

**Item 6**                      **09/00745/FULMAJ**                      **Permit (Subject to Legal Agreement)**

**Case Officer**                      **Mr Andy Wiggett**

**Ward**                                      **Chorley East**

**Proposal**                              **Proposed Residential Development. Erection of 66 Dwellings and Associated Infrastructure.**

**Location**                              **Quarry Road Industrial Estate Quarry Road Chorley**

**Applicant**                              **Northern Trust Ltd**

**Proposal**                              The proposal is a full planning application. The scheme proposes 66 mixed two storey dwelling types including 3 bungalows The proposed main vehicular access into the site is from the existing access off Quarry Road with a further access serving only a small number of dwellings off Fell View, again at the location of the existing access. The application follows on from the outline application which Committee resolved to approve in February 2009.

**Policy**                                      **Regional Spatial Strategy for the North West**

L4  
W3  
EM1  
RDF2

**Chorley Borough Local Plan Review 2003**

GN1  
EM9  
HS4  
HS6  
TR4

**Planning Policy Statement 1 - General Principles**  
**PPS3 - Housing**

**Planning History**                      **08/00023/OUTMAJ:** Proposed residential development for 72 no. 2, 2.5 and 3 storey mixed dwelling types with associated roads and open space - refused

**08/01147/OUTMAJ:** Proposed residential development for 76 no. 2, 2.5, 3 & 4 storey mixed dwelling types with associated works – approved subject to S106 agreement

**Consultations**                              **Lancashire County Council Highways**

Raises no concerns from a highway point of view but wishes to secure a contribution of £17500 towards traffic calming on Yarrow Road and Canterbury Street.

**Lancashire County Resources Directorate**

Wish to see a developer contribution of £88260 towards youth services, waste management and public art and public realm.

**Neighbourhoods Directorate**

Due to the nature of the industries and processes carried on the land there is a potential for ground contamination. Recommends that conditions be attached requiring an investigation and assessment be carried out.

**Environment Agency**

Having received a contaminated land report from the applicants we would withdraw our objection to the development subject to conditions requiring further investigation and the production of a remediation strategy. Encouragement should be given to the developer to produce a sustainable drainage system.

**United Utilities**

No objections to the proposal provided it is drained to separate systems. A water supply can be provided.

**Coal Authority**

Standard comments

**Planning Policy**

Whilst the retention or redevelopment of employment sites for employment uses is normally preferred, the fact that this particular site does not perform well when assessing its specific suitability for employment re-use, particularly with regard to its poor road access, combined with the fact that it has been marketed without attracting occupiers, means that we do not object to this site being redeveloped for housing.

**Representations**

One letter of objection has been received raising the following issue:

- The emergency exit off Fell view will be used as a short cut to the houses:

**Applicant's Case**

- There is a presumption in favour of appropriate development as an unallocated site within the settlement of Chorley
- The proposal for the site represents the redevelopment of previously used land in conformity with national and regional planning policies
- With regard to the provisions of Policy EM9 of the Local Plan, it is considered that an employment re-use or redevelopment would no longer be appropriate for planning or environmental reasons
- The traffic assessment concluded that the development proposals will not have a material impact on the operational performance of the local highway network

**Assessment**

The main issues concern planning policy, highway and traffic matters, land contamination ecological concerns and design and amenity considerations.

*Planning Policy*

Members will recall the resolution in February of this year to approve in outline a scheme for residential development of the land. The Local Planning Authority has, therefore, established the principle of the use of the land and the paragraphs below reiterate the considerations taken into account then. This is no longer a material consideration in regard to the determination of this

application but is set out in order that the planning context is clearly explained.

The key issue with regard to planning policy matters was compatibility with Policy EM9 – Redevelopment of Existing Employment Sites for Non-Employment Uses and the relevant Supplementary Planning Guidance. Those considered suitable to be re-used for employment purposes are intended to be reserved for such uses unless there is no realistic prospect for an employment re-use, it would not be economically viable or it would not be appropriate for planning or environmental reasons. The applicant submitted a copy of a report prepared by GVA Grimley which concluded that the site was not a particularly suitable one to be reused for employment purposes and demonstrated that the site was not viable for redevelopment for industrial/warehouse uses. The existing premises are poorly accessed, functionally obsolete and detrimental to the amenity of adjoining residents. A marketing exercise had been carried out without attracting any potential occupiers. The proposal, therefore, met the criteria set out in Policy EM9 so as to permit the site to be reused for a non-employment use.

