

APPLICATION REPORT – 17/00857/FULMAJ

Validation Date: 5 September 2017

Ward: Euxton South

Type of Application: Major Full Planning

Proposal: Erection of 37 dwellings and associated landscaping and infrastructure

Location: Land 10M South Of 21 Dunrobin Drive Euxton

Case Officer: Mr Iain Crossland

Applicant: Redrow Homes Lancashire Division

Agent: Mrs Ella Gartland

Consultation expiry: 9 October 2017

Decision due by: 19 January 2018

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions and S106 legal agreement.

SITE DESCRIPTION

2. The application site is located within the settlement area of Euxton and is allocated for housing under policy HS1.40 of the Chorley Local Plan 2012 – 2026. The site has a total area of 1.8Ha and is bound by the west coast mainline railway to the east and an area of open land between the site and the A49 Wigan Road to the west. There is a residential housing estate to the north, from where access is proposed, and an area of open land between the site and the River Yarrow to the south.
3. The application site is relatively flat but slopes towards the south and west before the land starts to fall more steeply towards the River Yarrow and Wigan Road. The site itself is an open area of grassland with ponds and an area of copse to the east. There are mature trees to the north and east of the site, some of which are protected by Tree Preservation Orders (TPOs).
4. The character of the area is typical of the urban rural fringe with suburban residential housing to the north and agricultural land to the south. The application site itself is contained and defined by the topography and physical features surrounding the site including the housing estate, railway line and A49.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks planning permission for a residential development of 37 dwellings with associated car parking and landscaping on land off Dunrobin Drive, Euxton. Vehicular access is sought from the existing estate road at Dunrobin Drive.

REPRESENTATIONS

6. Representations have been received from the occupiers of 30 addresses in objection to the proposed development. These raise the following issues:
 - Impact on highway safety.
 - Impact of the proposed development on the efficient functioning of the A49.
 - Congestion around the junction of Dunrobin Drive and the A49 and difficulty exiting Dunrobin Drive.
 - The junction of Dunrobin Drive and the A49 is not capable of handling the proposed development.
 - The estate road of Dunrobin Drive is not suitable for a development of the size proposed.
 - The estate road of Dunrobin Drive is not suitable for construction traffic.
 - Impact of construction traffic on amenity of local residents.
 - Access to the site should be created directly from the A49.
 - Impact on residential amenity through light, outlook and privacy.
 - Impact on character of the area.
 - Concerns about surface water run-off and flood risk.
 - The developer should use a flow rate of 9.4l/s.
 - Can the attenuation basin be accessed for maintenance?
 - The amount of hardstanding needs readjusting.
 - Further surface water drainage plans are required.
 - The impact of any vehicular access created to the A49 would be unacceptable.
 - Impact on the peaceful character of the area.
 - Existing problems with lack of parking and inconsiderate and illegal parking practices would obstruct construction traffic.
 - No need for 37 more houses.
 - The proposed development would prevent children from playing in the road.
 - Damage caused to the highway through construction / mud on the road.
 - The ponds and landscaping should be located to the west.
 - There should be a circular footpath around the site.
 - Wildlife corridors should be created and native species planted.
 - Impact on protected trees.
 - Ecological impact.
 - The site encroaches into the Green Belt.
 - Lack of consultation.
 - Local schools are over subscribed.
7. **Cllr Platt - Chorley Councillor for Euxton South** – Comments that having visited Dunrobin many times she understands the residents' concerns and objections to this application on the grounds of access.
8. Dunrobin Drive was designed to be a winding road to keep traffic slow but, this causes problems with access for large vehicles due to parked cars.
9. She would like to see that LCC Highways have measured, mapped, and tested that the types of vehicle movements required to take place on this road will fit; the types of loads which may be required for this construction are large low loaders with roof trusses, large delivery wagons with loads of bricks and a lifting arm on the back, delivery of cranes and diggers.
10. To this end, she objects to this application on the grounds of the access road including, road safety, access and construction delivery problems.

