

**Item 4c**                    **12/00085/CON**

**Case Officer**            **Ian Heywood**

**Ward**                        **Wheulton and Withnell**

**Proposal**                    **Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure.**

**Location**                    **Chimney And Building Withnell Fold Mill Withnell Fold Withnell Lancashire**

**Applicant**                    **Primrose Holdings Ltd**

**Consultation expiry:** **16 April 2012**

**Application expiry:** **3 April 2012**

**Proposal** This report covers two applications: 12/00084/FULMAJ and 12/00085/CON for respectively:

1. Planning Permission for: Refurbishment and restoration of chimney and associated building to form office (class B1) demolition of remaining buildings and erection of 37 dwellinghouses (Class C3) and associated hardstanding, landscaping and infrastructure.
2. Conservation Area Consent for demolition of the mill buildings at Withnell Fold Mill, except the chimney and associated building.

**Site Description** The site is located at the western edge of the Withnell Fold Conservation Area immediately adjacent to the Leeds-Liverpool Canal. The topography of the site falls in an east to west direction towards the canal with the current buildings set over a variety of levels. The buildings currently occupying the site are the remains of the former Withnell Fold paper mill, the majority being demolished in 1983. These remaining buildings are thought to have been used for packaging and distribution rather than the manufacture of paper. They have been altered both internally and externally with new, utilitarian buildings added. None of the internal fixtures or fittings remains. One mill chimney, there were originally two, remains and the buildings at its base are to be retained, refurbished and converted to offices for which permission has already been obtained previously. The remaining buildings are to be demolished and replaced by a residential development of 37 units that retains the same overall massing as the originals but adopts a sympathetic yet contemporary style using a mix of traditional and contemporary materials.

#### **Recommendation**

3. It is recommended that these applications are granted full planning permission and conservation area consent.

#### **Information Supplied in Support of the applications**

4. The following documents have been supplied in support of the application:
  - Statement of Community Involvement
  - Transport Statement
  - Updated Transport Assessments
  - Arboricultural Implications report
  - Flood Risk, Contamination and Land Drainage Report
  - Planning Statement
  - Design and Access Statement
  - Proof of Marketing Statement

- Heritage Statement
- Energy Resource and Code for Sustainable Homes Statement
- Ecological Report and Updates
- Bat Report
- Land Contamination Report
- Tree Location Plan
- Tree Constraints Plan
- Planning History Report
- Previous site development options and costings including structural appraisal

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
- Principle of the development
  - Impact on the significance of the Withnell Fold Conservation Area
  - Levels
  - Impact on the neighbours
  - Design
  - Open Space
  - Trees and Landscape
  - Ecology
  - Flood Risk
  - Traffic and Transport
  - Public Right of Way

### **Representations**

6. 37 letters have been received from neighbours. Of these 10 are outright objections. 11 are fully supportive. The remaining 16 are all in favour of the redevelopment of the site, but express concerns about the potential for increased traffic that could emanate from the development and suggest a reduced scale of new development.
7. **Withnell Parish Council** suggest a number of conditions be applied should permission be granted regarding the provision of a play area, retention of the Green Corridor, enhancement of the canal footpath and suggest that a further traffic survey was needed (the latter item has now been provided).
8. **Lindsey Hoyle MP** has forwarded a letter from a concerned constituent. This is the same letter that has been received and is included within item 5 (above).

### **Consultations**

9. **Lancashire County Council (Ecology)** Has no objection to the application and suggests conditions be attached to any consents granted to ensure the completion of appropriate mitigation measures as put forward in the ecological statements that accompany the applications.
10. **Lancashire County Council (Planning Contributions)** has put forward figures for financial contributions for waste management. However these fail to satisfy the requisite CIL tests.
11. **The Environment Agency** raises no objection to the proposals and suggests conditions to be attached to any permission.
12. **English Heritage** objects to both elements of the proposal – demolition and redevelopment. The demolition of all mill buildings except the chimney and the redevelopment proposals for the site. They claim that insufficient evidence had been provided to support a case for demolition and that consequently the case for redevelopment was not made. The applicant has subsequently produced additional information in support of the case, including an addendum to the Heritage Statement that includes further historical research and also an addendum to the Planning Statement that demonstrates evidence of alternative uses for the building having been previously sought that directly addresses these issues. English Heritage continues to object to the proposals.

