

Item 3	08/01253/OUTMAJ Outline App Permitted with Legal Agmnt
Case Officer	Mr Andy Wiggett
Ward	Coppull
Proposal	Outline application for residential development for 33 dwellings including access and scale
Location	Waggon & Horses Public House 2 Coppull Moor Lane Coppull ChorleyPR7 4LL
Applicant	C/O Agent
Proposal	<p>The application is in outline form and proposes the demolition of the Waggon and Horses public house at the corner of Coppull Moor Lane and Chapel Lane and the redevelopment of the site and what is now an adjoining field for 33 dwellings. The application is accompanied by an illustrative layout but is only seeking approval to access and scale with the remainder being reserved for a further application. The site is bounded by 2 storey dwellings to the north on Summerfields, a main railway line to the west, Chapel Lane to the east and Coppull Moor Lane to the south with dwellings beyond.</p>
Policy	<p>Regional Spatial Strategy: Policy DP1: Spatial Principles Policy RDF1: Spatial Priorities Policy RDF2: Rural Areas Policy L4: Regional Housing Provision Policy CLCR: Central Lancashire City Region Priorities</p> <p>Chorley Borough Local Plan Review DC3 – Areas of Safeguarded Land DC10 – The Protection of Community Facilities in Rural Areas HS4 – Design and Layout of Residential Areas HS5 – Affordable Housing GN5 – Building Design and Retaining Landscaping Features and Natural Habitats TR4 – Highway Development Control Criteria</p> <p>Planning Policy Statement 1: Delivering Sustainable Development Planning Policy Guidance 2: Green Belts Planning Policy Statement 3: Housing Planning Policy Guidance 13: Transport</p>
Planning History	None relevant
Consultations	<p>Environment Agency – No objection in principle subject to a condition requiring surface water attenuation Neighbourhoods Directorate – Applicant has submitted a phase one report which appears to be satisfactory. Phase two (intrusive site investigation) is required along with any remedial measures where necessary. Crime Reduction/Architectural Liaison Officer – Could a play facility for children be provided within the layout. The applicant</p>

states that they intend that the site will be designed to achieve Secured by Design Certification. The applicant should contact him at the earliest opportunity.

Lancashire County Council Highways – have concerns about the access arrangements in that the development is for more than 5 dwellings off roads that are not to adoptable standard.

Lancashire County Council Planning – considers that the development conforms to the Regional Spatial Strategy.

Lancashire County Council Ecologists – I have reviewed the Ecological Survey and Assessment submitted. Provided conditions are attached as follows the proposals should be in accordance with the biodiversity planning policy – for the precautionary protection of bats, replacement bat roosting opportunities, protection of breeding birds, protection of trees and landscape management.

United Utilities – No objection to the proposal provided the site is drained on a separate system. A public sewer crosses the site and building over it is not permitted. An access strip of 6m wide, 3m either side of the centre line is required.

Network Rail – Require that all/any building or structure must be at least 2m from the railway boundary so that any maintenance work can be carried out without encroaching onto railway land.

Representations

4 letters of objection have been received raising the following points

- Extra traffic on Chapel Lane will cause safety problems
- Affect the outlook of existing adjacent dwellings
- Loss of public house as a community facility
- Spoil the rural nature of the area

Applicant's Case

The applicant has submitted a planning statement raising the follow matters:

- The illustrative layout shows 33 dwellings at a density of 30 dwellings per hectare
- One new access is shown onto Chapel Lane with dwellings also fronting onto Summerfields
- The public house has not traded well for a number of years and due to competition in the area, poor location and small size it will continue to prove unviable
- Although shown as safeguarded land in the Local Plan, following the adoption of the RSS and its housing figures not being maximums together with the demonstrable need for affordable housing represent very special circumstances
- A community involvement exercise was carried out in December last year involving leafletting 150 local addresses and a public exhibition. 15 responses were received with 9 expressing support and 4 against the proposal
- The site is in a sustainable location only 850m from the centre of Coppull close to shops, pubs, services and public transport
- There will be 11 affordable housing units

Assessment

The main issues to consider are: planning policy, housing considerations, highway considerations, ecological considerations and loss of community facility these are dealt with in turn.

