

Item 5	09/00033/OUTMAJ Permit (Subject to Legal Agreement)
Case Officer	Mrs Nicola Hopkins
Ward	Chorley North West
Proposal	Outline application for the demolition of existing building and erection of a 4 storey apartment building providing 28 one and two bed roomed apartments with associated car parking
Location	Northolme Private Nursing Home 67 Preston Road Chorley Lancashire PR7 1PL
Applicant	W Marsden & Sons
	1 letter of objection has been received. Consultation expiry: 18th February 2009 Application expiry: 20th April 2009
Proposal	The application is an outline application which proposes the demolition of the existing building and the erection of a four storey apartment block consisting of 28 apartments. The submitted illustrative floor plans demonstrate that 20 one bed units and 8 two bed units can be accommodated within the proposed building. To the front of the premises there will be parking provision for the apartments. As this is an outline application the only issues for consideration are the principle of the development, access, scale and layout. Issues relating to design and landscaping will be dealt with at reserved matters stage. The site is currently occupied by a large detached building which was formerly Northolme Private Nursing Home. The building is in a very poor state of repair and is becoming an 'eyesore' within the street scene. Vehicular access to the site is off the main A6, Preston Road. The proposed scheme retains this access. The immediate neighbours to the site are Highgrove House to the south of the site which is a care home, 63 Preston Road to the north of the site which is NHS office accommodation and Chorley Hospital is located to the rear of the site.
Summary	The site falls to be considered brownfield land which is the preferred option for redevelopment. The principle of redeveloping the site for residential purposes was established with the members resolution to grant planning permission in April 2008 and the site would have been granted planning permission if the Section 106 Agreement had been signed within the specified time period.
Planning Policy	National Planning Policy: PPS 1, PPS 3, PPS9, PPG 13 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

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
Sustainable Resources Development Plan Document

Planning History **03/00958/COU-** Change of use from Nursing Home to Offices (Class B1). Approved 2003

04/01295/OUTMAJ- Outline application for the demolition of existing nursing home and erection of new B1 office block and car parking. Refused January 2005

07/01271/FULMAJ- Demolition of existing building and erection of four storey apartment building, providing 28 no. one and two bedroom apartments with associated car parking and landscaping. Withdrawn

08/00232/FULMAJ- Demolition of existing building and erection of four storey building, providing 28 one and two bedroom apartments with associated car parking and landscaping. Refused June 2008

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

- 3 of the apartments will be affordable housing units
- The proposed apartment building will sit over the footprint of the demolished building
- The open frontage of the plot will be maintained by utilising is as a car parking area
- Access will be provided off Preston Road utilising the existing access. The layout of the car park ensures a vehicular turning area is provided within the site curtilage
- The proposed 4 storey building will site prominently yet comfortable in the context of the street
- The existing trees are to remain and the car parking area immediately adjacent to the frontage trees is to be built using a 'no dig' construction and finished with a permeable surface.

Representations 1 letter of objection has been received raising the following points:

- Cause overlooking and loss of light
- Further cars would exacerbate the problems on Preston Road
- Can the existing building not be renovated?
- Further loss of trees would detract from the area.

Consultations **Corporate Director (Neighbourhoods)** has no objection subject to a report identifying any potential sources of contamination.

United Utilities have no objection subject to various conditions/informatives

Architectural Liaison Officer no observations to make

Planning Policy have no comments to make on the application

Lancashire County Council (Strategic Planning) considers that the proposal accords with the NW RSS

Assessment

Principle of the Development

The site is located within the settlement area of Chorley. In accordance with Planning Policy Statement 3: Housing the site is considered to be previously developed land. Previously developed land is land which is or was last occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. PPS3 encourages the redevelopment of previously developed land as opposed to developing Greenfield land. As such the principle of redeveloping the site for residential development accords with Government guidance.

The site is 0.218 hectares in size, the erection of 28 apartments on this site equates to a density of 128 dwellings per hectare. This is clearly a very high density however the nature of the development, high density apartment development, and the location of the site is considered to be appropriate development for this site taking into consideration the existing building on the site, the sustainable location and character of the area.

