

**Item 4b**                      **12/00197/FUL**

**Case Officer**            **Nicola Hopkins**

**Ward**                        **Wheelton And Withnell**

**Proposal**                  **Proposed redevelopment of Abbeystead Farm including the demolition of the existing buildings and the erection of 5 no. detached dwellings**

**Location**                **Abbeystead Farm Buildings Bolton Road Abbey Village Lancashire**

**Applicant**                **Brindle Homes Limited**

**Consultation expiry:** **17 April 2012**

**Application expiry:** **19 April 2012**

### **Proposal**

1. The application relates to the proposed redevelopment of the buildings associated with Abbeystead Farm including the demolition of the existing buildings and the erection of 5 detached dwellings.
2. The site is located adjacent to the Hare and Hounds Public House at the edge of the settlement of Abbey Village. Vehicular access is gained via a single private track off Bolton Road.
3. The site previously formed part of the larger Abbeystead Farm property incorporating the surrounding agricultural land. In 2010 the farm unit was subdivided into separate plots and sold at auction. This site consists of three substantial buildings along with timber sheds and outbuildings. There is a large single storey barn which measures 23m by 14.3 m constructed out of natural stone with a slate roof, a single storey building which measures 14.2m by 5.2 m constructed out of stone and brick with a slate roof and a single storey building which measures 10.3m by 3.4m constructed out of brick with a slate roof.

### **Recommendation**

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

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Background information
  - Housing Development
  - Density
  - Levels
  - Impact on the neighbours
  - Design
  - Open Space

- Trees and Landscape
- Ecology
- Flood Risk
- Traffic and Transport
- Public Right of Way
- Contamination and Coal Mines
- Sustainability

### **Representations**

6. 6 letters of objection have been received raising the following points:
- Loss of views and light
  - Loss of privacy
  - Out of keeping with the Village
  - There are sufficient 3/ 4 bed houses in the village
  - Create extra traffic
  - Create overlooking
  - The 2010 appraisal of Abbey Village conservation area highlighted the following issues:
    - 2 Unsympathetic alterations using inappropriate materials
    - 2 Dominance of vehicles with heavy through traffic and on-street parking
    - 2 Unsympathetic modern developments using inappropriate designs and materials.
  - The proposed development is built from inappropriate materials, has plans for 15 car spaces and has the appearance of an unsympathetic modern development.
  - Several single storey, sympathetic rear extensions on bolton road have been declined in last few years for not being "in keeping with traditional style and for bordering a conservation area". This development lies within the conservation area
  - Appraisal also states "PLANNING APPLICATIONS should demonstrate that the proposals preserve or enhance the special interest of the area. Barn owls and several Bat species confirmed in survey of premises will not hang around a 5 house development in such a small plot with potential for 15 vehicles.
  - The barn is suitable for conversion
  - Too much traffic on a single access road
  - Adverse impact on the conservation area
7. 1 letter of support has been received raising the following points:
- Will offer a diverse mix in the village
  - Will allow people to stay in the village
  - Will kick start the economy of the village

### **Consultations**

8. **The Environment Agency** have no comments to make
9. **Chorley's Conservation Officer** has no objection to the proposals
10. **United Utilities**
11. **Lancashire County Council (Highways)** have commented on the application
12. **Chorley's Waste & Contaminated Land Officer** has no objection subject to conditions in respect of contamination

13. **Chorley's Waste & Contaminated Land Officer** has no objection in respect of waste collection and storage
14. **The Council's Parks and Open Spaces Officer** has commented on the application
15. **The Council's Planning Policy Team** have commented on the application.

## **Planning Policy**

### **National Planning Policy:**

16. The relevant national planning policy guidance is as follows:
  - National Planning Policy Framework (NPPF)
17. The NPPF confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 200439 even if there is a limited degree of conflict with this Framework.
18. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
19. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
  - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
20. In respect of housing the NPPF states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
  - the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
  - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
  - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
  - the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
    - 2 be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
    - 2 reflect the highest standards in architecture;
    - 2 significantly enhance its immediate setting; and
    - 2 be sensitive to the defining characteristics of the local area.

