

APPLICATION REPORT – 18/01211/FULMAJ

Validation Date: 2 January 2019

Ward: Euxton South

Type of Application: Major Full Planning

Proposal: Erection of 51 no. dwellings and associated works.

Location: Land 10M South Of 21 Dunrobin Drive Euxton

Case Officer: Mr Iain Crossland

Applicant: Mulbury Homes Ltd & One Vision Housing

Agent: PWA Planning

Consultation expiry: 29 March 2019

Decision due by: 24 May 2019

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions and S106 legal agreement to secure a contribution towards the maintenance of on-site amenity greenspace.

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 51 dwellings with associated car parking and landscaping on land off Dunrobin Drive, Euxton. Vehicular access is proposed from the existing estate road at Dunrobin Drive.

REPRESENTATIONS

6. Representations have been received from the occupiers of 32 addresses in objection to the proposed development. These raise the following issues:
 - Impact on the character of the area.
 - Impact on the amenity of surrounding occupiers.
 - Impact on highway safety and the efficient functioning of the highway network.
 - A new access should be constructed to connect the estate directly with the A49.
 - Damage and blockages caused by construction traffic.
 - Damage to the highway.
 - Children currently play on the road and more traffic would be a danger.
 - Surface water drainage and flood risk on and around the site. In particular the risks to the properties bordering the site on Dunrobin Drive and Wigan Road including Euxton Methodist Church.
 - The development should be a mix of social and market housing.
 - Ecological impact.
 - Impact on trees.
 - Impact on visual amenity through loss of green space.
 - Unsuitable for affordable housing due to lack of accessibility.
 - Lack of public transport to support future occupiers.
 - Low level of site accessibility and inaccuracies in the developers accessibility questionnaire.
 - The site will be expensive to develop due to the site conditions / is the scheme viable?.
 - Loss of CIL due to social housing.
 - There are enough low cost homes in the area.
 - The RSL is not a local one.
 - Increase in pollution.
 - The latest application is for 51 properties, this is completely out of proportion with both the previous application for 37 and the current number of houses on Dunrobin Drive which is only 30, resulting in an overdevelopment of the site.
 - Lack of consultation.

CONSULTATIONS

7. **Euxton Parish Council (23rd January 2019):** Comments that the increased numbers of properties further increase the problems foreseen by the residents of access for vehicles, parking problems and initially the lack of access for deliveries to the site.
8. There is an unresolved drainage issue which has not been addressed in the planning application papers which is being ignored.
9. The Accessibility/Sustainability report makes suspect assumptions and guesses distances to bus stops, shops and facilities and thus gives itself better scores than are accurate. LCC should take the time to investigate the claims in this report and report back.
10. The LCC measures suggested will not solve the problems which presently exist with the increase of traffic to some 50+ more properties which could mean 100+ more vehicles movements every morning and night.
11. The social/high density housing has been placed at a point to create the maximum disturbance to the already present properties on Dunrobin. The present properties will be close to these high density units with the highest quantities of car movements, bin movements and everyday noise etc. These also overlook present properties directly due to

the levels and window placements. The sustainability of these properties is seriously mis 'guessed' in the Accessibility report.

12. There are already problems on site (before permission) of deliveries struggling getting fencing in, parking of workmen blocking houses, damage to resident lawns etc. The issue of the site needs to be addressed to have car parking - 10 workmen means 10 vehicles with no where to park - etc.
13. The site should have the same condition imposed on it as suggested and agreed by the Development Control Committee at the time the previous application was considered - the site should not operate before 9.30 am and after 3.30 pm as the access to the site would be blocked for anything larger than a small truck due to parked cars of residents who live here.
14. Further comments were received on 27th February 2019 stating that: The Parish Council has considered further information from residents and supports the resident Mr Thornhill's observations on the methods to deal with Surface Water, further intrusion into the Green Belt, Pond damage, reports being enhanced with false information to make the site appear more sustainable and a number of other anomalies such as TPO reports being incorrect.
15. All this information needs to be clarified and verified by CBC before the application can be considered. The implications of some of the items raised could be dire, such as land being left unstable.
16. **The Coal Authority:** Have no objection.
17. **Environment Agency:** No comments have been received.
18. **Greater Manchester Ecology Unit:** No objection subject to conditions.
19. **Waste & Contaminated Land:** Have no objection subject to condition.
20. **Lancashire County Council Highway Services:** Have no objection subject to conditions.
21. **Lead Local Flood Authority:** Have no objection subject to conditions.
22. **Lancashire Constabulary Architectural Liaison:** Recommend standing advice.
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 County Council Archaeology Service:** No objection subject to condition.
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 settlement area of Euxton, 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. It is noted that the policy HS1.40 estimates that 36 dwellings would be provided on the site, however, this is only an indicative figure and does not preclude the provision of a higher or lower number of dwellings subject to material considerations. It is, however, an important consideration that the site is used to its full potential in order to deliver the necessary housing supply to ensure that the Borough's housing requirement can be achieved.

