

**Item 4k**                      **12/00045/FULMAJ**

**Case Officer**              **Caron Taylor**

**Ward**                              **Chorley East**

**Proposal**                      **Proposed mixed development consisting of 10 new starter industrial units, 3 refurbished existing units within an enclosed employment site together with 10 residential dwellings.**

**Location**                      **W M Lawrence And Sons Lyons Lane Chorley PR6 0PJ**

**Applicant**                      **Elmwood Construction LLP**

**Consultation expiry:** **1 March 2012**

**Application expiry:** **19 April 2012**

This application was reported to Development Control Committee on 27 March 2012.

At that time the County Council made a late request for a commuted sum of £46,552 towards 4 primary school places, £4,800 towards waste management and £2,000 to be set aside and retained for a period of 5 years for such purpose to use in the likely event that the new businesses will operate on Saturday and it is therefore highly likely that the existing waiting restrictions on Townley Street will require amending via a Traffic Regulation Order on Townley Street.

It was not considered that the £4,800 request towards waste management met the tests of the Community Infrastructure Levy, however the other requests (£46,552 and £2,000) were considered to meet the tests but as they were received so late from the County Council it was put to Members whether they wished to secure the contributions or not.

The applicant stated that requesting the contribution would hinder or prevent the development scheme, and this was reported on the Committee Addendum of the March Committee.

Chorley Council also requested a contribution to public open space of £13,790.

Members resolved to approve the application requesting the education and traffic contributions be secured as part of a legal agreement.

The legal agreement has not been signed and therefore the planning permission decision notice has not been issued.

A letter has now been received from the agent in relation to the contribution requests and asking that Members reconsider them for the following reasons:

- Lancashire County Council's request for a contribution towards school places was made outside the consultation period and only advised as being a charge on the project very late in the planning process;
- The housing site on the opposite side of Townley Street did not receive the imposition of a public open space contribution as the Council Officer advised that there was sufficient play

space on the existing recreation grounds. They assumed that the same would apply to this development especially as there are only 10 residential units and the remainder are employment buildings.

The agent states it is essential that redevelopments such as this are started as soon as possible in the current climate and to stand any chance of proceeding redevelopment sites such as this require support from the Council. If the contributions are imposed they advise it is unlikely that the scheme would progress and would leave a derelict site on Lyons Lane as well as missing the opportunity to provide much needed employment on the building project and new starter industrial units, which are essential for the regeneration of the town. If the contributions are not requested it will make the development more likely to proceed and their clients will undertake to commence immediately with the refurbishment of the industrial property, the works to the perimeter wall and will follow on with a roll out of the residential units on the Townley Street development.

If Members are minded to allow the application without the contribution requests then it is recommended that a condition is applied requiring the development to be commenced within one year to ensure the development is implemented promptly and therefore fulfilling the case put forward by the agent that it will provide employment and regeneration of the site quickly.

**A copy of the previous committee report is below:**

**Proposal**

1. Proposed mixed development consisting of 10 new starter industrial units, 3 refurbished existing units within an enclosed employment site together with 10 residential dwellings.

**Recommendation**

2. It is recommended that this application is granted planning approval subject.

**Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Density
  - Levels
  - Impact on the neighbours
  - Design
  - Trees, Landscape and Ecology
  - Flood Risk
  - Traffic and Transport
  - Contamination and Coal Mines
  - Drainage and Sewers
  - Planning Contributions
  - Sustainability
  - Waste Collection and Storage

**Representations**

4. One letter of comment has been received from 3 Townley Street:

They state they are okay for the development to go ahead as long as noise levels are kept to reasonable hours, as they have a 2 year old. Also when the industrial units are trading, they would prefer that evening shifts are prohibited due to noise levels, as their daughter sleeps in the front bedroom. Also the developers need to ensure that the road and paths are

accessible for private cars accessing their home and the neighbour's houses (numbers 1 & 5) and that the paths are clear for access with a pram.

