

Representations

Coppull Parish Council The Parish Council object to this application due to concerns involving increased traffic down Mill Lane, where cars are already double parked on the road, thus narrowing the road, and the traffic calming measures only serve to slow traffic, which will exacerbate any issues with increased traffic. Also, there will be an impact on local schools and services. Schools and surgeries in Coppull area already full and if the development at Park Hall is granted, this will only stretch services further.

In total 2 representations have been received which are summarised below

Objection

Total No. received: 4

- The impact of the additional traffic generated by this development will have on the residents of Mill Lane and the traffic assessments do not represent the reality of how Mill Lane works.
- This site will add to the flood risk of nearby properties and additional run off will also add to the flood risk down the catchment.
- On the basis of the arguments stated above and inaccuracies in supporting documents I hope you will refuse this application. Chorley Council should not think that indiscriminate development is the answer to budgetary pressures.
- Very few of the houses on Mill Lane have any off-street parking, and the width of the road together with the number of parked cars make it impossible for vehicles travelling in opposite directions to pass safely. Vehicles are also using the rear of Mill Lane to avoid Mill Lane itself which is dangerous.
- The times construction traffic can access the site should be restricted to between 9.30am and 4.00pm, as has been done recently with Clancutt Lane.
- It is misleading to state that site access would be via a junction. In fact it would be via a branch or spur off an already over-used cul de sac (Mill Lane).
- It currently feels that things are getting approved incrementally with no apparent recourse for residents who are unhappy with the significantly changed ambience of the street caused by greatly increased traffic.

Consultees

Consultee	Summary of Comments received
United Utilities	No objection
CBC Waste and Contaminated Land Officer	Has suggested conditions in respect of contamination
SUDs Approval Body (SAB)	Lancashire County Council's Flood Risk Management Team does not object to the proposed development.
Environment Agency	Initially objected to the application in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy however on receipt of further information they have removed their objection
LCC Education	Have requested contributions towards primary places £13,474.53 and secondary school places £182,732.31
LCC Highways	No objection
CBC Environmental Health Officer	Has commented in respect of noise generation- no objection subject to a condition
CBC Tree Officer	Has assessed the proposed tree removal and recommended some tree retention- addressed below

Assessment

Principle of the Development

1. Member may recall that outline planning permission was granted on part of this site in 2013 for upto 49 dwellings. Since securing outline planning permission Miller Homes have worked with the land owners with the view to develop the site. Planning Permission was then granted in full in 2014 for the erection of 75 dwellings with a limited period within which to commence the development and due to the imposition of pre-commencement conditions concerning highways adoption and improvement the development cannot be commenced within the prescribed time limit, hence this new application. The site area has been extended from the original application, to include two additional parcels of land, and the additional parcels were approved as part of the 2014 application.

2. At present, the site is occupied by an overflow car park associated with the Enterprise Centre, on which Mavis Mill originally stood until it was demolished, and land which, until recently, was occupied by REMA (located in the north eastern corner of the site) who have relocated off the site (it is understood that they have relocated locally). The site falls to be considered as previously developed land within the Framework definition and as such is the preferred choice for residential redevelopment rather than greenfield land.

3. The site is located within the settlement boundary of Coppull which is identified as an Urban Local Service Centre within Policy 1 of the Core Strategy. Within such areas Policy 1 confirms that some growth and investment will be encouraged to help meet housing and employment needs.

4. The majority of the site is allocated for housing development as part of Policy HS1 (HS1.36) of the Local Plan. As such the principle of housing development on this site is established.

Loss of employment land

5. When the previous application on this site was considered the loss of employment land was a consideration as the land formed part of the planning unit associated with the Mill and as such was considered under Policy EM9 of the former Local Plan and Policy 10 of the Core Strategy.

6. The whole of the application site now benefits from full planning permission for residential development and the principle of housing being delivered on the former employment land is established. A full assessment was undertaken and full planning permission was granted on the basis of the position set out in the 2014 report that was determined at Committee.

7. In conclusion although this site has yet to be developed for housing and so currently provides a for the potential of employment within Coppull it is not considered that the loss of the premises will adversely impact on the supply of employment land within the Borough, particularly as this site is not proposed for such an allocation within the Local Plan. The adopted Core Strategy sets the overall employment requirement for Chorley as 112 ha to 2026. The Inspector's Partial Report is accompanied by an Appendix containing the Main Modifications. In respect of employment the Inspector concluded "*that allocations accord with the quantum and locational strategy of the CS for employment development, and that the range and of site sizes and types provide a flexible portfolio of sites*". The Main Modifications provide a Chorley employment land supply for the period 2010 -2026 as 100.61 ha with commitments (MMEC48). This figure does not take into account vacant stock in the Borough.

