

Item 4h **14/01331/FUL**

Case Officer **Nicola Hopkins**

Ward **Eccleston And Mawdesley**

Proposal **Demolition of the former Windmill Hotel and the erection of 9 No. apartments, associated car parking and access.**

Location **The Windmill Hotel, 311 The Green, Eccleston**

Applicant **Andrews Homes Ltd**

Consultation expiry: **4th February 2015**

Decision due by: **16th February 2015 (time extension agreed until 5th June 2015)**

Recommendation
Approve full planning permission

Executive Summary

The application site consists of an empty public house within the settlement of Eccleston. The main issues for consideration relate to the loss of this community facility and the erection of residential development within a designated shopping area. It is considered that the proposed erection of 9 apartments on this site represents the most appropriate reuse for the previously developed site within a sustainable location.

Consultees

Consultee	Summary of Comments received
United Utilities	No objection subject to suitable conditions
Council's Waste and Contaminated Land Officer	Has requested a condition in respect of contamination Initially raised concerns about the proposed layout in terms of waste collections however these have been addressed within the report.
Council's Tree Officer	Has carried out a site inspection and confirmed that only one tree present within the site, an early mature sycamore tree identified as T9 within the Tree Survey Report. This is a category B tree which is worth considering retaining to screen planned development from neighbouring property. The trees located within the adjoining land form a screen to the site.
Greater Manchester Ecology Unit	Have commented on bats, nesting birds, invasive species and loss of biodiversity. The specific comments are contained within the body of the report.
Council's Property Services Section	Have commented on the viability of the scheme addressed within the body of the report
Architectural Liaison Office	Have commented on suggested Secured by Design features- these can be attached via an informative
Lancashire County Council Highways	No objection subject to conditions and specific suggestions set out within the body of the report

Assessment

Principle of the Development

1. The site is located within the settlement area of Ecclestone as identified within both the existing and emerging Local Plan.
2. 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.
3. 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.”*
4. 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.
5. 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 (08 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.
6. The emerging Local Plan identifies that development within settlement areas may be for an appropriate use such as housing, offices, community facilities or Green Infrastructure. This should be read in conjunction with other policies and proposals in the emerging plan and with Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1 Ecclestone is identified as a Rural Local Service Centre where limited growth and investment will be encouraged to help meet local housing and employment needs and to support the provision of services to the wider area.
7. Policy 25 of the Central Lancashire Core Strategy seeks to ensure that local communities have sufficient community facilities and this includes resisting the loss of existing facilities. The proposals involve demolishing the existing public house, which is considered to be community facility, as such Policy HW6 of the emerging Local Plan is pertinent:

Development proposing the change of use or loss of any premises or land currently or last used as a community facility (including community centres, village and church halls, places of worship, public houses, children’s centres, libraries, cultural facilities and health facilities) will be permitted where it can be demonstrated that:

 - a) The facility no longer serves the local needs of the community in which it is located; and
 - b) Adequate alternative provision has been made, or is already available, in the settlement or local area; and
 - c) The use is no longer financially viable; and
 - d) The facility is in an isolated location remote from public transport routes; or
 - e) There is an amenity or environmental reason why the facility is no longer acceptable.
8. The Rural Developments SPD reinforces Policy HW6 and confirms that where any local community facility will be lost the Council will need to be convinced that it is no longer required or that adequate alternative arrangements can be made.

9. Additionally the public house is located within the defined local centre within the emerging Local Plan. Core Strategy Policy 11 (Retail and Town Centre Uses and Business Based Tourism) criteria e) is worded to maintain, improve and control the mix of uses in the existing Local Centres so as to appropriately serve local needs. Policy EP7 of the emerging Local Plan is also pertinent:

The boundaries of the District and Local Centres are defined on the Policies Map. The following criteria apply for change of use and development in District and Local Centres:

- a) Planning permission will be granted for A1, A2, A3, and A4 uses which support the role and function of District and Local Centres.
- b) A5 uses (hot food takeaways) will be permitted where the proposal would not adversely impact, either individually or cumulatively, on the function, vitality and viability of the centre.
- c) Planning permission will be not be granted for non-retail uses (including the loss of A1 use) unless it can be shown that there is no demand for retail or commercial use or the property was last occupied by a non-retail/non-commercial use. This will need to be demonstrated through an active 12 month marketing process showing that the property has been offered for sale on the open market at a realistic price and that no reasonable offers have been refused.

