Item 3e 14/00951/OUTMAJ

Case Officer Adele Hayes

Ward Clayton-le-Woods West and Cuerden

Proposal Outline application for up to 220 dwellings with associated

open space and landscaping, with all matters reserved except

for access.

Location Land North Of Lancaster Lane And Bounded By Wigan Road

And Shady Lane Lancaster Lane Clayton-Le-Woods

Applicant Gladman Developments Ltd

Consultation expiry: 19 November 2014

Decision due by: 31 January 2014

#### Recommendation

It is recommended that this application is approved subject to conditions and an associated Section 106 Agreement to secure the provision of public open space and the upgrade of bus stops along Lancaster Lane to bring them up to LCC Quality Bus Standard.

## **Emerging Local Plan**

The Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.

Paragraph 18 of the Partial Report states: "For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers."

The Council accepted the Inspector's modifications for Development Management purposes at its Executive Committee on 21<sup>st</sup> November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

# **Proposal**

- 1. This application seeks outline planning permission for a residential development for up to 220 no. dwellings, public open space and landscaping, with all matters reserved, except for access, on land east of Wigan Road, Clayton-le-Woods.
- 2. Vehicular access will be via the adjacent Taylor Wimpey/David Wilson development, which in turn is taken from Wigan Road.
- 3. The site is situated to the north of Clayton le Woods and comprises four agricultural fields totalling circa 8.06 hectares. It slopes gently from east to west and contains existing hedgerows and boundary trees, which separate each of the fields. The existing main access to the series of fields is taken from Shady Lane to the east of the site.
- 4. The northern most two fields are bounded by mature hedgerows, which form a defensible boundary with the agricultural fields beyond. The southern most two fields are bounded by a mix of mature hedgerow and linear tree planting, which forms a defensible boundary to the undeveloped land beyond. The east of the site is bordered by modern residential development. Land to the south, north and west of the site is currently being developed with housing.
- 5. The site is located within the defined settlement as indicated on the proposals map of the emerging local plan.

## Representations

- 6. 7 no. letters have been received citing the following grounds of objection:
  - There is already an abundance of new housing for sale along the Wigan Rd and Buckshaw Village
  - The new houses that have been built and in fact are still being built are not sold.
  - Building of further homes in the greenbelt is a lost opportunity to bring community back into our towns, a source of support to local shops.
  - There will be a loss of privacy and views across the fields.
  - Additional homes will lead to increased noise and disturbance.
  - Brown belt land or areas in need of development should be prioritised.
  - The development will result in the destruction of habitat, including oak trees and hedgerows.
  - The extra traffic from proposed development will be detrimental to residents' quality of life.
  - There will be an increase in noise, air pollution traffic volume.
  - Lancaster Lane and Wigan Road are already very busy and there will be an impact the already busy motorway junction and lights.
  - There will be further increased demand on services e.g. schools, dentists and doctors, many of which seem already over sub-scribed.
  - The area is poorly served by buses and the 114 and 112 to Preston are very expensive and infrequent.
  - The erection of the 40mph signs are woefully inadequate and this threatens to become a dangerous rat-run unless something is done quickly.
  - The play area is too small.
  - The problem is set for anti-social behaviour coupled with potential road accidents between passing cars and children in the road.
  - Footpath 14 crosses this site from Wigan Rd to Shady Lane. It is an irreplaceable local amenity with its open green spaces and views further afield. Too many of the public rights of way become tarmac roads through housing estates and are effectively lost forever. At the very minimum they should be landscaped.

## **Consultations**

7. Clayton-le-Woods Parish Council have confirmed that they have no comments to make.

- 8. The Environment Agency have no objection in principle and recommend conditions.
- Lancashire County Council Highways any comments will be reported on the addendum.
- 10. <u>Lancashire County Council Education</u> have requested a contribution of £1,010,488 towards 84 primary school places.
- 11. Director of People & Places (Waste) recommends condition.
- 12. Director of People & Places (Noise) has no objection
- 13. Parks & Public Open Space any comments will be reported on the addendum.
- 14. Greater Manchester Ecology Unit recommend conditions
- 15. <u>United Utilities</u> comment that the site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way. To reduce the volume of surface water draining from the site the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas should be promoted. Appropriate conditions are recommended.