8. As employment uses have not been specifically identified on this site this ensures that the development will not compromise the Council's land allocations for employment and the overall employment land supply.

Affordable Housing

9. Policy 7 of the Core Strategy sets out the requirements for the provision of affordable housing in Central Lancashire to meet the acute need for such housing in the area. In the

case of this site there is the requirement to provide 30% affordable housing (or 23 units) on site.

10. The previous approved application incorporated 18 affordable housing units (or 24% affordable housing). This reduced percentage is based on the fact that the existing approval on this site incorporates 20% affordable housing, 10 units (6 being housing for Social Rented Units and 4 Intermediate Accommodation), in accordance with the Policy at the time of consideration. 30% of the additional 26 units equate to 8 units which results in a total affordable housing provision of 18 units on the site these should be provided on a 30:70 split of intermediate: rented as follows:

- 12 social rented homes (eight 2 bed and four 3 bed)
- 6 Shared ownership / intermediate (five 3 bed and one 2 bed)

11. The proposed affordable housing delivery as part of this application would be 8 social rented affordable dwellings to be delivered by Adactus. The affordable provision equates to 10% of the dwellings and is below the Policy threshold within the Local Plan.

12. The previous application assumed a partial CIL payment and reduced affordable housing with an accompanying viability appraisal to justify the reduction in affordable housing.

13. The previous position on partial CIL payment was subject to review and could not be accepted and so has resulted in this application being submitted with a full CIL payment being due. The revised viability does demonstrate that a reduced amount of affordable housing is justified however as this is below the Local Plan Policy and as such the Council has agreed that overage provisions should be inserted within a legal agreement that would secure the re-evaluation of the viability once construction has started to allow actual sales figures to be used rather than comparable sales prices, together with actual costs on abnormal's. Should the delivery of the site result in greater profit figures then contributions towards off-site affordable housing and POS would be secured, upto the Local Plan policy requirement.

14. This will be secured as part of the legal agreement and as the full planning policy requirement has not been secured then a viability review will be required during the course of the development and this will be secured through a legal agreement.

Open Space

15. Extant outline consent already exists on this site for residential development which has an associated open space requirement. Since the grant of outline consent the Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, the scheme as proposed has been assessed against the standards within the Local Plan Policies HS4A and HS4B and the approach in the SPD as follows:

Amenity Greenspace

16. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

17. There is currently a deficit of provision in Coppull in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.114 hectares. A maintenance cost of £45,500 is also required.

18. The scheme includes the provision of 0.0216 hectares on site open space which is 0.0924 hectares below the required provision. It is considered in this case that an element of on site provision is acceptable with a contribution to off site provision also secured.

Provision for children/young people

19. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

20. There is currently a surplus of provision in Coppull in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the settlement is therefore not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (sites 1360.1 – Brookside, 1363.1 – Longfield Ave). A contribution towards improvements to these sites is therefore required from this development. The amount required is £134 per dwelling.

Parks and Gardens

21. There is no requirement to provide a new park or garden on-site within this development.

22. 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

23. There is no requirement to provide new natural/semi natural greenspace on-site within this development.

24. 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 1728 – Reservoir Mill Lane, 1372 – Tanyard Close), a contribution towards improving these sites is therefore required.

Allotments

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

26. The site is within the accessibility catchment (10 minutes' drive time) of allotments that are identified as being low quality and/or low value in the Open Space Study (sites 1647 – Chapel Lane, 1644 – Whittam Road, Chorley, 1646 – Worthy Street, Chorley). A contribution towards improving the quality/value of these sites is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

27. 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.

28. However as there is a fallback position at this site from the previous consent and negotiations in terms of the required open space provisions have taken place in this regard. The previous approval at this site incorporated on site casual/informal play space with the associated commuted sum for maintenance (£21,522) and an off site contribution to equipped play space and playing pitches (£63495). Taking into account the fallback position the contribution for the first 49 houses has been calculated, in respect of the provision for children/young people and playing pitches typologies, based on the previous figures and the additional 26 houses based upon the most up to date figures. Natural and Semi-Natural Greenspace and allotments are new typologies, which the Local Plan evidence base has identified as a requirement in the Borough, as such this provision will be based upon all 75 units (there is no requirements for a parks and gardens contribution from this development). As such the contributions have been negotiated as follows (along with a comparison related to all 75 units being calculated on the most up to date info):

