

**Item 4a**                      **14/00199/FULMAJ**

**Case Officer**              **Caron Taylor**

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

**Proposal**                    **Proposed residential development consisting of 32no. dwellings (including 10 no. affordable dwellings).**

**Location**                   **Land 80M North Of Swansey Lane And Bounded By The Elms Swansey Lane Whittle-Le-Woods**

**Applicant**                  **Eric Wright Group**

**Consultation expiry: 29 May 2014**

**Application expiry: 28 May 2014**

#### **Proposal**

1. Proposed residential development consisting of 32no. dwellings (including 10 no. affordable dwellings).

#### **Recommendation**

2. It is recommended that this application is permitted subject to a Section 106 Agreement.

#### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development
  - Affordable housing
  - Density
  - Levels
  - Design and layout
  - Impact on the neighbours
  - Open space
  - Trees and landscape
  - Ecology
  - Drainage and flood risk
  - Traffic and Transport
  - Contamination
  - Section 106 agreement
  - Sustainability

#### **Representations**

4. One letter has been received neither objecting or supporting the application on the following grounds:
  - Having studied the proposed development, they consider in its present form and density it will be a positive addition to the area, however if more dwellings were added or the layout changed then they may then object.
  - One major concern relates to vehicle access at the junction with Chorley Old Road, visibility in both directions is good but the width of the Elms is not adequate for the increased traffic, and does present problems now with vehicles entering The Elms swinging wide or larger delivery vehicles crossing over into oncoming traffic attempting to exit the Elms, with the increase in vehicle movements this presents a danger of collision. If a short section of the entry could be widened possibly using

land between the Elms and the post box this problem would be removed, safety could be further improved by removal of some of the shrubs around the electricity/gas installation would also help visibility. Further if traffic was directed round the grass island with a one way up and one way down system allowing traffic exiting the lower section of the existing housing and the new developments a clear route, and ensuring a safe zone when all vehicles would have space and clear vision in all directions. The section of Chorley Old Road opposite the Elms has vehicles parked on a regular basis this makes exiting the Elms difficult again due to the narrow road and traffic on the main road so parking restrictions may be necessary given the increase of traffic using this junction

5. One letter of support has been received.
6. 25 letters of objection have been received on the following grounds:
  - Lots of residents of Swansey Lane and surrounding areas have pets that use the field in question. There isn't going to be any grassed areas near for this to happen if this field gets turned into houses;
  - They walk their dogs through the woodland and along the forest, it will be a great shame if this turned in to a housing development and will disturb a lot of the wildlife;
  - It will result in increased volumes of traffic on Chorley Old Road causing noise and disturbance to residents and it will impact on highway safety. The speed limit is already exceeded. If the development is to go ahead it must be on the condition that traffic calming is introduced on Chorley Old Road;
  - Footpaths and parking spaces are going to be taken away and made into driveways/entrances for the new properties;
  - The new entrance to the estate will be situated in a hazardous spot, people use the access point at present to wait while to allow traffic coming the other way to pass as the road is narrow, if it is no longer available it will affect safety and impact on residents on The Elms;
  - It will get rid of an important green space when the region is becoming almost unbroken urban sprawl, which will be detrimental to existing residents and wildlife;
  - Impact of increase on local resources such as sewers, road conditions, air quality etc.;
  - It will take away the privacy of private gardens on Swansey Lane as they will be overlooked;
  - There isn't enough parking on the driveways on the properties on The Elms so some people use the layby to park in, when this is gone it will be cluttered and a safety issue;
  - Whittle-le-Woods is turning from a village into a little town, with no bits of nature left;
  - Building houses on the land will remove their view;
  - Residents at the bottom of The Elms have to park in the layby when it snows so if it is removed they will have to park on Chorley Old Road which would be a danger to pedestrians and drivers;
  - More homes are not needed in the area, there are lots for sale;
  - They object that the houses do not have a direct access onto Preston Road as it will mean more vehicles using Hunts Field and Clover Field as a short cut;
  - It is only a matter of time before there is a serious accident;
  - They are concerned by the access to The Elms. Although visibility is good it is not wide enough for increased traffic or larger vehicles, a one way system around the grass verge by the layby would be better. Vehicles park opposite the access to The Elms so parking restrictions may be necessary for increase vehicles;
  - The loss of the green breathing space will significantly alter the character of the street, as it currently has a low density, semi-rural feel and it will change to a higher density, more urbanised neighbourhood, which will impact on residents wellbeing;
  - The houses should be built on brownfield land and a more urban site;
  - Plot 33 will impact on no. 50 The Elms. Their property has only a short rear garden and the proposal will result in an invasion of privacy to their bedroom, dining area and garden. The distances do not seem to meet the planning standards;

