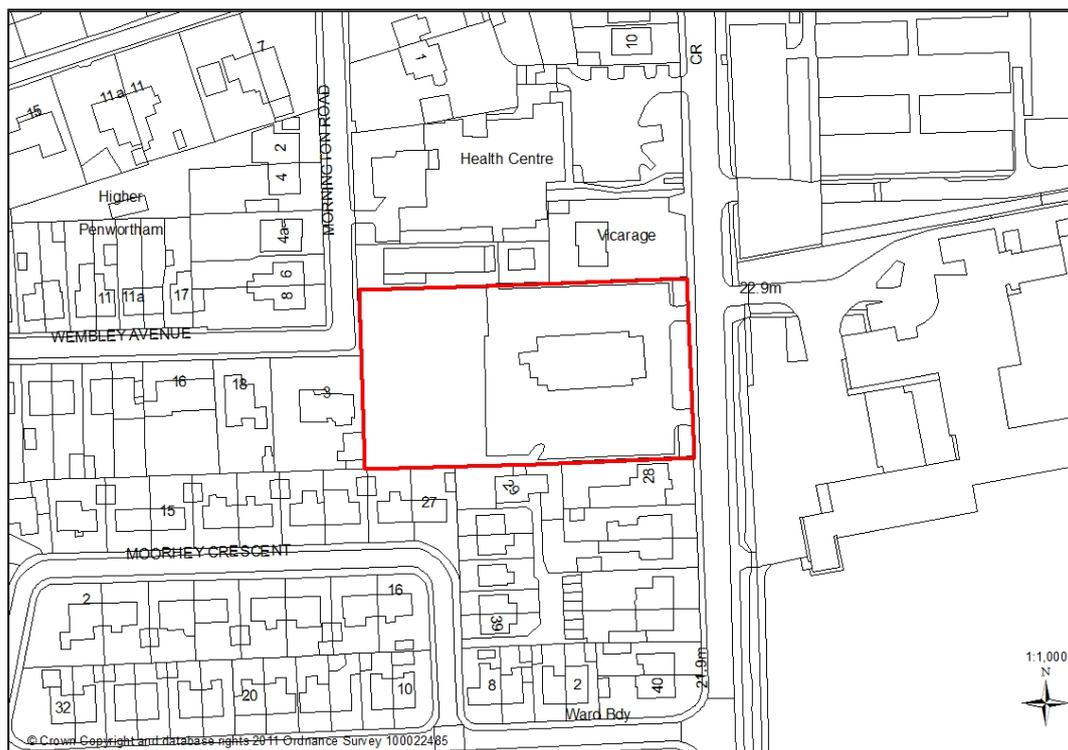


<b>Application Number</b>	07/2017/2989/FUL
<b>Address</b>	St Marys Church Hall Cop Lane Penwortham Preston Lancashire PR1 0SR
<b>Applicant</b>	McCarthy & Stone Retirement Lifestyles Ltd
<b>Agent</b>	Mr Chris Butt Unit 3 Edward Court Altrincham Business Park Broadheath Altrincham WA14 5GL
<b>Development</b>	Erection of Retirement Living Accommodation (51 apartments) together with communal facilities, landscaping and car parking following demolition of existing Church Hall
<b>Officer Recommendation Officer Name</b>	That Members be minded to approve the application, and that the decision be delegated to the Planning Manager in consultation with the Chair and Vice-Chair of the Planning Committee upon the successful completion of a Section 106 Agreement to secure a financial contribution towards off-site affordable housing.  <b>Mrs Debbie Roberts</b>
<b>Date application valid</b>	26.10.2017
<b>Target Determination Date</b>	25.01.2018
<b>Extension of Time</b>	16.03.2018



## **1. Report Summary**

1.1. St Marys Church Hall ('The Hall') site is a rectangular piece of land (approx. 0.4 ha) located on the western side of Cop Lane, Penwortham; a mixed use area designated under Policy B1 (Existing Built Up Area – main site) and G7 (Green Infrastructure – Tennis courts /south-west lawned corner) of the South Ribble Local Plan. Rawstorne Road Conservation Area abuts the north-western portion of the site but is screened by mature trees and planting. A detailed description of the site which sits to the south of the Penwortham District Centre is available within section 2 of this report (below)

1.2. This application seeks planning permission for erection of retirement living accommodation comprising 51 apartments with communal facilities, landscaping and car parking following demolition of the existing church hall. Apartments would be for the over 55 age group, and are for outright sale

1.3. The proposed development is not considered to have an undue impact on the amenity of neighbouring properties, the character and appearance of the area or highways safety and capacity. It therefore is compliant with Local Plan Policy B1.

1.4. It is the Officers view that proposed development would not detrimentally affect the amenity or nature conservation value of the site. Although some loss of trees is inevitable, mitigation in the form of well designed, appropriate landscaping and ecological compensation ensures protection of site biodiversity as a whole. In addition the site which is in private ownership does not constitute a community, recreational need, and for these reasons, the proposal is considered to accord with the requirements of Policy G7 of the Local Plan under which part of the site is designated (former tennis court).

1.5. County Highways have fully assessed the application and have raised no objections to the proposed development, in principle and subject to conditions.

1.6. As the proposed development would result in a net gain of 15 dwellings or more an affordable housing contribution is required. In this case, and given the nature of the proposal, it is considered that affordable housing is not appropriate within the site and an offsite contribution would be required. This requirement is to be secured as part of a S106 Agreement. Benefits of the scheme would also include monies for St Mary's Church to improve church hall facilities off site (through sale of the land) and the provision of purpose built accommodation for the elderly, for which there is an identified need in the Borough.

1.7. At the time of writing this report, and following full consultation, 41 letters of representation had been made - 28 in support, 2 objecting to the proposal and 11 simply offering comments. Statutory consultee comments have been addressed either by amendments to the proposal, or by condition. A summary of these is available at sections 6 and 7 (below)

1.8. The application complies with the relevant policies of the National Planning Policy Framework, Central Lancashire Core Strategy and Affordable Housing SPD, South Ribble Local Plan and Residential Extensions Design SPD, and the Penwortham Neighbourhood Plan. It is therefore recommended that Members be minded to approve the application, and that the decision be delegated to the Planning Manager in consultation with the Chair and Vice-Chair of the Planning Committee upon the successful completion of a Section 106 Agreement to secure a financial contribution towards off-site affordable housing.

## **2. Application Site and Surrounding Area**

2.1. St Marys Church Hall ('The Hall') site is a rectangular piece of land (approx. 0.4 ha) located on the western side of Cop Lane, Penwortham; a mixed use area designated under Policy B1 (Existing Built Up Area – main site) and G7 (Green Infrastructure – South-west lawned corner) of the South Ribble Local Plan. Cop Lane is characterised by a broad range of predominantly two storey properties in a mainly tradition style.

2.2. The site which slopes slightly to the west is currently home to a very dishevelled, church hall which sits towards Cop Lane. Parking areas are present along the northern and southern edges of the site, whilst in the west (rear) is a deep lawned section. Dual access from Cop Lane is in place.

