

## **DEVELOPMENT CONTROL COMMITTEE**

TUESDAY, 17TH NOVEMBER 2015, 6.30 PM  
COUNCIL CHAMBER, TOWN HALL, CHORLEY

### **AGENDA**

#### **APOLOGIES**

1 **MINUTES OF MEETING TUESDAY, 27 OCTOBER 2015 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 8)

2 **DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Public Protection, Streetscene and Community has submitted five reports for planning applications to be determined (enclosed).

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website. <http://planning.chorley.gov.uk/online-applications/>

3A **15/00950/S106A - LAND SOUTH WEST OF BISHOPTON CRESCENT AND AT THE JUNCTION OF BUCKSHAW AVENUE AND ORDNANCE ROAD, BUCKSHAW VILLAGE**

(Pages 9 - 14)

3B **15/00949/S106A - LAND TO THE NORTH OF NORTHENDEN ROAD WITH ACCESS OFF MOSS BANK, COPPULL**

(Pages 15 - 20)

3C **15/00920/FUL - LAND AT PHILLIPSONS FARM, OFF HIGHER HOUSE LANE, HEAPEY (REPORT TO FOLLOW)**

3D **15/00937/OUT - BROWN HOUSE FARM, BOLTON ROAD, ANDERTON (REPORT TO FOLLOW)**

**3E 15/00475/OUTMAJ - SAPPI PAPER MILL, MOULDEN BROW,  
FENISCOWLES, HOGHTON**

(Pages 21 - 86)

**4 ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

GARY HALL  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Development Control Committee Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Charlie Bromilow, Henry Counce, Paul Clark, John Dalton, Danny Gee, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker.

Electronic agendas sent to Development Control Committee reserves for information.

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**MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

**MEETING DATE** Tuesday, 27 October 2015

**MEMBERS PRESENT:** Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Charlie Bromilow, John Dalton, Danny Gee, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker

**RESERVES:** Councillors Jean Cronshaw

**OFFICERS:** Paul Whittingham (Development Control Manager), Nicola Hopkins (Principal Planning Officer), Helen Lowe (Planning Officer), Alex Jackson (Legal Services Team Leader) and Cathryn Filbin (Democratic and Member Services Officer)

**APOLOGIES:** Councillors Henry Caunce and Paul Clark

**OTHER MEMBERS:** Councillor Julia Berry

**15.DC.154 Minutes of meeting Tuesday, 29 September 2015 of Development Control Committee**

**RESOLVED - That the minutes of the Development Control Committee held on 29 September 2015 be approved as a correct record for signature by the Chair.**

**15.DC.155 Declarations of Any Interests**

There were no declarations of interest declared for any items listed on the agenda.

**15.DC.156 Any other item(s) that the Chair decides is/are urgent**

The Chair announced that she had agreed to accept two urgent items of business detailed below, as it was felt that the decision for both items could not wait to be considered at the next meeting –

5b Enforcement for non-compliance with planning conditions attached to planning permission 13/00600/FUL, land 60m north to the rear of 34-42 Chorley Lane, Charnock Richard

7a S106 pooling restrictions for public open space

The Chair advised item 7a would be considered prior to the planning applications being discussed, and item 5b would be considered following item 5a.

#### **15.DC.157 S106 Pooling restrictions for Public Open Space**

Members of the Committee considered a report by the Director of Public Protection, Streetscene and Community which provided information on a review of S106 agreements associated with the provision of Public Open Space (POS) and sought approval to the amended treatment of some S106 agreements, by the imposition of a condition as opposed to requiring the signing of a legal agreement.

The Development Control Manager explained that the practice adopted within Chorley for pooling S106 obligations had been to identify types of infrastructure and costs, and to then allocate funds that had been paid as a result of developments commencing, but limit the number of contributions to five per project. This approach had been questioned by the Council's legal officers who offered a different interpretation to the legislation. They advised that the Council should only be pooling five obligations as opposed to five payments for each type of infrastructure.

The Council considered that the reference to this type of infrastructure could be interpreted to include projects to deliver an individual playing pitch or play area improvement or phasing of a larger project.

#### **RESOLVED (unanimously) –**

- 1. That the report be noted**
- 2. Any future applications, that would normally require a S106 agreement to provide POS contributions, but would not include the requirement for affordable housing, be dealt with by the imposition of a condition. That those applications that had a resolution to approve subject to a S106 agreement covering only POS and where the decision had not been issued, were authorised to be issued with a condition to secure a scheme of off-site public open space in place of a legal agreement.**

#### **15.DC.158 Planning applications to be determined**

The Director of Public Protection, Streetscene and Community submitted six reports for planning permission consideration.

In considering the applications, members of the Committee took in to account the agenda reports, the addendum, and the verbal representations and submissions provided by officers and individuals.

#### **15.DC.158a 15/00775/FUL - Grocers On the Green, 267B The Green, Eccleston, Chorley, PR7 5TF**

The Chair accepted a late request to speak in support of the planning application.

Registered speaker: Daniel Hull (the applicant's representative)

A motion was put forward to defer a decision on the application, to allow members of the Committee the opportunity to visit the site of the proposals, which was seconded. When put to the vote, the motion was lost (2:10:2).

**RESOLVED (10:2:2)** - That full planning permission be approved subject to the conditions detailed within the report in the agenda, the additional condition in the addendum, and that condition 3 in the report be amended to restrict the hours of opening as follows:

- Between 4pm and 11pm Monday to Thursday (inclusive)
- Between 4pm and 12am (midnight) on Friday
- Between 12pm (noon) and 12am (midnight) on Saturday
- Between 12pm (noon) and 11pm Sunday
- Between 12pm (noon) and 12am (midnight) on the three Sundays of the year prior to the two bank holidays in May and the one bank holiday in August
- Between 12pm (noon) and 1am the following morning on Christmas Eve and New Year's Eve

*Reason: To safeguard the amenities of local residents.*

**15.DC.158b 15/00936/FUL - St Peters Vicarage, Harpers Lane, Chorley**

**RESOLVED (unanimously)** - That full planning permission be approved subject to conditions detailed within the report in the agenda and an additional condition in the addendum and with a condition regarding open space instead of a S106 agreement.

**15.DC.158c 15/00832/FUL - The Sirloin Inn, Station Road, Hoghton, Preston, PR5 0DD**

Registered speaker: Dr Peter Dixon (objector)

**RESOLVED (8:3:3)** – That retrospective planning permission be approved subject to conditions detailed within the report in the agenda.

**15.DC.158d 15/00768/OUT - Euxton Mills Hotel, Wigan Road, Euxton, Chorley, PR7 6JD**

**RESOLVED (11:2:1)** – That the outline planning permission be approved subject to conditions detailed within the report in the agenda, the additional conditions in the addendum (as an alternative in relation to open space to a S106 agreement) and that an additional condition that required the remaining car park to be laid out as per the approved plans be imposed.

**15.DC.158e 15/00728/FUL - Royal Mail Chorley Delivery Office, Unit 7 East Chorley Business Centre, East Way, Chorley, PR6 0BJ**

Registered speakers: Ward Councillor Julia Berry, and Jake Crompton (the applicant's agent)

**RESOLVED (unanimously)** – That planning permission be approved subject to conditions detailed within the report in the agenda and the amended conditions in the addendum.

**15.DC.158f 15/00786/FUL - Astley Park, Park Road, Chorley**

**RESOLVED (unanimously) – That full planning permission be approved subject to conditions detailed within the report in the agenda.**

**15.DC.159 Section 106 Agreements**

The Council's Monitoring Officer submitted a report which advised members of the Committee of the recent successful Judicial Review challenge to the Ministerial Statement of 28 November 2014, and sought approval to the amended treatment of S106 agreements that had yet to be completed as a result of the challenge.

On 28 November 2014, a Ministerial Statement was issued that prevented Local Planning Authorities from seeking tariff based contributions (for public open space) from developers where the development was 10 properties or less and had a maximum combined gross floor space of 1000 square metres. This was challenged by Judicial Review and has been quashed.

The Council treated applications in accordance with the Ministerial Statement. The quashing of it however meant that the Council should act as if it never existed. There were a number of applications where the Committee resolved to approve contrary to the statement but the decision had yet to be issued. Where this was the case, the report proposed that, where relevant, the resolution be changed to require the approval to be subject to a section 106 agreement with payments for public open space and/or affordable housing delivery to be calculated in accordance with current local policies (for example to allow for deficit and new provision).

Members of the Committee discussed the report.

**RESOLVED –**

- 1. That the report be noted**
- 2. That any resolution to approve an application where the decision had yet to be issued, be amended to include by way of a S106 agreement any tariff based payments in accordance with local policies.**

**15.DC.160 Enforcement****15.DC.160a Formation of car parking area, Five Acres Plant Centre, Dawbers Lane, Euxton**

Members of the Committee considered a report of the Director of Public Protection, Streetscene and Community which sought members' authority to take enforcement action in respect of the unauthorised formation of a car parking area at Five Acres Plant Centre, Dawbers Lane, Euxton.

Planning permission had been refused for the unauthorised development involving a large area of hardstanding on land within the greenbelt for car parking. No appeal had been lodged against the refusal of planning permission, nor had the hardstanding been removed and as such was causing harm to the greenbelt.

The Principal Officer advised that there had been strong indications that a planning application was due to be submitted week commencing 2 November.

**RESOLVED (unanimously) – That it was expedient to issue an Enforcement Notice to remedy the breach by stopping the use of land as a car park and removing the material laid to form the hardstanding from the land. Officers to await the outcome of the decision on any planning application being submitted before taking enforcement action.**

**15.DC.160b Non-compliance with planning conditions attached to planning permission 13/00600/FUL, land 60m north to the rear of 34-42 and including 42 Chorley Lane, Charnock Richard**

The Director of Public Protection, Streetscene and Community submitted a report, which sought authority to take enforcement action in respect of the non-compliance with condition 12 attached to planning permission 13/00600/FUL.

Planning condition number 12 attached to the permission required that works for the construction of the new estate/access road were to be constructed in accordance with Lancashire County Council highways specification as part of a Section 278 highways agreement before the development commenced. The reason for the condition was to ensure that satisfactory access was provided to the site before construction commences and to ensure future residents had a satisfactory means of access to their properties.

It was considered that the failure to provide approved highway specification would result in an unsatisfactory access and might create a highway safety issue while the development was under construction and conflict with other road users.

**RESOLVED (unanimously) – That authorisation be given to the Director of Public Protection, Streetscene and Community to take appropriate enforcement action which could include the service of enforcement notices, Breach of Condition Notices and Temporary Stop Notices.**

**15.DC.161 Appeals and other decisions**

The Director of Public Protection, Streetscene and Community submitted a report for information on planning appeals received from Lancashire County Council and other bodies between 3 August 2015 and 27 October 2015.

Three appeals has been lodged with the Planning Inspector for planning permission refusal, and five planning appeals which had been dismissed.

The report also provided information on nine decisions made by Lancashire County Council from 27 February 2015 to 15 October 2015.

**RESOLVED – That the report be noted.**

Chair

Date

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<b>Item 3a</b>	<b>15/00950/S106A</b>
<b>Case Officer</b>	<b>Nicola Hopkins</b>
<b>Ward</b>	<b>Astley And Buckshaw</b>
<b>Proposal</b>	<b>Application under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify a planning obligation (Affordable Housing) dated 11th June 2013</b>
<b>Location</b>	<b>Land South West Of Bishopton Crescent And At The Junction Of Buckshaw Avenue And Ordnance Road, Buckshaw Village</b>
<b>Applicant</b>	<b>Progress Housing Group</b>
<b>Consultation expiry:</b>	<b>27<sup>th</sup> October 2015</b>
<b>Decision due by:</b>	<b>18<sup>th</sup> December 2015</b>
<b>Recommendation</b>	<b>Approve modification of the S106 obligations</b>

**Proposal**

1. The site forms part of Buckshaw Village and has planning permission for 23 two, three and four bedroom dwellings (12/01005/FULMAJ). Permission was granted subject to a number of conditions and obligations contained within a Section 106 Agreement. The development is well underway.
2. This is an application submitted under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify the planning obligation insofar as it relates to the staircasing provisions in respect of the shared ownership properties.
3. Within the S106 Agreement for this site Shared Ownership Units are defined as:  
*identified in the scheme submitted pursuant to Schedule 4 and to be let by an Affordable Housing Provider in accordance with Schedules 6 7 and 8 whereby the lessee enters into a lease and purchases a percentage of the equity in a Shared Ownership Unit up to 80% of the equity, the lessee pays a rent to the Affordable Housing Provider in respect of the remaining equity share in the property. The lessee has the option to 'Staircase' or increase their equity share in the property up to 80%.*
4. The developer has requested that the wording this definition of Shared Ownership Units within the original S106 be amended to enable the lessee to increase their equity share in the property up to 100% which would be worded as follows:

*means an Intermediate Unit where the lessee enters into a lease and purchases a percentage of the equity up to 100% of the equity (subject to the initial equity share of a shared ownership lease being restricted to between 25% and 75% equity share), the lessee pays a rent to the Affordable Housing Provider in respect of the remaining equity share in the property, the documentation for which will follow the Homes and Communities Agency model lease with the rent payable calculated at no more than 2.75% of the value of the unsold equity in the Dwelling. The lessee has the option to Staircase so as to increase their equity share in the Affordable Housing Unit up to 100% and acquire the freehold or long leasehold interest (as appropriate.)*

**Assessment**

5. The Town and Country Planning Act allows Local Authorities to determine:
  - (a) that the planning obligation shall continue to have effect without modification;
  - (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
  - (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
6. The request has been considered by the Council's Strategic Housing Officer who has commented that Strategic Housing agree with the principle of allowing leaseholders of Shared Ownership properties buy out 100% of the equity, as this concession is conducive to allowing buyers to access mortgages to buy the properties and therefore improves the housing offer in the borough.
7. As such it is recommended that the definition is changed although the deed of variation will include provisions which restricts the owner from buying 100% share until they had owned the property for at least 12 months along with a recycling provision of at least 40% of receipts received from lessees purchasing the remaining equity share to be re-invested in Chorley. These additional provisions have been included on other sites within the Borough where the staircasing provisions have been amended and will be included within the deed of variation.
8. All of the other obligations within the original Agreement are not affected by this application.

**Overall Conclusion**

9. For the reasons set out above it is considered reasonable to modify the definition of the shared ownership to enable staircasing upto 100% with the additional provisions in terms of recycling part of the receipts received back into Chorley. As such the modification of the obligation is recommended for approval.

**Planning Policies**

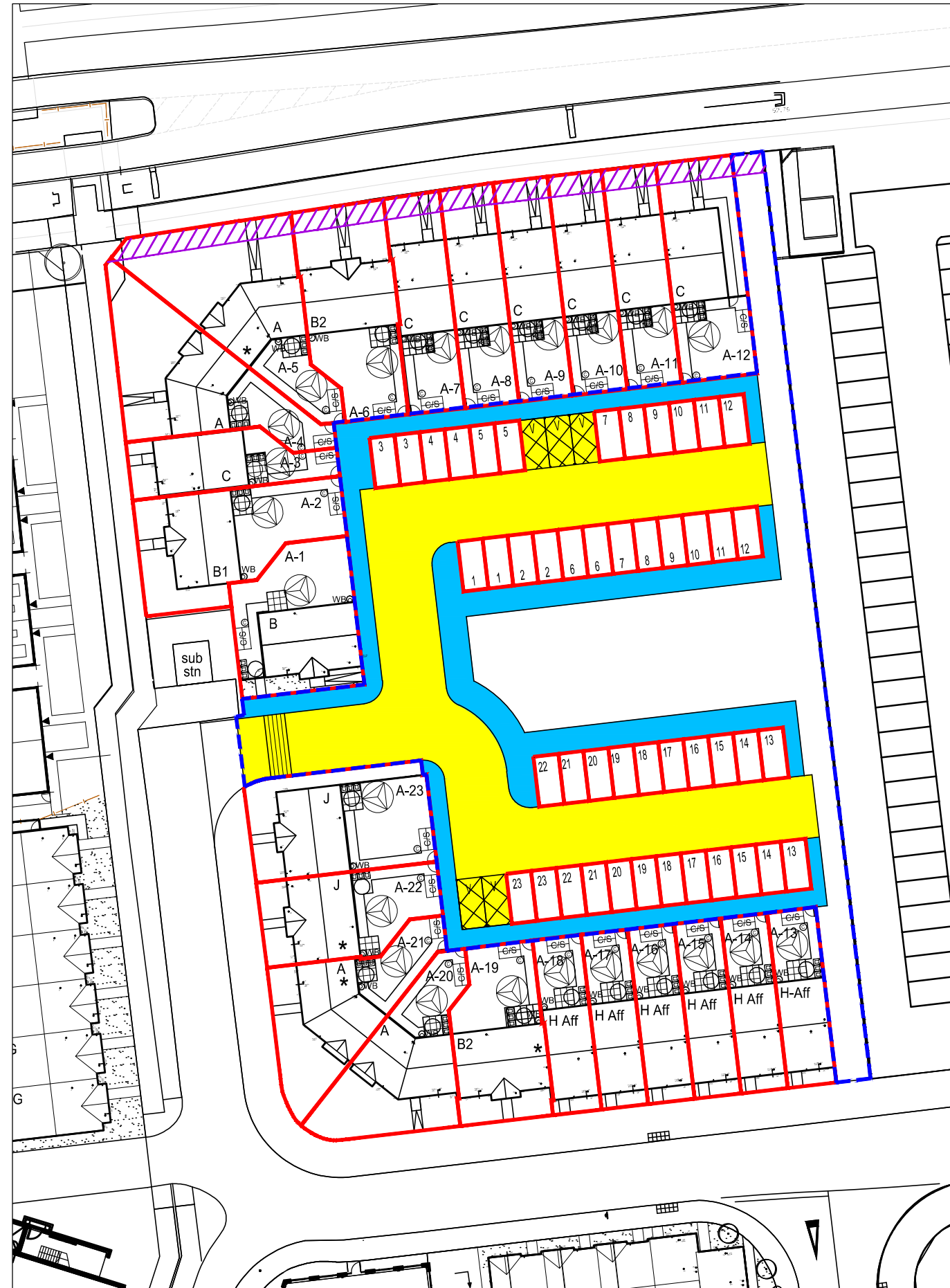
In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

**Planning History**

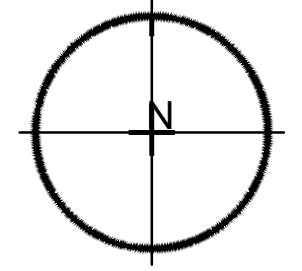
<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
12/01005/FULMAJ	Erection of 23 no. two, three and four bedroom dwellings, together with associated landscaping, pocket park and car parking at the southern commercial area, Buckshaw village (including 6 no. affordable units).	Approved	June 2013
13/01217/MNMA	Revision to the type A house type and plots 1-12 have been moved south slightly to avoid the services within the footpath (amendment to permission 12/01005/FULMAJ)	Approved	January 2014
14/00206/DIS	Application to discharge conditions 4 (external facing materials), 7 (foul and surface water drainage), 8 (hard-ground surfacing), 9 (levels), 10 (landscaping) and 12 (boundary treatments) of planning permission ref: 12/01005/FULMAJ (which was for the erection of 23 dwellings).	Discharged	June 2014






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# Buckshaw Village, Chorley.