## **Consultations**

### **5. Chorley Council Planning Policy**

See body of report

### **6. Police Architectural Design and Crime Reduction Advisor**

The proposed development of 10 new starter industrial units, 3 refurbished units and 10 residential dwellings is located on Lyons Lane in Chorley. During the last 12 months 09/02/2011 to 09/02/2012 there have been reported crimes within the immediate vicinity of this location including criminal damage and burglary.

7. Plans indicate that the employment area will be secured by metal double gates. These should be 2.4m high, maximise the opportunity for natural surveillance and be subject to an access control system. Spaces for vehicles in the industrial area e.g. blocks 12 to 21 and 22 to 27 etc. to be detailed on the lighting plan to reduce the fear of crime.

8. It is unclear if there will be access around the rear of the industrial units e.g. Units 1 and 2 in-between the shell of the building and the existing brick boundary wall. If there is this area should ideally be gated so that potential offenders cannot leave the site along the Lyons Lane boundary from the rear of these units.

9. In order to minimise the risk of burglary it is recommended that CCTV is installed on the units providing coverage of the openings e.g. doorways and windows. Units should be installed with intruder alarm systems that are monitored through an Alarm Receiving Centre.

10. The principles of Secured by Design should be implemented at the industrial site e.g. Windows should preferably have laminated glazing of 7.5mm and all windows and doors should be protected externally e.g. with roller shutters. Security lighting should be installed around the perimeter of the building. The dwellings would also benefit from applying the general principles of Secured by Design.

11. Should Secured by Design accreditation for the development be considered, further security advice and checklists can be provided by the Police Architectural Liaison Officer.

### **12. Chorley's Economic Development**

Whilst retention of any employment site would usually be preferred, it would seem beneficial to take forward some employment use on this site within a mixed use context. From an economic development perspective, the proposal would respond to a shortfall in starter units, and would contribute to job creation and business start-up in Chorley, both of which are key Corporate Strategy objectives.

### **13. Lancashire County Council (Highways)**

Whilst there would be highway concern regarding potential congestion on the highway network owing to large HGV vehicle movements associated with the proposed, the employment/industrial business on the site is already established via the previous use and as such they would not have any overriding highway objection to the development.

14. Vehicular access to the site is already established and is via Townley Street. The applicant has indicated on the plan drawing the vehicle swept path that large articulated HGVs (32T x 16mL) would take to demonstrate that operational vehicles will be able to access the site

from Lyons Lane. The applicant has also proposed highway improvement works by providing a large corner radius to the North West corner of Townley Street.

15. Whilst the plan drawing would show that HGVs will be able to manoeuvre through the road junction (Lyons Ln Townley St), it is evident that the vehicles will still require the full width of the road, that is utilise both sides of the road on Townley St in order to complete the movement. This will result in a conflict of vehicle movement with vehicles waiting on Townley St and will lead to congestion on Lyons Lane whilst HGVs wait for vehicles on Townley St exit before proceeding to make the turning manoeuvre. Similarly, although not shown on the plan, it can be assumed that large vehicles exiting via Townley St will equally need to swing out over both lanes of Lyons Lane in order to join the main road, although in this case they may wait until there is a sufficient gap in traffic to enabling the manoeuvre. Also, whilst the Mill Complex will have generated the movement of large vehicle through the junction, the level of conflict with other vehicles would have been small as Townley St is a cul-de-sac and as such there would have been very little traffic exiting Townley St during the day apart from other vehicles from the Mill itself. In this instance, the proposed development will generate residential traffic and regular day time visitor traffic to the small starter units, and as such the potential for vehicular conflict at the road junction will be greater.
16. They would therefore have concern and reservations that the development will have potential to have adverse impact on the operation of the highway network however they are mindful the site has established business and access use and the applicant has also proposed to undertake minor highway improvement at the road junction to aid vehicle movement. As such they feel it would be difficult to sustain any strong highway objection, and do not therefore raise any highway objection.
17. In terms of parking the proposed number of spaces is acceptable. It is likely there will be a tendency for visitors to temporarily park outside the units for convenience. Based on the size of the yard area, they feel there should still be sufficient operational space available on the yard for most servicing vehicles therefore they would not have any immediate concern regarding this practice of parking, and it will also provide for overspill parking.
18. 4 cycle spaces and 2 motor cycle spaces should be provided and should be secured and sheltered.
19. It is proposed to provide a new and wider 9.5m wide main entrance into the site. The main entrance will be gated with the gates to be set approximately 8m back of the edge of the road. A 2m wide footpath has been provided at the side of the gate for pedestrian access.
20. The making good of the redundant vehicle crossing, construction of the new access, minor highway improvement works at the Lyons Land and Townley Street road junction and any upgrade needed to lighting, the western footway and making existing yellow lines good can be carried out under a s278 agreement.
21. **Chorley's Waste & Contaminated Land Officer**  
Due to past industrial processes and activities upon/adjacent to the above site, there is a potential for ground contamination. They therefore ask for a condition in relation to this.
22. **Chorley's Environmental Services**  
As the tenants of the proposed industrial units are unknown and subject to change, it is difficult to give specific comments on likely noise impacts as these will vary significantly from one business to another.