Members may recall that an application for the redevelopment of this site was submitted in March 2008 (08/00232/FULMAJ) and considered at DC Committee in April 2008. The members' resolution was to approve the application subject to the Section 106 Agreement or refuse if the S106 was not signed by 3rd June. The Section 106 Agreement was not signed within the time period and as such the application was refused. The reasons for refusal relate directly the clauses of the Section 106 Agreement, a contribution to play space and inclusion of affordable housing, which are material planning considerations. The establishment of planning approval in principle is a material planning consideration when assessing this proposal.

Character of the area

The site is currently occupied by a large three storey Victorian building. The property was originally built as a single dwelling however it was last used as a nursing home. The property has been empty for a number of years and has fallen into a state of disrepair. To the north of the site is a large Victorian building which is used as office accommodation for the NHS. To the south of the site is Highgrove House which is a two storey nursing home and to the rear of the site is Chorley Hospital.

Due to the existing very prominent building which is situated on the site it is considered that the replacement building should be a large dominant building which would adequately replace the existing building. The application is an outline application dealing with layout, scale and access. If outline planning permission is granted the design and landscaping will be dealt with at reserved matters. Scale is being applied for as part of this outline planning application and the site will be redeveloped with a four storey building which is considered appropriate as this will create a dominant building within the street scene. This notwithstanding an indicative plan detailing the elevations of the building has been submitted with the application. This indicates the design and style of the building which is envisaged on the plot and demonstrates that 28 apartments can be accommodated within the building. With the submitted Design and Access Statement it is stated that the building has taken scale and style references from the building to be demolished. The statement goes on to describe the design context and features which will form part of the building. Detailed elevations will be submitted at reserved matters stage. The design principles set out within the Design and Access Statement will be carried forward at reserved matters stage to ensure that the character and design of the building are appropriate in the context of the character of the site and the area as a whole.

Housing Provision

The proposal incorporates the erection of a 4 storey apartment building incorporating 28 apartments. In accordance with Policy L5 of the Regional Spatial Strategy and Policy HS5 of the Adopted Local Plan 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.

When the previous application was assessed the applicants submitted a financial appraisal of the scheme. At the time of the previous application 30% affordable housing was required however the appraisal demonstrated that the provision of 8 (30%) affordable units as part of the scheme would render the development financially unviable.

20% of 28 units equates to 5.6 affordable housing units however due to the current economic climate it is not considered that the scheme is any more financially viable. In fact probably less so, than when the previous application was submitted.

The financial assessment submitted with the previous application demonstrated that, due to the abnormal costs associated with the development including demolition and remediation, the financial success of the scheme will be marginal. As such the maximum number of affordable units which could be achieved on this site was three of the apartments. Liberata were involved in the pre-application discussions and agreed with the figures forwarded by the applicants.

This scheme still proposes three of the units to be affordable even with the downturn in the housing market which will effect the financial viability of the scheme. Taking into account the current market it is proposed to incorporate a longer time period to submit reserved matters, the applicant will be given four years to submit reserved matters and a further two years to commence the development.

Three of the 28 units equates to 11% of the whole development

however taking on board the financial costs associated with this development it is considered that 3 units as proposed will contribute to the supply of affordable units within the Borough whilst enabling the redevelopment of a derelict site within a prominent location within the Borough. Additionally the applicants have agreed to include an overage clause within the Section 106 Agreement associated with the development. This clause will ensure that 25% of any profit over the envisaged developer profit will be paid to the Council to be spent on affordable units elsewhere in the Borough.

Access

The site fronts onto the A6 Preston Road which is the main route connecting Chorley Town Centre with the M61 motorway, Preston and the Parishes of Chorley. The A6 is a very busy road however visibility is good and the proposal will utilise an existing access point.

The site is located close to local amenities and Chorley Town Centre and there is a regular bus service along Preston Road. As such the site is considered to be a very sustainable location. The scheme incorporates 36 parking spaces including 4 disabled parking spaces and cycle storage.

36 spaces accords with the parking standards set out with the draft Regional Spatial Strategy Parking Standards.

