

APPLICATION REPORT – 16/00510/OUTMAJ

Validation Date: 27 June 2016

Ward: Chisnall

Type of Application: Major Outline Planning

Proposal: The erection of up to 60 dwellings, a village shop, community parking, landscaping, provision of public open space, access and associated infrastructure

Location: Land 120M East Of 27 Charter Lane Charnock Richard

Case Officer: Mrs Helen Lowe

Applicant: Taylor Wimpey UK Limited And Conlon Holdings Limited

Agent: Taylor Wimpey UK Limited And Conlon Holdings Limited

Consultation expiry: 29 November 2016

Decision due by: 10 April 2017

RECOMMENDATION

It is recommended that the application is refused.

SITE DESCRIPTION

1. The application site is area of land within the settlement boundary of Charnock Richard. The site extends to approximately 3.42 Ha. The land is generally flat and at present undeveloped, consisting of fields that appear to be used mainly for the grazing of horses. The land is bounded to the north by Charnock Richard Primary School, to the west by Charter Lane and the houses that front onto Charter Lane, to the south by Charnock Richard Football club and to the east by the rear of properties on Leeson Avenue. There are a number of mature trees along the site boundaries, particularly the north and south.

DESCRIPTION OF PROPOSED DEVELOPMENT

2. This is an outline planning application, with all matters reserved apart from access. The proposal is described as:

“The erection of up to 60 dwellings, a village shop, community parking, landscaping, provision of public open space, access and associated infrastructure”

The applicant is proposing that as well as the residential development the scheme would include up to 21 affordable homes (35%), a village shop, community car parking area (up to 20 spaces) and a community orchard. Vehicular access is proposed off Charter Lane, close to the northern site boundary.

3. The application is accompanied by an illustrative masterplan showing how the development may be accommodated on the site. The following documents have been submitted in support of the application:

- Ecological assessment
- Design and access statement
- Arboricultural report
- Amphibian survey
- Great crested newt survey
- Air quality assessment
- Transport assessment
- Noise assessment
- Heritage assessment
- Planning, CIL and affordable housing statement
- Flood risk assessment and drainage management strategy
- Statement of community involvement
- Land contamination assessment
- Technical paper on housing issues

RELEVANT HISTORY OF THE SITE

Ref: 5/5/07975 **Decision:** WDN **Decision Date:** 18 February 1971
Description: Site for 145 dwellings

REPRESENTATIONS

4. 59 Letters of objection have been received, and a petition (393 signatures), making the following comments:
 - Issues of highway safety, Charter Lane is very narrow
 - The land is waterlogged and suitable drainage would be needed
 - Would cause flooding
 - There are great crested newts on the land
 - The schools and roads would not be able to cope
 - Would be detrimental to the character of the village
 - There is inadequate infrastructure
 - This is a commercial application for profit purposes
 - The effect on wildlife would be enormous
 - There is no space in the local school
 - Green Belt land should be protected
 - The land is not allocated in the Local Plan for housing
 - Extra traffic would be dangerous for horse riders
 - The hammering in of pilings raises concerns over the possible damage this could cause to nearby properties due to the vibrations caused
 - Severe impact on quality of life
 - Builders vehicles may damage the bridges
 - Would devalue homes
 - Could lead to an increase in crime and anti-social behaviour
 - The noise, dust and light pollution the development would temporarily and permanently cause is not acceptable.
 - There are already parking problems along Charter Lane from the school and football club
 - Would cause more power cuts
 - Would we get a reduction in Council Tax?
 - The present wastewater and surface water pumping station cannot cope in severe conditions
 - The proposed parking spaces would not help
 - A shop is unlikely to work
 - There is no housing provision for the elderly
 - Loss of privacy for residents adjacent to the site
 - Charnock Richard would no longer be a village
 - There are many more suitable development sites already allocated for building in the Chorley area

- There is no shortage of houses in the area
- It would be a further degradation of green space & natural outlook for the community
- Chorley meets its housing development requirements without the use of this site
- It would lead to increased surface water run off
- In the local plan, Charnock Richard is allocated for small scale development and limited infill, and this planned site is neither of these things
- There is a lack of public transport in the area
- The Council should look elsewhere for development
- Light and noise pollution would be increased
- The ecological assessment is incorrect, there are water voles in the area
- A Village Green is not needed, we already have the orchard gardens, a playing field, a football club, scout hut, community centre
- Brownfield development should take place first
- Any affordable housing must be built in Charnock Richard and provided to the residents of Charnock Richard
- The changes to reduce the number of properties from 90 to 60 does not make the proposed development any more acceptable
- The comparison to the Mawdesley development is not considered to be valid

5. 26 letters of support have been received, making the following comments:

- Would not have any effect on Green Belt
- Would create jobs
- Good for the community, more homes are needed
- The village does not have many houses that fit into the first time buyer bracket
- The proposal includes community facilities
- Would like the opportunity to remain in the area they grew up
- A village store is a much needed facility

CONSULTATIONS

The Coal Authority: Low risk area, standing advice applied.

