

**Item 4d**                      **12/00809/OUTMAJ**

**Case Officer**              **Caron Taylor**

**Ward**                         **Chorley South East**

**Proposal**                    **Outline application (with all matters reserved) for the erection of 14 no. dwellings following demolition of Fire Station site.**

**Location**                   **Chorley Fire Station Weldbank Lane Chorley LancashirePR7 3NQ**

**Applicant**                  **Mrs Nicola Ogden**

**Consultation expiry:** **8 November 2012**

**Application expiry:** **19 December 2012**

**Proposal**

1. Outline application (with all matters reserved) for the erection of 14 no. dwellings on former Fire Station site.

**Recommendation**

2. It is recommended that this application is granted planning approval subject to a Section 106 Agreement.

**Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development
  - Housing Development
  - Density
  - Levels
  - Impact on the neighbours
  - Scale, Layout and Design
  - Open Space
  - Trees and Landscape
  - Ecology
  - Flood Risk
  - Traffic and Transport
  - Contamination and Coal Mines
  - Drainage and Sewers
  - Sustainability
  - Section 106 Legal Agreement

**Representations**

4. One letter of objection has been received on the following grounds:
  - The parking in Weldbank Lane is not good especially the top end near to the fire station and the shop. Also the 20mph speed limit has now been set up, so will be causing more cars, more traffic on the school run;
  - It will spoil Weldbank Lane;

**Consultations**

5. **The Environment Agency**  
Have no comments to make on the application.

6. **The Architectural Design and Crime Reduction Advisor**

During the period 21/09/2011 to 21/09/2012 there has been recorded criminal activity within the immediate vicinity of this location. This includes theft from a vehicle and burglary in a building other than a dwelling. The frontage of the dwellings face the street which is supported as it maximises the opportunity for natural surveillance. In order to prevent the opportunities for criminal activity at the development I recommend that consideration be given to the following points:-

- Consideration should be given to the properties being developed to be Secured by Design standards, in particular Part 2 Physical Security. The proposed layout of the development already takes cognisance of the principles of Part 1 of Secured by Design e.g. layout and design.
- The car parking arrangements essentially create a communal parking court. It is recommended that parking is within the curtilage of the property at the front and side where possible. If parking is to be provided at the rear and side of properties it should ideally be within the curtilage of the dwelling, within view from active rooms and securely fenced and gated e.g. at the end of the garden. The parking for plots 4 to 7 is afforded good natural surveillance due to the orientation of the dwellings.
- The parking areas should be well lit with street lighting that provides a minimum of 40% uniformity of even coverage of light so as to reduce the fear of crime amongst users and discourage potential offenders.
- In order to maximise the opportunity for natural surveillance to the car parking spaces, boundary fencing at the side and end of properties should be 1200mm close boarded and 600mm trellis topping to allow residents to see their vehicles from the downstairs rear and side rooms of the properties e.g. plots 1-3.
- Careful consideration should be given to the landscaping arrangements around the car parking spaces as indicated on the site location plan so as not to restrict natural surveillance and provide areas of concealment for potential offenders.
- Although permeability is to be encouraged on housing developments some footpaths throughout the development create public access to the vulnerable rear of dwellings. These should be gated where possible and access to rear gardens should be restricted by a gating arrangement.

7. **United Utilities**

Have no objection to the proposal subject to conditions being attached to the application requiring the developer to contact the Local Authority confirming how surface water will be managed and that the site must be drained on a separate system, with only foul drainage connected into the foul sewer.

8. They also state that a water main crosses the site and as they need access for operating and maintaining it, they will not permit development in close proximity to it. They require an access strip of no less than 5 metres wide measuring at least 2.5 metres either side of the centre line of the main. A modification of the site layout, or diversion of the main at the applicant's expense, may be necessary.

9. **Lancashire County Council (Highways)**

Have no objection to the proposal.

10. Weldbank Lane is 7.5m wide and with on-street car parking taking place on the opposite side of the road. Weldbank Lane is a secondary distributor road with a 30mph speed limit. An examination of the recorded injury accident database has revealed no accidents in the past 5 years.

