

Item 1 **09/00985/OUTMAJ**

Case Officer **Mrs Nicola Hopkins**

Ward **Chorley South West**

Proposal **Outline application for the erection of 15 affordable dwellings, following the demolition of the existing commercial premises**

Location **Chorley Motor Auction Cottam Street Chorley PR7 2DT**

Applicant **J B Loughlin (Contractors) Ltd**

Consultation expiry: 17 March 2010

Application expiry: 17 May 2010

Proposal

1. The application is an outline application for the erection of 15 affordable dwellings at the site. The proposal also involves the demolition of the existing on site commercial premises. The matters under consideration as part of this application are access, layout and the principle of redeveloping the site for housing. Matters in respect of design and landscaping will be dealt with at reserved matters stage in the event that outline planning permission is forthcoming.
2. The site occupies 0.254 hectares. The proposed development of 15 dwellings equates to a density of 59 dwellings per hectare. Government guidance contained in PPS3 recommends that a minimum density of 30 dwellings per hectare should be achieved on new residential development schemes. It is considered that within this sustainable location close to the town centre a high density development is appropriate and will achieve additional affordable housing within the Borough.

Recommendation

3. It is recommended that this application is granted conditional outline planning approval subject to the associated Section 106 Agreement

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Proposed Residential Development
 - Affordable Housing
 - Impact on the Neighbours' amenities
 - Highway Safety and Traffic
 - Section 106 Agreement
 - Ecology

Representations

5. 1 letters of objection have been received
6. 1 letter has been submitted from Prontoprint raising concerns in respect of the continued use of their building

Consultations

7. **Director of People and Places** has no objection subject to suitable conditions.

8. **Planning Policy** have commented in respect of Policy HS7 and Sustainable Resources
9. **United Utility** have no objection subject to various conditions/informatives
10. **Lancashire County Council (Ecology)** has no objection subject to appropriate conditions
11. **Lancashire County Council (Planning Contributions)** have requested S106 contributions in respect of education and waste management
12. **The Council's Parks and Open Spaces Officer (Development)** has commented in respect of equipped play space provision
13. **The Architectural Design and Crime Reduction Advisor** has commented on security issues for the future dwellings
14. **The Council's Waste & Contaminated Land Officer** has commented in respect of waste storage and collection
15. **Chorley's Strategic Housing Section** have commented in respect of the proposed tenure and housing mix

Assessment

Proposed Residential Development

16. The site is allocated within the local plan under Policy HS7 which relates to redevelopment for housing. The site consists of old buildings, which have historically been in employment use, and the two storey building currently used by Prontoprint. Policy HS7 states that in the interests of sustainability it is important to retain employment opportunities within town centres at locations well served by public transport and close to residential areas. However certain sites and existing uses can cause significant amenity and environmental problems. The Policy identifies such sites where favourable consideration will be given for residential development and this site is included within the list of identified sites.
17. The site falls to be considered previously developed land in accordance with advice contained in PPS3, which is the preferred location for residential development. Additionally the site has been identified as a preferred location for residential redevelopment within the Borough and as such it is considered that in principle the redevelopment of the site for residential purposes has been established

Affordable Housing

18. The application has been submitted for a wholly affordable housing scheme at the site. Following discussions with the agent for the application it is understood that JB Loughlin Builders will build the properties for the Registered Social Landlord (RSL) and the properties will be rented accommodation.
19. The builders have been in discussions with Progress Housing Group (RSL) as a potential RSL for the properties. Progress Housing have confirmed that they are interested in the proposed affordable houses however this is subject to a successful bid to the Homes and Community Agency. If the bid is successful then the properties will be available for social rent.

20. The Head of Housing has confirmed that the proposed housing mix (4 two bedroom, 10 three bedroom and 1 four bedroom dwellings) is an acceptable affordable housing mix however concerns have been raised in respect of 100% rented accommodation as it would be preferred to see a mix of rented and intermediate accommodation (on a split of 80% (12 units) rented and 20% (3 units) intermediate accommodation). Strategic Housing are discussing this issue further with the RSL from a viability perspective.