2.3. The northern edge of the site is bound by 2m high, feather board fencing, beyond and parallel to which are the two storey Vicarage (accessed from Cop Lane), Penwortham St Marys Scout Hut (accessed from Mornington Road at the rear) and a community hut which sits between the two. Immediately to the north of these is St Marys Health Centre and its own considerable car park. A row of mature trees protected by Tree Preservation Order 1968/2T2 & T3 is also present along this boundary

2.4. Facing across Cop Lane (east) is Penwortham Girls High School, and in the south are the rear elevations of no's 25-29 Moorhey Crescent and the side elevation of 28 Cop Lane; currently occupied by the 'Back In Action' chiropractors. No 29 is a low bungalow central to the site boundary whilst no's 27 and 29 are two storey dwellings which face existing green space.

2.5. Abutting the western side of the site is the side elevation of no: 3 Mornington Road. No's 6 and 8 also face this boundary but across Mornington Road itself; these properties sitting within the Rawstorne Road Conservation Area. Mature hedgerow and a row of mature trees screen these properties from the proposal site. These trees are protected in their own right by the Conservation Area designation. Historically a path ran from Mornington Road through the site to Cop Lane. This unauthorised access however has since been closed off.

2.6. The site as a whole is also secured by a variety of boundary treatments which offer screening to adjacent properties; namely feather board, palisade and Herras fencing and deep hedging.

2.7. Penwortham District Retail Centre lies 115m from the site boundary, whilst the former Government Building site with extant permission for Tesco development/public parking provision faces across Cop Lane at 42m

## **3. Site Context / Planning History**

3.1. There are two planning applications on the history of this site

- 07/1991/0944 - Siting of Mobile Breast Screening Unit. Approved January 1992
- 07/2010/0837/FUL - Re-clad existing felt tiled roof with metal cladding. Approved February 2011

## **4. Proposal**

4.1. The application seeks planning permission for erection of retirement living accommodation comprising 51 apartments, communal facilities, landscaping and car parking following demolition of the existing church hall. Apartments would be for the over 55 age group, and are for outright sale rather than rental – the average resident age for similar properties in the applicant's portfolio being 79. Provision of facilities such as this help to maintain independence and social engagement for occupants in advancing years, but also

free up housing stock for families and those starting on the ladder to home ownership. In theory, as future occupants become increasingly reliant on easy to access facilities, the adjacent district centre should also benefit financially from this scheme.

4.2. The proposed scheme would be three storeys in height – although the third storey involves a dormer roof formation to allow reduced overall roof height – with a staggered elevational design; the whole to be constructed in a mix of red brick and pale coloured render, with grey roof tiles, grey UPVC windows, decorative window surrounds and rainwater goods. Some apartments would include Juliet balconies which would be glazed. This design arrangement reflects the more traditional character of Cop Lane and the Conservation Area at the rear.

4.3. The complex would sit 15m back from pavements abutting Cop Lane, would measure 33m in width (elevation facing Cop Lane) x 66m deep, and would have a 1663m<sup>2</sup> footprint. Maximum roof heights of 10m and eaves between 6.5m and 8m are indicated. Although relatively tall, the building relates well to neighbouring properties whose ridge lines vary greatly between 7m and 8m (Mornington Road (rear), Cop Lane, Moorhey Crescent, Vicarage and Health Centre and 9m (school). Scout and community huts only achieve 5.2m height but these are single storey, sit to the rear of the site and are fully screened. Again, this staggered approach to design reflects the existing, organically achieved character of the area.

4.4. The existing southern vehicular access into the site would be retained but widened, whilst the northern vehicular access would be closed off; a new pedestrian access from Cop Lane would however be introduced to its south.

4.5. Internally the facility would accommodate 30 x 1 bedroom, self-contained apartments, 21 x 2 bedroomed units and communal facilities i.e. homeowners lounge and private amenity space, waste, scooter and leisure stores and office space. A guest suite would also be included which could be rented on a daily basis by future homeowners. All areas would be accessible and the facility would employ one person.

4.6. 1.8m brick piers with connecting railings and hedgerow behind would front Cop Lane, whilst existing hedgerow fronting Mornington Road would be retained and upgraded; a 1.8m high railing is proposed behind this hedge to offer some security to future residents of the proposed scheme. 1.8m feather boarded, timber fence would secure the rest of the site. 13 trees have been identified for removal, but internal landscaping of the site is suggested in mitigation.

4.7. Landscaping proposals have taken account of residents need for privacy, and as such some enclosed spaces with low level lighting have been incorporated into the scheme, as well as clear demarcation between public and private outdoor space. In general however outside areas have been designed to be visually open but with overall security in mind. Buffer planting along the northern and southern boundaries has also been identified.

4.8. Off road parking provision and vehicular manoeuvring space has been identified along the southern and eastern boundaries – see commentary below; these areas would include low level security lighting. Waste storage would be within the building but would be emptied on a weekly basis.

4.9. Funding received from the sale of this site should planning permission be approved would support the re-development of St Marys Church site

## **5. Summary of Supporting Documents**

5.1. The application is accompanied by the following supporting documents:

- Ecological Assessment (Hiscock's Ecology Ltd 351171/17.9.17 Rev A)
- Extended phase 1 habitat survey (Innovation Group E2508161156: Sept 16)
- Construction method statement (McCarthy Stone 13.10.17 Rev A)
- Phase 1 desktop study (Arc Environment 14-827: Dec 14)
- Phase 2 ground investigation report (Arc Environment 14-827: April 2017)
- Method statement – specialised dynamic probing & sampling drilling operations (Arc Environmental 16-378)
- Design, heritage, access & supporting statement (McCarthy Stone 16184 Rev A)
- Planning Statement (RLB: Sept 17) & Appendix A '*Ready for Ageing*' report (House of Lords 2013)
- Transport Statement (Transport Planning (York) Ltd: Sept 17)
- Landscaping layout (Shackleton NW-2095-53-LA-001 Rev A & Appendix one)
- Planting plan (Ian Keen Ltd NW-2095-S3-LA-002 Rev A)
- Tree and Arboricultural Impact Assessment (Ian Keen IJK/8669/WDC)
- Tree protection plan (Ian Keen Ltd 8669-KC-XX-YTREE-TTP01 Rev A)
- Statement of community involvement (Remarkable Group: Sept 17)
- Model planning conditions report (Planning Bureau Ltd)
- Employment & skills statement (McCarthy Stone)
- Planning obligations and affordable housing statement (Planning Bureau: Sept 17) (CONFIDENTIAL)
- Community Infrastructure Levy liability forms
- S106 Draft heads and terms
- Construction Method Statement (McCarthy Stone 2017 Rev A: 13.10.17)
- Penwortham Needs Report (Contact Consulting:20.12.17)

### Existing Drawings

- Site location & context plan (Seven Architects: NW-577-3-AC-01A)
- Site layout plan (Shackleton Associates)

### Proposal Drawings

- Proposed site plan Seven Architects: NW-577-3-AC-05A)
- Elevations / street scene sheet 1 (Seven Architects: NW-577-3-AC-03A)
- Elevations / street scene sheet 2 (Seven Architects: NW-577-3-AC-04A)
- Elevations / material schedule (Seven Architects: NW-577-3-AC-07)
- Floor plans (Seven Architects: NW-577-3-AC-06A)
- Artists impressions (Seven Architects: NW-577-3-AC-02)
- Boundary treatments (Seven Architects: NW-577-3-AC-08B)
- Surface water drainage (Seven Architects: NW-577-SE-03-006)
- Topography site survey (25-1114JC-01)
- Development layout plan (Arc Environmental 14-827)

## **6. Representations**

### 6.1. Summary of Publicity

6.1.1. Four site notices and a newspaper advertisement have been posted, and 24 neighbouring properties consulted. Ward Councillors Bird, Howarth and Noblet have also been notified.

