

## **APPLICATION REPORT – 18/00917/FULMAJ**

**Validation Date: 5 October 2018**

**Ward: Clayton-le-Woods West And Cuerden**

**Type of Application: Major Full Planning**

**Proposal: Erection of 87no. dwellings on land to the south of Nell Lane**

**Location: Land Adjoining Cuerden Residential Park Nell Lane Cuerden**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Anthony Blackwell**

**Consultation expiry: 11 January 2019**

**Decision due by: 4 January 2019**

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### **RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions and a s106 legal agreement to secure the provision of affordable housing and a financial contribution towards the provision of public open space.

### **SITE DESCRIPTION**

2. The application site comprises an area of grassland located to the south of Nell Lane between the Cuerden Caravan Park and Shady Lane. The site is located on part of a wider mixed use allocation as defined in the Chorley Local Plan 2012 – 2026, and is positioned to the north of a major development site that continues to be developed, in part, for housing. The character of the area is one of urban rural fringe, however, the immediate area has become increasingly suburban following its allocation within the local plan and subsequent phased residential development.
3. The site is framed by mature trees to the perimeter, and in particular along the border with Nell Lane. The trees are protected by Tree Preservation Orders. The character of Nell Lane is of a rural tree lined lane.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application seeks planning permission for a residential development of 87 dwellings with associated car parking and landscaping on land adjoining Cuerden Residential Park. Vehicular access would be gained from Nell Lane and a pedestrian and cycle route would be developed to the south linking with the existing developments. The dwellings themselves would be of varied design and would include largely detached property types, with some mews houses and apartments.

### **REPRESENTATIONS**

5. Representations in objection have been received from the occupiers of 37no. addresses. These raise the following issues:
  - Impact on highway safety.
  - Unsuitable access to the site from narrow lanes.

- Impact on highway and junction capacity affecting the efficient functioning of the highway network.
- Access should be through the existing developments to Wigan Road.
- Nell Lane and Shady Lane need upgrading if the development goes ahead.
- Lack of cycle or pedestrian provision.
- Loss of trees
- Ecological impact
- Flood risk and drainage
- Loss of access to land for recreation / dog walking, and in particular loss of access to caravan park residents, which the site owner is failing to provide.
- Potential archaeological importance.
- Lack of school place provision.
- Should include more housing for elderly.
- There is a need for affordable housing.
- Lack of local amenities
- Lack of access to public transport.
- Consultation not extensive enough.
- Family homes not needed.
- Houses should be built on the Ikea site instead.
- Design of the dwellings could better reflect locality.
- Asbestos buried on site.
- No need for new housing.

6. Representations in support have been received from the occupiers of 2no. addresses

## CONSULTATIONS

7. **Greater Manchester Ecology Unit:** Consider that whilst any ecology issues relating to the site can be resolved any net loss in biodiversity must be compensated for.
8. **Waste & Contaminated Land:** Have no objection.
9. **Lancashire Highway Services:** Have commented that the proposed development is acceptable in principle.
10. **Lead Local Flood Authority:** Final response to be updated on the addendum.
11. **United Utilities:** Have no objection in principle.
12. **Lancashire County Council (Education):** LCC are seeking a contribution for 24 primary school places. However, LCC are not be seeking a contribution for secondary school places.
13. **Lancashire County Council Archaeology Service:** Have no objection subject to the attachment of a condition.
14. **Cuerden Parish Council:** Have stated that they have several concerns / thoughts re development on Nell Lane:
  - Lane never intended for amount of traffic using it now - the development can only increase this.
  - Too narrow / difficult for cars to pass and traffic calmers would add to problem.
  - Trees and hedgerows inevitably will be damaged/removed - Protection orders should mean road cannot be widened
  - Flood risk - historic problem at junction with Wigan Road to such an extent that property on junction has been fitted with flood defences. An increase in surface water on Nell Lane would be further concern for the residents and could develop as a problem for cottages on Lydiate Lane as flood water follows the water course behind the cottages.

- New development means more traffic, which would make Nell Lane more dangerous for pedestrians. Walkers, cyclists - Families, elderly, young people often use Nell Lane for access to Cuerden Valley Park.
- Would also have similar impact on Shady Lane. Some time ago Parish Council tried to get speed limit of 30mph / traffic calmers / one way system for Shady Lane and Nell Lane because of increase in traffic, narrowness of lanes and concerns for safety / outcome was 40 mph which is totally ignored by many.
- If does go ahead access needs to connect to new development on Wigan Road via land which developers own / have option to develop.