The provision of flats on the upper floors of the building will be encouraged but this will not apply where the applicant can demonstrate that the whole building will be fully utilised for retail/commercial purposes.

10. As such in order to justify the loss of the existing community facility in respect of both Policies HW6 and EP7 a report demonstrating that the community facility is no longer financially viable, is surplus to local needs, is available elsewhere in the settlement, or where there is an amenity or environmental reason why a community use is not acceptable is required and in this regard the application is supported by a Marketing and Viability Report undertaken by Lea, Hough & Co Chartered Surveyors. The report concludes the following:

- Considering the inherent constraints of the site, the limitations of the building for conversion and the economic practicalities of delivering a financially viable development, it is our opinion that commercial and employment uses are extremely unlikely to be brought forward.
- This opinion is strengthened further by the marketing undertaken to date, which has clearly demonstrated that there is insufficient appetite in the marketplace for the property as currently presented.
- The economic climate and funding restrictions that apply will particularly affect the potential uses for this property, with speculative commercial development being perhaps the most difficult sector to raise funds against. This backdrop strongly suggests that unless alternative uses are found, the site is unlikely to come forward in the near future.
- It is apparent that the site, either as a conversion or for a new build commercial property, does not lend itself to commercial or employment activities. Furthermore, it is clear not only from the marketing of the pub that the demand and viability of a future pub on the site is fundamentally unsound.
- It should also be noted that, within the area local to Ecclestone, there are a significant number of established pubs and restaurants that are currently meeting any outstanding community need. These include:
 - Brown Cow, Ecclestone
 - The Original Farmer's Arms, Ecclestone
 - Farmer's Arms, Heskin Green
 - Robin Hood Inn, Mawdesley
 - Traveller's Rest, Euxton
 - Black Bull, Mawdesley
 - Rose and Crown, Ulnes Walton

- Verdes, Eccleston
 - It is demonstrable that there is a sufficient local supply of pubs and restaurants in the nearby area.
 - There is no economically feasible demand for public house uses, or other commercial or employment generating uses.
 - A residential use is not only the most economically viable, but it is also the most appropriate in terms of the location and the immediate surroundings.
11. Planning Policy have reviewed this document and confirmed that the applicant has provided a statement in relation to Policy HW6/Policy EP7. In relation to Policy HW6 criteria a) and c) and Policy EP7 criteria c) the premises has not been in use since January 2013 as a public house since a tenant abandoned the premises as a result of the business making sustained losses.
 12. The premises were marketed until sold at auction on 12 September 2013. The marketing has been for no longer than 10 months and during this period was scheduled to go to public auction twice over a six week period therefore at no time was 12 months marketing ongoing (the marketing which found a tenant is not counted). During the marketing period at some time the premises was marketed without any restrictions placed on its future use which resulted in 6 bids the majority being for residential, an unconditional offer was accepted but the sale did not complete. The agent did not accept 2 offers for use 1) as a public house or other use and 2) a use as a restaurant as both offers were considered unacceptable to the vendor and were significantly less than the concluded sale price. However it is noted that the offer for a public house use was reliant on bank funding and neither interested parties had undertaken a full survey or cost appraisal for refurbishment. The applicant has provided information on pub refurbishment costs which show that conversion costs are prohibitive on the viability of a future pub on the site.
 13. In relation to Policy HW6 criteria b) alternative provision has not been made however within the village of Eccleston there remain two pubs and one Italian restaurant, with a number of other pubs in the local area with the nearest being at Mawdesley, and Heskin as well as restaurants along Southport Road. As such there is considered to be alternative facilities within the area.
 14. In relation to Policy HW6 criteria d) the facility is not in an isolated location remote from public transport routes, as the site is within the settlement of Eccleston with 2 regular bus routes (337 and 347) passing the site (Monday to Saturday), although there are no services after 6pm and none on Sunday.
 15. Eccleston has two Local Centres, the other is the Carrington Local Centre which has been redeveloped and includes tenants relocated from the existing retail centre. The 13,000 sq ft new retail parade opened in May 2014 and includes a 4,000 sqft Sainsbury's convenience store with 8 shops including the post office, pharmacy and library. The Carrington Centre is fully occupied. The Council's Evolutive property database does not show any other retail/commercial/office premises within Eccleston available for let/sale.
 16. The premises is neither suited to storage or distribution use and as shown in the report there are other purpose built facilities for these uses and industrial areas with better transport links. The site could be considered for office use which is an acceptable use in a residential/mixed use area although it is acknowledged that there is a relative lack of comparable evidence available. The figures quoted show a conversion or redevelopment to office use as not commercially viable and does not take into account any value for the land.
 17. It is therefore considered that following the marketing and the submitted valuation evidence there is sufficient justification in respect of the loss of this community facility and developing land allocated as part of the local centre to redevelop the site for 9 apartments within this sustainable location.