13. **Director People and Places** supports the application and the proposal by the applicant to provide funding to acquire land within Withnell Fold village to provide additional community recreation space of a type to be determined by the local community through the local body responsible for the Millennium Green. Provision for this arrangement will be included in the S.106 Agreement.
14. **United Utilities** raise no objections to the proposal and suggest a number of conditions.
15. **Lancashire County Council (Highways)** do not object to the applications and has suggested a number of conditions to be attached to any consents granted.
16. **Chorley's Waste & Contaminated Land Officer** has suggested a number of pre-commencement conditions and an informative to be applied to any consent that may be granted.
17. **Lancashire County Council (Education)** No comments have been received and no request for a financial contribution has been made.
18. **Central Lancashire Primary Care Trust** considers that the proposal will have no material impact upon care provision for the area.
19. **Lancashire County Council (Archaeology)** objects to the proposal on the grounds that the case for demolition had not been met in accordance with the then requirements of PPS5, now section 12 of the NPPF. Additional information in the form of an updated Heritage Statement has been provided but LCC Archaeology's position remains unchanged.
20. **British Waterways** raised objections to the proposed demolition on the basis of the damage it would cause to the setting of the historic canal. They raised concerns about the discharge of rainwater from the site into the canal but suggest further dialogue between the parties should resolve this. Finally they raised the question of trees located on part of the site currently in BW ownership that would be affected by new development. British Waterways suggest that a landscaping condition be applied that secures retention of important trees. They have put forward some further conditions to be attached to any consent that may be granted.
21. **Chorley Council Planning Policy** commented that in general terms the proposal was in conformity to local Planning Policy including those policies that are in conformity with the NPPF from the Adopted Chorley Borough Local Plan Review 2003, the Central Lancashire Core Strategy and the emerging Site Allocations and Development Management Policies DPD. Policies included are:

**From the Adopted Chorley Borough Local plan Review 2003:**

- DC1
- EM9
- HS4
- HS5
- HS21
- HT7
- SR21

**From the Central Lancashire Core Strategy:**

- Policies 4, 5, 6, 7, 10, 16, 17 and 27

**From the Site Allocations and Development Management DPD:**

- BNE6
- BNE7
- HW2
- HW5

### **From the NPPF:**

- Sections 3, 6, 7, 9, 10, 11 and 12

22. Whilst this is currently an employment site the evidence suggests that this is not an economic or sustainable use of the site and that the marketing evidence provided supports the proposal for reuse of the site for residential purposes. Whilst the site is in the Green Belt the proposed redevelopment closely matches the massing of the current buildings so it is considered that they will have no greater impact upon the openness of the Green Belt than is currently the case. The development thus meets the test for redevelopment in the Green Belt as stated in the final bullet point to paragraph 89 of the NPPF. Policies with regard to affordable housing and open space are to be covered by contributions secured through a S.106 agreement. The proposed development accords both with the Council's Sustainable Resources DPD, and the NPPF.

### **Applicants Case**

23. The applicant has owned the site for approximately 20 years. During that time he has maintained the buildings at a level commensurate with the income generated by his tenants, which is very low. The buildings have been occupied by low intensity industrial users, car repair businesses, that require an abundance of space but which make a low level of return. Significant areas, particularly the upper floors, remain vacant and are in a deteriorating condition despite repeated attempts by the applicant to find new occupants. The combination of low values and consequently low income generated from the site has limited the value of reinvestment in the buildings to little more than basic, essential repairs. As a result the condition of the buildings is deteriorating and the applicant has shown that there is no prospect of this situation improving even in the longer term. The applicant has made a number of attempts to find alternative uses for the buildings, none of which proving to be successful. The site is a blight on the appearance of the Withnell Fold Conservation Area and the proposed development provides an opportunity to not only reverse that situation but to enhance the area with new buildings that are sympathetic to their location and that are of such a quality as to enhance the setting of the conservation area. Furthermore the proposed development will remove the significant level of 'industrial' traffic to and from the site, as shown by the traffic surveys, which currently cause harm to the amenity of local residents and to the appearance of the area as a whole.