#### **Assessment**

## Principle of the development

- 16. The whole application site shares a mixed use development allocation within the emerging local plan.
- 17. Policy EP1.15 requires 15 hectares for B1, B2, B8 uses. This employment site also forms part of the Core Strategy Policy 10 employment land provision.
- 18. Policy EP10 allocates a primary school to be developed on the site.
- 19. It is important the site supports the wider strategic elements of the allocation namely the employment land and a new school. It would fall to the remainder of the site to support the remaining 15 hectares of employment land and the new school. This application will not compromise the proposed employment allocation as it has been demonstrated that there is sufficient land available within the rest of the allocated site.
- 20. In relation to policy EP1.15 site the Local Plan Inspector stated in paras 144 148:
  - "Clayton-le-Woods Site EP1.15, land east of Wigan Road, forms part of a large, 52.7 hectares, greenfield site allocated for mixed housing and all Class B uses. 20.0 hectares are allocated for employment uses. The remaining 32.7 hectares are allocated as HS1.31 for housing and ancillary uses. However, as I conclude in Issue 3, taking account of planning permissions already granted for housing, other associated development requirements and commitments for the site, together with the additional land that would be required to accommodate the residual housing aspiration for the site of up to 699 dwellings, it would be necessary to increase the area of site HS1.31 by 5.0 hectares. As a consequence, the Council suggests that the EP1.15 employment allocation should be reduced to 15.0 hectares.

Representations consider that the EP1.15 allocation should be reduced significantly more, to 1.2 hectares of Class B1 development only, citing reasons that the extent of the employment allocation is vastly out of scale with the Local Urban Service Centre, especially when compared to allocations at other Local Urban Service Centres (Adlington = 0.6 hectare and Coppull = 2.0 hectares). Consequently, that it amounts to a strategic site allocation that is larger than any other employment allocations of the Plan. They point out that it represents around 20% of all employment land allocations across the Borough as a whole. In their opinion, the allocation would conflict with the development strategy of CS policy 1, and it would give rise to unsustainable employment and travel patterns.

These representations also consider that the proposed scale and type of employment development would be incompatible with the proposed residential development, and that it would result in the loss of a landscape character/environmentally important hedgerow pattern.

From the evidence before me I am satisfied that, in principle, there are no significant transportation or other infrastructure constraints that would prevent employment delivery of the remaining 15.0 hectares of land. I am not persuaded by the evidence presented in representations that their suggested reduction to 1.2 hectares Class B1 only is justified, either on the basis of a requirement for more housing development, or in terms of the employment development capacity of the site. I am not convinced either that an employment development occupying a substantially larger site than 1.2 hectares and for the full range of Class B uses could not be sensitively designed to respect the landscape character/ecologically important field pattern of the site, and residential amenity. Whilst I support the view of representations that the scale of the employment allocation of the Plan, at 20.0 hectares, is strategic in nature and is not clearly consistent with CS policy 1 that informs that some growth and investment will be encouraged in Clayton-le-Woods, the proposed reduction to 15.0 hectares would partly redress this. I acknowledge that this would still amount to a substantial allocation, but this consideration should be weighed against the, in principle, suitability of the site for employment, and the employment land supply requirement of the CS, which the Plan would fall short of. Furthermore, no other suggested site areas have been put to me for consideration.

I conclude that the allocation of 15.0 hectares of employment land for the full range of Class B uses at site EP1.15, as detailed in (MMEC48 and MMEC60) is justified. But since the master planning of the combined HS1.31 and EP1.15 sites will require careful consideration, a degree of flexibility regarding their respective site areas may be necessary in order to achieve the most appropriate and effective comprehensive planning of this mixed use site."

- 21. The Council monitor annually the employment land supply and at March 2014 there was an employment land supply of 89.58 hectares. This is below and short of the residual land requirement of 96.58 hectares (March 2014). However the Local Plan Inspector examined the employment land supply at the examination. She concluded at the time in paragraph 128 (last sentence): "I consider that this reduced supply remains generally consistent with the Core Strategy requirements, whilst also reflecting actual take-up rates". The Inspector also states at para 26 "I conclude that the employment allocations accord with the quantum and locational strategy of the Core Strategy for employment development, and that the range of site sizes and types provide a flexible portfolio of sites".
- 22. Policy EP10 allocates a primary school to be developed on the site and it is important the site supports the wider strategic elements of the allocation namely the employment land and a new school. It would fall to the remainder of the site to support the remaining dwellings proposed on the site, 15 hectares of employment land and the new school.
- 23. The land remaining, taking this application for 220 houses into account, and still to be developed, is 16.74 ha. This remaining land is within a number of ownerships including Redrow and the HCA. The remaining HCA land totals 10.40 hectares and whilst this in itself will not allow for the development of 15ha of employment land and a school site of 1.3 hectares in a single clean title, there is sufficient land available to meet the requirements of the allocation. Accordingly, it is considered that the application proposal will not compromise the employment use.