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 red line boundary on the location plan extends beyond the housing allocation and into the Green Belt. This is to incorporate the area to be used for surface water drainage, storage and access. The works to form the drainage and storage features are considered to be engineering operations in accordance with paragraph 146.b) 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 drainage and storage features would be surface and sub-surface structures, which would effectively preserve the openness of the Green Belt and would not conflict with the purposes of including land in Green Belt in accordance with paragraph 146.b) of the Framework. The proposals therefore do not represent inappropriate development within this Green Belt location.
33. Further to above it is noted that the Development Control Committee resolved to grant planning permission for a residential development of 37 dwellings on the same site subject to conditions and S106 legal agreement at the meeting of 6th February 2019.

Design and impact on the character of the area

34. 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.
35. The proposed development consists of a single main access road which divides to form two cul-de-sacs. The access road would continue the character of the existing estate road following a circuitous route with dwellings facing onto the highway.
36. The majority of the proposed dwellings are semi-detached although there are a small number of detached, mews style properties and apartments throughout the proposed development. The estate roads and layout follow a logical pattern and would incorporate a range of dwelling types of consistent design. The site layout and differences in dwelling types would provide an adequate degree of character, whilst the dwellings themselves would include consistent materials and details that would provide a level of coherence and would reflect materials and features of the existing estate from which it would extend.
37. The design of the dwellings themselves are traditional in appearance and would include red brickwork and features such as gables, bay windows, porches, varying set backs, and projecting brick dentil courses that would provide diversity and interest to reflect the existing local vernacular and character. 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.
38. 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.

39. The overall density of the development would be higher than that of Dunrobin Drive but would reflect the suburban character of the area and density of nearby housing estates. The overall density of the development would be low, at approximately 27 dwellings per hectare, which is appropriate in suburban areas whilst making efficient use of the land available.
40. There would be an area of public amenity greenspace to the east of the site where two ponds are 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.
41. 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

42. 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.
43. 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.
44. In terms of the interface distances between the proposed dwellings and existing dwellings and garden areas at 14, 15, 21 and 22 Dunrobin Drive, these are in accordance with the Council's interface guidelines.
45. 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 51 dwellings would not result in such a weight of traffic so as to cause unacceptable harm to residential amenity through noise and disturbance.
46. The dwelling at 289 Wigan Road is located approximately 20m from the site boundary but is at a significantly lower level. There would be garden areas to the rear of this dwelling and there would be no dwellings with windows to habitable rooms facing towards this property, with the nearest properties approximately 28m away and positioned at an obscure angle. As a result of the positioning and degree of separation there would be no impact on light, outlook and privacy in relation to this dwelling.
47. The relationship between the proposed dwellings themselves would also be in accordance with the Council's interface 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.

Highway safety

48. An assessment of the impact on the local highway network of residential development at the application site was carried out by Lancashire County Council Highway Services (LCC) in detail early last year when planning application, 17/00857/FULMAJ was submitted for the erection of 37 dwellings and associated infrastructure, but which was subsequently withdrawn.

49. As part of the assessment, various off-site works of highway improvements were identified and agreed with the applicant. These works were outlined in a highway response of 26/01/2018 to the Local Planning Authority (LPA).
50. The current proposal is for residential development at the same site, but for the erection of an increased number of 51 dwellings. The current proposed layout is similar to the previous scheme in that although the buildings have been re-planned and the design of the public open space marginally altered, the proposed site access and the internal road layout remains the same.
51. The applicant has revised the Transport Assessment (TA) associated with the withdrawn application to take account of the increased number of dwellings and to determine whether the impact of the development on the highway network is acceptable; and in paragraph 4.4.2 of the revised TA has committed to implementing the off-site highway measures.
52. LCC confirm that the highway improvements identified for the withdrawn application are adequate to mitigate the anticipated transport impacts of the current proposed development and would improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport.
53. LCC therefore confirm that they have no objection to the current proposed development subject to the implementation of the agreed improvements. As such, highway comments provided on the withdrawn application, including suggested conditions and advice notes remain valid and applicable to the current application.
54. As part of the previous assessment it was agreed that the following measures be implemented.

A49 Wigan Road/Dunrobin Drive:

55. 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:

56. 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.
57. LCC Highways have 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

58. 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

59. The highway authority expects the proposed off site works of highway improvement 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

60. 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.