CONSULTATIONS

11. **Euxton Parish Council:** Comment that the land is allocated for housing under the Chorley Local Plan and the Parish Council makes no objection to the housing layout and other details of the proposed development shown with the application.
12. The Parish Council does, however, remain concerned, as it did when the Local Plan was in preparation, at the access proposed for the development and is disappointed that the application includes no steps to address this issue. They consider that the junction formed where the estate road meets Wigan Road (A49) does not have the capacity to deal with existing or future traffic, as it is frequently blocked by traffic approaching the nearby roundabout junction. The proximity of the roundabout also renders the junction with the estate dangerous as drivers on A49 are pre-occupied with the roundabout and drivers and pedestrians at the estate junction misunderstand signals given by drivers on A49.
13. The existing estate, although it has a short spur leading into the development site which gave occasional farm access into the field, was not designed to accept this additional traffic.
14. Additionally, there are serious concerns relating to the adequacy of the access to the site, through the existing estate, whilst the works are in progress. All construction vehicles, to and from the building site (which is on very wet land), must pass through the narrow estate road which is wholly unsuitable for vehicles of this nature.
15. Given the above the Parish Council objects to the application in its current form.
16. **The Coal Authority:** Any comments will be reported.
17. **Environment Agency:** Have no comments to make.
18. **Greater Manchester Ecology Unit:** Have no objection subject to conditions.
19. **Waste & Contaminated Land:** Any comments will be reported.
20. **Lancashire Highway Services:** Have no objection subject to conditions.
- 21.
22. **Lead Local Flood Authority:** No objection subject to conditions.
23. **Natural England:** Have no comments to make.
24. **United Utilities:** Have no objection subject to conditions.
25. **Network Rail:** Have provided general advice and have no objection subject to appropriate boundary treatment.
26. **Lancashire Wildlife Trust:** Have provided general and have no objections.
27. **Lancashire County Council (Education):** Seek to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a developer contribution.

PLANNING CONSIDERATIONS

Principle of the development

28. 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.

29. The application site is located in the core settlement area of Chorley, and is part of an allocated housing site covered by policy HS1.40 of the Chorley Local Plan 2012 - 2026. The development of housing on this site is, therefore, considered acceptable in principle.
30. In addition to this, it is noted that the application site was included within the Council's housing land supply statement that was submitted as part of the Council's case in defence of the recent planning appeal at Pear Tree Lane, Euxton (ref. APP/D2320/W/17/3173275), which was dismissed.
31. It is noted that part of the location plan extends beyond the housing allocation and into the Green Belt. This is to incorporate the proposed attenuation pond. The works to form the attenuation pond are considered to be an engineering operation in accordance with paragraph 90 of the Framework. Engineering operations are not necessarily inappropriate development within Green Belt locations providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
32. The proposed pond and landscaping would preserve the openness of the Green Belt and would not conflict with the purposes of including land in Green Belt in accordance with paragraph 90 of the Framework. The proposals therefore do not represent inappropriate development within this Green Belt location.

