

**Item 3b**                            **14/01214/FULMAJ**

**Case Officer**                    **Iain Crossland**

**Ward**                                **Chorley North West Ward**

**Proposal**                         **Demolition of existing public house and erection of 12 no. two storey houses and 10 no. flats with associated car parking, access formation and landscaping**

**Location**                         **Gillibrand Arms  
Collingwood Road  
Chorley  
PR7 2PT**

**Applicant**                         **Chorley Community Housing**

**Consultation expiry:**        **28 January 2016**

**Decision due by:**             **25<sup>th</sup> February 2015**

**Recommendation**

It is recommended that this application is approved subject to conditions.

**Executive Summary**

The main issues to consider are whether the proposal would result in an acceptable impact on neighbour amenity, the character and appearance of the surrounding area and the highway impact.

## Representations

**In total 93 representations have been received from 87 addresses which are summarised below**

### **Objection**

- The pub is a valued community asset
- Lack of off street parking provision
- Impact on highway safety
- Impact on character of the area through density, form
- Impact on privacy
- Loss of light
- Impact through noise and disturbance
- Impact of lighting on bat activity
- Unstable ground and contamination issues – further survey work would be required.
- There is no undersupply of housing in Chorley
- Loss of trees
- Impact on school places
- No need for social housing
- Low cost housing and associated anti-social issues
- Danger from gas migration to nearby properties
- These plans will just turn a highly dignified respectable sort after area into a run-down council estate
- The development will devalue neighbouring properties
- The area should be made into a car park

Two petitions of 22 signatures and 110 signatures objecting to the loss of the public house have been received

## Consultees

<b>Consultee</b>	<b>Summary of Comments received</b>
The Coal Authority	The Coal Authority concurs with the recommendations of the Phase 1 Geoenvironmental Assessment and Preliminary Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that following the demolition of the existing building intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site.

	<p>The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works following the demolition of the existing building.</p> <p>In the event that the site investigations confirm the need for remedial works to treat the mine entries/areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to the commencement of development (excluding the demolition of the existing building).</p> <p>The Coal Authority considers that the content and conclusions of the Phase 1 Geoenvironmental Assessment and Preliminary Coal Mining Risk Assessment are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.</p>
LCC Highways Officer	<p>The proposal was subject to previous Highways comments. 35no car parking spaces are required, however 32no is proposed with provision for secure and covered cycle storage. Notwithstanding the reduced level of parking, the site seems sustainable enough for this level to be accepted.</p> <p>The main access to the site is located on Whitworth Drive with two other vehicle accesses to Mountbatten Road to serve plots 1-8 and 9-12. An existing vehicle access further up Mountbatten Road is to be closed. The development has no vehicular access to Collingwood Road. The access proposal and the general layout of the site seems acceptable, but the development should be constructed to the Lancashire County Council Specification for Construction of Estate Roads to ensure satisfactory access and in order to be acceptable for adoption under the Section 38 agreement of the Highways Act 1980.</p> <p>I can confirm that the proposed development is acceptable from highway perspective;</p>
Lead Local Flood Authority	<p>The Lead Local Flood Authority does not object to the proposed development</p>
GMEU Ecology	<p>The ecological surveys submitted as part of the application are of appropriate and proportionate standards. No further level of survey is required prior to determining the application.</p> <p>The application site itself is not of substantive nature conservation value but it is adjacent to 'Walleys Wood, Copper Works Wood and Big Wood' Biological Heritage Site. Mature broadleaved trees on the boundary between the BHS</p>

	<p>and the application site may come under some pressure from the development both during the construction period and following occupation of the houses when the trees in the woodland may overshadow some gardens.</p>
LCC Education	<p>This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a planning obligation. The contribution described is directly linked to the development described above and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development.</p> <p>The latest information available at this time was based upon the 2014 annual pupil census and resulting projections.</p> <p>Based upon the latest assessment, LCC will be seeking a contribution for 1 primary school place. However LCC will not be seeking a contribution for secondary school places.</p>

