

Item 4e **11/00871/FULMAJ**

Case Officer **Mr David Stirzaker**

Ward **Chorley North East**

Proposal **Proposed residential development of 41 no. 2 storey dwellings (Resubmission of application no. 10/00834/FULMAJ)**

Location **Former Initial Textile Services Bounded By Botany Brow and Willow Road Chorley Lancashire**

Applicant **Elmwood Construction LLP**

Consultation expiry: 9 January 2012

Application expiry: 17 January 2012

Proposal

1. The application seeks planning permission for the erection of 41 two storey houses, 20% of which will be affordable, on the site of the former Initial Textile Services, on Botany Brow and Willow Road, Chorley
2. The properties will all be a mix of two and three bedroom semi-detached properties with a single 4 bedroom detached dwelling, on a site, which is just short of 1 hectare in area at 0.9975 square metres. The density is therefore approximately 41 dwellings to the hectare.
3. The main access is proposed to be off Willow Road, where the existing access into the site is also located. A one way access is also proposed off Botany Brow at the point of another existing access to the site. The properties will be located on either side of the road with 6 of these dwellings having parking spaces at the rear (plots 31 to 36).
4. There are two car parking spaces provided for each property, which are within their curtilage apart from the 4 bedroom detached property which will have space for an additional car to be parked off road due to the number of bedrooms in the property. The proposed site plan also provides details of how the main Botany Brow frontage of the site may be developed in the future although it should be noted that this is only indicative and is not the subject of a planning application at this time.
5. A separate application (Ref No. 11/00892/FUL) is also being considered for a one way vehicular access to the site from Botany Brow which will serve the properties and any future development fronting Botany Brow. The access is detailed on the proposed site plan and a report in relation to this application can be found on the Development Control Committee agenda.

Recommendation

6. It is recommended that this application be granted conditional planning approval subject to the signing of a Section 106 Legal Agreement.

Main Issues

7. The main issues for consideration in respect of this planning application are:
 - Principle of the Development
 - Loss of Employment Land
 - Levels
 - Impact on Existing & Future Neighbours
 - Design & Layout
 - Affordable Housing
 - Trees

- Flood Risk
- Traffic & Transport
- Open Space/Play Space Provision
- Contamination & Coal Mines
- Drainage & Sewers
- Section 106 Agreement

Representations

8. To date, 3 no. letters of support and 1 no. letter raising concerns have been received. The letter raising concerns can be summarised as follows: -
- Car parking on Willow Road may not be possible as a result of the additional traffic
 - Could a road be put in behind 147 and 149 Harpers Road as these properties have garages at the back and a road here would reduce anti-social behaviour
 - Perhaps an access road could be provided off the roundabout so as not to affect Willow Road
 - Concerned that crime prevention measures have not been thought about for existing residents
9. The letters of support can be summarised as follows: -
- New jobs will be created and the area will be enhanced by a new development instead of derelict land
 - The site is currently an eyesore
 - Wish houses were being built across the whole site
 - Houses are in keeping with the present state
 - The sooner this development gets under way the better
 - The reduction in the number of houses from the previous application makes the site look less overdeveloped
 - Wish the steel frame building had been demolished and continue the site up to Botany Brow and Harpers Lane as the remaining building is an eyesore
10. Cllr Dennis Edgerley has also made the following comments on the application: -
- Could the backs of the properties fronting Botany Brow and Harpers Lane be improved?
 - Something should be done with the derelict shell at the Harpers Lane and Botany Brow junction
 - If possible, a new junction should be created off the roundabout so as the junction off Willow Road could be closed

Consultations

11. **The Environment Agency** has no objection in principle subject to the inclusion of a condition in relation to site investigations prior to the commencement of development. The reason for this is to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.
- To enable a risk assessment to be undertaken, refinement of the conceptual model and the redevelopment of a Method Statement and Remediation Strategy. This is to ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off the site. The Environment Agency promotes the use of the Sustainable Drainage Systems (SUDS) and recommends their use at this site. It is recommended that the developer considers the following as part of the scheme; water management in the development, including dealing with grey waters, use of sustainable forms of construction including recycling of materials and energy efficient buildings.
12. **Chorley's Planning Policy and Urban Design Officer** advise that that the premises on site have been marketed since May/June 2008, 'to let' as a whole or split into smaller units. However, the information does not indicate that the site was marketed for redevelopment

purposes, as required by Policy EM9, and it does not appear that the site has been marketed for sale.

