

## **APPLICATION REPORT – 17/00377/OUTMAJ**

**Validation Date: 5 April 2017**

**Ward: Pennine**

**Type of Application: Major Outline Planning**

**Proposal: Outline application for up to 12 dwellings (with all matters reserved save for access)**

**Location: Land Adjacent To Lady Crosse Drive, Lady Crosse Drive, Whittle-Le-Woods  
Chorley PR6 7DR**

**Case Officer: Mr Iain Crossland**

**Applicant: Messrs Dugdale**

**Agent: Mr Darren Muir**

**Consultation expiry: 28 August 2017**

**Decision due by: 5 July 2017**

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### **UPDATE REPORT**

1. The recommendation remains to approve outline planning permission.
2. The application was deferred at the planning committee of 10 October 2017 to allow time for Members to visit the site. The original committee report from 10 October follows on below.

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### **RECOMMENDATION**

1. It is recommended that outline planning permission is approved subject to conditions and a section 106 legal agreement.

### **SITE DESCRIPTION**

2. The application site is located within the settlement area of Whittle le Woods on land allocated for housing development in the Chorley Local Plan 2012 – 2026.
3. The site comprises a rectangular shaped field in a corridor of land bounded by residential development to the north, south and west and open fields to the east, which are also allocated for housing. The site is approximately 1.2 ha in size and located in the south east of Whittle-le-Woods.
4. In terms of topography the application site has quite a significant slope from south to north, sloping down towards the properties on Moss Lane.
5. Groups of trees are located in the south west and north east corners of the site, with a number of mature trees on the southern boundary and one mature tree on the eastern

boundary. A number of these groups and individual trees are protected under Tree Preservation Order No.19 (Whittle-le-Woods) 2011.

6. The planning application site is adjacent to the adopted estate road of the housing development to the immediate west at Lady Crosse Drive. A public right of way runs along the western boundary of the site.
7. The character of the area is largely residential on the fringes of the urban area. The dwellings located on Moss Lane to the north are stone built cottages of traditional agrarian design style. The rear of these properties face the application site. To the west is the more modern housing estate at Lady Crosse Drive, comprising of bungalows, dormer bungalows and standard houses.
8. To the south of the application site is a development known as 'Lucas Green', which is being developed by a national housebuilder for 121 dwellings (12/01244/REMMAJ). This comprises of recently built dwelling of traditional design style.
9. There is a Biological Heritage Site is located to the immediate east of the site.

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

10. This application seeks outline planning permission for up to 12 dwellings with all matters reserved for subsequent approval aside from access. The proposed access would be a continuation of Lady Crosse Drive and would effectively result in an extension to the cul-de-sac. No through route would be created.
11. An indicative site layout has been provided to demonstrate how 12 houses could be arranged on the site, however, this is indicative only and would not form part of any approved plans.

#### **REPRESENTATIONS**

12.36 letters of objection have been received from 24 addresses. These relate to the following issues:

- Impact on privacy of properties at Town Lane;
- Impact on outlook from properties at Town Lane;
- Impact on the character of the area;
- Development should be for bungalows only;
- The potential levels difference is too great;
- Impact from surface water run-off and flood risk;
- Additional traffic created would be a risk to highway safety;
- Lady Crosse Drive and Town Lane not suitable for increased traffic;
- Impact on amenity of residents from increased traffic;
- Any through route to the Lucas Green development would be unacceptable;
- Dwellings should be angled or offset to avoid impact;
- Any dwellings should be finished in stone;
- The proposed development would be overlooked from Snape Drive;
- Impact on the Biological Heritage Site;
- Impact on wildlife;
- Loss of trees;
- The capacity of the culvert would not be able to cope with additional demand;
- Potential from structural impact from ground works;
- It would be disappointing to lose such a valuable green space for only 12 dwellings;
- Erosion of the Green Belt;
- The balance has now been struck between the housing needs of Chorley and the ongoing needs of the potential and existing residents;
- Need for affordable housing;
- Who would maintain the slope between the development and Town Lane properties?;

- How would the possibility of land slip be assessed;
- Who will protect and manage the Biological Heritage Site;
- Impact from construction traffic on amenity and highway safety;
- Impact on property values;
- The surface water pond would create a flood risk;
- Contamination risks.