23. However due to the proximity of both the existing and proposed residential properties to the proposed industrial units, they suggest giving consideration to the following conditions in order to reduce the potential of noise nuisance occurring:
- Restrict the opening hours for the industrial units from 8am until 6pm from Monday to Friday inclusive and from 9am until 1pm on Saturdays with no work to take place on Sundays or Bank Holidays.
  - Prohibit any work from taking place outside of the industrial units.
  - To consider removal of the option to change the planning usage from B1 to B8 (storage and distribution) due to the close proximity of residential properties to the industrial units and the increased likelihood of noise disturbance being caused should storage and distribution take place from this location.

#### **24. United Utilities**

Have no objection to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the combined sewer. Surface water should discharge to either soakaway or SUDS which may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system they may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. No development shall be commenced until a scheme for the disposal of foul and surface water has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

#### **Applicants Case**

25. 60% of the site fronting onto Lyons Lane and Townley Street is proposed as a development opportunity retaining its continuation as an employment site. The proposal is to refurbish and redevelop the existing single storey industrial unit into three units to the west of a large service yard enabling vehicular movement within the site. To the east and south of the yard area smaller starter units will be located. It is proposed that the 10 new units will be placed some 650mm below the existing level of Townley Street having the immediate effect of lowering the eaves and ridge heights.
26. The housing development part of the site will take up 40% of the site. A single house type is envisaged to replicate the recently approved housing scheme on the east side of Townley Street. Each house will have 3 bedrooms and two parking spaces accessed from a new cul-de-sac off Townley Street.

#### **Assessment**

##### Background Information

27. The site was formerly Lyons Lane Mill which housed Wm. Lawrence & Sons Ltd, a textile manufacturer. The building was demolished in 2010. The adjacent land (between Townley and Charnock Street) was given full planning permission (ref: 10/00950/FULMAJ) for the erection of 14 two-storey terraced properties in November 2011.
28. There are three employment units on the site that will be refurbished as part of the proposal that are in B2 (general industrial) use.

##### Principle of the development

29. The site is within the general settlement of Chorley in the Local Plan and as it was last used as an employment site it falls under Policy EM9. The site is proposed as an employment site in the Site Allocations and Development Management Policies DPD (Preferred Option Paper) and is proposed to be protected for employment use (B1 and B2 uses).