18. The site covers 0.11ha and the erection of 9 apartments equates to a density of approximately 82 dwellings per hectare which is very high but is typical of a small scale apartment scheme as proposed. This reflects an appropriate density for this previously developed site within the settlement boundary.

Affordable Housing

19. Policy 7 of the Core Strategy relates to affordable housing and states:

Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part thereof) is required in rural areas.

20. As Eccleston is a rural village and the proposed redevelopment incorporates 9 dwellings in accordance with Policy 7 35% on site affordable housing (or 3 units) would be required. However the National Planning Practice Guidance (NPPG) was updated by Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing disproportionate burdens on developer contributions. The updated guidance confirms that contributions for affordable housing should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².
21. This development is for 9 no. dwellings which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m². In the case of this development there is no evidence at this time, which is directly related to the development, to require on site affordable housing contrary to the national guidance.

Public Open Space

22. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013 and open space requirements relating to new housing schemes accord with emerging Local Plan Policies HS4A and HS4B and the approach in the SPD. However this development is for 9 no. dwellings which is below the 10 unit threshold set out within the NPPG and also has a combined gross floorspace of less than 1000m². In the case of this development there is no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance.

Viability

23. Notwithstanding the above assessment in terms of both affordable housing and open space it is also important to note that the viability of this scheme is an important consideration. The supporting information includes a Viability Report in respect of this site which states that if the Policy requirements were applied in respect of affordable housing and POS this would render the scheme unviable.
24. Policy 7 acknowledges that site considerations such as this should be taken into account, and where it cannot be demonstrated that the development of the site can be financially viable if the requisite number of affordable housing units is provided then this number can legitimately be reduced and that is the proposal which is put forward in this statement. This approach is in accordance with the guidance in the Framework which confirms that development should:
-not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. 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.*
25. The submitted Viability Appraisal has been reviewed by the Council's Property Services section and this is assessed below.

26. In terms of public open space the current deficits in respect of this area of the Borough are as follows:

Amenity Greenspace: There is currently a deficit of provision in Ecclestone in relation to this standard and the legal agreement would secure a contribution towards new provision in the ward= £140 per dwelling

Allotments: A new allotment is proposed at Station Road, Croston (HW5.4) which is within the accessibility catchment (10 mins drive time) of the site and the legal agreement would secure a contribution towards the provision of this allotment allocation= £15 per dwelling.

Playing Pitches: There is a Borough wide deficit of playing pitches= £1,599 per dwelling.

27. TOTAL for 9 apartments:

Amenity Greenspace:	= £1260
Allotments	= £135
Playing Pitches	= £14,391
TOTAL	= £15,786

28. Property Services have confirmed that the developer sets the appraisal out in a residual appraisal format and then deducts the sales prices (£1,098,760) against the total costs (£851,877) which results in £246,000 (income (gross)). From there the land price is derived at £150,000 for 0.25 acres, and there are funds for additional infrastructure, further fees, stamp duty, planning application fees and demolition. The resulting cost is then £240,000, so that leaves only £6,000 for S106 contributions. The Council's Estates Surveyor considers that this is fair and reasonable. Although the appraisal includes a 22% profit, which is slightly higher than the current market trend of 15-20% this reflects a small element of uncertainty in developing a scheme of apartments, rather than several houses. The Surveyor considers that this is a relatively low to average cost scheme with lower to average sale prices which would be expected for 9 apartments.
29. As such even if there was evidence at this time to deviate from national policy from a viability perspective the scheme can only afford to contribute £6000 to affordable housing and/or POS. However as set out above it is not considered that requesting a contribution in this case would be in accordance with the NPPG and as such no contribution is requested.