- However, it is accepted that the marketing process has been hindered by vandalism and theft from the buildings, followed by serious arson attacks. The applicants state that subsequent safety concerns meant that viewing could not take place although it is unclear whether the site continued to be marketed after this stage, or whether viewings just did not take place. It is not considered that the marketing of this site has therefore fully complied with the marketing requirements in policy EM9.
 - It is also noted that the applicants are suggesting employment use at the front of the site, although it should be noted this area of the site is not the subject of this application. As a former employment site, employment use is supported, although any proposals that involve main town centre uses should be subject to Policy EC15 of PPS4.
 - The whole of the former Initial Textiles site (including the section that is not the subject of this application, which the applicants propose for employment) is proposed for housing (HS1.1) in the Sites for Chorley Preferred Options Paper. This decision was taken on the basis that it is a vacant brownfield site predominantly bordered by residential properties in a sustainable location in Chorley Town. Policy 1 of the draft Central Lancashire Core Strategy identifies Chorley Town as a Key Service Centre where growth and investment is to be focussed and Policy 4 requires at least 70% of new housing to be located on Brownfield sites. Therefore, the development of housing (or employment) on this site would accord with Policy 1 of the Core Strategy and as a brownfield site its development for housing would help Chorley to meet its 70% Brownfield target.
 - Concerns are also expressed in relation to the design and layout of the development although these were made in relation to the originally submitted plans prior to the amendments to the design and layout of the site.
13. **Corporate Director (Neighbourhoods)** has advised that the nearby Harper's Lane recreation ground would benefit from upgrading works. Therefore the financial contribution towards open space/play space provision should be provided towards this area instead of creating a new area. This is in lieu of on-site provision.
14. **United Utilities** have no objection to the proposed development. They state that the site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require flow to be attenuated to a maximum discharge rate determined by United Utilities.
15. **Lancashire County Council (Highways)** originally objected to the latest application as a result of the proposed layout and parking provision levels. However, following negotiations with the applicant, the latest scheme is generally considered to be acceptable subject to the provision of a turning space to serve plot 31 so further amended plans have been requested detailing this.
16. **Chorley's Waste & Contaminated Land Officer** states that due to the past processes and activities upon the site, there is potential for ground contamination. Therefore a condition requiring a site investigation and assessment is required prior to the commencement of development. The applicant is also advised to consult the Council's 'Waste Storage and Collection: Guidance for New Developments' document in order to address the household waste and recycling.
17. **Chorley Council (Housing)** state that the applicants are proposing to provide 20% affordable dwellings (8 units) which would be managed by Elmwood Properties. This does not comply with the Council's current definition of Affordable Housing and therefore the 8

units would need to be delivered in partnership with and managed by a Registered Social Landlord (RSL). A list of RSLs can be provided to the applicants with whom they will need to undertake negotiation. The request tenure split would be 6 Social Rented Units and 2 Intermediate Units, this is in line with the indicated tenure need denoted in the most recent Strategic Housing Market Assessment (SHMA) 2009. The Council are not able to accept the management of the units by Elmwood.