Lancashire County Council Archaeology Service: A scheme of archaeology work should be undertaken as part of the development. Recommend a condition be added.

Lancashire Constabulary Architectural Liaison: A cul de sac arrangement with one vehicular entrance route in and out is recommended. The dwellings and shop should be built to secured by design standards. Recommendations are made regarding boundary fencing details and lighting. Rear parking courts should be avoided.

Conservation Officer: The proposed development would be acceptable as it would preserve the appearance of the adjacent listed buildings and thus also sustain the significance of these designated heritage assets. Accordingly the proposed development would be in conformity with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework and local planning policies.

Greater Manchester Ecology Unit: Great crested newts have been recorded on the north eastern corner of the application site, and may use parts of the site as a terrestrial habitat. It would be possible to allow the development and meet the derogation tests, subject to additional amphibian surveys being carried out to confirm the population size of the great crested newts locally and a comprehensive method statement prepared giving full details of measures to be taken to avoid any possible harm to great crested newts during the course of the scheme. Once approved, this Method Statement must be implemented in full. As part of this Method Statement sufficient space would need to be retained within the site to support amphibian populations.

Overall the site is not of substantive ecological interest. The site is dominated by relatively species-poor agricultural grassland. It is recommended that existing trees and hedgerows be retained wherever possible, and protected from harm during any construction period, and that a

comprehensive landscape creation and management plan be prepared for the site and submitted to the council for approval as part of any reserved matters applications that may come forward in future. No tree felling or vegetation clearance that may be required by the scheme should take place during the optimum period for bird nesting ((March to July inclusive). All nesting birds their eggs and young are specially protected under the terms of the wildlife and Countryside Act 1981 (as amended).

Lancashire County Council (Education): (these comments are provided in response to the revised proposal of 60 houses) Where the growth in pupil numbers is directly linked to housing development and existing school places are not sufficient to accommodate the potential additional pupils that the development may yield, Lancashire County Council would seek to secure developer contributions towards additional school places. The latest information available at this time was based upon the 2016 School Census and resulting projections.

Based upon the latest assessment, taking into account all approved applications, LCC are seeking a contribution for 23 primary and 9 secondary school places.

Regulatory Services - Environmental Health: Have confirmed that they have no comments to make.

Waste & Contaminated Land: Recommend imposition of a condition requiring an assessment of ground contamination.

Lancashire Highway Services: Do not object in principle to the proposed development, however, due to the pedestrian safety concern regarding obstructions to pedestrians by parked vehicles on the existing footway, the applicant would be required to provide a footway on the west side of Charter Lane for its full length of approximately 600m to provide an alternative walking surface. The footway provision is essential to make the proposed development acceptable as there is risk the development might exacerbate the current unsatisfactory condition. It is considered that there is adequate highway verge available to allow the 2.0m footway to be provided.

LCC Highways have confirmed that their comments are unchanged following a reduction in the maximum number of houses being proposed from 90 to 60.

Strategic Housing: Comments based on proposal for 90 houses: For a development of this size in Charnock Richard a 35% affordable housing contribution is required, which equates to 31.5 properties and is therefore rounded up to 32 according to the policy.

22 properties should therefore be Social Rented, and 10 Shared Ownership reflecting the 70/30 policy split. However from looking at previous sites in Charnock Richard and neighbouring parishes, the delivery of large numbers of affordable properties at any one time can mean for many of the properties there is no local demand, and therefore this adds to future need. Therefore to better meet local need the delivery of the affordables should be phased into 3 or 4 tranches several months apart with no more than ten Social Rent in each tranche and a mix of property types.

To meet local need and demand in the Charnock Richard parish the 22 Social Rented should be as follows:

10 x 2 bedroom 4 person houses and
4 x 2 bedroom 3 person bungalows.
4 x 1 bedroom 2 person flats
4 x 3 bedroom 6 person houses
The shared Ownership properties should be:

3 x 2 bedroom 4 person houses
7 x 3 bedroom 6 person houses.
All properties should meet the Nationally Described Space Standards.