## **Assessment**

### The Site

1. The application site is a disused public house with a large car park located within the core settlement area of Chorley. The site is positioned on Collingwood Road on a plot between Mountbatten Road and Whitworth Drive and is bound by a steep wooded valley to the west. There is existing vehicular access to both Mountbatten Road and Whitworth Drive from the car park.
2. The site comprises a vacant public house of modern design faced in buff brick. There is a large car parking area and peripheral landscaping with semi mature trees. The area is characterised predominantly by residential dwellings in a variety of designs and styles, which result in a typical suburban character.
3. The topography of the site is fairly flat with an approximate 1m difference in levels between Whitworth Drive and Mountbatten Road sloping roughly north to south.

### The Proposal

4. The proposed development is for the erection of 12 No. two storey terraced dwellinghouses with 2 No. flats and a building comprising 8 No. flats to provide affordable housing with associated curtilage, car parking area and some small areas of landscaping. There would be access to parking areas from Whitworth Drive and Mountbatten Road with some directly accessible spaces from Whitworth Drive and Mountbatten Road.
5. The proposed dwellinghouses would be split across three terraces. Two of the terraces would face Collingwood Road and Mountbatten Road with the other terrace facing the main access drive from Whitworth Drive. The end unit of the terrace immediately adjacent to Whitworth Drive would comprise two flats, one at ground floor and one at first floor.
6. The terraced dwellings would have a fairly standard modern appearance with dual pitched roofs and door canopy's. There would be open frontages with parking to the fronts of plots 9 to 16 with gardens to the rear. Plots 19 to 22 would face Collingwood Road and would have front gardens facing the road. Parking would be contained to the rear.
7. The flats at plot 17 and 18 would replicate the appearance of the dwellings in the terrace and would be accessed from the side facing Highfield Drive.
8. The building containing eight apartments (plots 1 to 8) would be located on the corner of Collingwood Road and Mountbatten Road and would be spread over three floors. The building would have the appearance of a two storey building from Collingwood Road and Mountbatten Road with dormers contained to the rear. There would be landscaping facing Collingwood Road and a car parking court facing Mountbatten Road.

## **Assessment**

The main issues are as follows:-

Issue 1 – Loss of the public house

Issue 2 – Impact on character and appearance of the locality

Issue 3 – Impact on neighbour amenity

Issue 4 – Impact on highways/access

Issue 5 – Loss of trees

Issue 6 – Ecology

Issue 7 – Land contamination and coal mining risk

Issue 8 – Public Open Space

Issue 9 – CIL

Issue 10 – Other matters

### Principle of the Development

9. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of

sustainable development. This means that development proposals that accord with the development plan should be approved without delay.

10. There is particular support for the provision of affordable housing in the Framework and through Policy 7 of the Central Lancashire Core Strategy. This requires an affordable housing target of 30% in the urban parts of Chorley. The proposal is for all the 22 properties to be available for affordable rent. As the whole site is to be made available for affordable housing this would be acceptable from a policy perspective and weighs in favour of the proposed development.
11. The application site is located in the core settlement area of Chorley. The Core Strategy Policy 1 is concerned with located growth and identifies Chorley Town as a Key Service Centre where growth and investment should be concentrated.
12. The site is not allocated for any specific use within the Chorley Local Plan 2012 - 2026 and the Local Plan states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
13. The application site is a disused public house. The Framework, section 28, provides support for pubs that are important for tourism or necessary as village facilities. This facility is not within a village but a neighbourhood of Chorley. The Gillibrand Arms is not within the boundary of the Collingwood Road Local Centre protected by Local Plan Policy EP7.
14. The Framework section 70 stipulates that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
  - Guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day to day needs;
  - Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
15. Core Strategy Policy 25 (Community Facilities) ensures that local communities have sufficient community facilities provision by (c) resisting the loss of existing facilities by requiring evidence that they are no longer viable or relevant to local needs.
16. Policy HW6 of the Chorley Local Plan 2012 - 2026 reflects this and specifically seeks to protect public houses from redevelopment. This policy states that the loss of a public house 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;
  - 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.The loss of the pub is assessed below.

