

<b>Item 3b</b>	<b>15/00482/FULMAJ</b>
<b>Case Officer</b>	<b>Nicola Hopkins</b>
<b>Ward</b>	<b>Chorley South East</b>
<b>Proposal</b>	<b>Erection of 68 dwellings, associated garaging, car parking and access arrangements</b>
<b>Location</b>	<b>Duxbury Park Phase 2 Between Myles Standish Way And Duxbury Gardens, Myles Standish Way</b>
<b>Applicant</b>	<b>Rowland Homes</b>
<b>Consultation expiry:</b>	<b>8<sup>th</sup> August 2015</b>
<b>Decision due by:</b>	<b>19<sup>th</sup> August 2015 (time extension agreed until 2<sup>nd</sup> October 2015)</b>

#### **Recommendation**

**Approve full planning permission subject to the associated S106 Agreement**

#### **Executive Summary**

**This site already has consent for 70 dwellings (the scheme proposes 68 new dwellings) and as such the main issues to consider are the changes to the proposed layout when compared to the approved housing layout for this site.**

#### **Update**

**Members will recall that this application was considered at DC Committee on 11th August and deferred for a site visit. Concerns have been raised that there was extensive consultation prior to the submission of the United Utilities scheme at this site which was not replicated by Rowland Homes as part of this application. This has resulted in a scheme which is considered to disregard the previous public consultation which occurred. Although the Council encourages public consultation for major schemes, in accordance with its Statement of Community Involvement, such as this it isn't possible for the Planning Authority to insist on developers undertaking a public consultation exercise.**

**The main area of concern is the relationship with the proposed houses and Duxbury Gardens which Members viewed during the site visit. It was queried with Rowland Homes whether this part of the site could be amended in line with the previous approval. However this is not possible as there is a necessary sewer easement which runs across the proposed rear gardens of plots 43 to 47. The agent for the application has confirmed that the previous application did not take account of this easement in the approved layout and as such this allowed for houses in this location to orientated differently. The scheme which United Utilities got consent for therefore could not be constructed as approved.**

**Following further consideration of the proposals this part of the site has been amended and the 3 affordable shared ownership dwellings on plots 43-45 have been removed and replaced by one large detached market dwellings. The assessment as a result of these changes has been added in red within the body of the report below. It is understood that this change addresses the neighbours' concerns.**

## Representations

**The Chorley South East Ward Councillors** have made the following comments:

- Agree with a number of the points raised by Duxbury Garden residents who we have spoken to.
- When this development was first put forward for planning, this was after an extensive consultation process undertaken by United Utilities. As a result of this process, the residents' concerns about being overlooked, or overlooking, and issues around privacy and noise, were taken into account and the plans were amended accordingly.
- We now have Rowland homes, going back to virtually the original plans and totally disregarding the consultation process. This we find unacceptable as a lot of time and effort from all sides were put into the consultation and surely this should help inform any plans for the site as previously.
- We would urge Rowland Homes to re look at the plans for the site to make sure that neighbours amenities and comments are given full consideration. If this means deferring the plans to a later committee date then so be it.

**In total 11 representations have been received which are summarised below**

<b>Objection</b>	<b>Not specified</b>
Total No. received: 9	Total No. received:2
<ul style="list-style-type: none"> <li>• Removal of promised planting to the rear of the existing properties</li> <li>• Resiting of affordable dwellings</li> <li>• Windows proposed facing existing dwellings</li> <li>• Request no windows are built onto the side of the dwellings facing existing properties.</li> <li>• Plot number 48 is extremely close to the fence line.</li> <li>• The corner of plot number 48 is touching the fence line which does not seem appropriate.</li> <li>• The construction process will disturb family life due to the proximity of the building work, alongside a high risk of possible disturbance to the foundations alongside the fence line.</li> <li>• A large number of hedgehogs in the area- building work would disturb the area's wildlife.</li> <li>• Loss of light</li> <li>• 3 more trees will be planted in place of the existing trees next to number 28 Duxbury Gardens however request that the landscaping adds to this and puts a run of evergreen trees along the boundary fence so as to maintain the privacy of the dwellings at the end of the cul-de-sac, reduce overlooked and add to privacy for the new dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>• Request that the 2 birch trees (ref. BET JAC and BET PEN) are replaced with a different type of tree due to the neighbour's severe pollen allergy</li> <li>• Previous plans showed existing properties not being overlooked with the nearest new property being "gable side on ". It is queried whether this is still the case.</li> </ul>

- Lack of developer consultation with neighbours
- Noise concerns
- All residents agreed that the original plans- 13/00178/FULMAJ –took concerns on board. New plans have changed significantly at the back of the site and this directly affects Duxbury Gardens residents.
- Duxbury Garden houses affected, except no 29, are 3 storey designed, as already noted, with living room on first floor and two bedrooms on second floor at the back-all will overlook plots 45-47 with Duxbury Gardens numbers 30, 31(my families) looking directly into numbers 45-47. Therefore not maintaining the sympathetic layout and design in original layout in original approved scheme.
- Loss of privacy for the proposed plots and privacy issues for the existing houses
- With 8 houses now potentially being built in an area of original approved scheme where there was only 3 will lead to a great deal more noise and disturbance due to more family members and also with each house having two parking spaces this means the potential of 16 cars instead of six.
- Inaccuracies in the actual Planning and Design Statement-this cannot be legally correct or at least , not in the spirit or principles of the original approved scheme.
- The environmental impact of natural habitat being eroded, meant the putting up of many 'bat boxes' into the trees that have now been felled. The current landscape is now decimated.
- Rowland Homes: there has been absolutely no contact with households or consultation of any kind
- Rowland Homes haven't listened to the concerns raised.
- The meeting should be deferred so Rowland Homes could have a re-look at the plans and consult the neighbours.
- There are 7 properties on Duxbury Gardens that are being affected and at least 5 have raised objections.
- Will be thoroughly disappointed if these plans go forward as they are after the original consultations

