

APPLICATION REPORT – 16/00452/OUTMAJ

Validation Date: 13 May 2016

Ward: Lostock

Type of Application: Major Outline Planning

Proposal: Outline application (specifying access, layout and scale) for erection of four detached dwellings

Location: The Mill Hotel Chorley Moor Road Croston Leyland PR26 9HP

Case Officer: Mrs Helen Lowe

Authorising Officer:

Applicant: Harrison Leisure UK Ltd

Agent: CW Planning Solutions

Consultation expiry: 25 July 2016

Decision due by: 16 September 2016 (extension of time agreed)

RECOMMENDATION

1. Approve subject to conditions and legal agreement

SITE DESCRIPTION

2. The application site is the site of the former Mill Hotel, now demolished. The site now comprises a number of areas of hardstanding and over grown grassland and shrubbery.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application proposes widening the existing point of vehicular access to serve four dwellings. The closest dwelling to Moor Road would set back approximately 45m from the street frontage.

CONSTRAINTS

Grade 2 Listed Building
Tree Preservation Orders
Green Belt
Site Of Special Scientific Interest
Wind turbine consultation zone

RELEVANT HISTORY OF THE SITE

There is an extensive planning history relating to the former use as public house, which is not considered to be relevant in assessing the current application

Ref: 14/00761/OUTMAJ Decision: PERFPP Decision Date: 17 December 2015

Description: Outline application (specifying the access, layout and scale) for demolition of The Mill Hotel and Restaurant and erection of 7 dwellings with associated parking

REPRESENTATIONS

4. Two letters of objection have been received, they make the following comments:
 - The site location plan includes part of a field adjacent to The Mill. This is Green Belt land which has never had any structure on it.
 - Strongly object to any building, or intrusion on Green Belt land;
 - There is no necessity for the public footpath to be re-routed;
 - There is a discrepancy with the site location plan and site layout plan.

CONSULTATIONS

Waste & Contaminated Land recommend the imposition of a condition requiring a report to be submitted identifying any potential sources of contamination on the site and where appropriate, necessary remediation measures.

Lancashire Highway Services No objection in principle, subject to the imposition of conditions relating to the formation of the access and wheel washing during construction.

Parish Council No comments received.

Greater Manchester Ecology Unit No objections. Provision should be made for roosting bats in the development.

Conservation Officer The proposed development is acceptable. It will preserve and the setting of the adjacent listed building (Gradwells Farm) and sustain the importance of this designated heritage asset.

Planning Policy No comments received

Planning Policy (Open Space) There is currently a deficit of provision of public open space for children./ young people in the Lostock ward and there is an identified scheme for new provision at site 1380.1 Station Road, Croston.

Ramblers' Association (Chorley Branch) No comments received.

Lancashire County Council Public Rights Of Way Object to the proposed development on the grounds that a public right of way will be obstructed should the development take place. The diversion should be completed by Chorley Borough council under the Town and Country Planning Act 1990.

The County Council will maintain the objection until sufficient level of detail has been provided with regards the proposed footpath diversion. The public footpath diversion order should be confirmed prior to construction taking place. The public footpath across the development site has already been illegally obstructed and open pits have been left near to or on the public right of way that pose an immediate danger to the walking public. The Public Rights of Way Team are contacting the owners with respect to this obstruction.

Strategic Housing The site is on the parish boundary between Croston and Ulness Walton, with the majority in Croston and part of the northern land crossing over into Ulness Walton. The location between the 2 parishes means it isn't located close to any facilities with the nearest shop being part of a garage 1.1 km away to the east in Ulness Walton, and the next nearest

shop 1.7 km away in Croston to the west. The road to these shops is lit and has a narrow path. The majority of households in social housing in the borough do not have cars (52.5% no car or van - Census 2011) compared to the vast majority having cars in other tenures (11.8% no car or van Census 2011). Therefore a family in social housing is likely to be more affected by the distance from the village of Croston and its schools, shops and other services than a household in other tenures. Whilst there is demonstrable need for affordable housing in rural parishes including Croston, this would be better met for social housing within the settlement.

