

**Item 4e**                    **12/00716/FULMAJ**

**Case Officer**            **Adele Hayes**

**Ward**                      **Lostock**

**Proposal**                 **Erection of 26 No. dwellings**

**Location**                **Croston Woodwork LTD Station Road Croston LeylandPR26 9RJ**

**Applicant**                **Wainhomes NW Ltd & Amarillo Investments Ltd**

**Consultation expiry: 24 January 2013**

**Application expiry: 16 October 2012**

### **Proposal**

1. This application relates to a 0.9 hectare site located off the northern end of Station Road within the rural settlement of Croston. It comprises the former Woodworks site and the former De Trafford Arms public house.
2. The Woodworks closed in 1992 and the De Trafford Arms closed in November 2008. Two derelict breezeblock buildings remain together with associated hardstandings. The buildings have been vandalised and have suffered fire damage. The De Trafford Arms is boarded up. The open areas of the site have become very overgrown with vegetation and self-seeded trees and the site has the appearance of being abandoned.
3. The application site is bound by the railway line to the North West, with Croston Railway Station and its associated parking to the immediate north. The car park is accessed off Station Road. Residential development on Langdale Avenue forms the southern boundary of the site. To the east there is a converted agricultural building and its curtilage located on the opposite side of Station Road.
4. Full planning permission is sought for the erection of 26no. dwellings comprising a mix of terraced, semi-detached and detached dwellings.
5. Five affordable dwellings are to be provided comprising 4no. two bedroom dwellings and 1no. three bedroom dwelling.

### **Recommendation**

7. Is recommended that conditional planning permission should be granted subject to the applicant entering into a Section 106 Obligation to secure affordable housing and payments commuted sums towards off-site public open space and education provision.

### **Main Issues**

8. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Affordable housing
  - Open Space
  - Education Provision
  - Viability of Scheme
  - Density
  - Levels
  - Traffic and Transport
  - Design and Layout
  - Impact on the neighbours
  - Ecology
  - Noise and Vibration
  - Drainage, Sewers and Flood Risk
  - Contamination and Coal Mines
  - Sustainable Resources

## Representations

9. The proposal has been advertised on site and in the press, and individual letters have been delivered to the occupiers of neighbouring properties. As a result of this publicity comments have been received from 11 local residents citing the following grounds of objection:
- For a development of this size due consideration should be made of the impact on neighbouring properties.
  - There is no need to have a new property sited within close proximity of existing dwellings when the site is so large and the number of properties relatively small.
  - The proposed dwellings are not in keeping with surrounding properties.
  - The proposed dwellings are too close to existing dwellings.
  - The proposed development will remove the majority of light entering adjoining properties and garden areas.
  - The proposed development will have an adverse impact on the outlook from adjoining dwellings.
  - The submitted plans contain inaccuracies and omissions and are misleading. In particular the gap between the development and 8b Langdale Avenue is exaggerated.
  - Part of the site is too cramped.
  - The submitted plan shows trees that would assist with the protection of privacy but these need to become part of the development.
  - There is no need for more dwellings in Croston.
  - The existing infrastructure will not be able to cope with an additional 26 dwellings.
  - The plans are not available to view on line.
  - Existing schools already have limited capacity.
  - There is limited space to park when visiting the local shop and post office.
  - The construction works will result in traffic congestion.
  - The development should be landscaped to an appropriate standard.
  - The derelict building on the site supports a breeding barn owl.
  - The grassland within the site also has significant botanical diversity.
  - The site could support bats.
  - Inadequate ecological surveys have been undertaken.
  - The proposed access is dangerous.
  - The proposed development will exacerbate existing drainage problems.
  - The site should be used as an area of public open space.
10. Two letters of support have been received. Comment is made that:
- The site is currently an eyesore, and is unlikely to be 'cleaned up' without some development.
  - There is however a fear that this is simply a 'feeler' application, and if passed the number of dwellings will be increased when the plans are approved (as unfortunately has happened in the past). If this happens then support will be withdrawn.
  - Comment is also made that there is a reasonable separation distance with adjoining dwellings but any increase in density would almost certainly decrease this separation and cause unacceptable loss of privacy to existing properties.
  - On a new build house prospective purchasers would be able to obtain a 95% mortgage, which is probably the only way people could afford to move to Croston in this current climate.