## **PLANNING CONSIDERATIONS**

### Principle of the development

15. 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.
16. The application site forms part of an allocated mixed use site for housing and employment covered by policies HS1.31 and EP1.15 of the Chorley Local Plan 2012 - 2026. The total area of the mixed use site allocation is approximately 38Ha and the proportion that is estimated for employment development is 15Ha under policy EP1.15. This suggests that the remaining 18Ha is available for housing development under allocation HS1.31.
17. To date a number of housing developments have been approved across the area of the site allocated as mixed use and whilst there have been no proposals for employment development, more than 15Ha of land would remain available within the allocation for employment uses when accounting for previous planning permissions for housing and including the current application. On this basis, employment land could still be realised across the site. The balance of the remaining undeveloped land will be reviewed as part of the ongoing local plan update process.
18. A further consideration in relation to the delivery of housing on this part of the mixed use allocation is that planning permission (ref. 12/00872/FULMAJ) for 52 mobile park homes was granted in August 2013, and thereby established the acceptability of the principle of residential development on this part of the site.
19. The housing allocation HS1.31, that includes the application site, estimates that the total allocation will provide 699 dwellings in total. The planning permissions that have been approved within the allocation to date already exceed this figure. It should be noted, however, that the housing allocation numbers detailed in policy HS1 are indicative and that the housing requirement is a minimum to ensure enough housing is provided through the Local Plan period. It is considered that in this case, the greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plan) housing figures are not to function as ceilings.
20. Consequently, the development of housing on this site is considered to be in compliance with the development plan and is acceptable in principle.

### Design and impact on the character of the area

21. The proposed development would be located to the east of a residential development of mobile homes, and north of recent housing developments some of which have been completed and others that are under development. The site is bound by Nell Lane to the north and open land to the east and south. As such the site is most visually prominent from the north at Nell Lane.
22. There are mature trees and hedgerow along this boundary of the site and as such the dwellings would be set well back from the highway and any views from Nell Lane would be filtered by the trees and hedgerow that would be retained, in addition to new hedgerow that

would also be planted. The dwellings closest to Nell Lane would face the highway, with an intervening estate road, other than at plot 18, which would be closer to Nell Lane and would be a dual aspect property that would respond well to this positioning providing a frontage to Nell lane and detail facing the new estate road. This would result in a positive relationship with Nell Lane that is not obtrusive in the context of this lane of rural character.

23. The proposed development consists of a single main access road, which divides to form two branches and several cul-de-sacs. The majority of the proposed dwellings would be detached although there are a small number of mews style properties and apartments to the southern 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 across the new estate.
24. The design of the dwellings themselves is traditional in appearance and includes 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. In particular, this reflects more recent development to the south.
25. 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.
26. The overall density of the development would be relatively low, but reflects the suburban character of the area and density of nearby housing estates.
27. 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.
28. 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

29. There is a sufficient degree of separation between the existing dwellings on Nell Lane and Shady Lane 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.
30. There are a series of mobile homes along the western boundary of the site. The rear gardens to the proposed dwellings at plots 18 to 35 would adjoin the mobile home park. The relative positioning and degree of separation between the proposed dwellings and the mobile homes is such that there would be no unacceptable impact on outlook, light or privacy and that the amenity of existing residents of the mobile homes and future residents of the proposed dwellings would not be harmed.
31. 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.
32. It is recognised that the development would result in additional traffic movements along Nell Lane, however, it is not considered that a development of this scale would result in such a

weight of traffic so as to cause unacceptable harm to residential amenity through noise and disturbance.

#### Impact on highways/access

33. The proposed development was subject to a pre-planning consultation with Lancashire County Council (LCC) Highways leading to a Transport Assessment (TA) and a supplementary Highways Technical Note being submitted setting out the transport issues of the proposed development and a Framework Travel Plan providing a framework for a Residential Travel Plan to be submitted at a later date.
34. The site is to the south of Nell Lane, adjoined to the west by Cuerden Residential Park and has frontage extending up to the junction of Nell Lane and Shady Lane. Nell Lane is a 460m long rural single 2-way local access road in Cuerden, Clayton-Le-Woods with junctions to the A49 Wigan Road to the west and the C223 Shady Lane to the east. It has an average width of 3.0m with substantial highway adopted verges of varying widths on both sides. Nell Lane is subject to 40mph speed limit restriction.

#### *Site access*

35. The site would be accessed via a new 5.5m wide access to be formed to Nell Lane where visibility splays of 2.4m x 43.0m are expected to be provided to assist safe egress of the site towards Wigan Road and Shady Lane. The primary site access is proposed to be a simple priority junction located approximately 30m east of the site's boundary with the adjacent Cuerden Residential Park. The location of the access is in line with earlier discussions with LCC Highways, however as noted in Figure TA12, the sightlines are severely hindered by the mature hedgerow in front of the site and would need to be cut back to make the proposal acceptable. This would be subject to a planning condition. In addition, the applicant should demonstrate that visibility at Wigan Road/Nell Lane is adequate in both directions to safely accommodate the additional traffic to be generated by the proposed 87 dwellings.
36. The applicant has conducted automatic traffic surveys at 50m positions in both directions of Shady Lane/Nell Lane to establish the average and the 85th percentile speeds of vehicles when approaching the junction for use to assess sightlines. As the prevailing speed limit of Shady Lane is 40mph, the results shown in paragraph 3.1.9 of the TA are within acceptable limits, except in the south direction where visibility obtained based on the 85th percentile speed was 32.0m instead of the required 34.8m. This shows that drivers leaving Nell Lane would not have the benefit of uninterrupted sightline to be able to safely turn right onto Shady Lane. Therefore, notwithstanding the justification provided in paragraph 3.1.11 of the TA, additional measures would be required at the junction to facilitate safe access and egress.