13. An objection has also been received from Whittle-le-Woods Flood Action Group setting out the following concerns:

1. *The assessment appears to be quite detailed for the site itself, however the surrounding area assessment is lacking in detail and is incorrect, not reflecting recent events.*
2. *Despite the scope of the report extending to 'impact on flood risk elsewhere' the report does not mention or take account of pertinent flood events - or refer to the recent section 109 investigation.*
3. *The error in the assessment - as in above point - led WaterCo to determine that an exception test would be unnecessary - we disagree and believe an exception text should be applied.*
4. *The report determines the [this point is blank in the e-mail].*
5. *United Utilities have decided in principle 'Surface water from this site should drain to either soak away or directly to watercourse.' The report recognises that soils are 'clayey with impeded drainage'. So it would seem reasonable to conclude the main route for water drainage will be directly to watercourse.*
6. *The 'unnamed watercourse' referred to in the report, is expected to absorb the surface water run-off. We have previously spoken of the pressure on this natural drain since the creation of the Redrow housing estate and we would like the impact on this watercourse to be analysed further. The decision in principle provided by UU is concerning - we would expect LCC to have a view.*
7. *We note the report does not reference records of surface water or groundwater flooding. Does PFRA not have records of, at least, the most recent floods (June 2012 and Dec 2015)? We understood LCC and the EA were developing an assessment of the area post Dec 15 flooding - is this available?*
8. *We were unable to determine on the maps provided where the proposed site would access the sewer.*
9. *Have the EA reviewed the 'likelihood to flood' ratios?*

*We conclude it is likely the proposed site itself will be low risk from flooding - it is on the side of a hill - however the impact of the development will occur further down from the site. As the local community is still recovering from the most recent flood - 25th Dec 2015 - and are proactively working to improve our resilience (in partnership with CBC, the EA, LCC, the PC) we ask that particular consideration is given to these concerns.*

*We would expect a more thorough and thoughtful assessment be made of the flood risk resulting from the site - and to include the appropriate area. We would like other agencies commenting on the feasibility of the site and the factors relating, to make themselves aware of wider discussions and not in isolation - the consideration should not just be made of the site but the community surrounding it.*

14. A petition has also been received with 145 signatures objecting to the development on the following grounds:

- Impact on highway safety and the increase in traffic without supporting investment
- Impact on school capacity
- Impact on medical services
- Flood risk and surface water run off
- Impact on trees and wildlife.

## **CONSULTATIONS**

15. Whittle le Woods Parish Council: The application to build 12 dwellings on the land adjacent to Lady Crosse Drive, attracted a very large number of concerned residents to our Parish

Council meeting on Monday 12th June. The comments here written reflect not only the Parish Councillors' opinions, but also the concerns of residents.

16. There are a number of concerns with this planning application. These include flooding, the loss of a biological heritage site, the lack of monitoring of planning conditions, the possibility of a connecting road, access onto Town Lane, and the overlooking of existing properties. There is also much concern that previous well founded objections to the Redrow estate were ignored and that the same might occur again.

#### *Flooding*

17. There are major issues with flooding as water levels in this area are already extremely high. Though there are plans to install a holding tank, it is not definite that this would occur. A development on this site would alter the rainwater run-off, and wide-scale tarmac would make the brook flood even more badly than it does at present. We feel the flooding issue is so serious that this proposal should be refused on the flooding issue alone. There was no real depth to the flooding report provided, and Lancashire County Council had not been part of this report. Many residents of Ladycrosse Drive already experience flooding issues, especially in their rear gardens, where sinking patios are common. The culvert installed is not large enough even for current requirements, and neither is the underground tank. It was believed that the drains would all back up onto Town Lane. Given that many of the existing homes in this area are build on soil rather than clay, and haven't got massive foundations, residents are worried that future developments of this type could damage these.
18. It is crucially important that Chorley Council pay heed to these flooding issues now. No longer do serious floods occur once every hundred years, they have occurred twice in five years very close to this site. That cannot be ignored and the problem needs properly prioritising. Putting cures in place is useful, but prevention of flooding is key.