### **Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Lancashire Constabulary Designing Out Crime Officer	Has made some recommendations to reduce the risk of crime affecting the residents, visitors and immediate locality, should planning permission be granted.
Environment Agency	No further comments to make further to initial response regarding the approved Flood Risk Assessment (FRA) (February 2013) and FRA amended letter dated 25 April 2013
Strategic Housing	The type and tenure of Affordable Housing proposed matches what was previously required for the 13/00178/FULMAJ application and is therefore acceptable to Strategic Housing.
Lead Local Flood Authority	No objection subject to appropriate conditions
LCC Highways	No objection
CBC Waste and Contaminated Land Officer	Satisfied with the submitted report and for the development to proceed in accordance with the recommendations made in this report
Greater Manchester Ecology Unit	Have commented on the proposals addressed within the report

## **Assessment**

### Proposed Development

1. The application site is located within Chorley Town and is accessed via Myles Standish way. This site forms part of a larger site than was historically occupied by United Utilities the remainder of the site is being developed for housing by Arley Homes.
2. The application site itself is adjacent to Duxbury Gardens and the Arley Homes residential estate to the north (currently under construction). To the south of the site is Myles Standish Way, from which the site already has an established vehicular access.
3. The application is submitted by Rowland Homes to erect 68 dwellings on the part of the site which was previously identified for employment use.

### History of the site

4. The application site is part of a larger area previously granted outline approval (08/01044/OUTMAJ) for a mixed use development comprising up to 200 residential units and 10,800m<sup>2</sup> of B1 employment use. The current application relates to the previously approved area for B1 employment use.
5. In 2011, a reserved matters application (10/00946/REMMAJ) was approved for the development of 135 dwellings on the residential part of the site. Development of this part of the site is currently in progress and is close to completion.
6. Following the grant of full planning permission for residential development on part of the site, United Utilities applied to erect 70 dwellings on the part of the site (13/00178/FULMAJ) which was previously approved for employment use. This permission was granted in August 2013 and as such the acceptability of the principle of housing on this part of the site has been established.

### Principle of the Development

7. The application site is allocated in the Chorley Local Plan (Policy HS1.2) for residential development and as such the principle of erecting houses on this site is considered acceptable.

### Density

8. Policy 5 (Housing Density) of the Adopted Central Lancashire Core Strategy states that National Policy no longer sets out an indicative density of 30 dwellings per hectare(dph). However, in suburban and rural locations a density of 25-35 dph is typical.
9. Policy 5 also states that density is an important consideration in any proposed housing scheme, however, the key objective is to achieve high quality design that responds to the character of the area in terms of existing density.
10. The application site extends to an area of approximately 2.4 hectares. The provision of 68 dwellings on the site therefore equates to a density of 28 dwellings per hectare (dph). The density of the scheme allows for the construction of family dwellings with private amenity space reflecting current market trends. This density also takes into account the topography of the site which has significant implications on the layout of the site.
11. The Arley Homes scheme to the north comprises 126 dwellings and covers an area of approximately 4.7 hectares equating to a density of approximately 26dph. Although 135 dwellings were originally approved the plans have been amended to incorporate 126 dwellings. The proposed densities are shown to be comparable and the density proposed at the application site would therefore reflect that already established in the surrounding area. As such, the proposed density of the development is considered to be in accordance with Policy 5 of the Adopted Central Lancashire Core Strategy.

### Impact on neighbour amenity and levels

12. The immediate neighbours to the proposed development are the properties to the north and west of the application site. The majority of these properties comprise the newly

constructed Arley Homes dwellings at the adjacent part of the site and a number of older dwellings on a site known as Duxbury Gardens.

13. 28 Duxbury Gardens is a two storey detached dwellinghouse located to the north of proposed plot 48 (now plot 46). 28 Duxbury Gardens has a blank gable wall facing plot 48 and the proposed dwelling on plot 48 is a Renishaw house type with a blank gable wall facing the common boundary with 28 Duxbury Gardens. Plot 48 is proposed to have a similar finished floor level as the existing house resulting in no significant level change between the properties. Given the proposed siting of dwelling in relation to the existing dwelling, it is not considered that the proposals will result in loss of amenity to the detriment of the existing residents.
14. Plots 46 and 47 (now plots 44 and 35) face the side garden area of 29 Duxbury Gardens however due to the existing garage at 29 Duxbury Gardens these plots will not enable direct overlooking of the private garden space of the existing property. Although it is noted that the proposed dwellings, in particular plot 44, will directly face the rear garden area of 29 Duxbury Gardens approximately 10m is retained from the rear of the proposed dwelling to the garden boundary in accordance with the Council's spacing standards.
15. Plots 43-45 are proposed to back onto 29-32 Duxbury Gardens. The existing properties comprise two storey dwellings (29 and 32) and 2.5 storey dwellings with room in the roof space incorporating dormer windows (30 and 31). The proposed properties are slightly offset in terms of their siting. However the layout maintains in excess of 10m long gardens and at least 21 metres is maintained between the rear elevation of the proposed dwellings and the existing dwellings. The proposed dwellings are two storey houses which form part of the affordable housing provision on the site. The proposed properties are approximately 0.3m lower than the existing properties ensuring that the spacing distances maintained are appropriate.
16. Concerns have been raised by some residents of Duxbury Gardens and the Ward Councillors that this part of the site was amended during the consultation with United Utilities so that there were no new houses backing onto the existing houses with the gable end of the new dwellings adjacent to the boundary with the existing houses. It was queried with Rowland Homes whether this part of the site could be amended in line with the previous approval. However this is not possible as there is a necessary sewer easement which runs across the proposed rear gardens of plots 43 to 47. The agent for the application has confirmed that *the previous application did not take account of this easement in the approved layout and as such this allowed for houses in this location to orientated differently. The relationship between proposed plots 43 to 47 and existing houses on Duxbury Gardens has been considered to ensure that interface distances are met and privacy is maintained for existing residents.*
17. Following the amendments to the scheme 29-32 Duxbury Gardens now back onto a single detached dwelling (plot 43). The amended layout retains approximately 15m (at it closest point) to the rear boundary and over 24m to the rear elevation of 31 Duxbury Gardens which exceeds the Council's standard spacing distances. Additionally the property on plot 43 has been designed so that there are no first floor rear habitable room windows. This is considered to be an acceptable relationship.
18. The proposed property on plot 43 includes first floor side windows, one which serves a bathroom and as such will be obscurely glazed and one which serves a bedroom. The bedroom window will face the side gable of plot 44 ensuring that no loss of privacy is created as a result of this window.
19. 33-35 Duxbury Gardens face the side gable and rear garden of proposed plot 42. The dwelling on this plot is proposed to be a two storey three bedroomed dwelling which is one of the affordable units on the site. In excess of 13m is retained between the rear edge of 33 Duxbury Gardens and the gable of plot 42 which exceeds the Council's standard spacing distances. 34 and 35 Duxbury Gardens are 2.5 storey dwellings which face the rear garden of plot 42. In excess of 15 metres is retained between the rear of

