

Item	10/00456/OUTMAJ
Case Officer	Liz Beard
Ward	Euxton South
Proposal	Demolition of the redundant mill building and construction of 55 apartments and communal facilities together with the erection of 6 two storey cottages and associated surface car parking (retirement living)
Location	Euxton Mill Dawbers Lane Euxton Chorley PR7 6EB
Applicant	Xpect Development Limited

Consultation expiry: 4 November 2010

Application expiry: 15 September 2010

Proposal

1. The proposal is for the demolition of the redundant mill building and the construction of 55 no. apartments and communal facilities, and the erection of 6 no. two storey cottages and associated surface car parking. The properties would be for people aged 55 years and over.
2. The application is an outline application where the applicant is seeking approval for access, appearance, layout and scale. Landscaping is a reserved matter for future consideration. The total site area is 0.69ha, with a density of approximately 94 dwellings to the hectare.
3. The proposal has been amended, from the scheme that was first submitted. The original scheme included 81 no. apartments and 9 no. two storey cottages. The amended scheme is broken down into 45 two bedroom apartments and 10 one bedroom apartments (55 in total), and 6 two bedroom cottages. The other facilities include a dining/function room, IT suite, kitchen, laundry, cycle store, lounge, conservatory, recreational room, toilets, hair and beauty salon, convenience store and post office and coffee bar area.
4. There are two accesses into the site from Dawber's Lane. The main car parking area is at the front of the site, and there is a smaller parking area/service area to the west of the development. The main entrance/lobby to the apartment building is from the car parking area, and the cottages have their main entrances overlooking the road area, with the main living accommodation to the rear taking advantage of the open aspects of the river and countryside beyond. There are lawn areas and a patio area to the south of the site, and the cottages also have a communal amenity area allocated to them, which both take advantage of the open aspects.

Recommendation

5. It is recommended that this application is approved subject to conditions and entering into a legal agreement.

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - Principle of development
 - Design and appearance
 - Impact on the neighbouring property
 - Highways and transport
 - Flood risk
 - Contaminated land
 - Biodiversity

- Archaeology
- Affordable housing
- Footpath and public right of way

Representations

7. 6 letters of objection have been received where the following issues are raised:
- It has been possible for many years to access the River Yarrow footpath from Dawbers Lane via the eastern side of the factory. We would wish this amenity to continue. Does the plan allow for this?
 - The plans move some of the main building closer to the River Yarrow footpath therefore will be much more obvious to members of the public using the footpath to the detriment of a natural setting.
 - 7 flats are nearer the river than the existing building.
 - All the cottages are lying outside the existing factory building footprint and are also much closer to the river footpath than the proposed new main building.
 - Scale of the development.
 - More vehicles and more traffic will be generated with increased risk of accidents on an already dangerous stretch of road.
 - We note this is a retirement development for the over 55s. Please confirm how this will be legally enforced in terms of people occupying the flats/cottages?
 - Are there plans for the development neighbouring Gledhill Farm to be developed?
 - Overdevelopment
 - In its current state the road is much too dangerous to consider safe access to and from the site.
 - We would welcome the refurbishment of the buildings and site of Euxton Mill, which is rapidly deteriorating, has been the target of vandalism and is becoming an unattractive part of the neighbourhood. However, we feel the proposal put forward for a retirement village of 90 dwellings would appear to be overdevelopment of the site and clearly presents some problems.
 - This change of use does not comply with Green Belt policy.
 - Should this application be approved, it should be subject to the strict condition that the applicant is required to carry out road improvements incorporating a roundabout.
 - The application shows inadequate car park provision.
 - There is a very limited bus service on Dawber's Lane and no shops or other facilities nearby, therefore every resident will require a vehicle.
 - There is a public right of way through this site between Dawbers Lane and Public Footpath No. 9 along the banks of the River Yarrow.
 - Would like reassurance that will remain for over 55s and that residents are not allowed to sublet to people below 55.
 - We appreciate the Mill wall will be straightened and moved back to improve sightlines for people coming from the car park. However, this improvement will not improve the curve in the road itself and may well encourage people to think they can take the bend even faster than now.
 - Dawber's Lane is an extremely difficult road for a pedestrian to cross in either direction. Pedestrians coming from and going to the development is an older age group and find it more difficult. Residents may want to cross on mobility scooters.
 - More should be done to improve pedestrian and vehicle access.
 - Consideration should be made as to whether a combination of speed limits, traffic calming, roundabouts and a pedestrian crossing should be included.
 - We would like assurances that the excavation for waste storage will not affect the integrity of our property or cause any land slip.
 - We would like assurance that there will not be any problems with the main drains and we will not have any 'backing up' or flooding.
 - In extreme rain the water from Dawber's Lane flows onto both the existing car parks.
 - Hope that amendments to the roof design will mitigate against loss of habitats for bats, swallows and wagtails.
 - Japanese Knotweed is present on site.
 - Suggest TPOs are placed on certain trees.