Therefore, as with the previous related application on site a commuted sum will be asked for to meet the affordable housing contribution.

PLANNING CONSIDERATIONS

5. The applicant has put forward the following in support of the application:
 - The fall back of what has already been approved is a material planning consideration;
 - This layout does not deviate from the accepted principles;
 - The proposal will ensure that the development is actually built and increases the amount of green space on the ground;
 - The layout is well integrated into the surrounding landscape and streetscape and recognises the swathe of development that previously existed, as well as existing trees and landscape features on either side of the site;
 - This is still a comprehensive redevelopment of the site that will enhance the locality and provide a small range and mix of dwellings which meets its aspirations for housing development as required by the NPPF.

PRINCIPLE OF THE DEVELOPMENT

6. The application site is located within the Green Belt. The Framework states that the construction of new buildings within the Green Belt is inappropriate. It also states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The Framework sets out a number of exceptions to inappropriate development, which includes limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
8. The previous buildings on the site (now demolished) had a volume of approximately 9000m³. The previous application (14/00761/OUTMAJ) was in outline only, however scale and layout were specified. The applicant indicated that the volume of the proposed dwellings would be approximately 8950m³. The approved layout resulted in a greater spread of development across the site than existed previously. However, as the front of the site would remain undeveloped and would retain its open character, and a large area of hardstanding would be removed, it was considered overall the development will not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development and it will maintain and enhance the appearance of the site.
9. Although the buildings on the site have been demolished the site still remains to be considered as previously developed land, with extant outline consent for residential development. The acceptability of the principle of redevelopment of the site for residential purposes has been established.
10. Although the number of dwellings would be reduced to that previously approved, the proposed layout and spread of built development in the current proposal would be very similar to that previously approved. The two larger houses to the rear of the application site would be located where the original buildings once stood. The volume of the proposed dwellings would be 8955m³.

11. The proposal is therefore considered to be acceptable in principle.

NEIGHBOUR AMENITY

12. The nearest residential property to the application site is Gradwells farm to the east of the site. The garden of this property bounds with the application site. The layout of the proposal is applied for as part of the application and the property on plot 1 would be nearest to it. Plot 3 would face towards the grounds of the property but there would be approximately 30m between any rear windows and the boundary which is in excess of the Council's interface distances. Plot 1 would be sited side onto the grounds of Gradwells Farm, at its closest approximately 7.7m from the boundary. The appearance of the properties is not applied for as part of the permission so the location of windows is not provided at this stage, although from the layout it is likely that the windows will not face straight into the garden of Gradwells Farm. This is a similar relationship to that previously approved.
13. However, a condition will be imposed preventing first floor windows in the southeast elevation of the property to prevent overlooking into the garden. Non-habitable room windows may be acceptable if they are obscurely glazed.
14. To the west the nearest property is no. 305 Moor Road, a semi-detached property fronting the main road. The rear of the proposed property on plot 4 would face towards the side of the rear garden of this property, however there will be approximately 35m between the site boundary and the boundary with this property and as such will not create any loss of amenity.
15. To the rear of the site partly bounds with Royal Umpire Caravan Park. Plot 1 would be adjacent to small part of the Royal Umpire Park. That part of the proposed dwelling that would overlook the caravan site is considered to be sufficiently far from the site boundary to prevent an undue degree of overlooking and loss of privacy. The previous Mill building was closer to the boundary.
16. For the reasons above the application is considered acceptable in relation to neighbour amenity.