11. Following a review of the submitted information, there is really very little to comment upon from a highway viewpoint. The access/entrance to the parking courtyard is measuring 5.5m wide with 3m radii on the plan which will be acceptable. The level of parking shown is slightly on the low side but it is not significant and this can be resolved at reserved matters stage. 23no spaces are shown against 28no recommended in accord with the preferred standards. The parking courtyard will be required to be constructed to adoptable highway standards and suitable provision for illumination by street lighting and the proposed footway alterations to form the new access and reinstate the footway elsewhere to be undertaken by the highway Authority.
12. **Chorley's Waste & Contaminated Land Officer**  
There is a potential for ground contamination at this site (former fire station). They therefore recommend a condition in relation to this.
13. **Lancashire County Council (Education)**  
Draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a planning obligation. The contribution described is directly linked to the development described above and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development.
14. Based upon the 2012 annual pupil census and resulting projections LCC seek a contribution for 5 primary school places: £58,178. They state failure to secure the contributions sought would mean that the County Council cannot guarantee that children living on the development would be able to access a school place within a reasonable distance from their homes.
15. They state they are unable to specify the school(s) which would have additional places provided at this stage due to the statutory processes surrounding school expansion and the need for consultation.

### **Applicants Case**

16. Lancashire Combined Fire and Rescue service has a strategic objective to dispose of Chorley Fire Station as it will be surplus to requirements once the new Fire Station at Washington Hall, currently under construction] is open in July 2013.

### **Assessment**

#### Principle of the development

17. The site is currently in use as Chorley Fire Station. It is within the settlement of Chorley on the corner of Weldbank Lane and Gloucester Road. Its access point is on Weldbank Lane. There is a large building on the site which includes a fleet garage and fire training tower. It is a brownfield site within Chorley therefore development is acceptable in principle.

#### Housing Development

18. The proposal is made in outline with all matters reserved. The Council is therefore being asked to consider the principle of 14 dwellings on the site. The details of their appearance, scale, layout, landscaping and access would be the subject of a separate application if this outline application was permitted. The applicant is however required to provide the Council with a level of information that demonstrates 14 dwellings could be satisfactorily developed on the site. The application is therefore accompanied by an indicative layout drawing indicated 14 two-storey properties.

#### Density

19. 14 dwellings on the site would result in a density equivalent to 43.8 dwellings per hectare. This is considered appropriate to the surrounding area, much of which is high density terraced housing, notably those opposite the site on Weldbank Lane which the site will mainly be viewed in the context of.

### Levels

20. The site is relatively flat, although there is a small step (approximately 0.3m) between the northeast corner of the site and the land immediately to the northwest. However it is considered that acceptable finished floor levels can be achieved at the site to meet the Council's interface distances and a condition is proposed requiring these to be submitted with any Reserved Matter application.

### Impact on the neighbours

21. Bankside Day Centre is to the east and southeast of the site so there are no residential properties that bound with the site on this side. The nearest properties to the north are 43 and 43A Gloucester Road which are two flats. There is a door and two windows in the end elevation of this building but they are not the main windows to these properties and it is considered that an acceptable relationship could be achieved at Reserved Matters stage with dwellings on the application site.
22. Opposite the site on Gloucester Road are numbers 46 to 50. There is approximately 24m between the front windows of these properties and the northwest site boundary so the Council's interface distances could be met at Reserved Matter Stage between facing windows.
23. Number 23 Weldbank Lane has main windows on its side elevation facing towards the site. There is approximately 11.5m between these windows and the site boundary and therefore it is considered that any scheme could be designed so that the interface distances are met.
24. Opposite the site on Weldbank Lane are residential terraced properties numbers 32 to 62 (number 46 is a shop at ground floor). There is at least 15m between the front of these properties and the site boundary and the indicative layout shows that the Council's interface distance of 21m between facing properties could be met.
25. The relationship of the site and the surrounding properties is therefore considered acceptable in that an acceptable layout could be achieved in terms of relationship with the neighbouring properties at Reserved Matters stage.

### Scale, Layout and Design

26. These aspects are not for consideration at outline stage, however indicative plans show two-storey mews style properties. It is considered that these aspects can be acceptably achieved at Reserved Matters Stage as two-storey properties would be in keeping with the surrounding area.
27. The comments of the Architectural Liaison Officer have been notified to the applicant so they are aware of them in terms of a Reserved Matters application.

### Open Space

28. The Open Space Study and Playing Pitch Strategy were published in May and June 2012 respectively and they set new provision standards based on a robust and up to date assessment of the needs for open space, sports and recreation facilities and opportunities for new provision in accordance with the National Planning Policy Framework (NPPF).
29. The Open Space Study sets a standard of 0.73 hectares per 1,000 population for amenity green space. There is currently a deficit of this provision in the Chorley South East ward (in which the site is located) in relation to this standard, a contribution towards new provision is therefore required of £128 per dwelling, which is based on the Interim Planning Guidelines for New Equipped Play Areas associated with Policy HS21 but adjusted to reflect the new standard.
30. In terms of provision for children/young people (equipped play areas) the Open Space Study sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in the Chorley South East ward in relation to this standard and therefore a contribution of £126 per dwelling is required.

