

**Item A. 1**                      **07/00386/OUTMAJ**                      **Refusal of Outline Planning Permission**

**Case Officer**                      **Caron Taylor**

**Ward**                                      **Pennine**

**Proposal**                              **Outline application for erection of 40 no 2 bedroom apartments (2 and 3 storey) with associated car parking.**

**Location**                              **Land 220m South Of Next Generation Sport Centre Building Moss Lane Whittle-Le-Woods Lancashire**

**Applicant**                              **Camtec Properties Ltd**

**Background**                              This application is an outline application for the erection of 40 no 2 bedroom apartments (2 and 3 storey) with associated car parking, with all matters reserved. A plan showing how the development may be laid out accompanies the application, but is only indicative at this stage.

**Proposals**                              The site is located approximately 600m north east of Junction 8 of the M61. The site is bounded by the A674 to the east, the Leeds-Liverpool Canal to the west and Next Generation Sports centre to the north and is roughly triangular in shape. Part of the site is currently part of the Next Generation complex car park. Access to the site will be from the existing access road and carpark, which is used by the Next Generation complex.

**Planning Policy**                              PPG2: Green Belts  
PPS9: Biodiversity and Geological Conservation  
DC1: Development in the Green Belt  
DC3: Areas of Safeguarded Land  
DC5: Special Provisions for Rural Affordable Housing  
DC9: Landscape Character Areas  
HS4: Design and Layout of Residential Developments  
GN6: Priority Urban Fringe Areas  
EP4: Species Protection  
EP9: Trees and Woodlands  
EP10: Landscape Assessment  
EP13: Under-used, Derelict and Unsightly Land  
TR4: Highway Development Control Criteria  
  
Joint Replacement Structure Plan 2001-2016: Policies 1,2, 5,6,12,21  
Strategic Locations for Development  
  
RSS: ER5

## Planning History

- 06/00399/OUTMAJ: Outline application for erection of 40 no. 2 bedroom apartments (2 and 3 storey) with associated car parking. WITHDRAWN
- 98/00625/FUL: Construction of a leisure development including refurbishment of existing manager's house and stable block to form public house/restaurant and 20-bed lodge, erection of 61 -bed lodge and tennis/leisure centre. PERMITTED
- 97/00816/OUT: Renewal of outline permission 9/94/202 for the change of use to public house, restaurant, function room, brewery, leisure & conference facility & shop; erection of 72-bed hotel & garden centre; roundabout access, car park and landscaping. PERMITTED
- 94/00202/OUT: Renewal of Outline Planning Permission 90/963/OUT for change of use of existing buildings to public house/restaurant/function room/brewery/leisure & conference facility & shop; 72 bed hotel & garden centre; formation of roundabout access to Moss Lane, car park & landscaping. PERMITTED
- 90/963/OUT: Outline Planning Permission for change of use of existing buildings to public house/restaurant/function room/brewery/leisure & conference facility & shop; 72 bed hotel & garden centre; formation of roundabout access to Moss Lane, car park & landscaping. PERMITTED

## Consultations:

### CBC Planning Policy

Recommend that the application be refused. There remains a situation of housing land oversupply in the Borough. Despite the applicant's assertions there is no deficit in housing provision in the Borough. Reflecting Policy 12 of the JLSP and the current situation of oversupply larger housing schemes may not be approved unless they make an essential contribution to the supply of affordable or special needs housing, or form a key element within a mixed use regeneration project. The proposal is contrary to policies DC1, DC3 and DC5 of the Local Plan Review. Information in the Supporting Statement does not demonstrate very special circumstances to justify this development. The provision of affordable housing for local needs can be acceptable in the Green Belt if it is in accordance with policy DC5. However, this site is not within or adjacent to one of the small rural communities listed in policy DC5, which in exceptional circumstances land can be released for affordable housing. Therefore, very special circumstances would be required to justify the grant of planning permission on the site. It is not considered that providing 100% affordable housing is sufficient to justify the grant of planning permission. Affordable housing would be more appropriately and sustainably situated within the Chorley town settlement.

### United Utilities

No objection subject to conditions.

### Environment Agency

Request conditions are applied to any permission.

### LCC Highways

The proposed development is accessed through a commercial car park and is an inappropriate means of access to a residential development. There is no continuous footway into the site along the commercial access/car park, and the proposed new footpath link to the A674 discharges onto this road at a point without footways, both circumstances raise highway safety concerns. The development as submitted fails to provide for a safe and adequate means of both pedestrian and vehicular access, and they request that the application be refused for reasons of highway safety.

### Environmental Protection

Request a condition regarding a study to identify any ground contamination.