5m 25m



- Key:
-  Denotes plot boundary
  -  Denotes shared management areas
  -  Denotes extent of services easement
  -  Denotes joint footpath areas
  -  Denotes joint accessway areas

Rev	Date	Revision	Initial
1	07.05.14	Alterations following client comments	jas

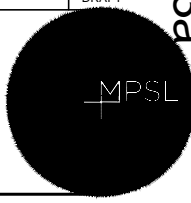
Client

Drawing Title  
**MASTER DEED PLAN**

Project  
Proposed Residential Development  
Buckshaw Village, Chorley.  
PLOT A

Job No	Draw No	Drawn	Rev
13079	05	JAS	1
Scale	Date	Stage	
1:500 @ A3	April '14	DRAFT	

MPSL Planning & Design Ltd  
14 West Point  
Enterprise Park,  
Clarence Avenue,  
Trafford Park,  
Manchester,  
M17 1QB



Tel: 0161 772 1999  
Email: admin@mpsldesign.co.uk  
www.mpslgroup.com

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**Item 3b**                      **15/00949/S106A**

**Case Officer**              **Nicola Hopkins**

**Ward**                         **Coppull**

**Proposal**                    **Application under Section 106A of the Town and Country  
Planning Act 1990 (as amended) and the Town and Country  
Planning (Modification and Discharge of Planning Obligations)  
Regulations 1992 to modify a planning obligation (Affordable  
Housing) dated 8th September 2011**

**Location**                    **Land To The North Of Northenden Road With Access Off Moss  
Bank, Coppull**

**Applicant**                    **Progress Housing Group**

**Consultation expiry:**    **27<sup>th</sup> October 2015**

**Decision due by:**        **31<sup>st</sup> December 2015**

**Recommendation**  
**Approve modification of planning obligations**

**Representations**

<b>Coppull Parish Council</b> no objections
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**Proposal**

1. The site is a former greenfield site accessed from Moss Bank. Full planning permission was granted in September 2011 for the erection of 25 two-storey dwellings and associated infrastructure (including 20% affordable dwellings) (10/00833/FULMAJ). Permission was granted subject to a number of conditions and obligations contained within a Section 106 Agreement.
2. In 2011 a number of the conditions were varied by virtue of Section 73 (11/00865/FULMAJ) which resulted in the issuing of a new planning permission with a supplemental S106 Agreement. Then in 2012 further amendments were proposed which included an additional dwelling (12/00235/FUL).
3. In 2014 a deed of variation was completed at the site to allow the shared ownership properties to staircase upto 100%.
4. This is an application submitted under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify the planning obligation insofar as it relates to:
  - The mortgagee exclusion provisions at Schedule 2 be amended
  - The requirements for the recycling percentages to be held in a designated reserve fund as per Schedule 3 (in respect of the 2014 deed of variation) to be varied so that the funds can simply be accounted for but do not need to be held in a separate reserve fund.

**Assessment**

5. The Town and Country Planning Act allows Local Authorities to determine:
  - (a) that the planning obligation shall continue to have effect without modification;
  - (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
  - (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
6. The requested changes to the mortgagee exclusion provisions are as follows:

*" Chargee" means any mortgagee or chargee or any receiver ( including an administrative receiver) or administrator appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security of the whole or any part of the Affordable Units or any persons or bodies deriving title through such mortgagee, chargee, receiver or administrator.*

Clause 4.10 – this should either be deleted in its entirety or the following wording should be added at the end of the clause *"Provided always that the provisions of paragraphs 1 and 2 of the Second Schedule shall apply in respect of a Chargee exercising power of sale."*

Second Schedule paragraph 2 should be deleted and replaced with the following wording:

*The Chargee shall prior to seeking to dispose of the Affordable Units pursuant to any default under the terms of its mortgage or charge:*

- a) *first give written notice to the Council of its intention to dispose of the Affordable Units and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the Affordable Units to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all principal monies, interest, costs and expenses; and*
- b) *If such disposal has not completed within the three month period, the mortgagee, chargee, receiver or administrator shall be entitled to dispose of the Affordable Units free from the affordable housing obligations, covenants and restrictions in this agreement which shall determine absolutely*

7. The Council's Housing Section has reviewed this proposals and confirmed that Progress Housing Group have had an issue with a shared ownership owner who faced repossession and the



clauses set out above would allow Progress Housing to dispose of the property on the open market which would result in some equity. The Council's Strategic Housing Officer considers that if this was recycled in Chorley then this would be a benefit. As such it is recommended that the deed of variation includes the above clauses along with recycling provisions.

8. In respect of the requested changes to the designated reserve fund for the recycling percentages the Council's Strategic Housing Officer initially raised concerns that not having a separate pot for receipts for shared ownership may become a problem when accounting for interest gained on these receipts although he has suggested that a separate pot for all Chorley receipts may be a way forward. In this regard the applicant's Solicitor has concerns that separate bank accounts are an administrative burden. To take this issue forward the applicant's Solicitor has confirmed that his client is happy to account for interest earned on the recycling funds held. Suggested wording has been provided and this will be appropriately dealt with in the deed of variation.

#### Overall Conclusion

9. For the reasons set out above the suggested modification of the planning obligations are considered to be reasonable and as such are recommended for approval.

#### Planning Policies

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

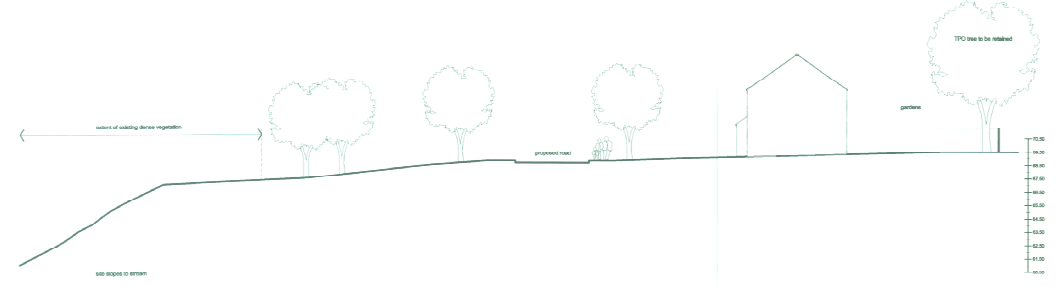
#### Planning History

Reference	Description	Decision	Date
97/00730/OUT	Outline application for 18 dwellings & construction of roads & sewers in connection with residential development. This consent lapsed in July 2004.	Approved	10 July 2001
04/00717/FULMAJ	Erection of 18 residential units and construction of associated roads and sewers	Withdrawn	
04/01452/FULMAJ	Erection of 18 residential units (including optional conservatories) and construction of associated roads and sewers	Withdrawn	4 March 2005
05/00413/ADV	Retrospective application for the erection of a sign for a housing site	Withdrawn	18 November 2005
05/00674/FULMAJ	The erection of 16 residential units including optional conservatory positions with associated roads and drainage. This was refused on housing land availability grounds, and the absence of affordable housing in the scheme. An appeal was submitted but withdrawn before it was determined	Refused	28 September 2005
10/00833/FULMAJ	Erection of 25 no. two-storey dwellings and associated infrastructure (including 20% affordable dwellings).	Approved	9 September 2010

11/00865/FULMAJ	Application to vary conditions 1, 4 and 8 of planning approval 10/00833/FULMAJ to allow alterations to the approved plans. The amendments are: slight repositioning of plots 5 - 13 to accommodate a sewer easement, changes to the finished floor levels (raising plots 1-4, lowering plots 5-13 and raising plots 14 - 22), alterations to the elevations of the Rufford house type, changes to window style of all properties and omission of the water pumping station building.	Approved	23 November 2011
11/00940/DIS	Application to discharge conditions 3 (gabion wall), 5 (boundary treatments), 6 (hardsurfacing), 9 (landscaping scheme), 12 (sustainable resources), 14 (surface water scheme), 17 (himalayan balsam scheme), 18 (management company), 20 (ground contamination), 21 (construction environment management plan, 22 (lighting scheme), 23 (ecology re-survey), 24 (materials), 25 (programme for development) of planning approval 11/00865/FULMAJ	Discharged	February 2012
12/00235/FUL	Amendments to previously approved application 11/00865/FULMAJ to include an additional dwelling (plot 26), the substitution of house types on plots 23 and 25 and the repositioning of plots 22 and 24 to allow for this.	Approved	May 2012



PROPOSED SKETCH MASTERPLAN - 1 : 500



SITE SECTION AA - 1 : 200



SITE SECTION BB - 1 : 200

**DWELLING SCHEDULE:**

A.	WILKINS	7 units
B.	WATFORD	5 units
C.	CRATHORNE	4 units
D.	ROSEBERRY	4 units
E.	ROSEBERRY (inc. double garage)	1 units
<b>TOTAL DWELLINGS -</b>		<b>25 UNITS</b>
<b>TOTAL SITE AREA (incl. verge)</b>		<b>0.99 hectares</b>

**DRAWING KEY:**

	building to be retained		levelled green areas, residential underground
	proposed lines		underground Excluded zone - 1m minimum
	building to be retained		extent of biological heritage site (BHS)
	building to be retained		site boundary

CHURLEY BOROUGH COUNCIL  
 10/11/10  
 10/11/10  
 10/11/10

0	PROPOSED FINISHED INTERNAL FLOOR LEVELS ADDED TO DWELLINGS	10/11/10	PKJ
1	REVISION	10/11/10	PKJ
2	REVISION	10/11/10	PKJ
3	REVISION	10/11/10	PKJ
4	REVISION	10/11/10	PKJ
5	REVISION	10/11/10	PKJ
6	REVISION	10/11/10	PKJ
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**Item 3e**

**Blackburn with Darwen Application No: 10/15/0496**  
**Chorley Borough Council Application No: 15/00475/OUTMAJ**

**Proposed development: Outline planning application with all matters reserved, save for access, for a mixed use development comprising of upto 500 dwellings, 3,224m<sup>2</sup> of B1a employment use, 9,192m<sup>2</sup> of B1c employment use, 333m<sup>2</sup> of A1 commercial use and 1,110m<sup>2</sup> community building including structural planting, landscaping, informal open space and associated ancillary works**

**Site address: Former Sappi Paper Mill, Livesey Branch Road, Feniscowles, BB2 5HX**

**Applicant: Blackburn Waterside Regeneration Ltd**

**Ward: Livesey With Pleasington (Blackburn)**  
**Brindle And Hoghton (Chorley)**

<b>Ward Councillors</b>	
<b>Councillor Alan Cottam</b>	
<b>Councillor Derek Hardman</b>	
<b>Councillor John Pearson</b>	
<b>Councillor David Dickinson</b>	

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**MEMBERS WILL NOTE THAT THIS REPORT IS IN A DIFFERENT FORMAT TO OTHER ITEMS ON THE AGENDA. THIS IS DUE TO THE FACT THAT BLACKBURN COUNCIL ARE THE LEAD AUTHORITY FOR THE SITE AND AN IDENTICAL REPORT IS BEING TAKEN TO BOTH COUNCILS DEVELOPMENT CONTROL COMMITTEES**

**Representations**

<b>Hoghton Parish Council</b> no comments to make	
<b>In total 4 representations have been received which are summarised below</b>	
<b>Objection</b>	<b>Not specified</b>
Total No. received: 1	Total No. received:3
<ul style="list-style-type: none"> <li>• Loss of views/ overlooking</li> <li>• Impact on flora and fauna</li> <li>• Loss of property values</li> <li>• Noise</li> </ul>	<ul style="list-style-type: none"> <li>• Object to the above development if public access to the Leeds to Liverpool canal is not preserved.</li> <li>• Also if the communal area where the fishing lake is currently is not made available to the local public as promised by the planners at the open meeting with the community at Feniscowles Recreational Club.</li> <li>• The native species breeding season should also be respected.</li> <li>• The traffic build up on the days when Blackburn Rovers home games, plus the current 40mph speed limit must be reduced to 30mph particular to the access to the lake (future recreational area) to prevent a serious accident.</li> <li>• Have a more realistic expectation on sale prices that are likely to be achieved for the location.</li> <li>• The developers are seeking to build the Meadows and Canal side, first, which should be easiest to develop. Adequate indemnity should accordingly be sought from the developers to deal with the former Sappi site, in case they proceed with the first</li> </ul>

	<p>2 phases but no further, so as to enable the council to ensure the former Sappi site is restored / decontaminated to allow future redevelopment.</p> <ul style="list-style-type: none"><li>• Schools: At present, inadequate consideration appears to have been given.</li><li>• Traffic: Whilst improved access roads are proposed, full consideration will need to be given to traffic management</li><li>• B1c light industrial use is inappropriate for a major housing development.</li></ul>
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1.0 Details of Application

- 1.1 This application is before the Committee as it relates to a significant major mixed use residential/commercial development. 4 letters of objection have been received from members of the public; 3 by Blackburn with Darwen residents and 1 by Chorley resident.
- 1.2 The proposal relates to land within both Blackburn with Darwen's (BwD) and Chorley Borough's (CBC) administrative boundaries. Accordingly the applicant has submitted concurrent applications to each Local Planning Authority. Identical Committee reports are being taken to the respective Committee meetings for both Councils.
- 1.3 The proposal relates to an irregular shaped parcel of land positioned to the south west of Livesey Branch Road and south east of Moulden Brow and measuring approximately 26.8 hectares. The site is commonly referred to as the 'SAPPI site' given the last occupant of the majority of the site.
- 1.4 The site comprises an area that has historically been used for industrial activity but the mill buildings have now, in the main, been demolished and the site is no longer in active use. There are two landfills within the site, which are known as the Blackburn Mill Landfill and the Laurel Bank Landfill. These landfills were primarily used for the disposal of waste arising from the operational mills.
- 1.5 The southern portion of the site is largely undeveloped and comprises woodland (Stanworth Woods) and grassland. There are also reservoirs within and adjacent to the site that were associated with the former mill. The Star Reservoir is within the site boundary and forms part of the southern boundary. The Sun reservoir is sited close to Moulden Brow, on a raised parcel of land, though is not within the red edge boundary. The River Roddlesworth runs through the site from south to north and is culverted beneath the former mill area. The Leeds and Liverpool Canal (Rufford Branch) marks the southern and eastern extents of the site. The north and east sections of the site are zones of previously undeveloped grassland.
- 1.6 Access to the site is off Livesey Branch Road to the north and from the west off Moulden Brow. Existing residential areas bound the north of the site on the network of streets including Coronation Avenue and Princess Gardens. Another residential area is located on Tintagell Close, also to the north of the site.
- 1.6 A combined heat and power plant (CHP) is located in the eastern portion of the site to the south of the access road. The CHP currently primarily operates between November and February, though could, theoretically, operate 24 hours a day, 365 days per year. The CHP portion of the site is not identified for redevelopment as part of this application.

