

Item 4	08/01170/OUTMAJ	Permit (Subject to Legal Agreement)
Case Officer	Mrs Nicola Hopkins	
Ward	Chorley South East	
Proposal	Outline application for the erection of 71 dwellings including access and scale.	
Location	Site Of Former Social And Athletic Club Duke Street Chorley	
Applicant	Victory Park (Holdings) Ltd	

**3 letters have been received in respect of the proposed development.
 Consultation expiry: 8th January 2009
 Application expiry: 24th February 2009**

Proposal The application is an outline application for the erection of 71 dwellinghouses including access. As this application is an outline application the only issues to consider are the principle of redeveloping the site, the access and the scale of the proposed houses. In the event that planning permission is granted the design, landscaping and layout will be dealt with at reserved matters stage.

The site is the former Social and Athletic Club located on the corner of Duke Street and Brindle Street. The site is allocated within the Local Plan as protected play space.

The proposal incorporates the erection of 71 new dwellings with access off Brindle Street. The site is 1.5 hectares in area and the erection of 71 dwellings will result in a density of 47.33 dwellings per hectare which is considered to be appropriate within this area.

Summary The site is located within a sustainable location close to Chorley Town Centre and is very residential in character. The main Planning Policy issue in this regard is the fact that the site is allocated as playing fields. At the time of writing this report Sport England upheld their objection to the proposal however discussions are ongoing with the Council to try and resolve this and any resolution will be reported on the addendum.

Planning Policy **National Polices:**
 PPS1, PPS3, PPS9, PPS22, PPS23, PPS25, PPG17

North West Regional Spatial Strategy:
Policy DP1: Spatial Principles
Policy DP4: Make the best use of Existing Resources and Infrastructure
Policy DP7: Promote Environmental Quality
Policy RDF1: Spatial Priorities
Policy L4: Regional Housing Provision
Policy L5: Affordable Housing
Policy RT9: Walking and Cycling
Policy EM5: Integrated Water Management
Policy EM15: A Framework for Sustainable Energy in the North

West

Policy EM16: Energy Conservation and Efficiency

Policy EM17: Renewable Energy

Adopted Chorley Borough Local Plan Review:

GN1: Settlement Policy- Main Settlements

GN5: Building Design and Retaining Existing Landscape Features and Natural Habitats

GN9: Transport Accessibility

EP4: Species Protection

EP9: Trees and Woodland

EP17: Water Resources and Quality

EP18: Surface Water Run Off

HS4: Design and Layout of Residential Developments

HS5: Affordable Housing

HS6: Housing Windfall Sites

HS21: Playing Space Requirements

TR1: Major Development- Tests for Accessibility and Sustainability

TR4: Highway Development Control Criteria

TR18: Provision for pedestrians and cyclists in new developments

LT14: Public, Private, Educational and Institutional Playing Fields, Parks and Other Recreational Open Space

Sustainable Resources Development Plan Document

Statement of Community Involvement

Planning History **97/00747/FUL-** Demolition of existing pavilion building and erection of 57 two storey houses. Refused

97/00756/FUL- Demolition of existing pavilion building and erection of 57 two storey houses. Withdrawn

05/01146/OUTMAJ- Outline application for the redevelopment of 1.5ha of land for residential use and bowling green. Withdrawn

Applicant's Case The following points have been submitted in support of the application:

- The site is currently derelict, underused and overgrown. It was formally a sports ground which was forced to close in 1996 when costs became unsustainable.
- The site is bounded by residential property and public roads with open space beyond.
- The site is in a very sustainable location only 600m from the town centre close to shops, pubs, services and public transport
- At 47.33 dwellings per hectare the proposal represents an appropriate opportunity to develop this site in accordance with sustainable principles representing most efficient use of this vacant and overgrown urban site.
- Although the layout is for illustrative purposes only it does demonstrate that an appropriate scheme can be accommodated satisfying all national, regional and local plan policies and guidance.

Representations 2 letters of objection have been received raising the following points:

- Too many houses in the area

- Not suitable for building
- Three storey properties will lead to loss of light

1 letter has been received commenting on the application raising the following points:

- Additional traffic
- Traffic calming measures should be implemented

Consultations

Lancashire County Council (Highways) have no highways comments on this application and the principle of residential development is accepted.

Lancashire County Council (Ecology) have commented on the need for a bat survey of an existing structure and have suggested various conditions/ informatives.

Sport England object to the scheme on the grounds that the development will lead to the permanent loss of the existing playing field and does not meet any of the exceptions outlined in Sport's England Playing Fields Policy. The proposal would therefore be contrary to Sport's England Playing Fields Policy, PPG17 and Policy LT14 of the Local Plan.