6.1.2. South Ribble's Statement of Community Involvement requires formal pre-application community consultation for any 'major' proposal i.e. 10 or more dwellings or 0.5ha site area.

This period of community engagement was undertaken by the applicant, and in summary involved:

- One to one meetings with Council officers, residents, interested parties, ward councillors and South Ribble Borough Council cabinet members – 11 residents took up this invitation as well as Councillors Howarth, Hancock and Jones
- A public exhibition attended by members of the applicant's project team. 997 houses and businesses received invitations and 100 residents and stakeholders attended
- Dedicated website, freepost envelopes and a free-phone helpline

6.1.3. The applicant received 52 responses of which 96% supported the development of speciality housing for the elderly.

6.1.4. In addition, pre-application advice discussions began in 2016 with this Council, and adjustments made in response to comments made by Council officers.

## 6.2. Letters of Representation

6.2.1. 2 respondents have objected to the proposal, 28 support the scheme and 11 simply make comments. All representation is summarised as follows:

### 6.2.2. In Support/Neutral Comments

#### Site and Surroundings

- Sad to see St Marys Church Hall go, but it is '*an eyesore*' and it would be better if it was removed
- The Hall was built to last 20 years but has been in situ for 49. It is no longer financially possible to upgrade the property, and the site would in time become an untidy, unusable site to the areas detriment.

#### Proposed Development / Design

- Proposal will be an asset to the area and is long overdue – lack of bungalows in Penwortham and more elderly accommodation needed in the area
- Proposal well sited and ideal for the elderly because of its proximity to town centre
- Support for development but '*is one zebra crossing enough*' – request to consider crossings in the vicinity of the site
- '*First class, attractive design in an ideal location*'
- '*Convenient and safe design*'
- Suggestion that the site should include some affordable rented accommodation – see affordable housing discussion below
- Expectation that grounds will be appropriately maintained
- A real opportunity to enhance Cop Lane
- Respondent request clarification of boundary treatments on Mornington Road – amended plans subsequently received

#### Miscellaneous Comments

- '*McCarthy & Stone have a good reputation, and although other M&S developments are well built and attractive, they are not as well located (in terms of public transport, shopping and community facilities) as this one – I will be able to dispense with my car when I can shop at Tesco*'
- '*Is there a discount for neighbours who wish to buy!*'
- '*We look forward to moving in next year*'
- '*Just what Penwortham needs*'
- '*Why would anybody object?*'
- Respondent wishes M&S success in their endeavours
- The cost and upkeep of larger homes is prohibitive to older, single people. This scheme offers a more affordable option and frees up family homes for younger people.

- Respondent makes a request that the facility will allow pets
- Suggestion that the Tesco site should be used for sheltered accommodation instead

6.2.3. Councillor Bird also offers his support to the development but is concerned that there would be insufficient parking for existing and future users of the site. He has requested that should permission be granted, a Traffic Regulation Order (i.e. double yellow lines) is considered on Cop Lane.

6.2.4. It should also be noted that of 41 letters of representation, 14 expressed a desire to purchase, asked for sales particulars or had registered an interest to do so with the developer

#### 6.2.5. In Objection

##### Highways

- Loss of parking will be detrimental to properties on Cop Lane and will result in additional parking on the highway
- Car park is currently used by the NHS, Chiropractors and people dropping children off at school – *'We have approached St Marys to try and purchase some land for parking to keep our patients safe but they showed no interest'* (Chiropractor, 28 Cop Lane)
- Inadequate levels of parking proposed for apartments – why does each property not have a designated space?
- Deliveries/HGV's etc. to the site cannot be accommodated within the site
- Original change of use permission for chiropractor's dependant on 6 parking spaces within the St Marys Hall site (as imposed by planning condition)

##### Design

- Lack of green space and landscaping is minimal
- Number of flats should be reduced

##### Miscellaneous

- Respondent questions the availability of doctors and similar services
- Loss of fire escape to Scout Hut as a result of development, and suggestion that a 'right of way' to allow the same is included within the site.

*Officer Comment:* Issues of parking provision, highways safety and capacity have been assessed by Lancashire County Highways Authority (see comments below). Similarly private parking arrangements with neighbouring organisations are discussed in Para 8.5 of this report. It is acknowledged that a condition was imposed on a 2006 permission for the adjacent property, but as this proposal site is out of the control of the chiropractor, this condition is not considered valid, was imposed prior to, and does not pass the tests required by NPPF Para: 206 and is therefore not enforceable.

#### 6.3. Town/Parish Council Response

6.3.1. **Penwortham Town Council** have no comments to make

#### 7. Summary of Responses

7.1. **Ecology Consultant** – The Councils ecologist has assessed two ecological assessments submitted by the applicant (Bat Survey (Hiscock's Ecology HEL0615 and Innovation Group Environmental Services: Sept 16) which find the site to be of low ecological value. There is no evidence of protected or notable species on site and no further assessment is required. Mitigation in the form of bat and bird box provision, and standard

precautionary conditions however are recommended. The ecologist confirms that adequate information has been supplied and that there would be no significant ecological issues. Residual risk relating to bats, nesting birds and loss of biodiversity can be mitigated by condition.

7.2. **Environment Agency** have replied but did not wish to be consulted

7.3. **Environmental Health** have assessed the applicants ground investigation reports and confirm that no significant sources of contamination are found on site or in the surrounding area. Historically filled ponds do not present a risk of ground gas. Reports recommend an intrusive investigation of the site but this has not involved gas monitoring in direct contradiction to the desk study conclusion. As such a tailored condition with regards to contaminated land has been suggested. Additional conditions are also recommended re: construction management, electric vehicle recharge points and an acoustic survey relating to the substation

7.4. **Lancashire Constabulary** acknowledges that the applicants Design & Access Statement includes an extensive commentary on secure design. In addition to details supplied within that document they have offered advice about security to be incorporated into the scheme; this would be included as an informative note should permission be granted.

7.5. **Lancashire County Council Highways** has no objection to the proposal and are of the opinion that the development would have a negligible impact upon highways safety or capacity. One slight incident is recorded on the five year Personal Injury Accident database, but this was not of a nature that would be worsened by the proposals. In accordance with the Local Plan LCC require one parking space per 3 beds for a class C2 development; the nearest appropriate class for this type of proposal. In this case the development would be required to provide 24 spaces and as such the 35 spaces identified are considered acceptable. A series of conditions are suggested (construction management, parking, access and closure of the northern vehicular access) to be imposed should permission be granted.

