

Item 13/00991/OUT
Case Officer Mrs Nicola Hopkins
Ward Chorley East
Proposal Erection of 4no. detached dwellings with garages and a new means of access from Crosse Hall Lane. (Resubmission of withdrawn application 12/01055/OUT)
Location Land 75M East Of Hilfred Crosse Hall Lane Chorley
Applicant Mr G & N Dugdale

Consultation expiry: 4 December 2013

Application expiry: 24 December 2013

Proposal

1. This application is an outline application for the erection of 4 detached dwellings with garages and a new means of access at Crosse Hall Lane. This application intends to address access and layout with all other matters reserved.
2. The submission of this application follows a previously withdrawn application which was withdrawn due to insufficient information in respect of levels, particularly in regard to this site is the extent of cut and fill which will be required to secure a developable site.

Recommendation

3. It is recommended that this application is refused.

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Affordable Housing
 - Density
 - Cut and Fill Exercise
 - Impact on the neighbours
 - Open Space
 - Trees and Landscape
 - Ecology
 - Flood Risk
 - Traffic and Transport
 - Public Right of Way
 - Impact on the Listed Buildings
 - Noise
 - Sustainability
 - S106 Agreement
 - Community Infrastructure Levy

Representations

5. **19 letters of objection** have been received raising the following concerns:
 - Out of character with the rural character of the area and housing is not needed- The location does not have the capacity to absorb future development
 - Effect on a Listed Building: The farmhouse and attached barn conversion is Grade 2 listed and as such has to be maintained at greater expense to the owners. The

increasing development surrounding this building is detracting from its character and setting.

- Impact on wildlife/ ecology/ nearby pond/ wild flower areas
- Effect on highway safety and parking Crosse Hall 'Lane' is an unadopted lane, bridleway and footpath. This increase in properties has already increased the wear and tear on the lane and stone bridge which was never intended to take this amount of traffic, without four more properties.
- The lane is used by many walkers and cyclists, and without a footpath the increased traffic flow is hazardous for them.
- Should this development go ahead it will also potentially give access to the rest of the applicants' farmland, and once the precedence for building has been permitted would this extend to the rest of the land?
- Loss of privacy
- Visual amenity
- Noise and disturbance resulting from use
- Hazardous materials
- Loss of trees
- Lack of information on disabled access
- Archaeological impact
- Flood risk
- Light pollution.
- The removal of trees along the motorway will cause excessive traffic noise for the existing properties.
- The humpback bridge is a particular danger point as vision in both directions is limited by the landfall.
- There are also several large water mains lying very close to the surface on the bridge the heavy traffics is likely to cause damage to them
- The applicant has commissioned and submitted several reports which are incomplete and contradict themselves.

6. **Friends of Healey Nab** object to this proposal on the following grounds:

- Erosion of the area known as Healey Nab.
- Crosse Hall Lane cannot sustain the additional traffic

Consultations

7. **Lancashire County Council (Ecology)** have raised concerns with the proposals which is addressed below.

8. **The Environment Agency** has no comment to make

9. **Chorley's Conservation Officer** has raised concern about the impact on the heritage asset.

10. **Director People and Places** has no comments to make.

11. **United Utilities** have no objections subject to conditions

12. **Lancashire County Council (Highways)** has commented on the proposals which are addressed below.

13. **Chorley's Waste & Contaminated Land Officer** has confirmed that there is potential for ground contamination at this site. Due to the proposed sensitive end-use (residential housing with gardens) a suitably worded condition is suggested.

14. **The Canal & River Trust** has no comments to make.

15. **The Council's Tree Officer** has commented that a number of trees on the site warrant protection.

16. **Lancashire County Council (Public Rights of Way Officer)** has raised the following concerns:

- The proposed development will create further vehicle movements along the public bridleway and will reduce the safety of walkers, cyclists and pedestrians.
- Further vehicle movements along the bridleway will generate wear and tear on the surface of the public bridleway to the detriment of the surface which will in turn affect public access. The Lancashire County Council Public Right of Way team is responsible for the surface being in a condition that is safe and fit for pedestrians, horse riders and cyclists. The Lancashire County Council Public Rights of Way team does not maintain the route to a standard that is appropriate for vehicle use nor do the Lancashire County Council Public Right of Way team wish to see the route deteriorate because of an increase in vehicle usage on the surface.

Assessment

Principle of the development

17. This application site is in Chorley Town, which Core Strategy Policy 1 defines as a Key Service Centre. Policy 1 states that growth and investment should be focussed on well-located brownfield sites and the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble. However it notes that this should protect the character of suburban and rural areas. The Policy does acknowledge that some greenfield development will be required on the fringes of the main urban areas which this site falls within.
18. This is an outline planning application which intends to address layout and access. Landscaping, appearance and scale will be dealt with as reserved matters if this outline planning application is successful. The site is an undeveloped piece of greenfield agricultural land adjacent to the M61 motorway which has substantial level changes across the site and is accessed by a private access road.
19. As part of the development of the emerging Local Plan, this site, as part of the applicant's wider land ownership, was suggested for residential development as it was considered to be a sustainable location for housing and employment. However this suggestion was removed prior to publication stage as the steep gradients on this site limited the development potential without major mitigation measures.
20. The site was subject to a sustainability appraisal and overall scored reasonably well and it was given a banding of B (banding is graded from A – E, with A indicating the most sustainable sites). The site is in close proximity to all local services and facilities with the exception of a GP surgery which is 0.81 to 1.6km away. The site has poor access to a motorway junction which is over 3km away.
21. The sustainability appraisal considered that this site has good access to public transport with frequent bus and rail services however it is noted that the nearest bus stops are over 400 metres away from the site which exceeds the normal 5 minute walk guideline. Whilst this distance only slightly exceeds the norm and other services are, in theory, in walking distance from the site, how realistic the accessing of services by sustainable modes (i.e. walking/ cycling) is brought into question at this site.
22. At pre-application stage the Highway Engineer raised concerns with the proposals from a sustainability perspective and commented that *the development is unlikely to encourage non-car mode of transport*. This is based upon the poor quality of the access to the site which is addressed further below.