30. Policy EM9 of the Local Plan states that sites and premises currently or last used for employment purposes which are proposed for new development will be assessed to determine whether they are particularly suitable to be re-used for employment purposes. If a site is considered particularly suitable to be re-used for employment purposes it will be reserved for such use unless:
  - i) there is no realistic prospect of an employment re-use of the land or premises, or
  - ii) redevelopment for an employment use would not be economically viable, or
  - iii) an employment re-use or redevelopment would no longer be appropriate for planning or environmental reasons.
31. The Council's Planning Policy team state that the site has been identified as 'Other Urban' in the Employment Land Review (ELR). The ELR defines 'Other Urban' sites as '*sites which score poorly against one or more qualitative factors but which (could) perform an important role in the employment hierarchy.*' It recommends that these sites should be protected for employment use and proposals for other uses such as housing that may come forward should only be permitted where certain criteria are met including details of active marketing and viability of employment development. This is in line with the requirements of Policy EM9. The site is therefore considered to be suitable for employment re-use and further information is required in relation to criteria i) to iii). The recommendations in the ELR have been taken into account in the Core Strategy. Publication Core Strategy Policy 10: Employment Premises and Sites proposes to protect all sites currently and last used for employment and any proposals for housing on employment sites will be required to prove evidence of a lack of demand through an active 12 month marketing period and an assessment of the viability of employment re-use or redevelopment.
32. The Policy team also state that where there is no deliverable five-year housing supply, national guidance states that authorities should consider favourably applications for housing, having regard to other planning policies. There is considered to be a five-year deliverable housing supply in Chorley and therefore no additional presumption in favour of this planning application. The former employment site off 5 Townley Lane, Chorley has recently been given planning permission for 14 dwellings (11/00566/FULMAJ). It is the view of Planning Policy that this permission resulting in a loss of employment land justifies the need to retain the full employment allocation and protection of the site subject to this planning application. If this application is to be permitted justification would be required in relation to at least one of the criteria i) to iii) of Policy EM9.
33. The application proposes to keep more than half of the site in employment use, but lose the rest to 10 houses. The housing part of the proposal is therefore contrary to policy, however this must be weighed against other material considerations.
34. Policy EM2 of the Local Plan covers development criteria for industrial/business development, it is considered the application meets the criteria of this policy.
35. PPS4 is the national policy relating to Planning for Sustainable Economic Growth and was published in December 2009 and is therefore more up-to-date than policy EM2. Policy EC10 of PPS4 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably and all planning applications for economic development should be assessed against the following impact considerations:

- whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives;
- the impact on local employment.

36. The Council's Economic Development team whilst noting that retention of any employment site would usually be preferred state it would seem beneficial to take forward some employment use within a mixed use context. They note there is a shortfall in starter units that the proposal would respond to and would contribute to job creation and business start-up in Chorley, both of which are key Corporate Strategy objectives.

37. In addition, to creating needed starter units, the southern end of the site where the housing is proposed is adjacent to Eldon House sheltered accommodation and Busy Bee's Day Nursery, therefore residential accommodation would be more appropriate adjacent to these uses. In addition 60% of the site will be retained for employment uses allowing the creation of needed business starter units. The site is currently an eyesore and its redevelopment along with the site adjacent, which already has planning permission for housing (the same house type as that now proposed), will dramatically improve the area visually and physically regenerate the site in accordance with PPS4. It is therefore considered that the benefits of permitting the application outweigh the local policy factors against the application.

#### Density

38. The housing part of the site is 0.25 hectares which is equivalent to 40 dwellings per hectare. This is considered appropriate to the surrounding area which is largely dominated by high density terraced properties.

#### Levels

39. Following the demolition of the mill in 2010 the site was levelled and graded. It is proposed that the 10 new employment units will be 650mm below the existing level of Townley Street which will have the effect of lowering the eaves and ridge heights of the units. The housing will be raised in comparison to the employment units area with a retaining wall between them, but will still be at a lower level than the site where Busy Bee's nursery is located and will be separated by a retaining wall. The levels of the proposal are considered acceptable.

#### Impact on the neighbours

40. The site is currently in a very poor condition due to the mill building having been demolished with only a limited amount of its former walls forming a boundary to the site. Eldon House is the nearest property in residential use (as sheltered accommodation) to the proposed houses. Parts of this building currently look towards the application site and have a very poor outlook. Eldon House will look towards the rear elevations and gardens of the proposed properties.