Corporate Director (Neighbourhoods) has no objection subject to various conditions/ informatives

Environment Agency has no objections subject to various conditions/ informatives

United Utilities has no objections subject to various conditions/ informatives

Assessment

Principle of the Development

In accordance with PPS3 land in built up areas such as parks, recreation grounds and allotments, which although it may feature paths, pavilions and other buildings, has not previously been developed does not fall within the definition of previously developed land. As such the site falls to be considered 'greenfield' land. The priority for new housing developments set out within PPS3 is previously developed land however achieving housing is suitable, sustainable locations is also a priority.

At the Public Inquiry into the Local Plan Review in 2002 the Inspector concluded that the site is, in principle, suitable for housing in terms of government guidance and structure plan policy. He accepted that the site is a sustainable location, well placed for local services and public transport and the site could make a contribution to affordable housing and relatively high-density development. However the site was retained as allocated play space and was not included within the housing allocations Policy within the Local Plan as the Inspector considered that there was an opportunity to re-establish the recreation use on the site which was financially viable. This was based on evidence provided of financial support and people who wanted to pursue this option. Returning the site to a meaningful recreation use would require considerable investment and restoration work.

Without the evidence and financial support at the time of the Public Inquiry it is clear from the Inspectors comments that the designation of this site may have been removed from the Local

Plan. This notwithstanding however the site was retained as allocated play space which is one of the main material planning considerations in respect of this planning application.

Loss of Allocated Play Space

The site is allocated as play space within the Adopted Chorley Borough Local Plan Review, Policy LT14, and this is a saved Policy. In accordance with this Policy and Sport England's Planning Policy Statement, [A Sporting Future for the Playing Fields of England](#), development which involves the loss of playing fields will only be permitted if it can be demonstrated that the site is not required to satisfy a current or future recreational need, there is a clear excess of this type of facility for the catchment or an equivalent or enhanced facility is provided in a convenient location to serve the catchment. Sport England's Policy has five exceptions which are reflected within the Local Plan Policy and include:

- (E1) A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.
- (E4) The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

Sport England have objected to the proposal for two reasons. Firstly, although the applicants state that 'It is clear that there is no demand for the use of this site and it is not commercially viable to use the site for sporting and social uses' no evidence that this is the case has been provided. Concerns were raised in this regard particularly as the previous application at the site, submitted in 2005, clearly stated that 'on balance it is considered that there remains a potential need for the land at Duke Street as a playing pitch.'

However the agents for the application have confirmed that they do not intend for this proposal to address this exception (exception E1). It is their intention to try and satisfy exception E4 in respect of compensatory provision.

However Sport England were also concerned that although the applicants supporting statement states that compensatory provision will be provided for the loss of the playing pitch the extent and location of this provision was not clear.

Through discussions with the Council's Leisure Services Section it was considered that mitigation for the loss of the Duke Street playing field could be in the form of a commuted sum for off site improvements to existing facilities. The suggestions include:

- (1) Upgrading the existing play area on the Rangletts Recreation Ground (£50,000). This would offer substantially more play value to children and young people in the vicinity.
- (2) To deliver drainage improvements, access and changing facilities for users of sports pitches on the Westway Playing

Fields (£525,000). This work is in-line with the current sports pitch development programme, and will be a key feature of the soon-to-be commissioned Playing Pitch Strategy. Any commuted sum will be secured through the Section 106 Agreement.

However Sport England still uphold their objection as notwithstanding the compensatory measures put forward by the Leisure Services Section Sport England still have concerns in respect of the quantitative replacement provision. One suggestion put forward by Sport England is to form additional playing field land at the Westway site, from land that is not in currently in such use, which could address the issue of quantitative replacement. Ongoing discussions are being undertaken with Sport England in this regard and any resolution will be reported on the addendum. However Sport England do consider that this issue could potentially be addressed.

In the event that Sport England's concerns/ objections cannot be addressed the application will have to be referred to the Government Office for the North West in accordance with Circular 09/98: Town and Country Planning (Playing Field) (England) Direction 1998. The Secretary of State will then decide whether to intervene or leave the matter for the Local Planning Authority to decide.

Housing Development

The proposal incorporates the erection of 71 dwellings. Although siting, design and landscaping will be dealt with at Reserved Matters Stage an indicative layout plan has been submitted demonstrating that the scheme can be accommodated on this site. 71 dwellings results in 47.33 dwellings per hectare which is a relatively high density however this site is very urban in character located within high density location close to the town centre. It is considered that a high density development in this sustainable location is the most appropriate use of the land in accordance with PPS3.

