

Item 41	15/00051/FUL
Case Officer	Adele Hayes
Ward	Chorley North West
Proposal	Section 73 application to vary condition no. 9 of planning permission no. 95/00841/FUL to enable the houses to be occupied as open market residential dwellings
Location	Dutch Barn Close Chorley
Applicant	Your Housing Group (Frontis Homes)
Consultation expiry:	2 March 2015
Decision due by:	31 May 2015

Recommendation

It is recommended that this application is approved.

Background

1. Turley Planning Associates have submitted three separate applications on behalf of their client Your Housing Group (Frontis Homes). The applications are made under the provisions of Section 73 of the Town and Country Planning Act 1990 to remove conditions that restrict occupancy of the existing housing at Dutch Barn Close to key workers.
2. This application seeks to remove condition no. 9 of the full planning application on the site (Ref. 95/00841/FUL) to enable the houses to be occupied without restriction.
3. Two further applications to remove condition no. 7 of the original outline planning application on the site (Ref. 94/00808/OUT) and condition no. 10 of the reserved matters consent (Ref.95/00128/REM) have also been submitted and are reported elsewhere on the agenda. See 15/00049/FUL and 15/00050/FUL.

Proposal

4. The application site, which extends to an area of approximately 0.9 hectares, is located within the wider Chorley and South Ribble District Hospital site. In general terms the site is bordered by the Busy Bees children's day nursery and a multi-storey car park to the north, the hospital and associated buildings to the east and the Foxcote, Edgefield and Long Croft Meadows residential estates to the south and west.
5. The site currently accommodates a total of 34 no. key worker houses with associated parking and landscaping areas. The houses were originally built in the mid-1990s to provide accommodation for the medical and nursing staff of the hospital.
6. The applicant's agent has confirmed that the current occupancy levels of the houses is 57% (end of January 2015). They have also confirmed that the primary intention of Your Housing Group (Frontis Homes) is to offer a mix of social and affordable dwellings as it reflects their role as a registered social landlord, though a degree of flexibility is requested and they may choose to sell a limited number of the units on the open market if necessary.
7. In January 1995, outline planning permission for the development of residential accommodation for medical staff was granted (Ref. 94/00808/OUT). Condition no. 7 of the

decision notice stated that *'the residential development hereby approved shall be solely for the accommodation of persons employed or otherwise working as medical staff'*. The condition was imposed because at that time, given the land use allocation of the hospital site in the Local Plan for 'Future Hospital Expansion, it was considered that the site was not appropriate for a housing development that would be open to occupation by non-hospital staff. Accordingly such a condition met the relevant tests for the imposition of conditions.

8. A reserved matters application for the erection of 23 staff residences (LPA Ref. 95/00128/REM), in accordance with the original outline consent, was approved in April 1995. Condition no. 10 of the consent reflected the overall wording the previous decision notice, with additional reference to the site being allocated for hospital development in the Town and Borough Local Plans.
9. In May 1995, a planning application to delete condition nos. 7 and 8 of the original outline consent in order to permit *'new housing without restrictions on access or occupation'* was refused (Ref. 95/00258/OUT). The single reason for refusal noted that the site was *'...allocated for future Hospital expansion by Policy 5.5 of the Chorley Town Local Plan and Policy P.1 of the Chorley Borough Local Plan. The deletion of condition 7 would result in the provision of housing accommodation unrelated to the Hospital. This would be contrary to the Borough and Local Plan policies and significantly reduce the area of finite land available for future Hospital expansion...'*
10. Full planning permission for the erection of 13 houses for staff and a detached two-storey building for use as a Diabetes Resource Centre at the hospital was granted in January 1996 (Ref. 95/00841/FUL). Condition no. 9 of the decision notice stated that *'the residential development hereby approved shall be solely for the accommodation of persons employed or otherwise working as medical staff or nursing staff within Chorley Hospital.'*
11. The above planning permissions were secured by the Hospital Trust but were sold (on a 999 year lease) to the Housing Association and are now managed by the applicant who leases the properties back out to the Trust. However, the current agreement is to expire in March 2016 and the Trust has confirmed that it no longer requires all of the properties at Dutch Barn Close for its purposes.
12. These applications propose the removal of the restrictive conditions imposed on the original outline, reserved matters and full planning applications in order to enable the key worker houses to function as residential dwellings without occupancy restrictions. It is envisaged that the dwellings would either be occupied by tenants of Frontis, a registered social landlord or disposed of on the open market.
13. The proposed amendments will have no impact on the appearance and scale of the units as they do not require any alteration to facilitate re-occupation and/or open sale.
14. The Trust has agreed that prospective residents can continue to utilise the existing access arrangements.