## Housing

- 24. The emerging Chorley Local Plan duplicates the Core Strategy Homes for all Strategic Objectives. Of particular relevance to this application are Objectives SO5, SO6 and SO8 which are consistent with the Framework:
  - Objective SO5: To make available and maintain within Central Lancashire a ready supply of residential development land over the plan period, so as to help deliver sufficient new housing of appropriate types to meet future requirements. This

- should also be based on infrastructure provision, as well as ensuring that delivery does not compromise existing communities.
- Objective SO6: To achieve densities for new housing that recognises the local character of surrounding areas, whilst making efficient use of land.
- Objective SO8: To significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas.
- 25. At the Clayton Le Woods site, applications from the following house builders/developers are approved or pending:

David Wilson/Taylor Wimpey: 294 dwellings approved and under construction

Roland: 44 approved and under construction

Parkhomes: 52 approved Redrow: 160 approved Redrow: 36 pending

Total: 586

- 26. The site as a whole is allocated for 699 units in the emerging Chorley Local Plan. If this application, and the one submitted by Redrow are both approved, this would result in a total of 806 dwellings on site, exceeding the allocated figure by 107 units.
- 27. The housing is acceptable in principle because the whole Clayton Le Woods site is allocated for a mix of uses including housing. The proposals accords with Core Strategy Policy MP and emerging Local Plan Policy V1: Model Policy which states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework.
- 28. The density on the site is acceptable at 27.3 dwellings per hectare and makes efficient use of land. It is at a density which is in keeping with local areas and which will have no detrimental impact on the character, appearance, distinctiveness and environmental quality of an area.
- 29. The number of housing units developed during the 2013/2014 period is 582 units and this indicates a healthy housing supply from predominantly housing allocations (81%) in the Local Plan.

## Affordable housing

- 30. Policy 7 of the Core Strategy requires a minimum proportion of 30% affordable housing on market housing schemes in non-rural areas. Paragraph 43 states that a range of special housing and support options are required for older and vulnerable people who require assistance to maintain their independence. Criterion (e) of Policy 7 states that special needs housing, including extra care accommodation, will be required to be well located in communities in terms of reducing the need to travel to care and other service provision and a proportion of these properties will be required to be affordable.
- 31. The applicants should provide 30% affordable housing on the site which equates to 66 affordable units. Where it is proposed that the affordable housing provision should be onsite, but where the calculation does not equate to whole units, the actual provision will be rounded up or down to the nearest number. (para 49 -Central Lancashire Affordable Housing SPD Oct 2012). If the 30% affordable housing is provided on site this would be acceptable from a policy perspective and this will be secured through the imposition of a condition.
- 32. The 2009 Strategic Housing Market Assessment (SHMA) estimated that there is an annual shortfall of 723 affordable properties a year borough wide in Chorley, but it does not set out the levels of need in different settlements. However, it clearly indicates high levels of affordable housing need in the Borough as a whole. Therefore, it is considered important to seek 30% affordable housing on appropriate sites, which also accords with Core Strategy Strategic Objective SO8 which aims to significantly increase the supply of

affordable and special needs housing particularly in places of greatest need such as more rural areas. There is a significant need in Chorley Borough

## The Open Space

33. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17<sup>th</sup> September 2013. Therefore, emerging Local Plan Policies HS4A and HS4B, and the approach in the SPD, apply.

## **Amenity Greenspace**

- 34. Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a surplus of provision in Clayton-le-Woods in relation to this standard, and a contribution towards new provision in the settlement is therefore not required from this development.
- 35. However, the site is within the accessibility catchment (800m) of an amenity greenspace which is identified as being of low quality and low value in the Open Space Study (site 1954 off Cypress Close) and whilst the Council's preference is normally to seek contributions for improvements to existing provision, which in this instance would total £30,800, the applicant is proposing on-site provision of 0.4 hectares.
- 36. Given the relationship of this site with the adjacent housing development which is currently under construction, it is considered that on site provision is acceptable as it will result in both a focal point within the development as a whole and will be well connected to other areas of open space and the existing footpath that runs through the site.
- 37. The provision will require an on-site a maintenance cost of £154,000 (maintenance for 10 years).

# Provision for children/young people

38. Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in Clayton-le-Woods in relation to this standard and a contribution towards new provision in the settlement is therefore required from this development. As the development is 100 or more dwellings the required provision for children/young people should be provided on-site. The applicant is proposing 0.4 hectares on site which is acceptable. A maintenance cost of £28,600 is required (maintenance for 10 years).

## Parks and Gardens

- 39. There is no requirement to provide a new park or garden on-site within this development.
- 40. There are no parks/gardens within the accessibility catchment (1,000m) of this site therefore a contribution towards improving existing provision is not required.

# Natural and Semi-Natural Greenspace

41. There is no requirement to provide new natural/semi natural greenspace on-site within this development. The site is located within the accessibility catchment (800m) of an area of natural/semi-natural greenspace identified as being low quality in the Open Space Study (1712 – Spring Meadow) a contribution towards improving the quality of this site is therefore required from this development. The amount required is £557 per dwelling.