21. The application site is located within Abbey Village Conservation Area. The NPPF requires Planning Authorities, in determining planning applications, to take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.

### **The Development Plan**

22. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Sustainable Resources Development Plan Document 2008 and the North West of England Regional Spatial Strategy 2008 (RSS).
23. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Regional Spatial Strategy (RSS)**

24. At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.
25. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government has indicated that it intends to revoke RSS by April 2012.
26. The relevant policies of the RSS are as follows:
- **Policy DP1 – Spatial Principles:** This policy outlines broad spatial sustainability principles that should be adhered to.
  - **Policy DP2 – Promote Sustainable Communities:** This policy sets out principles that should be followed to create sustainable communities.
  - **Policy DP4 – Make the Best Use of Existing Resources and Infrastructure:** This policy seeks to make the best use of existing infrastructure.
  - **Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility:** This policy seeks to ensure that development is located so as to reduce the need to travel and that there should be safe and sustainable for all. It highlights that all new development should be genuinely accessible by public transport, walking and cycling and that priority should be given to locations where such access is already available.
  - **Policy DP7 – Promote Environmental Quality:** This policy outlines criteria that seek to protect and enhance environmental quality.
  - **Policy DP9 – Reduce Emissions and Adapt to Climate Change:** This policy seeks to ensure that new development reduces emissions and is adaptable to climate change. The Chorley Sustainable Resources Development Plan Document expands upon these principles and is outlined later.

- **Policy L4 – Regional Housing Provision:** The RSS sets out a housing requirement of 417 units per year for Chorley.

**Adopted Chorley Borough Local Plan Review 2003 (policies saved by Direction of the Secretary of State in September 2007)**

27. The NPPF confirms that for 12 months from the day of publication of the NPPF (27<sup>th</sup> March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The NPPF also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is addressed below.
28. The relevant policies of the Local Plan are as follows:
- GN4** Settlement Policy – Other Rural Settlements
  - GN5** Building Design and Retaining Existing Landscape Features and Natural Habitats
  - EP4** Species Protection
  - EP9** Trees and Woodlands
  - HT7** New Development in Conservation Areas
  - HT8** Control of Demolition in Conservation Areas
  - HS4** Design and Layout of Residential Developments
  - HS6** Housing Windfall Sites
  - HS8** Local Needs Housing in Rural Settlements Excluded From The Green Belt
  - HS21** Playing Space Requirements
  - EM4** Protection of Employment Sites in Rural Settlements
  - TR4** Highway Development Control Criteria

**Sustainable Resources DPD:**

- Policy SR1 – Incorporating Sustainable Resources into New Development

**Emerging Policy Considerations**

***Central Lancashire Local Development Framework Joint Core Strategy***

29. Central Lancashire Core Strategy – Publication Version December 2010: Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils which was submitted for examination in March 2011 and an Examination in Public took place in June 2011. In July 2011, the examining Inspector expressed doubts whether the document in its December 2010 published form could be found sound in providing for sufficient new housing (Policy 4). The examination was suspended and in November 2011 the three Councils produced a Proposed Housing Related Changes document. This was subject to public consultation during November and December 2011. The consultation period ended on 13th December 2011. The examination re-opened and closed on 6th March 2012.
30. As a whole the Core Strategy as a document is at an advanced stage, in respect of Policy 4 the examination process it yet to be completed.
31. The following Core Strategy Policies are of relevance to this application:
- **Policy 1:** Locating Growth
  - **Policy 3:** Travel
  - **Policy 4:** Housing Delivery
  - **Policy 5:** Housing Density
  - **Policy 6:** Housing Quality
  - **Policy 9:** Economic Growth and Employment

- **Policy 10:** Employment Premises and Sites
- **Policy 13:** Rural Economy
- **Policy 16:** Heritage Assets
- **Policy 17:** Design of New Buildings
- **Policy 22:** Biodiversity and Geodiversity
- **Policy 27:** Sustainable Resources and New Developments
- **Policy 28:** Renewable and Low Carbon Energy Schemes

***Site Allocations & Development Management Policies DPD (Preferred Option Paper)***

32. Local Development Framework: Site Allocations and Development Management Policies Development Plan Document. The Council has recently completed consultation on the Preferred Option Paper for the Chorley Site Allocations and Development Management Policies Development Plan Document (DPD). This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. This DPD is at a relatively early stage of preparation, and can be afforded limited weight.