- Their back gardens and backs of their houses would be overlooked by a number of the proposed houses resulting in loss of privacy and disturbance, especially with the planned public open space;
- It is proposed to direct surface water to the spring which will cause their gardens to become waterlogged and unusable;
- The utilities will be pushed to their limits and may cause a drainage problem;
- The schools in the area are already over-subscribed and class sizes will be increased and doctor/dentist facilities will be increase even more;
- The green space makes their property more desirable;
- Increased danger to children due to more traffic;
- There will be loss of privacy and natural sunlight to those on The Elms with gardens backing onto the development and an increase in light and noise pollution to the area;
- There will be a severe impact on wildlife in the area with loss of habitat;
- Will access be denied to the public right of way at the bottom of the field?;
- Car headlights will shine into their house when dark as it is opposite the access and there will be endless car movements throughout the day;
- There will be no room to park cars outside their house as the road is so narrow and visitors parking outside their home will become an obstruction for vehicles pulling in and out of the junction causing problems;
- There is a further proposed development of 80 plus homes planned for the old quarry up Hill Top Lane. They are greatly concerned about the traffic flow through Hunts Field and the delays that will be caused when attempting to exit onto the A6 Preston Road. These two schemes need to be considered together as traffic from 112 homes with possibly 2 cars each will have a dramatic impact. Some cars will use the village but a 20mph speed limit will ensure that Hunts Field will become the quickest route.

6 Further letters of objection have been received as a result of re-consultation on amended plans raising the following issues:

- They still object to the amended plans for the same reasons.;
- Too many green areas getting used for housing, it is nice to have the woodland walks through Whittle-le-Woods and feel this would spoil the area;
- Surrounding areas are overcrowded as it is causing congestion and a new estate would add to this causing more noise and pollution;
- At the moment the land is being used for agriculture and it should stay that way;
- There are enough new homes on Buckshaw;
- Every available bit of land is being built on, it is spoiling the village feel of Whittle;
- They have looked at the amended plans and appreciate that some effort has been made to suggest a solution to channelling the surface water away. Their concern is as to exactly where the water will actually go. Would it be into the already soaked field on which the houses are to be built, or alternatively into the existing sewer system, that was surely never intended for the amount of waste it now has to cope with? This really needs careful consideration, as Whittle is being ruined;
- Please retain the little remaining open space in Whittle and Clayton as currently every square metre of this part of the borough is being built on, spoiling the very nature of what makes it so popular. The property market is saturated with existing residents struggling to sell properties, and developers in Buckshaw are giving houses away.
- The increasing population density of the area places additional strain on public services e.g. GP practices and already heavily over-subscribed local schools;
- The development will result in loss of privacy for nearby properties and add to noise and disturbance in the area. The Dog Inn creates enough noise and disturbance late into the night attracting large numbers of vehicles often driven at speed. The car park is directly opposite the junction to the development site creating an additional hazard;

- The reduced speed limit on Chorley Old Road is ignored by many motorists. Traffic from this development and the wider increase in housing throughout the village will raise the volume of traffic, noise and pollution;
- The site is 100% Greenfield and should be preserved. It provides a vital green corridor to local birds, bats and wildlife and contributes to the wellbeing of local residents;
- The site survey was critical of the lack of re-growth in the adjacent woodlands, however this is evidence of how well used and valued the space is. Surveys shows the land would be 43% impervious to water but does not take account of run-off from the newly developed site next to the Dog Inn. Rain water would be diverted into the brook south of the site however this would increase the flood risk to properties in that area.

7. Clayton-le-Woods Parish

Has no comment to make regarding the application.