#### *Traffic flows*

37. Traffic surveys carried out at the junctions shown in paragraph 3.2.1 of the TA on 19 September 2018 found the AM traffic peak period to be 07:30 – 08:30 while the PM peak was 16:30 – 17:30. Of the surveyed junctions, the maximum traffic flow occurred during the PM peak to the north of Wigan Road/Lydiat Lane where 1167 vehicles (509 northbound and 658 southbound) were counted per hour. HGV/Bus constituent of the AM and PM peak flows on Wigan Road was about 3%. During the AM peak, traffic flow to and from Nell Lane was 76 vehicles per hour towards Shady Lane and 96 vehicles per hour towards Wigan Road. In the PM peak, the flows were 106 towards Shady Lane and 68 towards Wigan Road. These flows equates to 2-3 vehicles per minute. The TA suggests it is likely vehicles rat-run between Lydiat Lane and Shady Lane via Nell Lane.
38. The traffic survey included survey of queues at 5 minute intervals at Wigan Road/Lydiat Lane and Wigan Road/Nell Lane. There were minimal queues at the Nell Lane approach to Wigan Road, as within the 12 hour survey period, the maximum number of vehicles in a queue counted at 15:45-15:50 were only 4. The maximum queue was noted to have occurred at Wigan Road/Lydiat Lane on the approach from Lydiat Lane where 9-12 vehicles were counted during the AM peak and 8-13 vehicles during the PM peak. From both directions of Wigan Road towards the junction, queues were typically of 10 vehicles.

### *Traffic accidents*

39. The applicant has carried out a review of the accident records of Nell Lane and the section of Wigan Road from Nell Lane up to a point approximately 300m south of the Hayrick Junction (Wigan Road//Leyland Way/Lancaster Lane). The review also covers the entire Lancaster Lane and the section of Shady Lane from Lancaster Lane to its junction with Nell Lane. The area reviewed is shown in Fig TA7 of the TA.
40. Having examined the applicant's review, LCC confirm that there were indeed no recorded traffic incidents on Nell Lane and the section of Shady Lane between Nell Lane and Lancaster Lane in the past 5 years (2014-2018), however, a total of 22 incidents occurred at the following locations within the applicant's review area with those resulting in personal injuries recorded as 'serious'. These are as follows.
- Wigan Road/Lydiat Lane – 2 serious , 3 slight [ 5 ]
  - Wigan Road between Lydiat Lane and Parkhurst Avenue – 1 slight [ 1 ]
  - Wigan Road/Wychwood Grove (recently constructed roundabout opposite Thorntrees Garage – 3 serious, 2 slight [ 5 ]
  - North of Wigan Road/Moss Lane – 1 slight [ 1 ]
  - Hayrick Junction (Wigan Road//Leyland Way/Lancaster Lane) – 1 serious, 5 slight [ 6 ]
  - Lancaster Lane – 2 serious, 2 slight [ 4 ]
41. The above shows that 8 'serious' and 14 'slight' recorded traffic incidents occurred on the sections of roads reviewed. The review however shows a total of 8 'serious' incidents and 16 'slight' totalling 24 traffic incidents. (Table TA3.1, paragraph 3.3.2 of TA). Notwithstanding the minor difference in the total number of incidents, it is considered the scope of the applicant's review is sufficiently extensive and accurate and as such acceptable.
42. The traffic incidents are regrettable, however, given the 'medium' scale of proposed development and the distance of some of the incident locations from the site, it is considered that any measures towards ameliorating the incidents should be limited to only accident 'cluster' areas within close proximity of the site. The applicant's statement (TA para. 3.3.5) that the incidents do not represent 'material road safety concern' is therefore unacceptable as mitigation measures would be required at Wigan Road/Lydiat Lane where 5 traffic incidents occurred in the past 5 years.

### *Proposed development:*

43. The proposal is to erect 87 dwellings consisting of 1 to 4 bedrooms with an element of affordable homes. The breakdown of the composition of the dwellings is provided in paragraph 5.1.1 of the TA and includes 12 unit apartments. The site would be accessed via a new 5.5m wide access to Nell Lane to be formed with 6.0m corner radii. The internal access roads would be mostly 5.5m wide with 2.0m wide footways on both sides as shown in Figure TA11. For improved accessibility of the site, a lit footpath is to be provided between the site and Parkhurst Avenue along the edge of an open field south of the site. The applicant hopes to incorporate the footpath in the development of the open field in future. LCC Highways finds this arrangement satisfactory, however, for improved connectivity, it is considered that the proposed development and the area as a whole would be better served if the footpath is provided as a shared pedestrian/cycle link. Therefore, this aspect of the proposal should be revised to incorporate a 3.0m wide pedestrian/cycle link instead of the footpath alone.

### *Sustainability/Accessibility by none car modes:*

44. The National Planning Policy Framework (the Framework) as revised, requires developments that generate significant amounts of traffic to promote sustainable modes of travel, safe access and improvements to existing transport networks. It is also key objectives of both Lancashire County and Chorley Councils to tackle emissions, congestion and poor air quality by encouraging walking, cycling and public transport use by ensuring that development proposals influence travel choices and improve accessibility.