Design and impact on the character of the area

33. The proposed development would be located to the south of the residential housing estate at Dunrobin Drive, Euxton. The site is bound by Network Rail land to the east and open land between the site and A49 to the west. As such the site is not visually prominent.
34. The proposed development consists of a single main access road which divides to form two cul-de-sacs. There would also be an access to the proposed public car park. The access road would continue the character of the existing estate road with dwellings facing onto the highway.
35. The majority of the proposed dwellings are detached although there are a small number of mews style properties and apartments to the western part of the development. The estate roads and layout follow a logical pattern and would incorporate a range of dwelling types and designs that would provide character and interest, whilst the dwellings themselves would include some consistent materials and details that would provide a level of coherence.
36. The design of the dwellings themselves are traditional in appearance and they would include red brickwork and white render to reflect the existing local vernacular and character. Features such as gables, bay windows, porches, varying set backs, projecting brick dentil courses and hanging tiles would be applied to provide diversity and interest. It is noted that there is a range of property types in the area and that the proposed dwellings reflect the scale of existing dwellings and the suburban setting.
37. The properties would all have garden areas providing sufficient space for the storage of bins and driveway parking. Some of the properties would also have detached garages situated in inconspicuous positions. The frontages would be open plan contributing to an open and uncluttered street scene, and boundary treatments have been selected so that prominent side gardens would have screen walls rather than fences enclosing them.
38. The overall density of the development would be relatively low, but reflects the suburban character of the area and density of nearby housing estates.
39. There would be an area of public amenity greenspace to the east of the site where two ponds would be located. This would form an attractive area of public open space incorporating the woodland copse, and would be accessible via footpath. The retention of the trees would also help to form an attractive natural feature on entry to the estate. There are numerous mature trees to the periphery of the site which would largely be retained in accordance with the proposed landscaping and tree protection plan, which would help to

frame the development within the landscape to some extent. Native species would be included as part of the proposed landscaping scheme.

40. Overall, the layout and design of the proposed development is considered acceptable and appropriate to the existing surrounding development and is in accordance with policy 17 of the Core Strategy.

Impact on neighbour amenity

41. There is a sufficient degree of separation between the existing dwellings of Dunrobin Drive, Wigan Road and the proposed dwellings to ensure that the Council's spacing guidelines are met. As such it is considered that the proposal would not result in any loss of amenity for existing residents or the future residents within the development.
42. The properties at 14, 15, 21 and 22 Dunrobin Drive have the closest relationship with the site. The relative positioning and degree of separation between these existing dwellings and the proposed dwellings is such that there would be no unacceptable impact on outlook, light or privacy. It is noted that the trees between the application site and the existing dwellings at 14, 15 and 21 Dunrobin Drive are to be retained. This would help to filter views between the proposed and existing dwellings and would help to soften the visual impact in relation to the existing dwellings.
43. In terms of the interface distances between the proposed properties, these are considered to be acceptable in relation to the Council's guidelines taking into account the level changes across the site. The proposal is, therefore, considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed properties themselves.
44. It is recognised that the continuation of Dunrobin Drive would result in additional traffic movements through the estate road, however, it is not considered that an additional 37 dwellings would not result in such a weight of traffic so as to cause unacceptable harm to residential amenity through noise and disturbance.

Impact on highways/access

45. The application submission includes a Transport Statement (TS) setting out the transport issues relating to the proposed development site and details of the development proposal. The TS was analysed by LCC Highways taking into account the proposed access strategy, measures to reduce need to travel by car, accessibility of the site by sustainable modes of travel such as walking, cycling and public transport; the impacts of trips associated with the development on the existing highway network and the applicant's proposed measures towards managing and mitigating such impacts. Site visits were undertaken as part of the highway authority assessment of the proposed development.
46. In conclusion LCC Highways raised an objection to the proposed development on the grounds that the inadequate assessment under taken by the developer fails to clearly demonstrate that the development would not have a severely adverse impact on the highway network and as such does not comply with paragraph 32 of the Framework.
47. Further to the LCC Highways response of 24 November 2017, a joint meeting took place between Officers from LCC, Chorley Council, the developers, Redrow and their Consultants, Axis on 9 January 2018 to consider the initial highway objection raised to the proposed development and find a way forward. This is in line with LCC's 'one team' approach, which involves working closely with all stakeholders to facilitate developments within the County.
48. Following the meeting, the applicant submitted scheme proposals to address the highway concerns taking into account the discussions, which in the main relates to the junction of the A49 Wigan Road and Dunrobin Drive and the A49 Wigan Road/A581 Dawbers Lane mini roundabout. LCC Highways studied the proposals, which were subject to Stage 1 Road Safety Audit and agreed that the following measures as described by the applicant be implemented.