### **Assessment**

#### Principle of the development

24. The application site is within the Green Belt. It is, however, also a brown field site. The NPPF continues the tone of the previous PPG in considering inappropriate development as being, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The final bullet point to paragraph 89 of the NPPF suggests where exceptions exist to this may be found, namely *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'* In this case the scale, mass and form of the new development will closely follow that of the existing buildings on the site. An examination of photographs of the existing buildings and artists impressions of the proposed development provided in the Design and Access Statement show the close resemblance in the scale, form and massing of both the current buildings and those proposed. Consequently it is considered that the proposed development will have no greater impact upon the openness of the Green Belt than the current buildings. In terms of the Green Belt the proposed development is thus considered to be in conformity with both local and national policy.

#### Impact upon the significance of the Withnell Fold Conservation Area

25. Withnell Fold Conservation Area is, as defined by Annex 2 to the NPPF, a designated heritage asset. The mill buildings themselves are not designated in any way, except for the Locally Important chimney, and are consequently heritage assets. Consequently only those tests within S.12 of the NPPF appertaining to heritage assets are a consideration in this case. These are 128, 129, 131, 132 (but only in relation to the Conservation Area), 135, 136 and 138.

26. 128 relates to the need for applicants to demonstrate their understanding of the significance of any heritage assets affected by their proposals. The applicant has extensively covered this in the Heritage Statement that accompanies the application.
27. 129 requires Local Planning Authorities to assess that significance when determining applications. In this case I consider the level of significance to be low.
28. 131 requires Local Planning Authorities to take account of desirability of sustaining or enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. In this case I consider that redevelopment of the site will enhance the significance, character and sustainability of the local area and will make a positive contribution to the local community by greatly improving the visual amenity of the area, giving the site a sustainable active and secure future and by making a significantly more appropriate use of the land..
29. 132 in this case refers only to the significance of the Conservation Area and the impact of proposals upon that significance. In this instance I consider that the significance of the Conservation Area will be sustained as a result of this proposal because the mill buildings do not contribute to the significance of the Conservation Area. The significance of the conservation area as a whole will be sustained.
30. 135 specifically refers to the judgement to be made with regard to the impact of proposals on non-designated heritage assets. In this case the significance of the mill is considered to be very low and thus the impact is also considered to be low. The Withnell Fold Conservation Area was designated by Chorley Borough Council in 1969, i.e. when the whole mill complex was extant. Whilst access is not available to all areas of the current buildings on Heath and Safety Grounds, the limited area to which this applies does not change the consideration that the buildings are of low significance.
31. 136 seeks to ensure that a demolished site will be redeveloped and not left vacant. Clearly in this case proposals are jointly being considered both for demolition and redevelopment of the site.
32. 138 considers that not all elements of a Conservation Area will necessarily contribute to its significance. In this instance that is precisely the case – the mill building contributes little to the significance of the conservation area. That is embodied more in the workers cottages, the school, the Methodist chapel and the reading room.
33. The applicant has, in conformity with PPS5 previously and currently S.12 (paragraph 128) of the NPPF, provided a highly detailed heritage statement to accompany the applications. These show that the remaining mill buildings on the site that are proposed to be demolished are the smaller and less significant parts of the original complex of mill buildings. Whilst the existence of the village owes much to the existence of the mill the heritage statement shows that the mill workers cottages and their associated public buildings – reading room, school and Methodist chapel now make a greater contribution to the special character of the conservation area than the surviving mill buildings, apart that is from the surviving mill chimney that is to be retained as part of the development.
34. This report also makes a record of the buildings as they currently exist on site which confirms their low level of significance. The buildings are greatly altered and none retain any of their original fittings or fixtures. Even details such as sash windows are not original to the buildings, having been replaced with second hand items by the current owner during the period of his tenure.
35. The remaining buildings are considered to have been used for packaging and distribution rather than the manufacture of paper. Furthermore there is no evidence to show that the paper distributed from here was ever used for the production of bank notes, except perhaps for the export market. A combination of low historical status, lack of any remaining machinery

and a long succession of alterations have resulted in buildings, apart from the chimney that are considered to be of very low significance.