7.6. **Lancashire County Council** - Local Lead Flood Authority has no objection, but recommends conditions with regards to surface water drainage, and informative notes re: existing water mains and future drainage provision/maintenance. Additional information has since been supplied which sees condition 3 of the LLFA response discharged.

7.7. **South Ribble Arborist** has no objection to the proposal subject to protection of trees identified for retention.

7.8 **South Ribble Strategic Housing** considers that off-site affordable housing provision would be considered preferential on this development as registered provider engagement is likely to be reduced given the age restriction to occupy the accommodation. South Ribble has an ageing population as identified by ONS population projections with 20.6% of the South Ribble population over the age of 65; this figure is projected to change to 42.6% over the 20 year period to 2034. Housing for older people has been identified as a priority within the South Ribble Housing Framework and is identified as a need within the recently produced Central Lancashire SHMA. Housing for older people should adopt the principles within the HAPPI report to provide an attractive choice for older people to move into. HAPPI encourages such developments to be located in existing towns and villages, thus enabling residents to access local shops and facilities, and supporting independent living and a feeling of being part of the community. The proposed development site is located within Penwortham, in close proximity to the district centre offering various shops and facilities, and complies fully to the HAPPI principle.

7.8. United Utilities have no objection subject to pre-commencement conditions detailing sustainable drainage systems and consultation with the Local Lead Flood Authority.

## 8. Material Considerations

### 8.1. Site Allocation

8.1.1. The site is designated under Policies B1 (Existing Built Up Area – main site) and G7 (Green Infrastructure – south-western corner) of the South Ribble Local Plan 2012-2026

8.1.2. **Policy B1** allows for redevelopment in allocated areas provided that proposals would comply with requirements of the local plan relating to access, parking and servicing; would be in keeping with the character and appearance of the area, and would not adversely affect the amenity of nearby residents.

8.1.3. **Policy G7** which states that development will only be permitted on such lands where it can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area, and where alternative provision can be implemented within the same or another local site. Development should be sensitive to the area and have no adverse effects on the amenity or nature conservation value of the site.

### 8.2. Policy Background

Additional policy of marked relevance to this proposal is as follows:

#### 8.2.1. *National Planning Policy Framework*

8.2.1.1. The NPPF at Para 14: provides a presumption in favour of sustainable development '*which should be seen as a golden thread running through both plan-making and decision taking*', and supports sustainable economic growth to deliver, amongst other things, homes. Given the sites location it is the Officer's view that the site is especially sustainable and that the development accords with the overall principles of the NPPF; in particular:

8.2.1.2. **Chapter 6: Delivering a wide choice of high quality homes** notes that '*housing applications should be considered in the context of the presumption in favour of sustainable development*' (Para 49). In addition, Para 50 states that local planning authorities should '*plan for a mix of housing based on current and future demographic trends and the needs of different groups (such as but not limited to ... older people...)*

8.2.1.3. **Chapter 7: Requiring good design** attaches great importance to the design of the built environment which contributes positively to making better places for people. Para 65 of this chapter states that '*Local planning authorities should not refuse planning permission for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design*'

8.2.1.4. **Chapter 11: Conserving and Enhancing the Natural Environment** – when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity as reflected by Core Strategy Policy 22

#### 8.2.2. *Central Lancashire Core Strategy*

8.2.2.1. Policy MP: states that Councils will take a proactive approach which reflects the NPPF's presumption in favour of sustainable development, and that applications which accord with the policies of the Local Plan will be approved without delay unless material considerations indicate otherwise.

8.2.2.2. **Policy 1: Locating Growth** focusses growth and investment on well-located, brownfield sites within key service and urban areas of the Borough; one of which is Penwortham.

8.2.2.3. **Policy 3: Travel** encourages alternative, sustainable travel methods to reduce dependence on motor vehicles.

8.2.2.4. **Policy 4: Housing Delivery** provides for, and manages the delivery of new housing; for South Ribble this amounts to 417 dwellings per year.

8.2.2.5. **Policy 5 : Housing Density** aims to secure densities of development in keeping with local areas, and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the area

8.2.2.6. **Policies 6: Housing Quality and 27: Sustainable Resources and New Development** both aim to improve the quality of housing by facilitating higher standards of construction, greater accessibility and ensuring that sustainable resources are incorporated into new development.

8.2.2.7. **Policy 7: Affordable Housing** confirms a target of 30% affordable housing for housing developments of 15 dwellings or more.

8.2.2.8. **Policy 16; Heritage Assets** – this policy in line with Chapter 11 of the NPPF looks to protect the historic environment.

8.2.2.9. **Policy 17: Design of New Buildings** requires new development to take account of the character and appearance of the local area.

8.2.2.10. **Policy 22: Biodiversity & Geodiversity** aims to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area

8.2.2.11. **Policy 26: Crime & Community Safety** seeks to reduce crime levels and improve community safety by encouraging the inclusion of Secured by Design principles in new development.

8.2.2.12. **Policy 29: Water Management** seeks to improve water quality and flood management by appraising, managing and reducing flood risk in all new development.

### 8.2.3. *South Ribble Local Plan*

8.2.3.1. In addition to site allocation policies B1 and G7 (above), the following are also pertinent:

8.2.3.2. **Policy A1: Developer Contributions** – new development is expected to contribute towards mitigation of impact upon infrastructure, services and the environment, by way of Section 106 agreement and/or CIL contributions.

8.2.3.3. **Policy F1: Parking Standards** requires all development proposals to provide car parking and servicing space in accordance with parking standards adopted by the Council.

8.2.3.4. **Policy G10: Green Infrastructure** states that all new residential development resulting in a net gain of 5 dwellings must provide sufficient green infrastructure to meet the recreational needs of the development, in accordance with specific but flexible standards; effectively mirroring Para 73: of the NPPF

8.2.3.5. **Policy G13: Trees, Woodlands and Development** states that development will not be permitted where it affects protected trees and woodland unless justified. Where loss of the same is unavoidable however this policy accepts suitable mitigation.

8.2.3.6. **Policy G16 –Biodiversity and Nature Conservation** protects, conserves and enhances the natural environment at a level commensurate with the site's importance and the contribution it makes to wider ecological networks.

8.2.3.7. **Policy G17: Design Criteria for New Development** considers design in general terms, and impact of the development upon highways safety, the extended locale and the natural environment.

8.2.3.8. **Chapter J: Tackling Climate Change** looks to reduce energy use and carbon dioxide emissions in new developments; encouraging the use of renewable energy sources.

8.2.4. *South Ribble Residential Design SPD* discusses design in very specific terms. Whilst more attuned to residential extensions this document is also used to assist with the design of new build residential development and with regards to separation with properties beyond the site bounds.

8.2.5. *Central Lancashire Affordable Housing SPD* guides on a range of approaches to deliver affordable housing which meets local needs.

8.2.6. *Central Lancashire Employment Skills SPD* – this document was adopted in September 2017 and as such carries considerable weight in planning decisions. The SPD has been driven by the Councils aspiration to see additional benefits (social value) incorporated into development opportunities; 'social value' in this case being a contribution towards employment and skills enhancement in the Borough.