### MAPS

The collective car parks of the Malthouse Pub, Premier Lodge Hotel and Next Generations are a crime hot spot for this area. The theft from and of vehicles is a constant issue and subject of many Police deployments. With this in mind several meetings have been held to discuss the introduction of an effective access control barrier. This would have implications on the application. It is within their knowledge that the car park of the gym is often full to capacity and vehicles have been observed parked along the access road leading to the car park as well as on grass verges. This restricts the access to the car park and narrows the thoroughfare. They are concerned that if this development is permitted then at peak times patrons of the gym will park their vehicles within the curtilage of the development, leading to confrontation and even crime. There is also concern regarding access to the site and question whether at peak times whether utility and emergency vehicles could safely gain entry to the site. Other large vehicles such as goods delivery vehicles may encounter similar problems.

### British Waterways

Have no objections in principle to the proposed development but make the following comments:

- A pedestrian connection onto the towpath from the development should be encouraged;
- A s106 agreement should be entered into to secure a financial contribution in relation to upgrading the adjacent stretch of towpath and an annual maintenance contribution in the interest of the amenity of the new residents;
- The applicant should demonstrate that no damage will be caused to the canal bank;
- Conditions shall be applied to any permission;
- This is one of the few sites on the Leeds-Liverpool Canal where water voles reside in the natural canal bank.

A copy of a newt survey undertaken by the applicants was then sent to British Waterways who state their ecologist is happy with the report in relation to this aspect of the proposals.

### LCC Ecology

Raised issues with regard to protected species and therefore request relevant surveys are undertaken.

### The Inland Waterways Association

Object to the application. Previous developments near the site have caused landslip causing considerable problems to the canal. There should be no loss of the winding hole, established to enable canal boats to turn around, as it is an important original feature. The site also contains a pond and a wildlife corridor, which would be completely disrupted by the proposed development. There is also a young tree plantation developing into a good screen for the leisure centre behind and is also helping to stabilise the embankment. The site also helps to provide a sense of Green Belt between Chorley and Whittle-le-Woods, which this ribbon development along the canal would destroy.

#### Natural England

Are not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application. They are satisfied that the proposal does not have any significant impacts upon Natural England's other statutory responsibilities. It may however, affect statutory protected species and there is insufficient information accompanying the application from which to ascertain the possible impact on this development on protected species. Where the presence of protected species is suspected detailed surveys, a method statement and mitigation package should be submitted before determination of the application. Following these comments additional survey information was carried out by the applicant and Natural England state they are satisfied with the methodology and conclusions for great crested newts and have no further comments.

#### Highways Agency

Issued a TR110 Direction under Article 14 of the GDPO that prevented the application being determined in favour of the applicant until all strategic highway issues are resolved. The Highways Agency required a Transport Statement for the implication the development would have on Junction 8 of the M61. Following receipt of this, they note that access would not be obtained off the adjoining A674. The Highways Agency are satisfied that, given the level of traffic which would be generated by the development and taking all other relevant matters into account, there would be no material impact upon the strategic road network. Therefore, they have no objection to the proposal.

#### Whittle-le-Woods Parish Council

- Is the land not agricultural land in the Green Belt?
- The land in this area is unstable, when the sports centre was constructed the works caused the banal bottom to rise above the water level;
- There are concerns over the access onto Moss Lane, via a small mini roundabout and whether this is able to cope with the additional vehicles 40 apartments would create;
- The proposal would create further traffic on the A674/Moss Lane junction, which is already a junction of great concern and has been the site of many road accidents;
- There has been increased usage of the Leeds – Liverpool canal by pleasure cruisers/barges, the erection of a large building on the canal side would detract from the canal side scene;

- It is felt the modern appearance of the development would not be in keeping with the rural setting or with Malt House Farm.

### **Third Party Representations**

Fourteen objections have been received. The grounds of objection can be summarised as:

- The site is in the Green Belt;
- The dual carriageway at the top of Moss Lane is a major accident hotspot, with heavy traffic. To allow more traffic would be dangerous;
- Other routes from the site including Dark Lane and the exit from Moss Lane at the Preston Road (A6) end are also very busy and difficult, especially at peak periods;
- The proposed pedestrian access to and from Millenium Way would be dangerous;
- The proposals would be further encroachment of the built environment in an otherwise pleasant rural landscape which is unnecessary when so much brownfield land is available in the near vicinity;
- The proposals would ruin a lovely area;
- The location is unsuitable for such a large number of dwellings;
- The sapling trees planted on the proposed site which screen the sports centre are now well established and would be destroyed if the development went ahead;
- Wildlife would be disturbed;
- There are already enough new houses available on nearby Buckshaw Village;
- The site is not brownfield land as the applicants state;
- The proposal would create a visual intrusion to users of the Leeds – Liverpool Canal recreational corridor and result in inappropriate development with a wide visual envelope across a relatively rare natural landform of under-acknowledged character. It has already been influenced by adjoining development, but that was related to adjoining use, this proposal is not;
- Trees on the site would be cut down;
- The proposals will have a detrimental impact on wildlife;
- The site only has a Roman Catholic school in the vicinity and there are no public transport services to others, nor are there shops, so travel from the site will almost certainly be by car;
- The access through the car park of Next Generation will be dangerous, as customers of the leisure centre will not be anticipating through traffic.