these properties and the boundary with the garden which exceeds the required 10m. The proposed dwelling on plot 42 is approximately 0.05m lower than the existing dwellings ensuring that the spacing distances maintained are appropriate (this level difference was amended during the application process increasing the proposed slab level from 74.70 to 75.15 which is mid-way between the slab levels of 75.00 and 75.30 that are shown on the approved layout and to replicate the finished floor levels of the existing properties on Duxbury Gardens. Although the dwellings on Duxbury Gardens extend to 3 storeys in height, with habitable room rear windows on all levels, it is considered that the spacing distances maintained will protect the amenities of the existing and future residents.

20. 8 and 10 Duxbury Manor Way are located to the west of plots 40-42. The newly built properties are 2.5 storey dwellings with a rear roof dormer. However this dormer serves a bathroom with obscure glazing and as such the interface consideration in respect of the existing and proposed dwellings relate to the ground and first floor windows. The proposed dwellings have a proposed finished floor level between 0.75m and 0.9m lower than the existing dwellings which require a 2m increase in the Council's standard spacing distances. However this reflects the previously approved layout in respect of this part of the site and as such this relationship has already been established as acceptable.
21. The rear of 6 Duxbury Manor Way faces the rear garden of plot 37. This newly built property is a 2.5 storey dwelling with a rear roof dormer. However this dormer serves a bathroom with obscure glazing and as such the interface consideration relates to the ground and first floor windows. 6 Duxbury Manor Way is approximately 1.32m higher than the proposed property on plot 37. However this reflects the previously approved layout in respect of this part of the site which retained 10m from the rear of 6 Duxbury Manor Way to the garden area. As such this relationship has already been established as acceptable.
22. Plot 36 is located adjacent to 13 Shireburne Drive and will be constructed at a land level approximately 1m lower than the existing dwelling. It is proposed that the side gable of the proposed dwelling will be adjacent to the side gable of the existing dwelling to create an acceptable relationship. Plot 36 is a Belgrave House type which does not have any windows in the side gable facing 13 Shireburne Drive
23. Plot 35 backs onto 19 and 21 Shireburne Drive and is proposed to be a two storey detached dwelling built at a land level approximately 1.2m lower than the existing dwelling. Given the level change there is a requirement to provide 23m window to window distance which is achieved in respect of this relationship.
24. 33-37 Shireburne Drive back onto the side gable of plot 32 and are approximately 2m higher than the proposed dwelling. There is approximately 12m retained between the existing houses and the proposed houses. The proposed houses are two storey dwellinghouses and with the level difference this ensures that the occupiers of the existing properties will not be facing a large two storey blank gable wall. This relationship is considered to be acceptable.
25. The Council's spacing standards are applied to ensure that an adequate amount of privacy and amenity is provided for the existing and future residents. The application is supported by various sectional drawings which demonstrate the difference in levels between the proposed dwellings. The main areas of concern relate to:
  - 23 and 25 Shireburne Drive overlooking the garden of plot 33,
  - 39-43 Shireburne Drive overlooking the garden of plot 32 and
  - The relationship of plots 26-28 with 37 Duxbury Manor Way.
26. 23 and 25 Shireburne Drive face the rear garden area of plot 33 and are approximately 0.65m higher than the proposed dwelling. 10m is retained to the rear garden boundary which is considered to be acceptable.

27. 39-43 Shireburne Drive back onto the proposed rear garden area of plot 32 and are approximately 2.3m higher. Given the level change there is a requirement to provide 17m long gardens which is not retained in this case.
28. Proposed plots 26-28 back onto 37 Duxbury Manor Way and will be built approximately 5.78m lower in land levels. Applying the increase in spacing required by the Council's standards due to the significant level changes across the site would result in a significant amount of space retained between dwellings. This is the case in respect of this relationship which would require 42m rear window to rear window where only approximately 26m is retained.
29. The sectional plan demonstrates the extent of views from the ground and first floor windows. The proposed and existing rear boundary treatments along with the level difference ensures that there will not be any loss of privacy or amenity for the future residents which address the purposes of applying separation distances. This replicates the arrangement of houses on the adjacent Arley homes site which had to address similar level changes.
30. Plots 24-25 back onto the rear garden are of 41 Duxbury Manor Way, however given that these properties are approximately 4.7m lower than the existing property the proposed dwellings will not create overlooking to the detriment of the neighbours amenities.
31. Internally within the site plot 13 only has a 9.5m long garden which is slightly below the required 10m. However the future residents will be aware of this relationship when they purchase the property.
32. During the consideration of the application the finished floor levels to Plots 5/6 and 10 have been altered so that the differential between Plots 5 and 10 is now 0.85m (previously 1.09m) and Plots 6 and 10 is now 1.15m (previously 1.44m). The distance retained between plots 5 and 10 is 21.5m and plots 6 and 10 is 22.5m. This is only slightly below the required spacing distances (given the finished floor level difference) and are considered to be acceptable.
33. The originally proposed details included 0.9m high fences to delineate rear gardens. However as this was raised as a concern as this would not provide private rear gardens the plans have now been amended to include 1.8m high fences which will ensure that private rear gardens are provided.