In terms of housing policy the proposal complies with the criteria set out in HS6 – Housing Windfall Sites as the site is brownfield, in a sustainable location and is compatible with the surrounding uses in terms of amenity and impact on surrounding uses.

The applicant has agreed to provide affordable housing at a level of 20%, that is 13 dwellings.

With regard to the policies of the Regional Spatial Strategy, the additional housing will contribute to the housing figures set out in Policy L4 and is compatible with the aims of Policy RDF2 which seeks to concentrate development in key service centres such as Chorley town.

#### *Highway and Traffic Considerations*

The County Highway Authority have no objections to the principle of the development and are only seeking a contribution towards traffic calming in the area. The traffic assessment submitted with the application confirms that it is in a sustainable location and that traffic generated by the development proposal compared with that attracted by the permitted industrial use will be little different and have the added advantage of removing HGVs from the area.

#### *Land Contamination and Ecological Considerations*

The application is accompanied by a comprehensive geotechnical survey of the site. The Environment Agency have assessed the report and withdrawn their initial objection but wish to see conditions imposed to secure a method statement and remediation strategy which also would cover the possibility of further contamination being found and for post remediation sampling and monitoring. The land was previously tipped in connection with an adjoining brick and terracotta works. Since then the land has been completely covered in concrete surfaces and buildings and has no ecological value. Along the frontage with the houses on Fell View there is an area of landscaping but this would be retained. The application is accompanied by a

report on arboricultural issues which concludes that the development as proposed will not have an adverse or negative impact on the local or wider landscape given that those trees proposed for removal are almost all of a relatively poor condition and that the proposals can be used as a means of replacing these trees with better specimens as part of a landscaping scheme prepared for the site. It also recommends that an appropriate method of Japanese Knotweed eradication be formulated.

#### *Design and Amenity Considerations*

The detailed scheme differs from the outline application in that a piece of land that currently forms a landscaped area on Fell View will be incorporated into the site and be used for frontage housing together with a small parking court. The scheme now includes footways along Fell View which serves the existing housing development there. The trees being removed consist of poor silver birch specimens and it is considered that on balance the improved layout benefits the current residents more than the loss of the trees. The layout satisfies the Council's interface distances in relation to the houses on Hornby Road and the new houses will be at approximately the same level. The houses on Fell View have blank elevations towards the proposed new houses. Their design of brick with tile roofs with small porch and projecting brick dentil features is considered acceptable.

#### **Conclusion:**

The current application satisfies the relevant policy criteria with regard to new housing and follows on from the Council's approval of the outline planning application. It is on a brownfield site that can be released from employment use as the requirements of Policy EM9 have been met. The layout is acceptable and does not adversely affect the amenity of adjoining houses. The Highway Authority have no objections subject to securing a contribution to traffic calming measures. This matter, a contribution to open space provision and affordable housing will form part of a S106 agreement to be entered into before the planning permission is issued.

#### **Recommendation: Permit (Subject to Legal Agreement) Conditions**

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

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

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

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

3. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail

which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.

*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

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

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

7. Japanese Knotweed is present within the application area. Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause Japanese Knotweed to grow in the wild. Therefore a programme of control/eradication of this species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The programme shall accord with Environment Agency Guidelines.

*Reason: To ensure the eradication of Japanese Knotweed in accordance with the Wildlife and Countryside Act 1981 (as amended).*

8. No development shall take place until full details have been submitted of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show on-site measures to be installed and implemented so as to produce a minimum of 10% or locally set targets whichever is the higher) of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling. No development shall commence until the scheme has been approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the proper planning of the area, in line with the objective of National Planning Policy contained in Planning Policy Statement : Planning, the Climate Change Supplement to PPS1 and Chorley Borough Council's Adopted Sustainable Resources DPD.*

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

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

10. No development shall take place until:

- a) a methodology for investigation and assessment of ground contamination has been submitted to and approved in writing by the Local Planning Authority. The investigation and assessment shall be carried out in accordance with current best practice including British Standard 10175:2001 "Investigation of potentially contaminated sites – Code of Practice". The objectives of the investigation shall be, but not limited to, identifying the types, nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works, a validation report containing any validation sampling results have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with the guidance in PPS23 – Planning and Pollution*

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