18. **LCC (Planning Contributions)** have made a request for a contribution towards education (£183,208 for primary school places).
19. **Lancashire County Council (Archaeology)** have studied the application and noted its contents. They have no archaeological comments to make on this application.
20. The **Police Architectural Liaison Officer** advises that during the last 12 months (01/01/2011-01/01/2012) there have been a number of recorded crimes committed within the immediate vicinity of this location. On Botany Brow crimes include criminal damage to vehicles and burglary, on Harpers Lane there have been theft from the vehicle, burglary and criminal damage.
 - It is recommended that the properties are built to Secured by Design standard to prevent burglary and vehicle crime. The boundary treatments to the individual dwellings are acceptable e.g. 1.8m timber fence and brick wall arrangements and 1.2m Bow Top metal fences at the front to provide defensible space.
 - I do have some concerns regarding the parking arrangements for certain plots e.g. those properties where parking is to the side of the gable end. Parking spaces should preferably be situated to the front of properties to allow the opportunity for good natural surveillance from active rooms. First floor level gable end windows are crucial in this circumstance so as to maximise the opportunity for natural surveillance. Ground floor gable end windows that adjoin public property should be finished with 6.4mm laminated glazing.
 - Plot 29 details parking on the hard standing and manoeuvring vehicle space next to the substation. This area must be well lit within the Street Lighting Scheme so as to discourage criminal activity and reduce the fear of crime. Plating on and around the scheme must not restrict the opportunities for natural surveillance or create areas of concealment for potential offenders e.g. low level to 1m.
 - Should this development seek formal Secured By Design accreditation checklists and further Secured By Design advice can be sought from the Constabulary Architectural Liaison Officer.

Assessment

Principle of Development

21. The site is not an allocated site in the Local Plan, but is located within a residential area within the main settlement area of Chorley Town where Policy GN1 of the Chorley Local Plan Review is of relevance. In this area, there is a general presumption in favour of appropriate development subject to normal planning considerations and other Policies in the Local Plan.
22. In addition to the above, the site was previously used for employment purposes having been occupied by Initial Textile Services up until a few years ago, therefore Policy EM9 (Redevelopment of Existing Employment Sites for Non-Employment Uses) of the Local Plan is of relevance. This is now discussed in more detail in the following section.

Loss of Employment Land

23. Policy EM9 of the Local Plan states that the redevelopment of these sites is encouraged for employment use. It is for the applicant to demonstrate that employment re-use is not appropriate and economically viable. There is also Supplementary Planning Guidance (SPG) relating to the redevelopment of existing employment sites for non-employment uses, which goes into such details of how the site should be marketed etc.

24. The applicant has provided some supporting information in relation to the application titled 'Proof of Marketing on Former Initial Laundry.' This provides detail on the marketing that was carried out on the site and gives a chronology of what material has been put together and states that 10 viewings were carried out but the premises were not suitable. It states in the marketing report that *'The premises have been comprehensively marketed and such endeavours have stimulated interest and enquiry, but have not produced any party sufficiently interested to take part or whole of the premises.'* It is also noted that there were a couple of fires and therefore they were unable to continue marketing or undertake viewings as there were health and safety concerns.
25. The Proof of Marketing SPG is specific about how sites/premises should be marketed, and that they should be marketed for at least 12 months in this economic climate. In this respect, the marketing has exceeded this requirement. However, whilst it is accepted that the marketing does not fully meet the specific requirements of Policy EM9 of the Local Plan, this has to be balanced against the potential to see the site redeveloped for housing and the improvements this would bring to the locality given the current state of the site and its former industrial use.
26. Moreover, as stated, the site is identified as a whole as being suitable for housing in the Sites for Chorley Preferred Options Paper although it should be noted that this document is still the subject of consultation and is not likely to be adopted for some time. Also, Policy 1 of the draft Central Lancashire Core Strategy identifies Chorley Town as a Key Service Centre where growth and investment is to be focussed and Policy 4 requires at least 70% of new housing to be located on Brownfield sites. Therefore, the development of housing (or employment) on this site would accord with Policy 1 and as a brownfield site its development for housing would help Chorley to meet its 70% Brownfield target.
27. Also, it has to be borne in mind that for the most part, the site is bounded by existing residential properties so a new employment use on the site would be difficult to accommodate whilst protecting the amenities of the occupiers of the existing residential properties which bound the site. The applicant also wishes to retain the land at the front of the site for a use that will accommodate some employment generating uses along with further residential development (subject to a planning application). Therefore, on balance, taking into account all of the factors, it is considered in this particular case that the provision of housing on the site is 'in principle' an acceptable one.

Levels

28. The site is generally flat and the proposed site plan details the slab levels of the dwellings and the levels of the road. There is not a significant difference between the existing ground levels on the site and the proposed slab and road levels proposed hence the relationship between the proposed dwellings and the existing properties will be an acceptable one as there is not a significant difference in levels between the existing site and the surrounding properties which would necessitate an increase in the Spacing Standards. The proposed levels detailed on the site plan are therefore considered to be acceptable and do not raise any significant issues in relation to the proposed development of this site.