#### Affordable housing

34. In accordance with Policy 7 of the Adopted Central Lancashire Core Strategy the development is required to provide 30% affordable housing. The proposed development would result in 70 new dwellings and so in accordance with current policy; the scheme should provide 21 affordable units.
35. The development provides 21 affordable homes comprising:
  - 13 two bedroom houses- social rented
  - 2 three bedroom houses- social rented
  - 6 three bedroom houses- intermediate sale (shared ownership)
36. The affordable units are identified on plots 18-32 in the western end of the site and on plots 40-45 at the northern end of the site. As noted above concerns have been raised about the location of the affordable housing which differs from the previously approved scheme on this site. However the Adopted Affordable SPD encourages the dispersal of affordable housing units within residential development to promote mixed communities and minimise social exclusion. It is considered that siting the proposed affordable houses within two parts of the site accords with the aspirations of the SPD.
37. **Following the amendments to the scheme the proposed development now results in 68 new dwellings and so in accordance with current policy; the scheme should provide 20 affordable units.**



38. The development provides 18 on site affordable homes comprising:
  - 13 two bedroom houses- social rented (Plots 20 to 32)
  - 5 three bedroom houses- intermediate sale (shared ownership) (Plots 18, 19 & 40 to 42)
39. The affordable units are identified on plots 18-32 in the western end of the site and on plots 40-42 at the northern end of the site. It is considered that siting the proposed affordable houses within two parts of the site accords with the aspirations of the SPD.
40. 18 on site affordable houses are however below the required 20. The Central Lancashire Affordable Housing SPD does confirm that the Council's preferred way forward is on-site provision however it does allow for off-site provision or financial contributions where robustly justified. In this case to provide a scheme which addresses the relationship of the proposed and existing dwellings on Duxbury Gardens which has directly altered the affordable housing provision on site it is considered that a financial contribution, to be secured via a Section 106 Agreement, can be secured to address the deficit of 2 affordable units on this site.
41. In accordance with the calculation contained within the SPD the commuted sum associated with this development is  $150,475 \times 33\% = 49,657 \times 2 = \text{£}99,313.50$
42. In this regard Rowland Homes have raised concerns with the level of commuted sum as the proposals reduce the number of dwellings which will be built but still necessitates the same land and infrastructure costs. Rowland Homes have also commented that the change increases the CIL payment. As such they initially confirmed that they are only able to offer a commuted Sum of £55,000 for off-site affordable homes.
43. The required affordable housing commuted sum set out above is approximately £5000 higher than the calculation undertaken by Rowland Homes and a reduction in houses on this site results in a reduction to the required POS contribution and sustainable transport contribution (as set out further below). As such it was considered that there was capacity in the scheme to increase this offer.
44. Taking these comments on board Rowland Homes have increased their offer to £75,000. This would enable the provision of 1.5 off site affordable units and will be used to secure the delivery of affordable housing on a stalled site within this part of Chorley. Members will note that the level of contribution is approximately £24,000 below which would typically be required and Members are asked to confirm whether the level of contribution is acceptable.

#### Sustainable Resources

45. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

*“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”*

*“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”*

46. As such there will be a requirement for the dwellings hereby approved to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

#### Trees and landscape

47. The application site is essentially split into two sections, the first being to the west and the second to the east of the existing access road.
48. The part of the site to the west is that which involves the greatest change in levels and rises significantly in an east-west direction, parallel with the properties already erected to the north of the site. This part of the site has already been cleared of any vegetation and is currently vacant.
49. The part of the site to the east has been left in more of a natural state and currently includes a number of trees, shrubs and grassland. An Arboricultural Constraints Appraisal has been submitted with the application which includes details of all the trees on site.
50. 12 individual trees form part of the appraisal which reflects the 12 trees already protected on this site (TPO 6 (Chorley) 2013). All of the trees are identified for retention and include appropriate root protection areas to ensure the continued protection of the trees during the construction process.
51. Concerns have been raised by one neighbour in terms of the types of trees originally proposed due to an existing resident having a pollen allergy, however the plans have been amended to replace these trees.

#### Ecology

52. Bowland Ecology Ltd was commissioned by Rowland Homes Ltd to undertake an extended Phase 1 Ecology Survey and desk study of the site at Duxbury Park, Chorley (NGR: SD 588 160). The extended Phase 1 survey aimed to update phase 1 surveys previously undertaken by United Environmental Services in 2008 and Bowland Ecology Ltd in 2012 in support of planning application that has been granted to develop the site.
53. Greater Manchester Ecology Unit has provided the following comments:  
It would appear that some harm has been caused to the woodland strip at the eastern edge of the (current) application site by previous ground clearance works.

Assuming that compensation for losses and/or mitigation has not been previously agreed as part of the wider scheme I would support the proposals in the most recent ecology survey to seek compensation for this loss and /or mitigation for future harm to ground flora, as follows -

*“the remaining ancient woodland groundflora and associated woodland soils beneath the trees at the eastern boundary of the application site should be translocated to an appropriate location as agreed with the LPA. This would include removing all the plants, bulbs, the top soil and subsoil to a suitable location following an approved Method Statement. The area of habitat to be translocated will be identified and marked out by a suitably qualified ecologist prior to translocation”.*

54. Translocation of the woodland groundflora aims to preserve the remaining biodiversity of the site in a situation where it will be protected from further developmental pressures.
55. Following the Supreme Court ruling (Morge vs Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural

England on proposals which may affect protected species and ask the following questions:

- Is the proposal likely to result in a breach of the Habitats Regulations?
- If so, is Natural England likely to grant a licence?

56. Natural England has not been consulted on the proposals as it is not considered that that the proposals will result in a breach of the Habitats Regulations.

57. Following the high court decision (*R (on the application of Simon Woolley) v Cheshire East Borough Council*, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:

- a) the activity must be for imperative reasons of overriding public interest of for public health and safety;
- b) there must be no satisfactory alternative and
- c) favourable conservation status of the species must be maintained.

58. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive. It is not considered that the proposals will impact on protected species and the ecological impact identified above can be addressed by condition.

#### Drainage and Sewers

59. Part of the site falls within a Flood Zones 2 and 3. As such a Flood Risk Assessment & Drainage Strategy (FRA) has been submitted as part of the application. The Environment Agency commented on the previous application at this site and raised no objection subject to suitable conditions.

60. Surface water drainage is now the responsibility of Lancashire County Council as the Lead Local Flood Authority (LLFA) who have no objection to the proposals subject to the imposition of suitable conditions. These mainly relate to the inclusion of a surface water sustainable drainage scheme as they have commented that the FRA submitted as part of this application does not include evidence of surface water run-off rates. As this application relates to previously developed land, the LLFA would request that further calculations are to be completed and the LLFA requests to be formally consulted on these. The FRA also states that there will be a requirement to attenuate surface water due to the increase in impermeable area as a result of the development. The final requirements of this attenuation have not been finalised and the LLFA would again request to be consulted on these proposals. This will be addressed by condition.

#### Open Space

61. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. The following requirements are based upon the standards within Local Plan Policies HS4A and HS4B and the approach in the SPD.