41. There will be 31m between the windows of Eldon House and the first floor windows of the proposed properties which exceeds the Council's interface guideline of 21m. There will be 11m between the first floor windows of the proposed properties and their rear boundaries which exceeds the interface guideline of 10m. Within the site the distance between the facing windows is 24m which also exceeds the guideline of 21m. It is considered the proposal will improve the outlook from Eldon House.
42. The properties will be side on to the Busy Bee's nursery site which is at a higher level and this is considered an acceptable relationship.
43. Numbers 3 and 5 Townley Street will face towards proposed employment units 4 and 5 which will have an outside wall forming a boundary treatment to the site that will be 4.2m high above the existing ground level which will slope away from these properties. This is considered an acceptable relationship.
44. Opposite the site on Lyons Lane the property is in commercial use with Chorley Youth and Community Centre next to it. It is not considered the proposal will impact on these uses.
45. The proposal is therefore considered acceptable in relation to neighbour amenity subject to conditions.

#### Design

46. The proposed new starter units will have a mono-pitched roof sloping into the site. They will have facing brickwork with powder coated aluminium wall cladding above and powder coated aluminium roof and fascias with roller shutter doors. This is considered acceptable subject to final finishes being secured by condition. Mesh fencing on Lyons Lane will allow views into the site, mitigating concerns over crime, with a small landscaping strip against the footpath which is looked on favourably.
47. The proposed houses will be of the same design to those previously approved on the adjacent site which is considered acceptable as it will draw the two sites together visually. They will take the form of five properties on each side of a cul-de-sac facing each other. The area is largely characterised by terraced properties and the proposed layout and design is considered in keeping with the surroundings with details such as chimneys.

#### Trees, Landscape and Ecology

48. The former mill on the site was demolished in 2010 and the remaining three units on the site will be refurbished as part of the proposal. The rest of the site is covered in demolition rubble and has no trees. The proposal will not therefore have an impact on trees or ecology.

#### Flood Risk

49. The site is not within flood zone 2 or 3 as identified by the Environment Agency and the size of the site is less than 1 hectare so it does not require a flood risk assessment.

#### Traffic and Transport

50. Highways state that whilst there would be highway concern regarding potential congestion on the highway network owing to large HGV vehicle movements associated with the proposal, employment/industrial business on the site is already established via the previous use and as such they therefore do not have any overriding highway objection to the development as improvements are proposed to create a large corner radius to the north west corner of Townley Street to aid turning. This and other necessary works can be secured through a s278 agreement with the County Council. Parking levels are acceptable for both the



employment and residential uses (the three bedroom houses have two spaces each which is in line with the Council's standards).

51. Considering that the site has been in commercial use for many years and the adjacent former industrial site that has recently been given permission for housing was serviced 'on street' from Townley Street which has been removed by the housing permission. the application is considered acceptable in highways and traffic terms subject to a condition securing secure and sheltered cycle/motorcycle parking (which is indicated on the proposed layout).

#### Contamination and Coal Mines

52. Given the previous use of the site a condition is proposed in relation to ground contamination as advised by the Council's Contaminated Land Officer. Subject to this the application is considered acceptable in this respect.
53. The Coal Authority standing advice requires an informative note to be applied to any permission.

#### Drainage and Sewers

54. The proposal is considered acceptable in this respect subject to conditions as requested by United Utilities.

#### Planning Contributions

55. The County Council have requested £46,552 towards 4 primary school places and £4,800 towards waste management. The later is requested to help the County Council to comply with significant new requirements relating to the management of waste.
56. LCC Highway have also requested £2,000 to be set aside and retained for a period of 5 years for such purpose to use in the likely event that the new businesses will operate on Saturday and it is therefore highly likely that the existing waiting restrictions on Townley St will require amending via a Traffic Regulation Order on Townley Street.
57. It is not considered that the £4,800 request towards waste management meets the tests set of the Community Infrastructure Levy, in that it is not necessary to make the development acceptable in planning terms and is not directly related to the development.
58. Although it is considered that the other requests (£46,552 and £2,000) would meet the tests, these requests were received over three weeks late from the County Council and if the Council were to require them it is likely that the application would go over its statutory target date as they could only be secured via a Section 106 agreement which the County Council would need to be party to.
59. If Members wish to approve the application and consider that these requests be sought then they can approve the application subject to the necessary s106 agreement.
60. A s106 agreement with just Chorley Council is proposed to secure a contribution to playspace provision in the area.