- Object to building of cottages on car park as this has never been used for building purposes.
 - Concern over proximity of development to the river.
 - Concern over balconies overlooking our garden.
 - The walls and windows on the plans do not correspond to each other.
 - Visitor parking should remain on the main car park.
 - Inclusion of parking for visitors on the West side of the Mill would be highly dangerous for drivers unused to the problems of Dawber's Lane traffic.
 - Bin store for all the service facilities and at least half the apartments now sited immediately adjacent to our property.
 - We suggested the inclusion of a 'green roof' to help mitigate the loss of habitat for wildlife and nesting birds. The amendment now includes a 'roof garden' a facility for Humans, not Wildlife!
 - In highways terms the proposed development would lead to unsuitable and unsafe highways conditions on this location along Dawber's Lane and as a result should not be permitted.
 - This area has been known to flood and nay proposals must be carefully arranged and designed to minimise the impact of flooding.
 - The increased footprint and hard standing will accentuate the potential flooding issue by virtue of the additional surface water run-off to the detriment of future occupants.
 - Site was previously in use for employment/industrial purposes and as a result there is potential for ground contamination.
 - In relation to Policy EM9 the information submitted no evidence has been provided to justify this loss of employment premises. In addition no information has been submitted to demonstrate the need for 'retirement' development in this location.
 - Proposed development is contrary to guidance within PPG2 and DC1 and DC6.
8. Amended plans were received and there was one letter of objection following the further consultation period. This was from the neighbouring residents, in relation to the bin storage/refuse area, which had been amalgamated into one area. Their concerns are that there is going to be much more disturbance through noise and that vermin will be around this area. They consider that the store is not in a convenient spot for residents and these bins are not remotely close to the exit routes. The residents have asked whether the recycling and refuse area can be relocated, and the applicants are to respond to their request and any additional information will be reported at the Committee meeting.
9. **Euxton Parish Council** object to this application over concerns of road safety issues due to the history of accidents and deaths on this stretch, sight lines, speeds of traffic. In light of the highway comments and new drawings for the building the Parish Council would just like to ask if you could remind LCC Highways Engineer of the increased traffic due to begin on this stretch of road due to the new Tarmac Quarry plant for 16 years. This was following the consultation with regards to the amended plans.

Consultations

10. **Lancashire County Council (Ecology)** have stated that ecological concerns include potential impacts upon non-statutory sites and protected species. However, it appears that the proposed development would affect the existing developed footprint only. Provide appropriate mitigation and compensation measures can be secured through planning condition, significant impacts upon biodiversity seem reasonably unlikely, and the proposals should therefore be in accordance with the requirements of biodiversity planning policy, guidance and legislation. The following conditions are recommended:
- Measures for the BHS (sections 5.1 and 5.2 of the report 'ERAP Ltd, August 2010. Ecological Survey and Assessment') will be implemented in full.
 - Precautionary measures for the protection of bats (section 5.4 of the report 'ERAP Ltd, August 2010. Ecological Survey and Assessment') will be implemented in full.
 - Tree Felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and July inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections. If there is evidence of active nesting, works must be delayed until nesting is complete.

- Further details of the incorporation of swallow nesting opportunities shall be submitted to Chorley Borough Council for approval in consultation with specialist advisors. Approved details must be implemented in full.
 - No site clearance, site preparation or development work shall take place until a habitat enhancement and management plan for that part of Yarrow Valley BHS within the ownership of the applicant has been submitted and approved by Chorley Borough Council in consultation with specialist advisors. The approved management plan shall be implemented in full.
 - All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. *BS5837: 2005 Trees in relation to construction - Recommendations*).
 - Further details of the proposed lighting scheme (demonstrating that adjacent habitats will not be artificially illuminated) should be submitted to Chorley Borough Council for approval and subsequent implementation.
 - Japanese knotweed (*Fallopia japonica*) and Himalayan Balsam (*Impatiens glandulifera*) shall be eradicated from the site and working methods shall be adopted to prevent the spread of this species.
11. **Lancashire County Council (Archaeology)** recommend that an archaeological record, comprising plans, drawings and photographs, should be made of the buildings, and an archaeological watching brief should be undertaken during groundworks which might encounter the remains of a gasometer and the demolished late 19th century structures seen on the 1st Edition OS 1:2500 map. The above work should be secured by means of condition in accordance with PPS5, Policy HE12, where the loss of the whole or a material part of a heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset which is lost, using planning conditions or obligations as appropriate.
 12. **The Environment Agency** have no objections as there will be no new buildings within 8 metres of the top of the bank of the River Douglas. However, the proposed cottages and the south-east corner of the proposed apartment block are just outside the 8 metre easement. Any amenity space, future extensions will therefore be within this easement and a condition removing permitted development rights for extensions and outbuildings is suggested. A condition is suggested for the removal of Japanese Knotweed and Himalayan Balsam. The site has a previous land use which is potentially contaminating and is located on Secondary A aquifers adjacent to the River Yarrow. Therefore protection of controlled waters should be considered when investigating this site and a condition for a site investigation is recommended.
 13. **Planning Policy** comments in relation to the policy and design are discussed in the main assessment part of the report.
 14. **Director of People and Places** states that due to the past activities upon and adjacent to the above site, notably a former cotton mill and infilled ground, there is potential for ground contamination, therefore a condition in relation to further site investigations is requested prior to any development taking place. It is also suggested that the applicant consults Chorley Council's 'Waste Storage and Collection: Guidance for Developments.'
 15. **United Utilities** state that in accordance with PPS25 surface water should not be allowed to discharge to the combined sewer as stated in the planning application. A condition is therefore requested. A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. The level of cover to the water mains and sewers must not be compromised either during or after construction. The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