#### *Amenity Greenspace*

62. There is currently a deficit of provision in the Chorley South East ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £140 per dwelling.

#### *Provision for children/young people*

63. There is currently a surplus of provision in the Chorley South East ward in relation to this standard, a contribution towards new provision in the ward is therefore not required from this development. 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. A contribution towards improvements is therefore also not required from this development.

64. It is also important to note that the adjacent development for 126 dwellings provided 0.35 hectares of open space provision including an equipped play area. The minimum size of play area required for the adjacent development was 0.08 hectares which meant that extra provision was made in that case. As such, taking into account the fact that an oversupply of equipped play space was provided immediately adjacent to the application site there is no justification for additional equipped play space.

#### *Parks and Gardens*

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

#### *Natural and Semi-Natural Greenspace*

66. There is no requirement to provide new natural/semi natural greenspace on-site within this development. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study (sites 1725 – Between St Gregory's Place/Burgh Meadows and 1827 – Plock Wood, Lower Burgh Way), a contribution towards improving these sites is therefore required. The amount required is £557 per dwelling.

#### *Allotments*

67. There is no requirement to provide allotment provision on site within this development. The site is within the accessibility catchment (10 minutes' drive time) of proposed new allotment sites at Land at Sylvesters Farm, Euxton (HW5.2) and Harrison Road, Adlington (HW5.3). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

#### *Playing Pitches*

68. 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.

69. As 70 dwellings are proposed to total POS contribution equates to £161,770

70. **Following the amendments to the scheme the reduction in dwellings results in a total POS contribution equates to £157,148**

#### Contamination and Coal Mines

71. Due to nature of the type of training that took place on site for both water and electricity industries there may be issues with contaminated land in some parts of the site. In addition to this, it is thought that there may be mine shafts across the site.
72. In this regard a Phase I & Phase II Geo-Environmental Site Investigation has been undertaken which has been reviewed by the Council's Waste and Contaminated Land Officer. The Officer is satisfied with the report and for the development to proceed in accordance with the recommendations made in this report. This can be addressed by condition.

#### Highways

73. LCC Highways have reviewed the proposals and confirmed that they have no objection subject to all the highway conditions and advice notes attached to the previous approval. The Highway Engineer has also commented that the highway contributions requested in respect of the previous approval are still relevant and should apply to the approval of this application.

74. In respect of the previous application LCC Highways requested a contribution of £130,620 to investigate and fund operation of an additional bus service in the area. In respect of the history of this site the outline application secured £368,900 towards sustainable transport improvements. The subsequent Section 73 application reduced the contribution (based upon a decrease in number of houses from 200 to 126) as follows:
- £83,970 related to the employment land
  - £165,037 related to the residential land
75. This application takes the total number of houses back up to approx. 200 which was originally envisaged for the site although it is on the land originally allocated for employment uses and as such LCC consider that the original request of £130,620 is justified as it relates to sustainable transport improvements directly related to housing (i.e. access to shops, employment etc).
76. To resolve this issue as part of the previous planning application (on a pure calculation basis) it was calculated that the figure secured from the Arley Homes site equates to £1309 per dwelling. This was translated into the proposed development and equated to a sum of £91,687 (70 x £1309.82) which was secured as part of the legal agreement.
77. As Chorley is now a CIL Charging Authority and this scheme will be CIL liable requests for Section 106 contributions should be restricted to the regulation of development and site specific mitigation. To avoid any double charging, planning authorities cannot seek the provision of a contribution towards items included in the Regulation 123 List through S106 obligations, even where they would be justified as site specific remediation. It is considered that the sustainable transport contribution requested as part of this development is directly related to the development in question and the development as part of the wider site and as such is justified in this case. This will be secured as part of the legal agreement.
78. **Following the amendments to the number of dwellings proposed the sustainable transport contribution has reduced to £89,067.76 (68 x £1309.82) which was secured as part of the legal agreement.**
79. The Highway Engineer has raised concerns that the previously approved pedestrian/cycle route linking the site at its western end to the public open space (POS) has been removed in the current proposal. This linked directly to the area of open space within the Arley Homes development and was removed by Rowland Homes when they assessed the developability of the site. Creating this pedestrian link involved significant engineering operations and the creation of a sloped footpath due to the level differences on site. It is considered that the scheme as proposed without the link creates an improved layout in respect of the existing and future residents. The removal of this link does not hinder access to the POS although it will be a lightly longer route for the residents of this development.
80. The Engineer has also raised concerns that the previous Highways request for pedestrian/cycle route from the eastern end of the development to Red Bank has not been incorporated. However this land is outside of the applicant's control and would not be possible to secure.
81. The proposed houses incorporate sufficient driveway/garage space for the size of dwellings proposed. A number of the integral garages do not meet the Manual for Streets standard of 6x3m garages, however they are large enough to accommodate a car. The storage space which is included within the Manual for Streets garage dimensions in these cases will be secured by the inclusion of a shed.

#### Community Infrastructure Levy

82. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq. m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed housing development will be chargeable development.

83. This is a full application and S.128A of the CIL regulations specify that where an applicant wishes to make changes to a previously approved planning permission and they do so via a S.73 application the amount payable by the applicant will be any increase in the difference between what the CIL payment would have been had the previous application been subject to CIL and the amount of CIL payable for the current application.
84. Members will note that to date where there is an extant permission on a site and the applicant makes a further application in respect of the same site but this application has not been made under S.73 (and is therefore a standalone permission) then the Council have adopted an approach similar to that specified by S.128A on the basis that the intention of CIL was never to retrospectively impose CIL charging on approved schemes. In these cases since the adoption of CIL the extent of approved development has been subtracted from the extent of proposed development and CIL has only been charged on the difference between any increase of liability created by virtue of the proposed amendments on the basis that a shorter time limit to commence development is applied to take into account the length of time left on the previous planning approval.
85. The same approach will be taken in respect of this application however Members should be aware that this transitional approach will not be applicable for any new full planning application submitted from 1<sup>st</sup> September 2015 and as such any new full planning applications will be fully CIL liable even if the site has an extant permission.

#### **Overall Conclusion**

86. The erection of dwellings on this site has already been established as acceptable and is considered to be an appropriate use of this site within a sustainable location. The layout has changed when compared to the previous layout however as demonstrated above the layout as proposed ensures that the amenities of the future and existing residents are protected. As such the proposals are recommended for approval subject to the associated legal agreement.