Typology	Calculation	Up to date calculation	Difference
Amenity greenspace	0.0216 hectares on site Maintenance= £864 0.0924 hectares off site. Provision= £7,392 Total= £8256	£45,500 (10 year maintenance cost) for 0.114 hectares of greenspace	-£37,244
Equipped play area	49 x 426= 20,874 26 x 134= 3484 Total= £24,358	£10,050	+ £14,308
Parks/Gardens	£0	£0	0
Natural/semi-natural	75 x 557= £41,775	£41,775	0
Allotments	75 x 15= £1,125	£1,125	0
Playing Pitches	49 x 868= 42,532 26 x 1599= 41,574 Total= £84,106	£119,925	- £35,819
Total	£159,620	£218,375	-£58,755

29. Whilst the POS payment due has been revised the level of payment that the scheme can support is £8000 due to the viability and the full CIL payment required. This will be secured as part of the legal agreement and subject to viability review during the course of the development that would be secured through the legal agreement.

Density

30. The site area covers 1.99 hectares. The erection of 75 dwellings, as proposed, equates to a density of 38 dwellings per hectare. Strategic objective SO6 seeks to achieve densities for new housing that respect the local character of surrounding areas, whilst making efficient use of land. This is supported by Policy 5 of the Core Strategy which states that the authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land. A density of 38 dwellings per hectare is considered to be appropriate for this brownfield site in the context of the area.

Design & Layout

31. The proposals represent a typical housing layout and expand upon the indicative layout submitted as part of the previous outline application. When the application was originally submitted there were a number of relationships in terms of the proposed houses which did not accord with the Council's spacing standards however the plans have been amended. The scheme now accords with the Council's spacing standards.

32. The Kipling house types wrap around the plot to create corner features. When the plans were originally submitted this house type did not retain the required 10 metres from the first floor bedroom window (bedroom 3) in the rear of the dwelling to the adjacent neighbours garden. However the plans have been amended in accordance with the requirement.

33. The originally submitted scheme incorporated the use of 900mm post and rail fences to delineate rear garden areas however this did not provide private rear gardens and as such the plans have been amended to incorporate a 1.8 metre high close boarded fence.

Impact on the existing & future residents

34. The immediate neighbours to the application site are the properties on Mill Lane, the properties on Mavis Drive and the properties on the opposite side of the railway line on Longfield Avenue and Holly Crescent.

35. The properties on Mill Lane and Mavis Drive are adjacent to the fishing pond which is being retained as part of the development. The nearest dwelling is in excess of 85 metres from proposed plot 1 and as such it is not considered that the proposals will adversely impact on the amenities of these neighbours.

36. The properties on Longfield Avenue and Mavis Drive are located on the opposite side of the railway line and the nearest properties are in excess of 40 metres from proposed plots 40-43. Due to the separation distance and the presence of the railway, although noting that there will be tree removal within this part of the site making the site more visible to the neighbours on the opposite side of the railway, it is not considered that the proposals will adversely impact on the amenities of the existing or future residents.

37. Planning permission has also recently been granted for the residential development of the site allocated for housing by Policy HS1.35 of the Local Plan (ref: 10/00833/FULMAJ/11/00865/FULMAJ/12/00235/FUL) for 26 new dwellings. 12 and 13 Spinners Close of the recently constructed dwellings are located closest to the application site boundary and in particular plots 1 and 2.

38. The new dwellings are sited at a much lower land level than the application site. The property on plot 1 will be constructed 6 metres higher than the nearest property. The dwelling on plot 1 is a Darwin house type with no side windows. The orientation of the dwelling on plot 1 ensures that no direct overlooking or loss of privacy will be created to the detriment of the amenities.

39. The property on plot 2 is a Rolland house type which will be constructed approximately 5.7 metres higher than the dwelling to the rear. The rear elevation of plot 2 will face a driveway area so will not result in loss of privacy and the rear garden of 12 Spinners Close. The property on plot 2 will be located approximately 32.5 metres from the rear elevation of 12 Spinners Close and approximately 23.5 metres from the rear garden boundary. The Council's spacing standards require 21 metres window to window distance and 10 metres to rear garden boundaries however in this case given the level difference there is a requirement for 42 metres window to window distance and 31 metres to the rear garden boundary. This is not achieved in this case however it is noted that the proposed windows do not directly face the windows in the rear of 12 Spinners Close and the angle of the properties reduces the potential for loss of privacy. There is also dense vegetation between the application site and the neighbouring properties. As such it is considered in this case that the separation distance maintained, which exceeds the Council's standard requirements, and the site specific considerations that the proposals will not adversely impact on the amenities of the neighbours.