31. In relation to playing pitches the Playing Pitch Strategy recommends a standard of 1.21 hectares per 1,000 population. It does not identify deficits on a settlement basis as it is not considered appropriate. It identifies a Borough-wide deficit of 29.06 hectares of playing pitches but states that the majority of this deficit can be met by improvements to existing pitches. It does not identify the need for new pitches in Chorley Town. Instead it states that financial contributions should be sought from new housing developments towards improvements to the pitches identified in the Action Plan included within the Strategy. This Action Plan identifies a number of pitches in the Borough where quality improvements are needed to increase capacity and reduce the deficit in provision. In line with the recommendations in the Playing Pitch Strategy, a financial contribution towards the improvement of existing pitches in the Borough is required. Using the figures within the 'Interim Planning Guidelines for New Equipped Play Areas' which supplements Local Plan Policy HS21, adjusted to reflect the new standard, the financial contribution required is £571 per dwelling.
32. The financial contributions required from the development are therefore £1,792 for amenity greenspace provision, £1,764 for equipped play area provision and £7,994 for improvements to existing playing pitches, a total of £11,550. This will need to be secured via a Section 106 Agreement.

#### Trees and Landscape

33. There are a number of mature trees on the southeast boundary of the site but they are within the grounds of Bankside Day Centre grounds. It is considered that 14 dwellings on the site could be achieved without having a detrimental impact on these trees. However, a condition is proposed requiring a Reserved Matters application to include details of any protection measures required for these trees in line with the 2012 British Standard: Trees in Relation to Design, Demolition and Construction.
34. There are two medium sized trees on the site itself. One is an evergreen close the boundary with Bankside Day Centre and the other is a silver birch on a small grassed area immediately adjacent to the existing Fleet Garage. Both trees are set back approximately 18m from Weldbank Lane and therefore views of them are obscured by the Fire Station building from the northwest and by the trees on Bankside Day Centre from the southeast. Views of the tree are only readily visible when the site is viewed directly onwards at the entrance and even from this point the evergreen is viewed in the context of the larger native mature trees immediately to the southeast. It is not considered therefore that they have such public amenity value that they would warrant a being protected by a Tree Preservation Order.

#### Ecology

35. The Council has used Natural England's Standing Advice in relation to protected species. Using this it is not considered that a bat survey is required as the site does not fall within any of the trigger criteria for demolition or removal of buildings.
36. However, it is accepted that bats are mobile creatures and can use suitable features within buildings on an occasional and opportunistic basis. It can be difficult, even if surveys are carried out and do not find evidence of bats, to entirely rule out the possibility that an individual bat might use a gap or crevice on an occasional basis (and could therefore be present when construction commences). It is therefore considered appropriate to adopt a precautionary approach to demolition, and require that features with the potential to support bats are carefully removed by hand via condition.
37. The applicant will also be advised of the legislative protection afforded to bats in the form of a note on any planning permission that in the unlikely event that the presence of bats is suspected, works must cease and a suitably qualified and experienced bat worker should be contacted for advice as advised by the Natural England Standing Advice.

#### Flood Risk

38. The site is not within a Flood Zone as identified by the Environment Agency nor is it more than 1 hectare in size. A flood risk assessment is therefore not required.

### Traffic and Transport

39. Lancashire County Council Highways do not object to the principle of residential development on the site.
40. The Fire Station currently has an access point on to Weldbank Lane and it is considered that a sufficient access either in this position or elsewhere on the Weldbank Lane frontage could be achieved.
41. In terms of parking it is considered that the Council's parking standards of two spaces for two or three bedroom properties need to be met, it is not considered that parking levels at the site could be reduced. There are terraced properties opposite the site on Weldbank Lane that do not benefit from off-road parking and therefore rely on on-street parking. There is also a corner shop that relies on on-road parking. The indicative layout shows 23 spaces, whereas the Council's parking standards would require 28 spaces for 14 two or three bedroom dwellings. It is however, considered that there is sufficient space within the site to provide additional parking spaces on the site at Reserved Matters. This has been advised to the applicant.

### Contamination and Coal Mines

42. The site is not within a Coal Referral Area, the Coal Authority do however wish their Standing Advice to be added to any permission as an informative.
43. The condition recommended by the Council's Contaminated Lane Officer is proposed in relation to the application.