Properties should be prioritised in order for

Households with a local connection to Charnock Richard
Households with a local connection to any other rural west parish
Households with a local connection to the borough of Chorley

The Rent Reduction for RPs 2016-20 and LHA Cap from 2018 should be taken into account when factoring in expected offer values for Social Rented properties.

Lead Local Flood Authority: Have no objection to the proposed development subject to the inclusion of conditions, in consultation with the Lead Local Flood Authority.

Prior to designing site surface water drainage for the site, a full ground investigation should be undertaken to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body, sewer system or other means. Although they are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to neighbouring existing properties on Charter Lane, Lesson Avenue, Willow Drive and Christ Church Charnock Richard Church of England Primary School.

Charnock Richard Parish Council (these are the second comments submitted in response to the revised proposals): The Parish Council has no objections in principle to these proposals as they are aware that this land is earmarked for development.

However, the Parish Council concerns about the number of houses proposed remain unchanged. Planning Policy 1(f) of the Core Strategy allows for “small developments” or “infill” development in Charnock Richard. Proposals for up to 60 homes still cannot be considered a small development.

The Parish Council remain extremely concerned about the highway safety implications of the proposals. The Council believe that the existing road infrastructure is incapable of supporting a development of even 60 additional homes and the 280+ vehicular movements per day in and out of the site this will create.

Charter Lane, being only 5.5 metres wide, is not suitable as an access road. The junctions of Charter Lane/Chorley Lane and Charter Lane/Church Lane have not been constructed to deal with this significant increase in vehicular movements without seriously compromising highway safety for pedestrians and road users. The junction of Charter Lane and Chorley Lane is completely inadequate to support this size of development. The sightlines are already restricted and, there is no land available to increase the visibility splay to accommodate the additional number of vehicular movements which would be created by a development of 60 homes. Similarly, at the junction of Charter Lane and Church Lane, sightlines are restricted, often by parked cars associated with children attending the Primary School on Church Lane, and again it is difficult to see how this access could be altered to service the number of cars associated with a development of 60 homes.

If the Planning Committee has a mind to grant planning permission however, the Parish Council request that the following conditions are included in the planning permission:

- 1) That the original drainage ditch which runs along the edge of the site be opened again as it was filled many years ago and has not been piped. The ditch needs to be excavated and suitable drainage installed to ensure that drainage from the site is adequate and does not impact on any neighbouring development.
- 2) That instead of the footway on the opposite side of Charter Lane, suggested in Lancashire County Council highways response to the initial application, this land be used to widen Charter Lane from its existing 5.5 metres.
- 3) That conditions are attached to ensure that some of the affordable housing in the development is available to buy with first priority under all circumstances being given to young

people who live, and wish to remain, in the Parish or, who have a connection with the locality. Similarly, any affordable housing in the development which will be available to rent should include a "Local Letting Policy" as part of the planning permission to ensure that first priority under all circumstances is given to local people who live, or wish to remain, in the Parish or who have a connection with the locality.

4) That conditions are imposed to ensure that this is the first and final application for development on this site and no further phases of development can be undertaken at this location in the future.

5) The Council would also ask that a condition be included to ensure that construction work and vehicles can only operate during social hours and that any damage caused to existing highways during the construction period must be repaired as soon as practicable after it occurs "

Chorley Council Tree Officer: G2, G3 Mature, semi mature, early mature groups along site boundary with playing field, recreation ground and football pitch. Prominently oak with alder, hawthorn, crab apple, sycamore, holly. Trees in good condition screening site. Good habitat value. Recommend retain. Group within northern section of the site, unable to gain access.

United Utilities: No objection subject to the imposition of conditions.

Charnock Richard C Of E School (School Governors): As the school playing field adjoins the proposed development, there are fears that building would further increase our problems with poor drainage.

Secondly, traffic access to the estate for possibly a hundred or more cars would exacerbate the congestion which occurs along both Church Lane and Charter Lane at the start and end of the school day. This would further compromise the safety of children, particularly those walking or cycling to school. Parked cars already reduce the roads to single width and virtually a one-way system. Both junctions from Charter Lane on to Church Lane and on to Chorley Lane are hazardous.

Present school buildings cannot accommodate seven straight-age classes, which results in one class being currently based in the Scout/Guide Building. Previous building developments within the village have failed to provide any additional funding to meet educational provision within the village.

This application for development on such a scale would have a serious impact on the already stretched village infrastructure and services.