**Consultations**

8. **Lancashire County Council (Ecology)**

Based on a review of documents submitted with the planning application as well as a review of ecological records, maps, aerial photographs and images accessible to Lancashire County Council they advise it seems reasonably unlikely that the proposed development would have any significant ecological impacts provided the planning conditions recommended are attached to any approval.

9. **Chorley Council Planning Policy**

This proposal is on a greenfield site in the Parish of Clayton-le-Woods. It is identified as an Urban Local Service Centre in Central Lancashire Core Strategy Policy 1, where growth and investment is encouraged to help meet housing and employment needs.

10. This site is reserved for school purposes in the adopted 2003 Chorley Local Plan (Policy PS6.1). However, the site has never been utilised for these purposes. As part of the emerging Local Plan Preferred Option consultation which took place during September – November 2011, Lancashire County Council, as the landowner and education authority, declared the site surplus to requirements and requested that it be considered for residential allocation.

11. The site was considered suitable for residential development by Chorley Council and was proposed as a housing allocation (HS1.30) in the emerging Local Plan at Publication Stage. The Plan underwent formal public consultation from October 2012 – December 2012, but this allocation was not subject to representations.

12. The emerging Local Plan was examined during spring 2013 and the Inspector issued a Partial Report into the soundness of the Plan on all matters, other than those relating to Gypsies and Travellers, on 25<sup>th</sup> October 2013. As part of the examination process, the Local Plan Inspector visited all of the housing allocations, including HS1.30, and she states in her Report that on the basis of what she has read, heard and seen she considers that each of the housing allocations has been realistically assessed in all circumstances, that they have a reasonable prospect of being delivered and that they are sound. This site was not disputed in representations, so she does not specifically refer to it in the Partial Report.

13. She concludes that with the recommended main modifications set out in the accompanying Appendix, the Chorley Local Plan 2012 – 2026 is legally compliant and meets the criteria for soundness in the Framework in all regards, except for its provision for Gypsies and Travellers, which will be addressed in a supplementary report. She states that the Plan may not be adopted unless it is also found sound regarding its provision for Gypsies and Travellers in her supplementary report. However, in terms of weight to be given to the emerging Local Plan, she states that because of the very advanced stage in the examination process that the main modifications have reached, significant weight should be attached to all policies and proposals that are amended

accordingly (if necessary), except for matters relating to Gypsies and Travellers. Subsequently, the Council has amended the Plan in accordance with all of the main modifications set out in the Appendix to the Inspector's Partial Report. Therefore, significant weight should be attached to the emerging Local Plan housing allocations, including HS1.30, when decision making.

14. This proposal is contrary to the adopted 2003 Local Plan, but it is in accordance with Policy HS1.30 of the emerging Local Plan; which is at a very advanced stage. In line with the views of the Inspector, the emerging Local Plan policies and proposals are material considerations which should be given significant weight. Therefore housing use is considered acceptable in principle on this site.
15. **Planning Policy on Public Open Space**

There is justification for a financial contribution from this development based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the Open Space and Playing Pitch Supplementary Planning Document. This is as follows:

  - Amenity greenspace = £0 (if on-site amenity greenspace space is considered appropriate)
  - Equipped play area = £4,288
  - Parks/Gardens = £0
  - Natural/semi-natural = £17,824
  - Allotments = £480
  - Playing Pitches = £51,168
  - Total = £73,760
16. **The Environment Agency**

State they have reviewed the Flood Risk Assessment (FRA) submitted in relation to the risk of flooding on and off-site and they are satisfied that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, provided that any subsequent development proceeds in accordance with the recommendations outlined in the approved FRA. To this effect, we would recommend conditions.
17. They have also reviewed the Preliminary Drainage Layout submitted and it is stated that the storm water storage estimates are for a 30 year return period storm event. They would expect this to be greater and therefore they recommend a condition in order to ensure a satisfactory means of surface water drainage for the site.
18. The FRA concludes that the use of infiltration techniques may not be viable on site. However, even where clay rich conditions prevail, the use of pervious paving (under drained if necessary) is still effective in intercepting the first 5mm of rainfall, in accordance with current sustainable drainage systems (SUDS) guidance. As such, they strongly urge the use of pervious paving and along with other infiltration techniques.
19. **Police Architectural Liaison Officer**

