

**Item 4c**                      **13/00365/OUT**

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

**Ward**                         **Chisnall**

**Proposal**                    **Outline application for the demolition of existing buildings and erection of 9no. town houses (specifying access only).**

**Location**                  **H W Moon Ltd 56 Wood Lane Heskin ChorleyPR7 5NU**

**Applicant**                  **Warwick Construction**

**Consultation expiry:** **29 May 2013**

**Application expiry:** **24 June 2013**

### **Proposal**

1. Outline application for the demolition of existing buildings and erection of 9no. town houses (specifying access only).

### **Recommendation**

2. It is recommended that this application is granted outline planning approval.

### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development
  - Affordable housing
  - Density
  - Levels
  - Impact on the neighbours
  - Design and layout
  - Trees and landscape
  - Ecology and drainage
  - Traffic and transport
  - Public Rights of Way
  - Contamination and coal mines
  - Other matters

### **Representations**

4. One letter of support has been received:
  - It's about time this property was developed. They are a big fan of keeping businesses in villages but in this case it would not be a viable choice. Housing is the only logical progression and any concerns that access was a problem, no longer applies since becoming a 30mph zone. If there are any access concerns make a mini roundabout at the Wood Lane/Park Hall road intersection a condition of granting permission. This would benefit everybody from someone who dislikes the 40mph zone reduction to 30mph and the changing of the "feel" of Heskin;
  - Historically it was always intended to build housing on the plots in the ownership of HW Moon, but the site was marked out when the Yarrow Taxi and Omnibus Company asked for a garage and managers house which became Moons –so the proposal would only be completing part of the original plan.
5. Two letters making comments have been received:

- They welcome the removal of the high building to the rear of their property as it will improve the area and the quality of light, but they ask for a 10-12 foot fence to be erected during demolition and afterwards for privacy;
- The hairdressers at no. 54A Wood Lane state that their salon has been trading as a family business for over 50 years. Whilst they have no objections they are concerned about parking for the salon during construction work and after completion. Currently their customers park on the main road. As a small business they feel as if their needs have not been taken into consideration and there is no mention of the salon in the plans. They need reassurance that there will only be the one access onto the car park and that the property owners will not be allowed to drop the curbs in the future. The neighbours in the houses to the right of their salon have lowered their curbs which have restricted their customer's parking and they are worried the new properties may do the same. They also need reassurance that parking provision for their customers will be made during the development and also that the parking situation does not become an issue for them, their customers or any of the neighbours.

## Consultations

### 6. **Police Architectural Liaison Officer**

Has made a number of comments about the indicative layout of the proposal. As the application is only made in outline with the design and layout reserved, these have been forwarded to the agent for future reference.

### 7. **Chorley Planning Policy**

#### Amenity greenspace

Local Plan Policy HS21 sets a standard of 0.45 hectares per 1,000 population. There is currently a deficit of provision in the Chisnall ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £85 per dwelling.

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

Local Plan Policy HS21 sets a standard of 0.25 hectares per 1,000 population. There is currently a surplus of provision in the Chisnall ward in relation to this standard, a contribution towards new provision in the ward is therefore not required from this development. The site is also within the accessibility catchment of an equipped play area that is identified as being of high quality and high value in the Open Space Study. A contribution towards improvements is therefore also not required.

### 9. Playing pitches

A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £868 per dwelling.

10. The total financial contribution required from this development is therefore £8,577.

### 11. **United Utilities**

Have no objection subject to a condition as to how surface water will be managed.

### 12. **Lancashire County Council (Highways)**

State the proposed 5.5m wide site access appears acceptable and they have no concerns regarding visibility.

13. While the internal layout generally seems acceptable, the parking layout will require amending, as due to the communal use of the spaces, it will be undesirable for vehicles to park in front of the garages. This means that the current proposal only has 14no parking spaces, which is less than the 18no stated by the applicant. For ease of manoeuvrability, the single parking space proposed to the right hand side of the access when entering the development should be 6m in length. As the applicant has not indicated how many bedrooms the proposed 9 dwellings comprise of, they have been unable to assess the actual number of

parking spaces required for the proposed development. The applicant should therefore be aware that parking provision will be in accordance with the standard in the Chorley Local Plan 2012-2026.