**Assessment**

Principle of the development

33. The application site is located within the settlement boundary of Abbey Village and is part of Abbey Village Conservation Area. Policy GN4 of the Local Plan is applicable to Abbey Village and states: development in Abbey Village will be limited to:
- (a) infill sites;
  - (b) the rehabilitation and reuse of buildings;
  - (c) that which provides affordable housing to meet a recognised local need in accordance with Policy HS8;
  - (d) that which meets a particular local community or employment need; or
  - (e) 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
34. This Policy is in line with the emerging Core Strategy Policy 1 which states that in smaller villages development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
35. The proposed development is not considered to be infill, does not involve the re-use of building, does not incorporate affordable housing and does not fall within the NPPF definition of previously developed land as it is occupied by agricultural buildings. As such the proposals are not considered to be in accordance with Policy GN4 of the Local Plan or the emerging Policy.
36. However guidance contained within the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This application site is located within the settlement boundary of Abbey Village and does not involve the erection of new isolated homes in the countryside. It is acknowledged that development which would re-use redundant or disused buildings and lead to an enhancement to the immediate setting is encouraged however the quality and/or innovative nature of the design of the dwelling(s) is also a consideration.

37. Prior to submitting this application 5 options for the site were considered. Option A considered converting the main stone barn into 4 terraced type residential properties. However limitations in respect of the internal layout of the barn, the width of the existing building and the relationship with the public house made this option difficult. This along with the parking requirements of such a development rendered this option unviable.
38. Option C also considered converting the main barn into apartments. This option was also discounted due to the site constraints set out above.
39. Additionally the applicant consulted with a structural engineer in respect of converting the existing barns. Concerns were raised over the future stability of the barn and lean to shippon which would necessitate the complete rebuilding of external walls. The internal large stone buttresses (which it is understood were added to prevent further movement of the south-west wall) restrict potential suitable internal residential layouts. The roof structures were deemed unsafe. In respect of the smaller barn and the brick barn it was considered they have deteriorated to such an extent that it was beyond repair. The cost of repair to enable conversion, notwithstanding the limitations set out above would have rendered the scheme unviable.
40. The submitted Structural Survey has been reviewed by the Council's Building Control Section who have confirmed that the contents of the report are correct and the degree of rebuild required would exceed 25-30% (the Building Control Officer inspection is based on the external fabric of the buildings on site due to the condition of the buildings).
41. The main barn and shippon would require in excess of 40% rebuild, the stone store, parallel to the rear of the barn around 30% rebuild (although this could be more) and the brick store, is in poor condition and would require a 25% rebuild. From an business perspective rebuild would not make economic sense taking into account underpinning, shoring/scaffolding and man hours required.
42. It is considered that the proposals do not accord with any of the criteria set out with Policy GN4 or the emerging Core Strategy Policy 1 however the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life including
  - replacing poor design with better design and
  - widening the choice of high quality homes
43. The applicant has considered preliminary design proposals investigating 5 options and has identified the fundamental key design principles for the successful development of the site within a Conservation Area, enabling the design and layout to reflect the surrounding character of the rural area, providing ample private amenity space, and respecting the privacy of the Hare and Hounds Inn. It is considered that the opportunity to improve the character and quality of this locality and the way it functions has been taken into account.
44. Paragraph 17 of the NPPF states –a set of 12 Core land use planning principles should underpin both plan making and decision taking planning. These principles include that planning should:
  - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
  - support the transition to a low carbon future in a changing climate, ..... and encourage the re –use of existing resources, including conversion of existing buildings and encourage the use of renewable resources.