Highway safety

40. The application has been reviewed by the Highway Engineer at Lancashire County Council. The Engineer has confirmed that as part of the assessment of the approved outline application no major highway issues were identified and as such no highway objections were raised.

41. For the current proposal, the applicant has resubmitted the Transport Statement (TS) associated with the approved 51 dwellings, with a supplementary technical note to address the traffic and transport issues relating to the additional 24 dwellings.

42. It is apparent from the information provided, that there would be a corresponding increase in vehicular trips to be generated by the site as a result of the increased scale of development. However the TS has satisfactorily demonstrated that this increase will be marginal with minimal impact on the highway network.

43. The Highway Engineer considers that there is need for connectivity of the site towards north to integrate the proposed development with the existing built environment and the wider community. Improved connectivity would ensure sustainability of the site and ease accessibility for residents in line with the Manual for Streets 2 (MFS2) (Chapter 2; Section 2.5), which calls for developments to link-in with surrounding networks to achieve connected growth.

44. There is a bridleway beginning from the junction of Mill Lane and the access road to the side of no. 90 Mill Lane. The bridleway runs parallel to the railway towards north of the site up to Chorley Lane. A public footpath (Public Right of Way) also runs from the north end of the site over the bridleway to Church Lane. The Highway Authority currently has proposals to provide a cycle route over the bridleway/footpath to extend across Chorley Lane to Church Lane.

45. The Highway Engineer considers that improving the bridleway/footpath into a 3m wide link with tarmac surfacing for use by cyclists and pedestrians and linking this to the development would ensure connectivity and sustainability of the site. The section of bridleway/footpath considered necessary for improvement is the stretch from the existing paved area at the south east corner of the site towards north to the railway footbridge leading to Clancutt Lane (approximately 400m) long. The improvement will not stop horses from using the bridleway.

46. The Highway Engineer considers that the above improvements are an essential highway requirement to make the site sustainable and to enhance its accessibility and has requested a financial contribution towards this measure to be implemented through the s278 agreement.

47. It is important to note however that such a requirement was not identified as part of the previous approval at this site for upto 49 dwellings. This development will also be CIL liable and as such it is considered that the improvements identified can be secured via the CIL levy if agreed following receipt of the CIL payment.

48. The Engineer has commented that the proposed layout seems acceptable and has no objections to the proposed development.

49. In accordance with Policy ST4 of the emerging Local Plan 2/3 bedroom properties are required to incorporate 2 off road parking spaces and 4+ bedroom properties are required to provide 3 off road parking spaces. When the scheme was originally submitted insufficient parking space was proposed however the plans have been amended to address this.

50. The scheme incorporates a number of integral garages which are not large enough to count as a parking space (6x3 metres). However for these house types a plan of the garages have been provided which demonstrates that a family car (Audi A4) can be accommodated within the integral garage of the Orwell, Greene, Travers and Crompton housetypes.

51. The reason why 6x3 metre garages are required is to enable a car to be accommodated along with storage space. As such where integral garages are proposed a shed will be required within the rear garden to address the storage requirements of the house.

52. Where driveways are provided in front of garages the driveway needs to measure 6 metres in length so a car can be parked clear of the highway with the garage door open. The originally submitted scheme did not incorporate sufficient driveway length in all cases however the plans have been amended in this regard.

53. As such the amended scheme now incorporates sufficient parking provision.

Impact on local services

54. Lancashire County Council have requested a contribution towards primary places of £13,474.53 and secondary school places £182,732.31. Although the comments of the Education Authority are noted part of this site is proposed to be allocated for housing development (49 new housing units) and as such was taken into account as part of the

Council's housing land supply over the plan period which partly led the CIL charging schedule.

55. The previous approval on this site did not secure a commuted sum payment towards the provision of additional school places. The intention of the CIL charging is to fund infrastructure that is needed as a result of development. The Council's CIL charging schedule includes funding for education provision and as such the additional school places required to accommodate the pupils generated by this development will be funded via the CIL charge attributed to this development. In the case of this site the 49 units identified as part of the Council's Housing Land Supply have extant planning permission which is not subject to CIL. CIL will be applicable on the additional houses, set out further below, which equates to a greater amount than previously secured on this site for education. As such there is the potential for a greater contribution to education than previously secured within this area through the CIL levy associated with this development.