## Assessment

### Principle of Development

The northern part of the application site (where the indicative plan shows the apartments will be located on the site) is within the Green Belt, while the southern part is allocated as an Area of Safeguarded Land.

The site was included in the 'red edge' of the permission (98/00625//FUL) for the Next Generation complex, but the part of the site now the subject of this application has never been built on, apart from the area of parking. The committee report from the 1998 application states that the southern end of the site (the area forming the site of this application) would be left open.

The northern part of the site is in the Green Belt and the proposal does not fall within one of the categories of appropriate development in the Green Belt as set out in PPG2 and reiterated in Local Plan Policy DC1. The southern part of the site is allocated as Safeguarded Land covered by Policy DC3 of the Local Plan. This states that development other than that permissible in the countryside under policy DC1 will not be permitted on safeguarded land and specifically refers to the area within the application boundary (DC3.19 Gale Moss). The proposals are therefore inappropriate development and harmful by definition and there must therefore be very special circumstances to outweigh the presumption against it, if it is to be permitted.

The applicant's state they are prepared to accept a condition placed on any permission that a Section 106 Agreement be signed prior to commencement of the development to ensure 100% affordable housing provision on the site. Even if it could be demonstrated that 100% affordable housing was achievable the proposals are still considered contrary to policy. The provision of affordable housing for local needs can be acceptable in the Green Belt if it is in accordance with Policy DC5 of the Local Plan. This enables small sites to be used specifically for affordable housing adjacent to the small rural communities listed, if there are no suitable sites available within the village. However, the application site is not within or adjacent to one of the small rural communities listed in Policy DC5, where in exceptional circumstances land can be released for affordable housing, nor would it meet the other criteria in the policy. It is not considered that providing 100% affordable housing on the site would be sufficient to outweigh Green Belt and Safeguarded Land policies and justify the grant of planning permission.

### Highways

The proposals are considered to be contrary to Policy TR4 of the Local Plan and LCC Highways have objected to the application. LCC Highways recommend refusal for reasons of highway safety as detailed earlier in the report.

The applicants have submitted a Transport Statement. The Highways Agency are satisfied that, given the level of traffic which would be generated by the development and taking all other relevant matters into account, there would be no material impact upon the strategic road network. Therefore, they have no objection to the proposal.

Therefore, although there is no objection in terms of the strategic road network, the application is still considered unacceptable in

terms on impact it would have on the local highway network and a suitable access could not be achieved.

## **Conclusion**

The north part of the site is in the Green Belt and the southern part an Area of Safeguarded Land. The proposals do not fall with a type of development permitted in such areas and are therefore inappropriate development. It is not considered that there are very special circumstances to outweigh the presumption against the development. In addition there are significant highways objections to the proposals and it is not considered that a sufficient access could be achieved to the site.

## **Recommendation: Refusal of Outline Planning Permission**

### **Reasons**

1. Part of the proposed development would be located within the Green Belt as defined by Policy 2 and the Key Diagram of the Adopted Lancashire Structure Plan and by the Proposals Map of the Adopted Chorley Borough Local Plan Review. The proposed development is contrary to Policy 4 of the Adopted Lancashire Structure Plan and Policy DC1 of the Adopted Chorley Borough Local Plan Review. Within the Green Belt planning permission will not be given, except in very special circumstances for the erection of new buildings other than for the purposes of agriculture, forestry, essential facilities for outdoor sport and recreation, for cemeteries, and other uses which do not conflict with the purposes of including land in it, or limited extension, alteration, or replacement of existing dwellings. The proposal is therefore inappropriate development and harmful by definition. It is not considered that there are very special circumstances to outweigh the presumption against the development.

2. The plans indicate it is proposed to access the development through a commercial car park. This is considered an inappropriate means of access to a residential development and it is not considered that a safe and adequate access could be achieved for the site. The development as submitted fails to provide for a safe and adequate means of both pedestrian and vehicular access, and is therefore contrary to Policy TR4 of the Adopted Chorley Borough Local Plan Review.

3. Part of the proposed development would be located within an Area of Safeguarded Land as identified by policy DC3 of the Adopted Chorley Borough Local Plan Review. The proposed development is contrary to Policy DC3 in that development other than that permissible in the countryside under Policies DC1 or DC2 of the Adopted Chorley Borough Local Plan Review will not be permitted on Safeguarded Land.

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