45. Paragraph 49 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development”*. Paragraph 14 confirms that at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan- making and decision- taking.
46. Paragraph 54 also says *“ in rural areas LPAs should in particular consider whether allowing some market housing would facilitate the provision of significant affordable housing to meet local needs”*
47. The 2011 Rural Housing Needs Study looked at Withnell Parish as a whole with a requirement for 94 affordable homes in the next 5 years averaging 19 per year. Accent Registered Provider has around 50 affordable houses in Abbey Village (2/3 bedroom general needs terrace houses) which is considered to be a high proportion for a relatively small Village. As such it is not considered that Abbey Village has a significant need for further affordable housing.
48. As such it is considered that although the proposals are not in accordance with the current local plan or emerging planning policies in this case the proposals will enable the redevelopment of a site which has been without a sustainable economic use for many years and which any further deterioration would have a negative impact upon the special qualities of the conservation area. In this case it is considered that the material considerations outweigh the Local Plan Policies.
49. Policy EM4 of the Local Plan is also applicable as this site is considered to be a rural employment site. Policy EM4 states that proposals for non-employment use within a rural settlement involving the redevelopment or re-use of land or buildings last used for, or currently in, employment use will only be permitted if:
  - (a) the applicant can demonstrate that there would be no adverse impact on local economic activity; or
  - (b) the applicant is able to demonstrate that a suitable employment re-use cannot reasonably be secured and the application is supported by a statement of the efforts that have been made; or
  - (c) the applicant is able to demonstrate that the proposed use would result in a significant improvement to local amenity and visual amenity; and
  - (d) there is no conflict with other Policies of this Plan including Policies GN9 and GN10
50. This Policy is in line with the emerging Core Strategy Policy 10 which states that all existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that ‘Best Urban’ and ‘Good Urban’ sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:
  - (a) there would not be an unacceptable adverse impact on the type, quality and quantity of employment land supply;
  - (b) the provision and need for the proposed use;
  - (c) the relative suitability of the site for employment and for the alternative use;
  - (d) the location of the site and its relationship to other uses;
  - (e) whether the ability to accommodate smaller scale requirements would be compromised;
  - (f) there would be a net improvement in amenity.



Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:

- (g) evidence of lack of demand through an active 12 month marketing period for employment re-use and employment redevelopment;
- (h) an assessment of the viability of employment development including employment re-use and employment redevelopment.

- 51. Policy EM4 is also in line with emerging Core Strategy Policy 13 which seeks to achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth of rural businesses by allowing limited extension and replacement of existing buildings, with a preference for commercial, tourism and live/work uses.
- 52. In this regard the site has been marketed since January 2011 and the application is supported by a Proof of Marketing Report. This has been assessed by the Council's Planning Policy team who consider that the site has been marketed as a development opportunity for commercial, employment or leisure use for a 12 month period in accordance with both existing policy and emerging policy.

#### Housing Development

- 53. The proposed development involves the erection of 5 two storey four bedroom detached dwellings on the site. Dwellings 2- 5 have a single integral garage and a driveway suitable for 2 vehicles. Dwelling number 1 has an attached double garage and a single parking space.
- 54. The three existing barns on site will be demolished and the materials retained and re-used wherever possible. The stone wall which delineates the public house car park and the application site will be retained. The stone wall delineating the separation of the existing farm buildings from the existing single track access will be demolished to enable the development with the materials retained and re-used where possible.
- 55. The immediate neighbours to the site are the Hare and Hounds Public House and 127 Bolton Road. The Public House is a two storey building which is attached to the existing large barn on the site by a single storey outbuilding. The proposals incorporate the demolition of the barn however the single storey outbuilding will be retained as part of the public house. Dwellings 2 and 3 are sited immediately to the rear of the public house with dwelling 5 sited to the side (south-east) of the public houses existing service yard.
- 56. Dwelling 5 does not include any first floor habitable room windows within the elevation which faces the pub to secure the future amenities of the public house. There is a small rear obscurely glazed window in the rear elevation of the public house however this does not serve a habitable room and is sited over 22 metres away from the bedroom window of dwelling 2.
- 57. 127 Bolton Road, also known as Abbeystead Farm, is a 2 storey end terraced property with a two storey rear outrigger. Proposed dwelling number 1 is sited to the rear (north east) of this existing property approximately 18.4 metres from the rear wall of the outrigger (approximately 28.4 metres from the main wall of the house). There appears to be a habitable room window in the rear of the outrigger at first floor level which does not achieve the required 21 metres separation distance in respect of the window to bedroom 3 of dwelling 1. The applicant was advised of this and the dwelling on plot 1 has been amended in respect of the first floor window associated with bedroom 3. This amendment ensures that there is no direct interlocking issue between the proposed and existing habitable room windows.