36. Furthermore the semi-derelict nature of the site and the deteriorating quality of the buildings coupled to unsustainable, uneconomic use are all having a detrimental impact upon the significance of the conservation area as a whole and that of its setting.
37. After consideration of these points it is considered that retention of the most significant remaining part of the buildings, the chimney, with demolition of the remaining buildings and their replacement with suitably designed, appropriately scaled contemporary buildings will overall be a benefit to the appearance of the conservation area. Its significance will, in my opinion, be sustained.
38. Both English Heritage and Lancashire County Council Archaeology assert that the former mill buildings are 'designated heritage assets'. This is incorrect. The definitions are clearly stated in Annex 2 to the NPPF. At no point either within the NPPF or previously within PPS5 is there any indication that an undesignated building within a conservation area can be termed 'designated'. It is interesting to note that within English Heritage's own resources ("Pastscape") from the National Monuments register the buildings are described thus: "*The site of a 1840s paper mill which was demolished in 1983. The only surviving remnants of the mill are the mill chimney and a small number of ancillary buildings which are now used for light industrial purposes. The site of the mill has now been covered with a modern housing estate.*" It is clear from this that the buildings are afforded a very low level of significance.
39. English Heritage and Lancashire County Council Archaeology also assert that the applicant has not proven the case for demolition. I disagree. The applicant has provided more than ample evidence to support the case for demolition and redevelopment of the site. Financial information has been provided to show that redevelopment and reuse of the current buildings is not only not cost effective, even if grant funding (which proved to not be forthcoming) was available, but would not result in an architecturally acceptable solution. More information is provided in the following, Background Information, section.
40. English Heritage and Lancashire County Council Archaeology suggest that there is insufficient information provided with the application on which to judge the significance of the building. I disagree. The applicant has provided all the available information that it is possible to provide in terms of the history and development of the site. That the conclusions of this research are the same as those determined by the study commissioned by the Council from leading conservation architects, Donald Insall and Associates in 2004 is testament to their accuracy and thoroughness. Additionally the applicant has agreed to any pre-commencement condition requiring further archaeological recording of the building to be undertaken. Despite an offer to all parties for further site visits and discussions, neither English Heritage nor Lancashire County Council Archaeology has taken up this offer. Further evidence gleaned from a local historian shows that the 'machines' for the paper production processes were all installed before the extant buildings on the site were even built. This confirms the assertion made in the applicant's heritage statement that these remaining buildings were not used for the paper manufacturing process, but were more likely used for packaging and distribution. This evidence therefore confirms the view put forward in the heritage statement that the remaining buildings are of very low historic significance.
41. The Council's own Building Control Manager has extensive knowledge of the site. In his opinion he confirms the view that the buildings are simply not economic to convert, nor are some of them structurally capable of conversion without uneconomic strengthening and stabilisation works. Furthermore the topography of the site poses still further problems such that partial demolition in some areas would lead to catastrophic collapse to much larger areas of the site.

#### Background Information

42. Withnell Fold paper mill was originally more than twice its current size and included two mill chimneys. The only evidence that remains of the mill in its entirety are historic photographs and archive film footage. Available evidence suggests that the extant buildings were not used

for the production of paper but were used for its packaging and distribution. The supporting Heritage Statement document gives great detail on the history of the site, its development and subsequent decline leading to closure in 1967 and the demolition of the older, original part of the complex in the 1980s.

43. During the period of the applicant's ownership, approximately twenty years, a number of proposals have been put forward for the redevelopment of the site. Many different options have been considered, including a feasibility study commissioned by Chorley Borough Council in 2004 from well respected conservation architects, Donald Inshall Associates. Since 2004 still further options for the site have been considered at pre-application discussions with the Council. None have, so far, borne fruit.
44. The site is complex, being situated on land of widely varying topography set over large variations in levels. Furthermore the construction of the buildings is such that remodelling of them for other purposes would be hugely expensive and thus not cost effective. As has already been mentioned the buildings have been significantly altered with additional concrete beams added internally to the upper buildings at least, walls have been removed or added and a myriad of other changes have taken place. Entirely new concrete block work buildings have been added to the site and the overall impression one gets is that of a ramshackle conglomeration of accretions. The applicant has submitted information to demonstrate a long history of attempts to find alternative, more economic, uses for the buildings and example costings have been included. The Council commissioned feasibility study established that even in a buoyant property market it would prove difficult to make the economic case for the buildings stack up. That situation is, in today's more challenging economic climate, ever more difficult to overcome.