Public transport

61. The delivery of a new bus stop bay, carriageway markings (including clearway) and signage/information panel should be delivered as part of the off-site works of highway improvement through a S278 agreement.

Removal of existing traffic signs and provision of new.

62. LCC Highways consider 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.
63. LCC Highways confirms that the proposed development is 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

64. 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.
65. 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).
66. 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.

67. 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.
68. 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. It is noted that the tree protection plan has been amended in response to the comments of local residents and the Council's tree officer. The tree officer confirms that the tree protection plan is now a true reflection of the extent and quality of trees that exist on the application site. The level of tree retention and protection set out on the plan is considered to be acceptable retaining the best quality trees with suitable protection measures proposed.
69. 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.
70. 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.
71. 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.
72. 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 it is anticipated that the proposed enhancements to the site, as well as introduction of enhanced ponds would create better habitats for the species group and ensure their continued presence within the site. An updated GCN survey and GCN Mitigation Strategy will also be required to detail the mitigation of the species, in submission with the license.
73. 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.
74. Section 170 of the Framework states that the planning system should contribute to and enhance the natural and local environment. The main ecological impact of the development is the loss of species poor semi-improved grassland (between 1 and 1.5ha) and small numbers of young trees and scrub. Whilst these habitats are of generally low ecological value, the area to be lost at the northern end of the site is likely to provide terrestrial foraging habitat for great crested newts and mitigation should be provided. Given the area of land available to the developer within and outside the red edge, it is considered that adequate mitigation can be provided. It is therefore recommended that a condition requiring a landscape and environmental management plan is attached to any grant of planning permission.
75. On receipt of the drainage strategy it was identified that a pond to the south of the site would be infilled to facilitate the installation of pipework. The applicant has since confirmed that

although the initial idea suggested by the drainage engineer was to infill/drain the pond to the south of the development adjacent to the River Yarrow, this will not be necessary and the works required would involve either localised infilling or a temporary works system in the immediate area that the outfall pipe would pass through to provide a safe working area for the contractor. Prior to this being implemented the applicant would commission an ecological survey and would carry out the works under the supervision of the appointed ecologist. A small parcel of land that segregates the pond in to two parcels would be utilised thus minimising the ecological impact to the area. This may require a small amount of additional infilling to the sides to ensure its width is adequate and all works associated with the outfall in this area would be carried out under the watching brief of the appointed ecologist. All method statements for these works will be discussed with all relevant parties prior to the works commencing and only then when all are in agreement will the works proceed.

76. GMEU have confirmed that this would be an acceptable approach subject to an ecological survey of all potential ecological issues being provided prior to any works setting out the level of impact on the pond, including a restoration and enhancement plan on completion. It is recommended that this be secured by condition.
77. The ecologist at GMEU accepts the findings of the ecology surveys and supplemental reports, and raises no objection to the proposed development subject to 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

78. The applicant has provided a flood risk assessment (FRA) and surface water 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.
79. The application FRA states that the proposed development would be approximately 48.3% impermeable, which would result in an increase in surface water run off across the site. It would therefore be necessary to manage surface water on-site in order to limit the discharge of surface water off-site to an agreed rate to provide sufficient on-site attenuation up to the 1 in 100 year climate change rainfall event and to provide improvements to water quality through appropriate source treatment.
80. The proposed drainage strategy demonstrates that it is feasible to discharge to the watercourse outside of the southern red line boundary at a controlled rate limited to 12.9l/s (the QBar pre-development Greenfield rates). Discharge would need to be controlled through a suitable flow control mechanism. The restricted discharge rate would provide betterment for all large events as any runoff greater than QBar rates would be attenuated on site.
81. By incorporating these attenuation and discharge features into the drainage design then the development would not increase flooding to the development or to others downstream of the development.
82. In principle, the strategy contains the following features and criteria:
 - It is considered that infiltration techniques will not be suitable on-site due to the ground conditions beneath the site according to British Geological Survey data. Therefore, soakaways or other infiltration based SuDS will not be incorporated into the drainage design;
 - The surface water discharge is proposed to discharge at pre-development QBar Greenfield Rates (12.9l/s) into the River Yarrow;

- The outfall pipe will have to cross the pond outside of the southern boundary, and;
 - Cellular storage will be provided at the southern extent of the site. This will provide approximately 100m³ of surface water storage and attenuate for the 1 in 100 year storm plus 40% climate change;
83. 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.
84. 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.
85. 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.
86. 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