58. The property on plot 1 is sited over 13 metres away from the common boundary with 127 Bolton Road which exceeds the required 10 metres spacing distance and as such will not result in loss of privacy to the rear garden area of the existing property
59. It is noted that concerns have been raised about loss of outlook from the rear of the existing properties however this is not a material planning consideration.

#### Density

60. The site covers 0.175 hectares. The erection of 5 dwellings as proposed results in a density on this site of 29 dwellings per hectare which is considered to be appropriate in respect of the rural nature of this site.

#### Levels

61. The proposed finished floor levels of the dwellings are as follows:
- Dwelling 1: 168.500
  - Dwelling 2: 168.700
  - Dwelling 3: 169.000
  - Dwelling 4: 169.300
  - Dwelling 5: 170.000
62. The garden level associated with 127 Bolton Road is 165.800 which is higher than the proposed level of plot 1 and as such it is not considered that the dwelling on plot 1 will adversely impact on the neighbours amenities by significant level differences.
63. The levels associated with the public house range from 165.900 to 166.600 which replicate and exceed the proposed levels of dwelling 2 and 3 ensuring that there is no loss of amenity through significant level changes.

#### Design and Impact on the Conservation Area

64. The application site is located within Abbey Village Conservation Area, which was designated on 10 June 1975 and for which an Appraisal and Management Proposals document was approved as a supporting document to the Chorley Council Local Development Framework on 9 December 2010.
65. The development incorporates the erection of 5 detached dwelling houses using a mixture of natural stone, textured render, timber wall cladding and grey roof slate.
66. The application is supported by a Heritage statement as Conservation Areas are a 'Designated Heritage Asset'. However this does not mean that the buildings contained within the conservation area are themselves designated and indeed none of them are classified as such. In accordance with the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
67. The Council's Conservation Officer has reviewed the proposals and considers that whilst the buildings at Abbeystead farm are identified as making a positive contribution to the special character of the conservation area, it is recognised that they are in poor and deteriorating condition and have been without a sustainable economic use for many years.
68. Policies HE7 and HE8 of the Local Plan apply in this case in determining the acceptability of the proposed development. The Conservation Officer considers that from the evidence

provided it is clear that the buildings have had an historical association with the adjacent Hare and Hounds Inn, which perhaps explains the very close physical relationship between them. That relationship clearly ceased many years ago, since when the condition of the buildings has gradually deteriorated. It is this close proximity that has been demonstrated via the options appraisals undertaken as part of the design process that, in part, precludes reuse of the structures for alternative use. The form of the buildings themselves further complicates any thoughts of remodelling or reconfiguring the internal layout to create any really usable units.

69. Furthermore it is evident that the level of significance attached to this group of buildings is relatively low and that if left for much longer they will begin to have a negative impact upon the special qualities of the conservation area.
70. The opportunity has therefore been taken in this case to remove this potential for future blight by replacing the buildings with new ones that will enhance the appearance of the area, but perhaps more fundamentally will provide for demand [for large family dwellings] that at present cannot be accommodated within the settlement. The design process has taken reference from local materials – stone used in elevations, slate for roofs – and combined them in a contemporary yet sympathetic style. The orientation of buildings and the chosen site layout will, in the conservation officer's view, lessen any impact of the new development when seen from longer distance views when approaching the village from the south or north such that these will be virtually unchanged from the status quo.
71. The Conservation Officer considers that the loss of the buildings is compensated for by the benefits not only to the appearance of the built environment but the ability to provide a type of dwelling that is in very limited supply within the settlement at present, thus allowing those growing families that want to remain within the village once they have outgrown the modestly proportioned cottages that make up the vast majority of dwellings contained therein the opportunity to do so. In this particular context it is considered that in this way the vitality and the sustainability of the village as a whole will be enhanced for future generations.