#### **Planning Policies**

87. 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 Local Plan 2012-2026 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) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

#### **Planning History**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
06/00850/CB3	Creation of an access junction off the proposed Eaves Green Link Road (site area 0.31ha).	Approved	November 2006
08/01044/OUTMAJ	Outline application for the erection of a mixed use development incorporating residential and B1 employment use following the demolition of the existing buildings (7.2 hectares).	Approved	December 2008
10/00004/DIS	Application to discharge condition 29 of planning approval 08/01044/OUTMAJ.	Discharged	January 2010
10/00240/DIS	Application to discharge condition 14 of planning approval 08/01044/OUTMAJ.	Discharged	April 2010
10/00888/FULMAJ	Application to vary conditions 11, 12 (ground remediation), 19	Approved	11th January 2011

	(surface water attenuation) and 21 (archaeology) of outline planning permission ref: 08/01044/OUTMAJ to enable the site to be developed in phases.		
10/00946/REMMAJ	Reserved Matters application, pursuant to Section 73 planning permission 10/00888/OUTMAJ, proposing full details for the siting, layout, appearance and landscaping for a residential development comprising 135 dwellings at Duxbury Park, Myles Standish Way, Chorley	Approved	February 2011
11/00190/DIS	Application to discharge conditions 6, 8, 9, 12, 13, 14, 19, 21, 22, 24, 26, 27, 28, 29, & 30 attached to planning approval 10/00946/REMMAJ.	Discharged	May 2011
11/00263/FUL	Construction of a temporary junction and access road for use during the construction period.	Approved	May 2011
11/00453/REMMAJ	Section 73 application to vary conditions 1 (approved plans), 4 (approved plans), 10 (finished floor levels in respect of plots 6-8, 80-89 and 126-134), 26 (carbon emissions) and 27 (code for sustainable homes) attached to planning approval 10/00946/REMMAJ	Approved	August 2011
11/01019/REMMAJ	Section 73 application to vary conditions 1 and 4 (approved plans) and 25 and 27 (plot references) attached to planning approval 11/00453/REMMAJ	Approved	April 2012
13/00178/FULMAJ	Erection of 70 residential dwellings, associated garaging, car parking, access arrangements and landscape works.	Approved	August 2013