#### Housing Development

45. The proposed development is largely for housing, albeit with an office being retained in the building at the base of the chimney for which consent has previously been granted. The proposal is to erect 37 dwellings of which 9 will be 2 bed apartments, 13 will be terraced properties, 2 are semi-detached and 13 are detached. The requirement for provision of affordable housing has been agreed to be provided off site. The applicant has agreed to provide the required number and type of affordable housing units, which at 20% equates to 7.4 houses with details to be secured via the S.106 agreement in a location to be determined by the Strategic Housing Team within the Council. (Either 8 houses or 7 houses and 0.4 as a commuted sum.)

#### Levels

46. This is a complex site set over a variety of levels. These are shown clearly on the topographic survey and within the sectional drawings that accompany the application. The architectural team have used these variations to the advantage of potential occupants by creating views to open countryside to the west and facilitating subterranean parking to avoid other views being obscured by a sea of parked residents' cars within the development. The difficult levels within the site have also precluded their conversion and reuse due to difficulties in finding an architecturally acceptable scheme that would be acceptable visually and that would maintain functional usability. Spaces would be awkward to use, difficult to access and would not be marketable. Previous work has shown that the costs involved could never be recouped, even in the long term.

#### Impact on the neighbours

47. The applicant has undertaken three public consultation events prior to submitting the applications and continues to have ongoing dialogue with both local groups and individuals. Potentially the neighbours that could suffer the greatest impact are those in Parke Mews, which could be overlooked by residents in the apartments. This issue has been addressed and an amended plan incorporating a revised internal layout and obscure glazing for the apartment block has been submitted. The applicant has also undertaken three traffic surveys to establish the current levels of traffic generated by the mill in its current use and also that generated by school runs and residential traffic to Parke Mews and Mill Wood Close, both adjacent to the access for the application site. More detail on this is given in the subsequent section on Traffic and Transport. The purpose of these surveys to allay the fears of many

local residents regarding the potential for increased traffic as a result of the development.

### Design

48. The applicants design team met and discussed the proposals on a number of occasions prior to submitting the applications, and indeed the design was driven by the requirements of officers. The idea has been to maintain the massing of the current industrial buildings, but to give them a high quality contemporary feel at the same time using a carefully considered palette of both traditional and contemporary materials. The end result is a development that responds well to its context in terms of the scale and massing but also in the use of matching materials, local stone, but with some carefully considered contemporary touches. Precise final details will be controlled by conditions, but the aim is to execute the scheme to the highest possible standards of construction. Consequently the design suggested is appropriate, complimentary and will enhance the appearance of the Withnell Fold Conservation Area.

### Open Space

49. The provision of allocated public open space within the development is not considered to be appropriate by both planning officers and the Parks and Open Spaces team. The applicant is offering to expand the current public open space found within the village by procuring an additional piece of land in addition to land that he already owns. In so doing this will respond to the requests made by the local people in terms of both location and the facilities to be provided. This provision by the applicant will be secured via the S.106 Agreement. This area will not only benefit the local residents in terms of the amenity provided but it will also be visually enhancing for the character of the conservation area as a whole.

### Trees and Landscape

50. A comprehensive tree report accompanies the application and LCC Ecology has confirmed that the proposal is acceptable. None of the works will affect any trees of either landscape or ecological value and the proposals include plans to strengthen the 'Green Corridor' at the eastern side of the site.

### Ecology

51. Certain parts of the application site have a wide range of ecological interest. There is an already established green corridor to the eastern edge of the site and the applicant intends to maintain and strengthen this. LCC Ecology has commented that they are satisfied with the ecological reports and the proposed mitigation measures will be the subject of a condition.

### Flood Risk

52. The Environment Agency raises no objection to the proposal and conditions will be attached to any consent granted to ensure compliance with their requirements.

### Traffic and Transport

53. The applicant has undertaken three traffic surveys and has produced a number of transport reports to accompany the application. These indicate the currently high levels of industrial/semi industrial traffic that is currently generated by the very sparsely occupied mill buildings. The evidence from both the traffic surveys and from traffic modelling have been verified by LCC Highways engineers who consider the access arrangements proposed to be adequate, subject to a number of conditions. The perhaps surprising evidence from the surveys shows that the mill currently generates a high volume of traffic movements, mostly from commercial vehicles and even large articulated lorries. The change of the site to residential will clearly change the type and number of vehicle movements. LCC Highways consider that the proposed access arrangements will be acceptable for both vehicle movements and highway safety perspectives. Maintenance of highways, parking areas and open space within the development will be the responsibility of a management company, to which all residents within the development will contribute. The highways will thus remain private in the same way as the nearby development at Parke Mews and Mill Wood Close.