#### Open Space

72. In accordance with Policy HS21 of the Adopted Local Plan proposals for new housing development will be required to include provision for outdoor play space. In appropriate developments of less than 1 hectare a commuted sum from the development may be secured for use in the provision or improvement of open space facilities in the locality.
73. This is considered to be appropriate in respect of this application and in accordance with the Council's Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments. These guidelines state that where fewer than 100 dwellings are to be built in a housing development it is not normally expected that an equipped play area will be provided on-site.
74. The off site play space contribution is a tariff based approach and equate to £1,379 per dwelling which results in a contribution of £6,895 from this development. The Council's Parks and Open Spaces Officer has confirmed that there is a Council owned play ground within Abbey Village and residents have contacted the Council requesting improvements. The contribution secured from this development can be utilised to improve this play area.

#### Trees and Landscape

75. There are no trees located within the application site although there are two existing mature Oak trees along the access road in close proximity to the application site. It is the applicants

intention to erect a fence around these trees, subject to the land owners permission, during construction work to ensure the continued protection of the trees.

### Ecology

76. A Protected Species Investigation & Activity Survey & Mitigation Report and Extended Phase 1 Habitat Survey Report have been submitted with the application which was forwarded to the Ecologist at Lancashire County Council for comment.
77. The submitted Phase 1 Habitat Survey Report concludes that the development site contains habitats of varying ecological value. The great majority of the site is made up of tall ruderal and poor semi-improved grassland which are not generally particularly high value habitats. Recommendations include incorporating wildlife friendly planting schemes within landscaped proposals. This can be controlled via condition.
78. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) 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.
79. 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.
80. The submitted Phase 1 Habitat Survey Report concludes that great crested newts will not be affected by development, badgers may be present within the wider area and as such best practice measures are proposed (this can be controlled via condition), the development site contains habitats suitable for foraging bats and potential roosting habitat, the development has the potential to cause disturbance to breeding birds in buildings, tall ruderal and poor semi-improved grassland, habitats suitable to support water voles are not present on site or immediately adjacent to the site and evidence of hedgehog was not found on site, but habitats are considered to be suitable as such protection measures are recommended (this can be controlled via condition).
81. The submitted Protected Species Investigation & Activity Survey & Mitigation Report (Bats & Barn Owl) concludes that a European Protected Species (EPS) mitigation licence is required in respect of bats and their roosts. The report include a scheme of mitigation to ensure a continued ecological functionality of a summer roosting site and resting places for bat species, in particular common pipistrelle and for an occasional roosting site for barn owl. It also recommends compensation in the form of replacement roosts.
82. The Ecologist has yet to provide comments in respect of the proposals which will be reported on the addendum.

### Flood Risk

83. The site is located within Flood Zone 1 however as the site is less than 1 hectare in size a Flood Risk Assessment is not required to accompany the application. The Environment Agency have reviewed the submitted information have no comments to make.