Background Information

23. The applicants entered into pre-application discussions in respect of this site in 2011 which led to the submission of a formal outline planning application in 2012 (12/01055/OUT). This application was however withdrawn as the case officer could not fully assess the proposals in the absence of a full and comprehensive Waste Audit for the site and a levels plan that extends beyond the site itself and takes into account the adjacent properties. The agent for the application was advised that the proposals within their submitted form would be refused due to lack of information unless the application was withdrawn. The applicants choose to withdraw

the application and this resubmission includes levels details along with information of the proposed fill exercise which is required to secure the levels necessary to develop this site.

Affordable Housing

24. Policy 7 of the Core Strategy sets out the requirements for the provision of affordable housing in Central Lancashire to meet the acute need for such housing in the area. Amongst other things, the Policy states that the minimum size threshold which will trigger the need for affordable housing is 15 dwellings or 0.5 hectares. This Policy is supported by the accompanying Supplementary Planning Document on affordable housing (SPD) which was adopted in October 2012.
25. The principle of utilising this threshold was supported by the Planning Inspector at the recent appeal decision at land south-west of Appenzell, Babylon Lane, Heath Charnock, Chorley, Lancashire (APP/D2320/A/13/2196354). Within her decision she confirmed that *Policy must be construed on the plain meaning of the words in it and Policy 7 clearly identifies a site size threshold of 0.5 hectare or part thereof*. The Inspector then went on to conclude *Regardless of whether the appeal site is taken as 0.8 hectare gross, or the appellant's constraint influenced net developable area of 0.59 hectare the site size threshold would be exceeded. As the development makes no provision for any affordable housing, it would be contrary to the objectives of Policy 7*.
26. When the application was originally submitted that site size threshold within Policy 7 was exceeded (0.54 hectares) and as such the agent for the application was advised that in the case of this site there is the requirement to provide 30% affordable housing (or 1 unit) on site. In response the agent confirmed that all the land within the red edge was not required to enable the proposed development and as such the red edge plan was amended. The amended site area covers 0.39 hectares.
27. However the accompanying SPD explains that the size of a development should not be artificially reduced in order to avoid the affordable housing requirements, for instance by subdividing sites or reducing the density of all or part of the site. This application site is part of a larger area of land and appears to be contrary to the principles of the SPD by only applying for part of the site in order to negate the need for affordable housing. This point was put to the agent for the application who has responded as follows: *The number of proposed dwellings has not been altered to reduce the affordable housing requirement; the red edge has been amended to only incorporate the area of land required to enable the proposed development and to reflect a more realistic curtilage area for plot 4. It was never intended to be included as part of any residential curtilage given its size and was incorrectly shown on all the previous plans. The land which was previously incorporated within the red edge will remain in our client's ownership and will continue to form part of their wider land ownership. It would accordingly be most unreasonable to apply the requirements of the Central Lancashire Affordable Housing SPD in this particular instance*.
28. However this does not address the provisions of the SPD which clearly discourages the subdivision of sites to negate the need for affordable housing. Also by amending the red edge plan it appears that the site area has been reduced to negate the need for affordable housing. It is acknowledged that there are various land levels changes across the site, as reflected within the density below, however no information has been provided as to why either the piece of land removed from the red edge/ the remainder of the applicants' land ownership is not developable. Potentially this land could come forward for additional housing in the future, particularly as the proposals include a new access road to the field, which Policy 7 and the accompanying SPD expressly seek to avoid.
29. It is important to note that the Council's greatest current need is 2 bedroom houses with little requirement for large dwellings as proposed. Policy 7 does include provision for off-site provision or financial contributions of a broadly equivalent value instead of on-site provision where robustly justified. This has not been set out in respect of these proposals.

Density

30. The originally submitted application site covered 0.54 hectares which equated to a density of 8 dwellings per hectare. However the site area was reduced during the application process to 0.39 hectares which equates to a density of 10 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. Although this site is located within the settlement boundary the character is very rural and is not characterised by high density development. Additionally it is noted that there are significant level changes across the site which need to be addressed as part of the development of the site. Although concerns have been raised about the subdivision of the land within the applicants' ownership in terms of affordable housing, which is addressed above, a lower density development is considered to be appropriate given the rural character of the surrounding area.

Cut and Fill Exercise

32. As set out above there are significant level changes across the application site and a large amount of fill will need to be transported to the site to facilitate the proposals. The submitted Waste Audit Report confirms this will involve the introduction of approximately 623 cubic metres of fill material onto site to ensure that the development is constructed to the levels as shown. There would need to be around 63 trips to and from the quarry based on the Contractor using a standard eight wheel vehicle.
33. The agent for the application has confirmed that the material imported to site will be a clean inert stone material (such as MOT type 1 which is limestone granular sub-base) and the quarry will be chosen by the contractor. The Environment Agency have confirmed that if any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from the Agency.

