

Item 10/00888/OUTMAJ

Case Officer Caron Taylor

Ward Chorley South East

Proposal Application to vary conditions 11, 12 (ground remediation), 19 (surface water attenuation) and 21 (archaeology) of outline planning permission ref: 08/01044/OUTMAJ to enable the site to be developed in phases.

Location Vertex Training And Conference Centre Little Carr Lane
Chorley PR7 3JT

Applicant Arley Homes North West LTD

Consultation expiry: 24 November 2010

Application expiry: 3 January 2011

Proposal

1. This application is to vary conditions 11, 12 (ground remediation), 19 (surface water attenuation) and 21 (archaeology) of outline planning permission ref: 08/01044/OUTMAJ to enable the site to be developed in phases.

Recommendation

2. It is recommended that this application is granted planning permission, subject to a supplemental to the original Section 106 Agreement.

Main Issues

3. The development of the site has already been permitted in outline. The main issue for consideration in respect of this planning application is whether the conditions can be varied to allow the development to be built in phases.

History

4. The planning history of the site is:
Ref: 06/00850/CB3 **Decision:** Permitted **Decision Date:** 6 November 2006
Description: Creation of an access junction off the proposed Eaves Green Link Road (site area 0.31ha)
5. **Ref:** 08/01044/OUTMAJ **Decision:** Permitted **Decision Date:** 23 December 2008
Description: Outline application for the erection of a mixed use development incorporating residential and B1 employment use following the demolition of the existing buildings (7.2 hectares)

Background

6. Outline permission for the redevelopment of this site (the former United Utilities Vertex Training Centre) was granted in 2008. The permission was outline with all matters reserved apart from the access. The access point to the site on Myles Standish Way has already been constructed under the 2006 permission. The outline permission was for residential use of up to 200 dwellings, and 10,800 square metres of office (Use Class B1) use. The former buildings have been demolished and the site cleared.
7. Arley Homes wish to develop the residential part of the site before the employment part and therefore wish to vary the conditions so they can discharge conditions that apply to that part only, rather than having to discharge conditions for the whole site that they are unlikely to be developing.

8. It should be noted that the original outline permission did not require the residential and commercial elements to be developed together. The two parts of the site could still have been developed separately if the developer discharged the conditions for the whole site.

Consultations

9. LCC Archaeology advises that all the archaeological interest on the site lies within the proposed residential zone. They therefore have no problem with a phases approach to archaeological work.

Representations

10. Four representations have been received to the application; one letter of no objection, two letters that wish to make comment and one objection. The reasons for objection and comment are:
- De-valuation of property;
 - There are protected trees on the site;
 - There is already too much traffic;
 - Concern over relationship between the proposals and the existing properties.

11. It should be noted that the principle of the development has already been established and the layout, appearance, scale and landscaping have not yet received permission and are the subject of a separate Reserved Matters Application ref: 10/00946/REMAJ that is currently under consideration. The application the subject of this report is not for such details, but is purely applying to vary conditions on the outline application to enable the site to be developed in phases.

Assessment

12. The principle of housing on this site has already been established by the original outline permission for the site. The conditions applied to vary are conditions 11, 12 (ground remediation), 19 (surface water attenuation) and 21 (archaeology) of outline planning permission ref: 08/01044/OUTMAJ to enable the site to be developed in phases.
13. In terms of conditions 11 and 12, ground remediation, the application is accompanied by a report detailing site investigations and risk assessments that have been carried out at the site. It concludes that given the absence of a mobile or volatile contamination source across the site the residential and commercial zones may be safely redeveloped and remediated in isolation – there should be no significant risk to human health to future site users from soil contamination should a developed zone co-exist with an undeveloped zone. If the residential zone is to be developed prior to the commercial zone no significant contamination was identified in the commercial zone that may possibly migrate onto the development site (and vice versa). The report concludes that it is not necessary to ensure both zones are remediated at the same time and it will be possible to provide separate site validation and completion reports to discharge the relevant contaminated land planning conditions for each of the residential and commercial zones. It is therefore considered acceptable to vary these conditions so the remediation can be done separately for the residential and commercial parts of the site.
14. Condition 19 relates to a scheme for surface water attenuation to be submitted. It is considered that the condition can be varied to allow this information to be submitted for the residential and commercial parts of the site separately.
15. Condition 21 required a programme of archaeological work to be implemented in accordance with a scheme of investigation. Lancashire County Council Archaeology advises that all the archaeological interest on the site lies within the proposed residential zone and they therefore have no problem with the condition being varied. As the archaeological interest is only in the residential zone they also have no objection to the varied condition referring only to a programme in relation to the residential part of the site rather than the commercial part too.