## Consultations

11. **Croston Parish Council** express concerns regarding the location of the proposed access, which is immediately adjacent to the service road for 6 Station Road. The service road provides access for deliveries to the Co-op Store/Post Office and residential parking spaces. The Parish Council objects to the housing types Jenner, Wordsworth and Wordsworth Sp as the 2.5 storeys are not in keeping with existing residential properties along Station Road. The area to the right of the existing service road, by the De Trafford, is currently used as informal car parking for visitors to the Co-op/Post Office and there are concerns that the loss of this will lead to parking on and around the entrance to the proposed development, on the internal roads of the development and on the Station car park. The Parish Council would like to suggest some provision for replacement public parking is included in the development. During the recent construction of the Dalton Fold development residents suffered a huge amount of inconvenience when Station Road was closed for what appeared to be an excessive length of time for the laying and connection of sewer pipes by Seddon Homes. The Parish Council have asked that any action which can be taken to avoid a repeat of this is taken.
12. The concerns expressed by the Parish Council were issues that were the subject of negotiations with the applicant following initial submission of the application and amended plans have been received. The

Parish Council have been invited to comment on the revised proposal and any comments received will be reported.

13. **Lancashire County Council (Ecology)** advised that additional ecological survey work was required which the applicant has now carried out. Comments will be reported in the addendum.
14. **The Environment Agency** raise no objections and recommend a condition to ensure that any risks associated with contamination of the site are minimised.
15. **Network Rail** raises no objection but suggests various conditions and informatives in relation to the development due to the railway line bounding the north western site boundary. In particular, Network Rail advises that the applicant should be informed that vehicular access to the development must not be reliant upon visibility splays over Network Rail property including the station car park.
16. **Strategic Housing** are seeking 35% affordable homes on site and the split in terms of tenure should be 70% for social rent and 30% intermediate sale i.e. shared ownership.
17. **United Utilities** raise no objections in principle subject to the imposition of conditions recommend conditions as detailed below.
18. **Lancashire County Council (Highways)** considers that the revisions that have been made to the proposed access, internal highway arrangements and parking provision are such that the amended site layout is now acceptable.
19. **Chorley's Waste & Contaminated Land Officer** recommends the imposition of a condition to ensure that any risks associated with contamination of the site are minimised.
20. **Lancashire County Council (Education)** have requested a financial contribution of £104,721 towards education provision.

## **Assessment**

### Principle of the development

21. This application proposes the redevelopment of the former Woodworks site and adjoining De Trafford Arms Public House at the northern end of Station Road within the rural settlement of Croston. The site is considered to be previously developed land and as such, and given the planning history of the site as detailed below, the principle of redeveloping the site for residential development is acceptable in principle.
22. Policy 1 - Locating Growth, of the Central Lancashire Core Strategy (The Core Strategy), which was adopted in July 2012, 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.
23. This proposal does not constitute infilling or the conversion of buildings. Whilst this application provides for an element of affordable housing this is not a proposal to meet local need. However, the Woodworks site is a brownfield site within the Croston settlement that has been vacant for many years and it lies in a sustainable location in the village and is therefore considered to be suitable for larger scale redevelopment.
24. The Woodworks site is a proposed housing allocation in the Chorley Site Allocations and Development Management Policies Publication Version, which is now at Submission Stage with an Examination in Public scheduled to take place in April. Therefore, housing development on the site is accepted in principle in this document although this cannot yet be afforded full weight.
25. The De Trafford Arms Public House is considered a rural community facility. The National Planning Policy Framework (paragraph 28) promotes the retention and development of public houses in villages. Criterion c) of Policy 25 of the Core Strategy aims to ensure that local communities have sufficient community facility provision by resisting the loss of existing facilities by requiring evidence that they are no longer viable or relevant to local needs. Local Plan Policy DC10 and its accompanying SPG also aim to retain rural community facilities, unless the applicant can demonstrate compliance with criteria (a) to (c).
26. The public house has been vacant since 2008 and the applicant has submitted a marketing statement demonstrating that it has been marketed at a realistic price for in excess of 12 months.