Impact on the neighbours

34. As set out above concerns have been raised about the impact of the proposals on the neighbours' amenities. The immediate neighbours to the application site are Hilfred, Spring Cottage and the row of three properties on the opposite side of the access road (Cross Hall Farm, Middle Barn and Crosse Hall Barn).
35. The front garden and driveway associated with plot 1 will be located close to the boundary with Hilfred, although they will be separated by the proposed field access, and the proposed dwelling and rear garden area will be sited close to the boundary with Spring Cottage. The proposed level of plot 1 is 86.60 with the field access level being slightly lower at 86.29 and the proposed sectional plan detail that plot 1 will be sited at a higher land level than the existing neighbouring dwellings.
36. Although the finished floor level (FFL) of the adjacent dwellings is not detailed within the submission documents utilising the fixed point of the adjacent garage, which was granted planning permission (09/00616/FUL) in 2009 at a height of 3.7 metres with an eaves height of 2.3 metres (at the rear) it is possible to estimate the FFL of the existing dwellings. The garage has a finished floor level of (approximately) 85.25, Spring Cottage has a finished floor level of 84.65 for and Hilfred has a finished floor level of 85.95.
37. As such the proposed dwelling on plot 1 will be approximately 0.65 metres higher than Hilfred. The proposed dwelling is set away from the boundary with Hilfred and is located to the south-east of the existing dwelling. Hilfred only has minimal outdoor space at the rear of the property with the majority of the garden area sited to the front of the dwelling. Due to the orientation of the properties plot 1 will partly overshadow the rear garden area of Hilfred early in the morning however given the distance maintained between the proposed dwelling and the rear garden area of Hilfred (over 11 metres) and the limited impact that will be created it is not considered that a reason for refusal could be sustained.

38. The proposed dwelling on plot 1 will be approximately 1.95 metres higher than Spring Cottage and will be sited over 5 metres away from the front garden area of the existing property adjacent to the detached garage. The siting of the proposed dwelling ensures that it will not overshadow the existing property (the proposed dwelling is sited to the north-east of Spring Cottage) and will not create any loss of amenity to the existing residents. No windows will be permissible within the side elevation of plot 1 to ensure that no overlooking will be created.
39. The former Crosse Hall farm building and attached barn are located on the opposite side of the Lane approximately 43 metres away at its closest point with plot 4. Middle Barn has a finished floor level of approximately 86.2 which is very similar to the proposed finished floor level of plot 1 (plot 1 will be 0.4 metres higher). The property on plot 4 will be approximately 3.7 metres higher than the existing buildings however given the distance maintained between the proposed and existing dwelling this exceeds the required spacing distance (which in this case would be 34 metres taking into account the level difference) window to window distance.
40. The front elevation of plot 4 is sited over 41 metres from the private amenity space of the Middle Barn which greatly exceeds the required window to garden distance of 23 metres in this case given the level difference.
41. Although the dwellings will be constructed at a higher land level than the existing dwellings it is considered that they are sited as to protect the amenities of the existing and future residents.
42. Concerns were originally raised about the extent of usable private amenity space which would be afforded to the proposed family dwellings due to the significant land level differences across the site. This related to the submitted section plans and concerns were raised about the quality of life that the future residents could realistically secure due to the significant level changes, the amount of unusable garden space proposed for each individual curtilage and the very restricted amount of usable garden space for each plot. One of the 12 core land use planning principles within the Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
43. In response the agent has confirmed that in terms of usable amenity space the site areas for the front gardens, rear level gardens and sloping gardens would be sufficient as set out below:

	Front Garden (m²)	Level Rear Garden (m²)	Sloping Rear Garden (m²)
Plot 1	131	174	152
Plot 2	117	133	315
Plot 3	103	91	320
Plot 4	363	165	493

44. This is considered to be a suitable amount of usable garden space for the future residents.

Open Space

45. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, these comments are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.

Amenity Greenspace

46. Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.
47. There is currently a surplus of provision in the Chorley East ward in relation to this standard and the site is within the accessibility catchment (800m) of an area of amenity greenspace. A contribution towards new provision in the ward is therefore not required from this development. However there are areas of amenity greenspace within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (sites 1528 - Rear of Amber Drive, 1543 – Adjacent 57 Cowling Brow). A contribution towards improvements to these sites is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

48. Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

49. There is currently a surplus of provision in the Chorley East ward in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the ward is therefore not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (sites 1330.2 – Tatton Recreation Ground, 1529 – Opposite 21 Amber Drive, 1320 – Grey Heights View play area). A contribution towards improvements to these sites is therefore required from this development. The amount required is £134 per dwelling.

Parks and Gardens

50. There is no requirement to provide a new park or garden on-site within this development.

51. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

52. There is no requirement to provide new natural/semi natural greenspace on-site within this development.

53. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Allotments

54. There is no requirement to provide allotment provision on site within this development.

55. The site is within the accessibility catchment (10 minutes' drive time) of allotments that are identified as being low quality and/or low value in the Open Space Study (ref 1644 – Whittam Road/ Moor Road Allotments, 1646 – Worthy Street).

56. The site is also within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Land at Sylvesters Farm, Euxton (HW5.2). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

57. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

Trees and Landscape

58. There are various trees and hedges on the site and as such the application is supported by an Arboricultural Report Impact Assessment and Method Statement. The submitted tree survey does however identify a number of high quality and moderate quality trees on the site within the applicants' ownership and a Tree Preservation Order will be progressed on the trees with highest amenity value. On a number of the trees no works are required however on certain trees deadwooding and crown cleaning is identified as appropriate for the health of the tree. This work could be done without permission even if the trees were protected.

59. The report does identify the removal of the following trees which are identified as very poor quality:

- T28- Mature Hawthorn with major decay within the main stem
- T30- Early mature Elder with low amenity value
- T32- Mature Hawthorn with major decay within the main stem
- T33- Over-Mature Elder with major branch failures
- T34- Mature Elder which is dying

60. All these trees are located within the application site however they do not have a high amenity value and can be removed.

61. Trees T31 (Semi-mature Elder) and T35 (Mature Hawthorn) are also identified for removal. These are not identified as being poor quality however appear to be identified for removal to facilitate the development. The Tree Officer has considered the amenity value of these trees and confirmed that these trees are of poor quality and removal is acceptable.