PLANNING CONSIDERATIONS

Applicant's case

6. The applicant has put forward that the benefits of the development are as follows:
 - The creation of up to 60 homes to significantly boost the supply of housing land whilst protecting Green Belt;
 - The presumption in favour of sustainable development in settlement areas within Policy V2 of the LP;
 - The delivery of up to 21 affordable homes to meet local needs;
 - The provision of a village shop to increase social integration and to improve the sustainability of the village;
 - The provision of community car parking to provide benefits to existing residents and help alleviate congestion on surrounding roads;
 - Connectivity of the site with the surrounding area will be established by creating linkages which are not currently available. A link from the existing play area to the south of the site through to the scout hut and school to the north will reduce walking time significantly for residents around Leeson Avenue and provide a safer and more attractive route for pedestrians. This will also help to facilitate the integration of new residents with the existing community, creating healthy, inclusive communities also supported by the Framework in paragraph 69;

- The building of up to 60 houses will provide economic stimulus as well as help to support 35 temporary construction jobs per year of build throughout this time;
- Beyond the construction phase, additional benefits will occur through household expenditure in the local area in the region of £1.4 million;
- The scheme could generate approximately £422,000 of New Homes Bonus payments over a six year period which can be spent as required by the Council;
- Financial contributions required through the Community Infrastructure Levy will contribute up to £230,000 which will help to improve local facilities such as education and deliver local infrastructure improvements; and
- New residents will contribute an additional £63,000 per annum in Council Tax receipts.

National Policy Framework

7. There is a clear presumption in the Framework in favour of a sustainable development which will support economic growth, create jobs, facilitate the provision of significant affordable housing and provide community facilities. The Framework states for larger scale residential developments, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Key facilities such as primary schools and local shops should be located within walking distance of most properties. The Framework identifies that there are three dimensions to sustainable development: economic, social and environmental and that the planning system must therefore perform a number of roles: an economic role – contributing to building a strong, responsive and competitive economy; a social role – supporting strong, vibrant and healthy communities; and an environmental role – contributing to protecting and enhancing the natural, built and historic environment.

Local Policy Framework

8. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire. Charnock Richard is not identified as a Rural Local Service Centre therefore criterion (f) is applicable. Under this criterion development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
9. The application site is approximately 3.42 hectares in size. The proposal is not wholly to meet local need; 21 houses are for affordable homes (35%), the remainder are general market housing. The site wholly comprises previously undeveloped land (greenfield).
10. The applicant claims that the development is small scale. It is however not considered that the development of 60 dwellings is small scale. The proposal is also not redevelopment therefore the proposal is contrary to criterion (f) of Policy 1.
11. The site is located within the settlement area of Charnock Richard under Policy V2 of the Local Plan. This policy sets out a presumption in favour of sustainable development, subject to material planning considerations and other policies and proposals in the plan.
12. The applicant has argued that there is conflict and inconsistency between Local Plan Policy V1 and Core Strategy Policy 1 as they consider that development within the settlement boundary represents sustainable development, and that land within settlement boundaries should be fully utilised. They also argue that Policy 1 is inconsistent with the Framework as it seeks to restrict the growth of Charnock Richard which they claim is a settlement designated as sustainable by virtue of it having a settlement boundary designated under Policy V2. The Council do not believe that there is a conflict between the two policies or that having a settlement boundary means that Charnock Richard is a sustainable location. Core Strategy Policy 1 sets out a hierarchy of settlements with most growth and investment being focussed in the more sustainable settlements. The Core Strategy Inspector found this policy sound and stated in paragraph 37 of his report "The Local Plan is clear in terms of its vision and proposals. It ensures an appropriate scale of development in accordance with the existing or proposed size of the settlement and the present and/or future range of its services, including public transport."

13. The application site was specifically considered as part of the Chorley Borough Local Plan 2012-2026 review. It was put forward as an alternative site (AL26) and was discussed at the Examination. The Inspector stated:

“Several suggested alternative sites (ALs) are located outside settlements identified for growth in CS policy 1 and are also located in the Green Belt. The Plan has not sought to re-define settlement boundaries, which are carried forward from the Local Plan Review 2003, and the CS makes no provision for a strategic review of the Green Belt boundaries. Thus their allocation would be inconsistent with the development plan and with the Framework, and would make the Plan unsound. Consequently, for these reasons I conclude that the following sites should not be allocated; AL02 - Flash Green Farm, AL08 - Land at Darwens Farm, Buckshaw Village, AL09 - Land at Clayton-le-Woods, AL11 - Sharrats Path, Charnock Richard, AL12 - Land at Orchard Heys Farm (only part of the site is in the Green Belt), AL26 - Land at Charnock Richard and AL27 - Land opposite 35 Preston Road, Coppull.”