TREES AND LANDSCAPE

17. A tree report accompanies the application. There are two individual trees categorised as 'A' (high quality and value), these are two Ash trees on the site frontage of the field between the site and no. 305 Moor Road which will be unaffected by the development. There are two category 'B' trees (moderate quality and value), one adjacent to the site access and one in the southeast corner of the site, but of which are shown to be retained as part of the application. There are eight trees categorised as 'C' (low quality and value), some of which will be removed as a result of the layout but some will be retained.
18. In terms of groups, the trees that bound with the access track to Gradwells Farm are categorised as 'B' moderate quality and value and will be retained as part of the development. The rear boundary of the site has a row of tall Poplars on it (approximately 15m high). These are category 'C' and are to be removed as part of the scheme. There is no objection to their removal as given their height they act as a high hedge and likely to cause problems for the proposed properties in the future. The hedge along the west boundary is a category 'C' beech hedge. This is shown to be retained on the plans but there would be no objection to its removal subject to appropriate new landscaping to replace it.
19. The retention of the category A and B trees on the site as part of the proposal is looked upon favourably and the proposal is therefore considered acceptable in relation to trees.
20. The landscaping of the site will be dealt with as part of any reserved matters application.

ECOLOGY

21. No ecological concerns have been raised regarding the proposal's. Previous conditions were added regarding invasive plant species. It is considered appropriate to impose these conditions on the new permission.

FLOOD RISK

22. The site is not over 1 hectare in size and is not in Flood Zones 2 or 3 as identified by the Environment Agency. A Flood Risk Assessment is therefore not required.

PUBLIC RIGHT OF WAY

23. Public Right of Way number 11 (Ulnes Walton) crosses the site. It runs up the access track to Gradwells Farm and then across the site (which would have been in front of the existing building) and then into the adjacent field. The applicant advises that an application will be made to divert the footpath. Diversion of a footpath cannot be done as part of a planning application, but rather a separate application needs to be made to divert a footpath under the Town and Country Planning Act.
24. The applicant has been made aware of the concerns of the Public Rights of Way Officer and their response is awaited.

IMPACT ON LISTED BUILDING

25. Gradwells Farm, the residential property to the east is a Grade II listed building. The Council's Conservation Officer considers the proposal will sustain and has the potential to enhance the setting of the listed building. This could be further enhanced by the use of a sensitive boundary treatment subject to details submitted at reserved matters stage. A condition is proposed requiring details of boundary treatments to be submitted. Subject to this detail the proposal is considered acceptable in relation to the listed building at this stage.

SUSTAINABLE RESOURCES

26. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 6. 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."

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

AFFORDBALE HOUSING AND PUBLIC OPEN SPACE

28. Policies HS4A and HS4B of the Local Plan set out a requirement for a financial contribution towards equipped play space, casual/informal play space and playing fields for all new housing planning permissions in the Borough irrespective of size.
29. In September 2013 the Council adopted The Open Space and Playing Pitch Supplementary Planning Document. The Council's requests for financial contributions towards the provision and improvement of public open space within the Borough are therefore now based upon the standards within Local Plan Policies HS4A and HS4B and the approach in the SPD. The Council has also produced an Open Space Study and Playing Pitch Strategy which provides detailed information on local needs, deficits and surpluses, therefore such requests for contributions are based on a robust and up to date assessment on the level of need and existing provision in the local area.
30. Policy 7 of the Core Strategy requires 35% affordable housing to be provided on the site. Although the proposed development is for four dwellings, it has a site area of greater than 0.15 Ha. The Council's Strategic Housing Team have advised that due to its location and distance from facilities, Strategic Housing advise the site is not considered suitable for families in social housing and an off-site commuted sum should be sought as an alternative. The Affordable Housing Supplementary Planning Document (SPD) does allow a financial contribution in lieu of on-site provision. An off-site financial contribution is therefore proposed (calculated as per the calculation in the SPD) of £277,000.
31. Following a Court of Appeal decision, the Government updated their Planning Practice Guidance in respect of tariff style planning obligations in May 2016. The Guidance now states that contribution's for affordable housing, and tariff style planning obligations should not be sought from small scale and self-build development. It defines small scale developments as *'development of 10 units or less, and which have a maximum combined gross floor space of no more than 1000sq m'*.
32. The current proposal is only for four dwellings, however it would have a floorspace of over 1000sq m, therefore in light of the Government Guidance, it is considered appropriate in this instance to seek a financial contribution towards both the provision of affordable housing and public open space.
33. The applicant has been made aware of this and a draft legal agreement is being prepared.

