

APPLICATION REPORT – 16/00247/FULMAJ

Validation Date: 24 March 2016

Ward: Pennine

Type of Application: Major Full Planning

Proposal: Proposed residential development of 34 dwellings with associated landscaping and infrastructure.

Location: Land 150M West Leatherlands Farm Moss Lane Whittle-Le-Woods

Case Officer: Caron Taylor

Authorising Officer: P.A.Whittingham

Applicant: Morris Homes (North) Limited

Agent: Morris Homes (North) Limited

Consultation expiry: 6 September 2016

Decision due by: 23 September 2016

RECOMMENDATION

The application is recommended for approval subject to conditions and a Section 106 agreement securing affordable housing and a public open space financial contribution and that the affordable housing being acceptable. This will be updated on the addendum.

SITE DESCRIPTION

The site has a total site area of 1.38 ha (3.42 acres) and is located approximately 200 metres east of the junction of Moss Lane (B6229) and Preston Road (A6), to the north and south of the Moss Lane cul-de-sac which was created when the M61 motorway was built and the main Moss Lane was slightly diverted and extended over it. It is made up of two sections:

- Parcel A comprises a triangular-shaped area to the north of the Moss Lane cul-de-sac which has an area of 1.12 ha (2.77 acres); and
- Parcel B is an elongated rectangular-shaped area to the south of the Moss Lane cul-de-sac which has an area of 0.26 ha (0.65 acres).

Parcel A is located immediately to the east of a Redrow residential development which was built in the 1990s and a Wainhomes development built more recently. This part of the application site is up to two or three metres lower than the Redrow/Wainhomes development and is separated from it by a small ditch and adjacent public footpath with a relatively steep bank beyond leading up to close boarded fences of the adjacent gardens. The footpath links into the Redrow development at the north-west corner of the site.

Outline permission was granted on the site for up to 32 dwellings in February 2015 (14/00900/OUTMAJ). This application is a full application (rather than a reserved matters application) as it is for 34 dwellings, more than covered in the previous outline permission.

It should be noted that the Council is also considering an application that has been submitted on the other part of the allocated site ref: 16/00509/FULMAJ which is for 45 dwellings.

DESCRIPTION OF PROPOSED DEVELOPMENT

Proposed residential development of 34 dwellings with associated landscaping and infrastructure.

RELEVANT HISTORY OF THE SITE

Ref: 14/00900/OUTMAJ Decision: Permitted Decision Date: 17 February 2015

Description: Outline application for residential development on north and south side of Moss Lane cul-de-sac for up to 32 dwellings, specifying the access point

REPRESENTATIONS

Whittle-le-Woods Parish Council are aware of the proposed future enhancements to the signposting of the Moss Lane / Preston Road junction, but still feel that this development would increase the volume of traffic on Moss Lane and add to the difficulties at this junction.

Three objections have been received which are summarised below

Objections

Total No. received: 3

- Traffic congestion between the M61 J8 and the Sea View junction continues to get worse as more and more developments are built. Whilst the junction upgrades may have worked initially to cope with Buckshaw Village and other developments, the sheer number of these developments means that traffic now appears to have exceeded the capacity of these improvements. Has the impact on surrounding infrastructure been fully considered for residential development in question? Its location will only exacerbate the above problems including queuing at the end of Moss Lane;
- Are there any improvement works proposed for the immediate local roads as part of the development? What is the proposed access for the development? The recent adjacent Springside Gardens development has an extremely questionable access onto Moss Lane as it is located on a blind corner with very poor visibility.
- Are we to expect a similar unsafe access for this development? As with all recent developments in the area, comments and objections will most likely prove futile and it is fully expected that the development will proceed as planned. They would therefore simply ask that all impacts be fully taken into consideration, particularly those relating to safety and congestion;
- They own No 7 Springside Gardens and the side of their property is on the western edge of the proposed development site. They have no objection to the application, in principle but are keen to ensure that any development will not reduce the privacy and/or security of the eastern side of their property. That boundary is adjacent to the stream and there are also a number of trees and bushes between the stream and my boundary wall and fence which both provide privacy and added security for my property. They do not want any of the proposed works to in any way reduce that privacy and security;
- They note that it is proposed to fill in the existing land drain and replace it with a perforated drainage pipe. How will this impact the ditch which currently runs along the boundary fence?. Vegetation clearance is also proposed along the boundary fence. The ditch drain and vegetation acts as a barrier between the field and their property, preventing anyone being able to climb over the fence. Once the development is built and the 3m public cycleway is in place, this protection will completely disappear which will increase the security risk to their property by leaving it vulnerable to trespassing via the cycleway;
- Their property will be overlooked by plots 9 to 15 as well as anyone using the public cycleway. Are there any plans to plant new trees and/or hedges closer to the boundary to mitigate against this increased security risk and visual intrusion?;
- What will be the impact of works on the large protected oak tree covered by Tree Preservation Order 12 (Whittle-le-Woods). On the outline application master plan, the