Ecology

62. Due to the nature of the application site and the existing use the application is supported by an Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment. This document concludes that, with the exception of bats, there was no evidence of any specifically protected or otherwise important species occurring within the development footprint and no important habitats were identified *that will be adversely affected*. A number of breeding birds, all of which are protected in general terms during the breeding season, do occur on site and there will be an initial but relatively minor loss of breeding habitat.

63. With respect to bats, the submission documents conclude that no roost sites or suitable roosting habitat were found on site and there will be minimal loss of commuting and foraging habitat.

64. The update survey of October 2013 revealed no material change in habitat structure and concludes that with adequate mitigation and the implementation of a number of minor precautions the proposed development will result in negligible overall ecological impact.

65. The Ecologist at Lancashire County Council has reviewed the proposals and confirmed that the following matters will need to be addressed before the application is determined:

- Further clarification on the amphibian assessment is required prior to determination of the application.
- If further assessment/survey reveals the presence of great crested newts that would be affected, the proposed works may result in a breach of The Conservation of Habitats and Species Regulation 2010 unless a Natural England licence is issued prior to commencement of works. Chorley Borough Council should not approve the application if there is reason to believe that such a licence would not be issued. Chorley Borough Council should therefore have regard to the requirements of the Habitats Directive in reaching the planning decision (the three tests).
- It is not clear from the proposed plan that that the proposed development has been designed to avoid/minimise losses (e.g. species rich grassland, section of hedgerow) or that losses of semi-natural habitat will be adequately compensated for. This will need to be addressed prior to determination of the application as there may be implications for the design of the scheme.

66. As noted within the comments neighbouring residents have raised concerns that the submitted Ecological information does not adequately address the ecological issues within the area. This concern is reiterated by the Ecologist.

67. In respect of Great Crested Newts aerial photographs indicate that a pond is located within 100m to the west of the proposed application area. It is not clear whether the brook forms a significant barrier to amphibians and whether or not this pond is linked to the proposed application area by a strip of habitat along the canal/aqueduct (as aerial photographs suggest) and if so whether this would be accessible to amphibians. Natural England's risk assessment indicates that if Great Crested Newts were present in this pond, due to the distance of the pond

and scale of the development an offence would be likely. Clarification is required as to whether there is a significant barrier from this pond to the proposed development area.

68. Following the Supreme Court ruling (Morge vs Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
 - Is the proposal likely to result in a breach of the Habitats Regulations?
 - If so, is Natural England likely to grant a licence?
69. Natural England have not been consulted as part of the application as it is not clear, without confirmation as to whether Great Crested Newts will be affected, whether the proposal is likely to result in a breach of the Habitats Regulations.
70. Following the high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
 - (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - (b) there must be no satisfactory alternative; and
 - (c) favourable conservation status of the species must be maintained.
71. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive
72. It is not considered that the ecological impacts of the proposals have been fully considered as there is outstanding clarification required prior to determination and as such it is not possible for the Council to discharge its obligations in respect of the above tests.
73. The Ecologist does consider that if the above concerns can be adequately addressed/ clarified then the ecological implications of the development can be adequately addressed by condition. However prior to any favourable determination the issues need to be addressed.

Flood Risk

74. Concerns have been raised in respect of flooding at the site. The site is situated outside Flood Zones 2&3 and as such the risk of flooding from nearby watercourses is minimal however the application is supported by a Flood Risk Assessment. The assessment concludes that 'the development can be designed and constructed in a fully sustainable manner and will not be adversely affected by present or future flood risks either internally or externally generated. Through judicious design the site can make a positive contribution to the reduction of flood risks to neighbouring properties within the Black Brook catchment'.
75. The Environment Agency have confirmed that they have no comments to make on the proposals and given the size of the site it is not considered that the proposals will create issues in respect of flooding.

Traffic and Transport

76. As set out earlier within the report at pre-application stage the Highway Engineer raised concerns with the proposals from a sustainability perspective. The Highway Engineer has reviewed the current proposals and made the following comments.
77. Crosse Hall Lane extends from the junction of Eaves Lane towards east for 770m and is currently un-adopted. Its section between Eaves Lane to Haworth Road is 20mph zone, but from this point the speed limit is unknown. Apart from providing access to a number of residential properties and farms, Crosse Hall Lane serves as a public bridleway and a public footpath. The bridleway (BW13) begins at its junction with Eaves Lane up to Crosse Hall Lane (Black Brook) Bridge from where it deviates southerly to Crosse Hall Street. The public footpath

(FP 13) begins where the bridleway deviates on Crosse Hall Lane and extends to the easterly end of the road and beyond.