Impact on the Neighbours

30. The immediate neighbours to the site are 1 and 2 Preston Nook, 309 The Green and the properties on the opposite side of The Green.
31. 1 Preston Nook is a two storey semi-detached dwellinghouses located to the west of the application site. The side and rear elevation of this property abut the application site. This property has a first floor side window which appears to be the only source of light to a bedroom (based upon the planning history for this property) along with first floor rear windows which serve a bedroom. These windows were approved as part of a two storey rear extension (05/00733/FUL).
32. The side bedroom window faces the application site however the proposed apartments have been sited to ensure that the impact on this window is reduced. The window will directly face amenity greenspace proposed at the front of the apartments (this is a communal area and does not represent private garden space) and due to the location of the window and the orientation of the proposed apartments (to the north east of the window) it is considered that loss of light as a result of the proposed development on this window will be minimal.
33. 2 Preston Nook is a two storey semi-detached dwellinghouse whose rear elevation abuts the application site. Planning permission was granted at this property for a first floor rear

extension over existing single storey flat roof extension and rear conservatory. This has been constructed on site and there are no first floor rear habitable room windows which face the application site. There is a single storey rear extension at ground floor level however this is not visible from the application site due to the boundary treatments and is sited close to the proposed parking provision associated from the proposed apartments. As such it is not considered that the proposals will adversely impact on the amenities of the residents of Preston Nook.

34. 309 The Green is an end terraced property immediately adjacent to the existing public house building. There is an existing accessway located to the site of this property which will be retained as part of the development and there are no windows in the side elevation of 309 The Green.
35. 5 car parking spaces and the bin store are proposed close to 309 The Green however they are separated by the retained accessway. As such it is not considered that the proposed development will adversely impact on the amenities of the occupiers of 309 The Green.
36. 324-328 The Green are located on the opposite side of The Green. These properties are two storey terraced dwellings sited immediately adjacent to the footpath and incorporate first floor habitable room windows. The proposed apartments have been designed to reflect the character of the area with the apartments sited close to the back of the pavement however this siting results in the proposed front elevation being approximately 10 metres from the front elevation of 328 The Green (at its closest point). This is contrary to the Council's standard 21 metre window to window distance. It is considered however important for the proposed scheme to reflect the character of the area which is characterised by dwellinghouses/ buildings being sited at the back/ close to the edge of the pavement. Reflecting this design characteristic will result in reduced spacing distances.
37. First floor apartments 7 and 8 directly face 324-328 The Green and incorporate 7 front windows. All but one of these windows will serve non-habitable rooms or do not represent the only source of light to a habitable room and as such can be obscurely glazed to protect the neighbours' amenities. There is however one dining room/kitchen window on the front of apartment 7 which is the only source of light to that room and as such any obscure glazing has the potential to adversely impact on the future residents living conditions and is not considered to be appropriate. Although this window does not meet the required 21 metres window to window distance it is considered that a dining room/ kitchen window will not result in loss or privacy to a bedroom window in the case of this site, taking into account the characteristics of the surrounding area, to a degree which warrants refusal.
38. At ground floor level apartments 3 and 4 directly face 324-328 The Green and include a similar arrangement to the first floor apartments with only one dining/ kitchen at apartment 3 which could not be reasonably obscurely glazed. The same consideration as above is appropriate for the relationship between apartment 3 and 328 The Green.
39. 2-4 Kirstin Court face the proposed accessway to the parking court and first floor apartment 9. 2-4 Kirstin Court are set back from the edge of the footway and as such approximately 15.5m is maintained between the front elevation of both the proposed apartments and the existing houses. There are two first floor windows in the front of apartment 9 however these serve a kitchen, not the only source of light, and a landing and as such they can be obscurely glazed to protect the existing residents' amenities whilst not adversely affecting the living conditions of the future residents.
40. All of the rear first floor habitable room windows are sited in excess of 10 metres from the garden boundaries of the neighbouring properties and as such will not result in loss of amenity to the existing residents.

41. As such it is not considered that the proposed apartments will adversely impact on the amenities of either the existing or future residents.