Planning Policy

The Development Plan comprises the Regional Spatial Strategy and the saved policies in the Chorley Local Plan. The Local Plan policies will be replaced by the Local Development Framework and site allocations DPD. Both of these documents are in the course of preparation with adoption anticipated in two years time. The application site is covered by Policy DC3 which identifies land which may be required for development in the future. The concept of safeguarded land is set out in PPG2 Green Belts. This explains that in order to ensure the protection of Green Belts over a long timescale it may be necessary to safeguard land between the urban area and the Green Belt which may be required to meet longer-term development needs. Regional/strategic guidance should provide a strategic framework for considering this issue. No development which would prejudice later comprehensive development should be permitted. Finally it is advised that development policies should provide that planning permission for the permanent development of safeguarded land should only be granted following a review which proposes the development of particular areas of safeguarded land. It is explained that making safeguarded land available in other circumstances would thus be a departure from the plan.

The Waggon and Horses with its large curtilage could be developed in isolation by way of a change of use to residential purposes but this would represent piecemeal development and sterilise a corner of the site. A comprehensive approach to the development of the whole of the land now rather than wait for two or three years for the LDF to be adopted is the recommended way of dealing with it and this proposal follows this .

Housing Considerations

The above situation is complicated by the fact that Policy DC3 is a saved policy and in the letter from the Government Office agreeing to policies being extended until the LDF is adopted, it is emphasised that where the policies were adopted some time ago new national policy guidance will be afforded considerable weight in decisions. This is particularly so with PPS3 Housing, issued in 2006 which states the Government's commitment to providing affordable housing. The current application proposes that there will be a 30% level of affordable housing provided, that is 11 units and this is in line with Policy L5 of the RSS but higher than the figure in Policy HS5 of the Local Plan. Policy HS5 states that for sites over 15 dwellings the Council will seek a minimum of 20% of the total number of units, which for this application would result in 6 affordable units. The Council would only be able to insist on a higher proportion of affordable houses in rural settlements excluded from the Green Belt and Coppull does not fall within this category. In this context it is considered

that very special circumstances have been demonstrated to overcome the safeguarded land policy and not establish a precedent for all other such land in the Borough in view of the need for affordable housing in Coppull.

The site satisfies all the other criteria in PPS3 with regard to location in that the site is within walking distance of the centre of Coppull and other facilities and is on a bus route with frequent services. It can be viewed as a small scale rounding off of Coppull linking in to the existing housing development on Summerfields.

Highway Considerations

The applicants have submitted a Transport Statement which concludes that the road safety record around the site does not represent a material concern in the context of the proposed development. The minor increases in traffic flows generated by the proposed development will not have a material impact on the operation or safety of the local highway network. The Statement concludes that there are no overriding reasons to refuse planning permission on highway safety grounds. The Highway Authority have concerns, however, that the use of Summerfields for an additional 6 Dwellings is not acceptable due to limited visibility. They are looking for a visibility splay of 2.4m by 90m but the latest guidance from the Department of Transport 'Manual for Streets' advises that a visibility splay of 2.4m by 45m would be acceptable. This can be achieved at the junction for visibility northwards over the 1m high boundary wall of the new dwelling at the junction and to the south 90m can be achieved. A condition was attached to ensure that this wall could not be altered without planning permission. The application proposes an additional road access out onto Chapel Lane which is of concern to the Highway Authority but Manual for Streets no longer specifies junction spacing distances. However, discussions with the Highway Authority have confirmed that a suitable access scheme for the site can be designed and in the circumstances it is recommended that access be conditioned out of any approval to be resolved at the reserved matter stage when a detailed definitive housing layout will be submitted. The Highway Authority will then be content to enter into a S278 agreement for works within the highway. The community involvement exercise results revealed that only two respondents raised the issue of increased traffic. The Highway Authority have asked that the S106 agreement includes a contribution of £66000 towards transportation improvements chiefly bus services. The applicant's Transport Statement indicates that there would be a very small number of trips likely to be generated by the development such that a large investment in public transport by way of additional bus stops and support for the existing bus service would be difficult to substantiate.