27. Although current policy in the form of the NPPF, the Core Strategy and its associated SPD do not require marketing of community facilities proposed for alternative uses, they all seek to resist the loss of facilities unless backed up by evidence that they are no longer viable or required.
28. It is accepted that sufficient evidence has been put forward to demonstrate that the pub is no longer required.
29. Furthermore the applicant notified the Council in December 2012 of their intention to demolish the public house. No objections were raised and consequently the public house can now be demolished without any further formal consent from the Local Planning Authority.

#### Affordable Housing

30. Policy 7 – Affordable Housing, of The Core Strategy indicates that subject to site and development considerations such as financial viability and community services a requirement of 35% affordable housing is required in rural areas on sites of 5 dwellings (or 0.15 hectares). Croston is a rural location and therefore 35% affordable housing is required on this site under the provisions of the policy. The current application proposes to provide five affordable dwellings on the site which equates to 20% provision.
31. Three of the dwellings will be provided for social rent and two dwellings will be provided on a shared equity basis.
32. The Council's SPD states that Policy 7 of the Core Strategy recognises that financial viability is a consideration in the delivery of affordable housing. Housing viability studies were carried out for the three Central Lancashire Authorities in March 2010 as part of the evidence base for the Core Strategy. Based on a residual development appraisal the studies concluded that the levels of affordable housing set out in Policy 7 of the Core Strategy were achievable with an acceptable return to the developer and landowner. Nevertheless, the study also concluded that there will be site-specific circumstances where achievement of the affordable housing proportions set out in Policy 7 may not be possible. The Council will therefore need to take into account specific site viability concerns when these are justified.
33. It also states that if there is any doubt about viability on a particular site, it will be the responsibility of the developer to make a case that applying the Council's affordable housing requirement for their scheme makes the scheme unviable. Where a developer or landowner considers that there are significant constraints sufficient to jeopardise or prevent them from meeting the Council's affordable housing policy targets, this will need to be demonstrated by the submission of a suitable financial appraisal.
34. The application is supported by a Viability Assessment which is discussed below.

#### Open Space

35. Local Plan Policy HS21 sets open space standards for new housing developments. An Open Space Study and Playing Pitch Strategy were published in May and June 2012 respectively and they set new provision standards. These standards can be given significant weight as they are 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 NPPF. The Local Plan sets standards for amenity green space, equipped play areas and playing pitches but these standards are based on an old assessment. The new standards for these typologies in the Open Space Study and Playing Pitch Strategy are now being used by the Council.
36. New open space provision or a financial contribution for new provision or improvements will be required where there is an identified deficiency in quantity, accessibility or quality/value. Information is provided below on what is required from the proposed development for each of the typologies covered by Local Plan Policy HS21:

#### Amenity green space

The Open Space Study sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in Croston in relation to this standard. Provision of amenity green space is therefore required within this development. Using the recommended standard in the Open Space Study the requirement is 0.04 hectares.

### Provision for children/young people (equipped play area)

The Open Space Study sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in Croston in relation to this standard. A financial contribution towards off-site provision is therefore required, in accordance with the 'Interim Planning Guidelines for New Equipped Play Areas' which supplements Local Plan Policy HS21, which states that equipped play areas should only be provided on-site in developments of over 100 dwellings. The financial contribution required is £3,276 (£126 per dwelling) which is based on the average provision costs of a LEAP as identified in the Interim Planning Guidelines but adjusted to reflect the new standards in the Open Space Study.

### 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 identifies the need for new pitches in Croston, therefore a financial contribution for the provision of new playing pitches is required from this development. Using the figures within the 'Interim Planning Guidelines for New Equipped Play Areas', adjusted to reflect the new standard in the Playing Pitch Strategy, the financial contribution will be £14,846 (£571 per dwelling).

