

<b>Item 4f</b>	<b>12/00622/OUT</b>
<b>Case Officer</b>	<b>Mrs Helen Lowe</b>
<b>Ward</b>	<b>Lostock</b>
<b>Proposal</b>	<b>Outline application for demolition of existing former workshop/distribution buildings and erection of three detached bungalows (resubmission of application 12/00240/FUL)</b>
<b>Location</b>	<b>Rear Of 241 Southport Road Ulnes Walton</b>
<b>Applicant</b>	<b>Mr Christopher Bayman</b>

**Consultation expiry: 10 August 2012**

**Application expiry: 30 August 2012**

### **Proposal**

1. This application proposes the demolition of existing commercial buildings and the erection of three detached bungalows. The application is in outline only with all matters reserved, although an indicative layout has been provided.

2. The application site currently comprises a number of single storey, dilapidated buildings, predominantly of timber construction. The site has been unused for a number of years. An application for a certificate of lawfulness for the proposed use of the site for the storage of stone and other bagged products and equipment associated with a road surfacing business was granted in 2008. It was found that the lawful use of the site is Use Class B8 (Storage or Distribution) within which the proposed use also fell.

3. The application site is located within the Green Belt, to the rear of residential properties located along Southport Road in Ulnes Walton.

### **Recommendation**

4. It is recommended that this application is granted conditional outline planning approval, subject to a Section 106 agreement.

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
- Principle of the development
  - Impact on the neighbours
  - Design
  - Trees and Landscape
  - Ecology
  - Traffic and Transport

### **Representations**

6. One letter has been received from a neighbouring resident stating that they do not have any objection to the proposals but that they seek clarification of the siting of the bungalows in proximity to their boundary and reassurance that the current hedge will remain so their property will not be overlooked by the bungalow.

7. Ulnes Walton Parish Council raises the following concerns;
- Whether provision for parking for each new house would be sufficient;
  - Density of the development, two houses with more parking would be more appropriate;
  - Loss of privacy and potential overlooking for neighbouring properties;

- Lack of detail of landscaping proposals; and
- Density of development may cause issues with drainage of water.

## Consultations

8. **Lancashire County Council (Ecology):** no comments received.
9. **Lancashire County Council (Highways):** make the following comments:
- The plan submitted shows no provision for parking although there seems sufficient space within the curtilage to accommodate the required number of spaces;
  - Given the length of the driveway provision should be made for vehicles to turn within the curtilage;
  - No concerns about visibility at the site access; recommend conditions to secure the above.
10. **Chorley's Waste & Contaminated Land Officer:** No objections. Recommends informative to be added.
11. **Chorley's Planning Policy Section:** The applicant has provided information to show that the site has been marketed for a period of over 12 months, although there is a lack of detail regarding an aborted sale in May 2011. There is no record of any interest after that period. No assessment of the viability of employment re-use and redevelopment has been provided.
12. The Planning Policy section have also advised that should permission for the proposals be granted the applicant should be required to enter into a section 106 agreement with the Council to provide a financial contribution towards the provision/improvement of public opens space.

## Applicants Case

13. The applicant has confirmed that the premises have continued to be marketed since December 2011, however interest has been weak and most has come from builders who have identified the site for redevelopment.

## Assessment

### Principle of the development

#### Green Belt

14. The application site is located within the Green Belt, where new residential development is generally considered to be inappropriate, as defined in the Framework. However, para. 89 states that the redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development is appropriate.
15. The existing buildings on the site have an approximate volume of 1300-1400 cubic metres. Although the application is in outline only, the applicant has indicated that the size and scale of the bungalows proposed would be around 8 x 11m, with a ridge height of 3.5m. This would give an approximate volume of around 1000 cubic metres. Although it is possible that the dimensions of the bungalows may change to some degree as part of the submission of a reserved matters application it is considered that the applicant has demonstrated that it would be possible to provide three residential units on the site with a volume equal to or less than the volume of the existing buildings on the site.
16. At present the existing buildings on the site are located to the rear of the site, adjacent to the southern boundary. The redevelopment of the site for housing would result in a different spread of built development across the site, bringing development further to the north of the site, closer to Southport Road. However, taking into consideration the following:
- Land immediately bounding the site to the east and west forms the domestic curtilage of and land associated with adjacent dwellings, and there are a number of outbuildings on the site to the west;
  - The scale and density of the dwellings proposed is considered to be commensurate with other dwellings on Southport Road;
  - Movement of built development northwards on the site would bring the built development on the site closer to existing buildings on Southport Road, rather than further from neighbouring built development;

- The buildings proposed are single storey, as are the existing buildings on the site;
- The overall volume of the proposed dwellings on the site would be less than at present; and
- A commercial use could lawfully recommence on the site at any time, leading to a significant number of vehicle movements and noise and disturbance.