- 1.7 The application is submitted in outline, with all matters reserved save for means of access, and seeks consent for a mixed use development of a maximum of the following: 500 dwellings, 3,224m<sup>2</sup> of office employment (use class B1a), 9,192m<sup>2</sup> of light industrial employment (use class B1c), 333m<sup>2</sup> of retail floor space (use class A1) and a 1,110m<sup>2</sup> community building (use class D1). The proposal also relates to associated ancillary works.
- 1.8 Whilst the current application is in outline, detailed consent is being sought for access. The site will be served by a 7.3m wide internal spine road, with 2m footways on either side, running through the site which will connect the following access points;
- The reuse and improvement of the existing site access off Livesey Branch Road to the northeast corner;
  - The creation of a second access point off Moulden Brow to the north west corner of the site. This access point will incorporate a new signal controlled junction.
- 1.9 The proposed level of development would result in a residential density of approximately 42 dwellings per hectare, based on an indicative mix of 50 two bedroom properties, 250 three bedroom properties and 200 four bedroom properties. An indicative layout showing the provision of semi-detached, detached dwellings and clusters of small terraces has been included within the submitted design and access statement, though agreement on a layout would be a matter for consideration within a future reserved matters application(s).
- 2.0 Development Plan
- 2.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 2.2 Given the site covers two administrative areas, it is necessary for consideration of the application to be against the requirements of both BwD and CBC's development plans.
- 2.3 Blackburn with Darwen: The Development Plan comprises the saved policies of the Blackburn with Darwen Borough Local Plan and the Core Strategy. In determining the current proposal the following are considered to be the most relevant policies;
- 2.4 Saved Local Plan
- H4 – New Residential Developments  
H5 - Public Open Space in New Residential Developments



H6 – Landscaped Amenity Open Space in New Residential Development  
 T9 - New Developments – General Transport Considerations  
 T10 – Major New Development – Transport Considerations  
 HD8 – Existing Trees and Landscaping  
 HD9 - New Trees and Landscaping  
 EC3 - Established Business and Industrial Land  
 RA3 – Development within the Green Belt  
 ENV1 – Protection of Water Resources  
 ENV2 – Flood Protection  
 ENV3 - Contaminated Land  
 ENV4 – Control of Noise Nuisance  
 ENV6 – Environmental Improvement Corridors  
 ENV10 – Air Quality  
 TRL1 - Protection of Open Space and Playing Fields  
 LNC6 – County Heritage Sites  
 LNC8 – Ecological Features  
 LNC9 - Species Protection  
 LNC10 – Water Bodies and Courses

## 2.5 Core Strategy

CS1 – A Targeted Growth Strategy  
 CS5 – Locations for New Housing  
 CS6 - Housing Targets  
 CS7 – Types of Houses  
 CS8 – Affordable Housing Targets  
 CS11 – Facilities and Services  
 CS12 – Retail Development  
 CS15 – Protection and Enhancement of Ecological Assets

## 2.6 Local Plan Part 2 (Site Allocations and Development Management Policies): this document was submitted to the Planning Inspectorate for examination on the 18<sup>th</sup> July 2014 and hearings took place during December 2014. Following the Inspector's interim report the document is identified as having emerging weight. The following policies are of particular relevance when considering the current proposal;

Policy 3 – Green Belt  
 Policy 28 – Development Opportunities  
 Policy 29 – Assessing Applications for Main Town Centre Uses  
 Policy 38 – Green Infrastructure

## 2.7 Chorley Borough: The Development Plan currently consists of the Adopted Chorley Local Plan 2012-2026 and the Adopted Central Lancashire Core Strategy 2012. The following policies are considered to be relevant:

## 2.8 Adopted Chorley Local Plan

V1- Model Policy  
 V2- Settlement Areas  
 ST1- Provision or Improvement of Footpaths, Cycleways, Bridleways and their Associated Facilities in Existing Networks and New Development  
 ST4- Parking Standards  
 HS4A- Open Space Requirements in New Housing Developments  
 HS4B- Playing Pitch Requirements in New Housing Developments  
 EP9- Development in Edge-of-Centre and Out-of-Centre Locations  
 BNE1- Design Criteria for New Development  
 BNE8- Protection and Enhancement of Heritage Assets  
 BNE9- Biodiversity and Nature Conservation  
 BNE10- Trees  
 BNE11- Species Protection  
 HW4- The Leeds and Liverpool Canal

## 2.9 Adopted Central Lancashire Core Strategy

Policy 1: Locating Growth  
 Policy 2: Infrastructure  
 Policy 3: Travel  
 Policy 4: Housing Delivery  
 Policy 5: Housing Density  
 Policy 6: Housing Quality  
 Policy 7: Affordable and Special Needs Housing  
 Policy 10: Employment Premises and Sites  
 Policy 16: Heritage Assets  
 Policy 17: Design of New Buildings  
 Policy 22: Biodiversity and Geodiversity  
 Policy 25: Community Facilities  
 Policy 27: Sustainable Resources and New Developments  
 Policy 29: Water Management  
 Policy 30: Air Quality

## 2.10 Due consideration must also be given to the requirements of the National Planning Policy Framework (Framework)

## 3.0 Planning History

### 3.1 The following planning applications relate to the application and site and are considered relevant to the determination of the current proposal;

10/13/1011 – Environmental Impact Assessment screening request; mixed use development comprising residential and employment uses (EIA not required, November 2013)

10/12/0048 – Prior Approval for complete demolition of former Sappi Paper Mill including all outbuildings, tanks and enclosures down to the slab level of each structure (Approved March 2012)

3.2 Additionally, a significant number of planning applications relating to the historical use of the site have been identified, but none are considered to be relevant to the determination of the current application.

#### 4.0 Consultations

4.1 Public Consultation: A combined total of 217 neighbouring properties contained within BwD and CBC's administrative boundaries have been individually consulted by letter. In addition 2 site notices have been displayed and a press notice has been issued. 4 letters of objection and one letter of support have been received (see section 7 for summary)

4.2 BwD Head of Public Protection – Noise/Vibration: The site contains a number of noise sources, the CHP plant, electrical substation and the surrounding road network. There is also potential for conflict between the B1 element of the scheme and the residential plots.

An acoustic assessment has quantified the noise levels in the various parts of the site. Regular contact with the acoustic consultant has resulted in further monitoring and agreement on methodology. Both of these shall inform any future agreement on mitigation. Whilst I would have preferred to get onto site and listen to the CHP plant when it is operating, unfortunately it will not be operating until November and a decision is due before this time.

It is clear that most of the site is developable. The points that we are currently debating with the acoustic consultant relate to the areas around the CHP, commercial area and substation. This negotiation can go on prior to the reserved matters application with the worse-case scenario being a reduction in the number of residential plots available or upgraded acoustic protection. This means that the noise issues can be conditioned at this stage requiring that a scheme is agreed for the soundproofing of the residential plots prior to the commencement of the approved use. Finally, the B1 development use may conflict with the residential use as in close proximity. I am waiting for more info from the acoustic consultant although it is likely that a noise emission limit would suffice given the end use is not yet known. It would also be prudent to restrict the hours of deliveries to these units so as to ensure that large vehicles are not moving around the site at a late hour.

The following conditions are considered to be necessary in order to support the application;

- 1) Prior to the commencement of the construction phase a scheme shall be submitted in writing, detailing how the residential properties on the site will be protected from the noise sources on and around

the site. This scheme shall include details relating to the layout, soundproofing and other mitigation measures e.g. acoustic screening. Prior to the commencement of the approved use, the agreed scheme shall be implemented and thereafter retained.

- 2) The noise emitted from the units at the employment area including any fixed plant or equipment shall not exceed the following limits expressed as LAeq,T at the boundary of any residential premises.

Receptor at which Limit applies	Period	Receptor Specific Sound Level Limit L <sub>s</sub> <sup>1</sup>
Residential properties in the Southern Parcel of the Development, i.e. nearest to Employment Parcel	Daytime	45
	Night-time	35
<sup>1</sup> Where T (the assessment period) is equal to 1 hour during the day and 15 minutes at night.		

- 3) There shall be no deliveries to or despatch of materials from the employment area outside of the following times.

Monday – Friday 7:30 am – 20:00  
 Saturday – 8:00 am – 18:00  
 No delivery or despatch on Sundays or public holidays

- 4) Construction and / or demolition works shall not be permitted outside the following hours:  
 Monday to Friday 8:00 to 18:00  
 Saturday 9:00 to 13:00  
 Construction and demolition works shall not be permitted on Sundays or Bank or Public Holidays.

- 5) Demolition or construction work shall not begin until a scheme for protecting the surrounding residential premises from noise, vibration and dust from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

4.3 BwD Head of Public Protection – Air Quality: The applicant’s consultants WSP have submitted an Air Quality Assessment Update Note (ref:62001856-002) in support of the application. I would make the following observations;

I do have concerns about the use of the EPUK criteria in Section 1.1.8 of the Update Note. But nonetheless, in general terms the % changes in traffic flows between the ‘450 dwelling scenario’ and the more recent proposal for 500 units is relatively small. I therefore agree that this is adequate justification for not remodelling exposure.

Air Quality - Construction phase: There is a high risk of dust soiling and a low risk to health associated with dust. However, a range of

appropriate measures are identified which are likely to reduce these risks to 'negligible'. The developer's report recommends that a Dust Management Plan should be developed and implemented. This appears to be reasonable conclusion. No objection to a condition requiring a dust management plan to be agreed prior to commencement of works

Air Quality - Operational phase: In response to comments made in my initial response the developer has submitted supplementary information on mitigation options. In light of this information I would not object to the proposal subject to a condition requiring a scheme for the mitigation of adverse air quality impacts to be agreed prior to works commencing on site. The scheme shall incorporate but not necessarily be limited to proposals outlined in the Air Quality Assessment Update Note (ref:62001856-002) submitted in support of the application.

4.4 BwD Head of Public Protection – Land Contamination: Investigations to date have identified that the site is contaminated. More investigations are necessary to better characterise the site particularly in terms of ground gas monitoring. However, it is clear that the site is at least partly developable and the application is at this stage outline only with the full layout still to be determined. The developer must be made aware that the results of the further site investigations, in particular the ground gas monitoring, will dictate the developable area of the site. This may be the entire outline proposal or only some of it, depending on the gas regime and contamination identified across the site. Discussions will continue between Environmental Protection and the developers prior to any reserved matters application. Standard land contamination conditions to be applied.

4.5 Capita Highways: Scoping discussions were carried out with the applicants' transport consultants JMP and the Transport Assessment (TA) has, on the whole, been carried out in accordance with the agreed scope. In general the TA provides a robust traffic impact assessment and addresses sustainable transport issues affecting the site well.

The TA provides a review of the Transport White Paper, NPPF and the Local Transport Plans for Blackburn with Darwen and Lancashire. However, there is no review of relevant policy from the Blackburn with Darwen Local Plan which I would typically expect to see.

It is proposed that the site be accessed from the existing access on Livesey Branch Road to the CHP Plant with minor junction improvements. A second new access is also proposed from Moulden Brow at the location of a former disused access. The new access point will be in the form of a signalised junction. The two site entrances are to be connected by a 7.3m wide internal spine road. This proposal was discussed at the scoping stage and was agreed as an appropriate approach to alleviating fears relating to any adverse impact of the

development related traffic at the Livesey Branch Road/Preston Old Road junction.

The scheme addresses the pedestrian/cycle connectivity through the site and to adjacent playing fields, schools etc, this is welcomed. The council is currently working on the 'Witton Wheel' project which runs to the periphery of this site, it would be desirable if the site could include suitable cycle infrastructure to promote access to and use of the Weavers Wheel.

The TA provides an accurate review of available public transport facilities and services and suitably considers walking and cycling networks and the local highway network.

Whilst the planning application is outline the BwD Parking Standards are referred and it is stated within the TA that parking shall be provided in accordance with these standards.

Trip generation calculations exclude A1 as this is considered ancillary and discounting has been applied for extant use. Committed developments have been included. Trip generation rates appear reasonable and are comparable to those derived from our own TRICS analysis. Traffic surveys were undertaken in 2013 which is considered acceptable given a lack of significant development within the locality in recent years. No adjustment of planning assumptions within TEMPRO has been made in calculating background traffic growth rates resulting in some potential for double counting.

Junction modelling indicates that the site access from Livesey Branch Road would operate satisfactorily. The modelling results show that the proposed second site access from Moulden Brow operates within capacity but with sizeable mean max queues particularly on Moulden Brow. The development proposals are shown to have a detrimental impact on the Preston Old Road/Livesey Branch Road and Finnington Lane/Moulden Brow junctions even with a proportion of base/committed traffic assumed to transfer onto the spine road through the site. It is suggested that the proposed signalised site access junction would gate traffic and the new route through the site would offer some mitigation. I am aware that the Preston Old Road/Livesey Branch Road junction has been considered as part of the Gib Lane proposals and the traffic team have considered a number of options to improve the junction including signalisation but with no cost effective solution being found. Any improvement would likely involve land purchase and possibly demolition which is likely to be considered disproportionate to the scale of the impact. Accordingly, no objection subject to the following conditions;

- A Grampian condition attached for s278 works to include a detailed design of the site accesses/off site highway works at Livesey Branch Road and Moulden Brow

- Sightlines to be submitted and agreed
- Construction method statement to be submitted and agreed
- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Internal road layout and wider connections for pedestrians cycle links to be conditioned for reserved matters

- 4.6 Public Rights of Way Officer: The development site contains part of the Witton Weavers Way, a promoted route managed as part of the Public Right of Way Network. The way follows an existing access road into the mill site. The way can be seen on the applicants parameters plan (numbers 4-7 and beyond).

The application documentation appears to provide for accommodation of existing and new access pathways into the development site and therefore the PROW team have no objections.

- 4.7 LCC Highways: The application submission includes a Transport Assessment (TA) and a Framework Travel Plan (FTP).

It is indicated in the TA that 6 junctions were agreed by BwD and the applicant for study. Of the 6, the junctions of Moulden Brow/Riley Green Switch Road/Finnington Lane and the M65 Junction 3 are within CBC boundary.

The assessment years considered are the design year of 2015 and opening year of 2020 with the proposed 145 units residential development in Gib Lane, about 2km north west of the proposed site used as the only committed development in the area. The applicant undertook turning counts at the agreed study junctions between the hours of 07:00-10:00 to determine the weekday morning peak period and between 16:00-19:00 for the weekday evening peak. From the counts, the weekday morning peak was established as 08:00-09:00 and that of the weekday evening peak as 17:00-18:00. To ensure robust assessment of the junctions, based on the results of the traffic counts, the applicant used the TEMPRO computer software to calculate the traffic growth between 2013 and 2015. The TEMPRO was also used to derive traffic growth factors to calculate the traffic growth for the opening year of 2020. The results are shown in paragraph 6.14 of the TA.

The agreed study junctions were modelled, but of the two junctions within CBC boundaries i.e. Moulden Brow/Riley Green Switch Road/Finnington Lane and the M65 Junction 3, the modelling results of the former shows that the junction operates well for the 2015 design year with the highest degree of saturation at 70% and 76.4% respectively recorded on Finnington Lane approach during the AM and PM peak hours. For the 2020 assessment period however, the

proposed development together with the committed development resulted in the Moulden Brow approach reaching 85.2% and 93.1% degree of saturation during the AM and PM peaks respectively with the Finnington Lane approach reaching 85.8% and 93% degree of saturation. These figures show that the junction will be close to capacity by the opening year of 2020. The M65 Junction 3 was assessed using Arcady modelling software, but from the results shown in paragraphs 6.44-45 of the TA, it appears the roundabout will operate well within capacity during the AM and PM peaks for the design and opening years of 2015 and 2020.

The proposed site has an extant planning permission. As such, the applicant's trip generation exercise compares the extant trips with those to be generated by the proposed development. The result of trip generation of the extant development shows 45 and 35 two-way trips respectively during AM and PM peak periods. The applicant took into account trips to be generated by the committed residential development of 145 dwellings at Gib Lane, about 2.0km North West of proposed site. The assessment shows that the committed development will generate 334 and 434 trips respectively during the AM and PM peaks. The combined trips to be generated by all aspects of the proposed development are 425 and 419 two-way trips during the AM and PM peak hours respectively.

The applicant derived the residential trip distribution for the site using data from the 2011 Census UK Travel Flows which provides information on origins of work trips and the destination of work trips. From the traffic flow diagrams 5A and 5B, appendix I, I do not foresee any issues associated with the combined trip distribution and assignment of the proposed development towards west through Moulden Brow in the directions of Riley Green Switch Road and the M65.

Moulden Brow/Riley Green Switch Road/Finnington Lane is a signalised junction, however, there has been three recorded traffic accidents occurring during the past 5-years, although none of them resulted in personal injuries and were classed slight. All three accidents occurred during turning manoeuvres. There have been 23 recorded traffic accidents at the M65 Junction 3 in the past 5 years. Three of the accidents resulted in personal injuries and were classed as serious which seems a higher number than the single accident indicated by the applicant in paragraph 3.40 of the TA. 10 of the accidents involved motor/pedal cyclists of which two were classed as serious.

The assessment shows there are two bus stops situated near the site access on Moulden Brow. However, as these are within the boundary of BwD, I cannot immediately confirm if the bus stops meet quality standard in terms of ease of accessibility. Also on Moulden Brow, there are two bus stops located in the direction of Finnington Lane, but which are just outside the recommended walking distance to bus stops for residents. It appears many routes are served from the bus stops in the



area. However, the frequency of the services seems low with the highest frequency being the hourly service run by Bus 24 (Chorley-Brinscall-Blackburn). I assume that Blackburn engineers have already identified the need for developer funding to bus service improvements. I would emphasise that the applicant should provide adequate funding for the provision of additional/extended services to improve bus frequencies in the area. As noted in the TA, I can confirm that the Pleasington Railway Station is within 1.5km of the site, with the Cherry Tree station about 2.5km away in the north easterly direction of the site.

The TA provides details of available cycle routes, footways and footpaths in the area to demonstrate that the site is accessible by cycling and on foot. It is however noted that while there is footway along the northern side of Moulden Brow for its entire length, the footway along the southern side is only in sections as confirmed in paragraph 3.26 of the TA. It is therefore considered that, for improved accessibility of the site, the applicant should prepare a scheme for continuation of the footway along the southern side of Moulden Brow between the proposed site access and Finnington Lane to tie in with the existing sections. The detail of this scheme should be provided prior to the commencement of work on site and delivered prior to the first occupation. The section of Leeds and Liverpool canal towpath from Blackburn to the Feniscowles Canal Bridge (Livesey Branch Road) is currently of high quality. It is considered that improving the quality of the canal towpath from Feniscowles Canal Bridge to the Stanworth footbridge located south of the proposed site and then improving the existing Public Right of Way (FP12) into a pedestrian/cycle route to link the proposed spine road within the development will ensure external connectivity and encourage walking and cycling as sustainable modes of transport to satisfy the requirements of NPPF. This canal route is part of the proposed East Lancashire Strategic Cycle Network and I assume that Blackburn engineers have already identified this route for developer funding. But, I would emphasise that the applicant should provide full funding for the delivery of the identified section of this scheme.

In addition to 3 recorded traffic accidents in the past 5 years, the applicant's own junction assessments shows that Moulden Brow/Riley Green Switch Road/Finnington Lane will be close to capacity in terms of traffic queues by the year 2020. If measures are not implemented, severe traffic delays may be experienced beyond the opening year of the proposed development. Therefore, to mitigate the adverse impact of the proposed development on the junction, it is considered that the developer should provide minor works at the junction to increase capacity. I am looking for a white lining scheme to provide 2-lane entry on the Moulden Brow arm of the junction to deliver separate left turn and ahead traffic lanes to increase capacity. Replacing the existing road markings at the junction should be combined with an upgrade of the existing traffic signal controls at this junction to the MOVA system

for improved local network performance (and safety); to optimise junction capacity and improve public transport reliability. The MOVA system is a traffic signal technology that monitors queue lengths and optimises signal timings to reduce queuing and minimise delays. Upgrading the MOVA system is estimated to be in the region of £30k but this would be included in s278 highway works. It can also be seen from the above accident information that the M65 Junction 3 roundabout does not appear to be particularly safe for motor/pedal cyclists, given the 10 recorded traffic accidents involving motor/pedal cyclists of which two were classed as serious in the past 5 years. The proposed development is likely to lead to increased motor/pedal cyclists use of the roundabout which may lead to the current high rate of accidents being exacerbated and it is considered essential for the proposed development to address the increased risk to vulnerable road users. The developer should provide a scheme for widening and extension of the existing footways around the roundabout into pedestrian/cyclists routes to provide dedicated routes from those of vehicles. The applicant should prepare a detailed scheme for improvement of the existing footway around the M65 junction 3 roundabout (to be agreed etc) prior to the commencement of work on site and delivered prior to the first occupation.