#### *Biological heritage site*

19. An existing biological heritage site would be affected by these proposals. As these sites are not protected by law, they can only be protected by the planning process, so we ask that you bear this in mind. Other recommendations made regarding previously built developments in the village, seem to have been disregarded by contractors. If this application is passed, it will definitely be to the detriment of this site, and the biological heritage status will almost certainly be lost. The nearest proposed house would be positioned right on the edge of the heritage site. For past developments, a buffer zone has been recommended, but has often been ignored. This is all of major concern.

#### *Connecting road*

20. Councillor Bell expressed that Lancashire County Council are keen to open up access from this site onto the Redrow site, though it was agreed at planning stage that the Redrow estate must only feed off the A6. Residents attending our Parish Council meeting felt that a connecting road would be overkill for such a small development. Apparently, Redrow was given reassurance that there will be no break through from one estate to another. There is no need for this development, and certainly is no need for the connecting road, which would turn Ladycrosse Drive into a rat run. The number of pedestrians using this area have increased recently, so the cars will increase too. Redrow have apparently told residents that adequate facilities for Snape Drive have only been put in place to serve the 12 existing houses, so this could make the connecting road uneconomical.

#### *Distances*

21. Regarding the distances between proposed and existing properties, it is clear that the privacy of existing properties would be affected as many would be significantly overlooked. Chairman Bell is particularly concerned about the window distances, and felt that the application could be refused on this issue alone. Also, in the proposal, the levels of the existing houses are marked wrongly. The three houses are 4 metres lower than the plan states. Any new properties must be the same level as existing properties.

#### *Traffic*

22. Such a development will inevitably increase Town Lane traffic near the busy Town Lane junction which is peppered with pot holes already.
23. Greater Manchester Ecology Unit: The information submitted with the application includes an Ecological Assessment. The assessment has been undertaken by an experienced ecological consultancy whose work is known to the Ecology Unit. The report identifies a number of ecological issues associated with the proposal. The Ecology Unit advise that a buffer zone should form part of the eventual landscaping scheme for the site and should be designed to prevent unauthorised access/incursion into the Biological Heritage Site. The Ecology Unit raise no objection subject to recommended conditions.
24. Waste & Contaminated Land: raise no objections and recommend conditions
25. Lancashire Highway Services: raise no objections and recommend conditions
26. Lead Local Flood Authority: no objection to the proposed development subject to the inclusion of conditions.
27. Natural England: No comments to make on this application.
28. Council's Tree Officer: comments that trees within the site comprise a mix of young through to mature. The majority of trees offer screening value around the boundary of the site with others providing habitat value within the local area. A number of trees are graded as low quality or limited merit due to their condition. There is a sycamore and an oak that are good examples.
29. United Utilities: raise no objections and recommend conditions
30. Lancashire County Council (Education): comment that based upon the latest assessment, taking into account all approved applications, LCC are seeking a contribution £113,933.09 for 5 primary school places and 2 secondary school places.

## **PLANNING CONSIDERATIONS**

### Principle of the development

31. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
32. The application site is located in the core settlement area of Whittle-le-Woods, and is part of an allocated housing site covered by Policy HS1.43A of the Chorley Local Plan 2012 - 2026. The development of housing on this site is therefore considered acceptable in principle.

### Access and Highway Safety

33. The proposed development is for up to 12 dwellings to be accessed from Lady Crosse Drive. Lady Crosse Drive is an unclassified road that is a cul-de-sac. The application site is located at the head of the hammerhead to the cul-de-sac and it is proposed to continue the highway from Lady Crosse Drive into the application site to serve up to 12 dwellings. This would effectively extend the cul-de-sac, but the development would not link through to any other roads.
34. LCC Highways consider that this is acceptable in principle as the indicative layout appears to conform to current standards. The proposed connection of the site access to Lady Crosse Drive as shown on plan, SCP/17138/F01 is considered to be acceptable.
35. If the proposed development is to be accepted for highway adoption under the Section 38 agreement of the Highways Act 1980, it would be required to be constructed to the Lancashire County Council Specification for Construction of Estate Roads. The connection of the proposed site access to the existing Lady Cross Drive will be undertaken through

Section 278 agreement of the Highways Act 1980 with the full cost borne by the applicant. The development south of the proposed site includes providing a footpath to link Lady Crosse Drive at the same turning head where the proposed site access connection is to be made. The applicant should therefore take the footpath link into account when designing the access connection.