### *Walking*

45. Walking and cycling offer real alternatives to journeys by car particularly over shorter distances. New developments should, therefore, make appropriate, high quality provision for

pedestrians and cyclists in the interest of sustainability. The TA provides information on local amenities, shops and services that can be accessed on foot from the proposed development and the walking distances to such destinations, which the applicant states range from 800m to 2km. However, from the list of destinations provided on Table TA4.2 (TA para. 4.3.2), only two destinations are within the preferred maximum walking distance of 1.2km. As the amenities, shops and services are outside walking distance of the site, it means that opportunities for walking as a sustainable transport mode are limited contrary to the requirements of the Framework.

46. It is however noted the proposed footpath from the development to Parkhurst Avenue and the proposed environmental traffic calming measures on Nell Lane would go some way to encourage walking to bus stops and other nearby local destinations.
47. The proposed development should however increase opportunities for walking with good external connectivity in order to shorten distances travelled by car. As such, the applicant's proposal to discourage pedestrian use of Nell Lane to and from the development as stated in paragraph 4.3.3 of the TA is unacceptable and not in line with the highways pre-planning application discussions. On the contrary, it was agreed that, by design, the environment traffic improvement scheme on Nell Lane should prioritise the needs of pedestrians/cyclists over vehicles by downward review of the existing 40mph speed limit, widening the carriageway as far as possible to 5.5m with horizontal speed reduction measures including narrowing and priority gateways and street lighting, so as to put the movement needs of people ahead of convenient vehicle access and to promote slow speed road environments. The proposal would, therefore, need to be revised in accordance with the above to be accepted.

#### *Cycling*

48. The TA assessed cycling opportunities based on a catchment radius of 5.0km which is nationally accepted as the distance where cycling has the potential to substitute short car trips. Although there are no cycle routes within close proximity of the site, the applicant made reference to the suitability of some of the roads in the area for cycling. While it is accepted cycling accessibility in the area is limited, the proposed footpath to the south of the development if provided as a 3.0m wide shared pedestrian and cycle link and the proposed speed reduction measures on Nell Lane should provide relief for cyclists. The proposal should, therefore, be revised to incorporate these measures.

#### *Public Transport*

49. The Framework requires proposed developments to give priority to facilitating access to high quality public transport. In this regard, it is recommended that walking distance from residential developments to bus stops in rural areas should generally not be more than 800m. The pedestrian routes to bus stops should be direct, convenient, safe with good natural observation from neighbouring buildings and be well lit so as to encourage use of public transport.
50. There are currently four bus stop locations within walking distance of the site on Wigan Road, where service no 109 provides active half hourly day and night public services to various destinations, Mondays-Saturdays; and hourly services on Sundays and bank holidays. In addition, two school services 786 and 984 are operated from these stops. LCC however cannot confirm school service 778 indicated in Table TA4.1 (TA para. 4.2.1). Two of the stops are located north of Parkhurst Avenue. The bus stops have disability compliant raised boarding platforms and kerbs, but no shelters and signage/information panels and although bus stop bays and associated markings and clearways are present, the markings are obliterated by recent highway maintenance works and are yet to be reinstated. There are footway connections to both stops. The bus stops are however slightly in excess of the recommended 800m walking distance from the centre of the proposed site.
51. The other two bus stops are located south of Lydiate Lane and served by footways. The bus stop on the west side of the road has a shelter and signage/information panels with disability compliant raised boarding platforms and kerbs, but with no clearway, bay and associated worded markings. The bus stop on the east side of the road only has an obsolete shelter

with no raised kerbs and boarding area; clearway, bay and associated worded markings. The distances from the centre of the site to these stops are shorter than to those located north of Parkhurst Avenue, as such, although the proposed footpath link from the site to Parkhurst Avenue is essential, residents of the development are more likely to walk to the bus stops near Lydiate Lane, as the distance is just over 500m. This reinforces the need for the proposed improvement scheme on Nell Lane to be designed as to encourage safe use by pedestrians.

52. As residents would most likely access the bus stops south of Lydiate Lane via Nell Lane due to its close proximity, the applicant should provide improvements to the two bus stops to bring them up to quality and disability compliant standards to include a replacement shelter for the existing obsolete one with a commuted sum towards the maintenance of the shelter for a period to be agreed with LCC Highways. The bus stop improvements are essential to the delivery of sustainable outcomes of the proposed development, therefore, there is need for them to be improved regardless of whether or not a developer contribution was requested elsewhere, as whichever development comes forward first delivers the improvements. The applicant's assessment of the proximity of train stations to the site is noted. While it is noted the Leyland Railway Station is the closest to the site, it is outside the 2km distance specified in the TA (para. 4.2.2). LCC, however, confirm that the services provided are varied and regular.