Have no comment to make in respect of the general design and it is clear from the Design and Access statement submitted by the applicant the consideration has been given to a greater extent of Part One of Secured by Design and to a lesser extent Part Two Secured by Design physical security. Reference is made to 5 lever mortise locks being fitted to external entrance doors. Whilst they are not advocating the applicant completes the proposed development to full Secured by Design, the fitting of PAS 24:2012 STANDARD external front and rear entrance doors would considerably enhance security of the properties and significantly reducing the risk of becoming a victim of crime. They would also recommend that security lighting is fitted to the rear of each property.

20. **United Utilities**  
Have no objections subject to conditions. They state a public sewer crosses the site which will either require an alteration to the layout or diverting at the developers expense [the applicant has been made aware of this].
21. **Lancashire County Council (Highways)**  
Highways raised issue regarding the need for a link from the development to Swansey Lane to make the development more sustainable. They also raised concerns regarding the number of parking spaces and size of garages.
22. They indicate the need for improvements to one bus stop, i.e., the bus stop at Chorley Old Road/Swansey Lane in addition to dropped kerbs.
23. They state the provision of a pedestrian/cycle link, car parking, bus stop improvements and provision of dropped kerbs are all essential and relevant to the proposed development and until they are addressed, they would recommend that the application is not approved without these. These issues are addressed later in this report
24. **Chorley's Strategic Housing Officer**  
The proposed 10 affordable dwellings (plots 12 to 17 inclusive and 27 to 30 inclusive) represents 31% of the scheme which is more than the 30% required as per the Affordable Housing SPD.
25. The preferred mix of affordable dwellings is 8 x2 bed houses and 2 x 3 bed houses. In terms of tenure the mix should be 70% for Social Rent and 30% Intermediate sale/shared ownership as follows:
- Social Rent 7 x 2 bed houses
- Intermediate sale/ shared ownership 1 x 2 bed house and 2 x 3 bed houses
26. All of the affordable element should be offered to one Registered Provider who is a member of the Select Move choice based lettings scheme.
27. **Chorley's Contaminated Land Officer**  
Recommends a condition in relation to ground contamination.
28. **Chorley's Parks and Open Spaces Officer**  
Advises the cost of providing the footpath link on Council land is £1,250.

## **Assessment**

### Background Information

29. The site is reserved for a school in the adopted Local Plan 2003, however the County Council declared it surplus to requirements as part of the emerging Local Plan process.

### Principle of the development

30. The site is a proposed housing allocation in the emerging Local Plan. The Inspector following an examination in 2013 has issued a Partial Report into the Plan and found the policies to be found sound except for those relating to Gypsies and Travellers and significant weight can be given to them (subject to the main modifications).
31. Therefore although the proposal is contrary to the adopted 2003 Local Plan in which it is a reserved school site, it is in accordance with Policy HS1.30 of the emerging Local Plan 2012-2026 in which it is an allocated housing site and which is now at a very advanced stage and should be given significant weight. Housing on the site is therefore considered acceptable in principle on this site.

### Affordable Housing

32. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites in urban areas such as this. Ten of the dwellings proposed are to be affordable which is

just over 31%. The proposal is therefore in accordance with Policy 7. The affordable housing will need to be secured through a Section 106 legal agreement.

#### Density

33. The application site area is slightly smaller than the HS1.30 allocation (1.18ha as opposed to 1.3ha) as the application excludes the small crescent shaped area of land and associated highway in the north east corner of the site. The proposal equates to a density of 27 dwellings per hectare. The September 2012 Density Assumptions Technical Paper, which formed part of the emerging Local Plan evidence base, indicated a density of 27.5 dwellings per hectare in a Swansea Lane area density sample. The dwellings to the south on Swansea Lane that back onto the site are terraced properties and so are at a higher density, however the development beyond that to the south and to the north of the site are more modern developments and the proposal is considered in keeping with them. The proposal is therefore considered in keeping with the surrounding development and in accordance with Policy 5 of the Core Strategy.