8.2.7. Penwortham Neighbourhood Development Plan - The Penwortham NDP was adopted in February 2017 and as such carries weight when assessing planning proposals. The NDP seeks to ensure that Penwortham continues to thrive, and to provide an outstanding quality of life for current and future generations through a series of objectives; one of which is to support measured and appropriate sustainable development to allow all members of the community the opportunity to remain a part of it. Policy 3 (Types of Residential Property) states that '*on all residential developments the provision of 10% units as single storey properties suitable for use by older people will be supported*'

### 8.3. Impact of Development on Neighbouring Properties / Rawstone Road Conservation Area

8.3.1. The blank side elevation of No: 3 Mornington Road (west) would face bedroom windows to apartments 3, 38 and 20 at approximately 15m - spatial separation of 13m minimum is expected between habitable room windows and gable walls. Existing trees/hedgerows are expected to provide adequate screening. A 26m separation would exist between the front elevations of no's 6 and 8 Mornington Road and apartments 6, 23 and 41.

8.3.2. In the south is no 29 Moorhey Crescent whose gable wall would be 27m from the proposed side elevation. No: 28 Cop Lane's side elevation (chiropractor) would face proposed blank gable walls on the eastern edge of the southern side elevation at 21m, and rear windows to no's 25 and 27 Moorhey Crescent would face proposed blank gables (western end of southern side elevation) at 23m – separation of 13m as a minimum is required. Ground floor windows would be screened by existing trees and feather board fencing.

8.3.3. Scout and community huts, and the vicarage sit parallel to the site in the north at 6m spatial separation; these are screened by existing fencing and mature trees. The surgery sits beyond these at 23m Penwortham Girls High School faces the proposed front elevation across Cop Lane at 55m.

8.3.4. It should be acknowledged that the facility would include third floor windows into all elevations. On the southern side these directly face no 29 Moorhey Crescent, but only indirectly (approx. 36m) to no's 25-27 and 28 Cop Lane. To the rear proposed windows would face either blank gables to, or benefit from substantial separation and screening from properties on Mornington Road, and to the north and east windows would face only the health centre, blank vicarage gable and school. Third floor windows have in the main been designed to sit at eaves level rather than higher into the roof plane; thus reducing the need for an excessive roof form and for the potential for loss of privacy to either existing or future residents. Taking into account proposed separation distances which are more than satisfactory, any loss of privacy, general amenity or overlooking as a result of this development is considered limited.

8.3.5. Inter-relationships between existing and proposed properties accords well to the sentiments of the South Ribble Residential Design Guide SPD, and although within close proximity to Rawstorne Road Conservation Area, visual impact should be limited; particularly as the area is protected by its own tree and hedgerow planting.

#### 8.4. Design, Character & Appearance

8.4.1. Site Allocations Policy G17 (Design Criteria for new development) seeks to ensure new development relates well to neighbouring buildings and the extended locality, that layout, design and landscaping of all elements of the proposal are of a high quality; providing interesting visual environments which respect local character, reflect local distinctiveness, and offer appropriate levels of parking and servicing space in line with Policy F1 (Parking Standards) of the same document. Core Strategy Policy 17 (Design of New Buildings) effectively mirrors these criteria.

8.4.2. In consideration of the above, local distinctiveness and character of the area have been assessed. This part of Penwortham is a relatively traditional locale comprising a mix of detached and semi-detached dwellings and commercial premises in a range of size. This particularly sustainable site is within easy reach of both community and public transport facilities, sits well within its own environment and would - where possible, retain and augment existing green infrastructure. Overall this scheme which has been designed to reflect its surroundings whilst accounting for current demographics, would remove a dishevelled site to the benefit of the wider area, would provide much needed accommodation for an ageing population – including ground level units in line with local aspirations, and would offer visual betterment to this part of Penwortham.

8.4.3. It is considered that assessment of this scheme demonstrates that a development of this size can be accommodated on this site without resulting in a detrimental impact on the character and appearance of the area through overdevelopment and intensification of the urban fabric. Of the 51 apartments, 15 are at ground floor level in full compliance with Policy 3 of the Penwortham Neighbourhood Plan.

#### 8.5. Highways Considerations, Suitability of Access and Parking Arrangements

8.5.1. The application is accompanied by Transport Statement (Transport Planning (York): Sept 17) which concludes that the proposal provides access to a range of sustainable transport options (below), and that there are no severe transport impacts resulting from development. The report expects the proposed development to generate 78 vehicle movements per 12 hour day. See LCC Highways comments in response to this report (above).

8.5.2. *Proposed Parking Provision* – The proposed scheme identifies 35 off road parking spaces, and vehicle manoeuvring space for waste and emergency vehicles. Policy F1 (Parking Standards) of the South Ribble Local Plan requires all development to provide off road parking in accordance with the adopted parking standards of Local Plan Appendix 4 – in this case one space per three beds for this use class – in total a minimum of 24 spaces. Proposed provision would therefore be more than acceptable.

8.5.3. The applicants statement (Para 3.10) notes that *'car ownership amongst the elderly is relatively low'* and it has to be acknowledged that the average age of ownership is 79 – hence the Highway Authorities consideration of proposed parking provision under use class C2 (residential/care institution) rather than C3 (residential) where a higher parking standard is required. Arguably, any residential facility made available to the over 55 age group is likely to be occupied by some people of working age – the current retirement age standing at 67 years of age. A reduction in parking standards is accepted however in view of site sustainability, it's very close proximity to town and city centres, public transport options and the proposed Tesco development whose car park would be for available for communal community use.

8.5.4. *Existing Parking Arrangements* – The Diocese who run the hall have for some time been party to contractual agreements with the NHS and neighbouring chiropractors for use of parking spaces on the proposal site. The NHS was entitled to use 18 spaces for its district staff only - these were not to be made available for patients, or employees of the chemists or in house surgery. 'Back in Action' was allocated 4 spaces. Notice to quit was served on both organisations on the 17<sup>th</sup> August 2017 for which the termination date is the 31<sup>st</sup> March 2018.

8.5.5. Unauthorised use of the site for parking also occurs – 'Back In Action' claim in their e mail of the 13<sup>th</sup> November that *'our clients probably use a further 4 slots, our staff use about 4 and St Marys staff have 18 of these places allocated... the majority of people were overflow from St Marys medical centre...so many that our own clients and staff struggle to park'*. The site is also used as a 'drop off' area for the school opposite and for ad-hoc parking by users of the adjacent district centre. Representation has been made which objects to this loss of parking for the community, and whilst the hall's owners have been fairly relaxed about community use in the past, members are asked to remember that the site is private land and considerable weight should be given to this.

## 8.6. Sustainability

8.6.1. One of the core principles of the NPPF is to *'actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'* (Para: 17). It is considered that the proposed layout offers maximum permeability for users of the facility, but also benefits from the following:

8.6.2. *Pedestrians* - The site is in a district centre within accessible, walking distance of local shops, services and amenities. There is also a pedestrian crossing outside of the site which will in time allow access to the approved Tesco site.

8.6.3. *Community Facilities* – There are four GP and two dental surgeries within a one mile radius, and 10 and 6 respectively within 1.5miles of the site. Penwortham District Centre is 115m from the site entrance and the proposed Tesco store would be 42m away. Hurst Grange Park lies 300m to the south-east.