## Suggested Conditions

No.	Condition																																																												
1.	<p>The proposed development must be begun not later than one year from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>																																																												
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 533 1295 2011"> <thead> <tr> <th data-bbox="320 533 564 629">Title</th> <th data-bbox="564 533 804 629">Plot</th> <th data-bbox="804 533 1048 629">Drawing Reference</th> <th data-bbox="1048 533 1295 629">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 629 564 689">Location Plan</td> <td data-bbox="564 629 804 689"></td> <td data-bbox="804 629 1048 689">R074/1000 Rev B</td> <td data-bbox="1048 629 1295 689">11<sup>th</sup> August 2015</td> </tr> <tr> <td data-bbox="320 689 564 750">A2-2 Block Plans</td> <td data-bbox="564 689 804 750">20, 21, 22, 23</td> <td data-bbox="804 689 1048 750">HT164/P/2/V1-1</td> <td data-bbox="1048 689 1295 750">18<sup>th</sup> May 2015</td> </tr> <tr> <td data-bbox="320 750 564 853">A2- 2 Block Elevations</td> <td data-bbox="564 750 804 853">20, 21, 22, 23</td> <td data-bbox="804 750 1048 853">HT165/P/2/V1-2</td> <td data-bbox="1048 750 1295 853">19<sup>th</sup> May 2015</td> </tr> <tr> <td data-bbox="320 853 564 913">A3-3 Block Plans</td> <td data-bbox="564 853 804 913">40, 41, 42</td> <td data-bbox="804 853 1048 913">HT165/P/3/V2-1</td> <td data-bbox="1048 853 1295 913">19<sup>th</sup> May 2015</td> </tr> <tr> <td data-bbox="320 913 564 1016">A3-3 Block Elevations</td> <td data-bbox="564 913 804 1016">40, 41, 42</td> <td data-bbox="804 913 1048 1016">HT165/P/3/V2-1</td> <td data-bbox="1048 913 1295 1016">19<sup>th</sup> May 2015</td> </tr> <tr> <td data-bbox="320 1016 564 1115">Reynold Floor Plans</td> <td data-bbox="564 1016 804 1115">1, 10</td> <td data-bbox="804 1016 1048 1115">HT130/P/110 Rev A</td> <td data-bbox="1048 1016 1295 1115">18<sup>th</sup> May 2015</td> </tr> <tr> <td data-bbox="320 1115 564 1214">Reynold Elevations</td> <td data-bbox="564 1115 804 1214">1, 10</td> <td data-bbox="804 1115 1048 1214">HT130/P/111 Rev A</td> <td data-bbox="1048 1115 1295 1214">18<sup>th</sup> May 2015</td> </tr> <tr> <td data-bbox="320 1214 564 1312">Hatton House Type</td> <td data-bbox="564 1214 804 1312">6, 56, 60</td> <td data-bbox="804 1214 1048 1312">HT139/P/111 Rev C</td> <td data-bbox="1048 1214 1295 1312">18<sup>th</sup> May 2015</td> </tr> <tr> <td data-bbox="320 1312 564 1411">Belgrave House Type</td> <td data-bbox="564 1312 804 1411">13, 36, 37, 38</td> <td data-bbox="804 1312 1048 1411">HT146/P/115</td> <td data-bbox="1048 1312 1295 1411">18<sup>th</sup> May 2015</td> </tr> <tr> <td data-bbox="320 1411 564 1509">Bonington Floor Plans (with bay)</td> <td data-bbox="564 1411 804 1509">11, 35, 52, 53</td> <td data-bbox="804 1411 1048 1509">HT147/P/110-11 Rev I</td> <td data-bbox="1048 1411 1295 1509">18<sup>th</sup> May 2015</td> </tr> <tr> <td data-bbox="320 1509 564 1630">Bonington Elevations (with bay)</td> <td data-bbox="564 1509 804 1630">11, 35, 52, 53</td> <td data-bbox="804 1509 1048 1630">HT147/P/112-11 Rev A</td> <td data-bbox="1048 1509 1295 1630">18<sup>th</sup> May 2015</td> </tr> <tr> <td data-bbox="320 1630 564 1751">Bonington Floor Plans (without bay)</td> <td data-bbox="564 1630 804 1751">17</td> <td data-bbox="804 1630 1048 1751">HT147/P/113</td> <td data-bbox="1048 1630 1295 1751">18<sup>th</sup> May 2015</td> </tr> <tr> <td data-bbox="320 1751 564 1895">Bonington Elevations (without bay)</td> <td data-bbox="564 1751 804 1895">17</td> <td data-bbox="804 1751 1048 1895">HT147/P/202-38</td> <td data-bbox="1048 1751 1295 1895">18<sup>th</sup> May 2015</td> </tr> <tr> <td data-bbox="320 1895 564 2011">Charleston House Type</td> <td data-bbox="564 1895 804 2011">7, 12, 33, 34, 35, 58, 61</td> <td data-bbox="804 1895 1048 2011">HT166/P/111 Rev A</td> <td data-bbox="1048 1895 1295 2011">18<sup>th</sup> May 2015</td> </tr> </tbody> </table>	Title	Plot	Drawing Reference	Received date	Location Plan		R074/1000 Rev B	11 <sup>th</sup> August 2015	A2-2 Block Plans	20, 21, 22, 23	HT164/P/2/V1-1	18 <sup>th</sup> May 2015	A2- 2 Block Elevations	20, 21, 22, 23	HT165/P/2/V1-2	19 <sup>th</sup> May 2015	A3-3 Block Plans	40, 41, 42	HT165/P/3/V2-1	19 <sup>th</sup> May 2015	A3-3 Block Elevations	40, 41, 42	HT165/P/3/V2-1	19 <sup>th</sup> May 2015	Reynold Floor Plans	1, 10	HT130/P/110 Rev A	18 <sup>th</sup> May 2015	Reynold Elevations	1, 10	HT130/P/111 Rev A	18 <sup>th</sup> May 2015	Hatton House Type	6, 56, 60	HT139/P/111 Rev C	18 <sup>th</sup> May 2015	Belgrave House Type	13, 36, 37, 38	HT146/P/115	18 <sup>th</sup> May 2015	Bonington Floor Plans (with bay)	11, 35, 52, 53	HT147/P/110-11 Rev I	18 <sup>th</sup> May 2015	Bonington Elevations (with bay)	11, 35, 52, 53	HT147/P/112-11 Rev A	18 <sup>th</sup> May 2015	Bonington Floor Plans (without bay)	17	HT147/P/113	18 <sup>th</sup> May 2015	Bonington Elevations (without bay)	17	HT147/P/202-38	18 <sup>th</sup> May 2015	Charleston House Type	7, 12, 33, 34, 35, 58, 61	HT166/P/111 Rev A	18 <sup>th</sup> May 2015
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Brantwood House Type	4, 14, 66	HT167/P/100	18 <sup>th</sup> May 2015
Materials Schedule Plan		R074/3 Rev D	22 <sup>nd</sup> September 2015
Detached Double Garage	1, 10, 36, 43, 68	P/DG/1	18 <sup>th</sup> May 2015
Single Detached Garage	4, 7, 11, 12, 14, 16, 17, 33, 34, 35, 52, 53, 58, 65, 66	P/SG/1	18 <sup>th</sup> May 2015
Tree Protection drawing		P.532.15.02 Rev A	7 <sup>th</sup> August 2015
Proposed Site Levels (western)		J3432.EX02 Rev B	18 <sup>th</sup> May 2015
Proposed Site Levels (eastern)		J3432.EX03 Rev A	18 <sup>th</sup> May 2015
1.8M High close board timber fence		SD.1 Rev A	18 <sup>th</sup> May 2015
1.8m high screen wall		S.O.46	18 <sup>th</sup> May 2015
Planning layout		R074/1 Rev D	22 <sup>nd</sup> September 2015
Bowes House Type	2, 5, 9, 47, 48, 54, 55, 59	HT104/P/111 Rev B	18 <sup>th</sup> May 2015
Burlington House Type	44, 45, 62, 63	HT105/P/111 Rev C	18 <sup>th</sup> May 2015
Marlborough floor plans	49, 57	HT107/P/110	18 <sup>th</sup> May 2015
Marlborough Elevations	49, 57	HT107/P/112 Rev A	18 <sup>th</sup> May 2015
Marlborough floor plans	68	HT107/P/210	18 <sup>th</sup> May 2015
Marlborough Elevations	68	HT107/P/212 Rev A	18 <sup>th</sup> May 2015
Elmbridge House Type	8, 16, 64, 65	HT148/P/111	18 <sup>th</sup> May 2015
Renishaw house	3, 15, 39, 46, 50,	HT149/P/202 Rev	18 <sup>th</sup> May 2015

type	51, 67	A	
A2- 3 Block Floor Plans	21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32	HT164/P/3/V1-1	18 <sup>th</sup> May 2015
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A3- 3 Block Plans	18, 19	HT165/P/2/V1-1	18 <sup>th</sup> May 2015
Planting Plan		P.532.15.01 Rev E	8 <sup>th</sup> September 2015
Planting Schedules		P.532.15.01 Rev E	8 <sup>th</sup> September 2015
Proposed Site Sections		J3432 EX13	21 <sup>st</sup> July 2015
Fencing Layout		RO74/2 Rev C	22 <sup>nd</sup> September 2015
900 high post & rail fence detail		SD.21	18 <sup>th</sup> May 2015
Plot 43 Floor Plans	43	R074/1010	22 <sup>nd</sup> September 2015
Plot 43 Elevations	43	R074/1011	22 <sup>nd</sup> September 2015

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

3. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.  
Those details shall include, as a minimum:
- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
  - b) The drainage strategy should demonstrate that the surface water run-off must be as close as reasonable practicable to the greenfield runoff rate and should not exceed the rate of discharge prior to this development which is yet to be calculated. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
  - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - d) Flood water exceedance routes, both on and off site;
  - e) A timetable for implementation, including phasing as applicable;

