

Item 3	09/00998/FULMAJ	Permit (Subject to Legal Agreement)
Case Officer	Mr Andy Wiggett	
Ward	Eccleston And Mawdesley	
Proposal	Erection of 10 dwellings and associated infrastructure, including demolition of existing buildings	
Location	St Marys Church Hall Lawrence Lane Eccleston ChorleyPR7 5SJ	
Applicant	Rowland Homes Ltd	
Policy	Planning Policy Statement 3: Housing Regional Spatial Strategy : Policy L4 Chorley Borough Local Plan Review: GN3 GN5 HS4 TR4 LT13.32 DC10	
Planning History	05/00290/INV – Outline application to demolish existing village hall and erect a two storey nursing home with day care facilities, new vehicular access and associated parking – Withdrawn 05/00409/INV – Outline application for the demolition of redundant church hall and erection of 80 bed care home for older people with residential, nursing and dementia care needs – Withdrawn 05/00939/OUTMAJ – Outline application for the demolition of redundant church hall and erection of 80 bed care home for older people with residential, nursing and dementia care needs – withdrawn 06/00666/OUTMAJ – Outline application for the demolition of redundant church hall and erection of 55 bed nursing/care home (Use Class C2) – Withdrawn 08/00465/OUTMAJ – Outline application for the demolition of existing building and erection of 11 two storey dwellings – allowed on appeal	
Consultations	Lancashire County Highways – the amended layout is now satisfactory and meets the Highway Authority’s requirements. Parish Council – in accordance with the Appeal Inspector’s decision, want the S106 money to be spent in Eccleston for enhanced facilities on existing playgrounds. Object to the revised layout with direct accesses onto Lawrence Lane would wish to see a single access scheme approved. United Utilities – no objection provided that the scheme is drained to separate systems. Environmental Protection – the excavation and removal of made ground should be required and a validation/verification report should be provided with photographic and documentary evidence.	
Representations	Two letters of objection have been received raising the following issues	

- The proposed dwellings would erode privacy and natural light from some of the properties in Parr Lane
- Traffic movements as a result of the development will increase congestion and potential for accidents in the area
- Church Hall was formerly a valuable community asset, the loss of the site for dwellings is a gross oversight
- The hedge at the northern boundary of the site needs to be protected during construction work and ground levels retained so that its value for wildlife can be maintained

Applicant's Case

- The application site is previously developed land
- The site is in a sustainable location close to facilities and bus routes
- Layout makes full use of size and shape of the site whilst integrating with the surroundings and into the streetscene
- Site will have low concentrated planting and existing trees retained

Assessment

The main issues connected with the application concern planning policy and impact on the locality with regard to residential amenity of adjacent property, loss of a community facility and open space.

Planning Policy

Policy GN3 states that development in Ecclestone will be restricted to the development and redevelopment of land wholly within the existing built up extent of the settlement, the re-use of previously developed land, bearing in mind the scale of any proposed development in relation to its surroundings and the sustainability of the location and provides affordable housing. The site meets these criteria as it is located close to the village centre and is intended for two storey housing which will be similar in character to those which adjoin it.

The planning permission granted on appeal is a material consideration with regard to this application to which I have attached significant weight. The appeal Inspector in determining application No.08/00465/OUTMAJ was of the opinion that the redevelopment of the site for residential purposes was acceptable and that the requirements of Policy DC10 have largely been satisfied by the erection of a new church hall. The loss of the allocated play space under Policy LT13.32 is to be compensated for by the improvement of off-site facilities in the local area to be achieved through the S106 agreement. The Parish Council also wish to see this provided in Ecclestone, however, this cannot be secured by a planning condition attached to this application but through the Council's wider Leisure policies. The principle of residential development on the site and hence the determination of this application are linked to seeing that provision in the local area is secured.

The application was accompanied by a geoenvironmental investigation and risk assessment which concluded that elevated levels of arsenic and organic species B(a)P and D(ah)A have been encountered on the site. Remediation measures will be required in any garden areas or areas of soft landscaping in order to mitigate risks. Also, protective water supplies and sterile trenches

will be required where pipes are to be installed in the made ground. These matters can be dealt with by condition.

The application was accompanied by a bat survey carried out in Summer 2009 and a further study in late November which concluded that there were four individual bats present but that the planned works would not have an adverse impact on the population status and/or conservation status of these animal groups in the area. The report recommends that demolition work should not proceed until necessary further surveys have been carried out, that site workers should be briefed about the possible presence of bats, new buildings or structures should be designed to be bat friendly, sufficient bat boxes should be placed on suitable trees to ensure no gap in roost availability.

Residential Amenity

In view of earlier adverse comments from the Highway Authority concerning the original submitted layout, the applicant has now submitted a revised layout which meets the Council's guidelines for 10 dwellings at a density of 27.0d/ha which is close to the level of 30d//ha advised in PPS3 for new housing developments as the layout reflects the style of housing opposite on The Croft and contrasts with the higher density terraced housing on The Green. The density of the scheme allowed on appeal was 28.6d/ha. The proposed layout will not adversely impact on the amenity of adjoining houses as it satisfies the Council's adopted interface distances having regard to the flat nature of the site. The design of the houses uses standard house types of in brick with tile roofs all of which are detached with 300% off-street parking provision. The current streetscene along The Croft will be maintained by the provision of a replacement close boarded timber fence of 1.4m in height with planting behind. This can be secured by condition.

Conclusion

The redevelopment of the site for residential purposes is in conformity with planning policy. The outline planning permission granted on appeal is a material consideration that has significant weight attached to it. The Inspector concluded that the criteria in Policy DC10 have been demonstrated to have been met in that a replacement has been provided to a better standard and located next to the Church it is primarily to serve. The issue of open space needs to be settled through the financial contribution applied in the locality. The proposed development as envisaged in the amended layout reflects the character of the surrounding area and meets the necessary development control criteria. Other issues such as ground conditions and bats can be dealt with by planning condition.

Recommendation: Permit (Subject to Legal Agreement) Conditions

1. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected, specifically to include a 14m high fence along The Croft, (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been

erected in conformity with the approved details prior to substantial completion of the development.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

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

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

3. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

4. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

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

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

7. The recommendations set out in Part 6 of the report prepared by ADK Environmental Management Ltd received 14th December 2009 on bats shall be carried out as specified and the results submitted to and confirmed in writing by the Local Planning Authority.

Reason: To facilitate the survival of the individual species identified in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review

8. This consent relates to the amended plan, received on 26th January 2010.

Reason: To define the consent and to ensure all works are carried out in a satisfactory manner

9. The approved plans are:

Plan Ref.	Received On:	Title:
RO46/1	26.01.2010	Planning Layout
5536/01	14.12.2009	Topographic Survey
RO46-100	14.12.2009	House Types
R046-101		
RO46-102		
RO46-103		
RO46-105		
RO46-106		Garage Details
RO46-107		Fence/wall Details
RO46-108		Streetscenes

Reason: To define the permission and in the interests of the proper development of the site.

10. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.

11. No development shall take place until :

- a) the Local Planning Authority has given written approval to the remediation proposals set out in the report prepared by LK Consult and received on the 3rd February, which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works, a validation report containing any validation sampling results have been submitted to and approved in writing by the Local Planning Authority.

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