A49 Wigan Road/Dunrobin Drive:

49. White line junction improvement option at A49 Wigan Road / Dunrobin Drive junction to deliver a small ghost island right turn 'pocket' for right turn movements from the A49 (S) to Dunrobin Drive. This layout can be delivered within the existing carriageway extents and would improve right turn traffic movements at the junction. The proposals would also include a small section of increased footway width on the western side of A49 Wigan Road to help channel traffic and assist pedestrian access across the nearby private garage side road access point. In line with good practice guidance, the principles of this local highway improvement scheme have been subject to an Independent Stage 1 Road Safety Audit (RSA) review.

A49 Wigan Road/A581 Dawbers Lane mini roundabout:

50. Full re-marking of the A49 Wigan Road / A581 Dawbers Lane mini roundabout junction, including the inclusion of additional red 'over-run' markings to the roundabout central markings and minor amendments to the A49 northbound entry markings (in response to safety audit comments). LCC have also undertaken detailed investigations of whether options exist to provide some measure of marked/physical deflection on the A49 Southbound approach to this junction. However, due to the combination of:
- a) the presence of significant buried infrastructure services within the adjacent footway (which effectively rule out any intrusive carriageway works in this location) and,
 - b) the practical design limitations associated with large HGV vehicle tracking on any works that would involve changes to the current marked central splitter island it can only be concluded that there are no practical options to improve this location within current constraints.
51. LCC Highways has seen scheme drawings and vehicle tracking information to confirm that physical deflections cannot be safely accommodated on the southbound approach to the mini roundabout. LCC however considers the proposed measures adequate to address the problem of vehicles speeding through the roundabout which often leads to conflicts with vehicles from Dunrobin Drive waiting to merge onto the A49 Wigan Road. The scheme is shown on submitted drawing no. 2235-01-SK104 dated 22.01.2018.

Internal Layout and Parking

52. The applicant has amended the proposed site plan taking into account comments made in the highway response. The submitted amended plan is referenced, DSL-001-DR revision G and dated, 22.08.17. The amended plan was analysed by LCC Highways and found satisfactory. The development should be constructed to the Lancashire County Council Specification for Construction of Estate Roads to ensure satisfactory access and in order to be acceptable for adoption under the Section 38 agreement of the Highways Act 1980. The connection of the proposed access road to the existing Dunrobin Drive should be undertaken as part of the s278 works.

Existing Traffic Conditions

53. In a letter responding to the formal LCC Highways comments dated 22 January 2018, the applicant undertook a further site visit to corroborate the statement in the highways response that it only took 3 to 4 northbound vehicles to queue on the approach to prevent vehicles from Dunrobin Drive from undertaking safe right turns. The applicant however sought to defend their earlier position that it should not be unusual for traffic leaving Dunrobin Drive to keep waiting until given the opportunity to join the queue on the A49 Wigan Road by a driver who is willing. The highway authority again disagrees with the applicant and expects the proposed measures to resolve the issue of safe right turns for traffic leaving Dunrobin Drive. The approved improvements e.g. the widening of footway between the two entrances should go a long way in assisting safe access and egress of the adjacent garage and the Euxton Mill pub.

Sustainability / Accessibility (Walking, Cycling & Public Transport)

Dropped kerbs and tactile pavings

54. As requested in the LCC Highways response, the applicant has agreed to provide dropped crossings and tactile pavings on Dunrobin Drive at all junctions where there are currently no such provision from Wigan Road to the proposed site. However, it should be noted that the works would be undertaken through the section 278 agreement of the Highways Act 1980, instead of the S106 contribution stated by the applicant.