*Traffic generation, distribution and assignment.*

53. The TA has provided an estimate of the amount of traffic the development would generate and what impact this might have on the surrounding transport network. The trip rates used are those for a previous residential development in the area (planning application, 14/00951/OUTMAJ). The trip rates were applied to the proposed 87no dwellings as per Table TA6.1 (TA para. 6.2.2), the outcome of which was that the development is likely to lead to an additional 51 two-way trips in the AM peak and 58 in the PM peak. The higher figure of 58 two-way trips equates to approximately 1 vehicle going in and out of the site per minute.
54. The proposed development trips have been assigned to the network based on the distribution shown in Appendix TS9 associated with the above stated previous application, 14/00951/OUTMAJ with amendments to take account of the fact that the site access would be on Nell Lane, rather than the access for the previous application. This has resulted in the predicted development trips shown in Fig TA15.
55. The proposed development trips in Table TA6.1 have been added to the predicted development trips in Fig TA15 to obtain 'with development trips' for the AM and PM peak hours. These are shown in Figures TA16 (a & b). Having assigned the proposed development trips to the highway network, the applicant determined the likely changes that would occur at the various junctions. The predicted changes in traffic are summarised in Table TA6.2 (TA para. 6.3.3).
56. Table TA6.2 shows that the proposed development trips would result in modest increases in traffic with the maximum increases occurring on Wigan Road (north of Nell Lane) during PM peak with 26 vehicles and Wigan Road (South of Nell Lane). LCC Highways is satisfied that trips associated with the proposed development can be safely accommodated on the highway network.
57. From the above, the demand for travel associated with the proposed development does not give cause for highway safety concern.

Transport Impact assessment:

*Traffic growth and assessment years*

58. Having calculated the level of new traffic generated by the development and where it will go, the TA considers what impact it would have in 2021 (the year the development is predicted to be completed and occupied) and 2028 (ten years post completion) taking into account background traffic growth.

59. Based on AM peak of 07:30-08:30 and PM peak of 16:30-17:30, the background traffic growth has been estimated using locally adjusted National Transport Model (NTM) forecasts. The adjusted growth factors obtained are as follows:
- 2018-2021 growth - weekday AM peak - 1.0334
  - weekday PM peak - 1.0296
  - 2018-2028 growth - weekday AM peak - 1.0982
  - weekday PM peak - 1.0920

#### *Committed developments*

60. The TA considers impacts due to committed developments in the area. The committed developments are shown on Table TA7.1, paragraph 7.2.7 of the TA. Majority of the committed developments have been completed except a couple, but to ensure robustness, the TA assumes all committed developments have been completed. The baseline transport position was therefore assessed using the information set out in consented development studies. This approach is acceptable.

#### *Linked Flows*

61. The impact of link flows were assessed, based on the 1994 IHT 'Guidelines for Traffic Impact Assessment' criteria which provides percentage impact thresholds above which more detailed impact assessment is required. Using the 5% assessment threshold in the Guidelines, the applicant predicted the anticipated changes in link flows for the AM and PM peak periods of the opening year (2021) as shown in Table TA7.2. The result of the assessment shows link flow increases below 3% at all the locations indicated, except Nell Lane, (west of site access) where the percentage maximum linked flow increase was 37.1. The TA considers that since the link flow increases are less than 3% and maximum impact on the routes shown in Table TA7.2 would amount to less than 1 vehicle trip every two minutes, no additional impact assessment should be required. As for Nell Lane where higher impact levels are predicted, the TA considers this would be mitigated by the proposed traffic improvements schemes.
62. LCC Highways accepts the applicant's explanation that the predicted high percentage linked flow increase of 37.1 for the section of Nell Lane west of the site access might be due to existing low flows than the new trips to be generated by the proposed development predicted to be in the region of 1 trip per hour. As noted in the TA, the proposed environmental traffic calming measures on Nell Lane would assist in mitigating the impact of trips associated with the proposed development.

#### *Junction capacity*

63. Capacity assessments have been carried out for the junctions shown at (TA para.7.4.1). The assessment was carried out for the 2028 base flows + development flows scenario using PICADY for the priority junctions and LINSIG3 for the signalised junction of Wigan Road and Lydiate Lane. The result of the junction capacity assessment are as follows.
- Nell Lane/Site Access – junction would operate well below capacity with predicted maximum RFC of 0.07.
  - Wigan Road/Nell Lane (Ghost island) – junction would operate with spare capacity with predicted maximum RFC of 0.3 occurring at Wigan Road (South) during the PM peak.
  - Nell Lane/Shady Lane – junction would operate below capacity with predicted maximum RFC of 0.2.
  - Wigan Road/Lydiate Lane (signalised junction) – The baseline position is that based on a three stage traffic signal cycle of 70 seconds, the junction could operate with spare capacity for the AM and PM peaks with maximum queue levels of 8-13 vehicles on the approach from Lydiate Lane during the PM peak.
64. The TA considers that even with the addition of traffic expected from the proposed development, no material change is anticipated in the way the junction operates. The junction's practical reserve capacity (PRC) would change from 16.5% to 13.7% and from 6.7% to 5.8% for the AM and PM peaks with increases in queue levels, but the applicant states that these changes would not be significant and that there would still be spare capacity. LCC Highways agrees that the increased queue levels due to the minor changes in the PRC would not significantly impact capacity at the junction.