Impact on the Neighbours' amenities

21. The area surrounding the application is predominantly residential with a mixture of terraced, semi-detached and detached dwellings including 2 storey properties and bungalows.

22. The residential properties immediately adjacent to the site are 11 Cottam Street and 18 Coventry Street which are two storey terraced properties and 5 Lichfield Road which is a detached bungalow.

23. The submitted proposals incorporate the erection of 12 dwellings along Lichfield Road, accommodated in 2 terrace rows with 6 properties in each row, the erection of a pair of semi-detached dwellings at the rear of the site and erection of a detached dwelling at the rear of the site

24. The side elevation of plot 12 will be located close to the boundary with the rear garden areas of 11 Cottam Street and 18 Coventry Street (although there is a public footpath between the site boundary and the boundary with the existing dwellings which will be retained). Although the scale of the properties will be dealt with at reserved matters stage the submitted Design and Access Statement states that the dwellings will be two storey (with an approximate eaves height of 5.1 metres and an approximate ridge height of 7.5-8 metres).

25. It is not considered that a 2 storey dwelling adjacent to the boundary with these properties will adversely impact on the amenities of the residents. The proposed dwelling is sited to the north west of the existing properties and as such will not lead to a significant loss of light. A two storey dwelling is not considered to be overbearing and a condition will be attached to a positive recommendation restricting windows to habitable rooms in the end gable of plot 12 to ensure that there is no loss of privacy to the existing residents.

26. The side elevation of plot 1 will be located close to the boundary with 5 Lichfield Road (although the properties will be separated by proposed parking for the future residents of Plot 1). The proposed dwelling is set further back into the site than the building line of the existing properties, this is necessary to achieve frontage parking along Lichfield Road, which has resulted in the proposed property extending further back than the rear wall of 5 Lichfield Road.

27. Due to the distance retained between the existing dwelling and the proposed dwelling it is not considered that the proposed dwelling will adversely impact on the outlook from the rear windows of 5 Lichfield Road. Concerns have been raised in regards to loss of light. Due to the orientation of the properties it is likely that the proposed dwelling will impact on the light at 5 Lichfield Road to a degree however this will mainly be during the morning and the impact will only be minimal. As such it is not considered that the impact will be to a degree which warrants refusal.

28. The rear elevation of the proposed dwellings on plots 13 and 14 will face the garden boundary with 5 Lichfield Road however the proposed dwellings are sited 17 metres away from the common boundary, which is considered to be an adequate distance away to ensure the neighbours' amenities are protected.

29. Internally within the application site the properties on plots 13 and 15 are located to the rear of the proposed dwellings along Lichfield Road. There is adequate space retained between the properties however to ensure the amenities of the future residents are protected and conditions can be attached ensuring that windows to habitable rooms are not located within elevations which could create overlooking.
30. Prontoprint have accommodation on the application site, which is proposed to be demolished as part of the application. Concerns have been raised by the occupiers as they have 5 years on their lease and concerns over parking. The agent for the application has confirmed that the lease will be honoured and the development can be phased with plots 1-6 and 13/14 making up phase 1 with the remainder of the properties constructed at a later phase. Prontoprint have 6 parking spaces which will be retained and any rights of way will be maintained along with minimising disruption during construction.
31. It is not considered that the proposed dwellings will adversely impact on the amenities of the existing or future residents.

