

Item 3d **16/00075/FUL**

Case Officer **Caron Taylor**

Ward **Adlington And Anderton**

Proposal **Demolition of existing buildings, erection of 6 no. dwellings and conversion of existing office to bungalow with on-site parking**

Location **Land 20 Metres West Of 6 Ellerbeck View
Castle House Lane
Adlington**

Applicant **Mr Stuart Ashburn**

Consultation expiry: **15th March 2016**

Decision due by: **22nd March 2016**

Recommendation
That the application is approved.

Representations

Adlington Town Council object to the application on the following grounds:

- the only access to the site is via Park Road. This road is already congested and over-capacity. This development would require access for additional cars and other service vehicles;
- the Council considers that this is not sustainable development. Since the original application 12/01060/FUL was approved the village has expanded with the building of additional housing and currently another large development is in progress. The Council considers that the village infrastructure does not have the capacity for any further housing development;
- The Council opposes any development which encroaches onto the Green Belt in any way;
- The site was recognised as contaminated in the original application. The Council would like to know what measures have been taken to remedy this since 2012 when permission was originally granted.

One representation has been received at the current time as follows:

- The increase in the number of vehicles using the approach to the proposed area would cause further problems on Park Road and The Common, especially dangerous for children attending Adlington Primary School.

Any further representations received by the committee meeting will be placed on the committee addendum.

Consultees

Consultee	Summary of Comments received
Council's Waste and Contaminated Land Officer	Request a condition in relation to ground contamination.
Planning Policy on Public Open Space	<p>There is a Borough wide deficit of playing pitches but in accordance with the Playing Pitch Strategy published in June 2012 the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.</p> <p>The site is within the accessibility catchment (800m) of an area of natural/semi-natural greenspace that is identified as being low quality and/or low value in the Open Space Study (site 1852 – Rear of Outterside Avenue); a contribution towards improving this site is therefore required. The amount required is £557 per dwelling.</p>
Council's Ecology Advisor	<p><u>Trees and woodland</u></p> <p>The site is immediately adjacent to established woodland of local nature conservation value. Although the development proposal does not encroach substantively into the woodland some tree losses will occur, and there may be pressure on retained trees both during any construction period and potentially post-construction because residents may be concerned by shading and overhanging trees and branches. They would recommend –</p> <ul style="list-style-type: none"> • That consideration be given to protecting retained trees with a TPO so that the Council has some control over future tree works • That retained trees be properly protected during any construction period (British Standard 5837 applies) <p><u>Protection of Nesting Birds</u></p> <p>No tree felling or vegetation clearance should be undertaken during the</p>

	<p>optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. Structures on the site also have some limited potential to support nesting birds; these should be inspected for the possible presence of nests prior to any demolition commencing and if nesting birds are found to be present the nests should be left undisturbed until the young birds have left. All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).</p> <p><u>Protection of Bats</u></p> <p>The bat survey submitted in support of the application has been undertaken by suitably qualified ecologists and is to appropriate and proportionate standards. They have no reason to disagree with the overall results of the survey that the buildings on the site have only low-negligible potential to support bats, but that the habitat nearby is very good for bats and therefore that some further precautions as regards bats are justified. They would re-iterate the recommendation made in the survey report that building B1 (current office building) is demolished with caution under the supervision of a suitably qualified person to ensure that bats are protected. If bats are found at any time during works then works must cease immediately and advice sought about how best to proceed. All UK bats and their resting sites are specially protected in Law.</p>
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Assessment