#### Allotments

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

43. There is an allotment site within the accessibility catchment (10 mins drive time) of this site that is identified as being of low quality in the Open Space Study (1648 - Rear of Bay Horse, Preston Rd, Whittle-le-Woods) a contribution towards improving the quality of this site is therefore required from this development. The amount required is £15 per dwelling.

## Playing Pitches

- 44. 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.
- 45. THE TOTAL FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:

Amenity greenspace = £154,000 (for maintenance of on-site provision) Equipped play area = £28,600 (for maintenance of on-site provision)

Parks/Gardens = £0

Natural/semi-natural = £122,540 Allotments = £3,300 Playing Pitches = £351,780 **Total** = £660,220

## **Ecology**

# **Great Crested Newts**

46. Previous surveys have found no evidence of great crested newts including ponds with historic records and their absence has been accepted for the adjacent developments. Notwithstanding this, the ponds on and adjacent to this site were reassessed for great crested newt potential. No evidence of great crested newts was found and the one pond within the development site is to be retained. Great crested newts can live for up to 15 years, so the absence of breeding records does not totally preclude the presence of extremely low numbers as they can persist in the wider landscape even when breeding ponds become unsuitable. An informative will be attached to the decision notice to advise the applicant that whilst there is only a low risk of great crested newts being present, under the Habitat Regulation it is an offence to disturb, harm or kill great crested newts. If a great crested newt is found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newt(s). Natural England should also be informed.

#### Bats

- 47. No buildings will be lost as a result of the development but a number of mature trees on the site were assessed as having more than low bat roosting potential. Further survey found no evidence of bats within any of the trees to be removed, but precautionary measures are recommended during felling. A suitable condition is recommended.
- 48. Hedgerows and ponds within the development site have commuting and foraging potential. These are proposed for retention. Lighting however may impact on the functionality of these features. There are no details of lighting within the application or to potential impact on bats commuting within the ecological report. As this is however an outline application any potential lighting issues can be resolved by the imposition of a condition.

## Other Protected Species

49. There is no evidence that any other protected species are likely to be impacted upon. No further measures are required.

## **Nesting Birds**

50. Whilst the majority of the hedgerow and trees will retained on site, some will require removal for access purposes. Farmland can also be important for ground nesting birds such as lapwing and skylark though survey in 2010 found no evidence of ground nesting. Whilst it can be argued that this survey is no longer valid and whilst it is accepted that the site is low risk, nonetheless, an appropriate condition is recommended.

## Biological Heritage Site

51. Part of the site is designated a BHS site. However given the main body of the BHS site has now been developed, the reality is that the site no longer qualifies and in any event the hedgerows included within the BHS site are to be largely retained. No further measures required.

## Loss/Gain of Biodiversity

- 52. Guidance under section 118 of the Framework notes the need for no net loss of biodiversity as a result of development. The development will result in the loss of nearly 8 ha of improved grassland and short sections of hedgerow and a few mature trees. The majority of the hedgerow, trees and the pond will be retained and proposed for enhancement.
- 53. Whilst the improved grassland is of only low ecological value, the quantity to be lost means that this does represent a net ecological loss and utilising draft Defra biodiversity off-setting guidance would require around 0.9h of high quality ecological mitigation. This is theoretically possible on site, given the commitment to buffer hedgerows within the Design and Access statement through a combination of habitat enhancement of retained features and habitat creation associated with the proposed attenuation ponds and recreational space. This can be conditioned.

# **Aquatic Environment**

- 54. Several drainage ditches/watercourses exist on or adjacent to the site. The Illustrative Masterplan, Figure 14 in the Design and Access Statement, indicates that several plots have rear gardens backing onto the watercourses. It is also not clear as to whether some watercourses will be culverted as they are indicated on the preliminary drainage assessment drawing (Ref: 5804/01/01/Rev C), Appendix 5 of the submitted FRA, but not on the Illustrative Masterplan.
- 55. Article 10 of the Habitats Directive states that wildlife corridor networks should be protected from development, and, where possible, strengthened by or integrated within it. Paragraph 109 of the Framework recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible and contributing to the Government's commitment to halt the overall decline in biodiversity. Paragraph 118 of the Framework also states that opportunities to incorporate biodiversity in and around developments should be encouraged
- 56. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected as development that encroaches onto it has a potentially severe impact on their ecological value. Retaining and enhancing coherent ecological networks adjacent to watercourses will help to ensure the biological and chemical quality of watercourses is not reduced as a result of development, which is a requirement of the Water Framework Directive (WFD).