Highway Safety and Traffic

32. It is proposed to access the development via Lichfield Road with frontage parking created for the properties proposed along Lichfield Road and a parking court arrangement for the properties at the rear of the site. This site is located within a very sustainable location close to Chorley Town Centre and alternative modes of transport. Due to the location of this site the Highway Engineer at Lancashire County Council has confirmed that 150% parking can be provided for the 2/3 bedroom properties although additional parking will be required for larger properties and a minimum of 10% of the parking bays should be set out for the mobility impaired.
33. The proposed scheme incorporates 14 two/three bedroom dwellings and 1 four bedroom dwelling. The amended scheme includes 25 parking spaces including 2 spaces for the mobility impaired which is considered to be acceptable for this sustainable location.
34. Concerns have been raised about the additional traffic created by the development. The Highway Engineer has not raised any objections to the proposals and has sited the possible benefits of the scheme taking into consideration the current use of the premises as a motor auction which can create parking problems
35. The Highway Engineer has stated that Cottam Street is not suitable for redevelopment without being made up and adopted. However it is not proposed to provide vehicular access to the site via Cottam Street.
36. There is an existing garage block along Lichfield Road which will be removed as part of the development. It is not clear how many of these garages are currently utilised however no concerns have been raised from either residents or the Highway Engineer in respect of the loss of this garage accommodation.

Section 106 Agreement

37. The submitted application incorporates the erection of 15 affordable housing which will be managed by a Registered Social Landlord. The Section 106 Agreement associated with this development will include a clause for the erection of 15 affordable units on this site. the split will be dependent on further discussions with the potential RSL for the site.
38. The Section 106 Agreement will also include a clause requiring £19,905 for the provision of equipped play space within the Borough.

39. Lancashire County Council Planning Contributions have requested Section 106 contributions in respect of education and waste management. As Chorley Council have not signed up to the County's contribution paper any request is assessed in regards to Circular 05/2005 and the 5 tests of this Circular. The request from LCC for a S106 contribution for waste management and education has not been fully justified and as such it is not considered that such a request would meet the tests of the Circular.

Ecology

40. The proposals involve the demolition of existing buildings on site and the application is accompanied by a Bat Survey in respect of the existing buildings on site. The Ecologist at Lancashire County Council has reviewed this document and has not raised any objection subject to suitably worded conditions/ informatives.

41. Following a recent high court decision the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:

- (a) the activity must be for imperative reasons of overriding public interest of for public health and safety;
- (b) there must be no satisfactory alternative and
- (c) favourable conservation status of the species must be maintained.

42. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.

43. A Bat survey has been undertaken on the site and it is considered that if the proposed mitigation measures are implemented the proposals will not adversely impact on protected species. It is considered that the proposals satisfy the three derogation tests and will not impact unfavourably on the population of protected species

Overall Conclusion

44. The proposed development will contribute to the Council's Corporate Priorities of providing additional affordable dwellings within the Borough. The site is a brownfield, sustainable location and will provide 100% affordable accommodation for which there is a need within the Borough. It is not considered that the proposal will adversely impact on neighbour amenity or highway safety and as such are considered to be acceptable.

Other Matters

Sustainability

45. The first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), the new style Local Plan, was adopted in September 2008. As such the scheme will be required to achieve a minimum 15% reduction in energy consumption and accord with Code for Sustainable Homes.

46. The application was accompanied by a Sustainability Statement which was updated following receipt of further comments from Planning Policy. Following this amended document Planning Policy consider that sufficient information has been provided to demonstrate compliance with criterion (a) of Policy SR1.

47. To ensure that the future reserved matters application accord with Policy SR1 of the Sustainable Resources DPD appropriately worded conditions will be attached to the recommendation in respect of reducing energy consumption

Waste Collection and Storage

48. The Council's Waste and Contaminated Land Officer initially commented on the scheme in respect of storage facilities for bins and collection points. Following receipt of these comments the agent for the application has amended the layout plan to demonstrate in curtilage storage facilities and collection points. Plots 1, 6, 7 and 12 have the facility to bring the bins to Lichfield Road for collection whereas the rest of the properties will have designated bin collection points.

49. The Waste and Contaminated Land Officer has considered the amended layout and confirmed that the solution appears satisfactory.