Impact on the Existing and Future Neighbours

29. The site is surrounded on all sides by residential development. The privacy distances for the most part comply with the minimum 21 metre required (habitable room windows facing each other at first floor level) and the 10m distance required (first floor habitable room window to boundary).
30. However, there are certain plots where these distances fall slightly under those specified. The distances from first floor habitable room windows to the boundaries they face in relation to plots 26 to 29 falls just short of the required 10m distance specified in the Design Guide SPG. However, the maximum by which the 10m is not met is plot 29 which falls short by approx. 80cm. This means that the first floor window to window distance between plot 29 and 36 Larch Avenue is approx. 1m short of the usual 21m distance. However, such a small shortfall is not considered such that the relationship between the existing and proposed

dwellings would be an unacceptable one.

31. In terms of the relationship between plot 19 and 14 Larch Avenue, the gable of plot 19 is off set from the rear elevation of this property so it is considered that the usual 12m distance (windows to blank gable) is not necessary as the main windows in the rear of this property will still have an open outlook onto the access road in the site.
32. With regards to the internal privacy distances, for the future residents, these have also all been accommodated throughout the development in terms of the 10m distance from first floor windows to rear garden boundaries. Some of the plots facing each other have less than 21m between them but this is reflective of the terraced street character of the locality and this interface is less critical when new properties are facing each other so in this case, this internal relationship is considered to be an acceptable one.
33. In terms of the properties side on to Willow Road on plots 1 and 41, the gable of these properties will be just under 21m from the front of the existing properties on Willow Road. This interface distance is therefore considered acceptable given the Spacing Standards require a distance of 21m when first floor windows are facing each other.
34. There are also no significant level changes across the site in terms of the slab levels of the dwellings and the levels of the road that would exacerbate any of the relationships between the proposed dwellings and the existing dwellings so on this basis, it is considered that the proposed residential development of this site will not result in detrimental harm to the living conditions of the occupiers of the adjacent existing dwellings.

Design and Layout

35. There is a definite character to the area which is mainly of terraced and semi-detached properties, all with defined building lines. The amended proposals reflect this layout to a greater extent than the previous application did due to the provision of a mix of modest semi-detached properties on the site. There is also a single detached dwelling house at the main entrance to the site from Willow Road but this does not detract from the overall design and layout of the development.
36. The properties are now also set back from Willow Road at the north western corner of the site with space available for landscaping. This will provide an attractive interface between the development and Willow Road which is an improvement over the previous scheme put forward. This part of the site is also adjacent to a wide grassed verge on Willow Road so this will ensure that the development represents an improvement to the character and appearance of the locality as a result of its layout in this position. Tree planting along the site frontage to Willow Road will also improve the aesthetic characteristics of the development and how it is seen from Willow Road.
37. The properties at the entrance to the site are side on to Willow Road. However, they have now been set back from Willow Road to enable the provision of landscaping which again will soften the outward impact of the dwellings in this position whilst providing an attractive entrance to the site from Willow Road.
38. The proposed dwellings are of modern design and typical of new build properties. However, they do incorporate sufficient detailing to the elevations and design features so as to provide interesting frontages and provide an interesting addition to the character and appearance of the streetscene, particularly those plots adjacent to Willow Road.
39. The layout also includes (plots 20 to 37) properties sited opposite each other at approx. 16m which is reflective of the terraced properties in the locality to the south.
40. A further access into the site is also proposed which is the subject of a separate application (Ref No. 11/00892/FUL). This will provide a one way access to the site from Botany Brow and will also serve the future development of the site fronting onto Harpers Lane and Botany Brow for which an indicative layout is detailed on the proposed site plan.

41. In terms of the request from Cllr Dennis Edgerley for the backs of the terraced properties fronting onto Botany Brow and Harpers Lane, this has been put to the applicant but the applicant advises that this land is not within the ownership boundaries of the site. The design of the development is considered to now be satisfactory and will ensure that the development results in an improvement to the locality whilst providing a good quality layout from an aesthetic perspective and for residents in terms of day to day living.
42. The development of the part of the site fronting onto Botany Brow is not the subject of a planning application at this juncture but the indicate layout on the plans does show what could potentially be accommodated on this site in the future (subject to consideration as part of a planning application).