- 57. A clear, unobstructed buffer between the edge of the watercourse and the proposed development should be incorporated into the layout of the proposed development. The buffer zone should also be free from built development, including lighting, domestic gardens and formal landscaping.
- 58. For maximum biodiversity benefit, the site layout should use watercourses on site as a feature rather than a constraint. Watercourses can be integrated into the layout as a positive feature by locating new built development in positions that overlook watercourses and including them within areas of public open space rather than hiding them behind gardens and fences.
- 59. Integrating watercourses into a site as a positive feature will not only provide a better environment, but it could also provide social and economic benefits, such as contributing to green infrastructure provision and/or enhancement and potentially increasing the economic value of a development.
- 60. The Environment Agency are generally opposed to culverting other than for access purposes because it involves the destruction of river and bank side habitat and the interruption of a wildlife corridor, acting as barrier to the movement of wildlife including fish. The culverting of an ordinary watercourse for land gain purposes also conflicts with the objectives of the WFD and will increase the risk of localised flooding caused by blockages and/or structural and maintenance failures.
- 61. Where practicable, watercourses should be crossed by bridges rather than culverts. Bridges should be clear-span with the abutments set back from the watercourse on the bank tops to allow for an appropriate margin of bank underneath. This will maintain a continuous buffer strip and corridor of broadly natural character which is available for wildlife passage and habitat and reduce the risk of any pollution from run-off.
- 62. These matters of detailed site layout will be addressed at reserved matters stage.

## Flood Risk and drainage

- 54. The application site is greater than 1 hectare in size and lies within Flood Zone 1, which is defined as having a low probability of flooding in the national Planning Practice Guide (PPG) to the Framework. In accordance with the Framework, the application is accompanied by the following Flood Risk Assessment (FRA):-
  - Flood Risk Assessment Phase 2, Wigan Road, Clayton-le-Woods (Ref: 5804/R2), Lees Roxburgh Ltd, July 2014
- 55. The Environment Agency have reviewed the submitted FRA in relation to the risk of flooding on and off-site and 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. This can be secured through a condition.

## Highway safety

- 63. The application is for outline planning permission and the only matter not reserved is access. It is proposed that access to the site will be gained through the adjoining development.
- 64. The Highway Engineer at Lancashire County Council has been consulted and has raised no objections. Detailed comments will be reported on the addendum.
- 65. The Transport Assessment that accompanies the application demonstrates that the site can be accessed satisfactorily and safely in terms of junction design and that the development offers the opportunity for walking and cycling linkages within the proposed development and to the local services with Clayton le Woods and nearby Leyland. Public

Transport is also available to future residents of the site a short distance away on Wigan Road and Lancaster Lane by way of bus services to Leyland, Chorley and the wider region. A contribution towards the upgrade of bus stops along Lancaster Lane, bringing them up to LCC Quality Bus Standard, will be sought and secures through a Section 106 Obligation.

## **Design and layout**

- The application is for outline planning permission and the only matter not reserved is access. It is proposed that access to the site will be gained through the adjoining development with the main access road running through the site to the northern boundary to provide access to future development.
- 77. As only access is being applied for, the design and layout aspects of the proposals cannot be considered in detail. However the application is supported by an Illustrative Development Framework Plan and an Illustrative Masterplan. The indicative layout demonstrates the development form that is anticipated will be taken forward at reserved matters stage and provides for a residential development of up to 220 dwellings with a good mix of housing sizes and tenures.
- 78. New landscaping is shown including trees and vegetation to create attractive informal public open spaces and street scenes. It is proposed to provide a new Neighbourhood Equipped Area of Play as well as ecological enhancement features and where necessary, redirection of footpaths.
- 79. The Illustrative Development Framework Plan has been developed to conserve the existing hedgerows and trees on the site as far as possible taking into account access requirements. Additional native tree planting, filling of hedgerows and structure landscaping will be introduced into the development which will help to create a legible landscape structure which will help to define a sense of place within the scheme. This approach will provide the potential to enhance biodiversity across the site.

## Impact on the neighbours

80. Whilst matters of siting are not for consideration at this stage, there is a sufficient degree of separation between existing properties to the south and east, as well as approved dwellings on adjoining land to the west, and the developable area of the site to ensure that the Council's spacing standards will be respected. As such it is considered that the proposal will not result in any loss of amenity for existing residents and the future residents within the development.

# Community Infrastructure Levy (CIL)

- 79. The development will be liable for the Community Infrastructure Levy (CIL).
- 80. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing £65 per sq. m. and charging commenced 1 September 2013.
- 81. There is 100% relief from CIL on those parts of a chargeable development which are intended to be used as social housing.
- 82. The request for a contribution from LCC Education is noted, however education requests such as this are included in the CIL levy.