Community Infrastructure Levy

56. This is a full application and the CIL regulations specify that the fall back position of approved schemes can only be taken into account in respect of CIL when a S73 application is submitted. The whole development is therefore CIL liable.

57. The 2014 CIL Regulations do allow for affordable housing to be exempt from the CIL levy if the correct procedures are adhered to.

7016m² chargeable floor space-
506m² for the affordable housing=
Total = 7522m² chargeable floor space (or £488,930) plus indexation.

The previous CIL payment reported equated to £138,710 which is a difference of £350,220 in addition, that is now due as part of this application.

58. The supporting information states that the former REMA building, which has been demolished, will be deducted from the CIL liability also. The 2014 CIL Regulations do allow for the gross internal area of any existing building(s) on the site to be demolished to be deducted from the final CIL liability provided it has been in continuous lawful use for six months of the previous 3 years. The onus is on the applicant or their agent to demonstrate lawful use by providing appropriate evidence such as Council Tax records or Business Rate documentation.

59. The extent of the floorspace to be deducted from the CIL liability is stated to be 1017m² (which would reduce the amount of liability by £66,105) however the CIL forms are clear that the deduction relates to gross internal floorspace to be lost by change of use or demolition. The application forms state the site is vacant and that works on site have not yet commenced and as such it is not considered that the demolition of the former REMA building forms part of this development and therefore should not be taken into account in terms of the level of CIL liability.

60. It is noted that a dangerous structure notice was submitted to the Council in December 2010 (13/00057/DEM) which related to the REMA building. As the current application was not submitted until July 2014 it is clear that the demolition was not a requirement of the current development.

61. As such the CIL liability associated with this development equates to £488,930 although if the affordable housing exemption is applied this will be reduced to take into account the affordable units. The previous REMA building cannot be used to offset the CIL liability at this site.

Ecology

62. Due to the nature of the proposals and the proximity to Biological Heritage Sites the application is supported by an Ecological Assessment which has been reviewed by the

Ecologist at LCC. The Ecologist originally commented that the following matters will need to be addressed before the application is determined:

Clarification of potential impacts on European protected species (bats).

63. The ecological assessment (paragraph 5.14) notes that several trees possess features suitable to support roosting bats, but that current proposals indicate these trees would not be affected. The Arboricultural Impact Assessment contradicts this however. If trees with bat roost potential are to be removed to facilitate development, the presence or absence of bats must be established prior to determination.

64. In response to this the applicant's appointed ecological and arboricultural consultants, TEP, have undertaken a further site visit to survey the trees to ascertain whether the presence or absence of bats is likely. Two of the trees (T18 and T19) on the western boundary and a number of trees within Group G7 have features classifying the trees as Bat Conservation Trust Category 1. Additional bat surveys have therefore been undertaken.

65. The Ecological Assessment has been updated following further bat surveys on trees T18, T19 and G7 and this updated document has been reviewed by the Ecologist at LCC. The Ecologist has commented that the updated report indicates that the three poplar trees on the western boundary may provide roosting opportunities for bats, but there was no evidence to suggest that bats were present at the time of surveys. Precautionary measures are required to minimise the risk of an offence (impact on bats) during felling works. This can be secured by condition.

66. The updated report does not provide any further information in respect of lighting, merely re-stating that direct lighting of woodland and trees could affect bat behaviour and should therefore be avoided. The Ecologist considers that in order that Chorley Council can demonstrate, in the making of the planning decision, adequate engagement with the legislative protection afforded to bats she recommends that the Council should be satisfied that they can adequately control external lighting to avoid illumination of bat foraging and commuting habitat (trees, woodland edges, hedgerows, scrub, water bodies, etc). It is considered that this can be addressed by a prior commencement condition.

67. The Ecologist at LCC also commented that Chorley Council should also be satisfied that:

- the proposed site layout can accommodate adequate replacement native tree planting (to compensate for the loss of 0.5ha of trees/ tree groups);
- the Biological Heritage Site can be adequately buffered and protected from the adverse effects of development (construction and operation);
- the development will not result in light pollution of retained trees, hedgerows and woodland edges. If lighting impacts cannot be avoided (trees with roost potential, woodland edges), then bat surveys should be carried out to establish bat activity and inform the need for mitigation and compensation.

68. In response to this the applicant's appointed Ecologist considers that the submitted Ecological Assessment, Arboricultural Impact Assessment and Detailed Planting Plans demonstrate how the application proposals will accommodate adequate replacement native tree planting.