16. **Lancashire County Council (Highways)** provided the following comments, on the amended scheme. A Transport Assessment is required for an application of this size. There is no explanation how the parking figures have been derived at, 100% parking is required for the residents. There are 13 visitor spaces shown in the service area, which is now not a service area, which was the reason for retaining the two entrances. There is no link between the two parking areas, which could generate unwanted trips. The employees have no parking. The first scheme had tegular paving this has grasscrete. This is the main car park therefore grass will not survive this level of traffic. This is a retirement village so it is safe to assume that most residents will be of retirement age. On that basis, many will find any walking less easy, yet they are being expected to walk on the very pedestrian unfriendly, surfacing. Also no mobility impaired parking is set aside so the disabled are expected to negotiate this unsuitable surface too. I still have reservations about the delivery/HGV use to the service (even without any parking!) area. Large delivery vehicles still cannot turn in the turning head shown, as the side arm is too short. Again, the bin wagon cannot get to the relocated bin store within the residential parking area on the east side. If the wagon goes in forward it will need a 50m reverse that includes a 90° turn! If the wagon drives to the bottom and then does an umpteen point turn in the short turning head, it then "only" has a 25m reverse. This is in a residential area where residents have to cross to their cars. (Since this initial response was received, there was further consultation following the submission of the Transport Statement and further amended plans. The Highways Engineer has stated that the Transport Statement fully supports the proposal and that the changes made, as shown on the latest amended plans, mean that the proposal works from a highway point of view).
17. **Chorley and District Natural History Society** objects on the grounds that it will have a detrimental effect on an important wildlife habitat and the River Yarrow, the main wildlife corridor in the Chorley Borough and there is no Environmental Impact Assessment Required. A full EIA should be carried out as the proposed development of such a large number of properties, together with associated vehicles, will obviously cause considerable disturbance to the local wildlife. The proposed development extends beyond the footprint of the original mill. Wildlife along the river will suffer. There are mature trees along the river and these are likely to have to be felled, as they will restrict light to the proposed properties. A colony of Swallows currently nests in the derelict mill buildings. An alternative nesting site should be arranged. The buildings have been used by bats and as nesting sites for Grey and Pied Wagtails. Consideration should be given for these species and any other wildlife that uses/have used the mill building and environs. We assume that requirements for surface water drainage attenuation will be addressed as part of the planning process.
18. **Lancashire County Council (Planning Contributions)** have requested a contribution towards Waste Management based upon their Policy Paper 'Planning Obligations in Lancashire.'
19. **Central Lancashire Primary Care Trust** have provided the following comments: As you are aware NHS Central Lancashire has been working closely with the Local Authority planning departments to ensure that we are informed and involved in the arrangements linked to the Local Development Framework and are able to plan for the future healthcare implications of any major residential developments across the Central Lancashire area. They have carried out a detailed exercise to assess the impact that a significant increase in population will have on the local health infrastructure. Both doctors are in agreement that they are unable to take on additional patients at the present time owing to the present workload and the limited clinical accommodation that the existing practice accommodation provides. Euxton Medical Centre offers limited scope to cope with an increase in patient demand of scale envisaged now and in future and it is proposed that the most practical way of providing the additional physical capacity required would be to extend the existing building. It is hoped that account will be taken by the Planning Authority of the impact that the other proposed housing developments in the area will have. The cost of the work is estimated to be in the region of £150,000.
20. **Mr J G Smith, President and Founder of the Chorley and District Archaeological**

Society would like to access the mill to record it for his forthcoming book. In relation to the scheme itself Mr Smith states that it should be considered that an official path to the riverside walkway should be included. The proposal is in one of Chorley's most dangerous locations. The 'S' bend here, is right on where the access to the new premises is to be sited, even if the buildings are a little further back from the present roadway. Dawber's Lane would have to be radically altered here to ensure a safe access to the new site. In relation to the design it is in the wrong position. The design of the complex is worthy of comment in that it looks like it would improve the site. The front and rear aspects are quite pleasing to look at on paper. If the planning is approved, it would fit in nicely, however the new buildings seem to cover more area than the present area occupied by the footprint of the mill.

Assessment

Principle of Development

20. The application site is located within Green Belt therefore Planning Policy Guidance (PPG) 2: Green Belts is of relevance. Saved Policy DC1 of the Chorley Local Plan Review reiterates PPG2, and is also of relevance.
21. The proposed use of residential development (Class C3), specifically for people aged 55 and above, is not identified as an appropriate use within Green Belt. In PPG2 there is a presumption against inappropriate development, which by definition is harmful. It is therefore for the applicant to show why permission should be granted, and the very special circumstances to justify inappropriate development.
22. Paragraph 3.7 of PPG2 is concerned with the re-use of buildings and states that the re-use of buildings should not prejudice the openness of Green Belt, since the buildings are already there. The Euxton Mill building is not being re-used but the site is proposed to be redeveloped.
23. In relation to the redevelopment of the site the mill buildings are currently located to the front of the site with tarmac areas surrounding the site. The existing buildings are a mix of single storey and two storey, behind a large wall fronting onto Dawber's Lane. The proposal is for the main apartment building to be moved away from the frontage of the site, and the ground excavated so it steps down towards the River Yarrow. The main area of car parking will therefore be moved to the front of the site and visitor parking will be provided to the east of the site (when looking into the site from Dawber's Lane). The cottages will be located to the corner of the site, where there is currently an area of tarmac and lawn areas will be provided to the rear of the building, with pathways linking these different areas. There is one refuse store shown within the western side of the development, adjacent to the property named Mill End.
24. The proposed amended site plan shows the extent of the Mill buildings in relation to the proposed building. There are two parts of the apartment block, which are nearer to the River Yarrow than the existing Euxton Mill building. Also the cottages are all new buildings in an area which was previously tarmaced, with no buildings on it. The volume and footprint calculations have been provided in the supporting evidence and are shown as:

	Existing Buildings	55 Apartments	6 Cottages
Footprint	3259.4 sqm	1337.7 sqm	317.1 sqm
Maximum Height	14.2m	11.5m	8.7m
Volume	34826.68m ³	14696m ³	2413.7m ³

25. The assessment of the proposal has to be looked at as a whole and the consideration of the existing volume and footprint in relation to the proposed scheme is one of those considerations. It is the combination of heights of building, width, design, the levels and landform and surrounding hard and soft landscaping including car parking that all need to be assessed together in relation to what was previously contained within the site. The combined volume of the proposed building is less than half that of the original buildings.

26. The scheme has been amended, and reduced from what was originally submitted. There has been amendments made to the car park and roof, with the use of landscaping, providing a more 'softer' impression within the surrounding area. The boundary wall is to be replaced with reclaimed materials, therefore lowering it. The building has also been moved further away from the River Yarrow, and reduced in size and the two areas of the building that are closest to the River Yarrow have been reduced in height. The top level of the apartment building has been reduced so the building steps down and reduces the impact nearest to the river. These changes that have been made to the scheme are discussed in the design and appearance section below.
27. In relation to the special circumstances to justify this inappropriate development in the Green Belt, the applicant has provided supporting information. They state that the site is currently disused and rapidly deteriorating and has fallen into a bad state of repair. The building has also been extended on numerous occasions, using breeze block, and therefore adds to the already unsightly appearance of the building. The proposed application is engineered to enhance the site and the openness of the Green Belt setting through demolishing the mill building and constructing a well designed, attractive building that compliments the context of the site as a former mill, whilst occupying much less of the site and therefore contributing to the openness of the Green Belt.
28. The applicant then states that although the openness of the Green Belt is of prime concern, it is recognised that the site is not open but screened by well established groups of trees and there is significant site coverage by the existing structure. There will be an opportunity to enhance the context of openness by reducing the amount of built-form and consequently opening up more space and light around the proposed building and its environs.
29. In relation to further justification, the applicants have stated that the buildings have been vandalised over the years.
30. The applicants also go on to state that the building is a major structure, especially in the context of the immediate locality, extending extensively along the Dawber's Lane frontage, which is harmful to the openness. It also compromises road safety for the following reasons:
 - Prevents forward visibility along the road in both directions and is an accident 'black spot' with several recorded fatalities.
 - The wall of the mill limits the available width of the pavement, which is reduced down to 325mm before forcing pedestrians into the road.
 - The existing sight-lines from the existing site access points are sub-standard and considered extremely dangerous.
31. The site coverage of the existing building is 40% of the site area and the applicant goes onto state that it is a confrontational structure with no visual or aesthetic relationship with its surroundings. When viewed from the riverside walkway the building is over four storeys in height in places, dominates the vista and is uncomfortable on the eye and does not sit well within the woodland setting.
32. The applicant has provided examples of other similar completed developments in the north west. These include Bradshaw Hall in Bolton, Eagley Mills in Bolton, Biddulph Grange in Staffordshire, including design philosophy and analysis.
33. The applicant owns additional land in the area, which includes some woodland. It is proposed that this could be opened up for public access as well as having the potential for a habitat management plan to be implemented.
34. In relation to the evidence provided it is acknowledged that the building has been extended using incongruous materials.
35. The site is screened but this is by deciduous trees, it is not necessarily considered that this proposal will open up more space and light than the existing building. However, a comprehensive landscape scheme would soften the proposal in its setting.

36. The building had been vandalised over the years but this is not justification in itself to redevelop the site. It is for the owner to secure the site in certain ways to deter vandalism. This is not a material consideration.
37. It is noted that the existing visibility from the site, for both drivers and pedestrians, is restricted, and that the proposal does provide the appropriate visibility splays. However, the accidents are in relation to the existing road layout, and not the site itself. Although there are no changes proposed to the road layout, and it is the road layout that is the reason for the accidents, the improved visibility and the inclusion of the footway will reduce the potential for any accidents from the development of itself.
38. The existing building is not over 4 storeys in height. The current building, as viewed from the riverside, is more dominant than the existing building as the proposed building is nearer to the riverside. This will be considered within the section on design.
39. The applicant provided some information and examples of other schemes. Whilst they are similar in that they are mills, there is not enough information to assess whether there are the same issues. It is likely that the issues are different, to this site, as the primary concern with this site is that the development is inappropriate in the Green Belt. The other schemes involve enabling development and the use of existing buildings provide different issues in planning policy terms.
40. The applicant has provided information in relation to opening up other land in their ownership for access by the public. A habitat management plan could then be implemented, which is controlled by condition, which would be welcomed in the area.
41. Due to the site having previously been used for employment, saved Policy EM9 and the Supplementary Planning Guidance (SPG) Proof of Marketing is also of relevance. In Policy EM9 the redevelopment of a site for employment use will be encouraged unless the applicant can demonstrate that employment re-use is not appropriate or economically viable. The SPG Proof of Marketing is relevant where non employment use is put forward that there is no realistic prospect of an employment re-use of the land or premises or redevelopment for an employment use would not be economically viable.
42. The applicants/owners have provided some supporting information in relation to marketing the site over a number of months during a number of years. The site was not included in the Council's Central Lancashire Sites and Premises database during these marketing periods, which is a specific requirement of the SPG. However, the Employment Land Review did pick up evidence of marketing in July/August 2007. Although the information does not provide a clear chronology of the marketing over the years, there has been information provided that the site was marketed, and a sales board has been located on both sides of the building. Although the information indicates that the site could be redeveloped, it does not expand on the type of uses suitable for the site. Housing is highlighted as being the most suitable use. There has also been evidence provided in relation to the economic viability, which highlights that it would not be economically viable to reuse the actual mill building. It is considered that the site has been marketed adequately.
43. In relation to the need for this type of housing, 'retirement living' there has not been any information provided to demonstrate such a need.
44. In relation to the principle of development, the balance on the special circumstances will be considered in the conclusion.

