

Item 3c **14/01279/FULMAJ**
Case Officer **Caron Taylor**
Ward **Chisnall**
Proposal **Erection of 18 affordable homes (bungalows and two-storey houses), including construction of an access road off Chorley Lane.**
Location **Land 200M South East Of 132
Chorley Lane
Charnock Richard**
Applicant **MCI Development Ltd.**
Consultation expiry: **19th February 2015**
Decision due by: **13th March 2015**

Delegated		Delegated following Chairs Brief		Committee	X
Date: 24 th February 2015					

	Case Officer	Authorising Officer
	CT	
Date	4 th March 2015	

Recommendation
That the application is refused.

Representations

<p>Charnock Richard Parish Council</p> <p>The Parish Council strongly objects to these proposals as there are more appropriate sites within the Parish for affordable homes which would not harm the Green Belt and, allowing this development would constitute inappropriate development in the Green Belt.</p> <p>The proposal to construct a new access in such close proximity to 3 already existing accesses (Charter Lane, Southgates and Robin Close) will seriously compromise highway safety for other road users and would create an extremely dangerous junction.</p> <p>Councillors are of the opinion that this would be a significant over development of a site which would result in a loss of amenity to neighbours on Southgates by overview from the proposed two storey houses onto the existing bungalows in Southgates.</p>
In total 21 representations have been received which are summarised below
Objection
Total No. received: 21
<ul style="list-style-type: none"> • The site is Green Belt and there are no very special circumstances; • The main purpose of Green Belt is to prevent urban growth by keeping the land permanently open and maintaining it and it a designated area for forestry and agriculture; • Any permission will set a precedent for developing former Green Belt surrounding the village; • The village should not be allowed to ever expand;

- More traffic onto an already dangerous length of Chorley Lane, a stretch that has seen several road traffic accidents. Another access in close proximity to Southgates is going to create a potential accident in the area;
- There need to be long term plans to stop traffic overtaking and speeding on this particular before more vehicles can use the lane;
- Their open views of the fields will be spoiled;
- The value of their property will be affected;
- Pressure on education system in village;
- It will ruin eco systems;
- It will ruin the landscape;
- The site is habitat for wildlife including protected species;
- The drainage and sewer facilities for the houses in the vicinity already have problems without adding to them;
- It will result in loss of light to them, result in noise pollution and overlooking;
- The scale of the development is out of proportion, infill plots would be better;
- There are no facilities in the village and the bus service is minimal;
- Affordable housing scheme should not be set up in desirable locations such as this;
- Affordable housing has already recently been provided in the village;
- There are better alternatives for affordable housing development elsewhere;
- It should not be assumed that the site off Charter Lane within the village will only be developed for market housing;
- The village does not have a centre and the statement says the sites location will encourage walking to the shops – the village has no shops;
- The sheltered accommodation for older residents in the village is not fully used;
- They would be surprised if the quota for new housing in these areas has not already been met or exceeded;
- It would change the character of the area;
- The entrance to the estate would be near their driveway and they have to reverse onto the main road;
- If approved there will be a lot of noise from site traffic;
- There is clear intention for further incursion into the Green Belt as it has an open-ended road leading to the fields beyond;
- There is no need for more housing in the village and many remain unsold;
- It will cause light pollution;
- There are inaccuracies in the report – it states there is a railway station within 800m when there is not and state that there are buildings on three sides when there isn't.

Consultees

Consultee	Summary of Comments received
Police Architectural Liaison Officer	<ul style="list-style-type: none"> • From the plans submitted a proportion of agricultural land will remain with proposed gated access to it from the end of the road of the proposed development. However this would result in large agricultural vehicles with trailers or other equipment traveling through a residential area; • A bat survey is required; • No reference is made by the applicant to the proposals for both natural and physical security (enhanced security measures incorporated into the build). The two parts combined make and have been proved statistically to reduce crime and the fear of crime; • As this site is in a location that almost makes it self-contained they feel that both design and physical security should be incorporated into the development so that crime and disorder, fear of crime does not undermine the quality of life or community cohesion. This