#### Levels

34. The site slopes from east to west with approximately a 9.5m level difference between the highest and lowest parts of the site. The land drops away fairly evenly across the site, although there is an earth bund adjacent to the layby to the east of the site. In addition a small brook runs along the southern part of the site and the levels drop down to this.

#### Design and Layout

35. The layout of the scheme involves the proposed properties fronting onto the existing layby at the top of The Elms close to its junction with Chorley Old Road and plots 4 and 5 also front The Elms. This is welcomed as it avoids the development 'turning its back' on the existing properties and integrates the scheme into the existing surrounding development.
36. Within the site the layout has three small cul-de-sacs which most of the properties are located within, coming off a central access road. To the south of the site, the area to the south of the brook is to be left as public open space with properties facing the brook.
37. The access from The Elms will use an existing access point into the land that was created when the existing properties on The Elms were built, that is currently unused and terminates at the boundary of the site.
38. The design of the properties will be in the form of six different house types, a mixture of mews, semi-detached and detached, all of which are two-storey. Two of the house types to be sited in more prominent corner locations are to have secondary elevations with more detailing than normal, such as oriel windows, which is looked upon favourably. There is a wide range of properties in the immediate area which is predominantly two-storey and the design and layout is considered acceptable in accordance with Policy 17 of the Core Strategy.
39. The properties will all have garden areas providing sufficient storage for bins. All have side access to get these out apart from plots 13 and 16 which are centre mews properties, but these have rear access via an alleyway to avoid bins being stored at the front of the property.
40. Amenity open space is provided in the southwest corner of the site and this considered acceptable. A commuted sum payment towards this is therefore not required.
41. The development is therefore considered acceptable in relation to design and layout.

#### Impact on the Neighbours

42. The proposal is surrounded by existing residential development on all sides, apart from to the west. Amended plans have been received as part of the application process.

43. Plots 1-3 will face onto the existing layby and towards the front elevations of 1 and 3 The Elms. These proposed properties will have a lower finished floor level than the existing properties and in addition there will be over 30m between facing first floor windows which exceed the Council's interface distances.
44. Plots 3-5 will have windows facing north towards 34-37 The Elms. These are two-storey semi-detached properties. Plots 3 and 5 will have their side elevations (that have first floor bedroom windows in) facing north and plot 4 will have its front elevation facing north, also with a first floor bedroom window in. The properties comply with the interface distances apart from plot 3 where there is 18m between the first floor windows in number 34 and the single first floor window in the side elevation of this property. This is however considered an acceptable relationship as number 34 is approximately 0.5m higher than the proposed property and also because this is not an unusual relationship between windows in properties facing one another on opposite sides of a street where the relationship is less private than rear windows and has an intervening road.
45. Plots 27-32 will back onto 46-51 The Elms. The proposals will comply with the interface distances with the existing properties apart from the distance between facing rear windows between plot 28 and 46 The Elms, which is slightly short at 20m rather than 21m, however number 46 is sited at a slight angle and the windows will not therefore directly face one another.
46. To the south of the site the terraced properties on Swansey Lane back onto the site. They have a rear yard area and then an alleyway separates the property from its rear garden. The proposed properties on the part of the site are set back from the boundary on the north side of the brook. There is over 30m between the first floor windows of the proposed properties and the boundaries with the rear gardens of the properties on Swansey Lane which far exceeds the Council's interface distance.
47. Number 221 Chorley Old Road is a dormer bungalow that backs onto the east of the site. There will be a row of six mews properties on plots 12-17 that back onto this property. There will 10m at the closest point between the rear windows of these properties and the boundary with no. 221 which is in line with the interface distance, however the proposed properties will be approximately 3m lower on the site than no. 221 and this is therefore considered an acceptable relationship.
48. Number 67 Swansey Lane is a semi-detached property to the south of plot 17. There will be approximately 11.8m between the first floor windows of no. 67 and the gable end of plot 17 (the interface distance is 12m), however the gable end of plot 17 will only overlap the bottom of no. 67 by a small amount and the proposed property is due north so it will not result in any overshadowing to this property. This relationship is therefore considered acceptable.
49. In terms of the interface distances between the proposed properties, amended plans have been received amending the layout so the properties now have acceptable distances between them taking into account the level changes across the site.
50. The proposal is considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed properties.