37. A total contribution of £18,122 towards public open space is therefore required.

### Education Provision

38. Lancashire County Council (Education) have requested a financial contribution towards education provision based upon a methodology published in the 'Planning Obligations in Lancashire' Policy Paper that seeks to address the impacts associated with the residential development and proposes mitigation for these impacts through a planning obligation.
39. The contribution sought is directly linked to the proposed development 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.
40. The latest information available at this time was based upon the 2012 annual pupil census and resulting projections. Based upon the latest assessment, LCC are seeking a contribution for 9 primary school places. Calculated at 2012 rates, this would result in a contribution of £104,721.
41. Failure to secure the contribution sought would mean that the County Council cannot guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes.

### Viability of Scheme

42. The Localism Act confirms that the issue of financial matters is a material consideration in the grant of planning permission.
43. The NPPF states at paragraph 173 that the following must be taken into account:
- To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*
44. The financial viability assessment is based on the provision of 20% affordable housing on the site with a 70/30 split between social rented and shared equity tenures. This delivers a low profit margin and when marketing and financial charges are factored in the net margin is reduced further. The applicant asserts that any increase in affordable housing provision or in commuted payments will render the scheme unviable.
45. Factors affecting viability include the abnormal costs necessary to prepare the site for housing development and other additional costs including significant drainage costs.
46. The Viability Appraisal has been assessed by a Chartered Surveyor in the Council's property services provider.

47. The Council's consultant is satisfied that the financial appraisal includes appropriate building costs, abnormal cost and land values. It demonstrates that the scheme would become unviable if the applicant was required to provide more affordable dwellings and/or make a full contribution towards education provision.
48. Whilst sales prices could be increased to generate more revenue, increases would need to be significant. The applicant has considered this option and asserts that since they build throughout Chorley Borough they have a very good understanding of the market. It is accepted that whilst the sales prices are cautious, they are realistic in the current market.
49. With regard to public open space and education payments, the applicant has offered to pay a commuted sum of £39,000. This amount cannot be increased due to the low profit levels the scheme. The applicant has confirmed that they have no objection to the Council deciding how to apportion this money.

#### Density

50. Policy 5, Housing Density, of the Core Strategy states that the three Central Lancashire authorities will secure densities of development which are in keeping with local areas and which have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area. Consideration will also need to be made to making efficient use of the land.
51. The site area extends to 0.9 hectares so the 26 dwellings proposed equates to a density of 29 dwellings per hectare. The surrounding area is predominantly made up of traditional and more modern terraced and semi-detached properties generally of similar sizes to those proposed. The density of the development is therefore considered to be consistent with that of the surrounding area.

#### Levels

52. The applicant has submitted levels details, which shows that the site is essentially flat although the land is higher than the slab levels of any of the adjoining dwellings. However, this difference in levels is not considered to be significant and is such that the relationship between the development and the adjoining properties will be acceptable. The finished slab levels of the proposed dwellings will be controlled through condition.

#### Traffic and Transport

53. Part of the application site has previously benefitted from an outline planning permission for residential development although the site boundary has been extended to include the De Trafford Arms Public House which previously fell outside of the application site boundary.
54. The proposed vehicular access point will be located alongside the private access to the side of no 6. Station Road and the railway station car park access will remain unchanged.
55. The proposed access arrangements were the subject of a road safety review by Lancashire County Council prior to the submission of the application and have been previously agreed in principle by them.
56. Whilst the County Highway Engineer initially raised no highway objection to the proposed development, he expressed concern about the location of the access due to the level of existing residential parking that takes place on the opposite side of Station Road and the potential displacement of nursery and shop customer parking adjacent to the site.
57. In mitigation the applicant has revised the originally submitted scheme to enable a level of parking to continue on the western side of Station Road within an informal area within the adopted highway area that will front the development.
58. The proposed access road into the site will be 5.5m wide for the first 10m of its length and there will be a new link from the new access road that will enable servicing vehicles delivering to the shop to gain access to the rear yard without interfering with normal traffic on Station Road that will ameliorate existing congestion given existing on-street car parking levels.
59. Shop customers and parents dropping/picking up children at the Nursery currently park on the adopted section of the highway fronting the Public House. Highway adoption plans show the highway boundary extending up to the building line i.e. in line with the brick wall on either side of the Public House and approximately 5-8m back of the footway kerb.