	<p>would also contribute to reduced demand for emergency services and repair costs in general.</p> <ul style="list-style-type: none"> • They strongly recommend that the whole development is built to Secured by Design standard, however if it is not the intention to build Secured by Design Standard they recommend security measures considered as a minimum to reduce greatly the risk of the occupants becoming victims of crime.
United Utilities	Have no objection to the development subject to conditions.
Council's Contaminated Land Officer	Have reviewed the desk study report and are happy with this report in making an initial appraisal and risk assessment for the site. There are some recommendations made in section 6 of the report, which are designed to confirm the initial desk-based findings. They would like to see the applicant fulfil the basic recommendations as suggested.
LCC Education	See body of report.
LCC Highways	The proposed development is acceptable. The 'existing Leyland cypress hedge' at the northern corner of the site should however be removed to allow the footway to be extended to tie-in with the existing. As the existing field access is proposed to be closed, the closure should be permanent with the dropped kerbs reinstated. The applicant should check whether parking space number 14 is wide enough to accommodate 2 vehicles and make adjustments as may be necessary. The proposed internal carriageway and footway widths of 5.5m and 2.0m are acceptable, but the development should be constructed to the Lancashire County Council Specification for Construction of Estate Roads to ensure satisfactory access and in order to be acceptable for adoption under the Section 38 agreement of the Highways Act 1980. They suggest conditions and advice notes if the application is approved.
Council's Ecology Advisor	See body of report.
LCC Archaeology	The line of the Roman road from Wigan to Preston, Margary 70c, a non-designated heritage asset on the Lancashire Historic Environment Record, PRN 26143 is recorded as possibly running through the proposed development. Any surviving archaeological evidence for the road would be considered to be of local significance only and could therefore be adequately dealt with by means of an appropriate scheme of archaeological mitigation (geophysical survey, archaeological excavation and recording). They therefore recommend that should the local planning authority be minded to grant planning permission to this or any other scheme that the applicants be required to undertake a phased programme of archaeological work, and that such works be secured by means of a condition.
Environment Agency	Have no comments to make on the application.

Applicant's Case

1. The applicant has put forward their case they wish Members to consider, please see the committee addendum for this.

Assessment

Principle of the Development

2. This proposal is located in the Green Belt adjacent to the settlement of Charnock Richard. The Core Strategy directs housing growth to the most sustainable settlements in the Borough. Charnock Richard has a limited number of facilities and services and is not identified as a location for housing growth in Central Lancashire Core Strategy Policy 1. Criterion (f) of Policy 1 states that development in locations that are not identified for growth (other places) should typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
3. However, this proposal is not located within the Charnock Richard settlement boundary. It is located in the Green Belt adjacent to the settlement and as such criterion (f) is not applicable to this development. The proposals are therefore contrary to Policy 1.
4. The Council's emerging Local Plan is at a very advanced stage and in accordance with the Inspector's Partial Report, its policies, except for matters on Gypsies and Travellers, can be given significant weight.
5. Paragraph 47 of the Framework states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework.
6. In the October 2013 Partial Report, the emerging Local Plan Inspector considers whether the Plan allocates sufficient land in the right locations and to accord with the requirements of the Core Strategy and with paragraph 47 of the Framework. She concludes in paragraph 111 that it is unnecessary to allocate any additional or 'alternative' housing sites to make the Plan sound. She further concludes that incorporating the main modifications the Plan allocates sufficient housing land in the right locations to accord with the Core Strategy and to accord with paragraph 47 of the Framework. The Inspector was aware of the 2011 Rural Housing Needs Study and the fact that it identifies a shortfall of affordable properties in rural areas over the period 2011 – 2016. However, she took the view that it was not necessary to allocate any additional land to meet housing needs and that the Council's approach accorded with the requirements of the Framework.
7. The emerging Local Plan does incorporate a modest element of windfall housing in its identified housing supply and includes policies that are supportive of new housing in principle, provided that it is of an appropriate scale and in the right locations. This enables market and affordable housing to come forward on sites that are not allocated, provided that proposals accord with other Local and national policies.
8. The application site is in the Green Belt. Paragraph 89 of the Framework states that the construction of new buildings is inappropriate in the Green Belt, but an exception is limited affordable housing for local community needs under policies set out in the Local Plan.
9. Therefore, national policy restricts new built housing development in the Green Belt, unless it is limited in nature and meets local community needs under a policy set out in the Local Plan.
10. Policy HS8 of the emerging Local Plan is Chorley's rural exception site policy. This states that a limited number of dwellings exclusively to meet a local need for affordable housing may be allowed adjoining a number of settlements, including Charnock Richard, providing the following criteria are met:
 - a) There is no suitable site available within the village;
 - b) The scale and nature of the development would be in character with the settlement;
 - c) The development would significantly contribute to the solution of a local housing problem that cannot be solved in any other way;