Design and Appearance

45. The principle of development has been discussed above and this has included some discussion on the design and appearance. However, this section looks at more detailed design issues.
46. The site is not screened all year round as the trees are deciduous. The existing mill building

has a visual and aesthetic relationship to its context. It uses the land levels to facilitate a height change and the stone materials 'blend in' with the existing stone wall. A pitched roof and various extensions also break up the massing and perceived scale and bulk.

47. The proposed building is set back, from the road, therefore the building will be seen from its entirety and it becomes a focal point drawing the eye to the built form, away from the open countryside. When viewed from the riverside walkway there are two elements of the building that will be nearer than the existing. To reduce this impact the top floor of the two 'wings' which are the nearest elements have been removed from the original proposal. This provides a variation in height of the building, stepping it down, so when it is viewed from the rear and side it will step down towards the river and be less overbearing. Therefore its impact will be reduced.
48. The cottages have been reduced from nine (original scheme) to six in number. They are two storeys with a communal amenity area to the rear. Car parking spaces are proposed to the front of the cottages. The open aspect and the river have both been taken into consideration when designing the cottages, as they have large windows and habitable room windows located on this elevation. The cottages although located in an areas which did not previously contain a building, they are located on a former car parking area which is in the furthest corner of the site, which has the least impact on the surrounding area and Greenbelt.
49. There is an area of open space/lawn area and a patio area provided for communal use to the rear of the apartment block. There is also a residents communal amenity area provided to the rear of the cottages. The applicant has also stated that access will be allowed to the woodland area, within their ownership. It is therefore considered that this is acceptable provision for open space within this scheme.
50. The inclusion of the green roof has the potential to soften the impact of the building. Given that a key issue at this Green Belt location is the impact on the openness of the Green Belt then further landscape details should be provided to show the mitigation of the impact of this building. However, landscaping has been left as a reserved matter for consideration at a later stage. It is considered that from a design point of view the amendments to the proposal have reduced the potential impact. This along with an extensive landscaping scheme, to be submitted at the reserved matters stage, would soften the setting of the development and therefore reduce the impact further.

Impact on the Neighbouring Property

51. The neighbouring property is located to the east of the site (when looking at the mill building from Dawber's Lane), and is called Mill End. There are windows proposed on the side elevation, these would look towards the garden area, but would be approximately 26 metres away at the nearest point. There is also a proposed roof garden, as well as a green roof. Taking into consideration the difference in levels and the height of the proposed apartment building there is sufficient distance between the building and the garden area, which complies with the Council's guidelines.
52. There is a refuse store located adjacent to the boundary with Mill End. There are differences in levels, which would mean that the store would not be directly in line with the height of the garden area. However, it is the noise emanating from people using the store at unsociable hours that is of concern to the neighbouring residents. The refuse store is shown as being in the form of boarded panels with louvre doors. The applicants have stated that the store could be designed to form a structure, with a roof on it, and are looking to have discussions with the residents in relation to this, at the time of writing the report. A condition could be added to ensure that full details are required prior to commencement of development to ensure that any bins are housed in a building to eliminate as much noise as possible. An alternative could be to include them within the apartment building itself. An informative can also be added in relation to bringing to the applicants attention Chorley Council's 'Waste Storage and Collection: Guidance for Developments.'

Highways and Transport

53. Due to the size and nature of the proposal a Transport Statement was required to support

the application. This has been submitted and the Highways Engineer has stated that it fully supports the proposal.