Background

1. Full planning permission was granted for the same development on the site as now proposed on 27th February 2013 (under permission ref: 12/01060/FUL). This expired on 27th February this year.
2. The site is at the head of Castle House Lane, Adlington. It is a yard with a range of buildings used for workshop, store and office use with a gated access off the end of Castle House Lane. There are a number of existing buildings on the land including a brick site office, 'nissen' type building, a steel portal frame warehouse/agricultural building, a shed and a pre-fabricated toilet block.
3. The land immediately to the north bounding with the application site is an open yard that is outside the application site and has its own access off Castle House Lane and is also owned by the applicant. This has a small stable block, sand paddock and animal welfare shelter sited on it.
4. The land surrounding the two yards to the north, west and south has been used for mineral extraction and landfilling. There is an access road connecting the open yard with Wigan Lane to the west, referred to throughout this report as the 'haul road'.
5. Public right of way 13 (Adlington) is on the northern boundary of the site.
6. The site has a complicated planning history. In 1977 former permissions for working sand at Castle House Farm were superseded by a planning permission (ref: 9/77/407) that included an agreement that all access be from Wigan Lane. Further planning permissions in 1990, 1996 and 1997 for landfill operations included requirements for the restoration of the site including the access to Wigan Lane. Permission for offices in connection with the sand and gravel extraction was granted in 1995. It is clear from the history of the site that the existing 'nissen' type building on the site is unlawful and there is an extant enforcement notice for its removal that came into force in 2000.
7. The yard area was originally to be used as part of the extraction and landfilling operations, however it became apparent that it was being used to run a separate business unassociated with this. The Council issued an Enforcement Notice in 2001 relating to an unauthorised change of use of the land from land used for ancillary operations relating to mineral extraction and tipping operations to a mixed use of land for ancillary operations and use as an unassociated depot for the

parking, repair and maintenance of good vehicles and contractors' plant and machinery. This went to appeal in 2004 and was allowed.

8. Before the appeal was determined a lawful development certificate was issued by the Council in 2003 (ref: 02/01207/CLEUD) for the hiring, repair and maintenance of contractors' plant and machinery on the site. The repair and maintenance of good vehicles is also lawful on the site (having been confirmed by the enforcement appeal decision in 2004 (ref: EN560). Access for these uses is via Castle House Lane, with no restrictions on them.

Principle of the Development

9. Although a new Local Plan (2012-2026) has been adopted since the previous application was approved, the settlement and Green Belt boundaries at the site remain the same as they were at the time of the previous application and it is considered that the planning issues have not changed.
10. The south and west parts of the application site are within the settlement boundary of Adlington. The north part of the site, that has the existing office building on it and the yard area in front of it to where it meets the access to Castle House Lane, is in the Green Belt.
11. The proposal is to construct six properties, one pair of semi-detached houses and a row of four terraced properties. In addition, the existing site office will be converted to a bungalow.
12. Although the site is an employment site which the Council generally seeks to retain through Policy 10 of the Core Strategy, it has been the subject to complaints and enforcement action over the years in relation to heavy good vehicles (HGVs) using Castle House Lane and Park Road. There are currently eight HGVs operating from the site as well as pick-ups and staff vehicles. The proposal would see the permanent removal of the use and buildings (apart from the site office to be converted) and remove the associated vehicles from Castle House Lane and Park Road. There are no limits on the days or hours of the use, or on the operation or the types of repairs that can be undertaken. Removal of a problematic site and its associated traffic is seen as a material consideration that weights strongly in favour of allowing the application even though it would result in the loss of a small employment site. It is considered the environmental and amenity benefits that would be brought to Castle House Lane and Park Road outweigh the loss of an employment site in this instance.
13. Although part of the site is in the Green Belt, the application proposes the conversion of the existing building to a bungalow, rather than the construction of a new one. Conversion of buildings in the Green Belt is acceptable in policy terms providing the building is of substantial construction worthy of conversion, which it is. Although the access point and some of the parking and turning areas, as well as the garden of the bungalow would be in the Green Belt it is not considered that these would have more impact than the current use of the site as a yard, with its associated storage hardstanding and parking of vehicles. The proposal is therefore considered acceptable in principle and will bring benefits to the area, mainly on traffic grounds over the current use of the site.

Density

14. The site would be developed at a density of 35 dwellings per hectare. This is considered appropriate to the area and an efficient use of land.

Levels

15. The site is relatively flat but drops away to the west beyond the existing site office. Finished floor levels are shown on the amended plans and they are not greater than 0.5m above ground level therefore the Council's interface distances do not need to be increased and are considered acceptable.