- d) The occupancy of the dwellings would be limited to people with a close local connection and who are unable to afford market housing;
- e) The development is managed by a Registered Provider or similar body.
11. The supporting text for the policy states that in Chorley rural exception sites are considered to be sites outside of the village boundaries, but which adjoin the village built-up area. This site is outside of the Charnock Richard settlement boundary, but adjoins the village built-up area, so accords with this provision.
12. There is no definition of 'limited' in the Framework, but the supporting text to Policy HS8 states that for the purposes of development management a limited number of dwellings is considered to be a maximum of ten units. This proposal is for 18 units so does not accord with this provision. Therefore, this proposal is not considered to be limited in nature under the policy set out in the emerging Chorley Local Plan. It is therefore contrary to the Framework and is inappropriate development, which is by definition harmful to the Green Belt. This proposal is not consistent with policy on the Green Belt in the Framework.
13. The criteria in the policy are considered in turn.
- a) **There is no suitable site available within the village:** The applicants have undertaken a sequential site assessment and state that there is no suitable site available in the settlement. However, there is land allocated and therefore suitable for housing development within the settlement at Pole Green Nurseries (29 units), which has previously had planning consent and would trigger affordable housing contributions. It does not appear from the applicant's submission that this site is available however.

It is noted that there is land within the settlement area (non-Green Belt) that has not been developed, including land that was put forward by the landowners for housing development as part of the emerging Local Plan process. Any applications on these sites would be subject to assessment against the Development Plan noting that Charnock Richard is not an area identified for growth within the Core Strategy.

- b) **The scale and nature of the development would not be in character with the settlement:** This development is for 18 units, which is of a scale that is considered greater than that considered appropriate for rural exception sites in the emerging Chorley Local Plan, which specifies a maximum of 10 units. The application site is in the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. This application is for 18 units, which would have a significant impact upon the openness of the Green Belt in this location and would lead to encroachment into the countryside, so would conflict with one of the purposes of the Green Belt. Charnock Richard also has a limited range of services and facilities (for example, whilst there is a primary school, there is no convenience store or doctor's surgery) which is reflected in the Core Strategy Policy 1, as it is not a village identified for growth.
- c) **The development would significantly contribute to the solution of a local housing problem that cannot be solved in any other way:** The applicants refer to the 2011 Rural Housing Needs study which indicates an affordable housing requirement of 13/14 dwellings annually in Charnock Richard over the period 2011/12 to 2015/16. However, they do not supplement this with any more up-to-date evidence about the need in Charnock Richard, or appear to have undertaken dialogue with the Council's Strategic Housing Team to get their views on current need within the locality. Information on the recent take-up of affordable housing developed in Charnock Richard would also be useful. Rural Exception sites are not a preferred location for rural affordable housing; they are located in the Green Belt and should only be developed if they would significantly contribute to the solution of a local housing problem that cannot be solved in any other way and all of the other criteria in

policy HS7 are satisfied. Further evidence on the extent of the local housing problem should be supplied to justify this development.

Affordable housing has been developed in Charnock Richard in recent years without the need to develop Green Belt land. The applicant's supporting statement indicates that 10 affordable units have been constructed as part of the Arley Homes scheme at the Dog and Partridge site on Chorley Lane, 3 units built at Leeson Ave and 2 units are under construction at 18 Chorley Lane. Therefore, affordable homes are actively being delivered in the settlement, without resorting to Green Belt development.

- d) The occupancy of the dwellings would be limited to people with a close local connection and who are unable to afford market housing:** The applicants state the houses will be allocated to local people in need according to a 'cascade' system, with priority given under a legal agreement to those currently or recently residing in the Parish of Charnock Richard or with a strong local connection to the village. However, whilst this would ensure that people with a close local connection get 'priority', it also leaves potential for people without a close local connection to secure houses, if not enough 'priority' residents are secured to reside in all 18 dwellings. In these circumstances, residents without a close local connection could end up living in these houses.

The Council's Strategic Housing Officer advises there are currently 7 households currently seeking social housing via Select Move (the Council's Housing Register) in the parish, none of which are in preference categories, with 5 in no housing need. A recent garage site on Leeson Avenue saw two new build properties let to tenants with no local connection to Charnock Richard demonstrated (moving from Coppull and Astley Village), so a site of 18 properties is likely to be let mainly to households from outside the Charnock Richard parish contrary to criterion (d).