14. As part of the proposed development, the existing footway and the kerbs in front of the development will be required to be reinstated to their original levels at the applicant's expense through the S278 agreement of the Highways Act 1980.
15. There are two bus stops close to the site on Wood Lane. These bus stops are without shelters and are not DDA compliant. It is estimated that £24,000 will be required to bring these bus stops to standard with shelters. For the benefit of residents and to encourage them to choose more sustainable mode of travelling, the possibility of the applicant funding improvements to the two bus stops should be explored and should be carried out via the S278 agreement.

### **Chorley's Waste & Contaminated Land Officer**

16. Note the applicant has submitted and Exploratory Site Investigation report by Worms Eye. This report refers to several items of further work with respect to ground conditions. They therefore request a condition controlling this.

### **Assessment**

#### Background Information

17. The site is within the Green Belt on Wood Lane, close to the junction with Park Hall Road. It is a former Toyota dealership now standing empty and has been for approximately seven years. There are houses on The Warings to the rear and side of the site and a number of properties adjacent to the site on Wood Lane itself.

#### Principle of the development

18. In relation to the Green Belt the National Planning Policy Framework (NPPF) at Paragraph 89 allows limiting infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. There are a number of large buildings on the site at present and it is not considered that the proposed development will have more impact on the Green Belt than the existing built form on the site.
19. Although the existing Local Plan has policies on development in the Green Belt, they are not fully in line with the NPPF and therefore the NPPF is given more weight. The proposal is therefore considered acceptable in principle in the Green Belt.
20. Policy 10 of the Core Strategy which covers Employment Premises and Sites, does not apply to this site as the lawful use of the site is a former car retail use which does not fall within the B use classes, the proposal is not therefore contrary to this policy.

#### Affordable Housing

21. Policy 7: Affordable and Special Needs Housing of the Core Strategy requires 35% affordable housing provision in rural areas on sites in or adjoining villages over 5 dwellings or 0.5 hectares. The applicant has prepared a valuation report for assessment due to site constraints associated with the former petrol storage tanks that shows that no affordable housing can be provided on the site. This has been assessed by the Council's property service provider who states that the only way to provide affordable housing on the site would be to increase the selling prices of the properties or reduce the cost (the latter of which are fixed). The applicant has been asked to provide some comparable information on selling prices in the area to see if increasing the sales costs of the properties is feasible or not. This will be reported on the Addendum.

#### Density

22. Although the proposal is made in outline only, specifying access, the indicative layout and description show 9 no. dwelling which would be the equivalent of 50 dwellings per hectare.

This is considered acceptable in accordance with Core Strategy Policy 5, as the density of the dwelling will reflect the terraced properties to the North West on Wood Lane.

### Levels

23. The site is largely flat with a small retaining wall to the southeast and northeast of the site. It is considered that acceptable levels can be achieved on the site and their approval by the Council can be secured by an appropriate condition or at Reserved Matters stage.

### Impact on the neighbours

24. The nearest residential properties to the site are those on The Warings that back onto the site to the South. These are dormer bungalow properties, some with rear conservatories with first floor rear windows facing towards the site. To the west is a single storey building operating as a hairdressing salon with a car park beyond. Number 48 Wood Lane is the nearest residential property to the west, it has no windows in its end gable and although it has a single storey rear extension with a small side facing window, this window will be screened from the proposed houses by the intervening existing hairdressing salon building. To the east are nos. 56 and 58 The Warings that face towards the side of the site. The only property opposite the site is High Barn Farm, which is set back from the road by over 30m. The Council's interface distances require there to be 21m between first floor facing windows, 10m between first floor windows and the boundaries with other properties they face and 12m between first floor windows and a blank wall. Although the layout provided is only indicative, all the proposed properties comply with these interface distances with the existing surrounding properties and therefore it is considered that a satisfactory layout could be achieved between the existing and proposed properties at Reserved Matters stage.