60. It is proposed to relocate the footway alongside the front of the new dwellings with the space between the carriageway and footway to be used for parking. There is sufficient space for 5no vehicles. In this instance there is already significant pressure for on-street parking in the area which is likely to be intensified by the development owing to the loss of parking outside the Public House and therefore the new spaces will provide some relief. Also, the parking arrangement will guard against the need to provide protection against parking along this corner with double yellow lines. The final arrangement and layout will be agreed as part of a S278 agreement since works on the public highway will be involved and they cannot therefore be part of any proposed S38 adoption agreement for the new access road.
61. The scheme originally proposed an access road within the site that had a shared surface with a service verge on either side. However this design was considered to be inappropriate since a shared surface should typically incorporate an irregular layout with a varying width to reduce traffic speeds to around 10mph.
62. It was considered that the proposed layout was likely to result in faster speeds and also expose pedestrians to vehicular conflict owing to the curvature of the road alignment. As such the road was re-designed to incorporate footways on either side with a minimum carriageway width of 5m to allow for widening at the bends so that cars and HGV's will be able to pass along the bends.
63. Each of the dwellings will have at least 2no. off street parking spaces with the exception of plots 23 – 26 where parking provision will be provided at a rate of 150%. The County Highway Engineer has not raised any objection to the level of off street car parking proposed and given the sustainable location of the site, the level of parking provision is considered to be adequate in this instance.

#### Design and Layout

64. The proposed dwellings will be built in red brick which is reflective of existing development in the area. They will be two storey although some of the house types will incorporate accommodation in the roof space and will therefore have dormer windows, although these will not be visible within the Station Road streetscene. The Parish Council has expressed concerns about the incorporation of 2.5 / 3 storey properties in the development but similar properties exist within close proximity to the site and the house types proposed are considered to be acceptable.
65. However, the layout of the originally submitted scheme was considered to be unacceptable and amendments have been negotiated with the applicant.
66. In addition to head and cill design details to the windows, chimneys have been incorporated into the house types proposed on plots 1 – 2 and 21 – 26 to reflect the presence of chimneys along the Station Road streetscene.
67. The house type proposed on plot 2 has been revised to be a dual aspect dwelling that will enhance the visual appearance of the central part of the site whilst also providing added surveillance.
68. A screen wall and fence is now proposed along the boundary to plot 14 which adjoins the access road, again enhancing the visual amenities of that part of the site.
69. The submitted layout plan has been amended to provide indicative landscaping that will soften the character of the development and surrounding area. The presence of trees and green spaces within the site will also form an effective transition between the urban settlement and the tree belt to the north of the railway line. The provision of landscaping can be secured by way of condition.
70. The layout is considered appropriate and has been designed in response to the constraints presented by the site whilst the frontage to Station Road, comprising terraced dwellings will provide a positive contribution to the streetscene.
71. The layout has also been designed with crime prevention in mind. Natural surveillance has been incorporated into the layout with main elevations fronting onto all public areas.
72. On this basis, it is considered that the development will not cause detrimental harm to the character and appearance of the immediate streetscene or the wider area.