Rural exception sites in the Green Belt are not identified to meet general affordable housing need; this would be contrary to national policy in the Framework which states that only limited affordable housing development for local community needs (under policies set out in the Local Plan) is appropriate. It would also be contrary to local planning policy in policy HS7 which states that such dwellings should be exclusively to meet a local need for affordable housing. The Affordable Housing SPD confirms that a rural exception site policy should seek to address the needs of the local community by accommodating households who are either current residents, or who have an existing family or employment connection.

- e) The development is managed by a Registered Provider or similar body:** The applicants state that the development would be managed by a local Registered Provider (Adactus Housing Association), which would comply with this criterion of the policy.

14. In summary, this proposal is not limited in nature and is considered to be contrary to national policy on Green Belt development and Local Plan policy HS8 on rural exception sites for the reasons as stated above. It is therefore considered inappropriate development in principle.
15. Although it has been established that the development is inappropriate in principle it must also be considered what other harm to the Green Belt, if any (in addition to the in-principle harm arising from the fact of inappropriateness), is caused by it. Harm in this context relates to the purposes of including land in the Green Belt, of which there are five:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns from merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns;
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

16. In terms of this application it is the third purpose above that is most pertinent, especially as the Framework states that the essential characteristics of Green Belts are their openness and their permanence.
17. It has been established in case law that openness and visual impact are different concepts in terms of Green Belt Policy. However they can relate to each other and as such the visual impact is a material consideration. Any construction harms openness irrespective of its impact in terms of its obtrusiveness or its aesthetic qualities. The proposal will therefore result in harm to the openness and this harm must be weighed together with the harm from inappropriateness in the Green Belt.
18. Turning to the separate issue of visual amenity the main views of the site are from the southwest on Chorley Lane where it will be viewed in the context of the existing properties fronting Chorley Lane and those on Southgates. It will also be viewed in the context of an existing stable type building immediately against the site used to house animals in conjunction with a small holding. There are views from the site of Coppull Enterprise Centre (Coppull Ring Mill) and there are a number of Public Rights Of Way close to this so there may be views of the site from this direction, however from this direction the proposal will again be viewed in the context of existing development around Chorley Lane and Southgates. As such it is not considered that the visual impact of the development will be adversely affected by the construction of dwelling houses as they will be viewed in the context of the existing built development
19. To conclude it is considered the proposal is inappropriate development in the Green Belt. It is not considered that very special circumstances have been put forward that would outweigh the harm to the Green Belt by reason of its inappropriateness and other harm that would be caused to its openness. The proposal is therefore considered unacceptable in principle.

Density

20. The proposed development would be equivalent to 31.5 dwellings per hectare. It is considered that the density is in keeping with the surrounding area. In accordance with Policy 5 of the Adopted Core Strategy.

Levels

21. Proposed slab levels have been provided with the application proposal and are considered acceptable.

Impact on the neighbours

22. The layout shows the proposed properties will all face onto the access road that will serve it. This would result in the rear elevation of plots 1 and 2 facing towards the side elevation of number 115 Chorley Lane, however the house type proposed on these plots are bungalows and would not therefore result in overlooking to this property.
23. The properties proposed on plots 3-8 are two-storey and would face towards the existing properties on Southgates to the north east of the site. These properties are bungalows and back onto the application site. There will be over 10m (between 12m and 13m) between the boundaries of these properties and the first floor windows of the proposed properties. This is in accordance with the Council's Interface guidelines.
24. There are also properties on the opposite side of Chorley Lane from the site (to the North West) that would face toward the side elevations of the properties proposed on plots 1 and 18. Both of these proposed properties are bungalows and have windows in their northwest elevation, however there would be over 20m between them and the existing properties. This relationship is therefore considered acceptable.