#### Open Space

51. There is justification for a financial contribution towards public open space based upon the standards within emerging Local Plan Policies HS4A and HS4B which now carry significant weight and the approach in the Open Space and Playing Pitch Supplementary Planning Document, which comes to a total of £73,760. Amenity open space will be provided on site to the south of the brook, so no contribution to this aspect is required. The required amount will need to be secured through a Section 106 legal agreement.



### Trees and Landscape

52. An Arboricultural Impact Assessment accompanies the application. Three trees are to be removed, one of these is not due to the development (T8) but rather that it is growing through the fence on the east boundary and is a category 'U' tree (in such a condition that it is unsuitable for retention), the other two trees (T2 and T3) are to be removed due to the development. They are situated on the east boundary of the site close to the boundary with no. 221 Chorley Old Road, however both are category 'C' trees (trees of low quality).
53. The category 'B' trees (trees of moderate quality) within the site are adjacent to the brook and will be retained, other trees are outside the site close to the boundary. A condition is proposed regarding tree protection during construction.

### Ecology

54. An ecological appraisal accompanies the application which has been reviewed by the County Council Ecologist. They advise that it seems reasonably unlikely that the proposed development would have any significant ecological impacts provided the planning conditions they recommended are attached to any approval. The proposal is therefore considered acceptable in relation to ecology subject to conditions.

### Drainage and Flood Risk

55. The site is not in Flood Zone 2 or 3 but is over 1 hectare in size so requires a Flood Risk Assessment. This has been submitted with the application and reviewed by the Environment Agency and they state in relation to on and off-site flooding they are satisfied the development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere providing the recommendations in the Flood Risk Assessment are undertaken. This includes limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so it will not exceed the run-off from the undeveloped site and finished floor levels of the dwellings are set no lower than 0.15 metres above ground levels.
56. The Environment Agency also recommend a condition requiring a surface water drainage scheme to be submitted and approved in writing as they reviewed the Preliminary Drainage Layout which states that the storm water storage estimates are for a 30 year return period storm event and they would expect this to be greater. This can be controlled by a pre-commencement condition that is proposed.
57. United Utilities also request a condition requiring a scheme for the disposal of foul and surface water to be submitted and approved.
58. Subject to the above conditions the proposal is considered acceptable in this respect.

### Traffic and Transport

59. The application site will have its main access from The Elms. The access point is currently in place off the existing road but terminates at the entrance to the application site. A second private driveway is proposed to serve plots 1 and 2 only that will run adjacent to the layby. Lancashire County Council Highways have not objected to the access point or layout of the scheme. They have raised concerns about two aspects of the proposal, the parking and the permeability of the site.
60. The plans originally submitted did not meet the Council's parking standards as set out in policy ST4 of the emerging Local Plan and the garage sizes were not large enough internally to be counted as a parking space where required. The amended plans have enlarged both the detached and integral garages so that they comply with the Council's standard of 3m x 6m to be classed as a parking space. All the properties now comply with the Council's parking standards in terms of the number of spaces. The application is now considered acceptable in relation to parking, subject to a condition requiring the integral garages being maintained for parking on certain plots and such a condition is proposed.

61. The County Council Highways Engineer has raised the issue of the external connectivity of the site i.e. its non-vehicular links with its surroundings. They recommended that the application should be resisted due to its failure to secure this and suggested a link be provided between no. 65 and 67 Swansey Lane and to the existing footpath to the west. They also advised that the existing footpath between 56 Swansey Lane and 217 Chorley Old Road could have been improved for cyclists and wheel/push chair users, although the latter would prolong walking/cycling distance/time to Preston Road.
62. The comments of the Highways Engineer in relation to external connectivity have been considered. A link is considered necessary to provide residents with easy access to Preston Road. A link through to Swansey Lane between nos. 65 and 67 is not possible as this is across private land that the applicant does not have control over and it is not adopted highway, however a footpath has been added to the scheme by the amended plans linking the site with the footpath/green corridor to the west of the site that runs north to south and allows a shorter route from the development to Preston Road via Swansey Lane. The applicant can only provide the link within the site up to its boundary i.e. the land within their control, but a commuted sum of £1,250 is proposed to be secured by a Section 106 agreement to allow the Council to provide the link from the application site boundary to the existing footpath, as this land is owned by Chorley Council. It is considered with this link the application is acceptable in terms of external connectivity. It is not considered necessary to also improve the existing footpath between 56 Swansey Lane and 217 Chorley Old Road as part of the development as the proposed link to the footpath to the west of the site will provide the quickest route to Preston Road.
63. A commuted sum is also proposed to be secured through a Section 106 agreement for the bus stop and kerb works.
64. The proposal is therefore considered acceptable in terms of traffic and transport.