#### Loss of the public house

17. The public house on the application site has become vacant since the time that the application was submitted. Its loss is assessed against the criteria of Policy HW6 of the Chorley Local Plan 2012-2026.
18. a) The facility no longer serves the local needs of the community in which it is located; The information submitted by the applicant demonstrates that a significant decline in beer volumes from its peak suggesting that the Gillibrand Arms has become less well used by the community. Nonetheless, this planning application has generated some objection from a section of the community who use the public house and wish for it to be retained. This led to a campaign for the Gillibrand Arms to be registered as a Community Asset, and the Gillibrand Arms was added to the Council's register as a community asset on 27th February 2015.

Thereafter the Save the Gillibrand Group had six weeks to confirm that they wished to be treated as a potential bidder. The Group confirmed their intention to bid on 10th April 2015, however, wrote to the Council on 14th August 2014 advising that they had failed to secure funding and would not be progressing the matter further. As it stands the landowner can now sell the pub to whomever they chose.

It is acknowledged that there is some support for the retention of a public house on the site from the local community however the current brewery do not wish to retain the facility and the premises has stood empty for some time now and as such does not serve the needs to the community in which it is located.

19. b) Adequate alternative provision has been made, or is already available, in the settlement or local area  
There are public houses located on Pall Mall and Moor Road and further away at Foxhole Road and in Chorley town centre. These would realistically cater for any latent demand as a result of the loss of the Gillibrand Arms facility.
20. c) The use is no longer financially viable  
Information submitted by the applicant states that the Gillibrand Arms was offered for sale in August 2012. Little interest and no offers were received from parties wishing to run a public house facility from the premises. The accounts provided by the owner Thwaites Brewery demonstrate declining beer sales and dwindling levels of income. A series of different operators support the suggestion that trade has been difficult from the premises. In assessing the most recent accounts from the public house the Council's Property Services confirms that no profits were being made from the operation of the public house. These factors suggest that the operation of a public house on the site is no longer financially viable.
21. d) The facility is in an isolated location remote from public transport routes  
The facility is not in an isolated location and is easily accessible.
22. e) There is an amenity or environmental reason why the facility is no longer acceptable.  
At the time the application was submitted there was no amenity or environmental reasons why the facility would be no longer acceptable. The public house has since closed to the public, has been boarded up rather unsympathetically, and suffered from some antisocial behaviour. The site is no longer maintained and is clearly suffering a sense of abandonment, which detracts from the amenity of the local area. Based on the re-establishment of a public house facility on site appearing unlikely and the declining visual amenity of the site it is considered that there are amenity reasons for the existing facility no longer being acceptable.
23. On the basis of the factors assessed above it is considered that the loss of the public house as a community facility should be accepted in this instance.

#### Design and impact on the character of the area

24. The proposal is for the erection of twelve dwellinghouses set within three terraces, and ten flats, two of which would occupy a unit at the end of one of the terraces and eight of which would be contained within a separate building. The proposed dwellings would be of a fairly standard modern design set over two storeys.
25. There are a range of properties types and styles in the area that have been developed over different periods of time resulting in mix of designs across the locality. There are semi-detached dwellings of standard modern design on Whitworth Drive, a detached dwelling on the corner of Mountbatten Road and Collingwood Road, and detached and semi-detached bungalows on Mountbatten Road and Collingwood Road opposite the site. Beyond the immediate area of the site there are a plethora of design styles and layouts with an abundance of dormer bungalows, terraced dwellings on Letchworth Drive and a courtyard development of flats and houses at Rookery Close.