14. Although it is wrongly referred to as being in the Green Belt, it was discounted as it is located in a settlement not identified for growth in the Core Strategy and is not in a sustainable location. The site was assessed as part of the sustainability appraisal of the Local Plan and was scored as a band D. Site Suggestions for the emerging Local Plan were banded A – E with band A being the most sustainable and Band E the least. The site assessment shows distances to: a railway station is over 3km; a service centre is over 3km; a supermarket is over 3 km; a GP surgery is over 3km. Bus frequency is less than 1 hour in each direction, the distance to a NHS hospital is over 10km and distance to a further/higher education is over 5km.
15. The application site is considered to be located in an unsustainable location, outside of where the Local Plan seeks to direct development, unless there are exceptional reasons. Notwithstanding the issues raised below regarding housing land supply, the applicant considers that there are significant benefits arising from the development, particularly in relation to the delivery of affordable housing. These are discussed further below.

Housing supply

16. The applicant also considers that Chorley Council is unable to demonstrate a five year supply of housing land. The applicant argues that the Council’s housing requirement is based on out of date information and does not represent the full objectively assessed need for housing in the Borough. They have commissioned a report into the Council’s objectively assessed need which suggests a requirement of at least 618 dwellings per annum, rather than the annual housing requirement of 417 dwellings per annum set out in the Local Plan.
17. They consider that the application should fall to be considered under paragraph 14 of the Framework which sets out a presumption in favour of sustainable development. It states that where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
18. The Council do not believe that the adopted housing land supply policies set out in Core Strategy Policy 1: Locating Growth, Core Strategy Policy 4: Housing Delivery and Local Plan Policy HS1: Housing Site Allocations are out of date.
19. The Core Strategy was adopted in July 2012. The housing requirement in Policy 4 was based on Regional Strategy housing figures however the Core Strategy Inspector considered the requirement sound and stated in his report “The amount of housing proposed, together with the policies which seek suitable densities and high quality design and other relevant policies, accord with the Government’s policy, set out in the

Framework, of delivering a sufficient amount and wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. As a result, everybody should have the opportunity of living in a decent home which they can afford in a community where they want to live. In these respects the Local Plan is sound.”

20. The Chorley Local Plan 2012-2026 was adopted in July 2015. Representations were received during preparation of the Local Plan that the housing requirement is not based on a robust, up to date objective assessment of need as required by the Framework. The Inspector concluded in her report that the Core Strategy target for 417 dwellings remained appropriate. She also stated “The Regional Strategy for the North West (RS) was revoked by the Secretary of State during the examination period. The impact of this on the soundness of the Plan, particularly regarding the justification for retaining the RS housing and employment targets, was consulted upon and discussed at the hearing sessions. I conclude that no soundness issues have arisen as a consequence.”
21. Furthermore, in a recent appeal decision APP/N235/W/15/3007033 for up to 150 dwellings at Land at Preston Road, Grimsargh dated 9th May 2016 the Inspector for that appeal concluded that the Central Lancashire Core Strategy housing policies were not out of date. She stated in paragraph 21 “I have no reason to conclude that the relevant policies for the supply of housing are out of date with respect to the strategy for the location of housing. The Core Strategy was adopted in July 2012 in the context of the NPPF and the Local Plan was adopted as recently as July 2015.” The Chorley Local Plan was also adopted in July 2015 therefore it should be considered up to date in light of this appeal decision. The appeal was allowed due to the uncertainties surrounding the delivery of housing and the Inspector took the view that the housing land supply for Preston amounted to approximately 4.79 years. As a five year supply had not been demonstrated the Inspector concluded in accordance with paragraph 40 of the Framework that the relevant policies for the supply of housing were out of date.
22. It is considered that the Core Strategy housing requirement is not out of date and the Council can demonstrate a five year supply. The Five Year Housing Supply Statement for Chorley published in September 2016 identified that there was a 7.2 year deliverable housing supply in the Borough over the period 1st April 2016 – 31st March 2021.
23. In total there are 2,424 deliverable dwellings over the five year period. 1,681 are on allocated sites with planning permission, 600 on windfall sites with planning permission and a windfall allowance of 143 dwellings has been included.
24. Whilst the Council believes that these policies are not out of date and comply with paragraph 47 of the Framework, it is accepted that it is timely to review the objectively assessed housing needs and housing requirements set out in the Core Strategy and this work is presently ongoing.

Planning Balance

25. The Council considers that the adopted housing land supply policies are up to date, therefore the proposal is contrary to the development plan. Paragraph 12 of the Framework states “Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”
26. Notwithstanding the information that the applicant has submitted to demonstrate that they consider that the Council’s housing requirement is out of date (as it derives from the now revoked Regional Spatial Strategy), they have also considered that the proposal would give rise to significant social and economic benefits. Therefore, even where the Council can demonstrate a five year supply, a development may be granted where material considerations indicate that a proposal should be determined other than in accordance with the development plan.

