Application No: 10/00946/REMMAJ

Case Officer: Mrs Nicola Hopkins

Proposal: Reserved Matters application, pursuant to Section 73 planning

permission 10/00888/OUTMAJ, proposing full details for the siting, layout, appearance and landscaping for a residential development comprising 135 dwellings at Duxbury Park, Myles

Standish Way, Chorley

Location: Vertex Training and Conference Centre Little Carr Lane

**Chorley PR7 3JT** 

Applicant: Arley Homes

Consultation expiry: 26 January 2011

Application expiry: 9 February 2011

#### **Proposal**

- 1. This application seeks reserved matters approval for the erection of 135 dwellings at the former Vertex Training Centre Site at Little Carr Lane.
- 2. United Utilities were granted outline planning approval in December 2008 to redevelop the site for up to 200 dwellings and 10,800 square metres of office (Use Class B1) use. It was envisaged at outline stage that the eastern portion of land would be utilised for the employment use as this afforded the most appropriate siting for employment use (in respect of visibility and connectivity) along Myles Standish Way. Whilst the western portion of the site would accommodate upto 200 dwellings. It was also envisaged that due to the size and nature of the proposed uses that the site would be split into parcels prior to development.
- 3. Arley Homes have entered into a conditional contract with United Utilities (the site owners) to acquire the residential parcel of the site and they have submitted this application pursuant to the outline planning approval.

#### Recommendation

4. It is recommended that this application is granted conditional reserved matters approval

#### **Main Issues**

- 5. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Section 73 application
  - Housing Development
  - Levels
  - Impact on the neighbours
  - Design
  - Open Space
  - Trees and Landscape
  - Ecology
  - Flood Risk
  - Traffic and Transport
  - Public Right of Way
  - Public Consultation

- Sustainability
- Contamination and Coal Mines
- Drainage and Sewers
- Section 106 Agreement

#### Representations

- 6. 7 letters of objection have been received raising the following concerns:
  - Loss of light and views
  - Lack of children's play space
  - Traffic congestion
  - Loss of trees
  - Not all of the comments from the public consultation exercise have been accommodated in the scheme
  - Overlooking/ loss of privacy
  - The scheme is different to the previously approved scheme in respect of the location of open space and the proximity of the proposed dwellings to the existing dwellings.

### **Consultations**

- 7. Lancashire County Council (Ecology) have raised concerns in respect of the landscaping proposals.
- 8. **The Ramblers** have raised concerns in respect of the effects the development will have on the Public Right of Way
- 9. **The Environment Agency** have no objection subject to various conditions/ informatives
- **10.** Lancashire County Council (Archaeology) have commented on likely remains of buildings on site and have suggested a prior commencement condition in this regard
- 11. Lancashire County Council (Public Rights of Way) have commented on the need for a diversion of the public right of way
- 12. United Utilities have no objections subject to various conditions/ informatives
- 13. Lancashire County Council (Highways) originally objected to the scheme.
- 14. Chorley's Waste & Contaminated Land Officer has no objections from a waste storage and collection perspective
- 15. **Natural England** have no further comments to make on this application
- 16. **Chorley Council (Strategic Housing)** are satisfied with the mix of affordable units proposed however they have requested that the units are 'pepper potted' through the development rather than all located in one place.

#### **Assessment**

#### Principle of the development

17. The training centre which until recently occupied part of the site was opened in 1974. The building became underused a number of years ago. The training function was moved out of the facility and the centre closed in 2002. A subsequent attempt was made to reopen the centre as a conference centre initially for three years however the centre operated at a loss and was closed in 2006.

- 18. Following the closure in 2006 the site owners, United Utilities, began to consider alternative uses and submitted a planning application in 2008 to redevelop the site for residential and employment purposes. Outline planning approval was granted in 2008 for upto 200 residential dwellings and 10,800 square metres of office floor space.
- 19. The site falls to be considered previously developed land which is the preferred choice for siting new development. Taking into account the extant planning approval and the status of the land it is considered that the principle of redeveloping this part of the site for housing has been established.

## **Section 73 Application**

- 20. Members will recall that an application (a Section 73 application) to vary four of the conditions attached to the original application was considered and approved at Development Control Committee in December 2010. This application was submitted to enable Arley Homes to develop the residential part of the site before the employment part and as such the conditions were phased so that the discharge of these conditions will only relate to the part of the site being developed at that time.
- 21. The effect of granting the Section 73 application at the site was the issue of a fresh grant of permission which was issued on 11<sup>th</sup> January (although the timescale for implementation reflects the original planning approval). The applicants intend for this application for reserved matters to be pursuant to this new approval hence why the description was amended during the consideration of this application (to refer to the new planning approval) and the neighbours renotified to inform them of this change. The Section 73 approval does not alter the principles of developing this site which were established with the original grant of outline consent and as such it is not considered that the amendment to refer to the new planning approval affects the consideration of this reserved matters application.