#### Contamination

65. The condition recommended by the Council's Contaminated Land Officer requiring a report to identify any potential sources of contamination and where appropriate necessary remediation measures is proposed.

#### Section 106 Agreement

66. A Section 106 agreement is proposed securing the affordable housing, public open space payment (equipped play areas £4,288, natural/semi-natural £17,824, allotments £480, playing pitches £51,168 = total £73,760), bus stop upgrade (£12,000) and footpath link (£1,250) commuted sums.

#### Sustainability

67. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1<sup>st</sup> January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. This can be controlled by a condition.

#### Other Issues

68. To respond to other issues raised by residents, the amended plans have plots 1 and 2 accessed by a private drive adjacent to the existing layby. This will leave the layby as exists without any driveways for the proposed properties accessed from it (as was originally proposed). The County Highways Engineer has advised he will accept this arrangement.
69. The planning process cannot require traffic calming or parking restrictions to be introduced on Chorley Old Road as this is done through a Traffic Regulation Order which is a separate process on which consultation must take place.

70. The development will be liable to pay the Community Infrastructure Levy (CIL), although exemption can be applied for, for the affordable properties.

#### Community Infrastructure Levy (CIL)

71. The development is liable for CIL at £65 per square metre. Ten of the dwellings will be affordable and an exemption from CIL can be claimed for these. CIL is a payment required to be made by a developer to raise funds for infrastructure to support an area's development including education provision.

#### **Overall Conclusion**

72. The application is recommended for approval subject to conditions and a Section 106 agreement.

#### **Planning Policies**

##### National Planning Policies:

The National Planning Policy Framework

##### Joint Core Strategy

Policies 5, 7, 17 and 27

##### Emerging Local Plan 2012-2026

Policies HS1.30, HS4A, HS4B, ST4

Open Space and Playing Pitch Supplementary Planning Document

##### Adopted Chorley Borough Local Plan Review 2003

Policy PS6.1

#### **Planning History**

**85/00741/FUL** Proposed residential development on 0.67 acres of land. Application withdrawn 23<sup>rd</sup> December 1985.

**80/01099** One form entry junior and infant school. Permitted 18<sup>th</sup> November 1981 (Lancashire County Council application)

#### **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. **No development shall take place 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 construction works.**

**Reason: in the interests of highway safety and to protect the amenities of the nearby residents.**

3. The development hereby permitted shall only be carried out in conformity with the proposed finished floor levels shown on the approved plan(s). *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*
4. The integral and detached garages hereby approved on plots 1, 5, 6, 7, 8, 18, 19, 20, 24, 23, 26 and 32 shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation. *Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and inconvenience caused by on-street parking*
5. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the surface water run-off generated by the 1 in 100 year plus climate change critical storm will be limited so that it will not exceed the run-off from the undeveloped site and does not increase the risk of flooding off-site. In addition, it shall include details that discharge from the site will be limited 8.4 litres/second via a single outfall to the ordinary watercourse. The drainage scheme and mitigation measures shall be fully implemented prior to occupation of the dwellings. *Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.*
6. The foul drainage for the site shall be implemented as per the approved Preliminary Drainage Layout ref: EXC02 102 Rev P1. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in shall be finished before the dwellings are occupied. *Reason: To ensure a satisfactory means of drainage.*
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission shall be inserted or constructed at any time at first floor in the following elevations hereby permitted:  
Plot 12 north elevation  
Plot 17 south elevation  
Plot 22 north elevation  
Plot 25 south elevation.  
*Reason: To protect the amenities and privacy of the adjoining properties.*
8. During the construction period, all trees to be retained within the site or on the site boundaries shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards. *Reason: To safeguard the trees to be retained.*
9. The footpath link and timber bridge over the brook shown on the approved plan ref: 13036 01 Rev F in the southwest corner of the site shall be constructed prior to construction of the 20<sup>th</sup> dwelling on the site hereby permitted. *Reason: To ensure a footpath is provided for residents of the site to reduce walking time to Preston Road.*
10. No tree felling, vegetation clearance works, or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected. *Reason: Nesting birds are a protected species.*