8.6.4. *Public Transport/Cycle Routes* – There are bus stops immediately outside of the site, and at regular intervals along Liverpool Road and Cop Lane operating bus routes between Chorley, Southport, Ormskirk, Liverpool and Preston in addition to more local areas. Cycle

routes also run from the south of the site via Hurst Grange to Preston, and Preston train station is 1.1m / 11 minutes' drive away.

8.6.5. From a sustainability perspective the proposal site is considered more than acceptable.

## 8.7. Natural Environment, Ecology and Ground Conditions

8.7.1. The application is accompanied by Arboricultural Impact Assessment (Ian Keen IJK/8669/WDC and Ecological Assessments undertaken by Hiscock's Ecology (HEL0625) and Innovation Group Environmental Services (Sept 16)

8.7.2. *Trees* – The AIA recommends removal of 13 no: trees. With only one exception these fall within category C or U of the British Standards grading system, and are of low of very poor quality. One sycamore (tree 31) on the northern boundary is located along the flank wall of the vicarage and stands midway between a group of trees towards the front of the site. Its removal will not only benefit the vicarage, but it is the arborists considered opinion that provision of accommodation for the elderly outweighs the loss of one tree which although subject to tree preservation order, provides limited amenity to the area. All other trees on site are to be retained and would be subject to appropriate protection should permission be granted. The Councils Arboriculturalist comments in response to this report are detailed above.

8.7.3. *Ecology* –The site does not contain any protected species, or habitats of national or local importance, and apart from peripheral woodland is of limited value to wildlife. The report affirms that measures to augment site biodiversity could include suitable landscaping and additional enhancement measures; several of which have been suggested. Conditions to this effect have been included.

8.7.4. *Contaminated Land* – Phase 1 (Dec 14) and Phase2 (April 17) contaminated land studies (Arc Environment 14-827) note that the site is of low risk to end users.

## 8.8. Employment, Construction & Flood Risk Standards

8.8.1. One of the objectives of modern construction is to reduce energy use and carbon dioxide emissions in new developments; encouraging the use of renewable energy sources whilst improving the quality of housing by facilitating higher standards of construction. Conditions to ensure appropriate construction standards are considered appropriate.

8.8.2. The applicants Design and Access Statement (Page 29) also considers sustainable construction in detail.

8.8.3. Drainage proposals and potential flood risk have been assessed by the Local Lead Flood Risk Authority and United Utilities whose comments are noted above.

8.8.4. The applicant has submitted an Employment Skills Assessment which states that the development would create 35 construction employment opportunities over a 12 month period, and one full time house manager position. Sub-contractors are encouraged to employ local people and to employ – where appropriate – apprentices.

## 8.9. Affordable Housing & Financial Viability

8.9.1. Local Plan Policy A1 (Developer Contributions) expects most new development to contribute towards mitigation against impact on infrastructure, services and the environment. Contributions would be secured where appropriate through planning obligations (Section 106 agreement) and/or Community Infrastructure Levy.

8.9.2. *Financial Viability* – Policy 7 of the Central Lancashire Core Strategy recognises that financial viability is a consideration in the delivery of affordable housing or other contributions, and that there will be site specific circumstances where achievement of the same may not be possible. Although this should not detract from the need to achieve overall targets, the Council does need to take into account specific concerns where these are justified. Paragraph 173 of the NPPF confirms this stance by saying that *‘pursuing sustainable development requires careful attention to viability and costs in plan making and decision taking. Plans should be deliverable, and development should not be subject to such a scale of obligation and policy burden that their ability to be viable is threatened’*

8.9.3. If there is any doubt about viability on a particular site, it is the developers’ responsibility to make a case that applying affordable housing requirements for their scheme makes the scheme unviable. If the Council is then satisfied that this is the case, it must consider the balance between seeking affordable housing and other contributions, and non-delivery of the development as a whole. A number of options may be explored including changing the mix of provision or adjusting any off site contribution to be made.

8.9.4. The applicant has submitted an ‘open book’ financial appraisal in an attempt to demonstrate that there are constraints sufficient to jeopardise or prevent them from meeting the Councils affordable housing targets. The Councils independent valuer has assessed the nature, extent and impact of the constraints upon the schemes viability.

8.9.5. *Affordable Housing - Core Strategy Policy 7 (Affordable and Special Needs Housing)* requires market housing developments resulting in a net gain of more than 14 units to provide an affordable housing contribution of 30% in urban areas. The applicant affirms that the proposed scheme, whilst to be sold on the open market, constitutes ‘special needs housing’ given the nature of the development and specialist features to be included specifically for elderly residents. This view has been supported by independent Barrister advice sought by the Council. The advice received confirmed that *‘moreover, it is my view that ‘special needs housing ... is to be interpreted to include housing provided to meet the needs of, and restricted to occupation by older persons’*

8.9.6. ‘Special needs housing’ does not attract the rigid 30% affordable housing contribution that market housing does, with Policy 7 of the Core Strategy instead confirming that for ‘special needs housing’ a *“proportion of these properties will be sought to be affordable subject to such site and development considerations as financial viability and contributions to community services”*. This point is confirmed by the Councils Barrister who states that *‘offsite contribution to affordable housing is thus to be assessed not by reference to any percentage target, but to the looser criterion of seeking that a proportion of the properties be affordable’*. The contribution that the development is required to make is therefore dictated by the financial viability of the scheme. Given the nature of the proposed development a financial contribution towards the provision of off-site affordable housing is considered appropriate.

8.9.7. A Financial Viability Assessment was however submitted with the planning application in which the applicant argues that after the recognised level of developer profit is deducted no residual monies would remain for a financial contribution to the provision of affordable housing off-site (with the development eating circa £150,000 into the developer’s standard profit margin). The Council’s appointed independent valuer (Keppie Massie) have assessed the proposed development and concluded that the scheme could support a £75,000 financial contribution towards off-site affordable housing. In order to secure a financial contribution towards the provision of off-site affordable housing, rather than risk not securing any contribution through a planning appeal in addition to the unavoidable associated legal and expert witness costs to the Council, negotiations took place with the applicant. The result of which was the applicant agreeing to offer a £50,000 financial contribution towards the provision of off-site affordable housing upon the occupation of the

first apartment with a further £200,000 to be contributed on the occupation of the 45<sup>th</sup> apartment, but subject to the Government's plans to abolish ground rents on leasehold properties not gaining approval. This is considered to be a pragmatic resolution that, in addition to securing a significant proportion of the sought after monies, would also bring a well-supported and much needed development forward sooner. The agreed monies would be secured as part of a Section 106 Agreement.

8.9.8. *Community Infrastructure Levy* – whilst CIL is payable on most approved properties, it is not payable on apartments. As such CIL is not required from this development.

8.9.9. *Public Open Space* – All new residential developments will be required to contribute towards open space and playing pitch provision with certain exceptions – one of which is sheltered accommodation. Although this proposal is not sheltered in the truest sense of the word, it would provide protected residential accommodation for an elderly demographic. For this reason, and subject to the aforementioned age related condition it has been agreed that a public open space contribution would not be sought. This is in line with the approach of neighbouring authorities.