development avoided the root protection area (RPA) associated with the tree entirely. However, on the latest plans, the proposed 3m wide tarmac cycleway construction runs directly through the tree's RPA;

CONSULTATIONS

Consultee	Summary of Comments received														
Lead Local Flood Authority	The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of conditions.														
Council's Ecology Advisor	The recommendations of the ecology report should be secured by condition should permission be granted.														
Lancashire County Council (LCC) Highways	Have no objection to the proposed development subject to conditions and advice notes.														
Environmental Health	See body of report.														
Planning Policy on Public Open Space	<p>The following financial contribution required from this development:</p> <table> <tr> <td>Amenity greenspace</td> <td>= £5,320</td> </tr> <tr> <td>Equipped play area</td> <td>= £5,092</td> </tr> <tr> <td>Parks/Gardens</td> <td>= £0</td> </tr> <tr> <td>Natural/semi-natural</td> <td>= £0</td> </tr> <tr> <td>Allotments</td> <td>= £570</td> </tr> <tr> <td>Playing Pitches</td> <td>= £60,762</td> </tr> <tr> <td>Total</td> <td>= £71,744</td> </tr> </table>	Amenity greenspace	= £5,320	Equipped play area	= £5,092	Parks/Gardens	= £0	Natural/semi-natural	= £0	Allotments	= £570	Playing Pitches	= £60,762	Total	= £71,744
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LCC Education	<p>The latest information available at this time was based upon the 2015 annual pupil census and resulting projections.</p> <p>Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 11 primary and 5 secondary school places, which would result in a claim of:</p> <p>Primary places: 11 places = £134,303.40</p> <p>Secondary places: 5 places = £91,986.40</p> <p>A specific infrastructure project where the secured education contribution will be spent to deliver additional school places will be provided at the point at which the application is considered for decision. The local planning authority will need to notify the School Planning Team that a school infrastructure project needs to be determined.</p>														
Council's Contaminated Land Officer	Request a condition is applied to any approval.														
Strategic Housing	The requirement for 11 affordable dwellings as detailed on the Affordable Housing Statement meets the planning policy requirement in terms of numbers. Due to the LHA Cap for social housing announced in the November 2015 budget, in particular the shared accommodation rate, has reduced the expected demand for one bedroom flats. Chorley has a healthy supply of one bedroom flats for rent (Social and Affordable) in the pipeline as these were planned before the last budgets changes. The preferred tenure and														

	<p>type of affordable homes for this site is as follows: 8 x 2 bedroom 4 person houses for Social Rent 3 x 3 bedroom 6 person houses for Intermediate Home Ownership The intermediate home ownership would be Shared Ownership or a product with a similar discount to a Registered Provider. All affordable dwellings should meet the Nationally Described Space Standards. The Social Rent should take into account the social housing rent cuts when being offered to a Registered Provider.</p>
<p>Police Designing Out Crime Officer</p>	<p>Have conducted a crime and incident search of this policing incident location and during the period 05/04/2015 to 05/04/2016 there have been recorded crimes and incidents including burglary. In particular a burglary has occurred whereby the offenders have taken the keys to the owner's vehicle and stolen the vehicle and other items of property.</p> <p>In order to reduce the opportunity for criminal activity at the proposed development and to provide a safe and sustainable environment suggest a number of recommendations.</p>