Highways and Access

42. The proposed scheme has been assessed by the Highway Engineer at LCC who has made the following comments.
43. The proposal seems acceptable, however, given that the design is that of a shared access, where there would be no protected space with appropriate demarcation, the proposed 4.0m wide access would be too narrow and may result in vulnerable pedestrians feeling threatened by having no space protected from vehicles. The applicant should therefore increase the width of the access to 4.8m, although an ideal minimum width of 4.6m required for vehicles to pass cyclists in comfort may be accepted.
44. In response to this the agent for the application has amended the plans as follows:
- The drawings have been updated to increase the access width from 4.0m to 4.8m in accordance with his requirements. Apartment layouts and elevations have been adjusted accordingly.
45. In response to the amendments the Highway Engineer has confirmed that the amendments are acceptable.
46. The agent for the application has confirmed that the development will be private and no roads will be offered for adoption
47. To assist the disabled, the blind and partially sighted, the Highway Engineer has requested that the proposed vehicle crossing at the access should incorporate dropped kerbs and tactile pavings. The amended plans detail dropped kerbs and tactile paving.

Parking

48. The scheme involves the erection of 2 one bedroom apartments and 7 two bedroom apartments. In respect of parking, in accordance with Policy ST4 of the emerging Local Plan, there is a requirement for 1 off road parking space for the 1 bed apartment and 2 off road parking spaces are required for 2 bedroom apartments. For a garage to 'count' as a parking space it will be required to measure 6 x 3 metres (6x6 metres for double garages) in accordance with Manual for Streets.
49. The scheme incorporates 16 parking spaces, including 2 parking spaces for unit 9 served off the proposed underpass underneath unit 9. The Highway Engineer originally raised concerns that only 14 spaces were detailed however 16 spaces are detailed.
50. In his additional comments the Highway Engineer noted that the remaining 2 car parking spaces within the 4.8m driveway under the underpass. The Engineer has raised concerns about whether this arrangement would leave adequate room for safe shared pedestrian/vehicular use of the underpass however given the low level of vehicle movements associated with this development this is considered to be an acceptable solution.
51. The proposed parking accords with the Council's Parking standards and as such is considered to be acceptable.

Trees

52. There is only one Sycamore Tree within the application site and a tree screen along the boundary. The Council's Tree Officer has visited the site and the application is supported by a Tree Survey Report. The report has assessed 9 individual trees and 1 group of trees. Three of the individual trees surveyed, including the Sycamore within the application site, and the group of trees are categorised as retention category B (trees of moderate quality with a remaining life expectancy of at least 20 years) and as noted by the Tree Officer the group of trees offers a level of screening to the application site.

53. The group of trees and 2 of the category B trees are located on the southern edge of Preston Nook, the adjacent access road, outside of the application site and the applicant's ownership and are not proposed to be removed as part of the proposed development. Given that these trees are not under threat there is no need to formally protect them at this time.
54. The Sycamore tree is within the site and is shown as being retained on the proposed layout plan adjacent to three proposed parking spaces. As this tree is worthy of retention and makes a valuable asset to the surrounding area a no-dig condition will be attached to a positive recommendation to protect the root protection area of this tree and this tree will be protected by a TPO.

Ecology

55. The proposals involve the demolition of the existing public house and as such the application is supported by a Survey & Assessment Report for Bats, Birds & Other Ecological Considerations. This has been reviewed by the Ecologist at Greater Manchester Ecology who has made the following comments:

Bats

56. The Ecologist commented that the originally submitted bat assessment is over a year old and recommended pre-cautionary emergence surveys. As such the Ecologist recommended that prior to determination a re-assessment of the building for bat roosting potential by a suitably experienced bat worker was undertaken. This has been undertaken and confirms that there is no evidence of roosting bats and as such the simple precautions outlined in the original report and reiterated within this new report are all that is required.
57. Following receipt of this additional survey the Ecologist has confirmed:
- No bats were identified as emerging from the property.
 - Low levels of common pipistrelle were recorded foraging nearby.
 - The building is now assessed as low risk.
 - No further survey work is required prior to determination
58. As such reasonable avoidance measures (pre-cautionary measures) contained within the submitted report can be secured by condition.

Nesting Birds

59. Potential bird nesting habitat will be lost as a result of the development. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. This can be addressed by condition.

Invasive Species

60. Two species covered by schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) were found on the site. It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Removal of these species can be addressed by condition.

Loss of Biodiversity

61. The site has only low ecological value. Landscaping within the proposed development is capable of mitigating for any losses and can be resolved via a condition.
62. 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.