### Public Right of Way

54. There is no public right of way across the site. There is, however, a public right of way in the form of the Leeds-Liverpool Canal towpath, outside the application site, which is currently unofficially accessed across the application site. The applicant has agreed to continue to



allow free and open access across his site to the canal towpath and has even agreed to provide 12 car parking spaces for visiting walkers. Public access to the Canal will thus be significantly enhanced by this proposal.

#### Drainage and Sewers

55. British Waterways have requested an informative be included with any consent granted regarding surface water discharge into the canal, which is the current arrangement. The development proposal includes a drainage plan that includes a pumping station that will be constructed to adoptable standard in consultation with United Utilities.

#### Section 106 Agreement

56. The Council's Legal team have drawn up the S.106 Agreement following close consultation with the applicant and agent. Any consent will be issued subject to the signing of this agreement.

The Agreement will include the following terms:

- Provision of land off-site (registered under Title number LA897226) in lieu of Chorley Local Plan Land Allocation LT13.33 or if this is not provided, the provision of equivalent of-site play space in the Borough of Chorley, location to be agreed with the Council;
- The provision of 20% affordable housing (7 units) to be provided off-site over one, two or three sites in locations mentioned below, predominantly 2bed houses for social rent or alternatively the payment of a Commuted Sum in lieu of the affordable housing units;
  - Bretherton
  - Heskin
  - Ulnes Walton
  - Brindle
  - Heapey
  - Hoghton
  - Wheelton
  - Charnock Richard
  - Eccleston
  - Mawdesley
  - Heath Charnock

A contribution of funds by the Developer to facilitate the purchase of land (registered under Title number LA795200) by the Withnell Millennium Trust in order that this can be used as a new Community Orchard. It is unclear who is to maintain the Orchard etc. and what is to happen if the land is not acquired by the Trust etc.

#### **Overall Conclusion**

57. Following several previous failed attempts to improve this site and enhance the quality of the area for both local residents and visitors alike the current proposal represents a genuinely good opportunity to realise this long held vision. Even the best attempts by the Council in previous years failed to bring forth a solution. It is clear that the status quo cannot be maintained with the buildings being a financial drain on their owner and the site degenerating into a yet greater eyesore with the passage of time. This proposal represents an opportunity to enhance the appearance of the Withnell fold Conservation Area with a development that on the one hand plays homage to the industrial history of the site, but which at the same time uses contemporary styling that will be executed in high quality materials.

58. Access to the site and to the Leeds-Liverpool canal will be enhanced by the upgraded access road and the provision of 12 parking spaces. Additional public open space is to be provided on a site that meets the aspirations of the local community and that provides functions that the local people have asked for.

59. The applicant, and the Council, have demonstrably attempted to find solutions to the problems encountered with conversion of the buildings to alternative uses but on each occasion these have proved to be unsuccessful.

60. The case for demolition has been more than adequately made. Economically and architecturally the case for the conversion of the buildings simply does not stack up. It has been shown that the buildings are of low historic significance and those of the greatest importance for the history of the site – the chimney – is being retained and is now in the process of restoration and refurbishment.
61. The proposal includes a heritage interpretation ‘hub’ that is to be located for the benefit of prospective residents and visitors alike. This will provide information on the history and development of the site to allow the story of the site to continue to be read by future generations.
62. The Withnell Fold Conservation Area and indeed the village will be enhanced by this development in terms of both the visual appearance of the site, but also in terms of the provision of easier access to the Leeds-Liverpool Canal, including additional parking for walkers’ vehicles, additional public amenity space and an enhanced wildlife green corridor.

## **Other Matters**

### Public Consultation

63. The applicant has undertaken three public consultation events, including a presentation to the Parish Council. Elements of the scheme have been tweaked in response to comments made at these events and an additional traffic survey has been conducted over two days – a Friday and a Tuesday. The general response from these events is that of support for the redevelopment of the site, albeit tempered with some concerns for the potential for traffic volume increase. As stated above these concerns appear unfounded following the second traffic survey and upon the receipt of comments from LCC Highways.