PLANNING CONSIDERATIONS

Principle of the Development

The site is part of a larger allocated housing site in the Chorley Local Plan 2012-2026 under Policy HS1.43C for 76 dwellings, and outline permission for housing was granted on the site in 2015 for up to 32 dwellings (14/00900/OUTMAJ). Housing development on the site is therefore acceptable in principle.

In terms of phasing, Policy HS2 of this plan sets out a phasing schedule and the whole of the wider Moss Lane allocation is scheduled for the second phase, 2016 – 2021 (60 dwellings) and the third phase 2021-2026 (16 dwellings). This application covers 34 dwellings on part of the site and is a full application with a separate application made by Wainhomes on the rest of the allocation currently under consideration. If approved it is likely the majority of the site, if not all, would come forward in the second phase 2016-2021. Therefore under Policy HS2 although 16 dwellings are envisaged in the third phase 2021-2026 it is considered the proposal broadly complies with the phasing in Policy HS2.

Design and Layout

The layout of the scheme is split into two parts, the affordable housing which is made up of ten mews properties, all of which would be two-storeys in height would be sited to the south of the Moss Lane cul-de-sac, and the larger detached and semi-detached properties would be located to the north of Moss Lane cul-de-sac. This splitting of the layout is considered acceptable as it is considered the smaller house types work better together in design terms.

The design of the affordable properties (Chatsworth and Budworth house types) will share the same detailing as the other house types including artstone cills and heads to windows and a projecting brick verge detail with corbel. Although smaller properties their detailing and materials will ensure that the affordable properties are viewed as being part of the wider site. The houses on plots 25-27 will be positioned on the corner towards the main Moss Lane to provide a focal point at the entrance to the site as it is approached from the west. The other affordable properties at plots 28-34 will front onto Moss Lane cul-de-sac. The parking for these properties will be provided in small parking courts to the front and sides. It is considered that the design and layout of the affordable properties is acceptable.

The properties to the north of the site are all accessed via a new cul-de-sac off the Moss Lane cul-de-sac, apart from plots 1 – 5 which will be via an access road parallel with Moss Lane. These plots will be particularly prominent from the main Moss Lane but will have front elevations facing towards the road and are set back to give an open feel to the front of the development which is considered acceptable. Within the site the house types on corners are dual aspect to avoid blank elevations in prominent positions and boundary treatments have been selected so that prominent side gardens would have screen walls rather than fences enclosing them or

fences with a hedge in front, which will be more visually attractive in the streetscene. Parking for all the detached and semi-detached properties will be on private driveways and in detached and integral garages on each plot. Part for the affordable properties will be in three small parking courts. The proposed properties would have gable roofs and most would have front gables with a range of detailing including arched windows, porches, canopies and bay windows. The layout and design of these properties is considered acceptable and appropriate to the existing surrounding development.

Density

Policy 5 of the adopted Core Strategy covers housing density and requires developments to be in keeping with an area but also make an efficient use of land. The proposal would be equivalent of 24.6 dwellings per hectare. Considering the proposed layout in the context of the immediate surrounding area it is considered that the proposal would be in keeping in terms of density with the modern housing estates to the north and west of the site and the proposal is therefore considered acceptable in this respect.

Levels

The application site is up to two or three metres lower than the adjacent housing development and is separated from it by a small ditch and adjacent public footpath with a relatively steep bank beyond leading up to close boarded fences of the adjacent gardens. There is an approximate gradual difference in levels of approximately 2m across the site. From the southern boundary of the site there is banking approximately 8m high from the site up to the main Moss Lane but this is outside the application site. The application would include raising the levels of the land by up to 3m to aid drainage of the site. This would result in the properties proposed on the west side of the application site having finished floor levels similar to these on the adjacent existing development, with finished floor levels being lower as the land falls to the east. Originally it was proposed to pipe the existing ditch along the west boundary but this was not considered acceptable in terms of ecology. Amended plans have been received retaining the ditch and the levels remain the same along the boundary before rising up to a development platform for the properties. This is considered acceptable.