Representations

15. The application has been publicised by way of individual letters and a site notice has been displayed. As a result of this publicity no representations have been received.

Consultations

16. Lancashire County Council Highways - have confirmed that they have no objections to the application.

Assessment

Acceptability of the Principle of Development

17. The overall acceptability of residential development has been previously established and the proposed changes to the planning permission are considered to be minor material amendments. In addition, it is recognised by the Government that local planning authorities should, in making their decisions, focus their attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.
18. The relevant development plan for this application now comprises the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003, with other material considerations including the National Planning Policy Framework (the Framework) and the emerging Chorley Local Plan 2012-2026 relevant.
19. As detailed above, a previous application to remove the restrictions on occupation was refused in 1995, primarily due to the site's allocation for future Hospital Expansion in the Local Plan. The application site (and the wider Hospital area) was previously allocated via Policy PS1 of the Adopted Chorley Borough Local Plan Review (2003) for hospital related uses to *'meet the health care needs of the Chorley and South Ribble District General Hospital'*. The accompanying text to the Policy noted that although major extensions of the Hospital had already been completed, there was still remaining land which existed to meet the further needs of the Hospital. The Policy thereby prevented the use of the land for anything other than hospital-related uses and safeguarded the site to facilitate the wider expansion of the Hospital to serve the Borough. It was a long-standing allocation which had successfully ensured that the necessary amount of land was kept available for the expansion of the Hospital; the final phase of which primarily occurred during the mid to late 1990s.
20. In June 2011, representations were made on behalf of Chorley and South Ribble NHS Trust and Harvest Housing, to the Chorley Site Allocations DPD which requested that the application site should be removed from any protected land designation for hospital purposes. In particular, it was noted that the policy was no longer necessary as the Trust had no further plans to expand and/or redevelop the Hospital site.
21. The Council accepted this request and in their response via the Issues and Options stage of the Local Plan (2010 – 2011), recognised that the policy would be deleted *'as the extension to Chorley Hospital has now been completed and the policy serves no further purpose within the Plan.'*
22. Following the examination of the emerging Chorley Local Plan (2012-2026), the site (and adjacent Hospital) is now unallocated and in its entirety lies within the Chorley Settlement Area (Policy V1). The Local Plan is at a very advanced stage and therefore *'significant weight'* can be attached to the policies and proposals of the Plan.
23. In contrast, it is considered that Policy PS1 of the former Chorley Borough Local Plan Review (2003) is now out-of-date and the site can no longer be considered to be allocated for hospital uses. In accordance with the Framework, where relevant policies to the development are out-of-date, the Council will grant permission unless material considerations indicate otherwise.
24. Of particular relevance, the emerging Local Plan identifies that, in accordance with the Framework and the presumption in favour of sustainable development, the Council will take a positive approach when considering development proposals within the Settlement Areas.
25. There are no designations on the Chorley Hospital site within the Chorley Local Plan 2012 – 2026. The site now remains within the settlement and subject to Policy V1 (Settlement Areas). This says within the areas excluded from the Green Belt and identified in the Policies Map, there is a presumption in favour of appropriate sustainable development,

subject to material planning considerations and the other Policies and Proposals within the Local Plan.

26. The proposal conforms to Core Strategy Policy 1 which focuses development in Chorley Town and the Core Strategy objective SO1 – to foster growth and investment in Central Lancashire- make the best use of infrastructure and land focussing on the Key Service Centre of Chorley.
27. Core Strategy Policy 7 (Affordable and Special Needs Housing) does not apply to this proposal.

Other Matters

28. Your Housing Group has a presence across the North West and allocate social rented stock in the following ways:
 - Through Choice Based Lettings services (CBL)
 - Through formal nominations agreements with local authority partners
 - Through traditional housing registers
29. They are also involved in Private Rented Accommodation, Intermediate Market Rent Accommodation, Key Worker Accommodation and Mutual Exchange properties. In addition they offer properties for sale and sheltered and supported accommodation. They also signpost people to Select Move in Chorley.

Conclusion

30. In summary, the removal of the existing planning restrictions on the use of the accommodation by key workers is considered to be acceptable. The Council have already accepted, via the de-allocation of the site, that Dutch Barn Close no longer forms an integral part of the overall Hospital development. The reason for the imposition of the original condition has been removed and the condition can no longer be imposed in its current form. The site remains fully acceptable in terms of its design and appearance.
31. It is recommended that the application is approved.

Note on the Emerging Chorley Local Plan 2012-2026

In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.

Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*

The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector's Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (8 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.