The Framework Travel Plan submitted seems to have met the LCC submission criteria for an acceptable Framework Travel Plan. I would request that a Full Travel Plan building on the initiatives outlined in the Framework Travel Plan should be developed along the timescales indicated in paragraph 6.10 of the submitted FTP.

It is also essential that the developer demonstrates that the development site can satisfy the NPPF foundation of providing for sustainable transport. Thus any application must incorporate a package of sustainable transport measures to address the issues relating to the provision for public transport, cycling and walking modes.

LCC Highways does not object to the proposal in principle, subject to the following mitigation measures:

- 1) Improvements to the Leeds and Liverpool Canal towpath
- 2) Provision of 2m wide footway on the south side of Moulden Brow at sections currently without footway.
- 3) Improvements at Moulden Brow/Riley Green Switch Road/Finnington Lane and
- 4) Improvements at the M65 Junction 3 to ensure safety of motor/pedal cyclists.
- 5) Provision of adequate funding towards additional/extended services to improve bus frequencies in the area. You will appreciate that the essential mitigation works include highway alterations remote from the application site. These may impact on people who are not fully aware of the implications on their property of the proposed

development. I strongly recommend that you extend your consultation for this application to affected properties so that these people have an opportunity to contribute to the planning processes. It is suggested the following conditions and advice notes are attached to any approval.

Suggested Conditions:

1. No part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway improvements have been submitted to and approved by the Local Planning Authority in consultation with Lancashire County Council as the Highway Authority. 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.

2. No part of the development hereby approved shall be occupied or opened for trading until the approved schemes/works referred to in Condition 1 have been constructed and completed in accordance with the scheme details. Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

- 4.8 United Utilities: “No objection to the planning application, subject to the inclusion of conditions. Please note that these conditions reflect the size & nature of the proposal. The conditions have been drafted to reflect the fact that this site is likely to be constructed in a phased manner over a number of years and, most likely, by numerous developers. In such circumstances, it is imperative that the delivery of the site is undertaken in accordance with a strategic and coordinated approach to the delivery of all infrastructure, including water and wastewater. We consider this necessary and reasonable.

It is imperative that the site is drained on a separate system, with only foul drainage connected into the public sewer. Surface water should discharge to the most sustainable form in accordance with the details submitted as part of the application submission. Discharges to watercourse may require the consent of the local drainage authority or the Environment Agency. Surface water should not be allowed to drain to the public sewer as there are alternatives to the public sewer available which is clear from the submitted information.

Whilst high level drainage principles have been established to inform the outline application for planning permission, we encourage the attachment of the following conditions to any approval to ensure a strategic and coordinated approach to water and wastewater infrastructure is secured and inherent within any permission granted”.

- 1) At the same time or prior to the submission of the First Reserved Matters application for the development hereby permitted, a

Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development. The development shall only be implemented in accordance with the approved Phasing Plan.

2) 2.1 At the same time as the submission of the First Reserved Matters application for a phase or part of a phase of the development hereby permitted a Foul and Surface Water Drainage Strategy for the entire site shall be submitted to the Local Planning Authority for approval (in consultation with United Utilities Limited) such strategy to include the following details as a minimum:

- a. unless otherwise agreed in writing, the foul connection point shall be to the 375mm / 450mm combined sewer in Preston Old Road for the entire site;
- b. the details of any additional off-site drainage infrastructure required as a result of the entire development; and
- c. any drainage infrastructure connections (foul and surface water) between the different phases of the development defined by condition 1. Where drainage infrastructure connects development from different phases, it will be necessary to show how much development will be served by the connecting drainage infrastructure.

2.2 At the same time as the submission of each subsequent Reserved Matters application for a phase or part of a phase, an updated Foul and Surface Water Drainage Strategy shall be submitted to the Local Planning Authority for approval (in consultation with United Utilities Limited), such Strategy to include as a minimum the details listed above at condition 2.1.

2.3 Unless otherwise agreed with the local planning authority (in consultation with United Utilities Limited), there shall be no foul and surface water connections between phases of development defined (and as may be amended from time to time) by condition 1 other than in accordance with the connections identified and approved under item 2.1.c. The detailed drainage schemes for each phase of development required by conditions 4 and 5 shall be submitted for approval in accordance with the foul and surface water drainage details approved under this condition.

2.4 No development shall be commenced on any phase or part of any phase of the development hereby permitted unless and until the Foul and Surface Water Drainage Strategy submitted with the relevant Reserved Matters application has been approved in writing by the Local Planning Authority in consultation with United Utilities Limited.

- 3) For the avoidance of doubt, surface water shall drain separately from the foul. Unless otherwise agreed in writing, no surface water shall discharge directly or indirectly into the public foul, combined or existing surface water sewerage systems in accordance with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition [2] above and with the details contained in the submitted application form, flood risk assessment prepared by Edenvale Young dated 7 May 2015, and the Drainage Report prepared by Bright Young Consulting ref: 1872/DR001 Rev 1 dated 14 May 2015
- 4). Prior to commencement of any phase or part of any phase of the development hereby permitted, full details of the foul drainage scheme for that phase including full details of any connections to the foul sewer network and any necessary infrastructure shall be submitted to and approved in writing by the local planning authority (in consultation with United Utilities Limited). The details for each part or phase must be consistent with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition [2] above. No housing or other development shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details and written notice of this fact has been sent to the Local Planning Authority.
- 5). Prior to the commencement of each phase or part of the development hereby permitted, full details for a surface water regulation system and means of disposal for that phase or part phase, based wholly on sustainable drainage principles and evidence of an assessment of the hydrological and hydrogeological context of the development for that phase shall be submitted to and approved by the local planning authority (in consultation with United Utilities Limited) in writing. The drainage scheme shall demonstrate that the surface water run off generated up to and including the 1 in 100 year critical storm including 30% climate change allowance will not exceed the run-off from the existing undeveloped site and following the corresponding rainfall event. The details for each phase must be consistent with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition [2] above and with the principles established in the submitted application form, flood risk assessment prepared by Edenvale Young dated 7 May 2015, and the Drainage Report prepared by Bright Young Consulting ref: 1872/DR001 Rev 1 dated 14 May 2015.
- 6) Prior to the commencement of each phase or part phase of the development hereby permitted, a sustainable drainage maintenance and management plan for the lifetime of that phase or part phase of the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with

United Utilities PLC). Unless otherwise agreed in writing by the Local Planning Authority, the plan shall include arrangements for permanent adoption by a SuDs approving body (SAB), Statutory Authority or other relevant party of any sustainable drainage features including any outfalls into local water courses, structures, ponds and bridges. Each phase shall be completed maintained and managed in accordance with the approved details.

- 4.9 Environment Agency: The proposed development will only meet the requirements of the National Planning Policy Framework if the measure(s) detailed in the Flood Risk Assessment submitted with the application are implemented and secured by way of a planning condition on any planning permission.

#### Suggested Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- Confirmation of the opening up of the existing culvert across the site, demonstrating that the 1 in 100 year return period capacity can be accommodated within the open channel.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 4.10 BwD Drainage Manager: No objections to the proposals provide that they are carried out in accordance with the latest Flood Risk Assessments. The proposed method statement regarding the draw-down of the Sun Reservoir is also satisfactory in principle, though some actions can only be determined on-site and consent will be needed off LCC for the discharge

- 4.11 Capita Ecology: The development area does have protected sites and species constraints that will need to be addressed as an integral part of the scheme. The Bowland Ecology “Ecological Appraisal Addendum” received 23<sup>rd</sup> September 2015 outlines what these are and the proposed mitigation, but further refinement and confirmation of final design will be necessary prior to granting full permission.

We consider that the application can achieve a sustainable development in line with the National Planning Policy Framework, but that further information will need to be provided fully to enable the Planning Authority to address all material considerations with respect to protected sites and species, and assess the suitability of the mitigation for European Protected Species and the likelihood of Natural England to issue a licence for this scheme. No objection subject to the following planning conditions;

- Habitat management plan, including mitigation and enhancement
- An assessment of recreational access to the existing habitats and Biological heritage Sites within the development boundary
- Further bat surveys prior to commencement of works
- Any bat roosts affected by the development must form part of the ecological mitigation plan for the site
- Badger survey to be undertaken no more than 6 months prior to commencement of works.
- Should active setts be identified, mitigation/management plan to be agreed prior to commencement of works
- Development to be undertaken in accordance with the precautionary methods outlined in paragraphs 2.36 1 and 3.43 of the Bowland Ecology Ecological Addendum Report, received 23rd September 2015
- All tree removal and demolition works to be undertaken outside of the bird nesting season (March – August) unless additional survey work has been undertaken and approved by the LPA.

4.12 BwD Strategic Housing Development & Partnership Team: See update report

4.13 BwD Schools and Education Department: No objections in principle to the application. The Borough currently has sufficient capacity to meet existing educational needs and the future construction of dwellings would afford the opportunity to obtain central government funding to meet any future pressures.

4.14 LCC Education Department: The overall application is for 500 dwellings, however Chorley Borough Council have instructed LCC that the element of the development that falls within the Chorley district would be in the region of 25 dwellings. Following this instruction an assessment based on 25 dwellings has been carried out.

Taking into account all approved applications, LCC will not be seeking a contribution for primary school places.

LCC wish to make the local planning authority aware that there are no secondary schools within a 3 mile radius of this development. This could mean that the local planning authority needs to consider the sustainability of the proposed development, as residents of the developments are not able to access local school places.

The nearest Lancashire secondary school to this development is 4.74 miles away (walking routes could be further). Therefore, it is possible that pupils from this development could impose a home to school transport cost on LCC.

LCC's Education Contribution Assessment considers secondary school places available within 3 miles of a development. This is in line with LCC's 'Home to School Transport Policy' and 'DfE Guidance on Home

to School Travel and Transport (July 2014)'. If the local planning authority intends to approve the application LCC would propose to consider the availability of school places at the nearest school where an additional place infrastructure project could be delivered.

4.15 Livesey Parish Council: Following the meeting of Livesey Parish Council held on 10th July 2015, members unanimously voted to object to the application due to the following reasons

1) The issue of congestion has not been addressed to the satisfaction of residents in the area, the extra cars would exacerbate the problem that currently exists at peak times on Livesey Branch Road.

2) The increase in developments such as this scheme will saturate the area putting added strains on infrastructure and utilities. These problems have again not been addressed by the Borough.

3) Who is going to buy the houses? To attract people into the area from out of town, good well-paid jobs are needed and they do not exist in Blackburn. The developer of the former Eclipse Mill site is reluctant to start building as he feels that they simply will not sell in the current climate. Many houses in the area have already been on the market for months. Easy access to the motorway system may attract a few families but you have to ask where will they spend their money?

4) Has the issue of spare school places been addressed?

5) Are we making the best use of implementing the Empty Homes Policy before we plan these large developments?

6) Would it not be both prudent and sensible to wait until the Planning Inspector has finished his full report?

4.16 Lancashire Constabulary Architectural Liaison Officer: Review of the police crime and incident database has identified a number of incidents of crime affecting the site. In order to prevent the opportunity for crime at the proposed development, below are recommendations to consider;

- Development should be developed to Secured by Design standards
- Front and rear door sets should be doors of enhanced security, tested and certified to PAS 24/2012
- As the scheme progresses beyond outline stages security advice can be provided around landscaping, lighting, boundary treatments, as well as specific elevations and designs



## 5.0 Issues/Comments

- 5.1 As discussed previously, the majority of the site lies within the administrative boundary of BwD however the south western tip lies within the administrative boundary of CBC. As a result, current and emerging planning policy for both Local Authorities must be considered

In assessing the current proposal for outline planning permission with all matters other than access reserved the key issues are as follows:

- Principle of development for residential and employment land uses;
- Open space /Recreational provision
- Highways and access;
- Drainage and flood risk
- Contaminated land;
- Public protection considerations
- Affordable housing; and
- Ecology;

- 5.2 Principle of Development As set out previously the application is submitted in outline, with all matters reserved save for access, and seeks consent for a mixed use development of a maximum of the following: 500 dwellings, 3,224m<sup>2</sup> of B1a employment use, 9,192m<sup>2</sup> of B1c employment use, 333m<sup>2</sup> of A1 commercial use, 1,110m<sup>2</sup> community building, structural planting and landscaping, informal open space and associated ancillary works.

- 5.3 An illustrative layout submitted with the current outline proposal shows how the number of dwellings, commercial development, infrastructure, public open space, access and green infrastructure improvements can be accommodated on the site. It is important to note; however, that at this outline stage with all matters reserved other than access, the indicative layout set out in the submitted design and access statement will not be binding in any way on a developer that wishes to develop the site. A reserved matters planning application(s) will be required before any works start on site, which will include full details of layout, scale of development, landscaping throughout the site and appearance of the development.

- 5.4 The majority of the site is located within Blackburn with a small section located with the administrative boundary of Chorley. It is estimated that approximately 25 of the dwellings proposed will be located within Chorley along with the retention of an existing building to be used as a community facility with a small element of retail (a local shop or convenience store for use by residents and employees).

5.5 Due consideration must be given to the direction provided by the Framework and the current and emerging development plan requirements of both BwD and CBC.

5.6 National Planning Policy Framework: The core theme which underpins the Framework is the presumption in favour of sustainable development, paragraph 14 states that:

*“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.*

*For decision-taking this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or*
  - *Specific policies in this framework indicate development should be restricted.”*

5.7 Furthermore, the Framework makes it clear that the government is committed to delivering sustainable economic growth and at Paragraph 19 charges the planning system with the duty to *“operate to encourage and not act as an impediment to sustainable growth”*

5.8 Paragraph 22 of the Framework provides a basis for the consideration of alternative uses of the application site beyond the current Local Plan designation, when advising; *“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their merits, having regard to market signals and the relative need for different land use to support sustainable local communities”*

5.9 A final important consideration is provided within Paragraph 186 of the Framework, which states that local planning authorities should approach taking planning decisions in a positive way to foster the delivery of sustainable development. Additionally, paragraph 187 of the National Planning Policy Framework states that:

*“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve*

*applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”*

5.10 Blackburn with Darwen Saved Local Plan: The site currently has a number of different designations under the Saved BwD Local Plan. The policies referred to here were saved following adoption of the Core Strategy in 2011, as set out in Appendix 1 of the Core Strategy.

5.11 The overwhelming majority of the application site is a long-standing employment site under saved Policy EC3, which reads as follows:

#### POLICY EC3 - ESTABLISHED BUSINESS AND INDUSTRIAL AREAS

Within Established Business and Industrial Areas as defined on the Proposals Map, planning permission will be granted for:

- i. Business and General Industrial use [Use Classes B1 and B2];
  - ii. Warehousing and Distribution [Use Class B8], builders and plumbers merchants, timber suppliers, plant hire depots and other outlets providing a service to the trade, subject to conditions regulating the goods sold and the hours of opening; and
  - iii. the motor trade including car and caravan showrooms, petrol filling stations, tyre and exhaust centres, car washes
2. Planning permission for uses other than those listed above will only be granted where :
- i. it would not prejudice an adequate supply of business or industrial land in the short term, and in relation to the requirement over the Plan period and it would not prejudice the maintenance of an overall balance of uses and employment opportunities appropriate to the Established Business and Industrial Areas; or
  - ii. the use is ancillary to the main industrial/business activity.
3. In appropriate cases, planning permission may be restricted to the use applied for.

5.12 The area of land to the rear of Coronation Avenue is Green Belt and County Heritage Site as designated under saved Policies RA3 and LNC6 which read as follows:

#### POLICY RA3 - DEVELOPMENT WITHIN THE GREEN BELT

1. Within the Green Belt as defined on the Proposals Maps, planning permission will not be granted, except in very special circumstances, for the construction of new buildings, other than for the purposes of agriculture, forestry, essential facilities for outdoor

sport and recreation, for cemeteries and for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

2. Development which is acceptable in principle will only be permitted where:
  - i. the proposal is appropriate in terms of its siting, scale, materials, design and landscaping, and does not detract from the landscape character of the area (Policy LNC1) or unacceptably affect any nature conservation interest (Policies LNC5 and LNC6); and
  - ii. the traffic and activity generated by the proposals would not unacceptably affect the amenity or character of the area or harm people's enjoyment of the countryside.

#### 5.13 POLICY LNC6 - COUNTY HERITAGE SITES

Development likely to damage or destroy a County Heritage Site - biological or geological - will not be permitted unless there are material considerations which outweigh the conservation interests reflected in the designation.

Other land within the proposed development boundary is designated as Protected Open Space under Policy TRL1 which reads:

#### 5.14 POLICY TRL1 - PROTECTION OF OPEN SPACE AND PLAYING FIELDS

1. Development will not be permitted on land identified as Protected Open Space or Playing Fields (including school playing fields) on the Proposals Map, or on any unidentified or newly created areas of Public Open Space unless:
  - i. the development is of demonstrable community benefit; or
  - ii. it is ancillary to the use of the site as open space; or
  - iii. it can be accommodated without loss of the function of the open space and would result in enhanced provision; or
  - iv. the loss can be compensated for by equivalent and equally convenient provision which is of equivalent community benefit. Replacement sites must be identified and in place before the original facility is lost, and must not be on a site which is already fulfilling a recreational function; or
  - v. a commuted sum can be negotiated to improve an alternative area of open space which is equivalent in size and equally accessible.
2. Development on smaller sites not identified on the Proposals Map, but included in the Council's Supplementary Guidance: The Open Space Gazetteer, will be permitted where there is no unacceptable loss of visual and recreational amenity.

- 5.15 The above illustrates that when solely reviewing the saved BwD Local Plan policies there are restrictions of the development potential from a

planning policy point of view and that certain areas within the land should be kept free of development unless very special circumstances can be demonstrated through the planning application process. For example, where there are impacts on protected open space their loss may be mitigated by enhanced provision elsewhere. In considering such an option the Council needs to be satisfied that the loss is being mitigated through high quality provision to serve the needs of the future residents of the site and existing local communities.