Non- material planning considerations

50. Concerns have been raised about continued maintenance arrangement for the gable end of the neighbouring dwelling house. This is a private issue which will require agreement with the land owners.

51. It is not considered that noise generation from the proposed properties will be greater than a typical dwelling house and as such will not have an adverse impact on the existing residents. Additionally the previous use of the site is as a motor auction and there is the potential to use the site for alternative employment uses on this site which have the potential to generate significantly higher noise levels than the proposed development. A condition will be attached to the recommendation restricting construction hours due to the residential nature of the surrounding area.

52. Concerns have been raised about the demolition of the existing building, which it is understood contains asbestos. This is separate to the planning system and will be subject to Building Control regulations.

Planning Policies

National Planning Policies:

PPS1, PPS3, PPS9, PPS22, PPS23, PPS25

North West Regional Spatial Strategy

Policies: DP1, DP4, DP7, RDF1, L4, RT9, EM5, EM15, EM16, EM17

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, EP17, EP18, HS4, HS7.3, TR1, TR4

Supplementary Planning Guidance:

- Design Guide

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Planning History

9/78/913- New Roof to Existing Garage. Approved October 1978

9/82/604- Change of Use of Tyre Depot to Health Club. Approved November 1982

03/01327/ADV- Display of internally illuminated fascia sign, two flat signs and sign on yard entry. Approved March 2004

03/01328/COU- Change of use from former gym premises to a photocopying, art design studio and general office. Approved January 2004

**Recommendation: Permit (Subject to Legal Agreement)
Conditions**

1. An application for approval of the reserved matters (namely scale, external appearance of the buildings and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approved plans are:

Plan Ref.	Received On:	Title:
09/120/P01	8 th December 2009	Location Plan
09/120/P01 Rev B	30 th March 2010	Proposed Site Plan
	15 th February 2010	Topographical Survey

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

3. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

4. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (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.

5. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.

6. 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.

7. 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.

8. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details 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 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.

9. 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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

11. The development hereby permitted shall be carried out in accordance with the bat mitigation proposals set out within Section 5 of the Bat Survey undertaken by ERAP Consultant Ecologists dated 30th January 2010.

Reason: To ensure the continued protection and enhancement of bats. In accordance with Government advice contained in PPS9 and Policy EP4 of the Adopted Chorley Borough Local Plan Review.

12. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding and in accordance with Government advice contained in PPS25: Development and Flood Risk

13. Prior to the commencement of the development a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, shall be submitted to and approved in writing by the Local Planning Authority. The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken including details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: In the interests of safety and in accordance with Government advice contained in PPS23: Planning and Pollution Control

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

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 Government advice contained in PPS23: Planning and Pollution Control

15. The application for approval of Reserved Matters shall demonstrate and provide full details of how the design and layout of the buildings will withstand climate change in accordance with the submitted Sustainability Statement prepared by Lawson Margerison Partnership Ltd received 8th December 2009 and the Sustainability Statement Revision A dated 9th March 2010. The approved details shall be fully implemented and retained in perpetuity.

Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

16. The application for approval of reserved matters shall be accompanied by a Design Stage assessment and related certification demonstrating that the proposed development will be constructed to achieve the relevant Code for Sustainable Homes level. All dwellings commenced after 1st January 2010 will be required to meet Code Level 3, all dwellings commenced after 1st January 2013 will be required to meet Code Level 4 and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6. In accordance with Policy SR1 of the Sustainable Resources DPD, renewable or low carbon energy sources must be installed to reduce the predicted carbon emissions of the development by at least 15% (increasing to 20% from 2015). To demonstrate that this has been achieved, the Design Stage certification must show that the proposed development will achieve 2 credits within Issue Ene 7: Low or Zero Carbon Technologies. The approved details shall be fully implemented and retained in perpetuity.

Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

17. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a final Code Certificate has been issued certifying that the required Code Level and 2 credits under Issue Ene7 has been achieved and the certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