26. It is noted that there is a fairly uniform street pattern in the immediate area of the site with mainly semi-detached and detached units. The proposed development would differ from this arrangement, however, it would introduce an active street frontage on this side of Collingwood Road with a terrace and apartment building facing the highway. There would also be a terrace aligned with Mountbatten Road. These buildings would be separated from the highway by gardens reflecting other properties in the area. Although the form of development would differ from the immediate dwellings and streets the site would be as well integrated into the street scene as it could be given the constraints of the site area.
27. The apartment building would appear as a two storey building with accommodation in the roof space. This would have a similar height to the proposed houses and would have a design that reflects the proposed dwellings. The position of this building on the corner of Mountbatten Road and Collingwood Road would provide a focal point of proportionate scale in the context of the locality. The appearance of the overall development in the street scene would not be unduly harmful and would retain the suburban residential character with a frontage along Collingwood Road.
28. It is noted that the density of the scheme would be around 69 dwellings per hectare. The preamble to Policy 5 in the Central Lancashire Core Strategy states that inner urban locations are typically built at 80-90 dwellings per hectare (dph), and suburban and rural locations at 25-35 dph and different densities are appropriate across different areas. The policy itself is more general in that it seeks to secure densities in keeping with local character, whilst also considering the efficient use of land. The 69 dph density of the proposed development is denser than that typically associated with suburban locations but would be comparable with the density of nearby Rookery Close, Old Wood Close and development beyond Letchworth Drive. On this basis the proposed development would not be out of keeping with the character and distinctiveness of the area in terms of its density and would balance with a relatively efficient use of land.
29. The proposed development would provide a physical improvement to the appearance of the site, which currently appears somewhat abandoned and rather dilapidated. The existing building is of a modern design and is faced in buff brick which is out of keeping with the character of the area and the building itself has a negative impact on the street scene appearing somewhat outdated and alien. The public house is now vacant resulting in a sense of abandonment, which detracts from the character of the area. It is acknowledged that an active use needs to be established on the site to address this. The proposal would result in the demolition and removal of the public house to make way for the proposed dwellings and associated, access, parking areas and landscaping. The proposed development would therefore result in an overall improvement in the appearance of the site and would subsequently enhance the character of the area.
30. The development is therefore considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 - 2026 and has overcome the concerns regarding the impact on the street scene.

#### Impact on neighbour amenity

31. The application site is bounded by Mountbatten Road, Collingwood Road and Whitworth Drive, with dwellings on the opposite side of these roads facing the application site. The site is bound by a steep wooded clough to the south west side.
32. The proposed terrace aligned with Mountbatten Road would be positioned roughly parallel with the dwellings at 1 and 3 Mountbatten Road. The terrace would be located approximately 22.5m from these dwellings at the nearest point and positioned to the north west of these dwellings on the opposite side of Mountbatten Road. The scale of development, degree of separation and relative positioning are such that there would be no adverse impact on the outlook, privacy or light levels of the occupiers of 1 and 3 Mountbatten Road.



33. The proposed apartment building would be located approximately 28m from the dwelling on 71 Collingwood Road, which occupies a corner plot to the south east of the site and is positioned at an angle. The scale of development, degree of separation and relative positioning are such that there would be no adverse impact on the outlook, privacy or light levels of the occupiers at 71 Collingwood Road.
34. The proposed terrace and apartment building facing Collingwood Road would be positioned parallel with the dwellings at 90 to 98 Collingwood Road. The buildings would be located approximately 23m from these dwellings at the nearest point and positioned to the south west of these dwellings on the opposite side of Collingwood Road. The scale of development and degree of separation are such that there would be no adverse impact on the outlook, privacy or light levels of the occupiers of 90 to 98 Collingwood Road.
35. There is a car park, garages and the gable end of a parade of shops facing the development on Whitworth Drive. The closest property at 2 Whitworth Drive would be positioned at an angle to the gable end of the pair of flats at plots 17 and 18. The gable end would be located approximately 23m from this dwelling at the nearest point and positioned to the south east of this dwelling on the opposite side of Whitworth Drive. The scale of development, degree of separation and relative positioning are such that there would be no adverse impact on the outlook, privacy or light levels of the occupiers of 2 Whitworth Drive or any other property on this road.
36. In terms of the impact on noise and disturbance dwellinghouses are generally more compatible in a residential area than public houses. Although the house and flats would be in use at all times of day they would not generate the same degree of coming and going in the evenings at times when disturbance from noise can be most acute. In addition to this the noise and disturbance generally associated with public houses can be problematic in residential area from a neighbour amenity perspective. As such it is considered that the proposed development of 12 houses and 10 flats would have less impact on the amenity of neighbouring occupiers from noise and disturbance than a public house.