It is considered that the redevelopment of the site would not have a greater impact on the openness of the Green Belt than the present buildings and use.

### **Loss of employment land**

17. Policy 10 of the Core Strategy provides guidance on the loss of existing employment sites. This policy seeks to retain employment uses where at all possible and proposals for housing use on employment sites will only be permitted where it can be clearly demonstrated that there is a lack of demand for employment re-use or redevelopment and that this would be unviable. Policy 13 of the Core Strategy echoes this position, and also that regarding the redevelopment of brownfield sites in the Green Belt as discussed above, by stating that the replacement of existing buildings in rural areas can be appropriate in order to support the rural economy, with a preference for commercial, tourism and live/work uses.

18. Although the applicant has not demonstrated that the proposal would lead to an unacceptable reduction on the type, quality or quantity of employment land supply they have provided a statement of efforts of marketing which demonstrates that there is no demand for the site to be continued in commercial use and there is no requirement for it to be continued for employment purposes. The marketing report is discussed in further detail below.

19. It is considered feasible that the site could be redeveloped or refurbished for future employment uses, should market conditions improve. However, as marketing has been unsuccessful to date and the timescale for improvement in the market is presently indeterminate, it is considered that there is little prospect of the site being brought forward for employment purposes.

20. As the site is presently not in use, therefore not generating employment opportunities, and is in a derelict state, housing could be a suitable alternative use, subject to the scheme not being harmful to the openness of the Green Belt (as discussed above). It is accepted that the proposal could lead to a net improvement of the amenity of neighbouring residents, both through an improvement in the appearance of the site as it currently exists and in terms of a reduction in the potential level of noise and disturbance arising from the re-commencement of an employment uses on the site.

21. The site has been marketed through a number of means since September 2010: a marketing board at the premises; advertisements placed in the local press, advertisements on the internet and mail shots to relevant parties. Copies of the sales particulars and advertisements have been provided, as have details of inquiries that have been made up to December 2011.

22. It is considered that the information provided adequately demonstrates that property has been correctly marketed in accordance with the Central Lancashire SPD on Controlling The Re-use of Employment Premises. An assessment of the viability of employment development has not been provided, however, it is considered that the long period of marketing demonstrates that the site is not likely to be brought back into any sort of employment re-use and the benefits of the redevelopment of this site (such as environmental improvements and impact on neighbours) would outweigh the lack of information in this instance. This is considered to form a material consideration outweighing the preference for commercial uses expressed in policies 10 and 13 of the Core Strategy.

23. The redevelopment of brownfield land in the Green Belt is supported by the Framework. Recent changes to the permitted development rights and the insertion of additional paragraph 51 in the Framework indicate that the Government is looking to take a more flexible approach to the re-use of employment land in certain circumstances. On balance it is considered that the redevelopment of this relatively small site in a rural location will not unduly harm the supply of employment land in the Borough.

### **Impact on the neighbours**

24. The application is currently only in outline stage, however it would appear from the indicative information provided that the Council's interface standards could adequately be met and the proposed dwellings laid out in such a way as to minimise impact from overlooking and loss of privacy for neighbouring residents.

25. With regard to the neighbours' concerns regarding retention of the existing boundary this refers to a hedge along the western boundary with Sandlewood. This varies in height from approximately 1.5m to 2.5m as the hedge moves further to the rear of the site. There are a number of large outbuildings within the grounds of Sandlewood also adjacent to the site boundary. The indicative layout shows that the proposed bungalows would be adjacent to that part of the site closest to the neighbouring outbuildings, with the front of the closest bungalow approximately 24m from the rear elevation of Sandlewood.

26. Matters of landscaping and boundary treatments would be dealt with at the reserved matters stage. Conditions can be added to reflect this.

27. The site presently has a lawful use for storage and distribution (use class B8) and whilst no commercial use has taken place at the premises for a number of years, the fact remains that the use could lawfully recommence at any time. The use of the site for industrial purposes could potentially cause significant noise and disruption for neighbouring residents through both activities taking place on site and increased movements to and from the site. It is considered that three dwellings are unlikely to generate more disturbance than a commercial use and given the lawful use of the site, it would be difficult to resist the application on these grounds.