Although the layout plan is indicative the plan demonstrates that a mix of detached, semi-detached and terraced dwellinghouses and apartments can be accommodated on the site. The layout details 1 one bedroom apartment, 42 two bedroom apartments and dwellinghouses, 26 three bedroom houses and 2 four bedroom houses.

The applicant intends to fix scale as part of this planning application. The submitted proposal includes a mixture of 2, 2.5 and 3 storey dwellings. The layout indicates 44 two storey properties, 11 2.5 storey properties and 16 three storey properties. Two storey properties will be located along the southern boundary of the site with the existing residential properties on Brindle Street and Harrison Road to protect the amenities of the existing and future residents. The higher properties are located within central locations on the site and to create focal buildings where there will be no adverse impact on existing neighbours. Richmond Court located at the western boundary is a large building and as such it is considered that accommodating 2.5 and 3 storey properties along this boundary will be character with the area and will not adversely impact on the existing or future residents.

In accordance with Policy L5 of the Regional Spatial Strategy and Policy HS5 of the Adopted Local Plan and 20% on site affordable housing will be required as part of the development. This obligation will form part of the Section 106 Agreement associated with the development and the 20% provision will be split between 70% rented affordable units and 30% shared ownership/intermediate affordable units. This split is based on local need in the area.

This equates to 10 rented units and 4 shared ownership units. The submitted plan has indicated which units will be affordable. However the originally submitted layout included 8 two-bedroom houses/studios, 3 three bedroom houses and the remainder were 1/2 bedroom apartments which does not accord with need in the area. The agent for the application has been made aware of this and discussions are ongoing with the Council's Strategic Housing Section in this regard. The outcome of these discussions will be reported on the addendum and the mix will be set out with the Section 106 Agreement. As 20% of 71 equate to 14.2 units 14 units will be provided on site and the 0.2 has been equated as a commuted sum to be paid for the provision of off-site affordable housing. The 0.2 provision equates to £10,200.

Design

A Design Brief was produced for this site prior to the submission of a formal planning application. This brief requires a high density development, the proposal for 71 dwellings 47.33 dwellings per hectare is relatively high density in accordance with the brief. The scale of the properties is set out above and fixed at this stage. The proposal includes a maximum of two storey high properties along the southern boundary in accordance with the Design Brief. Similarly in accordance with the brief larger scale properties are considered acceptable in other locations on the site.

A large 3 storey building is proposed on the corner of Duke Street and Brindle Street to act as a focal point and to create identity in accordance with the brief. Some of the spacing standards have not been achieved on the submitted layout plan however as this plan is indicative and principal windows cannot be identified it is not possible to confirm the necessary spacing distances. The applicants, however, are aware of the required spacing standards and it is considered that residential redevelopment of the site can be achieved whilst protecting the amenities of the existing and future residents. Additionally, in accordance with the brief, affordable housing will be provided on the site.

The scheme incorporates only one vehicular access point off Brindle Street and although the indicative layout indicates a dropped kerb to serve plots 5 and 6 the applicants have been made aware that this will not be acceptable and parking will need to be provided in the form of rear parking courts with no vehicular access off Duke Street/ Brindle Street. This will be enforced through a condition attached to the recommendation.

The scheme includes an area of public open space adjacent to the boundary with Richmond Court which provide amenity space for the future residents and will benefit the visual amenities of the area. This accords with the Design Brief for the site.

In design terms it is considered that the proposal accords with the

brief for the site and achieves the objectives of the Brief.

Ecological Implications

Due to the nature of the site and the fact that there are existing trees on site the proposed development has the potential to create ecological implications. As such an Ecological Appraisal has been submitted as part of the application.

The Ecological Assessment concludes that there are no important habitats on the site, before tree/ shrub removal checks for nesting birds will be required unless they are removed outside of the breeding season and no bats were identified however a small brick building on site requires surveying prior to demolition.

The Ecologist at Lancashire County Council is satisfied with the results of the survey and has suggested various conditions/informatives. The Ecologist was initially concerned with the potential for bat roosts in the existing building and advised that surveys of this building were required prior to making a recommendation. A further survey of this building was submitted which the Ecologist is satisfied with and demonstrates that there are no roosts in the building.

Highways

The proposal incorporates one vehicular access point to the site off Brindle Street. Although the submitted layout is indicative at this stage the plan demonstrates that the scheme can be achieved without on street parking/ driveways along Brindle Street and Duke Street. Parking is provided in the form of rear parking courts and garages.

The scheme indicates that 130 parking spaces can be provided on the site. This is considered acceptable to serve the site particularly taking into account the mix of properties on the site, the fact that the site is located within a sustainable location close to the town centre and is within walking distance of a bus stop and local shops.