69. In respect of the updated information the Ecologist has commented that the updated TEP report does not appear to provide any further information to demonstrate that adequate replacement planting would be delivered. The ecologist has confirmed that it remains the case that Chorley Council should be satisfied that adequate retention/ replacement planting is secured to offset losses. The TEP report indicates that the proposals "could" strengthen the BHS by incorporating a planting strip (paragraph 5.22); recommends a new mixed species native hedgerow should be planted to compensate for the loss of dense scrub (paragraph 5.23); and additional enhancements should be incorporated (paragraph 5.24).

70. Although it is not clear that any of these proposals are implemented in the proposed layout the Ecologist considers that these measures are all appropriate and as such will be secured by condition.

71. The Ecologist is satisfied that the following ecological impacts can be addressed by condition:

- Any necessary and approved mitigation measures for impacts on bats/ bat roosts shall be implemented in full.
- The submission of a scheme of mitigation measures (Reasonable Avoidance Measures) for amphibians.
- Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections by a suitably qualified/ experienced individual.
- The submission of a mitigation/compensation scheme for impacts on Darlington Sidings and Clancutt Brook Biological Heritage Site.
- The submission of a scheme of landscaping, the scheme shall demonstrate adequate replacement planting to offset the loss of 0.5ha of scrub/ tree groups, native species buffering between the Local Site (Biological Heritage Site) and the development (a mixed species native hedgerow would be appropriate), maintenance and enhancement of habitat connectivity (boundary hedgerows, but also permeable boundary treatments – fences and walls to allow passage of wildlife).
- The submission of a scheme of external site lighting to demonstrate avoidance of light pollution (increase in artificial illumination) of wildlife habitats.
- All trees being retained in or adjacent to the application area to be adequately protected during construction.

72. Following a recent high court decision 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 or for public health and safety;

(b) there must be no satisfactory alternative and

(c) favourable conservation status of the species must be maintained.

94. It is considered that a favourable conservation status of protected species at the site will be retained and secured by appropriate conditions. The site is an allocated housing site within the emerging Local Plan and as such forms part of the Council's housing land supply over the plan period. It is considered that appropriate mitigation can be secured by condition to address the impact of the development.

Trees

73. The application site area occupies a larger site area than the previous approval on this site and the housing allocation. The application site now includes land which is vegetated and contains trees and as such the application is supported by an Arboricultural Impact Assessment. A total of 20 individual trees (T1 - T20) and 14 groups (G1 - G14) were surveyed and categorised in respect of the quality of the trees.

74. The Assessment identifies that the trees on the north west periphery and northern portion of the site require removal to facilitate the development (T14, T15, T16, T17, T18, T19 T20, G4 (part), G5 (part), G6, G7, G8, G9, G10, G11) however only 8 of these trees (T14 and 7 trees included in G4) are categorised as moderate quality with the rest being low quality trees.

75. The Council's Tree Officer has reviewed the proposals and made the following comments:

Removal required to facilitate the development:

Tree Category B

- T14 Mature Goat Willow, good condition, no visible defects.

Category C

- T15 Middle Aged Hawthorn, low vigour, fence inclusion.
- T17 Middle Aged Hawthorn, good condition no visual defects.
- T20 Middle Aged Hawthorn, good condition, shrubby form.
- Group 5 consisting of Elder, Hawthorn, Goat Willow, Hazel, Ash. Middle aged, fair condition, self-set regeneration.
- Group 6 consisting of Lombardy Poplar, Middle aged, fair/poor condition although some trees have defects, poor branch attachments, several branch failures, several cracks and cavities throughout the group.
- Group 7, Lombardy Poplar, mature. Previous branch failures with poor regrowth, several major cavities and large stem wounds.
- G8 consisting of young/middle aged Goat Willow and Hawthorn. Self-set, low shrubby form.
- Group 9 Goat Willow, middle aged, dense group, multi stemmed, shrubby form, self-set.
- Group 10, consisting of Goat Willow, silver Birch, young/middle aged, self -set, low shrubby form, no visual defects.
- G11 Goat Willow, Silver Birch, Ash. Young/middle aged.

Category U trees (Trees with irremediable defects and anticipated early loss due to collapse, dead trees or those in immediate decline and those with infectious pathogens that threaten other trees.)

- T16 Middle aged Hawthorn, low vigour, sparse crown, deadwood throughout the crown.
- T18 Mature Lombardy Poplar, sever basal cavity, large stem wounds, sparse crown.
- T19 Mature Lombardy Poplar, sever basal cavity from base to 3m, sparse crown.

