is not considered to be an issue

when the properties are constructed, please see below, this will ensure the trees are protected during the construction phases.

Traffic and Transport

52. All of the proposed dwellings are two bedroom properties each with 2 off road parking spaces. For the size of dwellings proposed the parking provision is considered to be sufficient to minimise the impact of parking within the area.
53. The Highway Engineer has assessed the proposals and confirmed the following:
- The proposed development layout is acceptable.
 - The proposal would result in a slight increase in vehicular activity at Blackburn Road/Ryefield, but should have no significant adverse impact on the junction, given its existing capacity.
 - The applicant's proposed car parking provision of 2 spaces for each of the 2-bed dwellings is in line with the standard required by the Chorley Local Plan 2012-2026 and therefore acceptable.
 - The site would have ideally provided an opportunity for a cycle/pedestrian link from Ryecroft and Ryefield to the A674 (Blackburn New Road) which together with Blackburn Road are bus routes. However, from the plans submitted, it does not seem the applicant has control over the land between the southernmost corner of the site and the A674 to enable this link to be provided.
54. In conclusion the Highway Engineer has no highway objections to the proposed development subject to a condition relating to wheel wash facilities which are dealt with within the proposed construction management plan condition.

Contamination and Coal Mines

55. The Council's Waste and Contaminated Land Officer has commented that due to the proposed sensitive end-use (residential housing & gardens), the development hereby permitted shall not commence until the applicant has submitted a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. This can be addressed by condition.

Sustainability

56. 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.
57. 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.

58. As the proposed development exceeds 5 dwelling units both parts of the Policy will need to be satisfied in respect of the proposals.

59. The submitted Design and Access Statement confirms:

- The dwellings will be constructed to Code level 4 of the Code for sustainable homes. This will be achieved using a fabric first methodology ensuring that the dwellings maximise energy efficiency and minimise energy use.
- The dwellings are orientated on a North West – South East axis the result being that individual homes will benefit from solar gain and natural daylight to the rear kitchen / breakfast areas in a morning and to the main living areas in an evening. This arrangement assists in minimising energy use through providing solar gains and natural daylight to rooms at the appropriate time of day.
- The individual layouts are designed to minimise unnecessary circulation space thus optimising the ratio of heating and lighting to habitable floor space.
- The fabric first approach will provide flexibility in regard to climate change by maintaining a comfortable temperature internally regardless of variables of the temperature spectrum.
- The requirement to incorporate renewable or low carbon energy sources to reduce carbon dioxide emissions of the predicted energy use by 15% will be addressed during the detailed design stage and in conjunction with achieving Code Level 4.

60. This can adequately be addressed by condition.

Section 106 Agreement

61. The requirements in respect of Policy HS21 will be secured via obligations set out within the associated S106 Agreement as follows:

- Amenity greenspace = £680
- Equipped play area = £3,408
- Playing pitches = £6,944
- TOTAL = £11,032

62. The S106 Agreement will also include the affordable housing clauses including a local connection clause for the occupation of the affordable dwellings.

Overall Conclusion

63. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

64. This proposal will result in the loss of amenity greenspace provision within an area of Chorley where there is an identified deficit of such provision. As such the proposals are contrary to emerging planning policies and therefore the proposals are considered on balance.

Positive Elements	Negative Elements
The provision of 8 affordable units within a rural location within the Borough which will nearly address the identified affordable housing need in Heapey	
A contribution to improving an area of high quality amenity greenspace within the catchment area	The proposals would lead to the loss of an area of amenity greenspace within an area where there is an identified deficit
A contribution to improving playing pitch(es) and equipped play space improvement/ provision within the area	
Will contribute to achieving one of the Council's Corporate Strategies in respect of creating clean, safe and healthy communities by contributing to the Council's project- delivering affordable homes through the use of Council assets	
Replacement tree planting to mitigate for the loss of trees	Loss of trees