#### Impact on highways/access

37. The proposed development would result in thirteen two bedroom dwellings and nine one bedroom dwellings. Off street car parking has been identified on the proposed site plan for thirty two vehicles provided by designated parking spaces within the site and provision for secure and covered cycle storage. This falls slightly short of the thirty five spaces required in line with the adopted parking standards set out in relation to policy ST4 of the Chorley Local Plan 2012 – 2026.
38. Although the ideal number of car parking spaces would not be met in this case it is noted that Policy ST4 of the Local Plan 2012 – 2026 allows for lower levels of provision to be considered in locations that are considered to be more sustainable and well served by public transport. The application site is located within the core settlement area of Chorley, within walking distance of a parade of shops forming a small local centre (approximately 25m away) and of the local centre at Pall Mall (approximately 600m away), which support a variety of local amenities. There is also a bus service along Collingwood Road and Pall Mall / Moor Road. As such the site is in a sustainable location, and it is therefore considered that under the circumstances a reduced level of car parking would be acceptable, due to the sustainable nature of the location.
39. The main access to the site is located on Whitworth Drive with two other vehicle accesses to Mountbatten Road to serve Plots 1-8 and 9-12. The development has no vehicular access to Collingwood Road. The site currently has existing vehicular access points to Whitworth Drive and further up Mountbatten Road. These would be replaced within the proposed development. This impact on highway safety would therefore be similar to the existing situation with vehicles carrying out similar manoeuvres.

40. The LCC highways officer states that the access proposals and the general layout of the site are acceptable and that notwithstanding the reduced level of parking, the site seems sustainable enough for this level to be accepted. It is therefore considered that there would be no harm to Highway Safety as a result of the proposed development, and that the site is in an accessible location.

#### Ecology

41. The site consists of a public house structure, hard surfaced car park, and some landscaping with trees and shrubs. The site is in an urban area, although there is a steep wooded valley to the south west of the site. The application commissioned an ecology survey the results of which found no evidence of protected species on the site.
42. The ecological surveys submitted as part of the application are of appropriate and proportionate standards. No further level of survey is required prior to determining the application.
43. The application site itself is not of substantive nature conservation value but it is adjacent to 'Walleys Wood, Copper Works Wood and Big Wood' Biological Heritage Site. Mature broadleaved trees on the boundary between the BHS and the application site may come under some pressure from the development both during the construction period and following occupation of the houses when the trees in the woodland may overshadow some gardens. The trees within the woodland are in the ownership of Chorley Council and therefore the Council can control their management appropriately as circumstances require over time. It is recommended that a condition is attached to protect trees to be retained during the development of the site.

#### Loss of Trees

44. There are a number of trees located across the site that contribute positively towards the character to the site and immediate locality. These are mostly located around the periphery of the site and are fairly prominent but not worthy of protection by TPO. The proposal seeks to retain the best examples where possible, which is considered to be a sensible approach.
45. The tree screen on the junction of Mountbatten Road and Collingwood Rd was originally planted as sorbus and cherry some of which self-seeded and were invaded by sycamore. The invaded trees are to be removed and the best trees retained.
46. The tree line to the west close to the dell and small woodland would be retained with the exception of a willow in a poor and collapsed condition.
47. The trees close to Whitworth Drive and the proposed access would be reduced by three to enable the required parking spaces and access to be created. The overall quality of these trees is considered to be low, with one being of poor condition.
48. There are two large Cypress which dominate the Collinwood Road frontage of the site. These are growing as a pair with several included part unions and a likelihood of wind failure in the future. These do not make a positive contribution to the amenity of the area and appear somewhat rampant therefore their removal in favour of the development would not harm the character of the area.
49. The Sugar maple has been poorly pruned in the past but has a canopy of good colour. It is proposed to remove the tree in favour of the development, which is regrettable but is not worthy of protection and would not warrant the level of scheme redesign that would be required to accommodate it.
50. In consideration of these matters the proposed tree works are considered to be proportionate and acceptable. The number of trees to be retained would ensure that a reasonable level of character is retained and would help the proposed development to blend in.