5.16 In conclusion, when relying exclusively on the existing BwD saved Local Plan the greater potential for development lies within the previously developed land across the site; however, the current policy position is that employment uses would be supported rather than residential. A residential development may be permitted as enabling development to support commercial employment generating uses on this former industrial site. Importantly, however, given the earlier direction of the Framework, Members should be aware of the limitation upon merely resisting the current proposal given its apparent conflict with saved Local plan Policy EC3

5.17 Emerging Local Plan Part 2 – Site Allocations and Development Management Policies: Notwithstanding the provisions of the saved Local Plan; the emerging Local Plan Part 2 carries weight in itself as a material consideration in view of the stage it has reached in its preparation and the position set out by the Inspector examining the Plan in relation to the proposed site allocations.

5.18 The Local Plan Part 2 was submitted to the Planning Inspectorate for examination on 18th July 2014, and hearings took place during December 2014. Modifications to the Draft Local Plan Part 2 in response to the Planning Inspector's findings were published for consultation in May-June 2015.

5.19 The preparation of the Local Plan Part 2 involved the production of evidence base documents including the Development Market Study (2012) and the Employment Land Review (2013). In relation to the application site, these evidence documents concluded the following:

*Development Market Study (2012): "Two sites identified by the Council for employment uses have been identified through the consultation process as being attractive for residential use, especially for higher value/executive housing. These sites, Sappi (Star Mill) and Witton Business Park (Voith) have both been scored as part of the Site Allocations Review as residential sites and have both equalled or outscored existing residential allocations. We recommend that the Council consider reallocating these two sites for mixed uses i.e. – residential and employment uses."*

5.20 Employment Land Review (2013): The review involved discussions with commercial developers, and the study found that *"There was not a*

*strong appetite for Sappi to remain in employment use*". Commercial developers advised that the Sappi site is *"More akin to residential, not a strategically important employment site"*.

- 5.21 Therefore the emerging Local Plan Part 2 allocates the majority of the site as a Development Opportunity, for a mix of residential and employment purposes. In justifying the new policy designation the Council have considered that potential uses advocated should be a mix of commercial space and upper market residential, with the distribution of uses responding to the configuration of the site, accesses and adjacent land uses. Indeed, should the plan and the associated modifications be adopted, as expected, the application site will form part of the Borough's identified 5-year supply, with 105 dwellings expected to be delivered within the 5 years.
- 5.22 The application is in outline format, so no firm position is set out in relation to the mix of housing proposed. The applicant has, however, provided an indicative mix showing the provision of; 50 two bedroom units; 250 three bedroom units; and 200 four bedroom units. It is considered that the proposed development, having particular regard to the maximum number and scale of dwellings proposed, can be accommodated comfortably within the site area in a manner which assimilates sympathetically with the character of the site and its surrounding. Should the development be supported there will be a need for the submission of a reserved matters application(s) that will provide an opportunity for the Council to pursue a high standard of design that will ensure the development contributes to the strengthening of the existing housing market in the Borough as well as contributing to the Borough's 5 year supply of housing.
- 5.23 The applicant's submission includes an "Assessment of B1 Development" attempts to justify the proposed quantum and type of employment uses on the site. A total of 3.5 hectares of the site is proposed to be an employment area, or 13% of the site. This incorporates the existing CHP Plant. This is considered to be an acceptable proportion of employment development on the site, which satisfies emerging Policy 28.
- 5.24 B1 uses, rather than B2 or B8 uses, are proposed in order to preserve residential amenity for nearby residents. If the CHP Plant was removed, 26% (3,224 sqm) of the floor space is proposed to be offices, and 74% (9,192 sqm) to be light industry. Whilst offices are a Main Town Centre Use, Policy 28 allocates the site for employment and residential uses, and therefore the proposed B-class employment uses are in accordance with an up-to-date local plan and are appropriate.
- 5.25 Members are advised that at this stage it is considered that the emerging policy designation corresponds well with the aspirations for the site set out in the current application and this provides sufficient justification to support the principle of a mixed residential and

commercial development as proposed. Furthermore, the sentiments set out within paras 7.4 and 7.5 of the submitted Supplementary Planning Statement are deemed to be valid. Those being;

*“The site’s redevelopment for housing will provide a significant boost to the delivery of housing in the Borough. Further benefits arise in this case with respect to sustainability as the site comprises Previously Developed Land and is located on the edge of, and is well connected to, Feniscowles.*

*The provision of B1 employment use, A1 commercial use and a D1 community building is a significant benefit to which significant weight should be attached. The scheme can contribute towards economic growth through the delivery of these uses and have wider social benefits to the local community”.*

5.26 Blackburn Summary: The Framework advises LPAs to favour proposals for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case the benefits of the scheme are considerable, in that the proposal will:

- Allow the comprehensive redevelopment of an unviable, incongruous and unattractive previously developed site which has no reasonable prospect of being used beneficially for its allocated purpose throughout the current plan period.
- Make a significant contribution to boost the supply of deliverable and developable housing land on a brownfield site;
- Make efficient use of previously developed land and maximise the development potential of the site through housing density and mix while responding to local constraints, as well as meeting the Borough’s housing aspirations.

5.27 Whilst the proposed mixed use development represents a departure from Saved Local Plan Policy EC3 due to the land’s designation as an Established Business and Industrial Area, there is no realistic prospect of the whole of the site being sustained or brought back into beneficial use for employment purposes. This fact has been acknowledged through the emerging Local plan Part 2 document, where the site has been allocated the site for mixed use development of residential and employment. Accordingly, it is considered that there is strong policy support, both locally and nationally, to allow the site’s release for mixed use in accordance with Core Strategy policy CS1, Local Plan Part 2 Policy 28 and paragraph 22 of the Framework.

5.28 The site occupies a sustainable location in close proximity to Feniscowles town centre and is readily accessible by various modes of transport. Local amenities and public services are also located within comfortable walking distance of the site, thereby reducing reliance on travel by private vehicle. The scheme will bring a number of key economic, social and environmental benefits, with no demonstrable

harm arising to outweigh these. Accordingly, the presumption in favour of sustainable development embedded within the Framework and Policy 7 of the emerging Local Plan Part 2 is applicable in this case.

- 5.29 Adopted Chorley Local Plan: Policy 1 of the Adopted Core Strategy, which was adopted post Framework and as such is compliant with The Framework, states:

Focus growth and investment on well located brownfield sites and the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble, whilst protecting the character of suburban and rural areas. Some Greenfield development will be required on the fringes of the main urban areas. To promote vibrant local communities and support services, an appropriate scale of growth and investment will be encouraged in identified Local Service Centres, providing it is in keeping with their local character and setting, and at certain other key locations outside the main urban areas.

Growth and investment will be concentrated in:

- (a) The Preston/South Ribble Urban Area comprising:
- i. The Central Preston Strategic Location and adjacent inner city suburbs, focussing on regeneration opportunities in Inner East Preston, the Tithebarn Regeneration Area and the New Central Business District Area in particular.
  - ii. The northern suburbs of Preston, focussing on Local Centres, with greenfield development within the Cottam Strategic Site and the North West Preston Strategic Location.
  - iii. The settlements south of the River Ribble, comprising:
    - Penwortham, focussing on the regeneration of the District Centre, but with some greenfield development at the South of Penwortham and North of Farington Strategic Location.
    - Lostock Hall, focussing on the regeneration of brownfield sites.
    - Bamber Bridge, focussing on the regeneration of the District Centre and brownfield sites.
    - Walton-le-Dale, Higher Walton, focussing on brownfield sites.
- (b) The Key Service Centres of:
- i. Leyland / Farington, focussing on regeneration of Leyland Town Centre\* and brownfield sites.
  - ii. Chorley Town, focussing on the regeneration of the Town Centre\* but with some greenfield development.
  - iii. Longridge, where land within Central Lancashire may be required to support the development of this Key Service Centre in Ribble Valley.
- (c) Strategic Sites allocated at:
- i. BAE Systems, Samlesbury – employment
  - ii. Cuerden (Lancashire Central) – employment
  - iii. Buckshaw Village – mixed use



(d) Some growth and investment will be encouraged at the following Urban Local Service Centres to help meet housing and employment needs:

- i. Adlington
- ii. Clayton Brook/Green
- iii. Clayton-le-Woods (Lancaster Lane)
- iv. Coppull
- v. Euxton
- vi. Whittle-le-Woods

(e) Limited growth and investment will be encouraged at the following Rural Local Service Centres to help meet local housing and employment needs and to support the provision of services to the wider area:

- i. Brinscall / Withnell
- ii. Eccleston
- iii. Longton

(f) In other places - smaller villages, substantially built up frontages and Major Developed Sites - development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.

5.30 The part of the Borough is not identified for growth and although Policy 1 does allow for small scale development, limited to appropriate infilling, conversion of buildings and proposals to meet local need states, in other places such as Major Developed Sites, a large scale scheme as proposed will only be considered acceptable where there are exceptional reasons for a larger scale redevelopment scheme. The proposed development is located within a defined settlement area. Policy V2 of the Local Plan confirms that there is a presumption in favour of appropriate sustainable development in such areas. In this case the proposals form part of a much larger brownfield redevelopment scheme of a former employment site within Blackburn which is considered to be an exceptional reason for large scale development in accordance with Policy 1 subject to other policy considerations.

5.31 As this application proposes redevelopment of employment premises for redevelopment other than B use class employment uses (on the part of the site within Chorley) it should be assessed under the criteria in Policy 10 of the Core Strategy and the provisions in the SPD on Controlling the Re-Use of Employment Premises, which aim to protect all existing employment premises and sites last used for employment uses. Policy 10 states:

All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class

employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:

- (a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;
- (b) the provision and need for the proposed use;
- (c) the relative suitability of the site for employment and for the alternative use;
- (d) the location of the site and its relationship to other uses;
- (e) whether the ability to accommodate smaller scale requirements would be compromised;
- (f) there would be a net improvement in amenity.

Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:

- (g) convincing evidence of lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;
- (h) an assessment of the viability of employment development including employment re-use and employment redevelopment.

- 5.32 The adopted Core Strategy sets the overall employment requirement for Chorley as 112 ha to 2026. The Inspector as part of the Local Plan Examination reduced Chorley's employment land supply for the period 2010 -2026 to 100.61 ha. This site is not included within this 100.61 hectares employment land figure and as such the loss of this site will not result in a reduction in the Local Plan's employment land supply.
- 5.33 It is also important to note that the proposed development includes over 12,000m<sup>2</sup> of employment floorspace and employment uses on the part of the site within Chorley have not been specifically identified within the Adopted Local Plan. Although the proposed employment provision is located within Blackburn it is not considered that the loss of the employment land within Chorley will adversely impact on the Borough's overall employment land supply. Although the application is not supported by a full marketing statement it is considered that there is no realistic prospect of the whole of the site being sustained or brought back into beneficial use for employment purposes and with the employment provision proposed it is considered that the proposals accord with the general thrust of Policy 10.
- 5.34 Chorley Summary: although this part of Chorley Borough is not specifically identified for growth it is allocated as part of the settlement area within the Adopted Local Plan. The development of the land within Chorley forms part of a much larger development within Blackburn of a former paper mill which has not been in use for some time now with a large number of the buildings being removed off site. Although the proposals result in the loss of employment land it is noted that there is currently no employment use on this site and the proposals will

reintroduce a significant amount of employment floorspace onto the site. The redevelopment of this site will contribute to the Borough's brownfield land targets and will provide a sustainable form of development. As such the principle of the development is considered to be acceptable.

5.35 Open Space: As detailed previously some of the land within the proposed development boundary (within Blackburn) is designated as Protected Open Space under saved Policy TRL1. The applicant has provided some broad details of future provision within the 'Parameters Plan' received 23rd September 2015. In the main the document sets out the provision of areas of public open space that coincide with the existing pockets of green belt, woodland, county heritage sites and protected open space throughout the site. However, the development will also result in the loss of a proportion of the existing designated protected open space.

5.36 The loss of areas of protected open space is justified in the applicant's planning statement in the following manner;

*"The use of the site has changed significantly since the site's designation and the areas of protected open space have been left unmanaged leaving areas of limited quality and value comprising mostly of semi-improved, poor semi-improved and marshy grassland. The proposals would provide 6.43ha of informal open space/green infrastructure of a much higher quality which will provide considerable community benefits both to existing and future residents in the local community. These public spaces within the development will contribute to the quality and character of the development and help to "establish a strong sense of place" and "add to the overall quality of the area" as required by the NPPF (paragraph 58).. There will some loss of open space on site, particularly in the eastern section in order to provide residential developable area, however, this loss is necessary to ensure that the quantum of development is such that the scheme can be considered viable to bring back into use an unsightly demolished brownfield site".*

5.37 Members are advised that the proposed loss of some designated Protected Open Space can be justified as the applicant argues. Nonetheless, given the scale of the proposed development, it will not be appropriate for the full provision of open space to be met entirely through green infrastructure; rather there will be a need for a Local Equipped Area for Play (LEAP). Given the outline nature of the current application, it is reasonable to pursue agreement on this issue when the layout of the development is agreed at reserved matters stage. Accordingly the reserved matters condition should be amended to reflect this requirement. Members should also note that the applicant has provided a commitment to the future maintenance of the public open space areas. Again the requirements of this can be agreed via planning condition.

- 5.38 From Chorley's perspective the Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, the following requirements are based upon the standards within Local Plan Policies HS4A and HS4B and the approach in the SPD.
- 5.39 Amenity Greenspace: Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in the Wheelton and Withnell ward in relation to this standard, a contribution towards new provision in the Wheelton and Withnell ward is therefore required from this development. The 6.43 ha being proposed on the site within the Chorley boundary is woodland and does not fall within the definition of amenity greenspace. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The applicant will need to provide 0.002 per hectare per dwelling. A maintenance cost of £700 per dwelling is also required for a 10 year period if private maintenance is not proposed.
- 5.40 Provision for children/young people: Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in the Wheelton and Withnell ward in relation to this standard, however the site is not within the accessibility catchment of an area of provision for children/young people. A contribution towards new provision in the accessibility catchment is therefore required from this development. The amount required is £134 per dwelling.
- 5.41 Parks and Gardens: There is no requirement to provide a new park or garden on-site within this development. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.
- 5.42 Natural and Semi-Natural Greenspace: There is no requirement to provide new natural/semi natural greenspace on-site within this development. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.
- 5.43 Allotments: There is no requirement to provide allotment provision on site within this development. There are no allotment sites within the accessibility catchment (10 minutes' drive time) of this site identified as being low quality and/or low value in the Open Space Study or sites allocated for new allotment provision in the Local Plan, therefore a contribution towards improving existing provision or towards new provision is not required.

- 5.44 Playing Pitches: A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.
- 5.45 It is however noted that there will be on site provision of both equipped play space and amenity open space as part of the reserved matters application and as such rather than an off-site contribution there would be a need to maintain the open space provided which in the case of this site will be managed privately. In respect of the off site playing pitch contribution it is noted that the viability of this scheme is marginal which is a material planning consideration. The inclusion of an off-site playing pitch contribution would render this scheme unviable and as such does not form part of the S106 Agreement in the case of this site.
- 5.45 Subject to the above matters the proposal is considered to meet the requirements of saved Local Plan Policies TRL1 and H4 (part viii) and H5 (Blackburn) and Policies HS4A and HS4B of the Adopted Local Plan (Chorley).
- 5.46 Highways and Access: A detailed Transport Assessment (TA) has been submitted with this outline proposal. The report assesses the existing transport and highways context of the site, access, parking and servicing conditions, trip generation and junction capacity analysis with a view to formally agreeing access matters at this outline stage.
- 5.47 The submitted TA suggests that the site is in an accessible location with good potential for sustainable travel to and from the development. Many amenities are easily accessible from the site on foot or by cycle. The range of destinations served by bus provides good levels of accessibility to surrounding areas by public transport. An examination of accident data surrounding the site indicates that there are no underlying road safety issues which traffic from the development would exacerbate.
- 5.48 Overall, the objective of the development is to create a new residential area with a range of on-site facilities to reduce reliance on the car and to reduce overall journey lengths, where possible. On site facilities such as retail and community buildings will reduce the need to travel to such facilities off site on the local highways network.
- 5.49 The site is currently accessed via a priority controlled junction, located to the east of the Site on Livesey Branch Road, which provides direct access to the existing CHP Plant and the remaining undeveloped land in the lower portion of the Site. This will be retained under the proposals and continue to operate as a priority controlled junction following minor junction improvements.

- 5.50 It is proposed that a second new access point is provided on Moulden Brow in the location of the former disused access. This will be in the form of a signalised three-arm junction, an indicative layout (Drawing Number NW91205-100) has been supplied in support of the application. Pedestrian crossing facilities and advanced stop lines have been incorporated into the junction design to improve cycle and pedestrian connectivity to the Site. A 7.3m wide internal spine road running through the Site will connect the two access points. This road will provide an alternative route through the Site which will help to mitigate existing capacity issues at the Preston Old Road / Moulden Brow / Livesey Branch Road junction, located to the northeast of the Site. The applicant's transport consultant advises that the width of the spine road offers future potential to reroute existing bus services through the site, or for a new route to be provided subject to demand.
- 5.51 The application is also supported by the applicant's agreement to contribute £73,000 towards travel plan commitments. This would include the formation of 5no.pedestrian/cycle connections to the canal tow path; the provision of electric charge points within the new development and travel plan monitoring/review.
- 5.52 As set out previously; the proposal is supported by Capita Highways subject to conditions relating to;
- Grampian condition attached for s278 works to include a detailed design of the site accesses/off site highway works at Livesey Branch Road and Moulden Brow.
  - Sightlines to be submitted and agreed
  - Construction method statement to be submitted and agreed
  - All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
  - Internal road layout and wider connections for pedestrians cycle links to be conditioned for reserved matters
- 5.53 LCC Highways initial response indicated that subject to the provision of the range of highways improvements, when combined with the measures to encourage means of travel other than the private car, the development is considered to have an acceptable impact on highways movements. Accordingly they did not object to the proposal in principle, subject to the following mitigation measures:
- 1) Improvements to the Leeds and Liverpool Canal towpath
  - 2) Provision of 2m wide footway on the south side of Moulden Brow at sections currently without footway.
  - 3)Improvements at Moulden Brow/Riley Green Switch Road/Finington Lane

- 4) Improvements at the M65 Junction 3 to ensure safety of motor/pedal cyclists.
- 5) Provision of adequate funding towards additional/extended services to improve bus frequencies in the area.