54. There is 100% car parking required for the proposed residents, which has now been provided. There are 10 visitor spaces, which is an appropriate number. However, this has been provided in an area, which was originally designed as a service area. This causes concern as it was recommended that only one entrance was provided, as this causes confusion. It is considered that signage can be provided to ensure users know which access to use, and overcome any confusion. This can be conditioned accordingly.
55. The surfacing for the car park is shown as grasscrete, whilst it is acknowledged it is being provided to try and soften the impact of a large expanse of parking, it will not survive on a car park being used regularly. There are also issues over the type of surface in terms of pedestrian mobility, as this is an uneven surface. A condition can be added to ensure that details of all the surfacing is provided prior to the commencement of development to ensure that the details are fully explored.
56. The service area/parking area has been reconfigured so it is large enough for HGVs to turn. A turning head, of adequate size has been accommodated. The refuse vehicle can now access the refuse storage area, as there is enough space for it to turn adequately.
57. There were a number of detailed design issues that were required to be addressed, from the original scheme that had been submitted. A Transport Statement has been submitted with the amended scheme, which looks at the traffic, transport and highways implications of the proposal which comprises 58 apartments and 6 cottages (the scheme has since been reduced to 55 apartments and 6 cottages) for people aged 55 years and over only.
58. The Transport Statement highlights that the proposed use is not a significant traffic generator in relation to peak hour movements, relative to the former employment use. Retirement dwellings generate a different pattern of development.
59. In public transport terms there are bus stops on Dawber's Lane within 140m of the development for east bound services and within 160m of the development for west bound services. There are also bus stops on Wigan Road and Balshaw Lane and Euxton Station is 900m away, which has parking at the station. Whilst some of the services are limited, it is considered that the type of residents, who are retired persons, would not rely on these services at peak times and able to be more flexible with their journeys to a certain extent and therefore find the services accommodating to their requirements.
60. It is therefore considered in terms of highways and transport, due to the reasons above that the scheme is acceptable in relation to the design of the scheme.

Flood Risk

61. The Environment Agency has considered the amended plan and are satisfied that there will be no new buildings or structures within 8 metres of the top of the bank of the River Yarrow. Therefore they have removed their original objection. However, the proposed cottages and the south-east corner of the proposed apartment block are just outside the Environment Agency's 8 metre easement. The River Yarrow is designated as a 'Main River' and is subject to Byelaw Control. Therefore no works may take place within 8 metres from the bank top of the watercourse without prior written consent of the Environment Agency. Consent is also required under the Water Resources Act 1991 for any works on, over or within the channel of the watercourse, including construction of surface water outfalls.
62. Any extensions or enclosure of private amenity space would be within their easement. Therefore to prevent any future occupants undertaking any works within the easement under permitted development rights, they recommend that a condition is added removing the permitted development rights for extensions and outbuildings under Classes A, D and E of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order).

Contaminated Land

63. The site is a former cotton mill, and as previously discussed is located on the banks of the River Yarrow. It is underlain by alluvial and glaciofluvial sand and gravel overlying the solid geology of the Lower Haslingden Flags Sandstone. The drift and solid geology are both classified as Secondary A aquifers.
64. The Environment Agency have one recorded pollution incident on the site from January 2006 when there was a minor incident relating to oils and fuel causing a minor impact to land and water. The site also has a previous use which is potentially contaminating and is located on Secondary A aquifers adjacent to the River Yarrow. Therefore protection of the controlled waters should be considered when investigating this site and a condition is recommended.
65. United Utilities reiterate the issue in relation to ensuring that water is not contaminated, by also requesting that conditions are added in relation to separate drainage systems and a site investigation.
66. The Council's Contaminated Land Officer also states that due to the past activities upon and adjacent to the above site, notably a former cotton mill and infilled ground, there is potential for ground contamination, therefore a condition in relation to further site investigations is requested prior to any development taking place.

Biodiversity

67. There is a Biological Heritage Site (BHS) designation on part of the site, which is in relation to the presence of both semi-natural woodland, which is ancient in character, and swamp and fen. The part of the BHS site that lies within the proposed development site comprises former car park, and therefore loss of this area will not result in the loss of biodiversity value from the BHS. The supporting biological report suggests various measures for the protection of the BHS and enhancement. Conditions are suggested in relation to these.
68. The supporting information does not provide any evidence to suggest that there is the presence of a major roost of bats in the area. There is some limited potential for bats to be present and therefore a precautionary approach to site clearance and demolition is suggested, and outlined in the accompanying report. An appropriately worded condition is recommended.
69. There are habitats within the application site that are suitable for nesting birds. It is therefore important to ensure that appropriate mitigation measures are put in place to avoid any adverse impacts on birds or their nests. The existing buildings support the nesting of swallows. It is therefore recommended that replacement nesting opportunities are provided within the site, which can be secured by condition.
70. There is Japanese Knotweed and Himalayan Balsam on the site. The Environment Agency have also raised this as an issue and suggested that a condition is added to ensure that it is removed of and disposed of appropriately.
71. The use of lighting can have an adverse impact upon biodiversity and wildlife, and it can deter species of bats from foraging and flying within this area. The accompanying ecology report recommends that any lighting during construction and operation should be directional and screened where possible to avoid artificial illumination of wildlife habitats. The submission of further details of the proposed lighting scheme should be requested as a condition prior to the commencement of development.
72. It appears that the proposed development would not encroach into the BHS (other than the existing car park area) and that the development would affect the existing buildings and car parking areas only. However, the applicant has suggested that access can be offered to some of the woodlands areas, to make it more accessible. Therefore providing that appropriate mitigation measures and compensation measures can be secured through planning condition significant impacts upon biodiversity seem reasonable unlikely. A condition in relation to the provision of a habitat management plan for the woodland area can be added accordingly.