There are various pedestrian access points proposed into the site including via Duke Street and via Richmond Court which will ensure the site is accessible. A simple transport assessment has been submitted with the application and Lancashire County Council Highways Section have reviewed the proposals. The Highway Engineer has no objections to the proposal and accepts the principle of residential development.

Sustainable Resources

Following the adoption of the first policy document, Sustainable Resources Development Plan Document (DPD), within Chorley's new Local Development Framework (LDF), the new style Local Plan, September 2008 an Energy Efficiency/Resource Conservation Statement, which sets out how the development complies with the criteria of policy SR1 of the DPD, is required as part of the application.

A statement has been submitted as part of the application. As the application is outline it is difficult to specify precise measures at this stage to reduce carbon emissions and utilise sustainable resources. To ensure that the future reserved matters applications accord with Policy SR1 of the Sustainable Resources DPD

appropriately worded conditions will be attached to the recommendation in this regard.

Public Consultation

In accordance with the Council's Statement of Community Involvement the applicants undertook consultations with the community prior to submitting the formal application. This included a public exhibition on 10th November 2008 where neighbours were asked to comment on the proposed scheme.

In all 23 people attended the event, including 5 Council Members, 2 local police officers and 2 Council Officers. Nine comments forms were received. The main concerns were increase in traffic, loss of light and the site should be retained for open space/ sporting facilities. The applicants have responded to these queries as follows, The Highway Authority will assess the highway/ traffic implications of the development, the layout has been designed to exceed minimum interface distances ensuring protection of light and privacy and a commuted sum will be provided for off site sports facilities to mitigate for the loss of this facility.

It is considered that the community involvement undertaken is in accordance with the Council's Statement of Community Involvement.

Trees and Landscape

There are existing trees on the site which include Sycamore, Lombardy Poplars, Silver Birch and a Lime Tree. Prior to the submission of a formal planning application the trees on site were assessed by the Council's Arboricultural Officer. The Sycamores have been pollarded and coppiced previously which has resulted in poor specimens and the Poplars are considered to be visually imposing trees, as such it is not considered that these trees are worthy of retention. The Silver Birch and Lime Tree on site are considered to be good example of trees, worthy of retention and as such these trees have been protected by Tree Preservation Order 2 (Chorley) 2008.

The two protected trees are indicated on the indicative layout plan for retention and are sited away from the proposed dwellinghouses to ensure protection and future retention. A condition will be attached to the recommendation requiring replacement trees for the trees which will be felled as part of the development and protection for retained trees.

Levels

Although the site appears relatively flat there are differing land levels across the site. A topographical survey has been submitted with the application which details that the central points of the site are at a lower land level and the levels rise up around the boundaries of the site. The drainage appraisal submitted with the application states that central ground levels are up to 1.5 metres lower than the boundary site levels. In order to connect the site to a public sewer it will be necessary to raise the ground levels along the Brindle Street frontage and the southern boundary approximately 1.2m above the existing south eastern boundary levels.

The levels of the site, compared to the existing levels, will be raised due to the difference in levels which currently exists to

create a flat site with adequate drainage. The most significant level change will be in the south eastern section of the site close to the properties on Brindle Street and Harrison Road. A condition will be attached requiring proposed levels details as part of any reserved matters application to ensure adequate spacing standards are achieved, taking into account the level differences between the site and neighbouring parcels of land, to protect the amenities of the existing and future residents. It is considered that residential redevelopment can be achieved on this site taking into account the level changes.

Contamination

A Geoenvironmental Appraisal and Gas Appraisal of the site have been undertaken and submitted with the application. The appraisals relate to the ground conditions of the site, contamination and gas protection requirements. The Environment Agency and the Council's Environmental Services Section have reviewed these documents and consider the information to be sufficient subject to suitable conditions/ informatives.

Response to Neighbour Concerns

In respect of the neighbours concerns the fact that there are too many houses within the area is not a material planning consideration. The site does fall to be considered a 'greenfield' site however the fact that the site is located within a sustainable location which is suitable for housing ensures that the proposal complies with the relevant Planning Policies. The three storey properties will be located within central locations on the site and the layout, which will be dealt with at reserved matters stage, will ensure that the amenities of the future and existing residents are maintained.

Concerns have been raised about extra traffic in the area however the Highways Engineer has raised no objections to the scheme or highway safety in the area.

Conclusion

It is considered that the site is located within a sustainable location close to local services and the Town Centre and could be redeveloped for residential use. The outstanding issue however still relates to the allocation of the site as Playing Fields which is currently being discussed and will be addressed on the addendum.

Recommendation To follow