#### Sustainability

61. As the site is for more than five dwellings policy SR1 of the Council's adopted Development Plan Document on Sustainable Resources applies. This can be secured by condition.

## Waste Collection and Storage

62. The properties all have access to the rear to allow bins to be stored in the rear gardens.

## **Overall Conclusion**

63. The application is recommended for approval subject to conditions.

64. A phasing condition is proposed that prior to construction of the houses the retaining wall between the employment and residential part of the sites should be constructed, the existing units on the site should be refurbished and a boundary treatment and the landscaping to Townley Street should be implemented. This is to ensure that the employment part of the site is implemented and that if the employment site is constructed in phases this part of the site is left in a reasonable state so as not to have a detrimental impact on the residential properties.

65. A condition is also proposed that before occupation a scheme should be agreed with the Council as to which units will be used for B1, B2 or B8 uses. This is to ensure that uses that may be noisier are located away from residential properties. A condition will also prevent merging of the units without the grant of planning permission as the recommendation to allow part of the site to go for housing has been weighed positively as small starter units are being created of which there is a shortfall.

66. The application is recommended for approval subject to a s106 agreement towards a play space contribution.

67. If Members wish to secure contributions towards education and waiting restrictions requested by LCC, as detailed in this report, then they need to make it clear that these need to be added to the s106 agreement.

## **Planning Policies**

### National Planning Policies:

PPG1, PPG3, PPS4, PPG13, PPS22, PPS23

### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, EM2

Supplementary Planning Guidance:

- Design Guide

### Chorley's Local Development Framework

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

### Joint Core Strategy

### Sites for Chorley- Issues and Option Paper

#### **Planning History**

**09/00690/DEMCON**- Application for prior determination in respect of the proposed demolition of the former Yarn Supplies Site. Prior Approval Not Required. 8 October 2009

**88/00613/FUL** - Erection of Weaving Shed. Approved 23 August 1988

**Recommendation: Permit Full Planning Permission  
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 development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Ref:	Date Received:	Plan Title:
0922 18	20 January 2012	Proposed Roof Plan
0922 15	20 January 2012	Proposed Sectional Elevations
0922 19	20 January 2012	Site Location Plan
0922 16	20 January 2012	Site Topographical Survey Plan
0922 17	20 January 2012	Fence Construction Details
0922 13	20 January 2012	Proposed House Type – Terraced Arrangement
0922 14	20 January 2012	Proposed House Type – Semi Detached Arrangement
0922 12	20 January 2012	Proposed Detained Site Plan

*Reason: For the avoidance of doubt an in the interests of proper planning.*

3. Before occupation of each of the units 4-13 a scheme specifying the use class of that unit (either B1, B2 or B8) shall be submitted to and agreed in writing by the Local Planning Authority. For B2 uses a noise assessment and mitigation measures shall be submitted and agreed in writing. The development shall thereafter only be carried out in accordance with the approved details.

*Reason: To ensure that the units that may cause disturbance to residential properties are located furthest away from residential properties and/or have appropriate noise insulation installed and in accordance with Policies EM2 and EP20 of the Adopted Chorley Borough Local Plan Review.*

4. The existing units to be refurbished (marked units 1, 2, 2 on the approved plan) have a B2 use class.

*Reason: For the avoidance of doubt and to define the permission.*

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 8, Class A) or any Order revoking or re-enacting that Order, no internal alterations involving the removal of party walls between the individual units to result in the formation of combined larger units shall be carried out in respect of the buildings to which this permission relates.

*Reason: The site has been given permission for housing on part of the site as it will meet a need for small starter employment units and in accordance with Policies No. EM2 and EM9 of the Adopted Chorley Borough Local Plan Review.*

6. Due to past industrial processes and activities upon/adjacent to the above site, there is a potential for ground contamination. Therefore no development shall take place until:

- 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 sites - 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 the NPPF.*

- 7. No materials or equipment shall be stored on the employment site other than inside the buildings.