27. They would like to draw Member's attention to a recent appeal decision in Lichfield (ref. APP/K3415/A/14/2224354). The appeal was recovered for the Secretary of State's determination in pursuance of section 79 of the Town and Country Planning Act 1990 because the appeal involves proposals for residential development of over 150 units which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable and inclusive communities. The application was for 750 dwellings and additional neighbourhood facilities. The Secretary of State overruled the Inspector and allowed the appeal despite the Council being able to demonstrate a 5 year housing land supply. This is because significant weight was given to the social and economic benefits of the scheme which represented sustainable development.

"The Secretary of State concludes that the social and economic benefits of providing affordable and market housing are of such importance that they outweigh the environmental harm, and that the proposal would thus represent sustainable development. Overall, therefore, he concludes that the material considerations indicate that the appeal should be allowed."

They consider that the Lichfield appeal should be given significant weight.

28. The applicant has identified a number of benefits of the proposed development. These include :

- the delivery of up to 60 high quality homes to significantly boost the supply of housing land whilst protecting Green Belt and the delivery of up to 21 affordable homes to meet local needs.
- The potential for a community shop and off road parking provision within the site
- Economic stimulus and 35 temporary construction jobs per year of the build
- Household expenditure in the local area in the region of £1.4 million
- £63,000 in Council Tax revenues and a CIL payment of over £300,000 which will benefit the local area substantially

29. The Council acknowledges that there is a need for affordable housing in Charnock Richard, however it is considered that the amount being proposed far exceeds the need and the proposal would lead to households outside the Parish being housed in Charnock Richard. This is based on an assessment of the number of houses on the Housing Register and the numbers of recently let properties. The provision of affordable housing as part of this development is not considered sufficient to justify allowing a development of this scale.

30. The applicant has further drawn attention to the similarities between this proposal and an earlier approval for 56 Houses granted in Mawdesley (ref. 14/00022/OUTMAJ). Again, this site fell to be assessed against the provisions of Policy 1 of the Core Strategy. It was considered that there were exceptional reasons to justify a larger redevelopment scheme in Mawdesley: the provision of affordable housing and ensuring the long term viability of the existing furniture business. It is considered that there are a number of crucial differences between the current proposals in Charnock Richard and the previous approval in Mawdesley. The Mawdesley proposal comprised the redevelopment of an existing, previously developed site. At the time the application was determined it was accepted that there was an exceptional need for affordable housing to which the proposal would significantly contribute. The site in Charnock Richard is not a previously developed site, does not support a local business and as previously discussed there is not an overriding need for the level of affordable housing proposed.

Layout and design

31. The applicant has submitted a detailed Design and Access Statement which demonstrates an understanding of the site, its context and proposes a layout which responds to the character of Charnock Richard and the site.
32. Opportunities to enhance the setting of the site have been taken, for example the creation of a community orchard in the north west corner is indicated on the illustrative masterplan and a village green in the south east.
33. There are residential properties immediately adjoining the site to the east and west. The illustrative masterplan demonstrates the potential layout of the residential and commercial development and has considered the relationship the new development would have with the existing properties.
34. Whilst matters of siting are not for consideration at this stage, there is a sufficient degree of separation between the existing dwellings and the developable area of the site to ensure that the Council's spacing standards would be respected. As such it is considered that the proposal would not result in any loss of amenity for existing residents and the future residents within the development.

Landscape and Visual Impact

35. Landscape character is the physical make up and condition of the landscape itself. It arises from a distinct, recognisable and consistent pattern of physical and social elements, aesthetic factors and perceptual aspects. Visual amenity is the way in which the site is seen and appreciated; views to and from the site and, their direction, character and sensitivity to change.
36. Policy 21, 'Landscape Character Areas' of the Core Strategy, states that new development will be required to be well integrated into existing settlement patterns, appropriate to the landscape character type and designation within which it is situated. The introduction of a new residential development will result in permanent albeit localised changes in the landscape. The character of the landscape of the site will have changed from a pastoral one to residential with open space.
37. It is considered that the proposals would have an impact upon the local landscape and the visual amenity of immediately adjacent neighbours. However, these impacts are considered to be relatively localised and contained. It is considered that from a landscape and visual impact perspective, development of the site would have minimal impact on its surroundings and would not have a negative impact upon any valued landscape or sensitive sites.