# **Housing Development**

- 22. When the outline planning application was submitted all matters, apart from access, were reserved. However the applicants submitted an indicative layout plan and parameters plans to demonstrate that the part of the site allocated for housing could accommodate 200 dwellings whilst protecting the amenities of the existing and future residents.
- 23. The parameters plan included the following details:
  - Along the northern boundary of the site with Carr Lane and Little Carr Lane all of the proposed dwellings will be a maximum of 2 stories high.
  - Three storey accommodation along the boundary with Duxbury Gardens due to the presence of three storey dwellings at Duxbury Gardens
- 24. This application proposes the erection of 135 dwellings on the residential portion of the site which is significantly less than the 200 dwellings which were originally envisaged for the site. The proposals incorporate the erection of 14 two bedroom dwellings, 35 three bedroom dwellings, 42 four bedroom dwellings and 44 five bedroom dwellings. This is in the form of 70 two storey dwellings, 40 two and a half storey dwellings and 25 three storey dwellings. The split of dwelling types across the site includes 15 terraced properties, 2 linked properties, 72 detached dwellings and 46 semi-detached dwellings. 27 of these properties (12 semi-detached properties and 15 terraced properties) will be affordable accommodation.
- 25. The outline planning approval incorporated a density of 42 dwellings per hectare which was achieved by including apartments within the mix of accommodation. As set out above no apartments are proposed, which is likely due to current market conditions and a reduction in the need for apartment accommodation, hence why the

number of dwellings proposed is less than what was originally envisaged on the site. The density for this scheme is 28 dwellings per hectare which allows for the construction of family dwellings with private amenity space reflecting current market trends. This density also takes into account the topography of the site which has significant implications on the develop ability of the site.

- 26. In accordance with the Section 106 Agreement associated with the outline approval (and the recently approved Section 73 application) the scheme is required to incorporate 20% affordable housing on site, which for 135 dwellings is 27 units as set out above. The scheme incorporates 14 two bedroom dwellings and 13 three bedroom dwellings located within a central located on the site (plots 22-30, 104-115 and 43-48).
- 27. Chorley Council's Strategic Housing Section initially raised concerns about all of the affordable housing being sited in one location however the layout plan has been amended and 6 of the properties have been relocated on the site.

### **Levels**

- 28. There are significant level differences across the site which have informed the layout of the development. The Council's spacing standards in respect of dwelling houses increase where there is a significant level difference between dwellings. Due to the topography of the site there is inevitably significant level differences between the proposed dwellings. There is also a level difference between the proposed and existing dwellings on Little Carr Lane and Duxbury Gardens.
- 29. Applying the increase in spacing required by the Council's standards due to the significant level changes across the site would result in a significant amount of space retained between dwellings (in some cases as much as 47 metres). This would result in a completely different layout and would reduce the number of dwellings which can be accommodated on the site. This is not considered to be the most appropriate reuse of brownfield land within a sustainable location.
- 30. The Council's spacing standards are applied to ensure that an adequate amount of privacy and amenity is provided for the existing and future residents. The application is supported by various sectional drawings which demonstrate the difference in levels between the proposed dwellings.
- 31. Where the level difference are significant, mainly within the central portions of the site, the sectional drawings demonstrate the physical relationship between the properties on the site. The main level differences occur between the dwellings on plots 10-14 and 1-4, 94-100 and 104-112 plus 126. There is a difference of 6.95 metres between plots 99 and 109 which applying the Council's spacing standards would require a separation distance of 47 metres (rear to rear) whereas only 22 metres is retained. However the sectional plan demonstrates the extent of views from the ground and first floor windows. The proposed rear boundary treatment along with the level difference ensures that there will not be any loss of privacy or amenity for the future residents which addresses the purposes of applying separation distances.
- 32. Similarly there is a 3.7metre level difference between plots 3 and 11 which would require a rear to rear separation distance of 33 metres whereas only 21 metres is proposed. However the level difference and rear boundary treatment restricts views and ensures that an appropriate level of amenity will be provided for the future residents.
- 33. It is considered that the sectional plans submitted with the application demonstrate that dwellings can be accommodated on the site whilst accommodating the level

differences and ensuring that the amenities of the future residents are protected. Permitted development rights will be removed in the sensitive locations on the site to ensure that future extensions to the dwellings do not adversely impact on the neighbours amenities.