Bin storage facilities are proposed adjacent to the entrance of the site which, in respect of the previous application, the Council's Environmental Services considered were adequate to serve the site. This application proposes similar bin storage facilities. The layout of the car park reflects the scheme proposed for the previous application which incorporated adequate turning space within the parking court for a refuse collection vehicle. It has previously been agreed that gates, which will be accommodated at the site entrance, will either be (a) closed, but operated by sensors to allow access to collection vehicles at all times, or (b) closed only during night-time periods and hence open when access was required by the collection vehicle. The details of the gates will be required via condition.

Ecology

An Ecological Assessment was not submitted with the application however an Ecological Assessment of the site has been undertaken and was submitted with the previous application. The proposal includes the provision of bat and bird boxes within the trees, a landscaping condition will be attached to the recommendation which requires the planting of native species and the proposal incorporates a 'No Dig' construction and finished with a permeable surface adjacent to the frontage trees. All of these provisions satisfied the Ecologists concerns in respect of the previous application. Additionally a condition will be attached to the recommendation requiring a survey of the building prior to demolition to establish whether bats/ bats roosts are present within the building. In the event that bats are detected appropriate mitigation will be required. The applicants will also be advised that it is an offence to, kill, injure or take a bat, disturb a bat and damage/destroy a breeding site or resting place of a bat

A number of trees have been felled on the site however a Tree Preservation Order (TPO 7 (Chorley) 2007) has been placed on the trees which have a high visual amenity value along the frontage of the site. These trees will be retained as part of the scheme

Impact on the neighbours

The immediate neighbours to the site are the office accommodation to the north of the site and the nursing home, Highgrove House, to the south of the site. The building has been sited in a similar location as the existing building and is a similar height. As the scheme is outline in nature the design including the location of windows will be assessed at reserved matters stage. The indicative elevation plans which have been submitted incorporate kitchen windows and windows which serve the corridors in the side elevations. As the kitchen windows have the potential to create overlooking the agent for the application has been made aware that these are unlikely to be considered acceptable within the south elevation when the final design is produced.

Highgrove House, to the south of the site, is located at a lower land level than the application site. The proposed development will be located closer to the boundary with Highgrove House than the existing building however windows serving habitable rooms will not be permitted within the southern elevation. The gable will be set off the boundary and replacement fencing along with landscaping along the boundary will be required via condition. The difference in land levels ensures that the sufficient boundary treatment and landscaping will act as a screen to the windows, including the first floor windows, in the north elevation of the nursing home. This application is similar to the previous scheme in respect of siting and scale and it was considered that the building and the size proposed could adequately be accommodated on the site whilst protecting the neighbours amenities.

To the west of the site there is a car park associated with the hospital. It is considered that an apartment development can be provided on the site which will not adversely impact on the neighbours amenities and will enable the redevelopment of a derelict site which will improve the visual amenities of the area.

Section 106 Agreement

The Section 106 Agreement associated with this development requires a contribution of £20,208 for the provision and maintenance of equipped play space in the Borough. The Agreement will secure three on site affordable units which will be split between 1 one bed ground floor unit on a shared ownership/ intermediate basis and 2 two bed ground floor units on a rented basis. Additionally the Agreement will include an overage clause which will mean a percentage of any profit generated from the development over and above the estimated profit will be given to the Council to spend on affordable housing elsewhere in the Borough. A clause will also be incorporated into the Agreement requiring the demolition of the building within 3 months of the decision date to ensure the building is removed within a reasonable time period which will benefit the visual amenities of the area.

Response to the Neighbours Concerns

One letter of objection has been received. As set out previously it is not considered that the proposal will adversely impact on the neighbours amenities. Over 55 metres will be maintained between the front of the proposed building and the properties on the opposite side of Preston Road which well exceeds the Councils 21 metre required window to window distance and ensures there will be no loss of amenity to the existing or future residents.

This scheme is very similar to the previous proposal which was approved in principle. No concerns were raised about the increase in traffic and the scheme has been amended to incorporate appropriate sight lines when exiting the site and turning space within the site.

The existing trees along the road frontage which have the highest amenity value will be retained as part of the development and are protected. The building is in a very poor state of repair and renovation would incur high costs, additionally the demolition of the building does not require planning permission.

Sustainable Resources

Following the adoption of the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), the new style Local Plan, September 2008 a sustainability statement should have been submitted as part of the planning application. Additionally Lancashire County Council have commented that due to the number of units proposed a minimum of 10% renewable energy will be required as part of the scheme.