36. LCC Highways advise that parking for the proposed development should be provided in accordance with the current Chorley Council Parking Standard and the layout design should incorporate sufficient speed control measures to ensure safety.
37. They advise that given the relatively small number of domestic vehicle movements associated with 12 dwellings, it is not considered that there would be any harmful impact on the amenity of the occupiers of Lady Crosse Drive as a result of the proposed scheme. In addition it is not considered that the additional traffic generation would result in any material change to traffic flows in the area or the efficient functioning of the highway network.

#### Flood Risk and Water Resources

38. The entire site is located within Flood Zone 1 on the Environment Agency's Flood Map, indicating a low risk of flooding from fluvial and tidal sources. The site is shown to be located outside of the extreme 0.1% annual probability flood extent.
39. The site is not formally drained and is therefore considered to be 100% permeable drainage at present. The proposed development would introduce approximately 2400m<sup>2</sup> of hardstanding in the form of buildings and access roads. The increase in hardstanding area would result in an increase in surface water runoff rates and volumes. In order to ensure the proposed development would not increase flood risk elsewhere, surface water discharge from the site would be controlled.
40. A flow rate of 5 l/s is proposed for this site to ensure the drainage system is self-cleansing. This has been confirmed as an adequate flow rate by the Lancashire Lead Local Flood Authority (LLFA). Surface water runoff would be discharged to an unnamed watercourse located immediately north-west of the site at a rate of 5 l/s. Surface water runoff up to the 1 in 100 year plus 40% climate change allowance event would be attenuated on site. A total attenuation volume of 128m<sup>3</sup> would be required to achieve the discharge rate and could be provided in the form of a pond located in the lower north western extent of the site, as identified on the indicative layout plan. Other methods for reducing run off rates that may be practical on this site include permeable materials to areas of hard surfacing and underground attenuation tanks.
41. The LLFA agrees with the proposed run-off rate of 5 l/s and considers the proposed run-off destination to be acceptable subject to the applicant providing evidence that infiltration is not possible. The LLFA has no objection to the proposed development subject to the inclusion of conditions requiring a fully detailed and evidenced surface water drainage scheme, management and maintenance arrangements for such a scheme, and the construction of any ponds or attenuation basins prior to the commencement of development.

#### Ecology

42. The ecology surveys and assessments that have been carried out to inform the application have been undertaken by suitably qualified consultants and are to appropriate and proportionate standards. No further surveys need to be carried out before determining the application.
43. This ecological appraisal demonstrates that a residential development at the site is feasible and acceptable in accordance with ecological considerations and the National Planning Policy Framework. It also provides evidence and recommendations that would make it possible to implement reasonable actions for the protection and long-term conservation of fauna such as nesting birds and commuting/foraging bats associated with the site. The appraisal also identifies measures to conserve the habitat connectivity through the site that are feasible.

### *Biological Heritage Site*

44. The site lies directly adjacent to a Biological Heritage Site (BHS): Lucas Lane Pasture. The assessment identifies both direct impacts from construction and indirect impacts during the occupation of the houses on the BHS.
45. With regard to protection of the BHS during construction, the only measure put forward is fencing along the boundary during the works. However more detailed protection measures should be required to avoid any accidental damage to the BHS such as tool box talks and appropriate storage of materials. A condition is recommended to this effect that should be attached to any permission, should it be granted.
46. Although the proposed development would be outside the BHS the design of the proposals appear to show plot 12 being directly adjacent to the BHS, making the BHS vulnerable to activities such as garden encroachment and damage from activities such as dumping of garden waste into the site. It is therefore recommended that the design of the development should differ from the indicative site layout to create a buffer between the BHS and the new housing. The details of the buffer zone should form part of the eventual landscaping scheme for the site and should be designed to prevent unauthorised access/incursion into the BHS. It is recommended that a condition be attached to control this.