Design and Layout

16. The site office will be converted to a bungalow. This building is of red brick construction with a slate, fully hipped roof and it is considered the conversion will sit comfortably alongside new build properties subject to the materials of the other properties being approved by condition to draw the scheme together.

17. The four terraced properties on plots 1-4 will reflect the row of terraces at Ellerbeck View, but set further back from Castle House Lane, while the semi-detached properties will be positioned behind the existing terraces and therefore not readily visible in the streetscene.
18. The Police Architectural Liaison Officer made a number of recommendations in relation to the layout. Amended plans have been received revising the layout of the parking so the spaces for the properties are in front of dwellings to ensure natural surveillance. An alleyway is proposed but this is shown to be gated as recommended.
19. The proposal is therefore considered acceptable in terms of design and layout in relation to Policy 17 of the Core Strategy and Policy HS4 of the Local Plan, subject to conditions.

Impact on the neighbours

20. The nearest properties are the row of six terraced properties known as Ellerbeck View at the head of Castle House Lane. The end terrace (number 6), closest to the proposed row of four new terraced properties, is owned by the applicant.
21. The main impact of the proposal will be from the two semi-detached properties proposed on plots 5 and 6 to the rear of Ellerbeck View, side onto the rear gardens of these properties. These properties have small rear gardens and all have a single storey extension to the rear. Number 4 has a large single storey extension that almost reaches the bottom of its garden covering approximately half the width. There is an alleyway between the bottom of the gardens and the application site behind all of the properties except numbers 5 and 6.
22. The Council's interface distances require there to be 12m between first floor windows and a blank wall. In this case there will be 14m between the first floor windows of the properties on Ellerbeck View and the side of the proposed semi-detached properties which complies with this guideline. The proposed property on plot 6 will only have secondary windows at first floor level serving bathrooms. Obscure glazing of these windows can be secured by condition.
23. The front windows of plots 5 and 6 will face towards the rear garden of plot 4 but there will be 11.5m between these windows and the boundary. The windows in the rear of these properties will face towards the side of 21 Castle House Lane and its garden, however, there will be a minimum of 13m from the rear first floor windows and the boundary. Both these distance exceed the interface distance of 10m and are therefore considered acceptable.
24. The proposed terraced properties on plots 1-4 and the bungalow (converted from the site office) will face into what is the existing yard and will not have any windows in the front or rear facing towards other properties.

Trees and Landscape

25. A tree report accompanies the application. The main tree on the site is an Oak tree immediately to the west of the access point with Castle House Lane. A Tree Preservation Order was placed on this tree during the application process in 2012/13 (TPO 7 (Adlington) 2012). It will be retained as part of the scheme but it is proposed to crown lift it to 6m to avoid damage by vehicles during construction. The works and impact to this tree are considered acceptable subject to appropriate tree protection measures.
26. There is an existing woodland Tree Preservation Order – TPO 10 (Adlington) 1995 on trees that are outside the site but bound with it to the south and west. The root protection areas of some of these trees are within the application site. The tree survey proposes no work to these trees and it is considered they can be suitably protected during construction by condition.
27. Subject to conditions securing tree protection measures in relation to the above trees, the impact on trees is considered acceptable.
28. There are a number of mature conifers on the boundary with 21 Castle House Lane. These are shown to be retained on the site plan but would not warrant a Tree Preservation Order. The

proposed plans show a 1.8m high close boarded fence on the boundary with this property and this is considered sufficient to protect the amenities of the adjoining property.

29. A landscaping scheme will be the subject of a condition.

Ecology

30. An ecology survey accompanies the application and has been reviewed by the Council's ecological advisor. They state that they have no reason to disagree with the overall results of the survey that the buildings on the site have only low-negligible potential to support bats, but that the habitat nearby is very good for bats and therefore some further precautions as regards bats are justified. They re-iterate the recommendation made in the survey report that building B1 (the current office building) is demolished with caution under the supervision of a suitably qualified person to ensure that bats are protected. If bats are found at any time during works then works must cease immediately and advice sought about how best to proceed.