#### Land contamination and coal mining risk

51. The applicant commissioned and a Phase I Geoenvironmental Assessment and Preliminary Coal Mining Risk Assessment in relation to the potential contaminated land and coal mining risks at the site and the site lies within an area affected by coal mining.
52. The report identified risks associated with the mining legacy relating to mine entries and shallow coal seams which may have been worked in the past. The report states that if untreated mine entries are found on the Site then stabilisation works will be required, as will be the case for any shallow mine workings identified, depending upon their depth below surface.
53. There is also evidence of subsidence having occurred to the building at the site with underpinning undertaken in 2001. At this stage the geotechnical issues on this Site are considered complex and subsidence/ground movement could be attributed to one or more of the factors such as the mine entries, possible shallow coal workings, unconsolidated Made Ground or poor workmanship.
54. The report recommends that an intrusive ground investigation should be undertaken for environmental and geotechnical purposes to further assess the significant risks posed by potential ground conditions at the site. Further assessment of the risks of mine gas will be undertaken as part of an environmental assessment of the site.
55. It is noted that the Coal Authority confirms that the applicant has obtained appropriate and up-to-date coal mining information which has been used to inform the Phase 1 Geoenvironmental Assessment and Preliminary Coal Mining Risk Assessment. The Coal Authority states that the Report correctly identifies the risks to the development posed by historic unrecorded underground shallow coal mine workings and also identifies all of the mine entries, making the distinction between those outside of the site and that within it.
56. It concurs with the recommendations of the Phase 1 Geoenvironmental Assessment and Preliminary Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that following the demolition of the existing building intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. As such, the Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development requiring these site investigation works following the demolition of the existing building.
57. The Council's Contaminated Land Officer has no objection to the development but requires further survey work to be undertaken to assess and identify the nature and extent of contamination present to the site, the risks to receptors and the potential for migration within and beyond the site boundary. It is recommended that a condition is attached to any grant of planning permission requiring this further survey work and for appropriate remediation proposals to render the site capable of development be submitted to the Local Planning Authority, with a further validation report containing any validation sampling results upon completion of the remediation works.

#### Public Open Space

58. In line with Local Plan Policy HS4 a contribution towards the provision or improvement of public open space (POS) would be required to address local needs. The applicant has submitted a viability assessment that demonstrates only a small profit would have been made after 30 years after taking into account all the building costs, fees, management, voids, rents during that period. After that time, the development would be ready for refurbishment. On that basis a contribution to POS would damage the viability of the scheme to such an extent that the development would be unviable. This report has been assessed and corroborated by the Council's Property Services team. On this basis it is considered that a contribution towards the provision or improvement of public open space (POS) should be waived in this instance.

### Sustainability

59. 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:
60. *“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.”*
61. *“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.”*
62. The applicant has submitted a viability assessment that demonstrates only a small profit would have been made after 30 years after taking into account all the building costs, fees, management, voids, rents during that period. After that time, the development would be ready for refurbishment. On that basis developing to a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations would damage the viability of the scheme to such an extent that the development would be unviable. This report has been assessed and corroborated by the Council’s Property Services team. On this basis it is considered that the imposition of a condition requiring all the new dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations can be waived in this instance.