5.54 The applicant's transport consultant has produced a rebuttal of the requests from LCC Highways;

*(1) Improvements to Tow Path - It is understood that BwDC and LCC are currently preparing an outline business case for the 'Weavers Wheel' cycle network, and it is therefore assumed that improvements to the canal towpath will be undertaken as part of these proposals. The site is relatively well connected to the proposed route, as the south west spur of the Weavers Wheel runs along the northern edge of the Leeds Liverpool canal, and the southern and eastern boundaries of the development site. The open layout of the site will allow for a good level of pedestrian / cycle permeability, and five proposed pedestrian access points along the eastern boundary of the site will give direct access to the canal and the 'Weavers Wheel' network (see figure below). Furthermore, approximately 60m east of the Livesey Branch Road / Sappi site access junction, there is an existing pedestrian access to the footway bordering the canal. This footpath continues south, encompassing the eastern and southern site boundaries.*

*In summary, as five good quality connections are being made from the site to the tow path, we consider this to be an appropriate commitment to integrate with this route and also deliver permeability into and from the site to this facility. It is therefore considered that the development is already contributing to the wider towpath scheme.*

*(2) Provision of 2m wide footway on the south side of Moulden Brow at sections currently without footway - There is an existing footway on the north side of Moulden Brow that leads from Fenisowles centre up to the Finnington Lane junction. The proposed signalised site access junction to serve the development on Moulden Brow incorporates pedestrian crossing facilities, providing a safe pedestrian route between the site and the pedestrian footway on the northern side of Moulden Brow. There are few destinations to the west of Fenisowles that residents of the proposed site are likely to access on foot and as such, the existing level of footway provision on Moulden Brow, along with the proposed pedestrian crossing facilities as part of the site access junction, is considered sufficient to serve the development. Regardless of that, it is not evident whether sufficient highway land is available to deliver the suggested improvement, without impinging into third party land.*

*(3) Improvements at Moulden Brow / Riley Green Switch Road / Finnington Lane – it is suggested that a white lining scheme be*

*implemented at the existing traffic signal junction, along with the introduction of MOVA at the junction, on the basis of highway capacity.*

*Modelling results in the TA indicate that the Finnington Lane junction actually operates under capacity, with a maximum degree of saturation of 93.1% on the Moulden Brow arm in the '2020 PM with development' scenario. Any junction operating with a degree of saturation under 95% is considered to be under capacity. The assessments conducted are a worst case scenario at the busiest times of the week and allow for a robust assessment of development trips, background growth and other committed development. It is however acknowledged that the junction is close to its capacity in the worst case scenario and as such the developer is prepared to accept the mitigation proposed.*

- (4) Improvements at the M65 Junction 3 to ensure safety of motor / pedal cyclists – It is proposed that the development contribute to the improvement of Junction 3 of the M65 to improve safety for motor/pedal cyclists, in the form of an undefined scheme to widen footways around the junction.*

*Regardless of any existing accident problem at the junction it is considered unreasonable to propose that this development commit to mitigation to address this concern. It is clearly apparent that the development will generate a very limited number of motorcycle and cycle movements at this junction given the distance from the site, the lack of destinations for such users in this general direction and the very nature of the motorway junction. On that basis we find it unreasonable that such a commitment would be levied against the development.*

- (5) Provision of adequate funding towards additional / extended services to improve bus frequencies in the area. - At present, several bus routes run along the A674 Moulden Brow to the north of the site and Livesey Branch Road to the east, with the nearest bus stop being located on Moulden Brow, opposite Tintagel Close. The proposed layout of the site ensures that the majority of the housing and employment units within the site will be located within 400m of at least one of these existing bus stops. The proposed internal footway layout also provides good quality pedestrian access to these stops. Furthermore, the 7.3m wide internal spine road running through the site has been purposely designed to offer future potential to reroute existing bus services through the site, or for a new route to be provided subject to demand.*

*The Framework Travel Plan submitted alongside the TA also provides details of a number of proposed and existing sustainable transport options for users of the site, in addition to the available bus services. Proposed measures to increase uptake of these*



*sustainable travel options include car sharing schemes, cycle parking provision, cycling training and incentives and cycle / walking user groups. These measures will be explored in more detail in a Full Travel Plan once the site is operational, and will supplement bus service provision at the site. Therefore, the existing level of bus services in the vicinity of the site is considered sufficient.*

- 5.55 A subsequent review of the consultants' comments by LCC Highways has indicated that agreement has now been reached on item 2, with the points raised in the rebuttal being accepted by all parties. The developers' commitment to contribute towards the junction improvements at the Finnington Lane/Moulden Brow junction also means item 3 is no longer in dispute. That matter can be secured by way of a Grampian condition.
- 5.56 In respect of the other points raised by LCC it is noted that the level of contribution sought financially or the level or type of works expected to deliver in terms of the improvements to the Leeds and Liverpool Canal towpath are provided. Given that other connections are provided as part of the scheme it is not considered that this request would meet the relevant tests for planning obligations.
- 5.57 Similarly the extent of work requested at the M65 junction 3 are not specified and it is not considered that the proposed development sufficient demands in respect of this request.
- 5.58 In respect of parking for the houses within Chorley Policy ST4 of the Adopted Local Plan sets out the parking requirements which equates to 2 off street parking spaces for 2/3 bedroom dwellings and 3 off road parking spaces for larger dwellings.
- 5.59 Accordingly, the proposal is viewed as being consistent with the requirements of the Framework, BwD and Lancashire Local Transport Plans, Core Strategy Policy CS22, saved Local Plan Policies T9 and T10 (Blackburn) and Policy 3 of the Adopted Central Lancashire Core Strategy (Chorley).
- 5.60 Flood Risk and Drainage: The Leeds Liverpool Canal holds an elevated position on the eastern and southern boundaries of the site. Two large reservoirs historically associated with the powering of the former mill buildings are located within or adjacent to the site, whilst two ordinary watercourses also cross the site. The River Roddlesworth enters from the south, passing beneath the Leeds Liverpool Canal, flowing north adjacent to the Star reservoir. Shortly afterwards it enters a 290m long brick arch culvert which flows west beneath the former Star Mill area. The river then exits the culvert and continues west where it merges with Finnington Brook just upstream of the bridge carrying Moulden Brow. Finnington Brook originates to the west of the site and passes through a culvert adjacent to the Sun reservoir, before

passing down a steep sided spillway and then to the confluence with the River Roddlesworth.

- 5.61 Key issues when determining whether the site is suitable for residential development is drainage and flood risk. The application site is identified as being positioned within areas designated as Flood Zones 1, 2 and 3 within the current Environment Agency Flood Map. In accordance with the Framework; the size of the application site and flood zone designations necessitated the submission of a Flood Risk Assessment. The applicant has also supplied a Hydraulic Modelling Report and 'Draw-Off Methodology' for the Sun reservoir. The latter of those documents is noted, though as the prescribed works do not amount to development, are not within the application site red edge and are not being undertaken as some form of flood attenuation measure, they do not form a material consideration in the assessment of this application
- 5.62 The following conclusions can be drawn from the submitted FRA for the proposed development:
- Fluvial flooding – Environment agency mapping showed that a large portion of the site was in Flood Zone 3. The proposed mitigation measure involved daylighting of a long 290m culvert and adaptation of the Mill Lodge reservoir to function as a flood storage reservoir. Hydraulic modelling proved that these measures were effective both in reducing the flooding to the proposed development area and also the peak flow discharged to the River Darwen during a 1 in 100 year plus climate change flood event.
  - Flooding from artificial sources – Reservoirs – Two large raised reservoirs are positioned on the site and pose significant hazard following a (highly unlikely) breach. In order to minimise this hazard it is proposed that the Sun Reservoir is decommissioned and the Mill Lodge reduced significantly in volume. It is recognised that a (highly unlikely) breach of the Mill Lodge Reservoir would still pose some risk to the site and so further work will be undertaken to quantify this as part of ongoing reservoir safety analysis.
  - Flooding from artificial sources – Canals – The River Roddlesworth culvert which passes beneath the Leeds-Liverpool canal has been identified as a possible canal breach location. The risk to the site from canal breach has been greatly reduced as the daylighting of the Roddlesworth improves channel conveyance through the site and the adaptation of the Star Reservoir will enable a greater storage capacity following a breach of this nature.
  - Surface water flooding – Due to the increase in hard surface area, the site runoff rates and volumes are considerably greater than the greenfield equivalents. A Sustainable Drainage System (SUDS) has been proposed in order to address this issue. The proposed drainage

system consists of an attenuation basin and using the reservoir as temporary storage in order to mimic greenfield conditions.

- Groundwater flooding – Available Environment Agency mapping suggests that the site and surround area are not susceptible to groundwater flooding.

- 5.63 The Flood Risk Assessment concludes that following the mitigation measures set out in the report, the proposed development satisfactorily reduces the flood risk to the site from all forms of flooding. The proposed development would lie in Flood Zone 1 where both residential and commercial development is permitted according to Framework table 2 and 3. Furthermore, the FRA demonstrates that the development, as a matter of principle, will not itself be at an unacceptable risk of flooding, nor would it increase flood risk elsewhere. Satisfactory measures can be put in place to ensure that an overall reduction in surface discharge from the site is achieved as part of the scheme.
- 5.64 The FRA and other submitted documents have been comprehensively assessed by a number of drainage bodies, namely; BwD Drainage Team acting as Local Drainage Authority; United Utilities; and The Environment Agency.
- 5.65 United Utilities have suggested that whilst high level drainage principles have been established to inform the outline application for planning permission it is imperative to control the development via the application of a series of conditions reflecting; the size & nature of the proposal; the fact the development is likely to be constructed in a phased manner over a number of years and, most likely, by numerous developers.
- 5.66 It is imperative, they suggest, that the site is drained on a separate system, with only foul drainage connected into the public sewer. Surface water should discharge to the most sustainable form in accordance with the details submitted as part of the application submission. Discharges to watercourse may require the consent of the local drainage authority or the Environment Agency. Surface water should not be allowed to drain to the public sewer as there are alternatives to the public sewer available which is clear from the submitted information. Ultimately the suggested conditions will ensure that the development of the site is undertaken in accordance with a strategic and coordinated approach to the delivery of all infrastructure, including water and wastewater.
- 5.67 The Environment Agency have taken a similar view, advising that the proposed development will only meet the requirements of the National Planning Policy Framework if the measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The condition will require the developer to demonstrate that the 1 in 100 year return capacity can be accommodated within the open river channel.

- 5.68 In conclusion, Members are advised that the proposal would, subject to appropriate conditions, not increase the risk of flooding in the locality. Neither would the development itself be at risk from flooding. Accordingly the proposal can be considered to adhere to the requirements set out in Saved Local Plan Policy ENV2 (Blackburn), Policy 29 of the Adopted Core Strategy (Chorley) and the Framework.
- 5.69 Contaminated land: The majority of the application site was associated with former industrial processes. Many of the buildings linked to the historic uses have been removed, though a small number remain as do large areas of hard standing, underground tanks and former landfill areas. A desk study review and preliminary investigations have identified that the site is contaminated. More investigations are necessary to better characterise the site particularly in terms of ground gas monitoring.
- 5.70 Notwithstanding the above, Blackburn Council's Head of Public Protection has suggested it is clear that the site is at least partly developable. Further site investigations, in particular the ground gas monitoring, will dictate the developable area of the site. Whilst this issue has potential to limit the overall provision of housing on the site, this is not a barrier to supporting the proposal given that the proposed development description states that approval is sought for up to a maximum of 500 dwellings.
- 5.71 Because the proposed development on site includes residential dwellings (a sensitive use) and there is a reported need for further assessment, it is advised that planning conditions are attached to the outline planning permission should members be minded to approve the proposal. The conditions should require the submission of a comprehensive desk study report, including preliminary conceptual model, findings of any site investigation work and a comprehensive land contamination/remediation report. Subject to that requirement the proposal is considered to meet the requirements of saved Policy ENV3 of the Local Plan (Blackburn) and guidance contained within the Framework.
- 5.72 Public Protection: With regard to air quality the main potential concerns resulting from the proposals are in relation to dust annoyance through the remediation and construction phases and increased traffic generation with the associated impact upon air quality due to air pollutants such as nitrogen dioxide. Core Strategy Policy CS13: Environmental Strategy, saved Local Plan Policy ENV10 (Blackburn) and Policy 30 of the Adopted Central Lancashire Core Strategy (Chorley) provide the principle policy considerations.

- 5.73 The applicant has provided an air quality assessment report and subsequent update report on mitigation measures. The position can be summarised as;

The assessment of construction phase impacts associated with fugitive dust and fine particulate emissions has been undertaken in line with the relevant Institute of Air Quality Management guidance. This identified that the proposed development is considered to be a high risk site for dust soiling and a low to medium risk site for particulate matter (PM10) effects. However, through good site practice and the implementation of suitable mitigation measures recommended in this report, the effect of dust and PM10 releases would be significantly reduced. The residual effects of the construction phase on air quality are considered to be acceptable subject to the application of a dust management plan condition.

- 5.74 The assessment of the potential air quality impacts associated with traffic generated by the operational phase of the proposed development has been completed in line with published methodologies and technical guidance. The pollutants considered in this part of the assessment were nitrogen dioxide (NO<sub>2</sub>) and PM10. The results show that the Proposed Development would result in a range of changes in pollutant concentrations (both positive and negative), equating to impacts on local air quality at individual assessment receptors ranging from substantial beneficial to substantial adverse. However the impact at the majority of individual assessment receptors was negligible, and at lower number of receptors the impact was slight adverse, moderate adverse or slight beneficial. Therefore, on balance, the effect on local air quality during the operational phase was considered to be slight beneficial to moderate adverse prior to mitigation. The Head of Public Protection considers the submissions to be reasonable in their conclusions and does not object to the proposal subject to a condition requiring a scheme for the mitigation of adverse air quality impacts to be agreed prior to works commencing on site.

- 5.75 Subject to the suggested conditions, the proposals are considered to meet the requirements of Core Strategy Policy CS13: Environmental Strategy, saved Local Plan Policy ENV10 (Blackburn) and Policy 30 of the Adopted Central Lancashire Core Strategy (Chorley).

- 5.76 With regard to the noise impact of the proposed development; the principle policy assessments are set out in saved Local Plan Policy ENV4, though due consideration should also be given to British Standard 4142:2014 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas". The site and surrounding area contains a number of noise sources that require consideration; the CHP plant, electrical substation and the local road network. There is also potential for conflict between the B1 element of the scheme and the residential plots.

- 5.77 Notwithstanding the inability to fully appraise the effect of the CHP plant upon the development given it was not operational during the assessment period, the Head of Public Protection has indicated that it is clear that most of the site is developable without producing a conflict between noise sensitive development and the existing and proposed commercial activities. Dialogue with the acoustic consultant has related to the areas around the CHP plant, commercial areas and substation and has resulted in further monitoring and agreement on methodology. Dialogue and monitoring is ongoing and can go on prior to the reserved matters application with the worse-case scenario being a reduction in the number of residential plots available or upgraded acoustic protection. Ultimately this means that the noise issues can be conditioned at this stage requiring that a scheme is agreed for the soundproofing of the residential plots prior to the commencement of the approved use.
- 5.78 The proposed B1c development has potential to conflict with a residential use in close proximity, though it is likely that a noise emission limit would suffice given the end use is not yet known. It would also be prudent to restrict the hours of deliveries to these units so as to ensure that large vehicles are not moving around the site at a late hour.
- 5.79 In conclusion, recommended measures to protect residential amenity during the demolition/construction phase include the submission of site noise, dust and vibration protection measures and a restriction of hours of operation on site. Additional controls relating to; operational hours for the new commercial premises; maximum noise levels from the commercial premises; and a scheme for the protection of the new residential properties from noise sources on or around the site, are required. These should be conditioned. Subject to those controls, the proposal is considered to meet the requirements of Core Strategy Policy CS13, saved Local Plan Policies ENV3 and ENV10 and British Standard 4142:2014 (Blackburn).
- 5.80 Blackburn Affordable Housing: The requirement for affordable housing provision is set out in Policy CS8 of the BwD Core Strategy. The Policy indicates that the overall target will be for 20% of new housing to be affordable; with the requirement being met through on-site provision, or through a commuted sum to be used in supporting the delivery of affordable housing elsewhere in the Borough. In meeting the 20% target, the Council will take account of factors affecting delivery including the viability of individual developments and up to date evidence on market conditions.
- 5.81 Chorley Affordable Housing: Policy 7 of the Core Strategy relates to affordable housing and this site would require 30% on-site affordable housing. The Central Lancashire Affordable Housing SPD includes guidance on the range of approaches, standards and mechanisms required to deliver a range of affordable housing to meet local needs.

- 5.82 From Chorley's perspective although the site falls within the defined settlement area it is not considered that the site location would be appropriate for affordable housing in terms of meeting the affordable housing needs of Chorley. The SPD does confirm that the Council's preferred way forward is on-site provision however it does allow for off-site provision or financial contributions where robustly justified. In this case an off-site contribution is considered to be more appropriate.
- 5.83 Members will note that large portions of the application site are heavily constrained due to the legacy of the previous uses of the site, as well as there being substantial infrastructure costs associated with bringing the site back in to use. These factors provide the basis for a 'viability defence' in terms of the developer not meeting the requirement for on-site affordable housing provision.
- 5.84 The applicant, given the uncertainty with future developers of the site yet to be identified, has indicated a preference for a s106 commuted sum payment to support off-site affordable housing provision. Both BwD and CBC are comfortable with approach, which is in accordance with planning policy. The applicant has provided extensive and robust data to illustrate the viability concerns. The data has been submitted in the form of the Government's Housing and Communities Agency (HCA) development appraisal tool (DAT), which allows for direct comparison with other similar developments and is the Council's preferred model for viability appraisals. The DAT includes an open book assessment of the development costs set against the potential market returns for the new housing and employment uses.
- 5.85 The extensive remediation and infrastructure costs significantly reduce the development's viability and the DAT indicates a surplus of £263,814 provided by the whole development. Notwithstanding this fact, the applicant has offered further concessions in order to improve the offer and reach agreement with both BwD and CBC. The offer amounts to a one-off up-front s106 contribution of £350,000, with the monies payable prior to the commencement of the first dwellinghouse within the development. Members are advised that whilst the offer falls well below the fully policy compliant affordable housing requirements from both BwD and CBC's perspective the offer is appropriate and reasonable given the DAT assessments and the perceived benefits of bringing the heavily constrained site back in to viable use. Furthermore acceptance of the offer would be in accordance with the requirements of Core Strategy Policy CS8 (Blackburn) and Policy 7 of the Adopted Core Strategy (Chorley).
- 5.86 Ecology: Blackburn with Darwen Core Strategy Policy CS15 aims to ensure that there is no net loss of regional/county level or locally important sites when determining planning applications. Additional safeguards for ecological assets and protected species are set out in Saved Local Plan Policies LNC8 and LNC9. The Framework at

paragraph 109 also provides a general requirement for development to protect and enhance biodiversity.