78. Although Crosse Hall Lane is a single 2-way road, some sections are too narrow as to allow vehicles from opposing directions to safely pass each other for example Crosse Hall Bridge at its narrowest is only 2.75m wide. Due to the level difference between the carriageway and its sides, drivers are hesitant and either have to stop for oncoming traffic or exercise extreme caution by driving very slowly. As such, traffic speeds were not identified as a problem.
79. Existing traffic flows seem low and there has not been any recorded traffic accident in the past 10 years. Vehicular trips to be generated by the proposed 4 detached dwellings would be minimal. Therefore the issue is not how to reduce vehicle speeds by constricting sections of the road, but how to increase the existing capacity of the road to accommodate the existing traffic volume and the increased flow due to the proposed development.
80. Apart from residents' vehicles farm machinery also uses Crosse Hall Lane. The submitted Transport Statement (section 6, page 18) states that passing places should only be provided where traffic flows are very high and whilst the Highway Engineer agrees with this principle he has also considered the constraints in respect of this particular site set out below.
81. Crosse Hall Lane has narrow sections with dips to the sides. As a result, on reaching these sections, as vehicles cannot be safely driven pass each other, vehicles either have to stop or reverse to give way to on-coming traffic leading to delays. Despite this, the Transport Statement (TS) (section 6, page 19) considers that as the majority of traffic using the road are cars, minimum carriageway widths of 2.75m and 4.10m should be accepted without passing places.
82. The Highway Engineer however considers that the existing narrow widths do not allow free flow of traffic and if the current level of traffic flow is increased as a result of the proposed developments, the situation will be exacerbated if passing places are not provided. As indicated above, the road is used by agricultural vehicles and machinery. Therefore, the existing narrow widths would be unacceptable without passing places if the proposed development were to be allowed.
83. There are currently no passing places on Crosse Hall Lane from its junction with Haworth Road to the Cross Hall Lane Bridge over the M61. After visiting the site the Highway Engineer is unable to confirm what is included within the TS as an existing passing place and considers that it is actually a widening provided along the road to enable vehicles to safely exit the driveway of 1 Ridge Road. This widening is barely one car length.
84. Within the TS two locations on each side of Crosse Hall Bridge are indicated to be formalised for creating passing places. The Highway Engineer considers that a passing place to the west of the bridge can be accepted however the one to the east cannot. This is due to the fact that its location is shown on the wrong side of the road. None of the locations of the passing places are within the applicant's boundary and each standard passing place should have a minimum of 3 car lengths i.e. 18m in order to be acceptable to the Highways Authority.
85. During the Engineer's site visit, vehicles were observed using residential accesses as passing places, which can be detrimental to highway safety. The Engineer has estimated that a minimum of 6 standard passing places would be required on Crosse Hall Lane from its junction with Haworth Road to the Cross Hall Lane Bridge over the M61, based on the 60m interval quoted within the TS. The passing places should preferably be located on both sides of the road to enable traffic to give way regardless of direction of travel.
86. The Highway Engineer considers that if the outline application is to be approved, delivery of the passing places should be made conditional prior to commencement of development.
87. In respect of the extent of filling materials required to secure the proposed land levels the Engineer has no objections to the submitted indicative layout nor does he have any concerns in respect of visibility at the site access.

88. In terms of the sustainability principles of the site the Highway Engineer has confirmed that walking distances to bus stops in urban areas should not exceed 400m and should desirably be 250m. The distance from the site to the nearest bus stop on Eaves Lane is slightly over the maximum distance. The Highway Engineer comments that Crosse Hall Lane has no pedestrian footways from its junction with Haworth Road to the site and pedestrians and school children and parents walking to the nearby primary school currently share the carriageway.
89. The road is unlit in places and does not appear to be naturally surveyed by the neighbouring buildings. It would be impossible to provide continuous footways along Crosse Hall Lane, due to the level difference of the road and its sides, although the Highway Engineer does note that some sections can accommodate short lengths of footways to assist pedestrians.
90. To encourage the use of public transport then the Engineer considers that, as a minimum, street lighting and upgrading of the existing bus stop opposite the junction of Crosse Hall Lane with Eaves Lane to quality standard should be considered.
91. Also, in the interest of sustainability, the Engineer considers that options to improve the section of bridleway from Crosse Hall Lane to Cross Hall Street to suit pedestrian and cycle use should be explored. There is an existing cycle lane within 200m of the site along the Leeds and Liverpool Canal. The carriageway of Crosse Hall Lane is currently in a poor state due to surface deterioration and requires improvements, particularly where there are concentrations of houses from its junction with Haworth Road to the Cross Hall Lane Bridge over the M61. Also, the edge-of-carriageway marking at its junction with Haworth Road needs to be altered to give-way markings and the appropriate hazard line markings to reflect its 2-lane use.
92. It is inevitable that as a result of the proposed development, more vehicles will use Crosse Hall Lane and pedestrian activity would potentially increase along the road which presently has no pedestrian facilities. The unadopted road has many limitations and the applicant apparently lacks control of land to carry out significant improvements.
93. Nonetheless, given that the development proposal is only for 4 dwellings, the proportions of vehicular trip generation and pedestrian usage are unlikely to cause any serious safety concern on Crosse Hall Lane and the surrounding highway network and as such the Engineer is not requesting that all the above improvements are carried out as part of this development alone.
94. The Engineer has however confirmed that as a minimum requirement to ensuring safety and sustainability of the site the following is required:
- the passing places should be provided
 - improvement to the bridleway
 - upgrading of the bus stop.
95. The Highway Engineer has no objections to the proposal in principle however the improvements listed above are essential to create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so. The Engineer considers that if these improvements cannot be delivered as part of the detailed proposal, then, Highways would recommend that approval of the application be resisted.
96. Concerns about the realism of the future occupants considering alternative modes of transport, rather than the car, in respect of the site due to the fact that there are no dedicated footpaths has been raised with the agent who has confirmed *In terms of sustainability the site is located within the settlement boundary of Chorley. The nearest bus stop is just over the 400m walking distance along Eaves Lane. The site is also approximately 350m from Chorley St. James C of E Primary School. There is street lighting outside Cross Hall Barn/Middle Barn/Cross Hall Barn and close to the canal and street lighting along the remainder of Crosse Hall Lane to the west. Footpaths are available along Crosse Hall Lane from Eaves Lane to Haworth Rd. The application site is also approximately 160m away from the Leeds Liverpool Canal Cycle Route and the healthy walking route, the 'Chorley Circular'. The application site is also close to several public footpaths (FP 13a, FP 4 and FP 14). It is therefore considered that the site is in a*

reasonably sustainably location which is not dissimilar from certain parts of the housing development taking place to the north.