31. They also advise that no tree felling or vegetation clearance should be undertaken during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. Structures on the site also have some limited potential to support nesting birds; these should be inspected for the possible presence of nests prior to any demolition commencing and if nesting birds are found to be present the nests should be left undisturbed until the young birds have left.

32. These can be controlled by a condition and subject to these the application is considered acceptable in relation to ecology.

Flood Risk

33. The site is not within a Flood Zone as identified by the Environment Agency and is less than 1 hectare in size. A flood risk assessment is not therefore required.

Traffic and Transport

34. There are eight heavy goods vehicles that operate from the site as well as pick-ups and staff vehicles. It is considered that residential traffic generated from seven dwellings will be beneficial to both Castle House Lane and Park Road. It is not considered the highway issues surrounding the site have changed since the last application to which LCC Highways had no objection and agreed that the scheme will be beneficial to the area.

35. In addition, there is an existing haul road from the open yard to the north of the site that is in the ownership of the applicant that leads to the sand quarry site. Traffic from the quarry is required to use Wigan Road, however the applicant has agreed as part of this application to block off this access so that no vehicles to or from it will be able to use Castle House Lane. This will also ensure that future residents of the proposed properties will not have traffic passing close to their properties. A condition will be applied requiring a scheme for closure of this access to vehicles to be submitted and agreed with the Council before occupation of any of the dwellings.

36. The proposed properties all have three bedrooms and will all have two off-road parking spaces in line with the Council's parking standards under Policy ST4 of the Local Plan. Two visitor spaces are also provided within the site.

37. The proposal is considered acceptable in relation to traffic and transport.

Public Right of Way

38. Public Right of Way 13 runs along the north boundary of the site. The Right of Way cannot currently be walked on its definitive line on the site as it is blocked by a tank and open storage. Amended plans were received at the time of the previous application so that the layout allowed the definitive route of the Public Right of Way to be restored through the site, which the LCC Public Rights of Way Officer was happy with. This remains the same for this application and the proposal is therefore considered acceptable in this respect in accordance with Policy ST1 of the Local Plan.

Contamination and Coal Mines

39. In line with the comments of the Council's Contaminated Land Officer a condition will be applied relating to further investigation of any remedial works and subsequent validation.

40. The site is in within a Development Low Risk Area as identified by the Coal Authority. This requires an informative note to be placed on any permission.

Drainage and Sewers

41. A condition will be applied to any permission requiring a scheme to be submitted to the Council for approval.

Open Space

42. Planning policy advise that there is a requirement for a contribution towards Public Open Space in the form of natural/semi-natural green space and playing pitches in accordance with Local Plan Policy HS4A and HS4B of £15,092.

43. At the time of the previous permission in 2012/13 there was a requirement for £9,653 towards Public Open Space and this has already been paid to the Council although the development has not commenced. However, as the amount of contribution required has increased, the difference will, therefore, need to be secured. The agent has indicated their client is willing to make this via a direct payment. Therefore a legal agreement or condition will not be required.

Sustainability

44. The previous application was required to be built in accordance with Policy 27 of the Council's Core Strategy that required new dwellings to be built to Level 4 of the Code for Sustainable Homes, which would have increased to Level 6 as of January this year. This was controlled by a condition.

45. The Ministerial Statement on the 25th March 2015 announced that the Code for Sustainable Homes had been withdrawn, however, it also set out transitional arrangements which includes local planning authorities being able to continue to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations (but not above a Code Level 4 equivalent) until commencement of amendments to the Planning and Energy Act 2008.

46. Compliance with the Code can therefore no longer be required however in accordance with the transitional arrangements the Council will still require an energy efficiency standard equivalent to Code Level 4 which is a 19% improvement over 2013 Building Regulations. This can be controlled by conditions to ensure the development meets Policy 27 of the Core Strategy read in conjunction with the Ministerial Statement.

Community Infrastructure Levy

47. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Overall Conclusion

48. The application is recommended for approval subject to conditions.

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

The recent planning history of the site is as follows:

Reference	Description	Decision	Date
12/01060/FUL	Demolition of existing buildings and erection of 6 no. dwellings and conversion of existing office to bungalow with on-site parking	Permitted	27 th February 2013