*Traffic impact mitigation and highway improvements.*

65. Although the TA concludes that the proposed development of 87 dwellings would not result in material impact on the existing and future operation of the surrounding highway network, earlier pre-planning application discussions stressed the need for the following for the whole of Nell Lane:

- Review of the existing 40mph speed limit of Nell Lane.
- Implementation of environmental traffic improvement measures on Nell Lane to include widening of the carriageway as far as possible to 5.5m, horizontal speed reduction measures including narrowings and priority gateways, associated signage and street lighting.
- Provision of footpath south of the site to connect Parkhurst Avenue.
- Installation of pedestrian phase to the existing traffic signal at A49 Wigan Road/Lydiate Lane to facilitate pedestrian access to public transport and the wider highway network as part of the overall access strategy.

66. In addition to the above, the TA has revealed the need for the following improvements.

- The proposed footpath from the development to Parkhurst Avenue should be made a 3.0m wide pedestrian/cycle link rather than a footpath only.
- The environmental traffic improvement measures on Nell Lane should encourage use by pedestrians, especially those from the proposed development, rather than the scheme being designed to discourage pedestrian use as stated in the TA (para. 4.3.3).
- Improvements at Shady Lane/Nell Lane to address the issue of lack of visibility to the south of Shady Lane.
- Improvements to two bus stops south of A49 Wigan Road/Lydiate Lane and payment of commuted sum towards maintenance of the bus shelter for a period to be agreed with LCC Highways.

*Stage 1 road safety audit*

67. Site investigation for the purpose of the road safety audit was carried out outside peak traffic periods.

68. The safety audit expressed concern that due to the staggered nature of the buildouts and the priority gateways, drivers would be confused as to who has priority over the other and could lead to head-on collisions and sudden braking leading to rear end shunts. The safety audit, therefore, recommended a wider spacing of the features. In response, the applicant rejected the observation and recommendation of the safety audit and argued that the features would be spaced 75m apart and should be adequate for the speed of the road which is to be reviewed downwards from the existing 40mph. LCC Highways agrees with the applicant as the distance between the features is considered to be within an acceptable minimum.

69. The safety audit also highlights the possibility of vehicles waiting at the nearest priority gateway to the west of the new site access blocking visibility for drivers exiting the site and recommended the relocation of the feature to where visibility would not be obscured. The applicant rejected the observation and recommendation of the safety audit and gave reasons that include the low speed nature of Nell Lane following the improvements. LCC Highways concurs with the applicant that any waiting of vehicles at the priority gateway would be short lived and would not adversely impact visibility.

70. The safety audit considered that due to the density of trees lining Nell Lane, the proposed reflective bollards might not adequately show the full extent of the buildouts during bright weather and could cause drivers to lose control and overrun the kerbs. The safety audit, therefore, recommended lighting assessment and if possible the applicant provides street lighting on Nell Lane. In response, the applicant accepted the observation and recommendation of the safety audit, but indicated that if necessary the lighting provision would be limited to low level lighting ('guardian angel' type lighting). While this is acceptable, it should be noted that this would not be a replacement to the street lighting scheme for the entire Nell Lane agreed at the pre-planning consultation stage meant for improved sustainability of the proposed development.

*Section 278 agreement of the highway act 1980*

71. The measures considered necessary to deliver sustainable development are set out under 'Traffic impact mitigation and highway improvements' above. If the application is approved by the Local Planning Authority, a s278 agreement for off-site highway improvements is expected to be entered into by the applicant and LCC Highways. This agreement is appropriate where improvements are required in the public highway, paid for by the developer (costs to include design fees, safety audits, amendments to street lighting and traffic signalling equipment and all other risks associated with the highway improvements required by the development so that public funds are not used in the provision of these features).
72. The measures which are repeated below would be subject to detailed design and the s278 works would be conditioned to the planning approval to be delivered prior to commencement of development unless otherwise agreed with LCC and the LPA.
- Works associated with the formation of the new 5.5m wide site access to Nell Lane.
  - Implementation of an environmental traffic improvement measures on Nell Lane to include:
    - downward review of the 40mph speed limit of Nell Lane,
    - widening of the carriageway as far as possible to 5.5m,
    - horizontal speed reduction measures including narrowings, priority gateways, associated signage and lighting,
    - Street Lighting.
  - Provision of 3.0m wide pedestrian/cyclist link from the site to connect Parkhurst Avenue including lighting.
  - Installation of pedestrian phase to the existing traffic signal at A49 Wigan Road/Lydiat Lane to mitigate traffic accidents and facilitate pedestrian access to public transport and the wider highway network as part of the overall access strategy.
  - Measures to improve visibility at Shady Lane/Nell Lane.
  - Improvements to two bus stops south of A49 Wigan Road/Lydiat Lane to include:
    - disability compliant raised kerbs and boarding area,
    - provision of bus stop bays, worded markings and clearways,
    - new shelter,
    - commuted sum towards maintenance of the bus shelter for a period to be agreed with LCC Highways (to be secured through s106 agreement).