Affordable Housing

43. The applicant has stated that they will provide and manage 20% affordable housing units on the site, which is in compliance with Planning Policy.
44. The 20% affordable housing obligation would need to be delivered in partnership and managed by a Registered Social Landlord (RSL). The required tenure split would be 6 no. Social Rented Units and 2 no. Intermediate Units which is in line with the indicated tenure need denoted in the most recent Strategic Housing Market Assessment (SHMA) 2009.
45. Whilst it is acknowledged that the applicant is willing to provide and manage the required 20% affordable dwellings as outlined in Policy HS5 Affordable Housing of the Chorley Local Plan Review, Elmwood Properties is not a RSL at this juncture and the request made for the affordable housing to be secured via a planning condition is not appropriate as this can only be secured through a S106 agreement so as an RSL can manage the properties. The applicant has been made aware of this and the need for the S106 agreement to specify management of the affordable units by an RSL.

Trees

46. The site has largely been cleared apart from a small group of trees adjacent to the existing Willow Road access and an evergreen tree and a larger lime tree adjacent to the substation in the north western corner of the site. The proposed layout does not show the trees retained adjacent to the access nor the lime tree retained adjacent to the substation. However, a condition can secure a scheme of replacement tree planting to mitigate the loss of these trees along the Willow Road frontage as there is sufficient space along this part of the site to enable such replanting to take place. This will overtime soften the visual impact of the development and provide an attractive frontage to Willow Road.

Flood Risk

47. The application is accompanied by a Flood Risk Assessment and the site is not in Flood Zone 2 or 3. The Environment Agency do not raise any objections to the application in relation to Flood Risk and do not recommend any conditions in terms of surface water run off attenuation although recommendations are made in terms of the developer utilising Sustainable Urban Drainage Systems (SUDS) which can be made the subject of an informative.

Traffic and Transport

48. The originally proposed layout generated objections from LCC (Highways) due to the lack of parking provision and the layout and dimensions of the internal roads. However, following negotiations with the applicant, highway safety issues have now been addressed and sufficient parking will also now be provided for each of the dwellings.
49. The main access road from Willow Road into the site varies in width starting off at 5.5m and then reducing down to 4.8m wide as it runs into the site. Plots 31 to 36 have parking spaces at the rear with access from between plots 37 and 38. The layout has been designed to enable service and refuse collection vehicles to enter and leave the site in a forward gear.
50. In relation to the car parking, each property will now have adequate off road parking space available comprising of 2 spaces or 3 spaces for the single 4 bedroom detached property.

The level of car parking provision across the site is therefore considered to be acceptable.

51. LCC (Highways) have requested a turning space for plot 31 and some minor alterations to parking spaces so this request for amended plans has been made to the applicant. The details of the amended plans will be reported in the addendum.
52. A one way access is also proposed off Botany Brow. This access is being applied for (Ref No. 11/00892/FUL) in tandem with this application and is the subject of a separate report on the agenda and it is also recommended that planning permission be granted for this access.

Open Space/Play Space Provision

53. There is no on-site open space/play space provision provided within the scheme. Therefore to comply with saved Policy HS21 Playing Space Requirements the Council will secure a commuted sum from the development for use in the provision or improvement of open space facilities in the locality.
54. Specifically, the contribution will go towards the upgrading of the existing facilities at the Harper's Lane Recreation Ground, which is within 500m walk of the application site. It is therefore recommended that £1369 per dwelling is secured, and therefore a total of £56129 will be put towards the upgrading of Harper's Lane Recreation Ground. Policy HS21 will therefore be complied with as a result of this.

Contamination and Coal Mines

55. The Waste & Contaminated Land Officer states that due to the past processes and activities upon the site, there is potential for ground contamination hence a condition requiring a site investigation and assessment is required prior to the commencement of development.
56. With regards to coal mining, the application site is not in a referral area so under the Coal Authority consultation requirements, an informative will be attached drawing the applicants attention to Coal Authority advice in relation to risks.