97. The sustainability principles of the site are acknowledged and reflected within the sustainability appraisal which was undertaken when this site was being considered as a housing site. However without improvements to the Lane, as suggested by the Highway Engineer, it is not considered that the scheme would promote alternative modes of transport.
98. In respect of the passing places the agent for the application has confirmed that the existing passing places are not within their client's ownership and investigations will take place to establish whether or not the passing places can be formalised. However the agent considers that this should not have any bearing on the planning application or decision given that the passing places already exist and the formalisation is not necessary for the proposed development given the low traffic flows which would be generated by the proposed development. Whilst the submitted TS makes this assumption the Highway Engineer considers that 6 standard passing places would be required on Crosse Hall Lane due to the fact that the existing narrow widths do not allow free flow of traffic and as the current level of traffic flow will be increased as a result of the proposed development. It is not possible in this case however to attach a condition which secures the provision of 6 passing places or enables their retention in perpetuity and as such it is not possible to overcome the harm created in this case.
99. A further material consideration relates to when planning permission was granted for the site adjacent to the application site. Outline planning permission (90/00573/OUT) was refused by Chorley Council for the erection of 4 dwellings on the adjacent site for the following reason:
- The proposed development would be served via Crosse Hall Lane which is of a substandard width, has no footpaths and limited visibility over the canal bridge. As such the proposed development would be detrimental to the safety of all users of Crosse Hall Lane.
100. This decision was overturned at appeal although the Inspector made the following comments:
- I think this is a borderline case. The construction of 4 more dwellings would increase traffic to a fairly significant extent, vehicles would have to pass over the canal bridge where visibility is particularly bad and there would therefore be some increase in hazard to both vehicles and pedestrians. On the other hand the amount of traffic would still be very light as Crosse Hall Lane is not a through road, and there is no evidence of any accidents or serious traffic problems in the past. On balance, I therefore consider that the increased traffic from the site would not be sufficiently harmful to justify dismissing the appeal.*
101. At the appeal the Council suggested various conditions in relation to Crosse Hall Lane. However the Inspector considered:
- I do not consider that it would be reasonable to impose a negative or 'Grampian' condition relating to lighting and widening of Crosse Hall Lane. The land is not within the control of the appellant and there is no clear indication that he would be able to carry out improvement works. Whilst improvement would obviously be desirable, I do not consider (for the reasons stated above) that it would be essential for work to be done before any development could take place.*
102. At the time of the 1990 application Crosse Hall Lane served 16 dwellings and the farm. The Lane now serves over 21 dwellings and the planning history for this area indicates that development has happened incrementally with small developments which on their own had little impact on the Lane, due to low traffic generation, however cumulatively have the potential to have a greater impact. This scheme will add an additional 4 dwellings to the area served via Crosse Hall Lane.
103. The Highway Engineer initially considered that his suggested highway alterations could be secured via a S278 Agreement however as the road is not adopted this would not be possible and would need to be secured via planning condition. The agent has however confirmed that the Lane is outside of their client's ownership and at this time there is nothing before the Council which indicates that the applicants would be able to carry out the required improvement works even if a condition was attached. As such at this stage there is nothing before the

Council which indicates that the highway works required to secure the safety of the users of the Lane could be secured if this site were to be developed.

Public Right of Way

104. The application site abuts Public Footpath Nos. 13A and 4 Chorley and proposes to utilise Public Bridleway No. 13 Chorley for access to the proposed development. The Senior Public Rights of Way Officer at Lancashire County Council has raised concerns with the proposals in respect of access to the site. These concerns can be summarised as follows:
- Will create further vehicle movements along the public bridleway and will reduce the safety of walkers, cyclists and pedestrians.
 - Will generate wear and tear on the surface of the public bridleway to the detriment of the surface which will in turn affect public access.
105. It is noted that whilst LCC are responsible for maintaining these footpaths and rights of way the routes close to this application site are not maintained to a standard that is appropriate for vehicle use. The agent for the application has been advised of these concerns and commented that the *additional low number of vehicle trips produced by the proposed four dwellings will not have a significant effect on the surface of the public bridleway.*
106. In respect of the safety concerns raised it is noted that Crosse Hall Lane is a private access road with no dedicated pedestrian footpaths however the County's records detailed on Map Zone indicate no collision information along Crosse Hall Lane. It should be noted that Map Zone only includes information over the last 5 years.
107. The concerns raised reflect those of the Highway Engineer as set out above.

Impact on the Listed Buildings

108. The proposed development site is located to the south east of a listed building, Crosse Hall Farm (now split into two dwellings). At its nearest point the site boundary is 25 metres from this building, with the nearest proposed dwelling 45 metres from it. As such this application has been advertised in respect of the potential impact on the setting of the Listed Building. It is noted above that concerns have been raised by neighbours in respect of the impact on the Listed Buildings.
109. Crosse Hall Farm clearly ceased to be a farm house many years ago, however it retains its essential character and significance as befits a grade II listed building. An integral part of the significance to this building is that imbued within its setting. Whilst some of that setting has already been eroded by new development to the north west and south west, that to the north east and south east remains open. Paragraph 132 of the Framework states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear or convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.'*
110. Listed buildings are defined by annex 2 to the Framework as 'designated heritage assets'. Section 12 of the Framework is concerned with 'Conserving and enhancing the historic environment'.
111. The significance of any heritage asset is made up of a number of elements, one of which being its setting. Paragraph 128 of the Framework states, *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting.'*
112. The Council's Conservation Officer has reviewed the proposals and confirmed that the proposed development will have an impact upon the setting of the designated heritage asset – Crosse Hall Farm. Within the original submission it was considered that the applicant failed to recognise the designated heritage asset within the locality of the application site which is contrary to guidance contained within the Framework. In response to this the agent for the

application has submitted a Heritage Statement which concludes that the proposals will have a neutral impact on the setting of the listed building and the significance of the heritage asset. The Conservation Officer has reviewed the Statement and commented as follows.