63. 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.
64. 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.

Design

65. The scheme has been designed to reflect the character of the surrounding area, terraced dwellings sited close to the edge of the footway, to result in a row of mews properties. This is considered to be appropriate for this site. 321 The Green (located on the opposite side of the road which serves Bygone Times) is a traditional terraced dwelling sited at the back of the footway utilising a corner turning building.
66. The scheme includes a larger scale feature property at the south-east corner of the site and then the remaining properties attached to this main unit. It is considered that this design solution reflects the character of the area and will create a focal point along The Green.
67. The feature property at the corner incorporates its own facing brick along with artstone heads and cills. The remaining façades will be clay facing bricks throughout, with artstone or brick heads and artstone cills. The roofs will be finished in a grey concrete tile and will incorporate dummy chimneys. Fenestration will be upvc framed double glazed windows. The design and materials is considered to be appropriate for this site.

Sustainable Resources

68. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

69. As such there will be a requirement for the dwellings hereby approved to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Waste Collection

70. As set out above the Council's Waste and Contaminated Land Officer originally raised concerns with the waste collection facilities at the site. In response to the concerns the agent has confirmed that as part of the overall design the bin store was positioned to enable the residents to access it from within the site, whilst allowing the refuse collection from the access road between the site and number 309, gates have been provided at both ends of the bin store to facilitate this. The distance from the gate to the footpath is 16.5m and 19.5m to the kerb edge which is within the maximum 25m collection distance.
71. The Highway Engineer raised concerns that the existing access to the side of 309 The Green appears to suggest that the applicant intends using the access for bin collection which would be unacceptable to the Highway Authority from a vehicle manoeuvrability perspective.
72. The agent for the application has confirmed that Refuse Collection Vehicles (RCVs) will not access the parking court and although they could have access down the side road should they so wish (as this is also within the applicants ownership) which is the Engineer's concern it is expected that RCVs will park at the end of the access road and wheel the paladins to the vehicle.
73. The refuse provision in respect of this site is 1100 litre Paladin bins rather than individual bins. In this case of this site green waste would be dealt with by a management company who would look after all the external works.
74. The Council's Waste and Contaminated Land Officer has confirmed that he is satisfied with the proposed arrangements for waste collection.

Overall Conclusion

75. Although the proposals result in the loss of a community facility, the public house, within a designated shopping area it is considered that the public house is no longer viable and there is alternative provision within the surrounding area. The site has been marketed and following this marketing period it is considered that the proposed development is the most appropriate re-use of this previously developed land located within a sustainable location in accordance with Policy 1 of the Adopted Central Lancashire Core Strategy.

Planning Policies

76. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
94/00200/ADV	Display of various externally illuminated signs	Advertisement consent granted	1994
99/00601/FUL	Single-storey side extension	Approved	October 1999

Suggested Conditions

No.	Condition																		
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>																		
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 501 1198 846"> <thead> <tr> <th data-bbox="320 501 611 562">Title</th> <th data-bbox="611 501 876 562">Drawing Reference</th> <th data-bbox="876 501 1198 562">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 562 611 622">Proposed floor plans and elevations</td> <td data-bbox="611 562 876 622">13/092/P02 Rev A</td> <td data-bbox="876 562 1198 622">29th April 2015</td> </tr> <tr> <td data-bbox="320 622 611 658">Proposed Site Layout</td> <td data-bbox="611 622 876 658">13/092/P01 Rev A</td> <td data-bbox="876 622 1198 658">29th April 2015</td> </tr> <tr> <td data-bbox="320 658 611 719">Topographical Land Survey</td> <td data-bbox="611 658 876 719">S13/649</td> <td data-bbox="876 658 1198 719">22nd December 2014</td> </tr> <tr> <td data-bbox="320 719 611 779">Existing Site Plan and Constraints</td> <td data-bbox="611 719 876 779">13/092/E01</td> <td data-bbox="876 719 1198 779">22nd December 2014</td> </tr> <tr> <td data-bbox="320 779 611 846">Location Plan and Site Plan</td> <td data-bbox="611 779 876 846">13/092/L01</td> <td data-bbox="876 779 1198 846">22nd December 2014</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Proposed floor plans and elevations	13/092/P02 Rev A	29th April 2015	Proposed Site Layout	13/092/P01 Rev A	29th April 2015	Topographical Land Survey	S13/649	22nd December 2014	Existing Site Plan and Constraints	13/092/E01	22nd December 2014	Location Plan and Site Plan	13/092/L01	22nd December 2014
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3.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans 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.</p> <p>Reason: The submitted information did not include details of the external facing materials and to ensure that the materials used are visually appropriate to the locality samples are required.</p>																		
4.	<p>Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. In particular the proposed vehicle crossing at the site access shall incorporate dropped kerbs and tactile pavings. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.</p> <p>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</p>																		
5.	<p>No dwelling shall be occupied until all fences and railings shown in the approved details 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.</p> <p>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>																		
6.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>																		
7.	<p>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 earlier, 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</p>																		