Cycle route

55. The applicant has indicated that since the current CIL Regulation 123 for delivery of cycle infrastructure in the area includes Dunrobin Drive, the provision of the shared pedestrian cycle route requested in the highways response should be funded using the CIL. The Local Authority proposed cycle infrastructure projects to be funded by the CIL in this area is Euxton-Wigan Road and School Lane and does not include Dunrobin Drive, as such it is unlikely the cycle route can be delivered using the CIL fund. However, at the joint meeting, the applicant explained that although a cycle route within the section of road explained in the highway response is plausible, the narrow footway on the bend at Wigan Road/Balshaw Lane is a constraining factor and may compromise cyclist safety and if an on-road cycle route is alternatively provided, this would still not contribute to highway safety at the junction. Having considered the safety implications, LCC Highways would not insist on the provision of the cycle route.

Public Transport

56. The applicant was requested in the highway response to carry out an upgrade of the existing bus stop at the A49 Wigan Road/Anderton Road. While the applicant agreed to the bus stop upgrade, further site investigation has revealed a number of utility service chambers and buried services in the footway which would impact the ability to provide the upgrade with raised boarding area with cost implications. However, the applicant has agreed to fund the delivery of new bus stop bay, carriageway markings (including clearway) and signage/information panel. The applicant's proposal is accepted. However, the delivery should be through S278 and not S106 as indicated.

Traffic impact assessment, Link capacity and Junction assessment.

57. Given the discussions at the meeting, further highway comments on the above to the applicant's response is not considered necessary at this stage.

Removal of existing traffic signs and provision of new.

58. LCC Highways accept that these matters were not picked up in the discussions at the joint meeting. However, it has been considered that the existing 'Give-way' sign currently erected above the mini roundabout sign and the 'Keep left' sign on the beacon column both on the northbound approach are inappropriate for this location and need to be removed. In place of the 'Keep left' sign, an additional mini roundabout sign is required on the northbound approach. The 'Keep left' sign on the southbound approach also needs to be removed. The highway authority would carry out the removal and replacement of the signs as part of its routine maintenance to enhance traffic signage at the mini roundabout.
59. LCC Highways confirms that the proposed development is now acceptable on the basis that appropriate highway safety measures are implemented. It is recommended that appropriate conditions are attached to any grant of planning permission to secure these highway safety measures, and it is noted that the applicant would be required to enter into a section 278 agreement with Lancashire County Council as the highway authority.

Ecology and trees

60. Due to the nature of the application site, the application is supported by an Ecological Survey and Assessment, as well as supplementary reports. These have been reviewed by the GMEU Ecologist. They advise that ecology surveys that have been undertaken in support of the application have been carried out by suitably qualified consultants and are generally to appropriate and proportionate standards.

61. The site comprises a single field of semi-improved neutral grassland with marginal tall-herb vegetation, bramble scrub and semi-mature and mature trees. Two ephemeral ponds are present in the eastern area of the site. Habitats immediately outside the red line development area boundary comprise scrub, tall-herb vegetation and deciduous woodland (Priority Habitat).
62. The ecology report states that the site and the adjacent land has no statutory or non-statutory designation for nature conservation and no designated sites would be directly or indirectly adversely affected by the proposals.
63. No species-rich habitats are present. No rare or uncommon plant species were detected at the site. None of the semi-improved grassland habitats and tall-herb vegetation within the site are of significant interest in terms of their plant species composition.
64. The semi-mature and mature trees on the site boundaries are of local value as they function as minor wildlife corridors and provide habitat for animal life. The retention and protection of the trees is considered feasible within the remit of the development proposals, and is reflected in the tree protection plan.
65. The site lies adjacent to habitats, which function as wildlife corridors (semi-natural woodland of Priority Habitat status to the south and the railway corridor to the east). These would be protected by an appropriate area of buffering.
66. Indian Balsam and Crocosmia, both invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), are present at the site. The control of these species is recommended and once applied and replaced with more favourable habitat in the eastern area of the site would significantly enhance the diversity of habitat present.
67. A 'medium' population size class of great crested newts (GCN) has been detected at an off-site pond approximately 65 metres north. Terrestrial habitats within the site are suitable for use by GCN and the presence of individual GCN in the site cannot be discounted. Common toad, a Priority Species is also present in the wider area.
68. The presence of GCN does not preclude the development proposals. It is concluded that appropriate mitigation to achieve a Natural England European Protected Species Mitigation (EPSM) licence to enable the works to proceed legally and ensure the protection of GCN and other amphibians including common toad, is entirely feasible, as set out in the Great Crested Newt Surveys and Mitigation Strategy (ERAP (Consultant Ecologists) Ltd, submitted in support of the application. The mitigation strategy proposed would contribute to the sustainable conservation and proliferation of GCN in the local area.
69. The trees on the site boundaries have been assessed to have suitability for use by roosting bats (one high suitability, five moderate suitability and seven low suitability). All these trees are to be retained. It is noted that the proposed dwellings would be located at similar distances to the protected trees as those of the existing estate. The positioning of the proposed dwellings relative to the trees, along with their separation is such that the trees would not in themselves present a nuisance to future residents and would not be harmed provided that adequate protection measures are put in place throughout the course of development.
70. The ecologist at GMEU accepts the findings of the ecology surveys and supplemental reports, and raises no objection to the proposed development subject to the attachment of conditions. It is considered that the ecological impacts of the proposal have been fully considered and as such it is considered that the Council, subject to suitable conditions, has discharged its obligations in consideration of any potential impact on protected species.