CIL

34. 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.

CONCLUSION

35. The application is considered acceptable in principle and in terms of the access, layout and scale and is recommended for approval subject to conditions and a Section 106 legal agreement.

RELEVANT 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.

Suggested Conditions

1. An application for approval of the reserved matters (namely the appearance, layout and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

/i Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Reason: For the avoidance of doubt and in the interests of proper planning

Title	Plan Ref	Received On
Site Location Plan	D/00/1	4 July 2016
Proposed site layout plan	D/0/2 A	13 May 2016

3. The development shall be carried out in accordance with the recommendations set out in Paragraph 4.2.1 (wrongly numbered 4.3.1 in the report) of the 'Ecological Survey & Assessment, plus Outline Mitigation Method Statement for Roosting Bats' report and its associated appendices 3 and 4, dated April -July 2014 carried out by Ribble Ecology.

Reason: To ensure that ecology is maintained in a favourable conservation status on the site.

4. Either, before the development hereby permitted is first commenced, or with any reserved matters application, details 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.

Reason: To ensure that the materials used are visually appropriate to the locality.

5. Either, before the development hereby permitted is first commenced, or with any reserved matters application 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. 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.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

6. None of the dwellings shall be occupied until the approved access to the site has completed in accordance with the approved plans.

Reason: To ensure the access is suitable for the development.

7. Before construction commences on the site 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.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials, thus creating potential hazards to road users.

8. Due to the proposed sensitive end-use (residential housing & gardens), and the proximity of the development site to potentially infilled ground, 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.

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 must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

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.

Reason: Please note 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).

9. 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.

10. Either, before the development hereby permitted is first commenced, or with any reserved matters application, full details of the alignment, height and appearance of all fences and walls to be erected between the plots and to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.

11. 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.

12. Either, before the development hereby permitted is first commenced, or with any reserved matters application, 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.

13. 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.

14. Either, before the development hereby permitted is first commenced, or with any reserved matters application, full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

15. Either, before the development hereby permitted is first commenced, or with any reserved matters application full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

Reason: To ensure a satisfactory means of drainage.

16. Either, before the development hereby permitted is first commenced, or with any reserved matters application 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. The scheme shall include details of the existing and proposed runoff rates. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory means of drainage and prevent and increase risk of flooding.

17. Any windows above ground floor in the south, south-east elevation of the property on Plot 1 shall be fitted with obscure glass 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 an equivalent.

Reason: In the interests of the privacy of occupiers of Gradwells Farm.

18. Any trees, shrubs, Bramble scrub or other suitable breeding bird habitat which are to be removed as part of the proposals are only removed outside the bird breeding season (March to August inclusive). If any buildings or vegetation is scheduled for removal in the bird breeding season advice from an Ecologist must be sought. It may be necessary to carry out a walkover survey to adequately demonstrate that no breeding birds, active nests, eggs or fledglings are present in the area to be cleared. If breeding birds are recorded the Ecologist will issue guidance in relation to the protection of the nesting birds in conjunction with the scheduled works. This may involve cordoning off an area of the site until the young birds have fledged.

Reason: All wild birds are protected under the Wildlife and Countryside Act 1981 while they are breeding.

19. Any reserved matters application(s) submitted shall be in general conformity with the following indicative plans:

Suggested outline dwelling mass Plots 1 and 2 Drawing ref. D/0/3, received 13 May 2016

Suggested outline dwelling mass Plots 3 and 4 Drawing ref. D/0/4, received 13 May 2016

in terms of their length, width and height and overall the volume (measured externally of all the properties together shall not exceed 8955 cubic metres.

Reason: To ensure an acceptable form of development on the site in the Green Belt within the parameters of the outline permission.