Archaeology

73. Lancashire County Council Archaeology Unit provided information that Euxton Mill is shown on the Ordnance Survey first edition 6" map of 1849 (Lancashire Sheet 77) as a mill complex complete with gasometer and reservoir supplied by a leat from the River Yarrow. The textile mills of the north west are considered to be of great historic significance, shaping the landscape and communities in which they were built and which surround them, whilst evidence for past engineering and manufacture is gradually decreasing throughout the County. Where demolition is proposed Lancashire County Council Archaeology Service would recommend that an archaeological record, comprising plans, drawings and photographs, should be made of the building. An archaeological watching brief should also be carried out, and it is recommended that these should be secured by way of condition. This is in accordance with Planning Policy Statement (PPS) 5 Planning for the Historic Environment, Policy HE12, where the loss of the whole or a material part of the heritage asset's significance is justified local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions or obligations as appropriate.

Affordable Housing

74. Due to the size of the proposal there is normally a requirement for affordable housing to be provided. However, the site is not considered to be in the most suitable location and the buildings do not lend themselves to provide affordable housing within the scheme itself. It is unlikely that a Registered Social Landlord (RSL) will engage on such a scheme and restrict the housing for occupiers aged 55 years and over. It is therefore not considered appropriate to request that affordable housing is provided on site or a financial contribution for this.

Footpaths and Public Right of Way

75. To the east of the site a continuous footway is provided along the northern side of Dawber's Lane, which links to Euxton Park, Wigan Road and Euxton and bus and train facilities. To the south of Dawber's Lane there is a footway linking to the bus stops and a segregated footpath to behind Old Dawber's Lane to Euxton Park. A further footpath is available along the northern bank of the River Yarrow, which is a public footpath. Some of the residents in the area currently access this footpath through the existing Euxton Mill car park, and have raised concerns that they will not be able to do this if the site is developed. The proposed site plan shows a network of paths around the site, with four access points onto the footpath along the River Yarrow. There is no gate shown across the site entrance therefore access will still be available for residents to use this pathway. The applicants have also stated that access to the other woodland areas can be made available and a condition to provide a management plan is suggested.

Overall Conclusion

76. The proposal by definition is inappropriate development within the Green Belt and the following has been considered in relation to exceptional circumstances. The proposal has been amended, and reduced in size from what was originally submitted and redesigned to step down the main building to the river area, where there is the greater impact was. The change in design coupled with the green roof and a condition in relation to an extensive landscaping scheme, required at reserved matters stage, will provide an improvement to the site.
77. The Transport Statement was submitted, with the amended scheme, and highlighted that due to the type of persons occupying the premises then travel patterns will be different and will not result in a high number of peak movements. Also, the visibility in and out of the site will be improved and therefore reduce any potential for accidents from the site.
78. The applicant will ensure that the existing access is maintained to the river and that there is additional access to the surrounding woodland, of which a management plan will be provided. This will provide greater access that would otherwise not be provided.
79. Due to the sensitive nature of the proposal a detailed site investigation and remediation statement will be required. Protection of the controlled water is required during the

investigation of the site. This site will be therefore be cleaned up and any potential of contamination of the water in the future will be removed. This is also a benefit to the development of this site.

80. It is considered that the amended proposal will improve the site visually from that of an existing derelict site. The main building and cottages are of a good quality design, replicating a mill style development. The visibility will be improved and access will continue to the riverside along with additional access provided within the woodland and beyond. The redevelopment would be more appropriate for retirement living, as opposed to family housing and this is considered an exceptional circumstance. It is considered that this along with the reasons provided above show the scheme to be acceptable and therefore it is recommended for approval subject to appropriate conditions.

Other Matters

Public Consultation

81. There was no public consultation exercise carried out prior to the submission of this application. However, there has been some public consultation carried out by the applicant since the application was submitted.

Sustainability

82. A energy efficient/resource conservation statement, code for sustainable homes report and BREEAM Multi-Residential Pre-Assessment report submitted with the application. The applicant has submitted sufficient information at this stage to demonstrate compliance with the requirements of the policy. A condition in relation to sustainable resources is required to be added to comply with Policy SR1: Incorporating Sustainable Resources into New Development within the LDF.
83. There is also the wider issue of sustainability in relation to its location. If the site was assessed against the sustainability indicators used to appraise the sites when appraising the sites for the Site Allocations Development Plan Document, then it would score poorly due to its isolation from a number of services, in particular distance to convenience store, post office, GP surgery and local centre and bus service frequency. It is acknowledged that the proposal includes a convenience store, post office, coffee bar area, hair and beauty salon, and that the development is for retirement living, therefore the reliance on a frequent bus service is not as much of an issue. However, the PCT have raised concerns that the existing GP surgery is unable to take on additional patients at the present time due to present workload and the limited clinical accommodation. Euxton Medical Centre offers limited scope to cope with an increase in patient demand of the scale envisaged, and the most practical way forward is to extend the existing building. Therefore they are asking for a financial contribution through a Section 106 agreement to progress this. These services, along with the financial contribution towards an extension to the medical centre, go some way to improving the sustainability for the future residents.

Section 106

84. Due to there not being any capacity at the Euxton Medical Centre and this development putting demand on those services it is recommended that a Section 106 is entered into to provide a contribution towards the provision of GP services.

Planning Policies

National Planning Policies:

PPS1, PPG2, PPS5 and PPS25.

Adopted Chorley Borough Local Plan Review

Saved Policies: DC1, HS4, HS5, EM9, EP2, TR4, HS21

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Planning History

98/00239/FUL Side extension and structural repairs. Approved in July 1998.

Recommendation: Permit subject to legal agreement Conditions

1. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) 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.
2. 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.
3. 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 plan(s). 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.
4. 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.
5. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.
Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.
6. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.
Reason: To ensure proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.
7. 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.