11. In order to ensure that adverse impacts on any animals that may use the site are avoided during the works the following best practices measures shall be adopted:
  - A ramp (to allow easy exit of animals) shall be placed in any trenches and excavations left open overnight, and any holes securely covered.
  - All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling.
  - Any animals (such as amphibians and small mammals) found shall be carefully moved to a safe area of nearby suitable habitat which will remain undisturbed.

*Reason: To ensure that no animals become trapped in any excavations/trenches.*
12. 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, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management scheme shall demonstrate adequate planting to compensate for losses and will demonstrate maintenance and enhancement of the biodiversity value of retained and established habitats. The approved plan shall be implemented in full. All 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.*
13. 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, including details of any permeable surfacing areas. 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.*
14. Prior to the commencement of development details/samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) 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.*
15. Due to the proposed sensitive end-use (residential housing & gardens), 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 ensure that the site is safe for habitation.*

16. Prior to the commencement of the development, full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The information shall include details of which areas are to be managed by the company and also show which areas are to be adopted or owned any maintained by the individual properties. The areas as shown in the approved details shall thereafter be managed by the approved Management Company. *Reason: To ensure the satisfactory management of the private driveway, resident's parking spaces and refuse storage/collection at the site.*
17. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. 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.*
18. The parking and/or garaging and associated manoeuvring facilities for each dwelling shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of the dwelling(s) they serve; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).  
*Reason: To ensure provision of adequate off-street parking facilities within the site.*
19. All dwellings commenced after 1st January 2013 shall be constructed to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 shall be constructed 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.*
20. 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 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification. *Reason: In the interests of minimising the environmental impact of the development.*
21. 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. The development shall only be carried out in accordance with the approved Carbon Reduction Statement.  
*Reason: In the interests of minimising the environmental impact of the development.*
22. The development hereby permitted shall be carried out in accordance with the following approved plans:

| <b>Title</b>                                 | <b>Drawing Reference</b> | <b>Received date</b>    |
|--|--------------------------|-------------------------|
| <b>Location Plan</b>                         | <b>13036 00 Rev A</b>    | <b>9 May 2014</b>       |
| <b>Site Layout</b>                           | <b>13036 01 Rev F</b>    | <b>23 May 2014</b>      |
| <b>Preliminary Drainage Layout</b>           | <b>EXC02 102 Rev P1</b>  | <b>8 May 2014</b>       |
| <b>Boundary Treatment Details</b>            | <b>1306 03</b>           | <b>24 February 2014</b> |
| <b>Garage Details Plans &amp; Elevations</b> | <b>13036 04 Rev A</b>    | <b>8 May 2014</b>       |
| <b>Site Sections</b>                         | <b>13036 05 Rev A</b>    | <b>8 May 2014</b>       |
| <b>Site Sections Sheet 2</b>                 | <b>13036 06 Rev A</b>    | <b>8 May 2014</b>       |
| <b>Type 3B830 Plans and Elevations</b>       | <b>13036 HT-01</b>       | <b>8 May 2014</b>       |
| <b>Type 4B1265</b>                           | <b>13036 HT-02</b>       | <b>8 May 2014</b>       |
| <b>2B698 House Type</b>                      | <b>13036 HT-01</b>       | <b>26 February 2014</b> |
| <b>4B1099 House Type</b>                     | <b>13036 HT-05</b>       | <b>26 February 2014</b> |
| <b>3B900 House Type</b>                      | <b>13039 HT-03</b>       | <b>26 February 2014</b> |
| <b>3B794 House Type</b>                      | <b>13036 HT-02</b>       | <b>26 February 2014</b> |

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