### Impact on the neighbours

- 34. The immediate neighbours to the site are the existing dwelling houses to the north on Little Carr Lane and Duxbury Gardens and the properties to the west at The Bowers. It is considered that the most sensitive location is along the northern boundary of the site with the properties on Little Carr Lane.
- 35. The proposed dwellings along the boundary with Little Carr Lane are set at a higher land level than the existing properties on Little Carr Lane. As the proposed dwellings back onto the rear of the existing dwellings on Little Carr Lane the main consideration is the rear to rear distance (standard 21 metres) and the length of the garden (standard 10 metres). The proposed property on plot 74 (which is the closest property to the dwellings on Little Carr Lane apart from plot 93 which has its side gable adjacent to Duxbury House) is 1.95 metres higher than 6 Little Carr Lane. Applying the Councils spacing standards would require a 27 metre separation between these properties. 24 metres is retained between the two properties however the garden length of the proposed dwellings is 15 metres, 5 metres in excess of the required garden length. Taking into consideration the extended garden areas, the fact that the properties proposed are restricted to 2 storey dwellings and the proposed boundary treatment along this boundary (a 1.8 metre high fence with 300mm trellis on top is proposed) it is not considered that a slight reduction in the rear to rear spacing distances (although they still extend the standard spacing distances) will adversely impact on the privacy or amenities of the existing or future residents.
- 36. The property on plot 127 is 1.42 metres higher than 45 Duxbury Gardens however 29 metres is retained between these two properties (which exceeds the required spacing distances taking into account the level difference). The proposed dwellings along this boundary incorporates a mix of 2 and 2.5 storey. At outline stage it was established that 3 storey dwellings could be accommodated at this location due to the existing 3 storey dwellings at Duxbury Gardens. It is considered that the siting of the proposed dwellings will ensure that the amenities of the existing and future residents are protected.
- 37. The existing detached dwellings on The Bowers are located to the west of the application site. Between the proposed dwellings and The Bowers is an area of woodland which is Duxbury Woods Biological Heritage Site and is at a higher land level than the application site. This area of woodland provides an effective screen during the spring and summer months however it does allow views through during the winter months. This notwithstanding however the closest property is plot 55 which is approximately 42 metres away from 7 The Bowers. It is considered that the existing woodland and distance retained between the properties ensures that there will be no adverse impact on the existing or future residents.

#### Design

- 38. The appearance of the development and the proposed dwellings was reserved at outline stag and forms a consideration of this reserved matters application. In this regard the Council's Urban Design Manager has raised several comments on the application. These comments relate to the proposed house types, the gateway to the development and the siting of the garages.
- 39. The applicants have confirmed that the range of house types proposed is family accommodation to suit market demand. The dwellings are elevated with traditional

tudor boarding, tile hanging, brickwork detailing including band courses, verge details and corbels and wet verges etc. The applicants have tried to take traditional details found throughout Chorley, and particularly in this case, the adjacent Duxbury House, to influence the elevation designs at this scheme.

- 40. Although the two dwellings at the entrance to the residential part of the site appear to create a gateway to the development once the commercial part of the scheme is developed these dwellings will not be viewed as a 'gateway'. The Urban Design Manager has queried whether these properties can be re-orientated to form a gateway however this is not considered appropriate as it is not known at this stage what form of development will take place on the commercial parcel. The applicants have proposed to provide 1.8m high feature walls at the entrance together with shrub and tree planting to create a distinctive entrance to the residential parcel. As part of the consultation discussions, highways requested that the entrance radii into the residential phase be reduced from 10m to 6m, again to create a definite change between the two parcels to encourage drivers to slow down. As such it is considered that these elements will provide a definitive change between the commercial and residential parts of the scheme.
- 41. Concern was raised in respect of overlooking to the public open space and equipped play space at the southern part of the site. The plans have been amended with the dwellings re-sited to overlook this area.
- 42. The Urban Design Manager considered that some of the garage accommodation was too prominent within the street scene. The layout of this site is very restricted due to the topography of the site and although some of the garage accommodation will be visible it is not considered that this design element will have a significant impact on the scheme.
- 43. Some of the originally submitted house types incorporated 'tax' windows which are fake window openings. These are not considered to appropriate design solutions on modern house types and have been removed.

### Open Space

- 44. The proposal incorporates elements of Public Open Space within the site. This will be in the form of informal open space and an equipped play area (1,600 square metres) located within the southern part of the site.
- 45. Additionally in accordance with Policy HS21 of the Adopted Local Plan provision of playing fields is required due to the size of the proposed residential development. This provision will form part of the Section 106 Agreement and will be provided off site.