### Sustainability

64. The Council’s Planning Policy team have confirmed that they are happy that the proposed development conforms to its policy on Sustainable Resources, the SPD and DPD. The site at present is in very much less than optimal sustainable use. It is sparsely occupied by a limited number of motor vehicle body repair businesses that require large areas of space, employ small numbers of people and generate large amounts of waste yet return very low rental income for the site owner. The level of traffic generated by these businesses is disproportionate with both the level of employment and the income generated both in terms of sheer volume of traffic movements and the relatively large vehicle sizes involved.

### Waste Collection and Storage

65. The Council’s Waste and Contaminated Land officer has confirmed that he is happy with the proposal from this perspective.

## **Planning Policies**

### National Planning Policies:

National Planning policy Framework (NPPF)

Sections:

- 3 – Supporting a prosperous rural economy
- 6 – Delivering a wide choice of high quality homes
- 7 – Requiring good design
- 9 – Protecting Green Belt land
- 10 – Meeting the challenge of climate change, flooding and coastal change
- 11 – Conserving and enhancing the natural environment
- 12 – Conserving and enhancing the historic environment

### Adopted Chorley Borough Local Plan Review

Policies:

- DC1 – Development in the Green Belt
- EM9 – Redevelopment of Existing Employment Sites for Non-Employment Uses
- HS4 – Design and Layout of Residential Development

- HS5 – Affordable Housing
- HS21 – Playing Space Requirements
- HT7 – New Development in Conservation Areas.

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

Central Lancashire Core Strategy, Policies:

- 4 – Housing delivery
- 5 – Housing density
- 6 – Housing Quality
- 7 – Affordable Housing
- 10 – Employment sites and premises
- 16 – Heritage Assets
- 17 – Design of new buildings
- 27 – Sustainable resources and new developments

Sites for Chorley- Issues and Options Discussion Paper December 2010

- BNE6 – Heritage Assets
- BNE7 – Trees
- HW2 – Playing Fields, parks, Recreational and Amenity Open Space
- HW5 – The Leeds and Liverpool Canal

**Planning History**

**Ref:** 02/00057/FUL                      **Decision:** PERFPP                      **Decision Date:** 15 March 2002  
**Description:** Refurbishment of existing building for use as office,

**Ref:** 96/00770/FUL                      **Decision:** PERFPP                      **Decision Date:** 22 January 1997  
**Description:** Refurbishment of existing building for office use,

**Ref:** 12/00084/FULMAJ                      **Decision:** PDE                      **Decision Date:**  
**Description:** Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure.

**Ref:** 12/00085/CON                      **Decision:** PCO                      **Decision Date:**  
**Description:** Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure.

What this history does not show is the considerable number of pre-application discussions, meetings and proposals that have been considered but which have failed to result in a planning application.

**Recommendation:** **Permit - Conservation Area Consent Conditions**

1. **The proposed development must be begun not later than three years from the date of this permission.**  
*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. **The approved plans are:**

Plan Ref.	Received On:	Title:
PS-01	02/02/2012	Red-edged plan
PS-02	02/02/2012	Site plan
PS-03	08/02/2012	Block Plan
PS-04	23/03/2012	Apartment plans
PS-05	02/02/2012	Apartment elevations
PS-06	02/02/2012	Plot 10 plans
PS-07	02/02/2012	Plot 10 elevations
PS-08	02/02/2012	Plot 11 Plans
PS-09	02/02/2012	Plot 11 elevations
PS-10	02/02/2012	Plot 12 plans
PS-11	02/02/2012	Plot 12 elevations
PS-12	02/02/2012	Plots 13 & 14 plans
PS-13	02/02/2012	Plots 13 & 14 elevations
PS-14	02/02/2012	Plot 15 plans
PS-15	02/02/2012	Plot 15 elevations
PS-16	02/02/2012	Plot 16 plans
PS-17	02/02/2012	Plot 16 elevations
PS-18	02/02/2012	Plot 17 plans
PS-19	02/02/2012	Plot 17 elevations
PS-20	02/02/2012	Plot 18 plans
PS-21	02/02/2012	Plot 18 elevations
PS-22	02/02/2012	Plot 19 plans
PS-23	02/02/2012	Plot 19 elevations
PS-24	02/02/2012	Plot 20 plans
PS-25	02/02/2012	Plot 20 elevations
PS-26	02/02/2012	Plots 21 & 24 plans
PS-27	02/02/2012	Plots 21 & 24 elevations
PS-28	02/02/2012	Plots 22 & 23 plans
PS-29	02/02/2012	Plots 22 & 23 elevations
PS-30	02/02/2012	Plots 25 – 33 plans & elevations
PS-31	02/02/2012	Plots 34 – 37 plans & elevations
PS-31a	02/02/2012	Proposed plot boundary treatment
PS-32	02/02/2012	Proposed drainage plan
PS-33	02/02/2012	Street scene elevations
PS-37	02/02/2012	Proposed sections
PS-38	02/02/2012	Site plan in context
PS-40	18/04/2012	Proposed access plan