87. 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. The proposed development would comprise entirely of dwellings that are affordable housing units consisting of 25 dwelling for affordable rent and 26 dwellings for shared ownership. The scheme would be partially funded through a Homes England grant.
88. The Council requires at least 70% of affordable housing units to be for social rent or affordable rent as set out in the Affordable Housing SPD. The Council's preference is for social rent units, however, the SPD states that affordable rent will be accepted where there is a demonstrable link to a Homes England funded scheme or in exceptional circumstances where it is appropriate because of the particular location or type of housing proposed. The applicant states that Homes England funding has been secured and has provided evidence of this. On the basis that the development is a Homes England funded scheme consisting entirely of affordable housing types the proposed mix is considered acceptable given the benefit of such a scheme.
89. The submitted scheme would help to create a balanced and mixed community through providing a range of property types that would appeal to a wide housing market, in particular young persons and couples (including first time buyers), families and the elderly. In terms of the latter, it is considered the apartments, particularly those on the ground floor level, will cater to older persons. Half of dwellings would be for sale as shared ownership products, promoting owner occupation, whilst the remaining half would be available for affordable rent, which would attract a range of occupiers preventing any imbalance of local housing tenure mix.

90. The provision of affordable housing as proposed would need to be secured through a condition requiring a scheme for the provision of affordable housing across the site, given the proposal to deliver affordable housing across the whole of the site would result in a benefit that outweighs the necessity to apply the preferred tenure mix set out in the SPD. A viability case has also been submitted on the basis of the proposed scheme, which would be affected by any deviation from the proposed tenure mix. The viability case relates to the provision of public open space, which is set out further below.

Sustainability

91. 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.”

92. 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

93. 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, including for the maintenance of amenity greenspace, allotments and playing pitches.
94. The applicant has agreed to make the contribution towards the maintenance of amenity green space on the site. However, the applicant has submitted a viability appraisal setting out that no further contributions would be possible from the development. The scheme would be grant funded in part by Homes England, given that the whole site would be affordable housing. There are a range of abnormal factors affecting the site including the need for site levelling, retaining structures and foundations, surface water storage and outfall, off site highway works and ecological mitigation measures.
95. It is clear that the viability of the site is a serious concern for the development. The Council’s in house surveyor has scrutinised the viability appraisal and sought clarification on certain factors that have been used to calculate viability. These have been addressed in an updated viability appraisal, which continues to demonstrate marginal viability. It is therefore considered that a contribution towards the maintenance of amenity green space only is acceptable in this instance given the viability issues. This should be secured via a condition requiring a scheme for the maintenance of the amenity greenspace.

Community Infrastructure Levy

96. 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. It is anticipated, however, that an affordable housing exemption will be sought.

Education provision

97. 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 within the scope of the Community Infrastructure Levy funds.

Other matters

98. Claims in the Accessibility/Sustainability report are inaccurate and make the site appear more sustainable than it is: LCC does not require the accessibility questionnaire to be completed for all new development proposals. Developers are encouraged to complete the questionnaire as an additional tool in assessing the ability with which people can reach different locations and facilities by different modes from proposed developments. LCC does not consider that the accessibility score falls within the low category and even if that were the case, instead of objecting to the proposal, LCC Highways would seek solutions through impact mitigation measures to make the proposal acceptable. From a planning perspective the accessibility and sustainability of the site to provide housing is not a matter for consideration on this site at this moment in time as the site is allocated for housing within the Chorley Local Plan 2012 – 2026 and therefore the principle is established.

99. The social/high density housing has been placed at a point to create the maximum disturbance. The impact of the proposed development on the amenity of neighbouring occupiers is set out above. It is noted that the positioning of the apartment units is similar to the affordable apartment units proposed by Redrow on the previous application, that the Development Control Committee resolved to approve.

100. 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.

101. Lack of detail on surface water drainage arrangements: Surface water drainage details would be required by condition.

102. Children currently play on the road and more traffic would be a danger: 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 event.

103. 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.

104. A new access should be constructed to connect the estate directly with the A49: A direct access road to the A49 does not form part of the proposal and cannot therefore be considered in the determination of the application.

105. Lack of consultation: It is recommended that developers engage with local residents prior to submitting planning applications, however, Local Planning Authorities cannot ensure that this takes place. In terms of the Council's responsibility to publicise the application letters of notification were sent to the 56 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, the Parish Council were notified and the application available to view on the Council website.

CONCLUSION

106. The application is recommended for approval subject to conditions including a scheme to secure affordable housing and a scheme for the maintenance of the amenity greenspace.

RELEVANT HISTORY OF THE SITE

Ref: 17/00857/FULMAJ **Decision:** WDN **Decision Date:** 21 December 2018
Description: Erection of 37 dwellings and associated landscaping and infrastructure

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