## Trees and Landscape

- 46. There are numerous trees on the site which will be removed as part of the development. It was envisaged at outline stage that tree removal would be required as part of the development and condition 20 required each reserved matters application to include full details of the trees to be felled on that phase of the development and to include full details of the replacement tree planting.
- 47. Several residents have raised concerns in respect of the loss of trees on the site. At outline stage an indicative landscape master plan was submitted which demonstrated that a large number of trees would be removed to accommodate the proposal however the plan also indicated which groups of trees would be retained.
- 48. The landscape plan submitted with this application follows the principles, in respect of the tree retention and removal, which were established at outline stage and as

such it is considered that the removal of the trees is justified. The trees which have the highest amenity value are located within the woodland along the western boundary of the site. This area is also designated as a Biological Heritage site. None of these trees will be affected by the development. These trees are also protected by Tree Preservation Order 9 (Chorley) 1995.

- 49. A general arrangements plan has been submitted with this application which sets out the proposed landscaping. The Ecologist at Lancashire County Council has raised some concerns in respect of the landscaping as proposed. These concerns relate to the lack of biodiversity maintenance or enhancement, lack of maintenance of habitat connectivity, replacement bird breeding and foraging habitat will be required, lack of details of how the Biological Heritage Site (western boundary) will be protected, the scheme includes non-native and ornamental trees and the lack of information in respect of retention, maintenance and appropriate management of trees, shrubs and hedgerows (within garden curtilages).
- 50. The Ecologists comments were passed onto the agent for the application. Following receipt of these comments the landscaping was amended and this was forwarded to the Ecologist at LCC for further comment. However the Ecologist has raised concerns that the artist impression plan does not demonstrate whether the scheme will actually maintain habitat connectivity or whether there will be a strong vegetated native species buffer to the Biological Heritage Site (BHS).
- 51. To address the Ecologists concerns a condition has been attached to the recommendation which requires full details of the proposed habitat connectivity and full details of the proposed native species along the boundary with the BHS.
- 52. Concerns have been raised about the planting proposed along the boundary with the properties on Little Carr Lane. Prior to this formal submission the scheme, which was presented as part of a public consultation exercise, incorporated a 5 metre strip of mature planting along this boundary however following concerns raised by residents in respect of loss of light and overshadowing this landscaping was removed. The submitted landscape scheme does indicate planting along this boundary however this will be small growing native trees which will not result in loss of light or overshadowing. Additionally a 1.8 metre high close boarded fence with 300mm high trellis on top will be erected along this boundary to provide adequate privacy.

## **Ecology**

- 53. Due to the nature of the site and the fact that there were previously buildings on site an Ecological Assessment was submitted at outline stage which the Ecologist at LCC reviewed and appropriate conditions were attached to the decision. The Ecologist at LCC has commented on this application and confirmed that the issue of bats was dealt with by condition 29 of the outline permission and, due to the presence of roosting bats, she understands that works will have/will need to be carried out under a European Protected Species licence.
- 54. A discharge of condition application was considered earlier this year in respect of condition 29 which required further bat surveys prior to the demolition of the buildings and mitigation measures where bat/ bat roosts would be affected. The discharge of condition application was accompanied by a Bat Mitigation Method Statement which the Ecologist considered and confirmed that the proposals seemed reasonable and should be sufficient to ensure that populations of bats, and individual bats, are not harmed by the proposed development.
- 55. The buildings have now been demolished. Following the high court decision which states that the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation

(Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:

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

It is considered that these three tests have been met and the proposal will not adversely impact on bats.

## Flood Risk

- 56. Part of the site falls within a Flood Risk Zone 2 and 3. As such Flood Risk Assessments have been submitted as part of the application. The assessment concludes that there is a low flood risk from the River Yarrow and the proposal is acceptable from a flood risk perspective.
- 57. The Environment Agency have been consulted on this application and have no objection subject to a condition requiring details of a surface water attenuation strategy and conditions relating to remediation and contamination. Similarly United Utilities have no objection subject to various informatives.

#### **Traffic and Transport**

- 58. When the site was fully operational the vehicular access to the site was via Little Carr Lane which is a residential street. However the proposed development will be accessed off Myles Standish Way which has been designed to accommodate significant traffic flows. The transport assessment submitted with the outline application concluded that Myles Standish Way and the junction into the application site, which has already been constructed, will be able to operate well within capacity and will not result in queuing during peak hours.
- 59. The development incorporates the closure of the access via Little Carr Lane which will have environmental and safety benefits to the existing residential areas. This entrance will still be utilised for pedestrian access and emergency access however the main vehicular access to the site will be via Myles Standish Way
- 60. Concerns have been raised about utilising Little Carr Lane during the construction period. The developers initially intended to utilise this access for a period of 6 months however condition 18 of the outline planning approval stated that the access link from Little Carr Lane shall cease to be used prior to the commencement of the residential development unless otherwise agreed in writing with the Local Planning Authority. Following further discussion with the Local Authority the developer has been advised that it is not considered appropriate to utilise Little Carr Lane for construction traffic and the developer has agreed that they will not utilise this access. This will be conditioned appropriately
- 61. The Little Carr Lane access will be available for emergency access and will be managed with appropriate measures, such as drop down bollards, to ensure the access is not utilised by general traffic.
- 62. The Highway Engineer originally objected to the scheme on various grounds however it appears that he was assessing the wrong layout plan. The Highway Engineer has now been sent the amended layout plan and it is understood, from the applicants, that his concerns have been addressed. However there has been no confirmation of this from the Highway Engineer. His comments will be reported on the addendum.