However it was considered that, in respect of the previous application, this requirement would further impact on the financial viability of the scheme and would ensure that no affordable units could be achieved. The previous application was dealt with on an 'open book' basis which clearly demonstrated that financial viability of the scheme and the figures were agreed by Liberata. Taking into account the decline of the housing market it is considered that the financial viability of the scheme will have decreased further compared to when the previous application was submitted. In this situation it is considered that the contribution to the Boroughs supply of affordable units and the redevelopment of a derelict site in a prominent location outweighs the need for renewable energy contribution as part of this scheme.

Conclusion

The proposal involves the redevelopment of brownfield land which is considered to be acceptable in terms of National Planning Policy. The site is currently within a poor state of repair and the proposal will enable the redevelopment of a prominent site. Although this is an outline application it is considered that the site can be developed without adversely impacting on neighbours, highway safety or ecology associated with the site and as such the scheme is considered to be acceptable.

Recommendation: Permit (Subject to Legal Agreement) Conditions

1. Any application for approval of reserved matters (namely external appearance of the building and landscaping of the site) must be made to the Council not later than four years from the date of this decision. The development shall be begun within two years of the date of approval of the last of the reserved matters or within six years of the date of this decision which ever is the later

Reason: Required to be imposed by 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 application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

3. No development shall take place until a desktop study in order to identify any potential sources of land contamination associated with the development has been carried out and approved in writing by the Local Planning Authority. If the potential for contamination is confirmed further surveys by the developer to assess the risks and identify and appraise the options for remediation shall be carried out prior to the commencement of the development. The surveys shall then be submitted to and approved in writing by the Local Planning Authority identifying the proposed remediation works. The works thereafter shall be carried out in accordance with the approved remediation strategy.

Reason: To protect the environment and to prevent harm to human health by ensuring that the land is remediated to an appropriate standard in accordance with Government advice contained in PPS23: Planning and Pollution Control

4. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

5. 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 sooner, 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

6. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

7. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

8. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the making of a photographic record of the building. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority. Upon completion the photographic record shall be submitted to the Local Planning Authority.

Reason : To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site and in accordance with Government advice contained in PPG15: Planning and the Historic Environment

9. Prior to the demolition of the building a bat survey of the site and the building shall be undertaken to ascertain the presence of bats. The survey shall be submitted to and approved in writing by the Local Planning Authority and include any proposed mitigation in the event that bats/ bat roosts are identified. The development thereafter shall be carried out in accordance with the approved methods of mitigation.

Reason: To ensure the continued protection and enhancement of bats on the site and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.

10. Prior to the commencement of the development full details of the proposed bat boxes to be erected shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed location of the boxes, the number proposed and the specification of the boxes. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure the continued protection and enhancement of bats on the site and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.

11. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall 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, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

12. Before the development hereby permitted is first commenced, full details of the gates to be erected to the vehicular entrance to the site (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include information about the operation of the entrance gates. No building shall be occupied or land used pursuant to this permission before the entrance gates have been erected in accordance with the approved details. The entrance gates shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to ensure adequate access is provided for refuse vehicles and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

13. Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including storage and collection of refuse and management of the parking spaces, shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company in accordance with the approved arrangements.

Reason: To ensure the satisfactory management of the car parking arrangements and refuse storage/ collection at the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

14. Prior to the commencement of the development full details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall thereafter be provided in accordance with the approved details.

Reason : To ensure adequate on site provision for cycle parking and in accordance with Policies No. TR18 and HS4 of the Adopted Chorley Borough Local Plan Review.

15. Prior to the commencement of the development full details of the bin storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The bin storage thereafter shall be constructed and retained in accordance with the approved plans.

Reason: To ensure that adequate refuse storage is provided on site and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.

16. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.

17. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

18. The car park hereby approved shall be constructed in accordance with the 'macadam no dig construction' method detailed on plan reference 09/147/P04, received 19th January 2009, within the tree root zone of the trees to be retained on site. The construction of the car park shall be in accordance with the approved method of construction unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the continued protection of existing trees on the site and in accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review.