## Impact on the neighbours

73. The proposed layout of the development, in terms of the relationship with the properties adjacent to the site has been designed in such a way to address the Council's Spacing Standards and thus provide suitable levels of privacy for the occupiers of the proposed dwellings whilst ensuring that existing residents bounding the site do not experience a detrimental loss of residential amenity through overlooking, loss of light, overbearing impact or overshadowing. Also, the layout ensures that the dwellings each have sufficiently sized rear gardens.
74. The relationship of plot 1 with 8B Langdale Avenue, a recently constructed and extended true bungalow (Ref Nos. 02/01125/FUL / 06/01114/FUL) has been improved since the application was originally submitted and the plans now accurately reflect the position of the boundary adjacent to this existing property.
75. A 'Trevithick' house type is now proposed on Plot 1 and it is considered that the hip on the southern elevation will reduce any impact on the amenities of the occupiers no. 8b. In addition the dwelling has also been moved further from the site boundary and the garage is not immediately adjacent to the fencing and will also have a hipped roof.
76. The interface distances between the properties on Langdale Avenue and those proposed along the southern boundary of the site will ensure there is no adverse overlooking or overbearing impacts.
77. Plot 7 is to be sited so that its side elevation is opposite the rear elevations of 22-24 Langdale Avenue. The Council's Design Supplementary Planning Guidance (SPG) requires blank walls to new two storey houses should be a minimum of 12 metres from any facing main windows that serve a habitable room in a neighbouring house. At 12.5 metres the proposed interface exceeds this guidance.
78. However, the SPG also states that where the proposed slab levels are 0.5 metres or more above that of the neighbouring existing property, the spacing requirements should be increased by 1 metre for every 0.25 metre difference in the slab levels.
79. The FFL for plot 7 is approximately 0.84m higher than that of 22-24 Langdale Avenue although the side elevation to plot 7 is blank and there will be no overlooking impact. Consideration needs to be given therefore to whether this relationship would result in an unacceptable impact on the outlook from the existing properties.
80. The eaves height of plot 7 will be approximately 0.34m higher than the eaves height of 22-24 Langdale Avenue which is considered to be insignificant. Additionally a hipped roof is proposed for plot 7 further reducing any potential impact. The relationship is therefore considered to be acceptable.
81. Plot 5 is to be sited so that its rear elevation is opposite the rear elevations of 14-16 Langdale Avenue. The SPG states that windows to habitable windows at first floor level should be a minimum of 21 metres from any such facing windows in neighbouring houses. At a distance of 21.65m the proposed interface distance exceeds this guidance.
82. The FFL for plot 5 is approximately 0.69m higher than that of 14-16 Langdale Avenue although the eaves height of plot 5 will only be a maximum of 0.39 m higher than the eaves height of the existing neighbouring dwellings which again is not significant. The relationship is therefore considered to be acceptable.
83. The SPG also states that windows to habitable rooms at first floor level which overlook neighbouring garden areas should be a minimum of 10 metres from the boundaries they face. Due to the difference in levels, the SPG recommends that the distance in this instance should be increased to 12m. The rear elevation of plot 5 is approximately 12.5m from the boundary and so exceeds the recommended distance.
84. The interface distances between plots 3 and 4 and 10-12 Langdale Avenue are similar to those between plots 5 and 14-16 Langdale Avenue and the relationships are also considered to be acceptable.

## Ecology

85. The main ecological concerns associated with the redevelopment of this site are impacts on European protected species (bats) and protected species (nesting birds, and nesting and roosting barn owls).
86. Initially the applicant did not support the application with sufficient ecological information when it was originally submitted.
87. In particular surveys for European protected species (bats) were incomplete and although the proposed works involve demolition of the former De Trafford Arms public house, no assessment of potential impacts on bats had been submitted. If bats and or their habitat would have been affected then the proposals would have resulted in a breach of the Conservation of Habitats and Species Regulations 2010 (as amended), unless a licence from Natural England was issued prior to works.
88. Chorley Council is the competent authority for the purposes of the Regulations, and must therefore have regard to the Regulations in the making of the planning decision. The applicant was therefore requested to submit a survey for bats.
89. The presence of bats on the site was not detected.
90. The proposal did not initially demonstrate adequate mitigation and compensation for impacts on barn owls and their habitat.
91. The initially submitted ecology report (URS Scott Wilson Ltd, September 2011. *Station Road, Croston. Phase 1 Habitat Survey and Ecological Risk Appraisal*) acknowledged that barn owls do use the workshop building on the site, but concluded that it is a regularly used roost site rather than a nest site and proposed mitigation and compensation on that basis.
92. However this was not considered to be appropriate since the results of the desk study/data search (partially reported at section 4.7 Barn Owl) actually included records of nesting/breeding barn owls and the presence of barn owl chicks at this site. This is not therefore only a regularly used roost site, but also a known nesting site. Mitigation and compensation is therefore needed to secure permanent provision for nesting and roosting barn owls at this site.
93. According to the Design and Access Statement, "*a pole mounted roost is most appropriate and this can be conditioned*". This approach is considered to be wholly inappropriate and will not deliver adequate mitigation and compensation for impacts on barn owls at this site.
94. The applicant was therefore requested to submit revised proposals, including a method statement, to demonstrate adequate mitigation and compensation for impacts on barn owls and their habitat.
95. It is now proposed to construct a barn owl tower building on the site adjacent to plot 9 and full mitigation measures have now been submitted.
96. Providing the County Ecologist is satisfied that effective mitigation and compensation can be achieved, implementation of the method statement can be dealt with by condition.
97. On this basis the proposals are considered to be in accordance with the requirements of legislation (including Conservation of Habitats and Species Regulations 2010 (as amended), Wildlife and Countryside Act 1981 (as amended), NERC Act 2006), planning policy (NPPF) or guidance (ODPM Circular 06/2005).
98. This however does not negate the need for a Licence from Natural England in respect of Protected Species.
99. No issues have been raised by the County Ecologist in relation to Great Crested Newts although an informative is recommended to make the applicant aware that if their presence is detected, Natural England should be contacted for advice. An informative is also recommended in relation to works that could impact on breeding birds.