- 5.87 The Adopted Central Lancashire Core Strategy (Policy 22) seeks to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area. This is supported by Policy BNE9 of the Adopted Chorley Local Plan which confirms that in Chorley biodiversity and ecological network resources will be protected, conserved, restored and enhanced.
- 5.88 A number of County designated Biological Heritage Sites (BHS) are located within the application site boundary. They are; Moulden Banks (designated or neutral and acidic grassland, scrub open woodland and a pond) Stanworth Woods and Reservoir (designated for woodland and reservoir), Whinney Bank & Feniscowles Woods (designated for mature woodland and parkland) and Hoghton/ Withnell Biological Heritage Site. In addition Stanworth Valley Grassland and Stanworth Valley Woods are also located circa 15m from the site boundary.
- 5.89 The submitted planning statement seeks to set out the wider ecological enhancement provided by the development proposals. Namely;
- Reinstatement of the culverted section of the River Roddlesworth;
  - Targeted management of the BHSs including two woodland BHS within the developers ownership;
  - Habitat creation following draining of the Sun reservoir; and
  - Modification of building B11 and the water tower in the woodland to provide additional roosting opportunities for bats.
- 5.90 The application has also been accompanied by an ecological appraisal report undertaken by Bowland Ecology. The report comprises; an extended phase 1 habitat survey, non-native/invasive species survey; phase 2 vegetation survey; and bat, badger, breeding birds, reptiles and amphibians surveys. Following dialogue with Capita Ecology an addendum report has also been supplied, which outlines the current impacts of the development and mitigation proposals.
- 5.91 The most pertinent findings can be summarised as;
- Without appropriate mitigation, there is the potential for impacts on Moulden Banks, Stanworth Woods and Reservoir and Whinney Bank and Feniscowles Woods as a result of recreational use. New footpath links are proposed across the plateau area of Moulden Banks BHS and down into the development. No new footpaths are proposed in any of the other BHSs.
- 5.92 The bat surveys undertaken have confirmed the presence of a whiskered maternity roost in building B2 (maximum of 56 bats recorded) and a Daubenton's maternity roost in the culvert between entrances C1a and C1b (maximum 106 bats recorded). Whiskered and



Daubenton's bats are both fairly common and widespread species in England. The roosts of both species are a good size (whiskered roosts can number over 100 bats and Daubenton's several hundred, Altringham, 2003). These roosts are of importance in the District/potentially County context and considered to be of medium to high conservation importance.

- 5.93 A few other small roosts of soprano pipistrelles (one or two bats) were recorded in Buildings B5, B7 and an unidentified species (non-echo locating) in B9. These roosts are of low conservation importance. The development proposals will potentially impact on all of these bat roosts. The woodland, reservoirs and river provide important foraging habitat for bats. The majority of these features will be retained. No habitat fragmentation is anticipated. The re-instated River Roddlesworth will provide a new habitat corridor through the site. The Daubenton's bats foraging habitat assessment in August 2015 identified that the Sun Reservoir is an important foraging area for the bats. The partial draining of the Sun reservoir will represent a loss of foraging habitat to the Daubenton's bats (by approximately 47% of the current surface area of water). The other reservoir within the site will be retained and the nearby Leeds and Liverpool Canal and River Darwen also provides suitable foraging habitat for this species. Re-instatement of the River Roddlesworth through the site will provide additional foraging habitat for bats. Overall no significant impacts on bats as a result of loss of foraging habitat are anticipated.
- 5.94 Only one single hole badger sett with no evidence of recent use was identified during the survey which will be retained. There will be some loss of potential foraging habitat in the form of grazed grassland. Due to the sett's status (outlier), retention of part of the Moulden Banks BHS surrounding the sett and which connects though to other adjacent habitat, no significant effect is anticipated on badgers.
- 5.95 The immature tree line at TN3 and the mosaic of vegetation at TN42 which includes areas of scrub and young trees provide potential habitat for nesting birds. The following species were identified to be holding territories: blackbird, blue tit, bullfinch, chiffchaff, coal tit, dunnock, goldfinch, great spotted woodpecker, grey wagtail, jay, kestrel, magpie, nuthatch, pied wagtail, robin, song thrush, treecreeper, woodpigeon and wren.
- 5.96 No reptiles were recorded during any of the survey visits between June and October 2014. Common toad (a UK BAP species), common frog, common shrew and field vole were recorded to be using the refugia. Common frogs, common toads and field voles were recorded throughout, although common toads were particularly frequent in the areas at the eastern end of the site where a maximum count of 13 was recorded in each of the two areas north and south of the power station on 26th September 2014.

- 5.97 The ecological addendum goes on to provide recommendations and mitigation measures, though acknowledges that because the development proposals are only outline at this stage the recommendations are necessarily rather generic. Capita Ecology has advised that a Habitat and Management Report should be compiled and submitted for approval at reserved matters stage. This should include all measures of habitat conservation and enhancement in relation to Moulden Banks BHS including the area south of the existing power station which has been identified to offset the impact of loss of part of this area. This matter should be controlled via planning condition
- 5.98 In addition a series of additional conditions are deemed necessary in order to support the proposal. Those conditions relate to;
- Further bat surveys prior to commencement on site;
  - Trees with potential to support bat roosts that will be affected by development to be surveyed;
  - Survey of buildings or structures with potential to support bat roosts, which are identified as mitigation for the loss of existing bat roosts;
  - Badger survey to be undertaken no more than 6 months prior to work commencing on site;
  - Development undertaken in accordance with precautionary methods of working outlined in submitted ecological appraisal addendum to safeguard reptiles and amphibians;
  - All work likely to disturb breeding or nesting birds to be undertaken outside March-August period, unless development adheres to working practices set out in section 3.41 of the ecological appraisal addendum; and
  - Management plan to curtail spread of non-native invasive species;
- 5.99 Following the Supreme Court ruling (Morge vs Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
- Is the proposal likely to result in a breach of the Habitats Regulations?
  - If so, is Natural England likely to grant a licence?
- 5.100 Natural England has not been consulted on the proposals as it is not considered that that the proposals will result in a breach of the Habitats Regulations.
- 5.101 Following the high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a

development which could harm a European Protected Species. The three tests include:

- (a) the activity must be for imperative reasons of overriding public interest of for public health and safety;
- (b) there must be no satisfactory alternative and
- (c) favourable conservation status of the species must be maintained.

5.102 This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.

5.103 The Framework (para 118) confirms that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

5.104 As such the Framework adopts a tiered/ cascade approach in that the first test is whether there is an alternative to developing the site. The development has beneficial consequences to the environment by replacing a brownfield site and its associated hardstanding/ storage areas with a deliverable development which has the potential to deliver ecological improvements. The use of the Mill and the site has diminished over time and now a lot of the site is unused and in a poor state of repair. As such an appropriate reuse of the site needs to be secured particularly given the derelict nature of the current site and its impact on the visual amenities of the area. As such it is considered that the first two derogation tests and the alternative site test within the Framework are met in that there is no satisfactory alternative.

5.105 The next test is whether a favourable conservation status of protected species will be maintained and whether the biodiversity impacts are adequately mitigated. To compensate for the habitat losses and to ensure that the proposed scheme does not adversely impact on protected species suitable conditions are proposed. As such it is considered that the Local Authority has engaged with the three tests of the Habitats Directive and the guidance contained within the Framework and from an ecological perspective the proposals are acceptable.

5.106 Subject to the suggested conditions the proposal can be considered to meet the requirements of Policies CS15, LNC8 and LNC9 (Blackburn), Policy 22 of the Core Strategy and BNE9 of the Adopted Local Plan (Chorley), as well as the Framework.

5.107 Chorley's Sustainable Resources: Policy 27 of the Adopted Central Lancashire Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received

Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

*“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”*

*“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”*

- 5.108 As such there will be a requirement for the dwellings located within Chorley to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.
- 5.109 Community Infrastructure Levy: The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed housing development located within Chorley will be chargeable development which is also index linked.
- 5.110 Retention of buildings: Two buildings will be retained on site, the boiler house and mill lodge buildings
- 5.111 Within Chorley it is proposed to retain an existing building (the former Boiler House) within the Mill Valley Character Area to be used for community/ retail use. Retail uses fall within the definition of main town centre uses in accordance with the Framework. In accordance with the Framework such uses should be located within town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

5.112 This site falls outside any of the designated shopping areas within Chorley and as such is classified as an out of centre site. The Framework states that:

*Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.*

5.113 The National Planning Practice Guidance (NPPG) provides further guidance on the requirements for sequential tests and confirms that the application of the test should be proportionate and appropriate for the given proposal. The NPPG includes the following checklist in respect of sequential tests:

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed

5.114 Policy EP9 of the Chorley Local Plan reinforces the guidance contained within the Framework and permits such development within accessible locations, which do not harm the amenity of the area and which do not detract from the function, vitality and viability of the town centre.

5.115 This application is not supported by a sequential assessment however it is intended that the retail offer on this site is purely to serve local needs, secured by condition, and it is not considered that there would be any sequentially preferable sites for such retail provision which is wholly to serve the proposed development. The proposed retail

provision will be less than 2500m<sup>2</sup> which ensures that a full impact assessment is not required.

- 5.116 Heritage Assets: The 1905 Boiler House building that is proposed to be retained as part of the development, and its immediate neighbour that is of the same vintage, whilst not designated are clearly imbued with a degree of local historic significance. They include many elements of typical industrial buildings of this period and this area – Accrington brick elevations with gauged brickwork heads to the windows, decorative recessed panels with diaper pattern detailing local sandstone details such as key stones and sills, string courses and cornices and raised verges. The clerestory roof to the boiler house building is particularly attractive as is the deep stone rock-cut plinth upon which the building sits. Finally the fine cast-iron window frames add a final flourish of design detail that epitomises the confidence of the late Victorian/early Edwardian period.
- 5.117 Whilst most of the site lies within the Blackburn with Darwen Borough Council area, the south western corner of the site and specifically the boiler house building lie within Chorley Council's boundary.
- 5.118 Consent was granted in March 2012 by Blackburn with Darwen Borough Council for the demolition of all buildings on the site, however no such application was made for the buildings that lie within the Chorley Council area.
- 5.119 The retention of the boiler house building in the current proposal is therefore welcomed as it will see the retention and reuse of the last remaining fragment of an area that was once rich in industrial heritage. It is regrettable that the adjacent building, the Nemo Starch building, is not also to be retained as it is probably of equal historic and architectural interest.
- 5.120 The Conservation Officer at Chorley Council has raised concerns that the submitted Heritage Assessment fails to make any comment on the significance of the extant buildings within the site, but concentrates on the potential for buried archaeology and the significance with which this may be endowed – which it concludes to be low.
- 5.121 The Conservation Officer has commented that the remaining buildings were the most elaborate and decorated of those to be found on the site when all were extant and that they are imbued with a good level of local historic significance. They also possess many features of architectural and historic interest both internally as well as externally. Whilst it is conceded that permission to demolish the Nemo Starch building has already been granted, the opportunity should be taken to revisit this and the possibility of retention and conversion be further explored.

5.122 As such from a heritage assets perspective the retention of the Boiler House is favoured and accords with the aspirations of paragraph 128 of the Framework. It is considered beneficial to also retain the Nemo Starch building from a heritage perspective however as the majority of the building is located within Blackburn and it has been determined that prior approval is not required for the demolition of the buildings on site including this one its retention cannot be secured as part of this application.

6.0 Recommendation

6.1 APPROVE subject to a s106 agreement being completed and signed in relation to;

- The payment of a commuted sum totalling £350,000 for the off-site provision of affordable housing. The sum being payable in its entirety prior to the commencement of the first dwellinghouse
- The payment of a commuted sum totalling £73,000 towards the requirements of travel planning associated with the development

## 6.2 Suggested conditions

No.	Condition
1.	<p>Application(s) for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the date of the approval of the last of the reserved matters to be approved.</p> <p>REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Details of the following matters (subsequently referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:-</p> <ol style="list-style-type: none"> <li>a) Appearance.</li> <li>b) Landscaping.</li> <li>c) Layout.</li> <li>d) Scale.</li> </ol> <p>REASON: Because the application is in outline only and no details have yet been furnished of the matters referred to in the Condition, these are reserved for subsequent approval by the Local Planning Authority.</p>
3.	<p>Either prior to the commencement of the construction of the dwellinghouses and buildings hereby approved or as part of each reserved matters application the following information shall be submitted to and approved in writing by the local planning authority:</p> <ul style="list-style-type: none"> <li>• samples of all external walling, roofing materials, and their colour to be used in the construction of the building work</li> <li>• Full details, including colour and manufacturer, of the proposed hardsurfacing materials</li> <li>• Full details of all fences, walls and gates including their location to be erected on site</li> </ul> <p>The development shall be implemented in accordance with the approved details.</p> <p>REASON: details of the external materials, hard surfacing materials and boundary treatments have not been submitted as part of the outline planning application and to ensure that the materials used as visually appropriate to the locality agreement with the Local Planning Authority is required prior to the commencement of the construction of the dwellinghouses and buildings hereby approved.</p>
4.	<p>Either prior to commencement of each phase of the development hereby approved or as part of each reserved matters application, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> <li>I) the parking of vehicles of site operatives and visitors</li> <li>II) loading and unloading of plant and materials</li> <li>III) storage of plant and materials used in constructing the development</li> <li>IV) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>V) wheel washing facilities</li> <li>VI) measures to control the emission of dust and dirt during construction</li> <li>VII) a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ol> <p>REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and the interests of highway safety the above information is required prior to the commencement of each phase</p>



	of the development
5.	<p>No development shall occur until a scheme detailing the provision of a new vehicular access, signalised junction and pedestrian crossing, at the Moulden Brow site access/egress point has been submitted to and approved in writing by the Local Planning Authority. The cost of the approved scheme shall be borne entirely by the developer. The approved scheme shall be implemented fully prior to the first construction of the residential or commercial units hereby approved.</p> <p>REASON: In the interests of the safe, efficient and convenient movement of all highway users the details need to be agreed prior to any work starting on site so the agreed scheme can be implemented prior to the construction of any buildings on the site.</p>
6.	<p>No development shall occur until a scheme detailing the following works to the Finnington Lane/Moulden Brow traffic signal junction has been submitted to and approved in writing;</p> <ul style="list-style-type: none"> <li>- provision of an upgrade of the existing traffic signal control to a MOVA system to provide improved local network performance</li> <li>- white lining to provide 2 lane entry on the Moulden Brow arm of the junction</li> </ul> <p>The cost of the approved scheme shall be borne entirely by the developer. The approved scheme shall be implemented fully prior to the first construction of the residential or commercial units hereby approved.</p> <p>REASON: In the interests of the safe, efficient and convenient movement of all highway users the details need to be agreed prior to any work starting on site so the agreed scheme can be implemented prior to the construction of any buildings on the site.</p>
7.	<p>Prior to the commencement of the construction of the dwellinghouses and/or commercial units a Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall accord with, but not be limited by, the Framework Travel Plan prepared by JMP Consultants Ltd, received 23rd June 2015. The development thereafter shall be undertaken in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To reduce the reliance upon the use of private motor vehicles and to promote the use of public transport and other alternative modes of travel an agreed travel plan for the development on this site is needed prior to the construction of the buildings.</p>
8.	<p>Prior to the construction of the residential and commercial uses hereby approved, the existing wall on the Moulden Brow highway frontage shall be reduced to, and permanently maintained thereafter, at a height not greater than 1 metre above the crown level of the adjacent highway.</p> <p>REASON: To ensure the safe, efficient and convenient movement of all highway users and for the free flow of traffic</p>
9.	<p>At the same time or prior to the submission of the First Reserved Matters application for the development hereby permitted, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development. The development shall only be implemented in accordance with the approved Phasing Plan.</p> <p>The Phasing Plan may be amended from time to time with the written approval of the Local Planning Authority unless the proposed phasing is likely to give rise to any significant environmental effects which have not been assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 then such amended Phasing Plan shall be accompanied by an Environmental Statement prepared in accordance with the said 2011 Regulations.</p> <p>Reason: To ensure the satisfactory phasing of the development and to ensure that</p>

	the development, including open space, employment, community uses and utility infrastructure is delivered in a coordinated, planned way
10.	<p>At the same time as the submission of the First Reserved Matters application for a phase or part of a phase of the development hereby permitted a Foul and Surface Water Drainage Strategy for the entire site shall be submitted to the Local Planning Authority for approval (in consultation with United Utilities Limited) such strategy to include the following details as a minimum:</p> <ul style="list-style-type: none"> <li>a. unless otherwise agreed in writing, the foul connection point shall be to the 375mm / 450mm combined sewer in Preston Old Road for the entire site;</li> <li>b. the details of any additional off-site drainage infrastructure required as a result of the entire development; and</li> <li>c. any drainage infrastructure connections (foul and surface water) between the different phases of the development defined by the previous phasing condition. Where drainage infrastructure connects development from different phases, it will be necessary to show how much development will be served by the connecting drainage infrastructure.</li> </ul> <p>Reason: To ensure a holistic approach to the construction of the detailed drainage infrastructure for the site so that the drainage infrastructure which is constructed is able to cope with the foul and surface water discharges from the entire development site. This condition is imposed in light of policies set out within the National Planning Policy Framework (NPPF)</p>
11.	<p>At the same time as the submission of each subsequent Reserved Matters application for a phase or part of a phase, an updated Foul and Surface Water Drainage Strategy shall be submitted to the Local Planning Authority for approval (in consultation with United Utilities Limited), such Strategy to include as a minimum the details listed within condition 10.</p> <p>Reason: To ensure a holistic approach to the construction of the detailed drainage infrastructure for the site so that the drainage infrastructure which is constructed is able to cope with the foul and surface water discharges from the entire development site. This condition is imposed in light of policies set out within the National Planning Policy Framework (NPPF)</p>
12.	<p>Unless otherwise agreed with the local planning authority (in consultation with United Utilities Limited), there shall be no foul and surface water connections between phases of development defined (and as may be amended from time to time) by condition 9 other than in accordance with the connections identified and approved under condition 10 criterion (c). The detailed drainage schemes for each phase of development required by conditions 15 and 16 shall be submitted for approval in accordance with the foul and surface water drainage details approved under this condition.</p> <p>Reason: To ensure a holistic approach to the construction of the detailed drainage infrastructure for the site so that the drainage infrastructure which is constructed is able to cope with the foul and surface water discharges from the entire development site. This condition is imposed in light of policies set out within the National Planning Policy Framework (NPPF)</p>
13.	<p>No development shall be commenced on any phase or part of any phase of the development hereby permitted unless and until the Foul and Surface Water Drainage Strategy submitted with the relevant Reserved Matters application has been approved in writing by the Local Planning Authority in consultation with United Utilities Limited.</p> <p>Reason: To ensure a holistic approach to the construction of the detailed drainage infrastructure for the site so that the drainage infrastructure which is constructed is able to cope with the foul and surface water discharges from the entire development site. This condition is imposed in light of policies set out within the National Planning Policy Framework (NPPF)</p>
14.	<p>For the avoidance of doubt, surface water shall drain separately from the foul. Unless otherwise agreed in writing, no surface water shall discharge directly or</p>