Trees

38. The application is accompanied by a detailed tree survey that has confirmed that there are a number of high quality trees within and on the site boundaries. The submitted masterplan would allow for the retention of the highest quality trees, although some felling of trees within the site along field boundaries is likely to be necessary. The trees abutting the southern boundary are considered to be of especially good quality and should be retained. A comprehensive landscaping scheme at detailed stage would need to take all of these considerations.
39. From an arboricultural perspective, the proposals are considered to be acceptable and compliant with the provisions of policy BNE10 of the Local Plan 2012-2026 which states that proposals will not be permitted if they result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape or settlement.

Ecology

40. The application is accompanied by an Ecological Assessment, Amphibian Survey and Great Crested Newt (GCN) Survey Report. The Ecological Assessment consisted of a desktop study and a Phase 1 Habitat Survey. It found that other than GCN, no other

EPS or species listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (e.g. hedgehogs *Erinaceus europaeus*) were identified as being adversely affected by the proposed development. A number of recommendations are made regarding the removal of trees, scrub and hedges in order to protect nesting birds and around removal of invasive species (Himalyan Balsam) found on the site. Opportunities for biodiversity enhancement should be included in the plans for the proposed development.

41. The Great Crested Newt Survey found great crested newts to be present on the site. Therefore, a derogation licence from Natural England (NE) would be required prior to work commencing on the site. The NE licence will require that GCN are removed and excluded from construction areas of the development site via a fencing and trapping scheme. It will also require that the final landscaping scheme provides sufficient quality and quantity of terrestrial habitats to mitigate for losses. As the onsite pond is being retained there is no need to provide additional aquatic habitats.
42. The Framework states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature. Core planning principles in The Framework state that planning decisions should contribute to conserving and enhancing the natural environment.
43. The Framework goes on to state that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological networks. Planning decisions should address the integration of new development into the natural environment and opportunities to incorporate biodiversity in and around developments should be encouraged.
44. Circular 06/2005 provides guidance on the application of law relating to planning and nature conservation as applies in England. It is clear in Circular 06/2005 that if protected species are reasonably likely to be present and affected by the proposed development, then a survey/assessment to establish the presence or absence of protected species and the extent that they may be affected by the proposed development needs to be undertaken before planning permission is granted.
45. 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?
46. Having regard to the standing advice and guidance provided by Natural England it is considered appropriate to rely on the advice provided by the Greater Manchester Ecology Unit. Natural England will only provide bespoke advice for priority habitats and priority species which occur outside of designated sites in exceptional circumstances. The application site does not include any European designated sites or SSSIs.
47. Under the Conservation of Habitats and Species Regulations 2010 which enacts the EU Habitats Directive into the UK, a licence will be required from Natural England to derogate the terms of this legislation before any work can commence with the potential to cause harm to protected species. Before a licence can be granted three tests must be satisfied. These are:
 - i) That the development is “in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment”;

- ii) That there is “no satisfactory alternative”;
- iii) That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.

48. In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions. All three tests must be satisfied before planning permission is granted on a site and Natural England will seek evidence from the LPA that the three tests were considered during the grant of any planning permission before agreeing to issue a license
49. GMEU have advised that the information submitted is satisfactory. It would be possible to retain the pond and the immediately surrounding habitat as part of the development, and to retain and improve other habitats on the site that may be of use to amphibians. If the northern hedge-line is retained and protected it would also be possible to retain habitat connectivity with the wider landscape. Outline mitigation for avoidance of harm to great crested newts has been put forward in the ‘GCN Survey Report’ submitted as part of the application. It would be possible to allow the development and meet the third test above, subject to the imposition of a number of conditions.

Flood risk

50. A Flood Risk Assessment (FRA) has been submitted with the application, in accordance with The Framework. The application site is within Flood Zone 1, within which ‘vulnerable’ uses such as residential uses are considered to be an appropriate development type. There is no in principle issue with development of the site from a flood risk perspective. The report submitted, therefore, focusses on the effective management of surface water runoff. The issue of surface water drainage has also been raised as a matter of concern by a number of local residents.
51. The FRA has been reviewed by the Lead Local Flood Authority (LLFA) and United Utilities who 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, provided that any subsequent development proceeds in accordance with the recommendations of the FRA. Appropriate conditions are recommended.