	<p>diseased shall be replaced in the next planting season with others of similar size and species. Reason: In the interest of the appearance of the locality</p>
8.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards. Reason: To safeguard the trees to be retained</p>
9.	<p>Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</p>
10.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
11.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details. Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</p>
12.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate. Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
13.	<p>All windows in the ground and first floor of the east elevation (the elevation facing The Green) of the apartments hereby permitted shall be fitted with obscure glass, apart from the kitchen/dining room window which serves apartments 3 and 7, and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p>

	Reason: In the interests of the privacy of occupiers of neighbouring properties.
14.	<p>No trees or shrubs shall be felled/ removed or the building demolished between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance/ demolition and written confirmation provided to and agreed in writing by the Local Planning Authority that no active bird nests are present.</p> <p>Reason: to ensure the proposed works do not adversely impact on nesting birds</p>
15.	<p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are known to occur on the site, including variegated yellow archangel and <i>Cotoneaster horizontalis</i>. These species shall be eradicated from the site and working methods shall be adopted to prevent their Spread in accordance with Environment Agency guidance and codes of practice.</p> <p>Reason: to ensure the eradication and control of any invasive species which are found on the site</p>
16.	<p>Due to the proposed sensitive end-use (residential housing & gardens), the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.</p> <p>The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study and site investigation must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p>Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012) and this is required prior to the commencement of the development to ensure that necessary remediation measures can be put in place prior to the construction of any dwellings.</p>
17.	<p>Prior to the commencement of the construction of the dwellinghouses, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.</p> <p>This development shall be completed maintained and managed in accordance with the approved details.</p> <p>Reason: To ensure suitable drainage is provided for the dwellings hereby approved, this is required prior to the commencement of the construction of the dwellinghouses to ensure that a suitable scheme can be put in place at the appropriate time.</p>
18.	<p>Prior to the commencement of the construction of the dwellinghouses, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.</p>

	<p>The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: to ensure that suitable drainage is provided for the dwellings hereby approved this is required prior to the commencement of the construction of the dwellinghouses to ensure that a suitable scheme can be put in place at the appropriate time.</p>
19.	<p>The construction of the proposed car park/ bin store located within the root protection area of tree T9 (detailed on the Tree Survey and Root Protection Areas Plan ref: 4645.01 attached to the submitted Tree Survey report dated February 2014)) shall be undertaken using a 'no-dig' cellular confinement system method of construction or alternative method of construction which has first been submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the continued protection of the high quality tree on/ adjacent to the site.</p>
20.	<p>No development or demolition works shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> • the parking of vehicles of site operatives and visitors wholly within the application site • hours of operation (including deliveries) during construction and demolition • loading and unloading of plant and materials wholly within the application site • storage of plant and materials used in constructing the development wholly within the application site • measures to control the emission of dust and dirt during construction • a scheme for recycling/disposing of waste resulting from construction works <p>Reason: The site is located on the main road through Ecclestone and the specified information is required in the interests of highway safety and to protect the amenities of the nearby residents. This information is required prior to commencement to ensure that the entire project adheres to appropriate procedures.</p>
21.	<p>The Reasonable Avoidance Measures in respect of bats shall be carried out in accordance with the details contained in the Nocturnal Bat Survey Report, Ribble Ecology reference RB-13-17i Section E.</p> <p>Reason: to ensure the continued protection of bats and to ensure that the proposed development does not result in harm/ injury to a bat(s)</p>
22.	<p>The existing access shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads prior to the use of the new access.</p> <p>Reason: To limit the number of access points to, and to maintain the proper construction of the highway.</p>