Design and Layout

25. The scheme proposes a mixture of semi-detached and mews bungalows and houses. The properties on plots 1, 2 and 16-18 all nearest Chorley Lane will be bungalows and the rest of the plots will be two-storey houses.
26. The proposed houses will be two-storey with a gable roof, arched heads above the windows at ground floor with canopies over the front door and a feature string course of bricks between ground floor and first floor.
27. The proposed bungalows on plots 1 and 18 have been designed so that their side elevations facing Chorley Lane are not blank, but rather have windows with a small gable above to add interest to the main elevation that will be visible from Chorley Lane. Their roof will be hipped away from Chorley Lane.
28. In-curtilage parking is provided for each of the properties and each has a rear garden.
29. The properties are traditional in their design and layout. The bungalows on the site are positioned closest to Chorley Lane and this is considered acceptable as they will be mainly viewed in the context of the dormer bungalow of 113/115 Chorley Lane and the existing bungalows backing onto the site on Southgates. It will also give the appearance in the street that the massing of the properties reduces towards the edge of the village when viewed from Chorley Lane. Although there are two-storey properties further into the site there is a range of house types in the area including two-storey properties to the east on Southgates and on Chorley Lane.
30. The proposal will be visible from the south-west across the fields, and the site boundaries to the southwest and south-east are considered important. A Secured by Design fence is proposed to the south-west to the rear garden boundaries of plots 9-18, however the existing Hawthorne field hedge will be retained to filter views of it. To the south-east there will be a 1.8m fence along the side boundaries of plots 8 and 9, however on the outside of this a new hedge would be planted beyond which would be a 1.2m post and rail timber fence with stock mesh. It is considered the hedging on the outside of the proposed boundary treatments will soften views of the fencing from outside the site.
31. The proposal is therefore considered acceptable in this respect.

Open Space

32. Policies HS4A and HS4B of the emerging Local Plan cover open space and playing pitch requirements in new housing developments. They set out on-site provision and/or financial contributions for off-site provision or improvements
33. In relation to amenity greenspace the emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in the Chisnall ward in relation to this standard; a contribution towards new provision in the ward is therefore required of £140 per dwelling.
34. In relation to provision for children/young people Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Chisnall in relation to this standard so a contribution towards new provision in the ward is therefore not required. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study so a contribution towards improvements is not required from this development.
35. There is no requirement to provide a new park or garden on-site within this development using the standards and there are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study, therefore a contribution towards improving existing provision is not required.

36. There is no requirement to provide new natural/semi natural greenspace on-site within this development and there are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study, therefore a contribution towards improving existing provision is not required.
37. There is no requirement to provide allotment provision on site within this development. The site is also within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Land at Sylvesters Farm, Euxton (HW5.2). A contribution towards new allotment provision or improving existing provision is therefore required from this development of £15 per dwelling.
38. 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.
39. The total financial contribution required from this development is therefore £31,572.
40. The applicant states that in their experience rural exception schemes generally attract hidden households (i.e. people already living in the village such as grown up children living with parents still) who wouldn't leave their existing property empty and they do not therefore consider that the above payment is justified. They advise however that their client will accept payment of the contribution based on its scheme of 18 units as the viability shows the scheme can afford the contribution (in the interests of resolving the remaining issues prior to the committee meeting), but it would not be viable with one less unit.
41. To respond to this it is considered that even if all the houses were occupied by families already living in Charnock Richard, it is still likely to lead to an increase in the population of Charnock Richard overall as existing properties will become vacant and new people will move into those properties. All new housing developments lead to an increase in the population and as such create further pressure on infrastructure. Furthermore, there is no exception for affordable housing in the policy or Supplementary Planning Document which has been found sound by an Inspector. It is therefore considered that the payment is required and justified.

Trees, Landscape and Ecology

42. Ecology and tree survey reports have been submitted with the application.
43. There is only one tree within the application site that is category B (trees of moderate quality with a remaining life expectancy of at least 20 years). This is a mature Alder in the west corner of the site which is visible in the street scene on Chorley Lane. This is to be retained as part of the scheme and the nearest proposed property – the bungalow on plot 18 is shown to be outside the root protection area for the tree.
44. A condition would be necessary that all trees/hedgerows to be retained on the site should be protected from the development to prevent damage to the root system.
45. The Council's ecology advisor states that the roadside hedge may qualify as important under the Hedgerow Regulations due to the number of species recorded together with the associated features and is therefore of high ecological value. A section of this hedgerow is to be lost to the development but the rest is to be retained and maintained and this could be controlled by a condition.
46. The mature alder was found to have a high potential to support roosting bats. This tree is due to be retained as part of the development. However if the tree requires any work, for

example pruning, then a bat survey would be required prior to any works which could be controlled by a condition.