113. The Heritage Statement submitted meets the requirements of the Framework, para 128. The proposed development will have a neutral impact on the setting of the designated heritage assets, however the Conservation Officer considers that additional planting to the front, or northern, part of the site should be secured. This will help to screen the proposed development from the designated heritage assets and safeguard their setting. This can be addressed by condition and it is considered that the significance of the Heritage Asset has been fully considered in accordance with guidance contained within the Framework.

Noise

114. The application site is located close to the M61 motorway and as such noise from the motorway is a consideration. In this regard the application is supported by an Environmental Noise Study. The study confirms that the following mitigation measures will be required to reduce sound which will be experienced by the future residents:
- The use of various double glazed units for bedroom and living room spaces together with a combination of standard and acoustically rated passive vents.
 - Ventilation could be in the form of above window trickle vents or through the wall ventilators. It must be ensured that the selected ventilator is capable of achieving sound reduction of at least 42dB Dn,e,w in the open position.
 - The ventilation scheme as approved by others should be verified by Red Acoustics for compliance with the target noise ingress criteria.
115. The Council's Neighbourhood Environmental Health Officer has confirmed that she has no comments to make and it is considered that the above elements could be adequately addressed via condition. As such it is considered that these mitigation measures will adequately reduce the potential for noise impacts at this site.
116. It is noted that the submitted noise assessment was undertaken in 2011 and refers to superseded planning policy guidance however an updated assessment from the acoustic consultants has been provided which concludes that the target internal noise criteria outlined below are still considered appropriate for protecting the amenity of the proposed residential dwellings at Cross Hall Lane, Chorley in accordance with The National Planning Policy Framework.
- Living Rooms, daytime (0700 to 2300): up to 35 dB LAeq
 - Bedrooms, night time (2300 to 0700): up to 30 dB LAeq with individual events up to 45 dB LAm_{ax}
117. The assessment and guidance contained within the originally submitted report is therefore deemed suitable for assessing noise impact in accordance with current planning guidance.

Sustainability

118. 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. This increases to Level 6 in 2016.

Section 106 Agreement

119. The total financial contribution required from this development secured via a S106 Agreement is as follows:

Amenity greenspace	= £560
Equipped play area	= £536
Allotments	= £60
Playing Pitches	= £6,396
Total	= £7,552

Community Infrastructure Levy

120. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed housing development will be chargeable development and this will become liable at the commencement of the development.
121. As this is an outline application the total residential floorspace proposed is unknown however utilising an average house size of 120m² equates to a CIL charge of approximately £31,200.

Overall Conclusion

122. Development within this area has occurred incrementally over the last 30-40 years with small housing developments served off the private, unadopted Crosse Hall Lane. Examples include 9/88/45 for one detached house and 9/88/67 for three detached dwellings. At this time the case officer acknowledged that *'the only remaining issue is access from Crosse Hall Lane, which is substandard and unmade in parts. Given that only three dwellings are proposed and the fact that the road is to be improved by the North West Water Authority, an objection solely on those grounds is unlikely to be sustained.'*
123. New housing within this area as developed as follows:
- 5/1/00634: Site for bungalow (Healey Moss)
 - 5/1/01341: Erection of dwellinghouses.
 - 5/1/01527: Use of land for erection of pair of semi-detached bungalows and garages.
 - 5/1/02816: Outline application for detached house (Hillandale)
 - 76/00296/OUT: Outline application for Agricultural Workers Dwelling. (White House Farm)
 - 84/00647/LBC: Application for listed building consent for conversion of barn to 2 dwellings. (Crosse Hall Barn)
 - 85/00223/FUL: Conversion of barn into two dwellings and single storey rear extension. (Crosse Hall Barn)
 - 88/00067/FUL: Erection of 3 detached houses (Crosse Hall Lodge)
 - 88/00045/FUL: Erection of one detached house land adjacent to Hillandale. (Hillandale)
 - 88/00313/FUL: Erection of detached dwelling (Hillandale)
 - 90/00573/OUT: Outline application for the erection of four dwellings. (Crosse Hall Fold)
 - 97/00524/FUL: Erection of one detached house. (Land Adjacent Hilfred)
 - 07/00975/FUL: Proposed detached house with a double detached garage Site area 0.037ha. (Land 32m East Of Crosse Hall Bungalow)
 - 07/01405/FUL: Demolition of existing dwelling house and the erection of 6 No. dwelling houses with associated garages. (Crosse Hall Lodge)
 - 08/00025/FUL: convert garage into 1 bedroom bungalow with extension and carport (Re-submission of 07/01139/FUL) (Crosse Hall Barn)
 - 08/00148/FUL: Erection of one detached two storey dwelling. (Hillandale)
 - 08/00778/FUL: Erection of a detached four bedroom dwelling (Building 50m NE Of Hillandale)
 - 09/00314/FUL: Erection of a detached dwelling (Land South Of Crosse Hall Lodge)
 - 09/00343/FUL: Erection of a detached house and double garage (Land South Of Crosse Hall Lodge)
 - 09/00615/FUL: Conversion of existing garage to dwelling unit, including increase in height of ridge and eaves and provision of front and rear dormer (Spring Cottage)
 - 09/00704/FUL: Erection of a detached dwelling with detached garage (Land South Of Crosse Hall Lodge)
 - 12/00748/FUL: Conversion of barn to dwelling (White House Farm)
124. The most recent larger planning approval within this area is the erection of 6 dwellinghouses at Crosse Hall Lodge approved in 2007. In reality only three new dwellinghouses are to be erected as the existing dwellinghouse on site has been retained however planning permission was granted for 6. At the time of determination the officers report stated:

It is proposed to serve the development via the existing private access road which serves the existing site. It would clearly be preferable to make Crosse Hall Lane up to an adoptable standard to reduce further decline of this Lane. However, it is understood that there are issues with ownership of the Lane and the bridges and making the road up to adoptable standard may not be possible.