Drainage

71. The applicant has provided a flood risk assessment (FRA) and drainage strategy with the planning submission. The Lead Local Flood Authority (LLFA) have assessed the site in consideration of this strategy and are satisfied at this stage that the proposed development

can be allowed in principle. The LLFA consider that the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the properties north of the site. These are namely, 289 Wigan Road, Euxton Methodist Church and houses on Dunrobin Drive adjacent to the north of the site.

72. It is understood that a main surface water drain serving the existing houses on Dunrobin Drive and land drainage to the fields for the new development crosses the church site and passes under one of the church buildings. The LLFA are aware there has been previous flooding on the church site as a result of surface water overflowing from the surface water drain and from water running from the development site down the banking along the eastern boundary of the church. It would appear that this is aggravated further by a small valley along a boundary between 14 Dunrobin Drive and the development site where it becomes a stream during very wet weather and passes through the garden and into the churchyard below. The applicant's drainage strategy must, therefore, ensure that it mitigates flood risk on-site and off-site.
73. The LLFA has highlighted that the FRA submitted states that no geotechnical survey has been undertaken at this stage. It is, therefore, unknown whether infiltration techniques would prove feasible. The applicant is reminded that Paragraph 103 of the Framework requires priority use to be given to sustainable urban drainage systems (SuDS) and in accordance with Paragraph 80, Section 10 of the Planning Practice Guidance the preferred means of surface water drainage for any new development is via infiltration. The applicant must submit evidence as to why each 'level' of this hierarchy may not be achieved.
74. 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. For example, should the applicant intend to use a soakaway, they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365 revised 2016.
75. The LLFA also strongly encourages that the developer should take into account designing drainage systems for exceedance working with the natural topography of the site. Should exceedance routes be used, the applicant must provide a site layout plan with these displayed, in line with Standard 9 of DEFRA's Technical Standards for SuDS.
76. The FRA states there is a surface water sewer outfall located to the north of the site that discharges to the River Yarrow and the applicant intends to discharge to the River Yarrow via the drain downstream of the outfall. Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), consent would be required from the Lead Local Flood Authority to build a culvert or structure (such as a weir) or carry out works within the banks of any ordinary watercourse, which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.
77. If the applicant wishes to construct an outfall in the River Yarrow, it is noted that this is classed as a main river. Therefore, any flood risk activity that the applicant wishes to carry out, for example discharging surface water from the proposed development, may require an environmental permit from the Environment Agency.
78. Historic maps indicate there is an existing pond located to the east within the proposed development site. It is unknown whether there are historic/unidentified culverts from this existing pond as they have the potential to cause a flood risk if they are unidentified and unaccounted for in the drainage design and layout of development proposal. It is, therefore, advised that the applicant identifies the current location of any culvert(s) from the existing pond to ensure that it is appropriately accounted for and considered in the sustainable drainage design for the development proposal.
79. Drawing DSL-001-DR – Detailed Site Layout, specifies new ponds to the east of the site and an attenuation pond located at the south west of the site. It is considered critical that the