*Reason: In the interests of the visual amenity of nearby residential properties and to protect them from disturbance associated with outside storage, and also to keep the vehicle turning areas clear and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.*

- 8. Before the employment part of the development hereby permitted is first occupied, the covered cycle parking shall be provided in accordance with the approved plan. The cycle parking shall not thereafter be used for any purpose other than the parking of cycles and motorcycles.

*Reason: To ensure adequate on site provision of cycle parking and in accordance with the NPPF.*

- 9. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.*

- 10. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

***Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.***

11. 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 Policies GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.***

12. Before the employment part of the site hereby permitted is first commenced full details of lighting proposals for the employment part of the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

***Reason: To protect the appearance of the locality, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5, EM2 and EP21A of the Adopted Chorley Borough Local Plan Review.***

13. The employment units hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s). The ridge height shall not exceed 96.76.

***Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.***

14. The housing hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s). The eaves height shall not exceed 99.605 and the ridge height shall not exceed 102.265.

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

15. Before the occupation of the dwellings hereby permitted the driveways and parking spaces shall be surfaced or paved, drained and marked out all in accordance with the approved plan. 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 and HS4 of the Adopted Chorley Borough Local Plan Review.***

16. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1<sup>st</sup> January 2010, Level 4 for all dwellings commenced from 1<sup>st</sup> January 2013 and Level 6 for all dwellings commenced from 1 January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.

***Reason: To ensure the development is in accordance with the NPPF and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable***

***Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.***

- 17. 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 the NPPF and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.***
- 18. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question has met the necessary code level and 2 credits under Issue Ene7, has been issued, to the Local Planning Authority, by an approved code assessor. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level and 2 credits under Issue Ene7. 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 the NPPF and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.***
- 19. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries of the employment part of the site (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of fencing to any boundaries of the site that when complete the buildings shall be set back from the boundary but are not to be built immediately. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times unless permitted buildings are erected that will form the boundary.**  
***Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.***
- 20. The new estate road/access between the site and Townley Street shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.**  
***Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.***
- 21. The existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.**  
***Reason: To limit the number of access points to, and to maintain the proper construction of the highway and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.***

22. The employment part of the development hereby approved shall not be opened for trading until the highway improvements detailed on the approved plans (the existing access shall be physically and permanently closed and a large corner radius provided to the north west corner of Townley Street) have been constructed and completed in accordance with the scheme details.  
*Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*
23. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas on the employment site should be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained.  
*Reason: To prevent pollution of the watercourse and in accordance with the NPPF.*
24. The use of the employment units hereby permitted shall be restricted to the hours between 8am and 7pm on weekdays, between 9am and 1pm on Saturdays and there shall be no operation on Sundays, Bank Holidays or Public Holidays.  
*Reason: To safeguard the amenities of nearby local residents and in accordance with Policy EM2 of the Chorley Borough Local Plan Review 2003 and the NPPF.*
25. The employment units hereby permitted shall be restricted to the hours between 8am and 7pm on weekdays, between 9am and 1pm on Saturdays and there shall be no operation on Sundays or Public Holidays.  
*Reason: To safeguard the amenities of nearby local residents and in accordance with Policy EM2 of the Chorley Borough Local Plan Review 2003 and PPG24.*
26. Prior to occupation of the housing hereby permitted, the retaining wall between the housing and employment parts of the site shall be constructed and the existing unit (1,2,2 as marked on the approved site plan) shall be refurbished and the yard area, parking, boundary treatment and landscaping to the employment site implemented.  
*Reason: The housing has been considered to be justified within an employment site due to the creation of an appropriate mixed use of housing and employment units, the development of part of the site for housing has not been justified in isolation. Therefore to only implement the housing element without the employment element would be contrary to Policy EM9 of the Local Plan and the employment policies of the emerging Core Strategy.*