## Conclusion

79. The site forms part of a mixed use allocation in the emerging Chorley Local Plan which forms part of the Clayton Le Woods (Lancaster Lane) Urban Local Service Centre. Housing is acceptable in principle on this site. The proposal will contribute to the

achievements of sustainable development and will be consistent with the requirements of the Framework which has a presumption in favour of sustainable development. The applicant proposes to deliver a range of types of housing and overall higher density on the site is acceptable at 27.7 dwellings per hectare and makes efficient use of land. The proposal is at a density which is in keeping with local areas and which will have no detrimental impact on the character appearance, distinctiveness and environmental quality of an area.

80. The remaining land outside this application site is to be utilised for employment uses forming part of the 15 hectare Local Plan employment allocation (EP1.15) and Core Strategy employment land requirement. The applicant has provided an illustrative plan to show that the 15 hectares of employment land and the school provision can be accommodated on the remaining land and the application proposal does not compromise the employment use and the different land users.

# **Planning Policies**

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026.

# **Suggested Conditions**

No.	Condition		
Approved plan	s		
1.	The Development shall only be of plans, except as may otherwise to fithe outline planning permission. Reason: To define the permission development of the site.	be specifically required n or this approval of res	by any other condition served matters.
2.	The development shall be limited to no more than 220 properties and shall be carried out in accordance with the following plans and documents:		
	Title	Drawing Reference	Received date
	Location Plan	2011-005-100	1 <sup>st</sup> September 2014
	Development Framework	4174-201_ D	1 <sup>st</sup> September 2014
	Design and Access Statement		1 <sup>st</sup> September 2014
3.	Reason: To define the permission  The development hereby permitted the proposed ground and building	ed shall only be carried	out in conformity with
	Reason: To protect the appeara amenities of local residents.		
Reserved Matte			
4.	Before the development hereby preserved matters to be approved site and the external appearance before the expiration of five from development hereby permitted six Reserved Matters approval.	(namely the siting, dese of the dwellings) shall the date of this permiss	ign, landscaping of the be made to the Council sion and the

	Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
5.	Reserved Matters submitted pursuant to Condition 2 shall include details to demonstrate how the development will provide vehicular and pedestrian connections through to adjacent land to the north and east including the opportunity to provide a bus route through the site and footway/cycleway links to the east.
	Reason: To ensure a comprehensive development of the area and satisfactory links to improve the accessibility of the site.
6.	Development shall not begin until a Masterplan and a Design Code for the whole of the site have been submitted to and approved in writing by the Local Planning Authority. Both shall subsequently accord with the Design and Access Statement submitted with the planning application. Any amendments to either shall also be submitted and approved in writing by the Local Planning Authority. The Design Code shall address the following:  • Architectural and sustainable construction principles;
	Character areas;
	Street types and street materials;
	Development bloc types and principles;
	Cycling provision;
	Pedestrian and cycle links to adjoining land;
	Public transport routes;
	Boundary treatments;
	Building types;
	Building heights;
	Building materials;
	Sustainable drainage systems;
	Public open spaces;and
	Implementation
	Applications for the approval of reserved matters shall be in accordance with the Master plan and Design Code as approved.
	Reason: To define the permission and in the interests of proper development.
7.	Prior to excavation of the foundations for the development development hereby approved 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.
8.	Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.
	Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.
Archaeology	
9.	No development shall take place until a programme of archaeological work and investigation has been submitted to and approved in writing by the Local Planning Authority. The approved programme of works shall thereafter be implemented in accordance with the approved details.
	Reason: To secure the appropriate excavation and recording of any archaeological deposits that may survive on the site.
Contamination	I
10.	Due to the size/scale of development and sensitive end-use (residential housing with gardens), no development shall take place until:
	a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
	b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
	c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.
	Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.
	Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.
	Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with

	Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).
Code for Susta	inable Homes
11.	All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes or be in accordance with the national standard in place at the time of construction. 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.
12.	Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.
	Reason: In the interests of minimising the environmental impact of the development.
13.	No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.
	Reason: In the interests of minimising the environmental impact of the development.
14.	Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant [Code Level/BREEAM] rating.  Reason: In the interests of minimising the environmental impact of the
	development.
Construction	
15.	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:
	the parking of vehicles of site operatives and visitors
	2. hours of operation (including delivers) during construction
	3. loading and unloading of plant and materials
	storage of plant and materials used in constructing the development
	5. siting of cabins
	6. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