### *Other issues Construction Issues*

47. The Ecological Assessment also makes recommendations for protection measures for the trees, shrubs and ditch on the site together with the use of sensitive lighting during the construction and protection of nesting birds. These measures should be incorporated into a construction environmental management plan.

### *Net Gain for Biodiversity*

48. The Assessment makes a number of recommendations for biodiversity enhancement measures. It is recommended that these measures be required by condition should permission be granted, with full details submitted with any reserved matters application.
49. Other recommendations have been made for the grassland outside of the residential area and the proposed pond. It is recommended that full details of the design and long term management of these features be required by condition, should permission be granted, to be submitted with any reserved matters application.

### Trees

50. There are a number of trees across the site and as such the application is supported by a tree survey report. The trees are mostly confined to the periphery of the site, some of which are protected by group and individual tree preservation orders (TPOs). Of particular note is a Goat Willow protected by a TPO close to the proposed access road. The tree survey identifies this as a category C tree, which demonstrates that it is low quality. This is verified by the council's tree officer, who confirms the tree is of low quality. It is therefore considered that if the removal of this tree were necessary to gain access to the site then this should not prevent to the development progressing. Other trees close to the proposed access point are of lesser quality or are small self-seeded trees not worthy of protection.
51. It is not anticipated that works to any other significant trees would be required to facilitate the development of 12 houses on the site.

### Design, layout and impact on neighbouring occupiers

52. The application seeks outline planning permission and the only matter not reserved is access. It is proposed that access to the site would be gained via Lady Crosse Drive. As only access is being applied for, the design and layout aspects of the proposals cannot be considered in detail, however the council need to be satisfied at this stage that the number of dwelling applied for could be satisfactorily achieved on site at any reserved matters stage. However, the application is supported by an indicative site layout and indicative site sections. The indicative layout demonstrates that Lady Crosse Drive would be extended with 12 detached dwellings positioned to the north side of an estate road.

53. Development frontages are indicated to overlook the highway and an area of open green space to the south, between the estate road and development at Lucas Green. Orientating dwellings to overlook the estate road and green space would help to enhance levels of natural surveillance and improve the visual aspect of the development.
54. Whilst matters of siting are not for consideration at this stage, it is noted that the dwellings at 44, 46 and 48 have a very clear view of the application site and are located at a lower level to it. As such, any development of the site would impact upon the occupiers of these properties, and for this reason it is understandable that objections have been received from the occupiers of all three properties, particularly given that they have enjoyed uninhibited views and relative isolation up to this point.
55. The indicative layout plan shows the proposed dwellings with rear elevations facing the rear of existing properties at Town Lane, with an indicative levels difference of approximately 5m. The site layout plans show a minimum of 32m between the proposed dwellings at plots 3 to 5 and the existing dwellings at 44 to 48 Town Lane. It is noted that the Council's guideline standards for facing windows is 21m, but with a need to increase the distance by 1m for every 0.25 increase in difference between slab levels. This would result in the need for a 41m separation. The indicative layout plan shows a separation of 32m, which falls below this standard, however, the height difference shown on the indicative levels demonstrate that if this relationship were to be created then there would be parallel facing windows between the ground floor windows at plots 3 to 5 and the first floor windows at 44 to 48 Town Lane. It would be expected that such a development would include a boundary fence to the proposed dwellings that would screen any views from the ground floor windows of the proposed dwellings.
56. Any windows at first floor in the proposed dwellings as shown on the indicative plans would not be parallel with any windows to dwellings at Town Lane due to the height differential. With regards to the views that would be created from the proposed dwellings over the rear gardens to properties on Town Lane, on the basis of the indicative layout, these would again be at an angle due to the height difference and would be positioned 21m from the boundary. The council's guideline standard for habitable room windows to boundaries is 10m. Given the angle of any views from first floor windows and degree of separation it is not considered that there would be any harmful impact on privacy from this relationship.
57. If the degree of separation alone were not considered sufficient to overcome privacy concerns then the layout of any proposed dwellings could be positioned at an oblique angle relative to the dwellings at Town Lane (similar to plots 1 and 2).
58. With regards to the impact on outlook any proposed dwellings would undoubtedly be visible, particularly given the difference in levels. In addition to this any cut and filling to alter levels and boundaries as shown on the indicative layout would result in a material impact on outlook. The plan indicates that the top of any such slope and boundary would be positioned approximately 13m from the rear windows to dwellings on Town Lane, with the proposed dwellings themselves approximately 32m away. Although this would impact on the outlook of the occupiers of dwellings at Town Lane it is not considered that the impact would be so harmful that such an impact would be unacceptable and the application could be refused.
59. Although the dwelling would be positioned to the south of those at Town Lane the degree of separation is such that there would be no unacceptable loss of light.
60. It is not considered that the indicative layout provided would have any unacceptable impact on the amenity of the occupiers of Lady Crosse Drive to the west, Snape Drive to the south of the amenity of potential future occupiers, due the degree of separation.
61. In relation to the indicative layout the dwelling at plot 6 would ideally be positioned further from the boundary to with the dwellings on Town Lane, and / or angled, to avoid any unacceptable impact on privacy. A landscape buffer should also be defined between plot 12 and the BHS that does not form part of any domestic ownership or curtilage.