### CIL

63. It is noted that Lancashire County Council has requested a contribution for education from the application. However, since the 1st September 2013 this has been covered by the Community Infrastructure Levy (CIL) and the Council cannot ‘double charge’ by asking for a contribution through a legal agreement, in accordance with the CIL Regulations.
64. The development is CIL liable but the developer can apply for an exemption as the development is for affordable housing. This however does not allow the Council to alternatively secure a contribution through a legal agreement.
65. Notwithstanding the above, a viability argument has been put forward with the application and accepted by the Council, therefore even if education could be secured by a legal agreement the request could not be supported within the viability of the scheme.

### Other matters

66. Impact of lighting on bat activity: The level of light spillage from the interior lighting of properties and any external lighting that may be installed would be negligible in relation to the woodland area to the south west. The impact of light spillage on bats that may live or feed in the area is unlikely to be harmful to them.
67. There is no undersupply of housing in Chorley: Chorley does have a five year plus housing land supply, however, this does not preclude the development of housing on non-allocated sites, sometimes referred to as windfall sites. Indeed in settlement areas excluded from the Green Belt there is a presumption in favour of appropriate sustainable development.

68. No need for social housing: There is support for the provision of affordable housing in the Framework and through Policy 7 of the Central Lancashire Core Strategy. This requires an affordable housing target of 30% in the urban parts of Chorley. The proposal is for all the 22 properties to be available for affordable rent. As the whole site is to be made available for affordable housing this would be acceptable from a policy perspective and weighs in favour of the proposed development.
69. Low cost housing and associated anti-social issues: There has been no robust evidence provided to demonstrate that low cost housing contributes to incidents of anti-social behaviour and this cannot be considered as a material planning matter in this instance.
70. These plans will just turn a highly dignified respectable sort after area into a run-down council estate: It is not considered that the proposed development would lead to any degeneration of the local area.
71. The development will devalue neighbouring properties: There is no evidence to support this theory and this is not a material planning matter.
72. The area should be made into a car park: There is no alternative proposal for a car park to consider.

### **Overall Conclusion**

73. The proposed development would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would result in an overall improvement in the appearance of the site and character of the area. In addition there is adequate parking given the sustainability of the location. The provision of affordable housing weighs heavily in support of the proposed development and on the basis of the above, it is recommended that planning permission be granted.

### **Planning Policies**

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 Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

### **Planning History**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
07/00494/FUL	Formation of external covered areas to front and side of public house	Approved	08 June 2007
00/00886/FUL	Erection of entrance porch	Approved	18 December 2000
75/00436/ADV	Illuminated signs	Approved	30 September 1975
5/1/03208	Outline application for public house	Approved	03 January 1969

## Suggested Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.  <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>Due to the size of development and sensitive end-use (residential housing with gardens), no development shall take place until:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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.</li> </ul> <p>Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.</p> <p>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.</p> <p><i>Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</i></p>
3.	<p>On completion of the demolition of the existing building intrusive site investigation works shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. The results of the investigation and risk assessment, together with remediation proposals to render the site capable of development shall be submitted to and approved in writing by the Local Planning Authority. In the event that the site investigations confirm the need for remedial works to treat the mine entries/areas of shallow mine workings to ensure the safety and stability of the proposed development any remedial works identified by the site investigation shall be undertaken prior to the commencement of development (excluding the demolition of the existing building).</p> <p><i>Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</i></p>
4.	<p>No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local</p>

	<p>Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.</p> <p>Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.</p>
5.	<p>No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.</p> <p>Reasons: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</p>
6.	<p>No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.</p>
7.	<p>No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</p>
8.	<p>Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.</p> <p>Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.</p>
9.	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.</p> <p>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.</p>
10.	<p>The existing accesses to Mountbatten Road and Whitworth Drive shall be physically and permanently closed and the existing kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the construction of the new footway.</p> <p>Reason: To limit the number of access points to, and to maintain the proper construction of the highway.</p>
11.	<p>A drainage strategy is submitted to and approved in writing by the Local Planning Authority or Sustainable Drainage System Approval Body, dependent on changes</p>