- 63. The scheme incorporates a mixture of 2, 3, 4 and 5 bedroom properties. For the 2 and 3 bedroom properties two off road parking spaces are required and for the 4 and 5 bedroom properties three off road parking spaces are required. The originally submitted scheme did not meet these standards however the scheme has been amended to take into account the parking requirements.
- 64. For the garages to count as a parking space they are required to accord with the Manual for Streets dimensions of 6x3 metres (single garage). This allows for a car to be accommodated within the garage whilst also incorporating storage space which encourages future residents to utilise the garages for parking rather than solely for storage. The integral garages proposed do not accord with these standards however they are considered sufficient to accommodate a vehicle without storage. In these cases a condition has been attached to the recommendation requiring the provision of a shed within the curtilage of the property which will ensure there is sufficient storage space which will encourage the proprietors to utilise the garage for parking.
- 65. When the scheme was originally submitted the detached garages did not accord with the Manual for Streets dimensions either. The plans have subsequently been amended increasing the size of the garage accommodation to ensure that it can 'count' as a parking space. The length of the proposed double garage however does not meet the required 6 metres however in these instances there is sufficient parking to the front of the garages to accommodate 2 cars and storage within the garage.

### Public Right of Way

- 66. There is an existing public right of way (Footpath No. 41) which runs through the site. It is proposed that this route will be diverted as part of this proposal. An application has been submitted to the Council to divert the public right of way under the provisions of the Town and County Planning Act 1990 (which is the appropriate legislation to utilise when a diversion is required to allow the development to take place). A separate report will be presented to Members in regards to this footpath diversion.
- 67. A plan has been submitted with the application which demonstrates that route of the proposed diverted footpath which will run from Little Carr Lane through the pedestrian access point and along the main access road of the site to Myles Standish Way. This plan has been forwarded the LCC Public Rights of Way Officer and The Ramblers Association.
- 68. The Public Rights of Way Officer has commented that it is the landowners responsibility to ensure that the necessary procedures are followed for the legal diversion of a public right of way. An application, as set out above, has been submitted in this regard. The Ramblers Association have raised concerns with the proposed route of the diverted footpath. They have stated that there has been no attempt to maintain any open space along the distance of the diversion and it will be seen as a pavement through an estate. They also state that the footpath should be separate from any proposed cycle ways on the development as it is not a bridleway.
- 69. At outline stage the Ramblers suggested an alternative route which followed the original route more closely. Any route which follows the original route more closely would result in a route adjacent to/ to the rear of dwelling houses and through the future employment site which is not considered acceptable from a safety perspective. Additionally it is unlikely that users would utilise a route like this opting for the safer lit route along the main highway.

### **Public Consultation**

70. In accordance with the Council's Statement of Community Involvement the applicants along with their agents undertook consultations with the community prior

to submitting the formal application. A similar exercise was carried out prior to submitting the outline application.

- 71. The public consultation exercise included an exhibition on 28<sup>th</sup> July 2010 to which Ward Members and the public were invited. 57 people attended and 21 comments forms were returned. The main concerns raised were loss of light due to tree planting along the border with Little Carr Lane, properties too close to the existing properties, density too high, concerns over vehicular access to the site from Little Carr Lane and loss of open space.
- 72. In response to these concerns the developers have amended the scheme, prior to formal submission, as follows:
  - the proposed houses have been moved further away from the boundary with Little Carr Lane and re-orientated
  - the originally proposed landscape buffer along the boundary with the Little Carr Lane properties has been removed and the properties incorporate oversized gardens
  - access to the site will be via Myles Standish Way
  - existing woodland planting will be retained and an equipped play area provided on site
- 73. Concerns have been raised in regards to the public consultation in respect of what the residents could comment on and the lack of amendments which have occurred since the comments were received. It is considered that the consultation exercise is in accordance with the Council's requirements however as part of the planning application stage the Planning Officers will consult neighbouring residents, assess the acceptability of the proposal and the impact on the neighbours.