### Drainage and Sewers

44. There is a water main that crosses the site. United Utilities state they will not allow building over it and it may therefore need to be diverted or an amendment made to the site layout. This issue has been notified to the applicant. This is not strictly a planning issue as the developer may choose to divert the main at their own cost, however the Council need to be satisfied that what they are applying for (14 dwellings) is achievable on the site. The indicative layout indicates that a scheme could be implemented for 14 dwellings on the site taking account of the water main.
45. Conditions requiring details of foul and surface water drainage details to be submitted and approved in writing are proposed which responds to the consultation from United Utilities.

### Sustainability

46. Policy 27 of the Core Strategy requires new development or 5 or more dwellings to be built to meet Level 3 of the Code or Sustainable Homes increasing to Level 4 from January 2013 and Level 6 from January 2016.
47. The policy also requires evidence that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change and that there is sufficient space provided for recycling containers.
48. There is also a requirement to reduce the carbon dioxide emissions of predicted energy use by at least 15% through either additional building fabric insulation measures or appropriate decentralised, renewable or low carbon energy sources.
49. Conditions will be applied in relation to Policy 27.

### Education Provision

50. Lancashire County Council School Places Planning has advised that there is a need for a contribution towards five primary school places in the area of £58,178 as there is a predicted shortfall in the area (before this development is taken into account). This will need to be secured via a Section 106 legal agreement. There is however predicted to be a surplus of secondary school places so no contribution is required for this.

## Overall Conclusion

51. The application is considered acceptable in principle for fourteen dwellings. It is considered the detailed matters of layout and appearance of the dwellings, scale, access and landscaping could all be satisfactorily achieved at Reserved Matters stage. The application is therefore recommended for approval subject to conditions and a Section 106 legal agreement securing contributions to public open space and school places.

## Planning Policies

### National Planning Policies:

National Planning Policy Framework

### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, HS4, HS21, TR4

Supplementary Planning Guidance:

- Design Guide

### Joint Core Strategy

Policies 1, 17, 27

### Emerging Chorley Local Plan Publication Version (formerly Site Allocations and Development Management Policies Development Plan Document)

V1, ST4, HS4A, HS4B, BNE1

## Planning History

There is no planning history relevant to the current application.

## Recommendation: Permit subject to legal agreement Conditions

1. Any reserved matters application shall be accompanied by details of how during the construction period, the trees outside the site bounding with the site to the southeast shall be protected in accordance with British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction. The development shall only be carried out in accordance with the approved details. *Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*
2. The approved plans are:

Plan Ref.	Received On:	Title:
054-01-99	14 August 2012	Location Plan
N/A	3 September 2012	Design and Access Statement.

*Reason: To define the permission and in the interests of the proper development of the site.*
3. There is a potential for ground contamination at this site (former fire station). Due to the size of development and sensitive end-use (residential housing with gardens), no development shall take place until:
  - a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
  - b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;

c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority and the development shall then only be carried out in full accordance with the approved remediation proposals.

*Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework.*

4. The development hereby permitted shall not commence until full details of foul and surface water drainage arrangements including a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first occupation of any dwelling on the site and retained and maintained as such at all times thereafter. *Reasons: To reduce the increased risk of flooding and in accordance with Policy No. EP18 of the Chorley Borough Local Plan Review.*

5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) 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 Chorley Borough Local Plan Review.*

6. 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 the ground levels and the finished floor levels of the dwellings adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). 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 Chorley Borough Local Plan Review.*

7. An application for approval of the reserved matters (namely the layout, appearance, scale, access 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.*

8. 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.*

9. Before the commencement of any particular dwelling, full details of the onsite measures to be installed and implemented for that property to reduce carbon



emissions of predicted energy use by the figure set out in Policy 27 of the Core Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of the predicted energy use of the development expressed in terms of carbon emissions and how energy efficiency is addressed. The approved details shall be implemented in full and retained thereafter.

*Reason: To ensure the development is in accordance with Government advice contained in the NPPF and Policy 27 of the Core Strategy.*

10. 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<sup>st</sup> January 2013 and Level 6 for all dwellings commenced from 1<sup>st</sup> January 2016).

*Reason: To ensure the development is in accordance with the NPPF and in accordance with Policy 27 of the adopted Core Strategy.*

11. 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. Within 6 months of completion of that dwelling 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 the NPPF and in accordance with Policy 27 of the adopted Core Strategy.*

12. Any Reserved Matters application shall be in accordance with the parameters contained in the Design and Access Statement submitted with this application in terms of scale.

*Reason: To ensure the reserved matters application is in accordance with the character of the area in terms of scale and in accordance with the NPPF and Policy 17 of the Cores Strategy.*

13. 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 the approved 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 Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.*