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

3. Before the use of the site hereby permitted is first commenced, full details of facilities to be provided for the cleaning of the wheels of vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The wheel wash facility shall be provided, in accordance with the approved details, before the use of the site hereby permitted is first commenced and thereafter retained at all times during the operation of the site.

**Reason:** *To prevent the tracking of mud and/or the deposit of loose material upon the highway, in the interests of public safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

4. The development hereby permitted shall not take place until the applicant has submitted to and received written approval from the Local Planning Authority:
  - a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated site - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination

present to the site, risks to receptors and potential for migration within and beyond the site boundary;

- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

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

- 5. The Development hereby permitted should not proceed until:
  - The prior acquisition of a licence from Natural England for the derogation of the protection of bats under the Habitats Directive;

*Reason: To ensure the development is in compliance with the relevant legislation:*

  - *The Conservation of Habitats and Species Regulations 2010 (as amended).*
  - *The Wildlife and Countryside Act 1981 (as amended).*
  - *The Natural Environment and Rural Communities Act 2006.*
  - *The National Planning Policy Framework, 2012 (NPPF)*
  - *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).*
- 6. No site clearance, site preparation or development shall take place until a scheme of lighting has been submitted to Chorley Council for approval in writing. The approved scheme shall be implemented in full. The scheme shall demonstrate avoidance of artificial illumination of bat foraging and commuting habitat (including but not limited to the canal, woodland edges, and bat roost entrances);

*Reason: To ensure the development is in compliance with the relevant legislation:*

  - *The Conservation of Habitats and Species Regulations 2010 (as amended).*
  - *The Wildlife and Countryside Act 1981 (as amended).*
  - *The Natural Environment and Rural Communities Act 2006.*
  - *The National Planning Policy Framework, 2012 (NPPF)*
  - *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).*
- 7. No site clearance, site preparation or development work shall take place until a mitigation/compensation scheme for impacts on nesting swallows/swallow nest sites have been submitted and approved by Chorley Council in consultation with specialist advisors. The approved scheme shall be implemented in full. The scheme shall demonstrate that the site will continue to support swallow nesting during the operational lifetime of the scheme;

*Reason: To ensure the development is in compliance with the relevant legislation:*

- *The Conservation of Habitats and Species Regulations 2010 (as amended).*
- *The Wildlife and Countryside Act 1981 (as amended).*
- *The Natural Environment and Rural Communities Act 2006.*
- *The National Planning Policy Framework, 2012 (NPPF)*
- *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).*

8. No site clearance, site preparation or development work shall take place until a landscaping scheme (including habitat creation, enhancement and management) has been submitted and approved by Chorley Council in consultation with specialist advisors. The approved scheme shall be implemented in full. The scheme shall demonstrate (amongst other things) adequate retention, protection and enhancement of bat foraging and commuting habitat; replacement pond creation; and tree planting/woodland enhancement to offset tree losses;

*Reason: To ensure the development is in compliance with the relevant legislation:*

- *The Conservation of Habitats and Species Regulations 2010 (as amended).*
- *The Wildlife and Countryside Act 1981 (as amended).*
- *The Natural Environment and Rural Communities Act 2006.*
- *The National Planning Policy Framework, 2012 (NPPF)*
- *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).*