	<p>f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;</p> <p>g) details of water quality controls, where applicable.</p> <p>The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.</p> <p>Reasons</p> <ol style="list-style-type: none"> <li>1. To ensure that the proposed development can be adequately drained.</li> <li>2. To ensure that there is no flood risk on or off the site resulting from the proposed development</li> </ol>
4.	<p>No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development which, as a minimum, shall include:</p> <ol style="list-style-type: none"> <li>a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company</li> <li>b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as: <ol style="list-style-type: none"> <li>i. on-going inspections relating to performance and asset condition assessments</li> <li>ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;</li> </ol> </li> <li>c) means of access for maintenance and easements where applicable.</li> </ol> <p>The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.</p> <p>Reasons</p> <ol style="list-style-type: none"> <li>1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development</li> <li>2. To reduce the flood risk to the development as a result of inadequate maintenance</li> <li>3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.</li> </ol>
5.	<p>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:</p> <ul style="list-style-type: none"> <li>• the parking of vehicles of site operatives and visitors</li> <li>• hours of operation (including deliveries) during construction</li> <li>• loading and unloading of plant and materials</li> <li>• storage of plant and materials used in constructing the development</li> <li>• the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>• wheel washing facilities</li> <li>• measures to control the emission of dust and dirt during construction</li> <li>• a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p>Reason: in the interests of highway safety and to protect the amenities of the nearby residents</p>
6.	<p>The integral/attached and detached garages hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living</p>

	<p>accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015.</p> <p>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.</p>
7.	<p>The development hereby permitted shall be carried out in accordance with the recommendations contained within the submitted site investigation reports: PHASE I &amp; PHASE II GEO-ENVIRONMENTAL SITE INVESTIGATION Land off Myles Standish Way, E3P Report: 10022r1 Issued: January 2014</p> <p>Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority for approval.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures identified.</p> <p>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use</p>
8.	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
9.	<p>The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground-surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.</p> <p>Reason: The submitted information did not include details of the hard surfacing materials and to ensure that the materials used are visually appropriate to the locality samples are required.</p>
10.	<p>Before the properties hereby permitted are first occupied, the driveways shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p>Reason: To ensure adequate on site provision of car parking and manoeuvring areas</p>
11.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
12.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as</p>

	<p>part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate</p>
13.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
14.	<p>The development hereby permitted shall only be carried out in conformity with the approved ground and building slab levels</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of neighbouring properties.</p>
15.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no extensions or external alterations shall be undertaken to the dwellings hereby permitted on plots 1-3 (inclusive) , 5-10 (inclusive), 11-14 (inclusive), 17-33 (inclusive), 35-38 (inclusive), 40-45 (inclusive), 50-55 (inclusive), 58-62 (inclusive), 64-65 (inclusive), 67-68 (inclusive),</p> <p>Reason: To protect the appearance of the locality and the amenity of the future occupiers of the approved dwellings and those surrounding the site.</p>
16.	<p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: To ensure that a satisfactory landscaping scheme for the development, mitigate the loss of potential habitats and secure a high quality design.</p>
17.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p>Reason: To safeguard the trees to be retained</p>
18.	<p>Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.</p> <p>This development shall be completed maintained and managed in accordance with the approved details.</p> <p>Reason: To ensure suitable drainage is provided for the dwellings hereby approved, this is required prior to the commencement of the construction of the</p>

	<p>dwellinghouses to ensure that a suitable scheme can be put in place at the appropriate time.</p>
19.	<p>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 that the land is remediated to an appropriate standard for the proposed end use. In accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
20.	<p>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.</p>
21.	<p>No dwelling on plots 2, 3, 5, 6, 9, 13, 15, 36, 37, 38, 39, 46, 47, 48, 50, 51, 54, 55, 56, 59, 60, 67 and 68 hereby permitted shall be occupied until garden sheds have been provided in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. The garden sheds shall be retained in perpetuity thereafter. Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets</p>
22.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/doors other than those expressly authorised by this permission shall be inserted or constructed at any time in the:</p> <ul style="list-style-type: none"> <li>• East elevation of plot 10</li> <li>• South elevation of plot 13</li> <li>• South elevation of plot 19</li> <li>• South elevation of plot 24</li> <li>• North elevation of plot 32</li> <li>• North elevation of plot 33</li> <li>• West elevation of plot 37</li> <li>• North elevation of plot 42</li> <li>• South elevation of plot 40</li> <li>• First floor of the north elevation of plot 43</li> <li>• North elevation of plot 46</li> <li>• South elevation of plot 49</li> <li>• East elevation of plot 64</li> </ul> <p>Reason: To protect the amenities and privacy of the adjoining properties</p>
23.	<p>All windows and doors in the:</p> <ul style="list-style-type: none"> <li>• North elevation of plot 33</li> <li>• North elevation of plot 42</li> <li>• First floor of the north elevation plot 43</li> <li>• West elevation of plot 43</li> <li>• South elevation of plot 49</li> <li>• East elevation of plot 64</li> </ul> <p>hereby permitted shall be fitted with obscure glass and obscure glazing shall be</p>

	<p>retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p> <p>Reason: In the interests of the privacy of occupiers of neighbouring properties.</p>
24.	<p>Prior to the occupation of the first dwellinghouse hereby approved, full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.</p> <p>Reason: No details of the management arrangements form part of the submission information and to ensure the satisfactory management of the private driveways, resident's parking spaces and landscaped areas full details are required.</p>
25.	<p>Prior to the occupation of any of the dwellings hereby approved details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be 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.</p> <p>Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.</p>
26.	<p>Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets 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.</p> <p>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.</p>
27.	<p>Prior to the commencement of the development a Method Statement detailing the translocation of the remaining ancient woodland groundflora and associated woodland soils beneath the trees at the eastern boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority. The translocation shall include removing all the plants, bulbs, the top soil and subsoil and the submitted Method Statement shall include full details of the proposed timescale for relocation. Following approval of the Method Statement the area of habitat to be translocated shall be clearly identified and marked out by a suitably qualified ecologist prior to translocation.</p> <p>Reason: to preserve the remaining biodiversity of the site in a situation where it will be protected from further developmental pressures and to mitigate from future harm</p>
28.	<p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are known to occur on the/ adjacent to the site. These species shall be eradicated from the site and working methods shall be adopted to prevent their spread in accordance with Environment Agency guidance and codes of practice.</p> <p>Reason: to ensure the eradication and control of any invasive species which are found on the site</p>