#### Traffic and Transport

84. The Highway Engineer was involved in this site at pre-application stage. At this stage he was satisfied that the access at Bolton Road would prove acceptable from a highway viewpoint however he had concerns in relation to the internal road layout and car parking arrangements.
85. Having assessed the submitted planning application the Engineer is satisfied that the main highway points have been addressed and raises no overriding highway objection to the proposed development.
86. One minor point raised is that the refuse collection point serving plot 1 exceeds the maximum manual handling recommendations distance of 25m.
87. The plans have been amended to address the Highway Engineers comments and include inclusion of the vehicular visibility splays on the plans, removal of the landscaping adjacent to the access road, repositioning of the refuse and waste collection area and amendments to the plot area to dwelling 4.
88. The Highway Engineer has reviewed the amended plans and confirmed that as the initial points were minor there is no change from a highway viewpoint.
89. The Highway Engineer has recommended conditions in respect of the highway to be built to adoptable standard including provision for street lighting and in respect of visibility sight lines.
90. The supporting information submitted with the application confirms that it is intended that the proposed access road and pedestrian pavement areas will be adopted by LCC via the appropriate agreement with LCC. The Highway Engineer has confirmed that as the development is accessed from a private road the new access road serving the development site will also therefore remain privately maintainable although he has recommended that the highway is conditioned to be built to adoptable standard including provision for street lighting. Whilst the applicants wish to have the access road adopted this does not appear viable and as such a condition requiring the road to be built to adoptable standards is overly onerous.
91. Each dwelling includes provision for 3 off road parking spaces in accordance with the Council's requirements for four bedroom dwellings. The proposed garage accommodation measures 6x3 metres (single garage) and 6x6 metres (double garage) in accordance with Manual for Streets.

#### Public Right of Way

92. Footpath 34 is located along the access track to the side of the application site however the proposals will not affect the route of this public right of way.

#### Contamination and Coal Mines

93. The Council's Waste and Contaminated Land Officer has reviewed the submitted proposals and confirmed that due to the size of development and sensitive end-use (residential with gardens) a report identifying any potential sources of contamination on the site and where

appropriate, necessary remediation measures is required. This can be addressed by condition.

### Sustainability

94. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. The applicants have provided a Code for Sustainable Homes Pre-assessment report which sets out how they propose to meet the requirements of Policy SR1 of the Sustainable Resources DPD.
95. This pre-assessment has been assessed by the Council's Planning Policy Section who have confirmed that the assessment only refers to dwelling 1 achieving Code Level 3 and confirmation is required as to whether this assessment applies to all 5 dwellings. The applicant has confirmed that although the pre-assessment is titled plot one, it is the same for all five dwellings.
96. In respect of the requirement for a minimum 15% reduction in CO2 emissions through the use of low/zero carbon technology further information on how this will be achieved was requested from the applicant. The applicant has confirmed that CO2 emissions will be reduced by a minimum of 15% by improving on part 1A of part L regulations by increasing the insulation in the floor slab, the cavity walls and the roof space. Measures will also be taken in regards part G regulations using water efficient devices to reduce the amount of water consumed to below 125 litres a day per person and by improving on the regulations of Part J with regards to energy efficient boilers used within the houses.
97. This suggested way forward however does not meet the requirements of Policy SR1 which requires the 15% reduction to be achieved via the use of low/ zero carbon technologies. The applicant has been advised of this and a condition will be attached to the recommendation requiring details of the measures to be installed in accordance with Policy SR1 prior to commencement of the development.

### Section 106 Agreement

98. Due to the nature of the development a Section 106 Agreement will be required to secure:
  - £6,895 for the provision/improvement of play space within Abbey Village

### **Overall Conclusion**

99. It is acknowledged that the proposals do not fall within any of the criteria listed within Policy GN4 of the Local Plan or Policy 1 of the emerging plan as appropriate development within this rural village however as confirmed within the NPPF *'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'*
100. In this case it has been adequately demonstrated, through marketing of the site, that an employment re-use cannot be secured on this site and as such alternative uses should be considered. Although the large stone barn is considered to be an attractive rural feature within the area the remainder of the site has deteriorated to a degree which now results in the site, in part, having a negative impact upon the special qualities of the conservation area.
101. As set out above structurally conversion is not a viable option and the proposals will enable a viable use of the site within the conservation area in accordance with the NPPF.
102. As such, on balance, in this case it is considered that the proposals will enable the redevelopment of a unused site within the Conservation Area which has no viable potential as an employment re-use and will ensure a variety of choice in respect of the type and size of

dwellinghouses provided within the Village. As such the application is recommended for approval.