Impact on the neighbours

There are existing residential properties along the northwest boundary of the site and Leatherlands Farm is to the east. The northeast of the site bounds with an open field that forms the rest of the allocated housing site.

Amended plans have been received changing the house type on plot 1 so there are no habitable room windows in the west elevation looking towards no. 7 Springside Gardens. The only window in this elevation serves an en-suite bathroom at first floor. The house on plot 8 will face towards the existing properties on Springside Gardens but there will be over 10m between the first floor windows and the boundary with this property. Plots 9 and 14 would be side onto the properties on Springside Gardens and would only have non-habitable windows at first floor in their side elevations which is considered acceptable..

The proposed properties along the west boundary of the site with Springside Gardens therefore comply with the council's guidelines in relation to neighbouring properties.

Affordable Housing

Policy 7 of the adopted Core Strategy requires affordable housing to be provided on sites of 15 or more dwellings or 0.5 hectares in size (which this is) at a level of 30%.

The applicant has submitted amended plans in relation to the types and tenures of affordable housing proposed and the wider layout. Originally the application proposed some one bedroom flats but this has now been amended so the affordable units are two storey houses. The Council's Strategic Housing Officer has however raised a concern over the size of the properties and whether Registered Providers will take the properties on. Further discussion is on-going regarding this and will be updated on the committee addendum. Subject to this being acceptable the proposal is considered acceptable in relation to Policy 7 subject to the affordable housing being secured via a S106 agreement.

Noise from the Motorway and Air Quality

The closest part of the application site is approximately 110m from the M61 Motorway. A noise assessment has been submitted with the application which has been reviewed by the Council's Environmental Health Officer. They state that with regard to the noise, it is clear that the site will be impacted by the traffic using the M61 throughout the day and night time. The noise levels measured demonstrate that the figures recommended by World Health Organisation and associated planning guidance and British Standards may not be achieved. The mitigation results in sound pressure levels in garden areas ranging from below 50dB in the gardens fully shielded from the motorway to 60dB in the worst affected garden, i.e. 35, with the majority of gardens falling below 58dB. Only two garden areas are above 58dB which accounts for 5% of the entire development.

They go on to state, according to BS8233:2014, *"It is desirable that the external noise level does not exceed 50dB LAeq,T, with an upper guideline value of 55dB LAeq,T which would be acceptable in noisier environments. However, it is also recognised that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited"*. With regard to internal noise, standard thermal glazing for habitable rooms is not sufficient to achieve the criterion noise levels. The report recommends specific glazing standards and trickle ventilation in associated with mechanical or passive ventilation systems, as the opening of windows will mean that internal noise levels exceed recommended levels.

The Planning Practice Guidance (PPG) on noise states that local planning authorities in decision taking should identify whether the overall effect of noise exposure would be above the 'significant adverse effect level' or not. This is reiterated by the Noise Policy Statement for England. Noise above this 'significant adverse effect level' should be avoided, noise below this may need to be mitigated and reduced to a minimum.

In relation to noise there are no European or national noise limits which have to be met. The National Planning Policy Framework states that planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

No guidance is given on what a significant impact is. There is a British Standard (BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings) that states: It is desirable that external noise level does not exceed 50 decibels with an upper guidelines of 55 decibels in noisier environment. It goes onto say that:

It is also recognised that these guidelines values are not achievable in all circumstances where development might be desirable. In higher noise area, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors might be warranted. In such situations, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.

In this case the site is adjacent to the strategic transport network in the form of the M61 and is therefore in a higher noise area. Therefore it is considered that the test for noise in this case is that the development should be designed to achieve the lowest practicable noise levels.