## Sustainability

- 74. In accordance with the Council's adopted Policy SR1, the Sustainable Resources DPD and SPD conditions were attached to the outline approval requiring each reserved matters application to provide full details of the predicted energy use of the development expressed in terms of carbon emissions and to demonstrate and provide full details of how the design and layout of the buildings will withstand climate change. The application is accompanied by a Sustainability Statement.
- 75. This document states that the proposed dwellings will be designed and constructed to Code for Sustainable Homes Level 3 and to achieve this a 25% reduction (compared to 2006 Building Regulations) in CO2 emissions is required. The applicants intend to apply the 'fabric first' approach to this development which involves undertaking improvements to the fabric of the buildings which will be followed by additional technologies to meet the required 25% reduction. The applicants have confirmed that they do not intend to provide a 15% reduction in CO2 emissions though renewable technologies.
- 76. However Policy SR1 of the Council's Adopted Sustainable Resources SPD and DPD applies to this development hence why conditions reflecting this were attached to the outline planning approval for this site. Condition 15 of the outline approval requires details of the on-site measures to be installed and implemented so as to reduce carbon emissions by means of low carbon sources. The applicants have stated they do not intend to do this however they have been advised that this would be contrary to the adopted Policy and as such a condition will be attached to the approval requiring full details to ensure that the scheme complies with Policy SR1. There is a caveat within the Policy which allows for the percentage reduction of carbon emission achieved through low carbon sources to be reduced where it can be demonstrated that this would render the scheme financially unviable however no financial information has been submitted in this regard.

77. Condition 16 of the outline approval requires 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. Policy SR1 requires all dwellings commenced after 2010 to meet Code Level 3. As set out above the applicants intend to do this however full details have not been submitted and as such an appropriately worded condition will be attached to the recommendation.

### **Contamination and Coal Mines**

- 78. Due to nature of the type of training that took place on site for both water and electricity industries there may be issues with contaminated land in some parts of the site. In addition to this there are thought to be mine shafts across the site. A preliminary risk assessment and mine shaft assessment were submitted as part of the outline application to which both the Council's Environmental Services Section and the Environment Agency had no objection to subject to suitably worded conditions which were attached to the outline approval.
- 79. Similar conditions will be attached to this recommendation to deal with contamination and the mine shafts

### **Drainage and Sewers**

80. Concerns have been raised with the capacity of the sewers within the vicinity of the site. The concerns related to utilising connections at Little Carr Lane. However the agent for the application has submitted a plan detailing the proposed foul water and surface water connection on Myles Standish Way. United Utilities have not raised any concerns in respect of sewer or surface water capacities in the area.

#### Section 106 Agreement

- 81. A Section 106 Agreement was originally agreed in respect of the outline planning approval. This has been amended as part of the S73 application. This application is a reserved matters application which will be required to comply with the obligations set out within the agreement.
- 82. The amended agreement incorporates amendments to the obligations. The obligations remain the same and include on site and off site play space provision, 20% affordable housing and a contribution to sustainable transport improvements. However it is now intended that the on site informal and equipped play space will be managed by a private management company (not adopted by the Council) and the commuted sum payments are based on a per dwelling figure to take into account the reduction in the number of dwellings originally envisaged on the site.

### **Overall Conclusion**

- 83. The principle of developing the site for residential purposes was established with the grant of outline planning permission. It is considered that the proposed development represents the most appropriate re-use of this brownfield site within a sustainable location.
- 84. The proposal respects the topography of the site whilst creating a suitable scheme for the residential part of the site. The scheme incorporates an element of affordable housing which will contribute to the Council's corporate objective and it is envisaged that this development will commence early 2011 providing a deliverable housing development within the Borough.

## **Other Matters**

#### Loss of light and views

- 85. The application site is located to the south of the existing properties on Little Carr Lane and Duxbury Gardens and as such any development of the site has the potential to impact on the existing dwellings in respect of sunlight. However the principle of developing the site was established at outline stage and the indicative layout submitted at outline stage detailed dwellings within these locations and incorporated three storey dwellings along the boundary with Duxbury Gardens.
- 86. The originally submitted scheme incorporated 2.5 storey dwellings along this northern boundary with Little Carr Lane however as set out above the parameters established at outline stage restricted the height of the dwellings along this boundary to 2 storeys. The scheme has been amended accordingly to 2 storey dwellings along this boundary. The properties have been set away from the boundary to minimise the impact in respect of loss of light. Loss of views is not a material planning consideration.