### **Design**

28. The specific design of the proposed dwelling has not been submitted with this application; however this part of Ulnes Walton is characterised by linear developments of modest semi-detached properties or larger detached dwellings, of which bungalows are not uncommon. Neighbouring houses are of a variety of designs, materials and scale.

29. The proposed dwellings would not be visually prominent from Southport Road and it is considered that bungalows would be appropriate to the character of the area.

### **Trees and Landscape**

30. These issues would be dealt with as part of a reserved matters application. No indication has been given by the applicant that they intend to remove any of the trees on site.

### **Ecology**

31. A bat survey has been submitted with the application. This found no evidence of roosting bats and concluded that the buildings presently on the site were unsuitable for breeding or hibernating bats, therefore the loss of the building would not have significant implications on the population status of local bat species. It is considered that the proposals would have no undue impact upon protected species.

32. 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 or for public health and safety;
- (b) there must be no satisfactory alternative and
- (c) favourable conservation status of the species must be maintained.

33. 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.

34. As set out above the ecological impacts of the proposals have been fully considered and as such it is considered that the Council, subject to suitable conditions, has discharged its obligations in respect of the above tests.

### **Traffic and Transport**

35. No objections to the proposals are raised by the LCC Highways Engineer. It is considered that the suggested layout demonstrates that adequate parking spaces could be provided for each dwelling (it is suggested that they be three bedroom bungalows within integral garage).

### **Section 106 Agreement**

36. The Council's Planning Policy Section has advised that a financial contribution towards the provision and improvement of public open space facilities within both the Brindle and Lostock ward and the Borough. The applicant has indicated that they are willing to enter into such an agreement.

### **Overall Conclusion**

37. The proposal would lead to the loss of employment land, however, the applicant has provided information to show that the premises have been marketed for a considerable period of time with a very little interest. It is considered that the proposal would be no more harmful to the Green Belt than the existing use and that impact on neighbouring properties could be minimised. It is recommended that conditions be attached to secure the aims of Policy 27 of the Core Strategy (to achieve a minimum level of the Code for Sustainable Homes). The proposal is accordingly recommended for approval.

### **Other Matters**

38. The concerns of the Parish Council regarding drainage are noted. Conditions can be attached to ensure that permeable ground surface materials are used. Other drainage matters are dealt with through the building control process.

### **Planning Policies**

National Planning Policies:  
NPPF para. 89

Joint Core Strategy  
Policies: 10, 13, 17,

Central Lancashire Supplementary Planning Document: Controlling the re-use of employment premises

Adopted Chorley Borough Local Plan Review  
Policies: GN5, DC1, EP4, HS4, HS21, EM4, EM9, TR4

Chorley Local Plan 2012-2016 Publication Site Allocations and Development Management Policies  
Development Plan Document  
ST4, HS4A, HS7, BNE1, BNE10

### **Planning History**

5/5/3102 Site for bungalow, office stores and garage APPROVED 28th April 1961

84/00434 Storage and distribution of catering disposables without complying with condition 4 of planning permission 5/5/3102 APPROVED 21st August 1984

90/00180/OUT Outline application for residential development APPROVED 1st May 1990

90/01042/OUT Outline application for erection of two detached houses REFUSED 8th August 1990

06/01027/CLPUD Certificate of lawfulness for proposed use relating to the storage of stone and other bagged products and equipment associated with road surfacing materials GRANTED 22nd December 2008

**Recommendation: Permit Outline Planning Permission Conditions**

1. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Central Lancashire Core Strategy.*

2. Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority. *Reason: In the interests of highway safety and to prevent flooding and in accordance with Policy 29 of the Central Lancashire Core Strategy.*

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. *Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Central Lancashire Core Strategy.*

4. All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Central Lancashire Core Strategy.*

5. Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level. *Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Central Lancashire Core Strategy.*

6. The works hereby permitted shall be carried out strictly in accordance with the amended plans received on 21st February 2013. *Reason: To define the permission and in the interests of the proper development of the site*

7. An application for approval of the reserved matters 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. The application for reserved matters shall incorporate the following details:

- Full details of the proposed access arrangements, including provision for parking and/or garaging of cars and associated manoeuvring areas;
- Full details of the appearance of the proposed dwellings;
- Full details of the layout of the site;
- Full details of the scale of the proposed development;
- A scheme for the landscaping of the development and its surroundings. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of the development; indicate the types of and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped.

*Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*