	<p>to the drainage approval process</p> <p>Reason: To ensure that the drainage system is adequate and designed to the necessary standards.</p>
12.	<p>All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority and relevant British Standards (eg BS 5837: 2012), for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees.</p>
13.	<p>Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance 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 in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards 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: This information was not supplied at application stage and is required to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</p>
14.	<p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. The surface water must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority and no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p><i>Reason: To secure proper drainage of the site.</i></p>
15.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: No details were supplied at with the application and are required to ensure that the materials used are visually appropriate to the locality</i></p>
16.	<p>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.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents</i></p>



17.	<p>Prior to the commencement of the development a Construction Method Statement shall be 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"> <li>• the parking of vehicles of site operatives and visitors</li> <li>• hours of operation (including deliveries) during construction</li> <li>• loading and unloading of plant and materials</li> <li>• storage of plant and materials used in constructing the development</li> <li>• wheel washing facilities</li> <li>• measures to control the emission of dust and dirt during construction</li> <li>• a scheme for recycling/disposing of waste resulting from construction works</li> <li>• Full details of the pruning works required to the crown of the protected tree at the entrance to the application site</li> </ul> <p><i>Reason: in the interests of highway safety, to protect the amenities of the nearby residents and to ensure that the construction traffic does not damage the protected tree at the entrance to the application site.</i></p>																																				
18.	<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 diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: In the interest of the appearance of the locality</i></p>																																				
19.	<p>Notwithstanding the details shown on the submitted plans, the proposed car parking and turning areas shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding</i></p>																																				
20.	<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><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>																																				
21.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Plan Ref.</th> <th style="text-align: left;">Received On:</th> <th style="text-align: left;">Title:</th> </tr> </thead> <tbody> <tr> <td></td> <td>24 November 2014</td> <td>Location Plan</td> </tr> <tr> <td>0015 Rev C</td> <td>24 November 2014</td> <td>Site Layout Plan</td> </tr> <tr> <td>0023</td> <td>24 November 2014</td> <td>Existing Plans</td> </tr> <tr> <td>0016</td> <td>24 November 2014</td> <td>Plots 1 - 8</td> </tr> <tr> <td>0017</td> <td>24 November 2014</td> <td>Plots 9 - 12</td> </tr> <tr> <td>0018</td> <td>24 November 2014</td> <td>Plots 13 – 18</td> </tr> <tr> <td>0019</td> <td>24 November 2014</td> <td>Plots 19 – 22</td> </tr> <tr> <td>0020</td> <td>24 November 2014</td> <td>Boundary Treatments/Hardscape</td> </tr> <tr> <td>0021</td> <td>24 November 2014</td> <td>Cross Sections</td> </tr> <tr> <td>GR/05/14/01</td> <td>24 November 2014</td> <td>Soft Landscape Proposals</td> </tr> <tr> <td>40714/TOP</td> <td>24 November 2014</td> <td>Topographical Survey</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Plan Ref.	Received On:	Title:		24 November 2014	Location Plan	0015 Rev C	24 November 2014	Site Layout Plan	0023	24 November 2014	Existing Plans	0016	24 November 2014	Plots 1 - 8	0017	24 November 2014	Plots 9 - 12	0018	24 November 2014	Plots 13 – 18	0019	24 November 2014	Plots 19 – 22	0020	24 November 2014	Boundary Treatments/Hardscape	0021	24 November 2014	Cross Sections	GR/05/14/01	24 November 2014	Soft Landscape Proposals	40714/TOP	24 November 2014	Topographical Survey
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22.	<p>All the dwellings hereby permitted shall be provided as affordable dwellings (as defined in the Central Lancashire Affordable Housing Supplementary Planning Document) to be managed by a Registered Provider. <i>Reason: Weight has been</i></p>																																				

	given to the case put forward by the applicant as a Registered Provider in terms of the viability of the site in relation to the normal sustainability and public open space requirements.
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