### Amendments to the proposed layout when compared to the originally submitted layout

- 87. Concerns have been raised that the layout as submitted is not in accordance with the layout submitted at outline stage with particular reference to the loss of open space adjacent to the boundaries with the properties on Little Carr Lane.
- 88. Siting, however, was not considered at outline stage and the indicative layout plan submitted was purely to demonstrate that 200 dwellings and 10,800sqm of B1 office space could be accommodated on the site.
- 89. The indicative layout plan did include an area of open space at the entrance to Little Carr Lane however the proposed layout does not include this. Informal and equipped open space are provided elsewhere on site and the dwellings proposed along the Little Carr Lane boundary are sited to ensure that the amenities of the existing residents are protected.

#### Waste Collection and Storage

90. The Council's Waste and Contaminated Land Officer has reviewed the layout from a waste storage and collection basis. He has confirmed that he has no objection to the scheme. He did query where the storage for plot 8 would be located and the agent for the application has confirmed that bins will be stored in the rear garden and brought through the garage on collection days.

#### **Planning Policies**

National Planning Policies:

PPS1, PPS3, PPS9, PPS22, PPS23, PPS25, PPG17

## North West Regional Spatial Strategy:

Policies DP1, DP4, DP7, RDF1, L4, L5, RT9, EM1, EM5, EM15, EM16, EM17

#### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, EP4, EP9, EP17, EP18, HS4, HS5, HS6, HS21, EM1, EM2, TR1, TR4, TR18

### 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

### Joint Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 5: Housing Density

Policy 7: Affordable Housing

Policy 17: Design of New Buildings

Policy 22: Biodiversity and Geodiversity

Policy 26: Crime and Community Safety

Policy 27: Sustainable Resources and New Developments

Policy 28: Renewable and Low Carbon Energy Schemes

Policy 29: Water Management

Policy 30: Air Quality

# Sites for Chorley- Issues and Options Discussion Paper December 2010

CH0174 Chorley Training and Conference Centre, Little Carr Lane

## **Planning History**

**06/00850/CB3-** Creation of an access junction off the proposed Eaves Green Link Road (site area 0.31ha). Approved November 2006

- **08/01044/OUTMAJ** 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). Approved December 2008
- **10/00004/DIS** Application to discharge condition 29 of planning approval 08/01044/OUTMAJ. Discharged January 2010
- **10/00240/DIS** Application to discharge condition 14 of planning approval 08/01044/OUTMAJ. Discharged April 2010
- **10/00888/FULMAJ** 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. Approved 11<sup>th</sup> January 2011

# Recommendation: Approve Reserved Matters Conditions

- The proposed development must be begun not later than two years from the date of this permission or not later than six years from the date of the outline planning permission (reference 08/01044/OUTMAJ)
   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. All windows in the first floor of the rear elevation on plots 78 and 79 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5, HS4 and HS9 of the Adopted Chorley Borough Local Plan Review.
- 3. The approved plans are:

Plan Ref 502-102 Rev C 502 1237-903 Rev B 115 P.130.10.01 P.130.10.02 Rev B 6010/01 Rev A 502-103 Rev A 502-101 502-111 ASPUL-2/101 Rev A EUXTON-3/101 Rev A EUXTON-3/101 Rev A CALDY-4R/101 OXFORD-3/101 Rev A OXFORD-3/102 Rev A H119-4/101 Rev A ALDGATE-3/101 Rev A LANGLEY-4/101 Rev A LANGLEY-4/103 Rev A THORNBURY-4/101 Rev A SOMERTON-4/101 Rev A APPLETON-4S/101 APPLETON-4S/102	Received On: 19 January 2011 24 November 2010 16 November 2010 25 November 2010 22 October 2010 22 October 2010 21 January 2011 22 October 2010 21 January 2011 22 October 2010 21 January 2011 29 January 2011 19 January 2011	Title: Planning Layout Proposed Drainage Connections General Arrangements Footpath Diversion Plan Existing Site and Tree Survey Tree Protection Arrangements Topographical Survey Street Scenes Location Plan Site Section Sheet 2 Aspull Euxton Epsom Caldy Oxford (Tudor details) Oxford (Tile hanging details) Prestbury Aldgate Langley Langley Langley (Gable Roof) Thornbury Somerton Appleton (side entry garage) Appleton (side entry garage)
Plan Ref APPLETON-4F/101 Rev A GRANTHAM-5FA/101 Rev A GRANTHAM-5FA/102 Rev A GRANTHAM-5SA/103Rev A GRANTHAM-5SA/101 Rev A NEWBURY-5/101 Rev A NEWBURY-5/102 Rev A NEWBURY-5/103 Rev A WAVERTON-5/101 Rev A WAVERTON-5/101 Rev A HARBURY-5/101 Rev A HARBURY-5/101 Rev A HARBURY-5/101 Rev A HARBURY-5/101 Rev A CSL/DETAIL/101 Rev A D-SGL/DETAIL/101 Rev A TGL/DETAIL/101 Rev A SD-??	Received On: 19 January 2011	Title: Appleton (front entry garage) Grantham (front aspect) Grantham (front aspect Grantham (front aspect) Grantham (side aspect) Newbury (Tudor gable) Newbury (Tile hanging detail) Newbury (Tudor detail) Waverton (Tudor gable) Waverton Portland (Tudor gable) Harbury (Tudor Detail) Harbury (Tudor details) Single Garage Double Garage Double & Single Garage Twin Garage 1800 High Close board Fence with 300mm Trellis
SD-??	22 October 2010	1800 High Close board Fence
SD-15-W01	22 October 2010	1800 High Brick Wall with Tile
Figure 1	16 December 2010	Crease Vegetated Linear Features and
Ashbourne-4/101 Ashbourne-4/102 Richmond-4/101 Hale-4/101	19 January 2011 19 January 2011 19 January 2011 19 January 2011	Tree Planting Ashbourne Ashbourne Richmond Hale