62. Given the scale of dwellings shown on the indicative layout plan and low density of the site it is considered that there would be a degree of flexibility in relation to the details of any future scheme to be considered. It is considered that on the basis of the indicative layout a sufficient degree of separation between the existing properties at Town Lane, Lady Crosse Drive and the recent development to the south can be achieved so as to ensure that there would be no harmful impact on the amenity of neighbouring occupiers. As such it is considered that the proposed development of 12 dwelling can be designed without causing any unacceptable loss of amenity for existing residents and the future residents within the proposed development.

#### Public Open Space

63. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, based upon the standards within the Local Plan Policies HS4A and HS4B and the approach in the SPD, the various open space typologies will be required as follows:

#### *Amenity greenspace*

64. The Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a surplus of provision in Whittle-le-Woods in relation to this standard; a contribution towards new provision is therefore not required from this development. However, there is an area of amenity greenspace within the accessibility catchment (800m) that is assessed as low quality in the Open Space Study (site 1428 – Orchard drive Play Area, Whittle-le-Woods). A contribution towards the improvement of existing provision is therefore required from this development. The amount required is £140 per dwelling.

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

65. There is currently a surplus of provision in Whittle-le-Woods in relation to this standard; a contribution towards new provision is therefore not required from this development. However, the site is within the accessibility catchment (800m) of an area of provision for children/young people that is identified as being low quality in the Open Space Study (site 1535.1 – Delph Way, Whittle-le-Woods). A contribution towards improvement of existing provision is therefore required from this development. The amount required is £134 per dwelling.

#### *Parks and gardens*

66. No contribution is required.

#### *Natural/semi-natural greenspace*

67. No contribution is required.

#### *Allotments*

68. There is no requirement to provide allotment provision on site within this development. A new allotment site within the accessibility catchment (10 minutes' drive time) is proposed at Land at Sylvesters Farm, Euxton (ref HW5.2), so a contribution is therefore required from this development. The amount required is £15 per dwelling.

#### *Playing pitches*

69. 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.

70. These contributions would be secured through a section 106 agreement.

#### Sustainable resources

71. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which

effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

72. *“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.”*
73. *“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.”*
74. As such, there is a requirement for the proposed dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

#### Community Infrastructure Levy (CIL)

75. 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 will be a chargeable development and the charge is subject to indexation in accordance with the Council’s Charging Schedule.
76. Lancashire County Council have requested a contribution of £113,933.09 towards 5 primary school places and 2 secondary school places. Although the comments of the Education Authority are noted, this is an allocated housing site in the Local Plan and education is covered by CIL and the developer will pay CIL on the residential properties. As a result a request for further information justifying their request has been made, including with how the request meets the legal tests set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). No further evidence has been provided, so it is not considered that the request can be sought from the development.