8. 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.

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 area(s) 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 and HT9 of the Adopted Chorley Borough Local Plan Review.

10. Prior to the commencement of development a detailed method statement for the removal or long term management/eradication of Japanese Knotweed (*Fallopia japonica*) and Himalayan Balsam (*Impatiens glandulifera*) on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations such as soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason: To ensure the development does not contribute to the spread of Japanese Knotweed and Himalayan Balsam.

11. There shall be no site clearance, site preparation or development work to take place until a habitat enhancement and management plan for that part of the Yarrow Valley Biological Heritage Site, as indicated in blue on the ownership/location plan submitted with the application (within the ownership of the applicant). This shall include an indication of areas to be made accessible for public access, and shall be submitted to and agreed in writing by the local planning authority in consultation with specialist advisors. Once agreed then this shall be implemented in full and maintained throughout the lifetime of the development.

Reason: In the interests of the amenity of the area and to ensure accessibility within the area in accordance with saved Policy EP2 of the Adopted Chorley Borough Local Plan Review.

12. The measures for the Biological Heritage Site as outlined in Sections 5.1 and 5.2 of the ERAP Ltd Ecological Survey and Assessment August 2010 shall be implemented in full.

Reason: To ensure the appropriate safeguards for the Biological Heritage Site in accordance with saved Policy EP2 of the Adopted Chorley Borough Local Plan Review.

13. The precautionary measures as outlined in Section 5.4 ERAP Ltd Ecological Survey and Assessment August 2010 shall be implemented in full.

Reason: To ensure the appropriate safeguards for the Biological Heritage Site in accordance with saved Policy EP2 of the Adopted Chorley Borough Local Plan Review.

14. Prior to the commencement of development full details of proposed swallow nesting opportunities shall be submitted and approved in writing by the local planning authority in consultation with specialist advisors. Once the details have been approved then the details shall be implemented in full.

Reason: To ensure that nesting opportunities and habitats are provided which will be lost with the demolition of this building and to comply with saved Policy GN5 part (e) of the Chorley Local Plan Review.

15. Prior to the commencement of development full details of the proposed lighting scheme demonstrating that adjacent habitats will not be artificially illuminated shall be submitted to and agreed in writing by the local planning authority. The scheme shall be maintained as approved throughout the lifetime of the permission.

Reason: To ensure that the adjacent habitats are not artificially illuminated and to comply with saved Policy EP21A of the Chorley Local Plan Review.

16. Prior to commencement of development full details of the bin storage/recycling area shall be submitted to and approved in writing by the local planning authority. The proposal shall be implemented and maintained throughout the lifetime of the permission.

Reason: In the interests of residential amenity and to comply with saved Policy HS4 part (f) of the Chorley Local Plan Review.

17. No development shall be commenced on site until:

(a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

(b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out on the site.

(c) The site investigation and associated risk assessment has been undertaken in accordance with details approved in writing by the local planning authority.

(d) A Method Statement and remediation strategy, based on the information obtained from (c) above has been submitted to and approved in writing by the local planning authority. The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the local planning authority: unless otherwise agreed in writing by the local planning authority. If during development, contamination not previously identified, is found to be present on site 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 approval in writing from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall be detailed in the report.

Reason: a) To identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.(b) To enable:

- *A risk assessment to be undertaken.*
- *Refinement of the conceptual model, and*
- *The redevelopment of a Method Statement and Remediation Strategy.*

c) & d) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site and to comply with PPS23 Planning and Pollution Control.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the cottages hereby permitted, or any garage, shed or other outbuilding erected.
Reason: To ensure control over any future development, and in particular between the rear of the development and the River Douglas. The River Yarrow is designated as a 'Main River' and is subject to Byelaw Control. In particular, no works may take place within 8 metres from the bank top of the watercourse without the prior written consent of the Environment Agency, and to comply with PPS25: Development and Flood Risk.
19. The permission hereby granted shall enure for the benefit of persons over the age of 55 years and over only.
Reason: The permission was granted having regard to the special circumstances advanced in support of this application, in accordance with Policy
20. No development shall take place until a programme of archaeological work has been implemented in accordance with a scheme of investigation, which has previously been submitted to and approved in writing by the Local Planning Authority. Once agreed an archaeological record comprising plans, drawings and photographs, shall be made of the buildings and an archaeological watching brief should be undertaken during groundworks which might encounter the remains of a gasometer.
Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately recorded in accordance with Policy HE12 of PPS5.
21. Before the use of the site hereby permitted is first commenced, full details of facilities to be provided for the cleaning of the wheels of vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The wheel wash facility shall be provided, in accordance with the approved details, before the use of the site hereby permitted is first commenced and thereafter retained at all times during the operation of the site.
Reason: To prevent the tracking of mud and/or the deposit of loose material upon the highway, in the interests of public safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
22. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1 January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1 January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change-Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
23. An application for approval of the reserved matters (namely the landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.
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.
24. This consent relates to the following plans:
- | Plan Ref. | Received On: | Title: |
|--------------------------|-----------------|----------------------|
| HM Land Registry 11/2003 | 2 December 2010 | Location Plan |
| K456/02 | 2 December 2010 | Proposed Floor Plans |
| K456/03 | 2 December 2010 | Proposed Elevation |
| K456/01 | 13 October 2010 | Proposed Site Plan |
- Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.*