Drainage and Sewers

57. United Utilities and the Environment Agency do not raise any objections to the application. United Utilities state that this is on the basis that the site is drained on a separate system with only foul drainage connected to the foul drain and surface water discharging to a soakaway, watercourse or surface water sewer. It is also stated that if surface water is allowed to be discharged to the public surface water sewerage system, the flow rate may need to be attenuated.
58. The Environment Agency do not object in principle subject to a condition requiring the submission of a desktop study, the undertaking of a site investigation and the provision of mitigation measures to remediate the site if deemed necessary. This is on the basis of the sites previous industrial use. Recommendations are also made in relation to reducing flood risk although no conditions are recommended in relation to this matter.

Section 106 Agreement

59. A Section 106 agreement is required to ensure that the affordable housing and open space/play space requirements are delivered. The commuted towards off site play space will be specifically directed towards the Harpers Lane recreation ground which is only a short distance from the site.
60. In terms of the affordable housing, the Section 106 agreement will secure the provision of 20% affordable units on the site (8 in total).

Overall Conclusion

61. Whilst this site was last used for employment purposes and has been marketed, the concerns over the marketing are outweighed by the benefits of providing housing on this site. Also, the site is a sustainable location for housing development, as it is surrounded by residential development and in close proximity to the town centre with good transport links so the 'principle' of the residential redevelopment of the main part of the site is considered to be

acceptable.

62. The design of the dwellings and the layout is considered to be acceptable in terms of both national and local planning policy in that it now reflects the characteristics of the area and complies with the objectives of the Spacing Standards set out in the Design SPG in terms of the relationship with the existing dwellings and the relationship between the proposed dwellings..
63. From a highways perspective, the layout of the site is now considered to be an acceptable one and adequate off road parking will be provided for each dwelling.
64. Affordable housing is also to be provided within the scheme and will be delivered by a Registered Social Landlord. The proposal therefore complies with the requisite planning policies.

Other Matters

Public Consultation

65. The application includes summary details of a public consultation exercise undertaken by the applicant prior to the submission of this latest application. The summary explains that local residents were sent a letter and site plan and that 50% responded in a generally positive manner towards the redevelopment of the site. Any issues raised by residents have been addressed as part of the application plans.

Sustainability

66. There has been some information provided in relation to energy efficiency and resource conservation with the application. It states that the building materials and labour from the houses will be sourced from local housing stock, reducing the impact of travel to the site. The properties will be constructed to meet the current Building Regulations and will provide minimum carbon emissions by meeting the national standards for Code for Sustainable Homes. To ensure that these measures are carried out and to ensure that the proposal complies with Policy SR1 Incorporating Sustainable Resources into New Development, then a condition can be added.

Waste Collection and Storage

67. Each property will have adequate space for waste storage and the layout will allow refuse collection vehicles to enter and leave the site in a forward gear to empty bins from kerbside on collection days. Also, the Waste and Contaminated Land Officer does not raise any objections to the application on the basis of the amended plans in terms of waste collection and storage.

Impact on Local Services

68. In respect of the impact on schools the Education Authority have confirmed that there were 525 places in the local primary schools (within 2 miles of the development) at October 2011 pupil census. Latest forecasts for the local primary schools show there to be 39 places in 5 years' time. These forecasts take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.
69. There have been recent planning approvals in the Borough which will create a yield of 89 pupils. The Education Authority has confirmed that this development will create a pupil yield for this development of 15 and there are insufficient places available to accommodate this development. As such they are seeking a contribution of £183,208 for primary schools. The Authority have confirmed that there are sufficient places within the secondary schools to accommodate the development.
70. As set out above for a S106 contribution to be justified the following tests have to be met:
 - a. necessary to make the development acceptable in planning terms

- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

71. As confirmed by the Education Authority there are 39 places available within the local primary schools and as this development will yield the need for 15 places there is sufficient places to accommodate this development. The Education Authority has not confirmed that the local primary school (St Peters C of E Junior School) is full and have included it within their list of local schools. Also, the fact that other residential permissions have been approved which results in this development necessitating the need for school places does not meet criterion (b) of the above tests.
72. It is therefore considered that sufficient places exist within the local primary schools to accommodate the proposed development and as such a contribution could not be justified in this particular case.