*Travel Plan*

73. The applicant has submitted a Framework Travel Plan seeking to promote use of sustainable transport modes such as walking, cycling and public transport and manage the impact of the proposed development on the highway network in order to reduce the need as much as possible for physical improvements. The submitted Framework Travel Plan meets LCC's submission criteria, therefore, a Full Travel Plan should be developed along the timescales outlined within the Framework Travel Plan.
74. For a development of this size, we would normally request a contribution of £18,000 secured through s106 to enable Lancashire County Council to provide the following range of services.
- Appraise the Travel Plan(s) submitted to the Council pursuant to the Planning Permission and provide constructive feedback;
  - Oversee the progression from Framework to full Travel Plan in line with agreed timescales;
  - Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.
75. In conclusion, LCC highways considers the issues identified as relatively straight forward and within the developers ability to resolve. Therefore, although the applicant proposed measures towards achieving the sustainable objectives of the Framework, it is not considered the measures are sufficiently far reaching to safely deliver the sustainable outcomes without the additional measures indicated under 'Traffic impact mitigation and highway improvements' above. Therefore, although the proposed development is

acceptable in principle, the implementation of the additional measures are essential for the development and would form part of pre-commencement conditions to be suggested to the Local Planning Authority. This will be updated on the addendum.

76. The level of parking provision would ensure that the proposal complies with the Council's parking standards as set out at policy ST4 of the Chorley Local Plan 2012-2026. However, as the TA proposes no cycle storage provisions for the affordable dwellings and the apartments, this information would be required to make the proposal acceptable, therefore it is recommended that a condition requiring the details of cycle parking provision is attached to any grant of planning permission.
77. The layout accords with the principles of the Manual for Streets with sufficient horizontal speed control measures and turning areas to facilitate servicing, delivery, waste collection and parking. The layout should however be provided 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.
78. 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

79. 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 whilst ecology issues relating to the site could be resolved, the proposal must adequately mitigate or compensate for loss of ecological features on the site.
80. The 3.3 hectare (ha) site comprises one field of unmanaged semi-improved grassland with tall-herb vegetation, marshy grassland and bramble scrub and one field of managed improved grassland with boundary hedgerows and mature trees. Nell Lane is present to the north, Cuerden Residential Park lies to the west and fields of improved grassland are present to the south and east.
81. 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.
82. 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.
83. 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.
84. With regards to the presence of bats a number of trees were assessed as being at low to moderate risk, however, following more detailed surveys, the risk level was downgraded to low. Reasonable avoidance measures are recommended for the removal of three trees on the site. Whilst the findings and recommendations are accepted it is recommended that a condition is attached to any grant of planning permission requiring that the removal of trees shall be carried out in accordance with the details contained in the Ecological Survey and Assessment Report.
85. A number of invasive species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended were recorded on the site including Japanese knotweed, rhododendron, monbretia, cotoneaster and Virginia creeper. It is an offence to introduce or

cause to grow wild any plant listed under this schedule. As such it is recommended that a condition is attached to any grant of planning permission requiring a method statement detailing eradication and/or control and/or avoidance measures for Japanese knotweed, rhododendron, monbretia, cotoneaster and virginia creeper prior to any earthworks taking place.

86. Section 170 of the Framework states that the planning system should contribute to and enhance the natural and local environment. The development would result in the loss of two fields, one of low ecological value, the other of low to moderate ecological value. The development would also result in the loss mature trees and over 100m of native hedgerow.
87. The initial proposal provided for no mitigation for the loss of grassland; tree planting was provided but primarily of non-native species and; some partial mitigation was provided for loss of native hedgerow along Nell Lane. There was no mitigation provided for the loss of bird nesting habitat. Whilst garden landscapes would provide partial mitigation for the loss of improved grassland, gardens even if accepted as mitigation, which current guidance is against are a lower value habitat than the semi-improved grassland within the second field and, therefore, cannot be regarded as mitigation for loss of this grassland.
88. In response to this the applicant has proposed a revised landscaping scheme with areas across the site where wildflower can be cultivated. Although this would offset some of the loss in species rich grassland there would be a remaining 0.2 Ha loss. The applicant proposes that this can be compensated for off-site on the adjacent Hedgerows development through the provision of 0.206 Ha of wildflower planting on areas of land previously planned as mown grass.
89. In relation to trees the revised landscaping plan has included the substitution of native species in place of ornamental species, and additional native hedge planting along boundaries. With regards to the loss of nesting bird habitat it is recommended that a condition should be attached to any grant of planning permission requiring a scheme for the provision of bird boxes within the housing landscape for species typical of suburban landscapes. Eg house sparrow, house martin, starling and swift.
90. Following the revised landscaping plans the proposed mitigation measures are considered to be appropriate compensatory measures for the impact on biodiversity from the proposed development. 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

91. The applicant has provided a flood risk assessment (FRA) and drainage strategy with the planning submission. This demonstrates that the site is at low risk of flooding from all sources.
92. The proposed development would introduce impermeable drainage area in the form of buildings and roads. This would result in an increase in surface water runoff. In order to ensure the increase in surface water runoff would not increase flood risk elsewhere, flow control would be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 30% climate change event.
93. All methods of surface water discharge have been assessed within the applicant's report. The report states that surface water should be discharged to the surface water sewer network serving the Redrow 'Hedgerows' development, approximately 100m south of the site, and that s discharge rate of 8 l/s can be accommodated within the drainage system of the Redrow 'Hedgerows' development. In addition attenuation storage would be required on site in order to achieve a discharge rate of 8 l/s. Attenuation would be provided in the form of a pond / basin.
94. The Lead Local Flood Authority (LLFA) have assessed the site in consideration of this strategy and require further evidence to ascertain the suitability of infiltration drainage

techniques across the site, and that a discharge rate of 8 l/s can be accommodated within the drainage system of the Redrow 'Hedgerows' development. This position will be updated on the addendum prior to committee.