Other Issues

16. As permitting this application would issue a new outline planning permission for the site a supplemental to the original s106 (application 08/01044/OUTMAJ) is needed to tie the

agreement into this application. In addition the original outline permission permitted up to 200 dwellings. Arley Homes advise they will be developing the site and it is unlikely that they will build 200 dwellings. As such the supplemental agreement will also therefore be amended in terms of commuted sum payments to reflect a reduced number of dwellings.

Overall Conclusion

17. It is considered acceptable to vary the four conditions requested to enable the residential and commercial parts of the site to be developed separately without the applicant having to discharge conditions for the whole site, subject to a supplemental to the original Section 106 Agreement.

Planning Policies

PPS5, PPS23

Adopted Chorley Borough Local Plan Review

EP18

Recommendation: Permit (Subject to Legal Agreement) Conditions

1. Any application for approval of reserved matters must be made to the Council not later than four years from 23 December 2008. The development shall be begun within two years of the date of approval of the last of the reserved matters or within six years of 23 December 2008 which ever is the later
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Before any phase of the development hereby permitted is first commenced, full details of all reserved matters relating to that phase (namely the siting, design, external appearance of the buildings, and the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. At the time of submission of the first set of details for development of the residential parcel, pursuant to Condition 2 above, a Statement of Overall Landscape Strategy for the residential parcel shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a landscaping/habitat creation and management plan and shall include details of structure planting on the site's peripheral areas and adjacent to the primary roads, footpaths and cycle ways within the site. The details shall also include the treatment of the boundaries of the site with the existing residential dwellings along Carr Lane/ Little Carr Lane to ensure the existing residential amenities are protected.
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. At the time of submission of the first set of details for development of the employment parcel, pursuant to Condition 2 above, a Statement of Overall Landscape Strategy for the employment parcel shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a landscaping/habitat creation and management plan and shall include details of structure planting on the site's peripheral areas and adjacent to the primary roads, footpaths and cycle ways within the site.
Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.

5. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Ref.	Received On:	Title:
B3141 P000E	1 October 2008	Location Plan
B3141 P008E	17 November 2008	Proposed Indicative Colour Masterplan
B3141 PO11D	21 November 2008	Proposed Indicative Colour Landscape Structure Plan
B3141 P010D	21 November 2008	Proposed Colour Parameter Plan
B3141 P001B	1 October 2008	Existing Site Plan
A0 071123/005	1 October 2008	Topographical Survey (5 of 5)
A0 071123/004	1 October 2008	Topographical Survey (4 of 5)
A0 071123/003	1 October 2008	Topographical Survey (3 of 5)
A0 071123/002	1 October 2008	Topographical Survey (2 of 5)
A0 071123/001	1 October 2008	Topographical Survey (1 of 5)
N71264-004A	1 October 2008	Proposed Access Road Stub
B3141 P014A	1 October 2008	Proposed Site Sections (A,B,C,D,E)
B3141 P015A	1 October 2008	Proposed Site Sections (F,G,H,J)
P3141 P009	17 November 2008	Proposed Public Realm Plan
B3141 P017A	21 November 2008	Proposed Phase 1 Infrastructure Plan
LK Consult Ltd	4 October 2010	Figure 1: Duxbury Park, Chorley – Proposed Development Zones Drawn August 2010

6. Within one year of or within the first planting and seeding season following the completion of the access junction (whichever is the sooner) the structure planting along the access road and boundary of the site with Myles Standish Way shall be completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
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.
7. Before any phase of the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected for that phase (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building/ dwelling for that phase shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.
Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy Nos. GN5, HS4 and EM2 of the Adopted Chorley Borough Local Plan Review.
8. Samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) for each phase shall be submitted to and agreed in writing prior to the commencement of that phase of development. 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, HS4 and EM2 of the Adopted Chorley Borough Local Plan Review.
9. 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) for each phase shall be submitted to and agreed in writing prior to the commencement of that phase of development. The development shall only be carried out using the approved external facing materials. 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.