The noise levels measured demonstrate that the figures recommended by the World Health Organisation and associated planning guidance and British Standards may not be achieved. The mitigation results in sound pressure levels in garden areas ranging from below 50dB in the gardens fully shielded from the motorway to 60dB in the worst affected garden, with the majority of gardens falling below 58dB. Only two garden areas are above 58dB.

Environmental Health have concerns that the noise profile of the site is such that the potential noise experienced by residents from the traffic on the nearby motorway will be in excess of World Health Organisation recommendations, but the developer has provided an acoustic report with mitigation measures which if properly implemented will go some way to protect residents, therefore, these must be executed in accordance with the report recommendations..

The site is adjacent to the strategic transport network, i.e. the motorway and development is desirable as the site is allocated for housing in the Local Plan. It is considered that with the mitigation measures proposed the development has been designed to achieve the lowest practicable levels in external amenity spaces and these can be controlled by a condition.

With regard to internal noise, standard thermal glazing for habitable rooms is not sufficient to achieve the criterion noise levels. The report recommends specific glazing standards and trickle ventilation in associated with mechanical or passive ventilation systems, as the opening of windows will mean that internal noise levels exceed recommended levels. These can also be secured via a condition. The Planning Practice Guidance on noise states that significant adverse effects should only be avoided when there is no alternative ventilation so windows have to be kept closed. Alternative ventilation is proposed in this case so the proposal is considered in line with the PPG.

As has already been noted, the site is part of a wider housing allocation, the rest of the site being nearer to the motorway than this part of the site. It is therefore likely that when the rest of the site (in separate ownership) is developed, noise mitigation measures will be implemented against the motorway that will further benefit this site or the properties themselves will provide some further mitigation. The Council cannot guarantee that this site will developed in the future but it is considered the proposal is acceptable even if the adjacent site to the east is not developed.

In terms of air quality, an air quality assessment has also been undertaken and Environmental Health advise that there is no evidence that the development will be impacted by the proximity of the transport links.

Ecology and Landscape

An ecological survey and assessment accompanies the application which has been reviewed by the Council's ecological advisor. They advise that the survey found the site to support two agriculturally improved fields with associated boundary hedgerows and a ditch. The report makes a number of recommendations for the site and they advise these measures are controlled by conditions. These include:

- Protection of trees and scrub to be retained;
- Protection of the ditch;
- Design of lighting during construction and operation of the development;
- Biodiversity Enhancement measures for the site;
- Vegetation clearance timings;
- Landscape planting

Conditions controlling these are proposed and the scheme is considered acceptable in relation to ecology subject to these.

There a number of trees on the perimeters of the site. One of these, an Oak on the northwest boundary adjacent to Olive Close is protected by Tree Preservation Order 12 (Whittle-le-Woods) 1992. Other trees to the south of the Moss Lane cul-de-sac are protected by Tree Preservation Order 10 (Whittle-le-Woods) 2014. These are to be retained as part of the proposal. The ditch is no longer proposed to be filled in and piped but rather will be retained and so the levels will be retained as existing adjacent to it.

There is currently a hedgerow running along both sides of Moss Lane. On the north side, as per the previous outline permission it is considered necessary to introduce a new footway along the frontage of the development for pedestrians so it is not possible to retain all the existing hedgerows on the site frontage in situ. Amended plans have been received showing a new footway introduced in front of plots 1-5, retaining the existing hedge. A new hedge will be

planted in adjacent to plots 15 and 24. On the south side the existing hedgerow will be retained where possible and a new hedge planted in other places.

The retention and replanting of the hedgerows is considered necessary to retain the character of the area as much as possible and is welcomed.

The proposal is considered acceptable in relation to landscaping subject to final details of landscaping of the site being secured by a condition.

Flood risk and Drainage

The site is not within Flood Zone 2 or 3 as identified by the Environment Agency, but it is over 1 hectare in size (1.34ha) and the necessary Flood Risk Assessment has been submitted. This has been reviewed by the Lead Local Flood Authority. They have not objected to the proposed development subject to the inclusion of the conditions requiring details of management and maintenance of the scheme to be submitted and restricting permitted development rights to change areas of permeable surfacing to non-permeable materials.