Traffic and Transport

52. A Transport Assessment has been submitted with the application. It contains an assessment of the accessibility of the proposed development by a variety of modes of transport, including: foot, cycle, bus and rail and concludes that the site is accessible by all modes and would promote a choice of travel modes, other than the private car. It also proposes a travel plan to encourage residents and visitors to travel to the site by non-car modes. A traffic impact analysis has also been carried out, with traffic surveys undertaken in February 2016. Trip generation and peak hour trip rates have been forecast for the proposed development (these were based on a development of 90 houses, and have not been revised following a reduction in the proposed number of dwellings). A site visit was also undertaken when a football match was underway and at school drop off time. The report concludes that the development would not have a material impact the operation of the road network.
53. The Framework is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Both the Core Strategy and Local Plan policies seek to secure more sustainable modes of transport.
54. The applicant considers that the proposed development complies with national and local planning policy for the following reasons:

- The proposed development will reduce the need to travel due to it being located in the centre of the village and in close proximity to a range of services such as a school and
- The site is located in close proximity of a range of public transport opportunities, which will facilitate non-car travel to and from the proposed development;
- The site promotes sustainable transport in accordance with the NPPF as it facilitates sustainable development and contributes to wider sustainability and health objectives.

55. The LCC Highways Engineer concurs with the findings of the Transport Assessment that the impact of the development site on the increase in traffic would be marginal (it is predicted that once the development is opened, there would be 4.8% and 5.5% increase in traffic at Church Lane/Charter Lane respectively during the weekday AM and PM peaks. Chorley Lane/Charter Lane will also see an increase in traffic of 6.0% and 6.2% respectively during weekday AM and PM peaks).

56. The Highway Engineer also comments that although the observed level of on-street parking is not concerning given the length of Charter Lane, the fact that pedestrians are forced onto the carriageway due to inadequate width of the existing footway is of highway concern. Overall, the highway authority does not object in principle to the proposed development, however, due to the pedestrian safety concern expressed above, regarding obstructions to pedestrians by parked vehicles on the existing footway, the applicant would be required to provide a footway on the west side of Charter Lane for its full length of approximately 600m to provide an alternative walking surface. The footway provision is essential to make the proposed development acceptable as there is risk the development might exacerbate the current unsatisfactory condition. It is considered that there is adequate highway verge available to allow the 2.0m footway to be provided.

57. The concerns that local residents have raised regarding issues of highway safety are noted. However, as the LCC Highways engineer has confirmed that they consider the findings of the transport assessment that has been provided to be accurate, and that measures can be put in place to alleviate the problems of on street parking in the area, it is not considered that a refusal could be sustained on this basis. There is no evidence before us to suggest that the proposal would give rise to severe impacts on highway safety.

Public Open Space

58. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD. The applicant is proposing that open space would be provided on site in the form of a community orchard, village green and planting, particularly around the perimeter of the site, although matters of layout are not being applied for at this time.

Sustainability

59. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. 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."

60. Given this change, instead of meeting the code level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

CIL

61. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.
62. Lancashire County Council Education Department have requested that a financial contribution be made towards the provision of school places. For allocated sites, education requests such as this are included in the CIL levy. However, as this site is not allocated it is considered appropriate to seek such a contribution through a legal agreement, should the application be approved. The applicant has indicated that they would be willing to enter into such an agreement.

CONCLUSION

63. It is considered that the proposal does not comply with Policy 1 of the Core Strategy. The Council would disagree that there is any conflict between Policy 1 of the Core Strategy and Policy V2 of the Local Plan. Furthermore, the Council considers that its housing figures are up to date at the present time.
64. The Council would acknowledge that there is a level of need for affordable housing in Charnock Richard, however even with a revised proposal of 60 dwellings, the level of affordable housing that would be provided would be far in excess of the current level of demand for affordable housing in Charnock Richard (the level of current demand being based upon an assessment of households currently on the Housing Register and the numbers of recently let properties). An oversupply of affordable housing would both increase future need and demand in the village and likely result in properties being allocated to people without a local connection.
65. Therefore, the provision of affordable housing does not carry sufficient weight to outweigh the fact that the proposal is contrary to Policy 1 of the Core Strategy.
66. The similarities between this current application and the previous approval in Mawdesley (ref. 14/00022/OUTMAJ) are noted. However, it is considered that there are a number of crucial differences between the two schemes. The site in Charnock Richard is not a previously developed site, does not support a local business and as previously discussed, there is not an overriding need for the level of affordable housing proposed.
67. The Council is, therefore, unable to support the application and it is recommended that the application is refused for the following reason:

The proposed development is contrary to Policy 1 of the Core Strategy. The application site is not within an area that has been identified for growth and investment. The only types of development that would be considered acceptable in smaller villages, such as Charnock Richard, will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local needs. The proposal does not meet any of these criteria. Insufficient exceptional reasons have been put forward to support a larger scale development scheme.

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.