10. A scheme of landscaping for each phase shall be submitted and agreed in writing prior to the commencement of that phase of development. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, paved or hard landscaped, detail any changes of ground level and shall be in accordance with the approved landscape strategy pursuant to conditions four and five. Landscaping and restoration schemes should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.
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.
11. All planting, seeding or turfing comprising approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any buildings within each phase of development and any trees or plants which within a period of five years from the completion of the development phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other 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.
12. Prior to the commencement of the development hereby permitted in residential zone (as identified on LK Consult Limited Plan Figure 1 Drawn August 2010) the proposed remedial measures and further investigation works shall be carried out in accordance with the recommendations set out in the submitted Preliminary Risk Assessment (Phase 1 Desk Study) by Leyland Kirby Associates dated 9th June 2008, the Ground Investigation and Risk Assessment (Ref CL1301 and CL1302) dated 11th August 2008 and Investigation of Mine Shafts dated 25th July 2008.
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 Government advice contained in PPS23: Planning and Pollution Control.
13. Prior to the commencement of the development hereby permitted in commercial zone (as identified on LK Consult Limited Plan Figure 1 Drawn August 2010) the proposed remedial measures and further investigation works shall be carried out in accordance with the recommendations set out in the submitted Preliminary Risk Assessment (Phase 1 Desk Study) by Leyland Kirby Associates dated 9th June 2008, the Ground Investigation and Risk Assessment (Ref CL1301 and CL1302) dated 11th August 2008 and Investigation of Mine Shafts dated 25th July 2008.
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 Government advice contained in PPS23: Planning and Pollution Control.
14. Upon completion of the remediation works for each phase (as identified by LK Consult Limited Figure 1 Drawn August 2010) a validation report containing any validation sampling results shall be 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 Government advice contained in PPS23: Planning and Pollution Control
15. Prior to the commencement of the development hereby permitted a method statement, setting out proposals for the protection of the Biological Heritage Site during construction, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved methods.
Reasons: In the interests of the continued protection of the Biological Heritage Site. In accordance with Policy EP2 of the Adopted Chorley Borough Local Plan Review.
16. Giant hogweed (*Heracleum mantegazzianum*) is present within the application area. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to cause the spread of Giant hogweed (*Heracleum mantegazzianum*). Following an inspection of the site in May 2009 confirmation, in writing to the Local Planning Authority, will be required that Giant hogweed

has been eradicated. In the event that the species has not been eradicated a programme of control/eradication of this species shall be submitted to and approved in writing by the Local Planning Authority. The programme shall accord with Environment Agency Guidelines. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure the eradication of Giant hogweed (Heracleum mantegazzianum) in accordance with the Wildlife and Countryside Act 1981 (as amended).

17. Each application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot by means of low carbon sources. Details shall be submitted for on-site measures to be implemented including rainwater/brown water recycling, the implementation of sustainable urban drainage systems and the provision of storage space for recyclable waste materials and composting. No development shall commence until the scheme has been submitted to and 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, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD.

18. The applications for approval of Reserved Matters shall demonstrate and provide full details of how the design and layout of the buildings will withstand climate change. The scheme shall include details of the Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. No development shall commence until the scheme has been submitted to and 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, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD.

19. Each application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels of the dwellings and the B1 units (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved level 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, EM2 and HS4 of the Adopted Chorley Borough Local Plan Review.