## Noise and Vibration

100. The application is supported by a noise and vibration impact assessment. The site is categorised as NEC A and accordingly the existing levels of noise affecting the site need not be considered a determining factor when assessing the proposal.

## Drainage, Sewers and Flood Risk

101. No objections have been raised by either the Environment Agency or United Utilities with respect to flooding. However, concerns have been expressed by local residents in relation to the capacity of the drainage network and the potential risk flooding. These matters will have been duly considered by the above consultees.
102. United Utilities recommend that conditions should be imposed requiring that:
- This site must be drained on a separate system, with only foul drainage connected into the combined sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system, due to existing flooding issues and the sensitivity of the area, then the flow will be required to be attenuated to an appropriate discharge rate.
  - No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
  - No development of any particular phase or plot approved by this permission shall be commenced until 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 plans prior to first use of the relevant phase or plot of the development hereby approved and retained as such thereafter.
  - United Utilities advise that surface water must be drained on a separate system and should discharge to a watercourse/soakaway/surface water sewer, which may require the consent of the Environment Agency.
  - On this basis, there are no concerns regarding drainage and surface water run off.

## Contamination and Coal Mines

103. The NPPF (paragraph 109) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
104. The application is supported by a Geoenvironmental Assessment Report that notes that the site is one of a railway sidings and public house, and when the lines were lifted in the later 1960's the site became a wood works, and has probably been some form of other industrial unit.
105. The land has a made ground thickness of 0.4 – 1.3 m thick, and consists of black sandy gravel with high concentrations of ash, clinker and cinders.
106. The made ground lies predominantly upon glacial clays, which have partially been impacted by contaminants from the overlying made ground. The made ground is found to be irregularly impacted by some hydrocarbon, and heavy metal contamination at various hot spots across the site.
107. The report proposes further investigation of the hotspots, and to excavate and remove them from the site, replacing with inert fill material. Remediation of the site is proposed as a 600mm cap consisting of top soil, sub soils, and a capillary break layer of stone, and this is considered to be appropriate. The existing ground will be scrapped back as part of the remediation measures and as such the capping layer will have no impact on levels.
108. The remediation and capping proposals should be formally drafted, and forwarded to the Local Authority for confirmation. When the remediation has been completed a validation report should be drafted in compliance.

109. It is considered that this matter can be appropriately dealt with by the imposition of a condition, without which the proposed development on this site would pose an unacceptable risk to the environment and future occupiers.

### Sustainable Resources

110. A Sustainability Statement has been submitted with this application which responds to Policy 27 of the Core Strategy. This requires dwellings to achieve Code Level 4 from 1<sup>st</sup> January 2013 and Code Level 6 from 1<sup>st</sup> January 2016. The application shows that the proposed dwellings will be built to achieve Code for Sustainable Homes Level.

### Overall Conclusion

111. The principle of residential development is considered to be acceptable. The negotiated amendments to the layout and house type substitutions have improved the quality of the scheme since it was originally submitted.

112. It is therefore recommended that the application be approved subject to conditions and a Section 106 Obligation to secure the provision of affordable housing and financial contributions to off site public open space and education provision.