Overall Conclusion

73. It is recommended that the applicant be granted conditional planning permission subject to the signing of a S106 Legal agreement.

Planning Policies

National Planning Policies:

PPS1 / PPS3 / PPS4 / PPG13

North West Regional Spatial Strategy

DP1 / DP4 / DP7 / RDF1 / W3 / L4 / RT9

Adopted Chorley Borough Local Plan Review

GN1 / GN5 / HS4 / HS5 / HS6 / HS21 / EM9 / TR4

Supplementary Planning Guidance:

- Design Guide
- Proof of Marketing (Policy EM9)

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

09/00635/DEMCON - Application for prior determination in respect of the proposed demolition of the former 'Initial Washroom Solutions' site. Approved 4 September 2009.

10/00834/FULMAJ – Proposed residential development for 50 two storey houses (20% affordable houses). Withdrawn 2 December 2010.

11/00892/FUL – Proposal to utilise existing former Initial Laundry site entrance and apply for adaptation, to become LCC (Highways) compliant residential access to redevelopment of site.

Recommendation: Permit (Subject to Legal Agreement) Conditions

1. **The proposed development must be begun not later than three years from the date of this permission.**
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. **Notwithstanding the details shown on the approved plans, the proposed driveways to the dwellings hereby permitted shall be constructed using permeable materials laid on**

a permeable sub-base, the details of which shall first have been submitted to and approved by the Local Planning Authority prior to the commencement of the development and the development shall be thereafter be carried out using the approved materials and shall be retained and maintained as such at all times thereafter.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off. In accordance with Policy No.GN5 and EP18 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 the approved plans. The development shall only be carried out in conformity with the approved details.

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

4. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences, walls and railings to be erected (notwithstanding any such detail shown on the approved plans) 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, walls and railings 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.

5. No development shall take place until a scheme of landscaping and replacement tree planting along the boundary with Willow Road 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.

6. 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.

7. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed dwellings (notwithstanding any details shown on the approved plans) 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.

8. 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 the approved plans) 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 hard ground-surfacing 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 HS9 of the Adopted Chorley Borough Local Plan Review.
9. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. If surface water is to discharge to the public surface water sewerage system, details of attenuation measures shall first be submitted to and approved in writing by the Local Planning Authority (in liaison with United Utilities) as United Utilities may require the flow rate to be attenuated to a maximum discharge rate. The attenuation measures (if required by United Utilities) shall be implemented in full accordance with the approved details and retained and maintained as such at all times thereafter.
Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.
10. Prior to the first occupation of the dwellings on plots 10 and 11, the car park and vehicle manoeuvring areas shall associated with these dwellings shall be surfaced or paved, drained and marked out all in accordance with the approved plans. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.
Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E) (as amended) or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) 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, the amenities of adjacent residents, the amenities of the occupiers of the new dwellings and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
12. 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 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st 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.
13. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.
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.

14. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question meets the necessary code level and 2 credits under Issue Ene7, has been issued to the Local Planning Authority, by an approved code assessor. Within 6 months of completion of that dwelling a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority.
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.
15. No development approved by this planning permission shall be commenced until:
- 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.
 - 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.
 - The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority.
 - 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 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 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 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 also be detailed in the report.

Reasons: To identify all previous site uses (a), 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 development 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 in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan review.

16. The approved plans are:
- | | | |
|-------------------|------------------|---------------|
| Plan Ref. | Received On: | Title: |
| Drg No. 003 Rev B | 16 November 2011 | Location Plan |

Drg No. 002 Rev A	6 December 2011	Topographical Survey
Drg No. 003 Rev F	22 December 2011	Site Plan
Drg No. 10 Rev A	13 October 2011	House Types A & B
Drg No. 11 Rev C	22 December 2011	House Types C & D
Drg No. 13 rev B	19 December 2011	Wall / Fencing Types
Drg No. 004 Rev C	22 December 2011	Proposed House Elevations

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