25. The comments of a neighbour are noted regarding boundary treatments however details are not provided at this outline stage. It is also considered acceptable boundary treatments can be secured, if not provided at reserved matters stage, through a condition.

### Design and Layout

26. The indicative layout shows the front elevations of the proposed dwellings in line with the front elevation of the existing hairdressing salon adjacent to the site and the terraced properties starting with number 48 Wood Lane so demonstrates that a suitable relationship with the existing building line along this part of Wood Lane could be achieved. The appearance and scale of the properties is not applied for but it is considered an acceptable scheme could be achieved at Reserved Matters Stage.

### Trees and Landscape

27. Other than conifers on the rear boundary of the site with The Warings, in the gardens of existing properties, that would not warrant a Tree Preservation Order there are no trees that will be affected by the development. There is a willow and sycamore in the south east corner of the site but they are in the garden of no. 37 The Warings and a birch is outside the side boundary to the east. It is not considered they will be unacceptably affected by the proposal. Landscaping of the site would be a Reserved Matter.

### Ecology

28. Other than the buildings the site is almost entirely laid to hard standing. An ecology survey accompanies the application. This concludes that there is virtually no semi-natural habitat on site and there are no important habitats or vegetation communities occurring on site or close to the site boundaries that will be adversely affected by proposals. There are no protected or otherwise important species such as bats or breeding birds occurring on site, adjacent to the site boundaries, or that will be otherwise affected by development proposals, and the site is considered to be generally of low ecological value.

29. It is reasonable to conclude that with adequate mitigation, there will be no negative ecological impact of any significance resulting from proposals to develop the site. Precautionary conditions are proposed as recommended in the ecology survey in relation to breeding birds and bats.

### Flood Risk and Drainage

30. The site is not within Flood Zone 1 or 2 as identified by the Environment Agency, nor is it above 1 hectare in size. A flood risk assessment is therefore not required. A condition in relation to foul and surface water management is proposed.

### Traffic and Transport

31. The previous use of the site was as a car sales showroom. The forecourt to the front of the existing building was used for the display of vehicles and the kerb line across the frontage of the site is dropped.
32. This application includes applying for access. There will be a single access to the site in the centre. LCC Highways consider the access point and visibility from it to be acceptable subject to conditions. They also state the footway and the kerbs in front of the development will be required to be reinstated to their original levels at the applicant's expense through the S278 agreement of the Highways Act 1980.
33. Although layout is not applied for the Council need to be content that a satisfactory layout and parking can be achieved at outline stage for the number of dwelling proposed. The original plans submitted showed an indicative layout with 14 no. parking spaces and two double garages (of sufficient size to be counted as parking spaces). Although the history of the site needs to be considered and the highway improvements the current scheme can introduce it is considered that the number of parking spaces need to be in line with the Council's standards of 2 spaces for two or three bed dwellings and 3 spaces for four or more bed dwellings and that these spaces are readily and easily available for parking to discourage parking on Wood Lane.
34. Discussions have taken place been the case officer, LCC Highways and the applicant and an acceptable indicative layout has been provided showing 22 no. spaces. 18 of these are regular spaces with an additional four spaces available as rear garage spaces. It is therefore considered that sufficient parking provision can be achieved at Reserved Matters stage for nine dwellings on the site.
35. LCC Highways state bus stops close to the site could be improved via a Section 278 Agreement (an agreement under the Highways Act with LCC). This is a separate process to planning.

### Public Right of Way

36. There are no rights of way that will be affected by the proposal.

### Contamination and Coal Mines

37. There is contamination on the site caused by past uses. Subject to the condition suggested by the Council's Contaminated Land Officer this issue is considered acceptable.
38. The site is within a Low Risk Area in terms of past coal mining as identified by the Coal Authority. The necessary informative note will therefore be applied to any permission relating to this.

### Open Space

39. The Council's Planning Policy Team has advised that a contribution towards amenity green space and playing pitches are required as there is a deficit within the area/Borough. However, as a viability assessment has been submitted showing that the costs of developing the site do not provide a surplus to pay this commuted sum. The benefit of developing the site which has become an eyesore on a prominent site in the Borough is considered to outweigh the normally required payment.