113. The commuted sum could be used to provide 2 school places (£23271.33) with £15728.67 to be spent on public open space. It recommended that the £39,000 commuted sum that has been offered by the developer is split into a sum of £23271.33 towards two primary school places with the remaining ££15728.67 secured towards meaningful improvements to public open space in the local area.

## **Planning Policy**

### National Planning Policy Framework

#### Chorley Borough Local Plan Review

- GN4 - Settlement Policy for Rural Settlements
- GN5 - Building Design & Retaining Existing Landscape Features and Natural Habitats
- GN9 - Transport Accessibility
- EP4 - Species Protection
- EP16 - Contaminated Land
- EP18 - Surface Water Run Off
- EP19 - Development & Flood Risk
- HS4 - Design & Layout of Residential Developments
- HS5 - Affordable Housing
- HS6 - Housing Windfall Sites
- EM4 - Protection of Employment Sites in Rural Settlements
- TR4 - Highway Development Control Criteria
- TR18 - Provision for Pedestrians & Cyclists in New Development

#### Central Lancashire Joint Core Strategy

- Policy 1 – Locating Growth
- Policy 4 – Housing Delivery
- Policy 5 – Housing Density
- Policy 6 – Housing Quality
- Policy 7 – Affordable Housing
- Policy 17 – Design of New Buildings
- Policy 22 – Biodiversity and Geodiversity
- Policy 26 – Crime and Community Safety
- Policy 27 – Sustainable Resources and New Development

#### Supplementary Planning Guidance

- Design Guide

## Planning History

Ref No. 96/00470/OUT – Outline application for housing. Approved 11 June 2000.

Ref No. 00/00355/OUT - Outline application for 19 dwellings (Renewal of 9/96/470). Approved 6<sup>th</sup> July 2007.

Ref No. 03/00661/REMAJ - Reserved Matters for 31 dwellings and associated works. Withdrawn 11 August 2003.

Ref No. 03/00846/FULMAJ - Erection of 28 houses with associated roads and sewer. Refused 26 September 2003.

Ref. No: 08/00320/OUTMAJ- Outline planning application for the residential redevelopment of the site comprising of 45 dwellings (comprising of mix of apartments in 3 storey block, 2, 2.5 and 3 storey dwelling houses), and means of access into the site. Approved 7 July 2008.

Ref. No: 11/00552/OUTMAJ- Application for a new planning permission to replace the extant planning permission (Ref No. 08/00320/OUTMAJ) to extend the time limit for implementation of the residential development of the site comprising of 45 dwellings (comprising of mix of apartments in 3 storey block, 2, 2.5 and 3 storey dwelling houses), and means of access into the site. Pending.

### **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:

Plan Ref.	Received On:	Title:
072.01.54.P01 Rev P	20 December 2012	Planning Layout

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

3. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy 27 of the Central Lancashire Core Strategy (2012) (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 properties are energy efficient and in accordance with Policy No. 27 of the Central Lancashire Core Strategy (2012)*

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. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) 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 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 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.*

9. Any integral garages in the dwellings hereby permitted shall be kept freely available for the parking of cars, 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 and in accordance with Policy No. 7 of the Joint Lancashire Structure Plan.*

10. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans. *Reason: To reduce the increased risk of flooding and in accordance with Policy Nos. EP18 and EP19 of the Chorley Borough Local Plan Review.*

11. No development of any particular phase or plot approved by this permission shall be commenced until 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 plans prior to first use of the relevant phase or plot of the development hereby approved and retained as such thereafter. *Reason: To reduce the increased risk of flooding and in accordance with Policy Nos. EP18 and EP19 of the Chorley Borough Local Plan Review.*

12. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. If it is proposed that surface water is to be discharged to the public surface water sewerage system, full details of the surface water drainage system including flow discharge rate shall first be submitted to and approved in writing by the Local Planning Authority in liaison with United Utilities. The surface water drainage system shall thereafter only be implemented in accordance with the approved details and maximum discharge rate specified by United Utilities. *Reason: To secure proper drainage and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.*

13. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:  
all previous uses  
potential contaminants associated with those uses  
a conceptual model of the site indicating sources, pathways and receptors  
potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. *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 (DCLG, 2012).*