

<b>Item A. 1</b>	<b>08/00465/OUTMAJ Outline App Permitted with Legal Agmnt</b>
<b>Case Officer</b>	<b>Mr Andy Wiggett</b>
<b>Ward</b>	<b>Eccleston And Mawdesley</b>
<b>Proposal</b>	<b>Outline application for the demolition of existing buildings and erection of 11 two storey dwellings.</b>
<b>Location</b>	<b>St Marys Church Hall Lawrence Lane Eccleston Chorley PR7 5SJ</b>
<b>Applicant</b>	<b>Mr Paul Walton</b>
<b>Policy</b>	<p>Planning Policy Statement 3: Housing  Regional Spatial Strategy : Policy ER5  Joint Lancashire Structure Plan: Policy 5  Chorley Borough Local Plan Review:  GN3  GN5  HS4  TR4  LT13.32  DC10</p>
<b>Planning History</b>	<p>05/00290/INV – Outline application to demolish existing village hall and erect a two storey nursing home with day care facilities, new vehicular access and associated parking – Withdrawn  05/00409/INV – Outline application for the demolition of redundant church hall and erection of 80 bed care home for older people with residential, nursing and dementia care needs – Withdrawn  05/00939/OUTMAJ – Outline application for the demolition of redundant church hall and erection of 80 bed care home for older people with residential, nursing and dementia care needs – withdrawn  06/00666/OUTMAJ – Outline application for the demolition of redundant church hall and erection of 55 bed nursing/care home (Use Class C2) - Withdrawn</p>
<b>Consultations</b>	<p>Lancashire County Highways – the layout does not meet any highway design criteria, no turning head shown at the end of the cul-de-sac, no footways shown, insufficient drive lengths and one property is shown as accessed directly off Lawrence Lane.  Parish Council – inadequate level of car parking, density of housing too high, loss of potential community facility, loss of an area of open space, want the S106 money to be spent in Eccleston and want the provision of affordable housing.  Environment Agency – no objections to the redevelopment of the site given the results of the site investigation. Would look to see a Suds drainage system.  United Utilities – no objection provided that the scheme is drained to separate systems.  Environmental Protection – Require an initial desk top study and</p>
<b>Representations</b>	<p>Five letters of objection have been received raising the following issues</p> <ul style="list-style-type: none"> <li>• Density of development too high</li> <li>• Insufficient parking spaces</li> </ul>

- Should remain in community use and as a play area
- Traffic movements as a result of the development will increase congestion and potential for accidents
- Concerned about overlooking and loss of light to our property

Two letters of support have been received on the grounds that the development will improve the area around Lawrence Lane and the Croft.

### **Applicant's Case**

- The proposal generally conforms to planning policy for Ecclestone
- The Church Hall was primarily intended for uses connected with church activities and use by other community groups was only secondary. This is set out in the Trust Deeds
- The Church Hall has now been replaced next to the church
- The open space was only of very limited play value and Ecclestone is well served in terms of playground provision
- The layout submitted is for illustrative purposes only and does not form part of the application

### **Assessment**

The main issues connected with the application concern planning policy and impact on the locality with regard to residential amenity of adjacent property, loss of a community facility and open space.

#### *Planning Policy*

Policy GN3 states that development in Ecclestone will be restricted to the development and redevelopment of land wholly within the existing built up extent of the settlement, the re-use of previously developed land, bearing in mind the scale of any proposed development in relation to its surroundings and the sustainability of the location and provides affordable housing. The site meets these criteria as it is located close to the village centre and is intended for two storey housing which will be similar in character to those which adjoin it.

An alternative Church Hall has now been provided so that the provisions of Policy DC10 and PS3 have now been met.

The facility was never intended to be a community centre for the village although organisations not connected with the Church did use the building but the Trust Deeds explain the hall's role clearly. The building had fallen into disrepair and no other organisation has come forward to take the facility on.

The Council's Greenspace Co-ordinator is of the view that the retention of the play area is not required as the play facilities at Draper Avenue have expanded and the site only had limited play value. As a result the allocation in the Local Plan can no longer be justified.

The application was accompanied by a geoenvironmental investigation and risk assessment which concluded that elevated levels of arsenic and organic species B(a)P and D(ah)A have been encountered on the site. Remediation measures will be required in any garden areas or areas of soft landscaping in order to mitigate risks. Also, protective water supplies and sterile trenches will be required where pipes are to be installed in the made ground. These matters can be dealt with by condition.

The application was accompanied by a bat survey which concluded that there was no sign of bats in the internal spaces of the building but four individual bats were discovered at 3 locations. As a result the report recommends that a further survey be carried out in Spring/Summer, that demolition work should not proceed until all surveys have been carried out, that site workers should be briefed about the possible presence of bats, new buildings or structures should be designed to be bat friendly, sufficient bat

boxes should be placed on suitable trees to ensure no gap in roost availability.

### *Residential Amenity*

In view of the comments from the Highway Authority concerning the submitted layout, the applicant has amended the submission to the effect that the layout is for illustrative purposes only and does not form part of the application. The details of the layout can be dealt with at the reserved matters stage. However, it is considered that the site can accommodate 11 dwellings at a density of 29.7 d/ha which is at the level advised in PPS3 for new housing developments. Other details such as car parking levels and interface distances with existing dwellings can be resolved at the reserved matters stage but there is no reason why a suitable layout cannot be devised based on the illustrative scheme.

The applicant will be required to enter into a S106 agreement to contribute to the improvement of play space provision in the local area. The status of the Church Hall as being predominantly used in connection with the Church has been confirmed by the Trust Deeds and as the Church Hall has been replaced the provisions of the Local Plan policies have been satisfied. The retention of the site as play space cannot be justified in view of its limited value and the adequacy of play provision elsewhere in Ecclestone.

### **Conclusion**

The redevelopment of the site for residential purposes is in conformity with planning policy. The proposed development as envisaged in the illustrative layout reflects the character of the surrounding area and detailed plans can be required to meet the necessary development control criteria. Other issues such as ground conditions and bats can be dealt with by planning condition. The provision of affordable housing can be secured through a S106 agreement.

### **Recommendation: Outline App Permitted with Legal Agmt Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. Before the development hereby permitted is first commenced, full details of all reserved matters (namely the siting, design, external appearance of the buildings, and the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: The permission is in outline only and in accordance with Policy Nos. GN5, HS4, EM2 and TR4 of the Adopted Chorley Borough Local Plan Review.*

3. No development shall take place until :

- a) a methodology for investigation and assessment of ground contamination has been submitted to and approved in writing by the Local Planning Authority. The investigation and assessment shall be carried out in accordance with current best practice including British Standard 10175:2001 "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;
- 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;

- c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works, a validation report containing any validation sampling results have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.*

4. The development hereby permitted shall not commence until full details of the junction between the proposed service road and the highway have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be occupied or used until that junction has been constructed in accordance with the approved details.

*Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*

5. Drawing no. E1/SK02 submitted with the application shall not form part of this determination and shall be treated as for illustrative purposes only.

*Reason: To define the permission and for the avoidance of doubt.*

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

*Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

7. The recommendations set out in Part 6 of the report prepared by ADK Environmental Management in November 2007 on bats shall be carried out as specified and the results submitted to and confirmed in writing by the Local Planning Authority.

*Reason: To facilitate the survival of the individual species identified in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review*

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