## **9. Conclusion**

9.1 The proposed development would not impact unduly upon the amenity of neighbouring properties, the character and appearance of the area or highways safety and capacity. It therefore appears to be compliant with Local Plan Policy B1.

9.2 It is also considered that proposed development would not detrimentally affect the amenity or nature conservation value of the site. Although some loss of trees is inevitable, mitigation in the form of well designed, appropriate landscaping and ecological compensation ensures protection of site biodiversity as a whole. In addition the site which is in private ownership does not constitute a community, recreational need, and for these reasons, the proposal is considered to accord with the requirements of Policy G7 of the Local Plan under which part of the site is designated.

9.3 County Highways have fully assessed the application and have raised no objections to the proposed development in principle and subject to conditions.

9.4 An offsite affordable housing contribution has been agreed in principle (see details above) to be secured as part of a S106 Agreement. Benefits of the scheme would also include monies for St Mary's Church to pursue improved church hall facilities off site (through sale of the land), and the provision of purpose built accommodation for the elderly for which there is an identified need in the Borough.

9.5 At the time of writing this report, and following full consultation, 41 letters of representation had been made - 28 in support, 2 objecting to the proposal and 11 simply offering comments. Statutory consultee comments have been addressed either by amendments to the proposal, or by condition. A summary of these is available at sections 6 and 7 (below)

9.6 The application complies with the relevant policies of the National Planning Policy Framework, Central Lancashire Core Strategy and Affordable Housing SPD, South Ribble Local Plan and Residential Extensions Design SPD, and the Penwortham Neighbourhood Plan. It is therefore recommended that Members be minded to approve the application, and that the decision be delegated to the Planning Manager in consultation with the Chair and Vice-Chair of the Planning Committee upon the successful completion of a Section 106 Agreement to secure a financial contribution towards off-site affordable housing.

## **RECOMMENDATION:**

That Members be minded to approve the application, and that the decision be delegated to the Planning Manager in consultation with the Chair and Vice-Chair of the Planning Committee upon the successful completion of a Section 106 Agreement to secure a financial contribution towards off-site affordable housing.

Approval Subject to a S106 Agreement.

## **RECOMMENDED CONDITIONS:**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out with reference to the following approved plans and suite of documents:

- Ecological Assessment (Hiscock's Ecology Ltd 351171/17.9.17 Rev A)
- Extended phase 1 habitat survey (Innovation Group E2508161156: Sept 16)
- Construction method statement (McCarthy Stone 13.10.17 Rev A)
- Phase 1 desktop study (Arc Environment 14-827: Dec 14)
- Phase 2 ground investigation report (Arc Environment 14-827: April 2017)
- Method statement - specialised dynamic probing & sampling drilling operations (Arc Environmental 16-378)
- Design, heritage, access & supporting statement (McCarthy Stone 16184 Rev A)
- Planning Statement (RLB: Sept 17) & Appendix A 'Ready for Ageing' report (House of Lords 2013)
- Transport Statement (Transport Planning (York) Ltd: Sept 17)
- Landscaping layout (Shackleton NW-2095-53-LA-001 Rev A & Appendix one)
- Planting plan (Ian Keen Ltd NW-2095-S3-LA-002 Rev A)
- Tree and Arboricultural Impact Assessment (Ian Keen IJK/8669/WDC)
- Tree protection plan (Ian Keen Ltd 8669-KC-XX-YTREE-TPP01 Rev A)
- Statement of community involvement (Remarkable Group: Sept 17)
- Model planning conditions report (Planning Bureau Ltd)
- Employment & skills statement (McCarthy Stone)
- Planning obligations and affordable housing statement (Planning Bureau: Sept 17) (CONFIDENTIAL)
- Community Infrastructure Levy liability forms
- S106 Draft heads and terms
- Construction Method Statement (McCarthy Stone 2017 Rev A: 13.10.17)
- Penwortham Needs Report (Contact Consulting:20.12.17)

### Existing Drawings

- Site location & context plan (Seven Architects: NW-577-3-AC-01A)
- Site layout plan (Shackleton Associates)

### Proposal Drawings

- Proposed site plan Seven Architects: NW-577-3-AC-05B)
- Elevations / street scene sheet 1 (Seven Architects: NW-577-3-AC-03A)
- Elevations / street scene sheet 2 (Seven Architects: NW-577-3-AC-04A)
- Elevations / material schedule (Seven Architects: NW-577-3-AC-07)
- Floor plans (Seven Architects: NW-577-3-AC-06A)
- Artists impressions (Seven Architects: NW-577-3-AC-02)
- Boundary treatments (Seven Architects: NW-577-3-AC-08B)
- Surface water drainage (Seven Architects: NW-577-SE-03-006)
- Topography site survey (25-1114JC-01)

- Development layout plan (Arc Environmental 14-827)  
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17
3. Prior to first occupation of the first unit hereby approved, drainage for the development shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage design drawing NW-2577-SE-03-006 Rev A (26.9.17). For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 10 l/s.  
REASON: To ensure satisfactory form of development, to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policy 29 in the Central Lancashire Core Strategy
  4. Prior to the importation of any subsoil and/or topsoil material into the proposed development site, a Desk Study shall be undertaken to assess the suitability of the proposed material to ensure it shall not pose a risk to human health as defined under Part IIA of the Environmental Protection Act 1990. The soil material shall be sampled and analysed by a Competent Person. The details of the sampling regime and analysis shall be submitted to and agreed in writing by the Local Planning Authority prior to the work taking place.  
A Verification Report which contains details of sampling methodologies and analysis results and which demonstrates the material does not pose a risk to human health shall be submitted to the Local Planning Authority for approval in writing.  
REASON: To protect human health and the environment in the interests of residential amenity in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026
  5. All development shall be completed in line with approved Construction Method Statement (McCarthy Stone 2017 Rev A: 13.10.17) unless otherwise agreed in writing by the local planning authority.  
REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17
  6. The apartment complex hereby approved is required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.  
REASON: Policy 27 of the 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. 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.
  7. Prior to the commencement of construction of the first apartment details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the apartment complex as a whole will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.  
REASON: Policy 27 of the 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. 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 is can be assured that the design meets the required dwelling emission rate

8. No apartment 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 apartment complex as a whole has achieved the required Dwelling Emission Rate.

REASON: Policy 27 of the 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. 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.

9. Before any site activity (construction or demolition) is commenced in association with the development, barrier fencing shall be erected around all trees to be retained on the site as detailed in the Tree Protection Plan which has been agreed by the local planning authority. The fencing shall be constructed and located in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant, removal or addition of soil may take place. This includes ground disturbance for utilities. The fencing shall not be moved in part or wholly without the written agreement of the local planning authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development. Permission shall be agreed in writing with the Local Planning Authority prior to entry into any root protection area.

REASON: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan 2012-2026

10. Prior to the commencement of any works on site, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

- (a) A full desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases, in line with BS10175:2011 +A1:2013.

- (b) If the desk study identifies potential contamination and/or ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and/or ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.

The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.

- (c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.

- (d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990, in accordance with Policy 17 of the Central Lancashire Development Plan and the National Planning Policy Framework.