47. The hedgerows, trees and scrub on the site have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). A condition to prevent works to trees, hedgerows and site clearance during the main bird breeding season (March to July inclusive), unless birds are found to be absent, by a suitably qualified person could be applied in order to protect wild birds.
48. The Council's ecology advisor states that artificial lighting can affect the feeding and commuting behaviour of bats. Bats are likely to use the hedgerows and retained trees on site for commuting. They therefore recommend that any lighting (during construction and post development) be directed away from any of the retained trees/hedgerows. This could be controlled through a condition requiring submission and agreement of a lighting plan.
49. Paragraph 118 of the Framework states that when determining planning application, local planning authorities should aim to conserve and enhance biodiversity by encouraging biodiversity in and around developments. It is advised this could be achieved through:
 - Bat bricks and/or tubes within the new development
 - Bat boxes
 - Bird boxes
 - Native tree and shrub planting
 - Bolstering of hedgerows
50. A condition could be applied requiring details of biodiversity enhancements to be submitted and implemented.
51. The proposal is therefore considered acceptable in this respect subject to conditions.

Flood Risk

52. The site is not within Flood Zone 2 or 3 as identified by the Environment Agency and is not over 1 hectare in size, therefore a Flood Risk Assessment is not required.

Traffic and Transport

53. Each of the proposed properties would have two off road parking spaces which is in line with the Council's parking standards set out in Policy ST4 of the emerging Local Plan and its associated appendix. The parking is therefore considered acceptable and the size of the parking spaces has been checked as requested by LCC Highways.
54. The site is to be accessed via a new cul-de-sac off Chorley Lane. There is an access of Southgates that leads to the site, however there is an intervening strip of land between the end of this existing road and the site boundary which is not controlled by the applicant and looks to be outside the extent of the adopted highway.
55. In term of the access LCC Highways advise that the application is acceptable following amendments being made to the plans to re-orientate the bungalows on plots 1 and 2 so that the driveway for plot 1 is now accessed from the internal road rather than Chorley Lane and a footway is implemented across the full frontage of the site.
56. The applicant states that the existing Leyland cypress hedge at the northern corner of the site will be cut back to allow the footway to be extended to tie-in with the existing in front of 115 Chorley Lane.
57. The existing field access is shown to be closed and new hedgerow planting introduced into the gap left.

58. The proposal is therefore considered acceptable in highway terms subject to conditions.

Contamination and Coal Mines

59. In terms of contamination a desk study report has been submitted with the application. This has been reviewed by the Council's Contaminated Lane Officer who finds it acceptable subject to the recommendations made in section 6 of the report, which are designed to confirm the initial desk-based findings. The implementation of these recommendations can be controlled by a condition.

60. The site is in a Low Risk Area in terms of coal mining as identified by The Coal Authority. This requires an informative note to be placed on any permission.

Drainage and Sewers

61. United Unities have no objection to the proposal subject to conditions requiring submission of details of foul and surface water drainage to be submitted (surface water to be restricted to existing runoff rates unless agreed by the Council). Subject to such conditions the proposal is considered acceptable in this respect.

Other Issues

62. Lancashire County Council as Education Authority has requested a financial contribution towards education of £42,185.38. The request is noted, however education requests such as this are included in the Community Infrastructure Levy, even if, as in this case relief from the levy could be applied for under the exemption for affordable housing.

63. Policy 27 of the Core Strategy requires all new dwellings built prior to January 2016 to be built to Level 4 of the Code for Sustainable Homes and any built from January 2016 to be built to Level 6. It also requires proposal for five or more dwellings to have either additional building fabric insulation measures or appropriate decentralised, renewable or low carbon energy sources install to reduce carbon dioxide emission of predicted energy use by at least 15%. This can be controlled by conditions.

64. The applicant submitted a financial viability assessment following the Council advising of the public open space contribution figure and questioning why the Planning Statement stated that the properties were to be built to Code Level 3. This shows that the scheme can afford to pay the financial contribution of £31,572 but only if the scheme is built to Homes and Communities Agency standards i.e. Housing Quality Indicators and Code Level 3, rather than Code Level 4 currently required by Policy 27 of the Core Strategy.

65. The financial viability assessment has been sent to the Council's surveyors for review. The Council have accepted lower standards in relation to other affordable housing schemes based on viability assessment in the Borough, so subject to the surveyors agreeing with the figures the code level reduction is likely to be acceptable. This will be reported on the addendum.

Overall Conclusion

66. The proposal is contrary to Policy 1 criterion (f) of the Core Strategy as it is not considered it would meet local need. It is inappropriate development in the Green Belt as it does not meet any of the exceptions set out in Paragraph 89 of the Framework and further harm would be caused to the openness of the Green Belt. It is not considered there are very special circumstances that would outweigh the harm. At a local policy level the proposal would be contrary to Policy HS8 of the emerging Local Plan 2012-2026. The application is therefore recommended for refusal.

Planning Policies

67. 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. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

There is no planning history relevant to the current application.