	<p>indirectly into the public foul, combined or existing surface water sewerage systems in accordance with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to the above conditions [10/11/12/13] and with the details contained in the submitted application form, flood risk assessment prepared by Edenvale Young dated 7 May 2015, and the Drainage Report prepared by Bright Young Consulting ref: 1872/DR001 Rev 1 dated 14 May 2015 Reasons: To promote sustainable development, secure proper drainage and to reduce the risk of flooding and pollution.</p>
15.	<p>Prior to commencement of any phase or part of any phase of the development hereby permitted, full details of the foul drainage scheme for that phase including full details of any connections to the foul sewer network and any necessary infrastructure shall be submitted to and approved in writing by the local planning authority (in consultation with United Utilities Limited). The details for each part or phase must be consistent with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to the above conditions [10/11/12/13]. No housing or other development shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details and written notice of this fact has been sent to the Local Planning Authority. Reason: To promote sustainable development, secure proper drainage and to reduce the risk of flooding and pollution. This condition is imposed in light of policies set out within the Framework</p>
16.	<p>Prior to the commencement of each phase or part of the development hereby permitted, full details for a surface water regulation system and means of disposal for that phase or part phase, based wholly on sustainable drainage principles and evidence of an assessment of the hydrological and hydrogeological context of the development for that phase shall be submitted to and approved by the local planning authority (in consultation with United Utilities Limited) in writing. The drainage scheme shall demonstrate that the surface water run off generated up to and including the 1 in 100 year critical storm including 30% climate change allowance will not exceed the run-off from the existing undeveloped site and following the corresponding rainfall event. The details for each phase must be consistent with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to the above conditions [10/11/12/13] and with the principles established in the submitted application form, flood risk assessment prepared by Edenvale Young dated 7 May 2015, and the Drainage Report prepared by Bright Young Consulting ref: 1872/DR001 Rev 1 dated 14 May 2015. Reason: To promote sustainable development, secure proper drainage and to reduce the risk of flooding and pollution. This condition is imposed in light of policies set out within the Framework.</p>
17.	<p>Prior to the commencement of each phase or part phase of the development hereby permitted, a sustainable drainage maintenance and management plan for the lifetime of that phase or part phase of the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with United Utilities PLC). Unless otherwise agreed in writing by the Local Planning Authority, the plan shall include arrangements for permanent adoption by a SuDs approving body (SAB), Statutory Authority or other relevant party of any sustainable drainage features including any outfalls into local water courses, structures, ponds and bridges. Each phase shall be completed maintained and managed in accordance with the approved details. Reason: To promote sustainable development, secure proper drainage and to reduce the risk of flooding and pollution. This condition is imposed in light of policies set out within the Framework</p>
18.	<p>The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:</p>

	<p>- Confirmation of the opening up of the existing culvert across the site, demonstrating that the 1 in 100 year return period capacity can be accommodated within the open channel.</p> <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>REASON: to reduce the risk of flooding to the proposed development and the general locality</p>
19.	<p>No development shall occur until a scheme detailing the design for the inlet/outlet arrangements in order to provide water level management within the Star Reservoir has been submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented prior to first construction of the residential development and thereafter retained.</p> <p>REASON: To ensure the development will not increase the risk of flooding or be at risk itself from flooding this information is required prior to the commencement of works on the site</p>
20.	<p>The construction hours of the development hereby permitted, including deliveries, shall only take place between the hours of;</p> <p>8:00 and 18:00 - Monday to Friday  9:00 and 13:00 - Saturdays  No work to occur - Sundays and Bank Holidays</p> <p>REASON: To safeguard the amenities of the adjoining premises and the area generally</p>
21.	<p>Earthworks and construction shall not commence until a dust management plan to control the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.</p> <p>REASON: To ensure the development does not unacceptably impact upon air quality this information is required prior to any works commencing on site</p>
22.	<p>No development shall occur until a scheme to mitigate adverse air quality impacts associated with the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate, but not be limited to, proposals outlined in the Air Quality Assessment Update Note (ref:620001856-002) received 2nd September 2015. The development shall be undertaken in accordance with the approved details.</p> <p>REASON: To ensure the development does not unacceptably impact upon air quality this information is required prior to the commencement of development on the site</p>
23.	<p>No demolition, earthworks or construction shall be undertaken until a scheme detailing the protection of surrounding neighbouring properties from dust, noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.</p> <p>REASON: To safeguard the residential amenity standards of neighbouring properties and the locality this information is required prior to the commencement of any works on the site</p>
24.	<p>Prior to the commencement of the construction of each residential phase of the development hereby approved, a scheme detailing how the residential properties hereby approved will be protected from the noise sources on and around the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details relating to the layout, soundproofing and other mitigation measures. The approved scheme shall be implemented and thereafter retained.</p>

	<p>REASON: To ensure the development provides for appropriate residential amenity standards for future occupants this information is required prior to the commencement of the construction of the dwellinghouses.</p>
25.	<p>The noise emitted from the employment uses hereby approved, including any fixed plant or equipment, shall not exceed the following limits as LAeq,T (where T is the assessment period and is equal to 1 hour during the day and 15 minutes at night) at the boundary of any residential premises;                  Day-time level - 45dB                  Night-time level - 35dB                  REASON: To ensure that the development does no unacceptably affect the residential amenity of residential properties</p>
26.	<p>There shall be no deliveries to or dispatch of goods from the employment area outside of the following times;                  Monday to Friday 7:30am to 20:00pm                  Saturday 8:00am to 18:00pm                  No delivery or dispatch on Sundays and Bank Holidays                  REASON: To safeguard the amenities of the neighbouring residential properties and the area generally</p>
27.	<p>No class A1 retail unit, hereby permitted, shall have a gross floor area exceeding 200 square metres. The maximum amount of A1 retail space across the whole site shall not exceed 333m<sup>2</sup>                  REASON: To ensure the development does not adversely affect existing retail centres within the locality</p>
28.	<p>Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:                  (i) Two copies of a comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.                  (ii) Two copies of the findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.                  REASON: To ensure that all reasonable steps have been taken to identify contamination at the site this information is required prior to the commencement of any built development on the site</p>
29.	<p>Prior to the occupation of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.                  REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment</p>
30.	<p>Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the Local Planning Authority (LPA) should be immediately informed in writing. If unacceptable risks are identified, a remedial</p>

	<p>options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.                  REASON: To protect the health of future occupiers of the site.</p>
31.	<p>Either prior to commencement of each phase of the development hereby approved or as part of each reserved matters application, a scheme detailing the existing site levels and proposed site and floor levels shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.                  REASON: To ensure a safe form of development that poses no unacceptable risk of flooding to water resources</p>
32.	<p>Prior to any on site works, an arboricultural method statement and tree protection plan shall be submitted to and agreed in writing by the Local Planning Authority. The method statement shall clearly state how the tree(s) to be retained on site and overhanging the site will be protected during demolition and/or construction works. The agreed method statement shall be implemented in full prior to the undertaking of any on site works.                  REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times</p>
33.	<p>Protective fencing shall be installed around all trees being retained within the application site, in accordance with British Standard 5837: Guide for trees in relation to construction. This fencing should be installed prior to the commencement of any building works, ground works, demolition works or storage of any machinery, equipment or materials on site. This fencing should remain intact and in place until all works are completed on the site. This fencing should be considered sacrosanct and no soil levels should be altered within the perimeter of this fence and no building materials or waste products should be stored inside the fence line.                  REASON: The existing trees represent a public benefit by way of visual amenity and should therefore be protected at all times</p>
34.	<p>No existing trees or hedges within the development site shall be lopped, topped, felled, uprooted, pruned, or sustain root severance, without prior written consent from the Local Planning Authority. Any tree works undertaken with written consent should be in line with British Standards 3998.                  REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times and replaced when necessary</p>
35.	<p>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 within the relevant Phase or Sub-Phase, whichever is the earlier, 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.                  Reason: In the interest of the appearance of the locality</p>
36.	<p>No development shall occur until a habitat management report and plan has been submitted to and approved in writing by the Local Planning Authority. The report shall include all measures of habitat conservation and enhancement necessary to mitigate the impact of the development. The development shall be undertaken in accordance with the approved details.                  REASON: To ensure the proposal safeguards ecological features and protected species this information is required prior to the commencement of any works on the site</p>
37.	<p>Prior to the commencement of development an assessment of recreational access, including the formation of new woodland walkways, to the existing habitats and</p>

	<p>Biological Heritage Sites within the site shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The report should provide sufficient information to assess whether the development is likely to impact on the integrity of these sites and identify mitigation measures, where appropriate. The development shall be undertaken in accordance with the agreed details.                  REASON: To ensure the proposal safeguards ecological features and protected species this information is required prior to works commencing on the site.</p>
38.	<p>Should the development commence more than two active seasons from the date of the initial bat surveys, as detailed in the Bowland Ecology: Ecological Appraisal: April 2015, further bat surveys will be required, to be submitted to and approved in writing by the Local Planning Authority, to provide current information on the location of bat roosts and species and numbers of bats associated with individual roosts. The assessment shall include, but not be limited to, the survey of any buildings or structures with potential to support bat roosts that are to be demolished or have previously been identified as mitigation for the loss of existing roosts. The development thereafter shall be carried out in accordance with any necessary mitigation measures identified.                  REASON: To ensure the proposal safeguards ecological features and protected species</p>
39.	<p>The development hereby approved shall be undertaken in accordance with the precautionary working practices outlined in paragraphs 2.36.1 to 3.43, (pages 16 and 17) of the Bowland Ecology: Ecological Appraisal Addendum: September 2015, received 23rd September 2015; unless alternative working practices are approved in writing by the Local Planning Authority.                  REASON: To ensure the proposal safeguards ecological features and protected species</p>
40.	<p>A badger survey must be undertaken no more than 6 months prior to the commencement of works at the site and shall be submitted to and approved in writing by the Local Planning Authority. The survey shall identify whether there is any active badger setts present on site and as appropriate how impacts to badgers will be avoided, managed and mitigated. The development thereafter shall be carried out in accordance with the agreed measures                  REASON: To ensure the proposal safeguards ecological features and protected species</p>
41.	<p>Notwithstanding the details hereby approved, in accordance with the findings of the Bowland Ecology: Ecological Appraisal: April 2015 and the Bowland Ecology: Ecological Appraisal Addendum: September 2015, where trees are identified for removal they shall be inspected to identify features with roosting potential, including the presence of bat activity or bats themselves, prior to works commencing. This survey should be undertaken and the results submitted to the local planning authority for written approval.                  REASON: In order to ensure the protection of ecological features and protected species</p>
42.	<p>All tree removal should be occur outside of the bird nesting season (March to August) unless the works are undertaken in accordance with the working methods outlined in Paragraph 3.41 on page 16 of the Bowland Ecology: Ecological Appraisal Addendum: September 2015.                  REASON: To ensure the proposal safeguards ecological features and protected species</p>
43.	<p>This consent relates to the submitted details marked received 23rd June 2015, the Noise Report technical note received 28th August 2015, the Air Quality Assessment update note received 2nd September 2015, the Highways Response Discussion Note received 11th September 2015, the Parameters Plan (reference: 4014_027/0003 OPA, received 23rd September 2015, the Sun Reservoir Draw-Off</p>

	<p>Methodology_revision B received 24th September 2015, the Ecological Appraisal Addendum submitted 23rd September, the HCA DAT submission received 21st October 2015, and to any subsequent amendments approved in writing by the Local Planning Authority.                  REASON: To clarify the terms of this consent.</p>												
<p>44.</p>	<p>The development shall be limited to no more than 500 dwellings, 3,224m<sup>2</sup> of B1a employment use, 9,192m<sup>2</sup> of B1c employment use, 333m<sup>2</sup> of A1 commercial use and 1,110m<sup>2</sup> community building and shall be carried out in accordance with the following plans:</p> <table border="1" data-bbox="368 499 1342 752"> <thead> <tr> <th data-bbox="368 499 719 533">Title</th> <th data-bbox="719 499 1027 533">Drawing Reference</th> <th data-bbox="1027 499 1342 533">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 533 719 566">Location Plan</td> <td data-bbox="719 533 1027 566">4014_027/0001 OPA</td> <td data-bbox="1027 533 1342 566">15th May 2015</td> </tr> <tr> <td data-bbox="368 566 719 689">Proposed Access from Moulden Brow General Arrangement And Longitudinal Section</td> <td data-bbox="719 566 1027 689">NW91205-100</td> <td data-bbox="1027 566 1342 689">24th June 2015</td> </tr> <tr> <td data-bbox="368 689 719 752">Proposed Access from Livesey Branch Road</td> <td data-bbox="719 689 1027 752">N191205-102</td> <td data-bbox="1027 689 1342 752">24th June 2015</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Location Plan	4014_027/0001 OPA	15th May 2015	Proposed Access from Moulden Brow General Arrangement And Longitudinal Section	NW91205-100	24th June 2015	Proposed Access from Livesey Branch Road	N191205-102	24th June 2015
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Proposed Access from Livesey Branch Road	N191205-102	24th June 2015											
<p>45.</p>	<p>The new dwelling(s) hereby approved within the Borough of Chorley are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.                  Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development</p>												
<p>46.</p>	<p>Prior to the commencement of the construction of the dwellings) located within the Borough of Chorley hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the building will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.                  Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate</p>												
<p>47.</p>	<p>No part of the building 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 building has achieved the required Dwelling Emission Rate.                  Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>												



48.	<p>Prior to the commencement of the development and the submission of reserved matters a scheme for the provision of public open space and equipped play areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of all play and other equipment to be provided. The development thereafter shall be carried out in accordance with the approved details prior to the practical completion of 100 dwellings.</p> <p>Reason: To ensure adequate provision for public open space and play areas within the development</p>
49.	<p>Prior to the commencement of the first phase of the development details of the proposed arrangements for future management and maintenance of all of the open space, including the equipped play area, within the site shall be submitted to and approved by the Local Planning Authority. The open space shall thereafter be managed and maintained in accordance with the approved management and maintenance details.</p> <p>Reason: To ensure the on-site open space is managed and maintained to an acceptable standard</p>
50.	<p>Prior to the commencement of each phase/ sub-phase of the development located within the Borough of Chorley details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.</p> <p>Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.</p>
51.	<p>Prior to the construction of any of the streets referred to in the previous condition located within the Borough of Chorley full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.</p> <p>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</p>
52.	<p>Prior to the commencement of the development a movement strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the road hierarchy through the site and the footpath/ cycle linkages through the site. The development thereafter shall be carried out in accordance with the approved movement strategy unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: to ensure that the development supports sustainable transport measures and communities cycling and pedestrian movements are catered for on suitable desire lines as part of the development. This condition ensures that these important linkages are provided as part of the whole scheme at a reasonable time.</p>

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**KEY**

-  Application Boundary Line
-  Borough Boundary Line
-  PROW
-  Existing Trees
-  Proposed Access
-  Existing Building with Demolition Consent
-  Development Boundary
-  Proposed Pedestrian Link
-  Illustrative Development Blocks
-  Illustrative Tree Planting

<b>A</b>	01/05/2015	Gen. Amends
Rev.	Date	Detail

Notes:  
 Do not scale from drawing - all dimensions to be confirmed on site.  
 Drawing to be read in conjunction with other drawings and documents scheduled on ICDM13 project base file on site.  
 Report all errors/omissions to rCOH Ltd.  
 Drawings and Designs therein remain property of rCOH Ltd unless otherwise stated. License transfer confirmed in writing by rCOH Ltd and to use direct or otherwise permitted except upon such confirmation.

**rCOH** COMPILED ASSET  
 The Powder Rooms  
 69-71 Broad Street  
 Teddington, Middx, TW11 8QZ  
 T > 020 8977 2175  
 E > rCOH@rCOH.co.uk  
 W > www.rCOH.co.uk

**PROJECT >** Sappi Site  
 Farnborough  
**DRAWING >** Site Plan

<b>DWG No.</b>	4014_027/0002 CPA	<b>Drawn By:</b>	DC
<b>Rev.</b>	A	<b>DA Check:</b>	—
<b>Scale &gt;</b>	1:2000(BA1)	<b>Date:</b>	30/04/2015
<b>DWG STATUS</b>		<b>Sketch</b>	X
		<b>Submission</b>	-
		<b>Tender</b>	-
		<b>Contract</b>	-
		<b>Construction</b>	-