#### Other matters raised

77. With regard to the potential from structural impact from ground works: The safe development of the site rests with the developer.
78. It would be disappointing to lose such a valuable green space for only 12 dwellings: The site is currently a green field that does provide a degree of amenity to local residents through some informal usage and the visual amenity that it provides. It is clearly valued for these purposes by local people, however, the site is allocation for housing within the Chorley Local Plan 2012-2026 and therefore the principle of developing the land for housing has been established.
79. Erosion of the Green Belt: The site is not in the Green Belt.
80. The balance has now been struck between the housing needs of Chorley and the ongoing needs of the potential and existing residents: The site has been identified within the Chorley Local Plan 2012-2026 for housing and is therefore required to help meet the identified housing need for the Borough within the plan period.
81. Need for affordable housing: No affordable housing has been specified within the application as the total number of dwellings proposed falls below the policy threshold (15 Dwellings). It

is not considered that the number of dwellings proposed has been artificially reduced to avoid this threshold as the topographical constraints of the site are clear, and larger detached dwellings that take up more space are in keeping with the character of the area.

82. Who would maintain the slope between the development and Town Lane properties?: The applicant's agent has proposed that any slope or retaining structure would be deeded to future occupiers and would become the responsibility of future occupiers, although as the application is in outline only it is unknown what, if any, retaining structures or slopes may be incorporated at this stage.
83. How would the possibility of land slip be assessed: The safe development of the site rests with the developer.
84. Who will protect and manage the Biological Heritage Site (BHS): The management and protection of the (BHS) is the responsibility of the land owner.
85. Impact from construction traffic on amenity and highway safety: Although it is noted that construction traffic would need to access the site through unclassified estate road this is a temporary impact that can be controlled through a construction management plan (CMP). It is recommended that a CMP be required by condition of any grant of planning permission.
86. Impact on property values: This is not a material planning consideration.
87. The surface water pond would create a flood risk: the surface water pond has been designed to mitigate the effects of surface water run-off and reduce the risk of flooding.

## CONCLUSION

88. This is an allocated housing site within the Adopted Local Plan and as such the principle of housing on this site is acceptable. The Highway Authority are satisfied with the proposed access arrangements and all other detailed matters will be assessed at reserved matters stage. As such the scheme is recommended for approval.

**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.

## RELEVANT HISTORY OF THE SITE

**Ref:** 11/00795/SCE **Decision:** PESCEZ **Decision Date:** 21 September 2011

**Description:** EIA Screening Opinion for Land west of Lucas Lane, Whittle-le-Woods

**Ref:** 11/00992/OUTMAJ **Decision:** REFFPP **Decision Date:** 14 February 2012

**Description:** Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access.

**Ref:** 12/00362/OUTMAJ **Decision:** REFFPP **Decision Date:** 13 June 2012

**Description:** Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access (resubmission of previous application 11/00992/OUTMAJ)

**Ref:** 12/01244/REMMAJ **Decision:** PERFPP **Decision Date:** 6 March 2013

**Description:** Reserved Matters application for residential development comprising of 121 dwellings and associated works (pursuant to outline permission ref: 11/00992/OUTMAJ).

**Ref:** 13/00124/TPO **Decision:** PERFPP **Decision Date:** 28 March 2013  
**Description:** Application to remove two trees covered by Tree Preservation Order 7 (Whittle-le-Woods) 1996: 1) an oak adjacent to 36 Dunham Drive, 2) an oak adjacent to 31 Dunham Drive, and crown raising of a sycamore tree to a height of 5.5m adjacent to number 47 Dunham Drive, all to facilitate two access points into new development.

**Ref:** 13/00804/OUTMAJ **Decision:** PEROPP **Decision Date:** 25 November 2013  
**Description:** Section 73 application to vary condition 11 (Code for Sustainable Homes) attached to outline planning approval 11/00992/OUTMAJ

**Ref:** 14/00563/REMAJ **Decision:** PERFPP **Decision Date:** 8 August 2014  
**Description:** Reserved Matters planning application for residential development comprising of 34 dwellings and associated works (re-plan of north part of the site).

**Ref:** 14/01107/TPO **Decision:** PERTRE **Decision Date:** 15 December 2014  
**Description:** Application to fell tree No. 131 (Mature Oak) covered by TPO 19 (Whittle le Woods) 2011 to be replaced with 12 heavy standard trees within this part of the site

Suggested Conditions  
To follow.