	7 wheel weeking facilities
	7. wheel washing facilities
	8. measures to control the emission of dust and dirt during construction
	a scheme for recycling/disposing of waste resulting from demolition and construction works
	Reason: In the interests of highway safety and to protect the amenities of the nearby residents
Ecology	
16.	An ecological mitigation plan shall be submitted to and approved in writing by the Local Planning Authority prior to any tree or shrub removal or soil stripping. The content of the plan should include elements to mitigate for cumulative impacts with developments to the west, loss of trees, hedgerows, improved grassland and bird nesting habitat and details of enhancement and buffering of retained trees, hedgerows and pond. All planting shall utilise locally native species in keeping with the former landscape. The approved plan shall be implemented in accordance with the approved details.
	Reason: To ensure that habitats are suitably protected at all times during any works on site.
17.	No trees or shrubs will be removed or soil stripping commence between the 1 <sup>st</sup> March and 31 <sup>st</sup> August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no bird nests are present which has been agreed in writing by the Local Planning Authority.
	Reason: To ensure the protection of nesting birds during the construction period.
18.	All tree works shall be carried out in accordance with the details contained in section 3.2.1 to section 3.2.3 and tables 5 and 6 of the Ecological Appraisal – July 2014 as already submitted.
	Reason: To ensure that habitats are suitably protected at all times during any works on site.
19.	Prior to the commencement of development a 'lighting design strategy' shall be submitted to and approved in writing by the LPA. The strategy shall:
	Identify areas/features on site that are potentially sensitive to lighting for bats and any other species that may be disturbed show how and where the external lighting will be installed (through appropriate lighting contour plans) so that it can be demonstrated clearly that any impacts on wildlife are negligible (in particular bats)
	All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.
	Reason: To ensure that habitats are suitable protected at all times during any works on site.
Trees and Land	⊥ dscaping

20	Drier to any site elegrance or sail stripping all trace to be retained about he
20.	Prior to any site clearance or soil stripping all trees to be retained shall be protected by 1.2m high fencing as specified in paragraph 8.2.2 of the British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit off the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within areas to be fenced. All excavations within the areas so fenced shall be carried out by hand.  Reason: To safeguard the trees to be retained.
	Neason. To saleguald the frees to be retained.
21.	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.
22.	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings or the completion of the development within the relevant Phase, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
	Reason: In the interest of the appearance of the locality.
Flooding and D	
23.	The development permitted by this planning permission shall only be carried out in accordance with the approved FRA (Ref: 5804/R2, dated July 2014) and the following mitigation measures detailed within the FRA:  1. Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.  The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied
	within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
	Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
24.	No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Surface water discharge from the developed site should be limited to the Greenfield rate of 5.375 litres per second per hectare. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

	T
	Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
25.	Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.  Reason: To ensure a satisfactory form of development and to prevent an
	undue increase in surface water run off and to reduce the risk of flooding
Public Open Sp	
26.	Before the development hereby permitted is first commenced, full details of the layout, phasing or provision and equipping of the public open space and play areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the provision and equipping of these areas is to be carried out in strict accordance with the approved details.  Reason: To ensure adequate provision for public open space and play areas within the development.
27.	Prior to the marketing of the site full details of the marketing documentation showing prospective purchasers the location and approved details of the play area shall be submitted to an approved in writing by the Local Planning Authority.  Reason: To ensure the provision of equipped play space to benefit the future occupiers of the site.
Affordable Hou	In a
28.	The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:  1. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of
	housing units; 2. the timing of the construction of the affordable housing and its phasing in
	relation to the occupancy of the market housing;  3. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved);
	<ul> <li>4. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and</li> <li>5. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.</li> </ul>
	Reason: To ensure the residential development provides appropriate

	affordable housing.
Car parking	1
29.	The car parking spaces for each dwelling shall be surfaced or paved, drained and marked out all in accordance with the approved plan before it is first occupied. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.
	Reason: To ensure adequate on site provision of car parking and manoeuvring areas.
30.	The detached and integral garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter or 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 nuisance caused by onstreet parking.
Highway Adop	tions
31.	Prior to the commencement of the development an Estate Street Phasing and Completion Plan shall be submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards to each estate streets serving each phase of the development will be completed.  Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual
22	amenities of the locality and users of the highway.
32.	No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
	Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.
33.	Prior to the commencement of the development full engineering, drainage, street lighting and constructional details of the streets proposed for adoption shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.
	Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

## **Planning History**

The site history of the property is as follows:

**Ref:** 11/00981/SCE **Decision:** PESCEZ **Decision Date:** 8 December 2011 **Description:** Request for a screening opinion under the Town and Country Planning (EIA) regulations by Fox Land & Property for Land off Wigan Road, Clayton le Woods

**Ref:** 11/00990/SCE **Decision:** PESCEZ **Decision Date:** 7 December 2011 **Description:** Request for a screening opinion under the Town and Country Planning (EIA) regulations by Redrow Homes for Land off Wigan Road, Clayton le Woods

**Ref:** 11/01004/OUTMAJ **Decision:** Withdrawn **Decision Date:** 3 December 2014 **Description:** Outline application for a mixed use development incorporating up to 700 dwellings, 40,000sqft of B1 office space, public house/ restaurant, convenience store, community building, single form entry primary school, public open space, highway works and associated works. (All matters reserved save for access)

**Ref:** 11/01093/OUTMAJ **Decision:** REFOPP **Decision Date:** 13 June 2012 **Description:** Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access.