20. The access link from Little Carr Lane shall cease to be used 3 months following the commencement of development and prior to the commencement of the residential development unless otherwise agreed in writing with the Local Planning Authority. Full details of the measures to be implemented to prevent vehicular access except in emergencies shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of proposed signage, details of the pedestrian/cycle route and samples of the proposed hard surfacing materials. The development thereafter shall be carried out in accordance with the approved scheme.

Reason: To ensure the acceptable development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

21. No development approved by this permission shall be commenced in residential zone (as identified on LK Consult Limited Plan Figure 1 Drawn August 2010) until a strategy to attenuate surface discharges from that zone of the development to existing 'greenfield rates' has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be completed in accordance with the approved strategy.
Reason: To reduce the risk of flooding at the site and in accordance with Government advice contained in PPS25: Development and Flood Risk.
22. No development approved by this permission shall be commenced in the commercial zone (as identified on LK Consult Limited Plan Figure 1 Drawn August 2010) until a strategy to attenuate surface discharges from that zone of the development to existing 'greenfield rates' has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be completed in accordance with the approved strategy.
Reason: To reduce the risk of flooding at the site and in accordance with Government advice contained in PPS25: Development and Flood Risk.
23. Each reserved matters application shall include full details of the trees to be felled on that phase of the development and shall include full details (including species, number, stature and location) of the replacement tree planting. The replacement tree planting shall thereafter be carried out in accordance with the approved details.
Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.
24. No development shall take place in the residential zone (as identified on LK Consult Limited Plan Figure 1 Drawn August 2010) until a programme of archaeological work has been implemented for that zone in accordance with a scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority.
Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately excavated and the remains recorded and in accordance with Policy Nos. HT11 and HT12 of the Adopted Chorley Borough Local Plan Review.
25. 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.
26. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.
Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.
27. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
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 Government advice contained in PPS23: Planning and Pollution Control.
28. No dwelling/ B1 unit hereby permitted shall be occupied until the highway alterations to the site access with Myles Standish Way, to include access roads into the two employment areas located to the east and west of the access junction, as set out on plan reference B3141 P017A, dated 21st November 2008, or any other such works which have been submitted to

and approved in writing by the Local Planning Authority, have been completed to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.

29. No dwelling/ B1 unit hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.
30. The outline planning permission hereby approved relates to the erection of up to 200 residential units and up to 10,800 square metres of B1 floor space. The applications for reserved matters shall not exceed 200 residential units and 10,800 square metres of B1 floor space.
Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area. In accordance with Government advice contained in PPS3: Housing and Policy EM2 of the Adopted Chorley Borough Local Plan Review.
31. The employment units hereby approved shall be used for B1 uses and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
Reason: To protect the amenities of local residents and in accordance with Policy Nos EM2 of the Adopted Chorley Borough Local Plan Review.
32. Prior to demolition of the buildings on the site, the developer shall undertake further detailed bat surveys of the existing buildings to establish whether or not any bat species are present. Where bat species or their habitat are found to be present, a mitigation report shall be prepared and submitted to the Local Planning Authority, in accordance with the recommendations of the UES Ecological Assessment submitted with this application. No development or site clearance shall take place until the Local Planning Authority has agreed the mitigation measures in writing, and these measures shall then be implemented in accordance with that agreement.
Reason: To protect the interests of any bat species which may be present on the site and in accordance with Policy EP2 of the Adopted Chorley Borough Local Plan Review.
33. Prior to the commencement of the residential parcel full details of the proposed residents consultation procedure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information on how the residents will be kept informed on the progress of the development prior to commencement and during the development period. Additionally details of the main contact / site manager during the development shall be provided to the Local Planning Authority and the residents prior to the commencement of the development. The residents consultation plan shall be implemented and completed in accordance with the approved procedure.
Reason: To ensure that the existing residents are fully aware of the progress of the development.
34. Prior to the commencement of the employment parcel full details of the proposed residents consultation procedure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information on how the residents will be kept informed on the progress of the development prior to commencement and during the development period. Additionally details of the main contact / site manager during the development shall be provided to the Local Planning Authority and the residents prior to the commencement of the development. The residents consultation plan shall be implemented and completed in accordance with the approved procedure.
Reason: To ensure that the existing residents are fully aware of the progress of the development.