## **Other Matters**

### Public Consultation

103. In accordance with the Council's Statement of Community Involvement the applicants Brindle Homes Limited, have undertaken a public consultation event. 41 project information packages were sent to neighbours in December 2011 along with the school, shops and public house. A public consultation event was held on 22<sup>nd</sup> December in the public house.

104. A small number of residents attended the event who were generally supportive. Concerns were raised in respect of conflicts that could occur on the existing access road with farm traffic. One written objection has been received raising concerns in respect of loss of views, overlooking, out of keeping with the village and will create an eyesore.

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

1. **The proposed development must be begun not later than three years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.**

2. **The approved plans are:**

<b>Plan Ref.</b>	<b>Received On:</b>	<b>Title:</b>
1016 (02) 01	23 February 2012	Location Plan
1016 (02) 02	22 February 2012	Topographical Survey
1016 (02) 03	22 February 2012	Existing Site Plan
1016 (02) 04 A	10 April 2012	Ground Floor Plans
1016 (02) 05 A	10 April 2012	First Floor Plans
1016 (02) 07 A	10 April 2012	General Arrangements (Elevations)
1016 (02) 08 A	10 April 2012	General Arrangements (Elevations)
1016 (03) 01 A	10 April 2012	Ground and First Floor Plans (Dwelling 1)
1016 (03) 02 A	10 April 2012	Elevations (Dwelling 1)
1016 (03) 03 A	10 April 2012	Elevations and Sections (Dwelling 1)
1016 (04) 01	22 February 2012	Ground and First Floor Plans (Dwelling 2)
1016 (04) 02	22 February 2012	Elevations (Dwelling 2)
1016 (04) 03	22 February 2012	Elevations and Sections (Dwelling 2)
1016 (05) 01	22 February 2012	Ground and First Floor Plans (Dwelling 3)
1016 (05) 02	22 February 2012	Elevations (Dwelling 3)
1016 (05) 03	22 February 2012	Elevations and Sections (Dwelling 3)
1016 (06) 01	22 February 2012	Ground and First Floor Plans (Dwelling 4)
1016 (06) 02	22 February 2012	Elevations (Dwelling 4)
1016 (06) 03	22 February 2012	Elevations and Sections (Dwelling 4)
1016 (07) 01	22 February 2012	Ground and First Floor Plans (Dwelling 5)
1016 (07) 02	22 February 2012	Elevations (Dwelling 5)
1016 (07) 03	22 February 2012	Elevations and Sections (Dwelling 5)

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

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans. *Reason: To protect the appearance of the locality and 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. 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.*
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. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the 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.*
8. 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.*

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. The integral/attached garages shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995. *Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.*
11. The visibility splay, from the application site along the existing access road, detailed on plan reference 1016 (02) 04 Rev A , shall be constructed and maintained at footway/verge level in accordance with the approved plans. *Reason: In the interests of highway safety to ensure adequate visibility at the street junction or site access. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*
12. 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 and 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 and shall include 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 advice contained in the National Planning Policy Framework*
13. 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.*
14. The refuse and waste collection area detailed on plan 1016 (02) 04 A shall be made available prior to the occupation of the dwellinghouses hereby permitted. The collection area shall only be utilised for the storage of bins on bin collection days and shall be free of bins at all other times. The collection points shall thereafter be retained in perpetuity. *Reason: To ensure adequate refuse collection facilities are provided on site and in the interests of the visual amenities of the area. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
15. Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including the private highway, parking areas and bin collection points, shall be

submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company in accordance with the approved arrangements. *Reason: To ensure the satisfactory management of the private highways, parking areas and the storage of bins at the collection points at the site. In accordance with Policies GN5 and TR4 of the Adopted Chorley Borough Local Plan Review.*

16. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1<sup>st</sup> January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1 January 2016). *Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
17. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification. *Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
18. No dwelling shall be occupied until a letter of assurance, detailing how each plot will meet the necessary code level, has been issued by an approved code assessor and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Within 6 months of the completion of each dwelling hereby permitted a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority. *Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
19. Prior to the commencement of the development full details of the on site measures to reduce the carbon emissions of the development, through the use of renewable or low carbon energy sources/ technologies, by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details. *Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*