502-122	21 January 2011	Site Sections Location Plan
502-110 Rev B	21 January 2011	Site Sections Sheet 1
502-111 Rev A	21 January 2011	Site Sections Sheet 2
502-112 Rev A	21 January 2011	Site Sections Sheet 3
502-113 Rev A	21 January 2011	Site Sections Sheet 4
502-114	21 January 2011	Site Sections Sheet 5
502-115	21 January 2011	Site Sections Sheet 6
502-116	21 January 2011	Site Sections Sheet 7

Reason: To define the permission and in the interests of the proper development of the site.

4. 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.

5. Prior to the commencement of the development hereby permitted 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.

- Upon completion of the remediation works for each phase (as identified by LK Consult Limited Figure 1 Drawn August 2010) a validation report for that phase 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
- 7. 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.

8. 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).

9. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To protect the appearance of the locality and 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.

10. The access link from Little Carr Lane shall cease to be used prior to the commencement of the development hereby permitted (including the construction and site clearance stage).—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.

11. No development approved by this permission shall be commenced until a strategy to attenuate surface discharges from 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

12. No development shall take place 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.

13. 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.

14. 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.

15. 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.

- 16. No dwelling 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.
- 17. No dwelling 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.
- 18. 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.
- 19. The external facing materials detailed on the approved plans shall be used and no others substituted. (Namely Ibstock Birtley Old English, Ibstock Birtley Beamish blend and Ibstock Ravenhead Red Smooth bricks and Russel Grampian (colour slate grey) roof tiles
  - 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.
- 20. 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.
- 21. 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.

- 22. 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.
- 23. No dwelling on plots 1, 2, 3, 15, 16, 21, 32, 33, 36, 37, 38, 39, 41, 48 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 71, 72, 74, 75, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 95, 96, 97, 98, 99, 100, 101, 102, 121, 122, 123, 124, 125, 126, 132, and134 hereby permitted shall be occupied until garden sheds have been provided in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. The garden sheds shall be retained in perpetuity thereafter.

Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets

- 24. The garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
  - Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review
- 25. Prior to the commencement of the development full details of the predicted energy use of the development expressed in terms of carbon emissions shall be submitted to and approved in writing by the Local Planning Authority. 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. 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

26. Prior to the commencement of the development full details shall be submitted to demonstrate and provide full details of how the design and layout of the buildings will

withstand climate change shall be submitted to ad approved in writing by the Local Planning Authority. 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. 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

- 27. Prior to the commencement of the development full details of the equipped play area hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information in respect of the proposed equipment and a written schedule for the implementation of the equipped play area. The play area thereafter shall be implemented and completed in accordance with the approved schedule and prior to the occupation of the dwelling houses on plots 31, 40-50, 103, 28-30 and 104.
  - Reason: To ensure adequate provision for public open space and play area within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.
- 28. Prior to the commencement of the development a habitat creation/enhancement and management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed habitat connectivity and the vegetated native species buffer zone along the western boundary of the site (adjacent to the BHS). Thereafter the approved management plan shall be implemented in full.
  - Reason: To ensure that habitat connectivity is provided throughout the site and to ensure the protection and enhancement of the Biological Heritage Site. In accordance with Policy EM1 of the North West Regional Spatial Strategy.
- 29. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected, including the proposed retaining structures, (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 dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.
  - Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
- 30. 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 dwellings on plots 7, 10, 11, 12, 13, 14, 15, 16, 32, 33, 35, 36, 37, 38, 40, 41, 42, 69, 70, 71, 72, 73, 74, 75, 76, 77, 81, 83, 84, 85, 87, 88, 91, 93, 96, 97, 98, 99, 100, 101, 102, 103, 113, 114, 115, 116, 117, 118, 119, 121, 122, 125, 126, 127, 128, 129 and 130 hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission). Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.