#### Archaeology

95. The site is thought to be crossed by the line of the Roman road from Wigan to Preston, Margary 70c, a non-designated heritage asset recorded on the Lancashire Historic Environment Record (PRN26143). The road is shown running north to south through the site, along the eastern boundary. There is, therefore, a potential for the proposed development to encounter buried archaeological remains associated with the Roman road and associated road side activity. Surviving remains are however considered unlikely to be of the highest significance and could be adequately preserved by record (archaeological excavation and recording).
96. Furthermore the development site also falls within an area identified by Historic England as a possible deserted medieval settlement (PRN1647). Although the site was visited by the Ordnance Survey in 1975 and no traces of the settlement were observed, there is still some potential for below-ground remains of medieval date to be encountered by any ground disturbance in this area.
97. Consequently it is recommended that a condition requiring an 'archaeological watching brief' be attached to any grant of planning permission, whereby an archaeologist is present on site to oversee all new ground excavations. In this case should any 'finds' be discovered at this stage of ground works it would be necessary to stop all work whilst a full archaeological investigation is undertaken. Works on site could only continue once that investigation has been concluded. This level of control is considered to be adequate and reasonable in an area where the possible presence of buried archaeology is as uncertain as it is in this case.

#### Affordable housing

98. 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. 26 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

99. 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 1<sup>st</sup> 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.”*

100. 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

101. 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.
102. 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.

#### Education

103. 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. Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 24 primary school places. However LCC will not be seeking a contribution for secondary school places. 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 Community Infrastructure Levy.

#### Community Infrastructure Levy (CIL)

104. 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.

#### Other matters

105. Loss of access to land for recreation / dog walking, and in particular loss of access to caravan park residents, which the site owner is failing to provide: The application site has no status as recreational land and is allocated for housing and employment uses in the Chorley Local Plan 2012 – 2026. The level of recreational provision at the caravan park is the responsibility of the site owner, and does not relate to the assessment of a planning application on this site.
106. Lack of school place provision: School places are provided for through developer contributions that are collected through the Community Infrastructure Levy.
107. Should include more housing for elderly: It is anticipated that some of the housing would be suitable for elderly people and would be occupied by elderly residents.
108. There is a need for affordable housing: The development provides for affordable housing in line with the Council's policy requirement.
109. Consultation not extensive enough: The application was publicised through a site notice, notice in the Chorley Guardian, letters to the occupiers of nearby properties and was advertised on the Council's planning register and weekly list. The publicity has been carried out in line with statutory regulations.
110. Houses should be built on the Ikea site instead: the Ikea site is not in Chorley, and would not, therefore, contribute towards the housing requirement identified for Chorley. In addition the application site has been identified through the Chorley Local Plan 2012 – 2026 as a site for housing and employment provision.

111. Asbestos buried on site: It is the developers responsibility to ensure the safe remediation of the site.

## CONCLUSION

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

## RELEVANT HISTORY OF THE SITE

**Ref:** 89/01222/FUL **Decision:** WDN **Decision Date:** 26 April 1990  
**Description:** Development of 1.3ha of land east of mobile home park for car park bowling green and pitch and putt course

**Ref:** 83/00694/FUL **Decision:** REFFPP **Decision Date:** 6 December 1983  
**Description:** Extension to Leyland Mobile Homes Park by approximately 1.8 acres (15 units and bowling green)

**Ref:** 00/00073/COU **Decision:** REFEUD **Decision Date:** 29 March 2000  
**Description:** Change of use from redundant agricultural land to uses in connection with a mobile home site, including the siting of mobile homes,

**Ref:** 01/00291/COU **Decision:** PERFPP **Decision Date:** 1 August 2001  
**Description:** Change of use from agricultural land to uses in connection with a mobile home site, including allotments, footpaths, informal open space and tree planting,

**Ref:** 11/00941/FULMAJ **Decision:** REFFPP **Decision Date:** 14 February 2012  
**Description:** Planning Application for 52 bungalow style park homes for older people (over 55s) and associated development including replacement community building, bowling green, allotments, pavilion/equipment store, activity trail, balancing ponds, access arrangements and internal roads, footpaths and landscaping

**Ref:** 12/00872/FULMAJ **Decision:** PERFPP **Decision Date:** 20 August 2013  
**Description:** Planning application for 52 style park homes for older persons (over 55) and associated development including replacement community building, bowling green, allotments, pavilion, equipment store, activity trail, balancing ponds, access arrangement, internal roads, footpaths and landscaping (resubmission of refused application 11/00941/FULMAJ)

**Ref:** 14/00681/FULMAJ **Decision:** WDN **Decision Date:** 26 September 2014  
**Description:** Section 73 application to vary condition 29 (Code for Sustainable Homes requirement), condition 26 (Design Stage Assessment) and condition 28 (Code Level letter of assurance and Final Code Certificate) imposed upon planning approval reference 12/00872/FULMAJ (which was for 52 style park homes and associated development).

**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