76. The Tree Officer recommends that the tree works are approved as per the Arboricultural Assessment to Tree Groups: G4(part), G5(part), G6, G7, G8, G9, G10 and recommends retention of 5 Silver Birch trees and retention of eastern most boundary trees along railway fencing to form barrier between dwellings and railway. These trees however are category C trees which are categorised as being low quality. It is not appropriate to protect such trees although the landscaping condition will require tree planting along the railway boundary to mitigate for the loss of trees on the site.

77. Conditions will be attached to the recommendation requiring mitigation in respect of the loss of trees and scrub to mitigate for the loss of the higher quality trees.

78. A number of the trees around the southern pond are identified for retention and are moderate/ higher quality. These trees offer a valuable amenity value to the area and given they are close to the proposed sewer easement the higher quality trees detailed as being retained will be protected by virtue of a TPO.

Drainage, Flooding & Ground Contamination

79. The application was originally submitted with a Flood Risk Assessment (FRA) and concept drainage strategy. The Environment Agency however originally commented that the application lies within Flood Zone 1 defined as having a low probability of flooding although the site area exceeds 1 hectare and as such is required to be accompanied by a suitable FRA.

80. The village of Croston and the surrounding area, which flooded twice in 2012, is located downstream of this development and the Environment Agency are currently investing in a multi-million pound flood alleviation scheme. The Agency identified specific issues with the originally submitted FRA which required further information in order to ensure that flood risk is not increased downstream of the development, and to ensure the effectiveness of the flood alleviation scheme now and in the future.

81. Following receipt of these comments an amended Flood Risk Assessment was submitted which has been reviewed by the Environment Agency (EA). The EA have confirmed that they are satisfied that the proposed development would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. Appropriate conditions will be attached in this regard.

82. United Utilities have no objection to the proposals subject to a condition in respect of the submission of details of the foul and surface water infrastructure.

83. Due to past processes and activities at the above site, there is a potential for ground contamination. The application is supported by a Phase I and Phase II Geo-Environmental Site Investigation and a Remediation Strategy (REC Ref: 44209P4R0).

84. The Council's Waste and Contaminated Land Officer is satisfied with the submitted strategy however the Environment Agency (EA) have commented that the site is located in a sensitive location with respect to protection of surface water quality with two tributaries of Clancutt Brook issuing within 30 metres of the site. Therefore surface waters are considered to be the primary controlled waters receptor for this site.

85. The site investigation has found that shallow groundwater on the site has been contaminated with metallic contaminants and to a lesser extent some petroleum hydrocarbons. The hydrocarbons are of heavier end oils and therefore are not likely to present a significant risk of migration to nearby surface waters. However, the EA consider that the metal contamination found in shallow groundwater on the site warrants further assessment. Due to the above concerns regarding the assessment of risk to surface water quality the EA has recommended a condition which will be attached to the recommendation.

Noise

86. The proposed development now involves taking the residential development in close proximity to the railway line. The proposed development will also be sited in close proximity to the existing commercial operators and as such the proposals are supported by a Noise & Vibration Impact Assessment. The assessment concludes that in order to control noise within residential dwellings along the eastern site boundary, the boundary with the railway upgraded glazing and window-mounted trickle ventilators are recommended. The trickle ventilator should be combined with a Mechanical Extract Ventilator (MEV) or Passive Extract Ventilator (PEV) system. This can be addressed by condition.

87. This assessment has been reviewed by the Council's Environmental Health Team who have commented the report seeks to make an assessment of the impact of several noise sources (rail traffic and commercial noise) and vibration from the railway line.

88. Measurement of the commercial noise was undertaken between 06:55hrs and 09:55hrs on Friday the 11th July and , at that time comprised, 'occasional noise' from the enterprise centre and movements of a HGV delivery vehicle on the car park. There appears to be no mention of noise from cars using the enterprise centre car park unless this is the 'occasional noise'. The Officer does have slight concerns over how representative this actually is, as it is unclear whether Friday's a 'quiet' or a 'noisy' days?

89. The Officer has commented that consideration should be given to the likelihood for new businesses to occupy the enterprise centre which has the potential to give rise to increased levels of noise however, at this stage, accurate predictions of this would be difficult. At this stage it is not possible to predict noise generation from potential future occupiers of the Mill however the future house owners will be fully aware of the proximity of the Mill when deciding whether to purchase a dwelling.

90. The submitted report identifies that, with regards to rail noise for dwellings 'at least' 30m from the centre of the rail noise, with windows open that the required internal target noise levels will be exceeded. The report goes on to recommend that the mitigation measure is to provide an alternative ventilation scheme which does not require the opening of any windows.