The provision of 5 additional dwellinghouses in this location will create additional traffic however this is not considered to be to an extent which will adversely impact on highway safety within the area.

125. As set out above, the area immediately surrounding the application site has developed incrementally over time and whilst concerns over the capacity of the Lane were identified as part of each application, the small scale of each development, each with relatively low traffic generation, together with issues in respect of ownership of the Lane have limited the potential for highway improvements. The site is technically in a sustainable location. However, without the improvements identified by the Highway Engineer a safe access to the site would not be achievable, reducing the potential of future occupants to choose non-car modes of transport. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this case the information currently before the Council does not confirm that the works identified could be secured and as such it would be not be reasonable to attach a condition to secure the required improvements, which potentially cannot be met. As such the harm cannot be overcome in this case.
126. Although the size of the amended site is below the threshold for affordable housing set out within Policy 7 of the Core Strategy it is acknowledged that this site forms part of a larger land holding and when the application was originally submitted the site area exceeded the threshold. Whilst this development does not represent piece-meal development, in that other parts of the site have the potential to come forward independently of this site, without full details as to the whether the remainder of the applicants' land ownership could be developed it appears that the size of development has been reduced to eliminate the affordable housing requirement. This is particularly key in respect of this site as when the Council were considering allocating this site for housing this included the whole of the site within the applicant's ownership.
127. Whilst the site is located within the defined Key Service Centre, albeit on the rural fringe, and located close to local services and public transport it is not considered that, without the improvements identified by the Highway Authority, Crosse Hall Lane can accommodate any further traffic, which is an inevitable result of new housing development, whilst protecting the safety of the users and providing an alternative to accessing the site via car.
128. The Council have recently published its Five Year Housing Supply Statement for Chorley which indicates a 7.3 year supply over the period 2013 – 2018. In accordance with The Framework, with a 5 year land supply including the 5% buffer, it is not considered that there is a presumption to approve housing on this greenfield site. Whilst the housing requirement is a minimum figure and The Framework puts the presumption on sustainable development, without highway improvements the proposals are not considered to be acceptable.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

- GN1: Settlement Policy
- GN5: Building Design & Retaining Existing Landscape Features.
- EP4- Species Protection
- EP9- Trees and Woodland
- HS4- Design and Layout of Residential Developments
- HS6- Windfall Housing Sites
- HS21- Playing Space Requirements
- TR4- Highway Development Control Criteria

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 5 Housing Density
- Policy 7 Affordable Housing
- Policy 17 Design of new buildings
- Policy 22 Biodiversity and Geodiversity
- 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)
- Open Space and Playing Pitch Supplementary Planning Document – The purpose of this DPD is to provide guidance on the interpretation and implementation of the Council's open space and playing pitch policies as set out within the emerging Local Plan (Adopted September 2013)
- The Central Lancashire Supplementary Planning Document Affordable Housing (adopted October 2012)

Chorley Local Plan 2012 – 2026

The Inspectors Partial Report was published last month and as such the following policies are afforded significant weight in decision making:

Relevant Policies are:

- V2: Settlement Areas
- ST4: Parking Standards
- 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

Planning History

12/01055/OUT- Outline application for the erection of four detached dwellings with garages including means of access and layout from Crosse Hall Lane and layout. All other matters reserved. Withdrawn

Recommendation: Refuse Outline Planning Permission

Reasons

1. The site forms part of a larger land holding and it appears that the size of the site has been artificially reduced to eliminate the affordable housing requirement by sub-dividing the site. No information has been provided in respect of the potential to develop the remainder of the land holding and as such, as no affordable housing has been proposed, the proposal is contrary to

Policy 7 of the Adopted Central Lancashire Core Strategy 2012 and the accompanying Adopted Central Lancashire Affordable Housing SPD 2012.

2. Insufficient information has been provided in respect of the ecological impacts of the scheme. In particular further clarification is required on:

- The amphibian assessment.
- Whether there are great crested newts that would be affected in the area
- Whether the proposed development has been designed to avoid/minimise losses (e.g. species rich grassland, section of hedgerow) or that loss of semi-natural habitat will be adequately compensated for.

As such it is not possible for the Local Planning Authority to discharge its obligations in respect of the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994. Additionally the proposals are also contrary to Policy 22 of the Adopted Central Lancashire Core Strategy (2012), Policy EP4 of the Adopted Chorley Borough Local Plan Review (2003) and Policy BNE10 of the emerging Local Plan 2012-2026.

3. In accordance with The Framework Chorley has a 5 year land supply including the 5% buffer (7.3 year supply) and as such there is no presumption to approve housing on this greenfield site. Whilst the Framework puts the presumption on sustainable development, development within this area has developed incrementally over time. It is considered that improvements to create a safe access for all of the road users is necessary to give the future occupants choice in respect of non-car modes of transport. The information currently before the Council does not confirm that the works identified:

- Provision of passing places
- Improvements to the bridleway
- Upgrading of the bus stop.

could be secured as the Lane is a private unadopted Lane outside of the applicant's control. As such it is not possible to secure the safety and sustainability of the site contrary to advice contained with The Framework, Policy 3 of the Adopted Central Lancashire Core Strategy 2012 and Policy TR4 of the Adopted Chorley Borough Local Plan Review 2003.