Ecological and Environmental Issues

The applicants have submitted an Environmental Site Assessment which concludes that whilst no significant risks of contamination have been identified it is recommended that a ground investigation be undertaken to characterise the ground condition so n the site and confirm that no contamination risks are present . This will also provide information to allow suitable

foundations to be designed for the proposed dwellings and to assess the extent and nature of some fly tipping on the site. This can be secured through the imposition of a suitable condition.

Due to the sites closeness to the railway line a noise assessment accompanied the application. It concludes that when assessed in relation to criteria in PPG24 Planning and Noise, the majority of the site was where noise mitigation measures may make development acceptable. However, there should be no houses within 3m of the railway boundary and the nearest houses to the railway should be gable end on and adequate sound insulation glazing to windows overlooking the railway fitted with possibly acoustic ventilation so that they can be kept closed.

The Ecological Survey and Assessment accompanying the application concludes that provided the guidance detailed in Section 5 is satisfactorily applied during the site design and ultimately the site construction, the development of the site to a residential development is feasible and acceptable in terms of ecology and nature conservation interests and constraints. The conditions suggested by the County Ecologist covering bats, breeding birds and tree protection will secure this.

Loss of Community Facility

Policy DC10 is concerned with the retention of community facilities such as a public house where the local residents would be disadvantaged or likely to lead to the closure of others. The applicant has to demonstrate that alternative facilities exist elsewhere, that it is no longer viable, efforts have been made to sell or let it, or it is in an isolated location. This proposal would mean the loss of a public house but the applicant has provided a detailed history of the poor commercial success of the enterprise. As there are several public houses serving the population of Coppull it is unlikely that a refusal on the grounds of the loss of a community facility would be supported on appeal. The community involvement exercise carried out in December of 2008 produced 15 responses out of the 150 leaflets and questionnaires sent out. Four objectors were concerned about the loss of the public house but the applicants have demonstrated in the Operations Report that it is not a viable concern.

Other Issues

The application was supported by a flood risk assessment which concludes that there is no evidence of flooding in the area. Surface water attenuation on site will be required to restrict the discharge rate. Due to the nature of the site with drift deposit clays overlying rocks, soakways and infiltration SUDS are precluded. United Utilities have agreed in principle how the site might be drained.

Conclusion

The proposed use of the land for the erection of 33 dwellings is acceptable in principle with the imposition of suitable conditions. Its loss as a community facility would be difficult to substantiate. Highway aspects can be reserved for a subsequent detailed application. The main issue with this application remains the reconciliation with its classification as safeguarded land. It is advised that the provision of a significant number of affordable

houses in accordance with the advice in the Regional Spatial Strategy and PPS3 represents the necessary circumstances to overcome Policy DC3 following the opinion of GONW in their letter extending the Local Plan policies. To release this site in advance of the LDF will not undermine the thrust of the Local Plan and therefore, not represent a departure to be notified to the Government Office.

Recommendation **Permit subject to a legal agreement on contribution to playspace provision and affordable housing.**

Recommendation: Outline App Permitted with Legal Agmnt Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Before the development hereby permitted is first commenced, full details of all reserved matters (namely the siting, design, external appearance of the buildings, the means of access thereto and the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The permission is in outline only and in accordance with Policy Nos. GN5, HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.

3. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason : To ensure a satisfactory means of drainage and in accordance with Policy No. EP18 of the Adopted Chorley Borough Local Plan Review.

4. No development shall take place until:

- a) a methodology for investigation and assessment of ground contamination has been submitted to and approved in writing by the Local Planning Authority. The investigation and assessment shall be carried out in accordance with current best practice including British Standard 10175:2001 "Investigation of potentially contaminated sites – Code of Practice". The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works, a validation report containing any validation sampling results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with the guidance set out in PPS23: Planning and Pollution Control

5. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.

6. Before the demolition of the buildings on the site the survey for the possible presence of roosting bats as recommended in Section 5.2 of the report prepared by Environmental Research and Advisory Partnership received on the 23rd December 2008 shall be carried out and the results submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures found to be necessary shall be agreed in writing by the Local Planning Authority and implemented before development on the site commences.

Reason: To secure the protection of vulnerable species in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.

7. Notwithstanding the submitted illustrative layout the access details shown on the plan do not form part of this permission.

Reason: For the avoidance of doubt and in accordance with Policy TR 4 of the Adopted Chorley Borough Local Plan Review.