The Officer has commented that whilst this does appear to be a suitable means of achieving the required acoustic internal targets (according to the report) consideration should be given to the occupants of the affected rooms and thermal comfort.

91. The Officer has commented that the proposed ventilation systems provide ventilation but during warm summer weather external noise levels may take away the choice of the occupant of the dwelling to purge ventilate rooms for thermal comfort.

92. The Officer has advised that I would suggest that a more suitable way forward would be to install mechanical ventilation systems with a boost function to provide additional comfort ventilation.

93. The report does not provide clarification of the number of properties which would be subject to higher noise levels and as such would require the necessary mitigation measures however this can be adequately addressed by condition.

Impact on the Listed Building

94. The application site is immediately adjacent to Coppull Ring Mill, now known as Coppull Enterprise Centre, which is a grade II listed building and is thereby defined as a designated heritage asset by Annex 2 to the Framework (National Planning Policy Framework).

95. Paragraphs 129, 132, 133 and 134 of the Framework are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the emerging Chorley Local Plan 2012 – 2026.

96. Within the Framework paragraph 129 states that, *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'*

97. Paragraph 132 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*

98. Paragraph 133 states, *'Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

*The nature of the heritage asset prevents all reasonable uses of the site; and
No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
The harm or loss is outweighed by the benefit of bringing the site back into use.'*

99. Paragraph 134 states, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

100. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by: Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*

101. The emerging Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate. The enhancement of the setting of heritage assets.'*

102. The Council's Conservation Officer has reviewed the proposals and has commented that the area immediately to the north was until recently occupied by an industrial contractor who filled the area with unsightly scrap metal and industrial storage tanks awaiting refurbishment. In the Officer's opinion these caused substantial harm to the setting on the designated heritage asset by introducing visual blight to the area. The area to the west was previously occupied by another mill, Mavis Mill, that was demolished in the latter part of the 20th Century and that part of the site has been left vacant and disused until the present day.

103. The Conservation Officer considers that the proposed development, particularly to the north of the designated heritage asset, enhances its setting by removing the industrial blight from the scene and by deriving the optimum use of the land. The Officer considers that the proposed development will sustain the significance of the designated heritage asset although the following suggestions are included within the officers comments:

- The relationship with the heritage asset would be improved if the house types proposed immediately next to the listed building were all of the Yare type, which would more closely resemble the typical terraced housing found to the south of the site on Mill Lane. Could plots 43, 44 and 45 be swapped for four Yare properties instead and other 'affordable' units be swapped for other house types elsewhere on the site?
- The boundary treatment between the listed building and the site adjacent to plots 45 and the adjacent Yare properties should be kept open to emulate the typical traditional relationship between a mill and its workers dwellings.

104. In response to these requests the plans have been amended to swap the location of plots 45 and 46 with plot 44. This change results in a scheme which is more complementary to the Coppull Enterprise Centre building. The 1.8m high boundary adjacent to the Enterprise Centre has been replaced with metal railings. In respect of these changes the Conservation Officer is now happy with the proposed scheme.

Sustainability

105. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 6. 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.”

106. As such there would be a requirement for the dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions however this condition would result in increased costs and has been subject to viability assessment and cannot be delivered.

Car Park Upgrading

107. As part of the previous application the applicant advised that a legal agreement between Tatton Estates and Bizspace was being drawn up to oblige the applicant to upgrade the existing car park. This was to ensure that the existing car park is upgraded and made more user friendly to existing and proposed users of the Enterprise Centre.

Overall Conclusion

108. The acceptability of the principle of the residential development of this site has been established by the grant of outline planning permission and then a full planning permission. The access to the site and level of traffic it would generate is also considered to be acceptable by LCC (Highways). The relationship between the development and the Grade II Listed Mill is considered to be an acceptable one and there are also no concerns in terms of the ecological impact of the development. On this basis, it is recommended that planning permission be granted subject to the signing of a S106 legal agreement that will secure on site affordable housing and contributions to open space and ensure that the viability is reviewed during the course of the development.

Planning Policies

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan 2012-26 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
04/01289/CLEUD	Certificate of Lawful Use in respect of an existing use of a compound for storage of bottled gas.	Refused	November 2004
04/00933/FUL	Extension of existing compound using a concrete post and chainlink fence, and installation of a skid pan mounted Autogas unit.	Refused	February 2007
04/00834/CTY	To construct a temporary stone access with chain link mesh gate.	No objection	
10/00735/OUTMAJ	Outline planning application for the erection of a residential development with associated access arrangements	Approved	August 2013