ponds are constructed and operational prior to any construction phase. This would ensure that site drainage during the construction process does not enter the watercourses at un-attenuated rates causing un-necessary flood risk.

80. It is advised that the applicant submits to the local planning authority details of how surface water and pollution prevention (Information on pollution prevention measures in line with Pollution Prevention Guidance (PPG)) would be managed during each construction phase of the development. A number of conditions are recommended to ensure that an appropriate surface water drainage scheme is designed and implemented at the necessary stages taking account of the particular circumstances of the site.

Affordable Housing

81. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size (which this is), in urban areas such as this. Eleven of the dwellings proposed are to be affordable, which equates to 30% and would ensure that the policy requirement is achieved. This would need to be secured through a Section 106 legal agreement.

Sustainability

82. 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.”

83. 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.

Public Open Space (POS)

84. 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.
85. The applicant has agreed to enter into a Section 106 agreement to make a contribution towards the requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026.

Community Infrastructure Levy

86. 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.
87. Lancashire County Council (LCC) as Education Authority seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a developer contribution. The request for a contribution from LCC Education is noted, however this is an allocated site and education requests such as this are included in the CIL levy.

Other matters

88. Impact of construction traffic on highway safety: Concerns have been raised with regards to the impact of construction traffic using Dunrobin Drive on highway safety and public amenity. It is recognised that this would lead to a period of disruption for residents of Dunrobin Drive. It is, however, recognised that this would be a temporary impact and that construction sites are often located within urban areas close to residential properties and smaller highways that are normally only used by cars. It is considered that in circumstances, such as this, where construction is likely to impact on residential amenity and the efficient functioning of the highway network that a construction method statement is provided prior to the commencement of development. This would include information about vehicle routing, delivery times, details of site operation, materials storage, wheel wash facilities etc, and it is recommended that this is required by condition.
89. Can the attenuation basin be accessed for maintenance?: It would be possible to access the attenuation pond for maintenance as required.
90. The amount of hardstanding needs readjusting: The amount of hardstanding is not considered excessive, and is appropriately located.
91. Further surface water drainage plans are required: Surface water drainage details would be required by condition.
92. The impact of any vehicular access created to the A49 would be unacceptable: The proposed development would not be accessed via the A49.
93. The proposed development would prevent children from playing in the road: The proposed development would result in additional traffic using the estate road, however, it is not recommended that children should play in the road in any case.
94. Damage caused to the highway through construction / mud on the road: Wheel wash facilities would be required on site as part of the construction method statement.
95. The ponds and landscaping should be located to the west: The ponds and landscaping are located in the most appropriate position in consideration of existing landscape features.
96. There should be a circular footpath around the site: This is outside the scope of the planning application.
97. Lack of consultation: Letters of notification were sent to the 34 addresses most affected by the proposed development. In addition to this, an advert was placed in the Chorley Guardian, a site notice posted at the proposed site entrance and the application available on the Council website.

CONCLUSION

98. The application is recommended for approval subject to conditions and a Section 106 agreement securing affordable housing and a financial contribution towards the provision of public open space.

RELEVANT HISTORY OF THE SITE

Ref: 07/00104/TPO **Decision:** PERTRE **Decision Date:** 20 April 2007
Description: Cut back over hanging branches of Oak tree T4 and small bearded growth and cut back branch to 1st form on limb of Oak tree T5 covered by TPO11 (Euxton) 1987

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

Suggested Conditions

To follow