11. During construction and site clearance, no machinery, plant or power tools shall be operated outside the following times:  
0800 hrs to 1800 hrs Monday to Friday  
0900 hrs to 1300 hrs Saturday  
No activities shall take place on Sundays, Bank or Public Holidays.  
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy
12. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 08:00 - 17:00 Monday to Friday. No deliveries or waste removal shall be carried out at weekends or nationally recognised public holidays.  
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy
13. Should the development not have commenced within 24 months of the date of this permission, a re-survey be carried out to establish whether bats or other protected species are present at the site shall be undertaken by a suitably qualified person or organisation. In the event of the survey confirming the presence of such species details of measures, including timing, for the protection or relocation of the species shall be submitted to and agreed in writing by the Local Planning Authority and the agreed measures implemented.  
REASON: To ensure the protection of schedule species protected by the Wildlife and Countryside Act 1981 and so as to ensure work is carried out in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
14. Bat and bird roosting opportunities as identified in Chapter 7 of Hiscock's Ecological Assessment HEL0625 shall be provided within the site prior to first occupation of the first apartment hereby approved. These shall be maintained and retained thereafter.  
REASON: To ensure adequate provision is made for these protected species in accordance with Policy 22 of the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
15. No tree felling, clearance works, demolition work or other works that may affect nesting birds shall take place between March and August inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections.  
REASON: To protect habitats of wildlife, in accordance with Policy 22 in the Central Lancashire Core Strategy
16. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within and surrounding the site, or trees and hedgerows in the area. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).  
REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

17. Prior to first occupation of the development hereby approved, the associated parking spaces identified on approved drawing NW-577-3-AC-05 (Seven Architecture) shall be drained and surfaced with a material to be agreed by the Local Planning Authority. This area shall be retained at all times thereafter and shall not be used for any purpose other than the parking of vehicles.  
REASON: To ensure the provision and retention of adequate on-site parking in the interests of residential amenity and highway safety as required by Policy F1 and Policy G17 in the South Ribble Local Plan 2012-2026
18. No apartment shall be occupied until the boundary treatments identified on approved plan NW-577-3-AC-08B (Seven Architects: Boundary treatments) have been installed in full. Any fencing/walling erected pursuant to this condition shall be retained at all times thereafter.  
REASON: To ensure the provision and retention of adequate screening in the interest of amenity in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
19. No part of the development other than demolition hereby approved shall commence until a scheme for the construction of the amended site access / and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. No part of the development shall be occupied until this scheme has been implemented in full.  
REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and to be in accordance with Policy G17 in the South Ribble Local Plan 2012-2026.
20. The apartments hereby approved shall be restricted to occupancy by persons over the age of 55 years only.  
REASON: The permission was granted having regard to the special circumstances advanced in support of this application, and with reference to the Central Lancashire Affordable Housing SPD
21. Prior to first occupation of the development hereby approved, the existing northern vehicular access point shall be physically and permanently closed, and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction for Estate Roads.  
REASON: To limit the number of access points and to maintain the proper construction of the highways in accordance with Policy G17 in the South Ribble Local Plan 2012-2026.
22. Prior to first occupation of the development hereby approved, the 4 no: Electric Vehicle Recharge points identified on approved plan NW-577-3-AC-05 Rev B, including adequate charging infrastructure and cabling and specifically marked out for the use of Electric Vehicles shall be installed. These shall be maintained and retained thereafter unless with the written agreement of the Local Planning Authority  
REASON: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy
23. Prior to first occupation of the development hereby approved, the ground floor cycle and scooter store identified on approved plan NW-577-3-AC-06 Rev A shall be made available. These shall be maintained as such and retained thereafter unless with the written agreement of the Local Planning Authority

REASON: To ensure the provision and retention of adequate on-site parking facilities and to accord with Policy F1 and Policy G17 in the South Ribble Local Plan 2012-2026

## **RELEVANT POLICY**

### **NPPF National Planning Policy Framework**

#### **Central Lancashire Core Strategy**

- 1 Locating Growth
- 3 Travel
- 4 Housing Delivery
- 5 Housing Density
- 6 Housing Quality
- 7 Affordable and Special Needs Housing
- 22 Biodiversity and Geodiversity
- 26 Crime and Community Safety
- 27 Sustainable Resources and New Developments
- 29 Water Management

#### **South Ribble Local Plan 2012-2026**

- A1 Policy A1 Developer Contributions
- B1 Existing Built-Up Areas
- F1 Car Parking
- G7 Green Infrastructure Existing Provision
- G10 Green Infrastructure Provision in Residential Developments
- G13 Trees, Woodlands and Development
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

#### **Supplementary Planning Documents**

Residential Extensions Supplementary Planning Document  
Affordable Housing Supplementary Planning Document  
Employment Skills Supplementary Planning Document  
Penwortham Neighbourhood Development Plan

#### **Note:**

1. Attention is drawn to the condition(s) attached to this planning permission. In order to discharge these conditions an Application for Approval of Details Reserved by Condition form must be submitted, together with details required by each condition imposed. The fee for such an application is £97. The forms can be found on South Ribble Borough Council's website [www.southribble.gov.uk](http://www.southribble.gov.uk)
2. Lancashire Constabulary Note:
  - The scheme should be designed to Secure by Design standards
  - Full CCTV coverage of the main communal entrance, circulation areas and car park is required to deter crime. Images should be good quality and clear in all lighting conditions i.e. Day/night capable systems are advised. Data should be stored securely for a 30 day period before being destroyed if not required.
  - PAS 24 (2016) windows with restrictors should be fixed on all ground floor opening windows to deter theft and burglary offences. Glazing should be laminated

- Doors should be certified to PAS 24(16) standards or an equivalent standard such as LPS 1175
- An access control system should be fitted throughout the development including the main entrance into the building. External doors should be operated with an access control system and individual flats fitted with a system whereby residents can control door release with audio or visual identification
- Boundary treatments should be introduced to restrict access into private areas. The height and design should be sufficient to deter intruders
- A lighting scheme should be devised for the development that provides an even spread of illumination.

3. United Utilities Note 1: Not all public sewers are shown on the statutory utility records. The applicant should be made aware that the proposed development may fall within the required access strip of a public sewer and make contact with a Building Control body at an early stage. South Ribble Building Control can be contacted on 01772 625420

4. United Utilities Note 2: A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Please contact UU on 03456 723 723 regarding connection to the water mains or public sewers

5. United Utilities Note 3: It is the applicant's responsibility to demonstrate the exact relationship between any assets that may cross the site and any proposed development.

6. United Utilities Note 3: The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. We would ask the developer to consider the following drainage options in the following order of priority:

- a) An adequate soak away or some other adequate infiltration system (approval must be obtained from local authority/building control/environment agency) or where that is not reasonably practical
- b) A watercourse (approval must be obtained from the riparian owner/land drainage authority/environment agency; or where this is not reasonably practicable
- c) A sewer (approval must be obtained from United Utilities)

To reduce the volume of surface water drainage from the site we would promote the use of permeable paving on all driveways and other hard standing areas including footpaths and parking areas.

7. Ecology Note: The applicant is advised that under the terms of the Wildlife and Countryside Act 1981, and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds, roosting birds or other protected species. The work hereby granted does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that any aspect of the development would disturb any protected species

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