65. The application site is located within the Village of Wheelton and the Parish of Heapey. Policy 1 of the Core Strategy identifies appropriate locations for growth within Chorley and although neither Wheelton nor Heapey are specifically identified within the policy as locations for growth the policy does allow for small scale development to meet local need.
66. As set out above a scheme of 100% affordable will assist in achieving the Council's target for affordable housing within a rural location. In respect of the remaining criterion of Policy HS8 it is considered that the scale and nature of the development is appropriate for this piece of land representing a high density development whilst protecting the amenities of the neighbours and not adversely impacting on highway safety.
67. The Village of Wheelton has local schools and a defined local shopping area which will serve the future occupants of the properties and as such accords with criterion (f) of Policy HS8.
68. It is acknowledged that the neighbouring residents of Ryefield have raised concerns with the proposals and although the immediate character of the area is defined by bungalow accommodation it is not considered that the proposals are out of character in respect of the settlement as a whole. The Highway Engineer has addressed the highway concerns as addressed above and it is considered that the concerns in respect of the impact of the construction process can adequately be addressed by condition. The properties are likely to be occupied by families as they are two bedroom accommodation however the S106 Agreement will contain local connection clauses to ensure that the housing needs of this rural location are addressed these proposals. As such it is considered that the proposed dwellings can be accommodated whilst protecting the amenities of the existing residents.
69. It is considered that the positive elements of the proposals, which are material to the consideration of this application, outweigh the fact that the proposals are contrary to emerging planning policy in respect of the loss of amenity greenspace within this area particularly taking into account that this area of open space has no practical use other than as a visual amenity space. As such the proposals are recommended for approval subject to Members agreement that affordable rent is an appropriate tenure for the properties in this location.

70. It should also be noted that if members are minded to approve this application the scheme would be dependent on a Council decision to enable construction on its own land by virtue of a land sale, lease or licence.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

The Chorley Local Plan Review was adopted in August 2003. It was saved in September 2007

The relevant saved Local Plan policies are:

- GN4: Settlement Policies Other Rural Settlements
- GN5: Building Design & Retaining Existing Landscape Features.
- EP4- Species Protection
- EP9- Trees and Woodland
- HS4- Design and Layout of Residential Developments
- HS8: Local Needs Housing within Rural Settlements excluded from Green Belt
- HS21- Playing Space Requirements
- TR4- Highway Development Control Criteria
- TR18: Provision for Pedestrians and Cyclists in New Development
- LT15: Amenity Open Space

Central Lancashire Core Strategy (adopted July 2012)

Policies to be given weight are:

- Policy MP clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate otherwise taking into account Policy MP a) and b).
- Policy 1 Locating Growth
- Policy 4 Housing Delivery
- Policy 7 Affordable Housing
- Policy 25 Community Facilities
- Policy 22 Biodiversity and Geodiversity
- Policy 17 Design of new buildings
- Policy 27 Sustainable Resources & New Developments

Supplementary Planning Guidance

- The Central Lancashire Supplementary Planning Document Design Guide (adopted October 2012) is relevant as it aims to encourage high quality design of places, buildings and landscapes in the Borough. This supersedes the Chorley Design Supplementary Planning Guidance (July 2004)
- Central Lancashire Affordable Housing SPD October 2012

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
- HS1.33: 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
- HW2: Protection of Existing Open Space, Sport and Recreation Facilities

Planning History

This site- no planning history

Adjacent Site:

75/00332/FUL- 24 Aged Persons 1 Bed Bungalows 1 Wardens 3 Bed Bungalow. Deemed consent July 1975

78/00470/FUL- 9 No. 1 bed 2 person bungalows and 2 No. 2 bed 3 person bungalows. Deemed consent July 1978

12/00130/FUL- Proposed lining to existing lay-by in front of 20 and 22 Ryefield and proposed lining to existing lay-by adjacent to no.27 Ryefield, Heapey. Withdrawn

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

Title	Drawing Reference	Received date
Tree Protection Plan		19 June 2013
Site Location Plan		19 June 2013
Block Plan and Sections	1305-03 Rev A	18 July 2013
Site Layouts	1305-01 Rev A	18 July 2013
Floor Layout and Elevations	1305-02 Rev A	18 July 2013

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

3. The construction of the pedestrian accessway and parking space located within the root protection area of tree T1 (detailed on the Tree Protection Plan- yellow/green coloured hatch) shall be undertaken using a minimum-dig method of construction.
Reason: To ensure the continued protection of the tree in accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review.
4. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

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

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

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

6. 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.

7. 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.

8. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels and means of enclosure. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

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

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design. In accordance with Policy GN5 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.

10. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained. In accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review.

11. 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.

12. 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

13. 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.

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

measures are installed beyond what is required to achieve the relevant Code Level rating.

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

15. 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:
- i. the parking of vehicles of site operatives and visitors
 - ii. hours of operation (including deliveries) during construction
 - iii. loading and unloading of plant and materials
 - iv. storage of plant and materials used in constructing the development
 - v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vi. wheel washing facilities
 - vii. measures to control the emission of dust and dirt during construction
 - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: in the interests of highway safety and to protect the amenities of the nearby residents. In accordance with Policies GN5, EP20 and HS4 of the Adopted Chorley Borough Local Plan Review.

16. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies 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 properly address any land contamination issues and to ensure the site is suitable for the proposed end-use. In accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).