Highways and Parking

The previous outline application (14/00900/OUTMAJ) was for 32 dwellings. This current application is seeking full approval for 34 dwellings.

The application site north of Moss Lane will contain 24 dwellings. The application site south of Moss Lane will be developed with 10 dwellings, with three separate direct accesses to the highway serving parking courts. Amended plans have been received as advised by LCC Highways showing a footway across the entire frontage of the site to link up with the exiting footway on Moss Lane. This is considered essential to avoid pedestrians walking in the road or having to cross over the road to use the footway on the opposite side of the road and then cross back again to access the existing footway on Moss Lane.

It was agreed as part of the previously approved outline permission the applicant for that permission was to fund a Traffic Regulation Order for the extension of the existing 30mph speed limit restriction past the junction towards east and this was secured via a S106 legal agreement, with the actual works being done through a Traffic Regulation Order. The council are currently also considering an application that has been submitted on the other part of the allocated site ref: 16/00509/FULMAJ for 45 dwellings submitted by a different developer which would also need an extension of the existing 30mph speed limit restriction past the junction towards east. The funding could be difficult to source through a S106 legal agreement in relation to which developer would pay it, or whether both should share the cost, but then there could be an issue if one of the developments was not implemented. Discussions have taken place with the Highways Engineer at Lancashire County Council who has confirmed that the funding of a Traffic Regulation Order can be done under Section 278 of the Highways Act, which would take place outside the planning process. This does not therefore need to be secured through a S16 agreement.

The highway layout of the development is similar to that shown on the illustrative plan provided with the previous outline permission. A 2.0m wide footway would be provided on both sides of the road and links to the existing Public Right of Way (PROW). Originally the Public Right of Way that runs along the northwest boundary of the site was to be upgraded to pedestrian/cycle link, however as it leaves the site it meets a footpath rather than a joint footpath/cycleway so it is not considered reasonable to upgrade the footpath in the site to a joint cycleway that does not continue through to the north. The Public Right of Way will therefore be surfaced as a footpath.

Amended plans have been received altering the plans so that the proposed properties now comply with the council's parking standards under policy ST4 of the Local Plan. Garages that are counted as one of the parking spaces will be conditioned that they are not converted unless the property benefits from three off-road parking spaces.

The proposal is therefore considered in relation to parking and highways subject to conditions.

Public Footpath number 47 runs along the northwest boundary and cuts across the west corner of the site. The footpath is to be retained on the proposed plan though its route looks to differ slightly from the definitive route where it joins Moss Lane. The applicant has been made aware that any diversion would need to be done via a separate application for a footpath diversion under the Town and Country Planning Act.

Contamination and Coal Mines

The site is in a low risk area as identified by the Coal Authority. This requires an informative note to be applied to any permission.

The council's Contaminated Land Officer requests a condition be imposed on any permission and this is proposed.

Community Infrastructure Levy (CIL)

The scheme will be liable for the Community Infrastructure Levy (CIL), though an exemption from CIL can be applied for in relation to affordable housing units.

Lancashire County Council (LCC) as Education Authority have requested a contribution of eleven primary school places (£134,303.40) and five secondary places (£91,986.40). The request for a contribution from LCC Education is noted, however this is an allocated site and education requests such as this are included in the CIL levy.

Open Space

There is justification for a financial contribution of £71,744 towards public open space in relation to emerging Local Plan Policies HS4A and HS4B and the approach in the Open Space and Playing Pitch Supplementary Planning Document. This will need to be secured by a Section 106 agreement and subject to this the proposal is considered acceptable in relation to Policies HS4A and HS4B.

CONCLUSION

The application is recommended for approval subject to conditions and a Section 106 agreement securing affordable housing and a public open space financial contribution and that the affordable housing being acceptable. This will be updated on the addendum.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Suggested Conditions

To follow on addendum.