### Other matters

40. Policy 27 of the Core Strategy which covers sustainable resources can be controlled by condition.

41. To respond to representations made to the application, the Council cannot secure highway works such a mini-roundabout at the junction of Wood Lane and Park Hall Lane through the grant of a planning permission as it is not considered this is reasonably necessary to make this development acceptable in highway terms.
42. Boundary treatments are not the subject of this application but will be considered either under a condition or at reserved matters stage.
43. In relation to the hairdressing salon next to the site, which has limited off road parking to the front, there is only one access proposed to the site. The Council cannot guarantee that future property owners will not be allowed to drop kerbs to the front of the properties in the future. Such works would require planning permission as Wood Lane is a classified road, but the Council cannot prevent such applications being made nor can it predetermine the outcome of such applications if they are made, which must be determined on their own merits in accordance with policies in force at the time such applications are made taking into account the advice of LCC as the Highways Authority. It is not considered that the proposal will have more impact on the hairdressing salon than the previous and lawful use of the existing site.

### **Overall Conclusion**

44. The application is looked upon favourably as developing a site that has become an eyesore. Although the normal on-site affordable housing and commuted sum payments are not being provided the benefits of the scheme are considered to outweigh these. The application is recommended for approval subject to conditions.

### **Planning Policies**

#### National Planning Policies:

The National Planning Policy Framework

#### Adopted Chorley Borough Local Plan Review

Policies: DC1

#### Central Lancashire Joint Core Strategy

Policies 5, 7, 27

### **Planning History**

08/00704/OUT Application Withdrawn 18 November 2008 Demolition of existing buildings and erection of 9 town houses.

07/00661/OUT Application Withdrawn 31 July 2007 Outline application for residential development of 9 town houses (layout & access only).

03/01178/FUL Permitted 13 January 2004. Erection of 3m acoustic fencing at rear of 27 & 29 The Warings.

02/00499/ADV Permitted 27 August 2002. Display of illuminated and non-illuminated advertisement signs.

90/00832/ADV Permitted 6 November 1990. Display of internally illuminated fascia signs and double sided freestanding illuminated forecourt sign

87/00749/FUL Permitted 1 December 1987. Refurbishment and extension of existing car showroom

### **Recommendation: Permit Full Planning Permission Conditions**

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

2. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels 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 and in the interests of the amenities of local residents.*

3. Either, before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority, or these details shall be provided with the reserved matters application. 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 and to provide reasonable standards of privacy to existing and proposed residents.*

4. No development shall take place 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. No part of the development shall be occupied until the scheme has been implemented in accordance with the approved plans.

*Reason: To secure proper drainage and to prevent flooding.*

5. Either, 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, or they shall be submitted with the reserved matters application. 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.*

6. No part of the development hereby approved shall be occupied until a scheme for the construction of the site access and the off-site works of highway improvement (footway and kerb reinstatement) has been submitted to and approved by the Local Planning Authority. The development shall then only be carried out in accordance with the approved details before occupation of any of the dwellings.

*Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.*

7. The removal of roofing materials and barge boards should be undertaken with due regard to bats during any works that may take place between April and September (inclusive). Should any sign of bats be found, all works should cease and further appropriate action taken following the advice of the appointed bat worker.

*Reason: To protect protected species.*

8. No bird breeding habitat should be removed, dismantled or otherwise disturbed during the bird breeding season (February to July inclusive) until or unless this has been first checked for the absence of breeding birds by an ecologist and the details submitted to the Local Planning Authority.

*Reason: To protect protected species.*

9. There is a potential for ground contamination at this site (former garage with underground fuel storage tanks). Due to the scale of development and proposed 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.

*Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use.*

10. The dwellings hereby permitted commenced after 1<sup>st</sup> January 2013 shall meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1<sup>st</sup> January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to the Local Planning Authority showing it will meet the relevant Code Level. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the relevant Code Level has been issued by a Code for Sustainable Homes Assessor. 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.*

11. Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating.

*Reason: In the interests of minimising the environmental impact of the development.*