**Ref:** 12/00941/OUTMAJ **Decision:** PEROPP **Decision Date:** 6 November 2012 **Description:** Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access. (Resubmission of Application: 11/01093/OUTMAJ).

Ref: 13/00803/OUTMAJ Decision: PDE Decision Date:
Description: Section 73 application to vary condition 2 (Code for Sustainable Homes) attached

to outline planning approval 12/00941/OUTMAJ

**Ref:** 13/00821/DIS **Decision:** PEDISZ **Decision Date:** 29 October 2013 **Description:** Application to discharge conditions 13 (Master plan and a Design Code), 15 (phasing programme) \_ 18 (vehicular and pedestrian connections) attached to outline planning approval 12/00941/OUTMAJ

**Ref:** 13/00822/REMMAJ **Decision:** PERRES **Decision Date:** 15 January 2014 **Description:** Reserved matters application pursuant to outline planning permission 13/00803/OUTMAJ for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space.

**Ref:** 13/01059/DIS **Decision:** PEDISZ **Decision Date:** 5 December 2013 **Description:** Application to discharge condition 13 (Design Code and Masterplan) attached to outline planning approval 13/00803/OUTMAJ

**Ref:** 14/00025/OUTMAJ **Decision:** PEROPP **Decision Date:** 23 September 2014 **Description:** Section 73 application to vary condition 16 of outline permission 13/00803/OUTMAJ to omit reference to the construction of a footpath / cycleway link along the eastern side of Wigan Road from the site entrance to Lancaster Lane

**Ref:** 14/00046/DIS **Decision:** PEDISZ **Decision Date:** 2 May 2014 **Description:** Application to discharge conditions numbered 4 - (DESIGN OF SEWER NETWORK), 5 - (ECOLOGICAL MANAGEMENT PLAN), 8 - (CONSTRUCTION METHOD STATEMENT), 9 - (LANDSCAPING), 10 - (HARD GROUND SURFACING MATERIALS), 14 - (SURFACE WATER DRAINAGE), 16 - (SITE ACCESS AND HIGHWAY IMPROVEMENT WORKS), 19 - (HIGHWAY IMPROVEMENT WORKS TO HIGHWAY JUNCTIONS), 21 -

(TRAVEL PLAN CO-ORDINATOR), 22 - (GROUND CONTAMINATION), 23 - (FOUL WATER DRAINAGE), 24 - (PUBLIC OPEN SPACE AND PLAY SPACE PROVISION), 25 - (EXTERNAL FACING MATERIALS), 26 - (WALLS AND FENCES) AND 29 - (CARBON REDUCTION STATEMENT) attached to planning permission 13/00803/OUTMAJ

**Ref:** 14/00397/DIS **Decision:** PEDISZ **Decision Date:** 30 April 2014 **Description:** Application to discharge condition 3 (Archaeological Evaluation Report) attached to outline planning approval 13/00803/OUTMAJ

**Ref:** 14/00541/REM **Decision:** PERRES **Decision Date:** 6 August 2014 **Description:** Reserved matters application pursuant to outline planning permission 13/00803/OUTMAJ for substitution of house types on Plots 1, 2 and 3 including separate access to Woodcocks Farm approved under reserved matters approval 13/00822/REMMAJ

**Ref:** 14/00600/DIS **Decision:** PEDISZ **Decision Date:** 16 June 2014 **Description:** Application to discharge condition 27 (Design Stage Assessment) of outline planning permission 13/00803/OUTMAJ

**Ref:** 14/00861/DIS **Decision:** PEDISZ **Decision Date:** 19 August 2014 **Description:** Application to discharge conditions numbered 14 (surface water drainage) attached to outline planning permission 13/00803/OUTMAJ

**Ref:** 14/00867/REM **Decision:** PERRES **Decision Date:** 3 October 2014 **Description:** Reserved matters application pursuant to outline planning permission 13/00803/OUTMAJ for substitution of house types on Plots 2 and 3 approved under reserved matters approval 14/00541/REM

Ref: 14/01003/REMMAJ Decision: PERRES Decision Date: 18 December 2014

**Description:** Reserved matters application pursuant to outline planning permission 13/00803/OUTMAJ for the development of land to the east of Wigan Road for the erection of 154 dwellings (part amendment to reserved matters approval 13/00822/REMMAJ).

**Ref:** 14/01011/FULMAJ **Decision:** PCO **Decision Date:** Pending **Description:** Erection of 36 no. residential dwellings together with associated infrastructure - Plots 161-196 inc.