

Item 4d **13/00178/FULMAJ**

Case Officer **Mr Matthew Banks**

Ward **Chorley South East**

Proposal **Erection of 70 residential dwellings, associated garaging, car parking, access arrangements and landscape works.**

Location **Duxbury Park Phase 2 Between Myles Standish Way And Duxbury Gardens Myles Standish Way Chorley**

Applicant **United Utilities**

Consultation expiry: 30 May 2013

Application expiry: 24 May 2013

Proposal

1. Erection of 70 residential dwellings, associated garaging, car parking, access arrangements and landscape works.

Recommendation

2. It is recommended that this application is granted full conditional planning approval subject to the signing of an associated Section 106 Agreement.

Main Issues

3. The main issues for consideration in respect of this planning application are:

- Principle of the development;
- Density;
- Impact on neighbour amenity;
- Levels;
- Design and layout;
- Trees and Landscape;
- Ecology;
- Impact on highways, access and parking;
- Drainage and Sewers;
- Section 106 Agreement.

Representations

4. To date, a total of 6 letters of representation have been received concerning this application. This has resulted in 4 letters of objection and 2 letters of support.

5. The 4no. letters of objection can be summarised as follows:

- Plots 14 and 15 at the adjacent site would experience a loss of light from the position of the detached single garage at plot 39.
- Light to the front bay window at plot 14 is already reduced because of its orientation and the tall boundary treatment separating it from the application site.
- The property type at plot 39 could be altered to include an integral garage which would reduce the impact. If not, then moving the garage away from the fence, including altering the roof design, would enable more natural light to come through.
- No trees should be planted in the vicinity of plot 39 as this would further reduce light.
- Affordable units should be away from Shireburne Drive because of problems with the affordable housing on the existing development.
- If affordable housing is to remain, strict rules should be enforced by the Housing Association.
- Horrible.
- Following the public meeting held with United Utilities, major concern is raised around social issues. The local doctors are already vastly over-subscribed as it takes 5-10 days to get an

appointment. If you count the on-going Arley Homes development plus this, serious concern is raised about the timescale for securing an appointment.

- Families cannot get their children into St Georges Primary School and are having to travel further afield. This situation will become worse if permission is granted.
 - A new school or medical centre should be built instead of new homes.
 - People in the area have been trying to sell their property for over 2 years due to the area being saturated with new homes (Piling Lane, Arley Homes and Birkacre Park). Why does this area need more new homes when there are so many still unsold?
6. The 2no letters of support can be summarised as follows:
- Arley Homes are currently developing a scheme of 126 homes to the North of the application site.
 - Arley Homes are in support of the proposal to redevelop the frontage land at Duxbury Park for housing rather than commercial uses.
 - There is an abundance of better located commercial sites elsewhere in the borough, Duxbury Park is a predominantly residential area of South East Chorley.
 - The scheme is to be developed on a sustainable brownfield site more suited to residential development than many other greenfield sites currently under consideration by the Council.
 - The land has been marketed for twelve months for commercial purposes with no interest fulfilling the Councils planning policy.
 - Approval of this scheme will remove a lot of uncertainty for local residents and bring forward the development of this brownfield site.
 - This application should be recommended for approval at the earliest possible committee which is the 21st May 2013.

Consultations

8. **Lancashire County Council Highways** – raise no objection to the application, however, have requested that a number of highway conditions are imposed should permission be granted.
9. LCC Highways have also requested a contribution of £130,620 to fund the investigation and potential operation of an additional bus service in the area.
10. **Lancashire County Council Education** – Consider that a contribution of £201,968 is required for the provision of 17no. primary school places. This should be secured through a Section 106 legal agreement.
11. **Architectural Liaison Officer** – The applicant's Design and Access Statement makes reference to Secured by Design, which deals with the natural surveillance of the development, parking of vehicles in provided garages/within the curtilage of the property, gated pathways leading to the rear of certain properties. It is of interest that no mention is made of the Secured by Design requirements being part of the house build, which is disappointing. On that basis Secured by design is not applicable to the site and would therefore not qualify for certification.
12. **CBC Waste and Contaminated land officer** – raises no objection to the development provided the development proceeds in full accordance with the recommendations made in section 8 of the supporting report. This includes validation of remedial work.
13. **CBC Housing Team** – The development proposes 30% affordable housing split as: 13 x 2 bedroom houses (social rent); 2 x 3 bedroom houses (social rent) and; 6 x 3 bedroom houses-intermediate sale (shared ownership). This should be secured by Section 106 Agreement and all affordable homes transferred to one Affordable Housing Provider which has a presence in the borough and is a member of the Select Move choice based lettings scheme.
14. **CBC Planning Policy** – In accordance with Local Plan Policy HS21 a contribution of £60,760 is required for the improvement of existing playing pitches.
15. CBC Planning Policy considers that the applicant has fully covered the requirements of Core Strategy Policy 10 a) – e). Additionally, as the application is for housing it is considered the site has been fully marketed in excess of 12 months and has satisfied the requirements of Core Strategy g) and h) and the relevant SPD – controlling re- use of employment premises.

16. **Environment Agency** – initially objected to the application. This is addressed below
17. **Public Right of Way Officer** – Raise no objection.
18. **United Utilities** – Raise no objection subject to the following conditions:
 19. A public sewer crosses this site and United Utilities will not permit building over it. An access strip width of 10 metres, 5 metres either side of the centre line of the sewer will be required in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
 20. The site must be drained on a separate system, with only foul drainage connected into the foul sewer.
 21. Surface water should discharge to the soakaway/Suds, watercourse or surface water sewer. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities will require the flow to be attenuated to 50l/s.

Assessment

Principle of the development

22. The application site is part of a larger area previously granted outline approval under the application 08/01044/OUTMAJ for a mixed use development comprising 200 residential units and 10,800m² gross floor area of B1 employment use. The current application relates to the previously approved area for B1 employment use.
23. In 2011, a reserved matters application (10/00946/REMMAJ) was granted consent for the development of 135 dwellings on the residential part of the site. Development of this part of the site is currently in progress.
24. The application site itself lies between Duxbury Gardens, the residential estate to the north (currently under construction) and is separated by the A6 from a number of trees to the east. To the south of the site is Myles Standish Way, from which the site already has an established vehicular access.
25. The current application seeks to move away from 10,800m² of B1 employment use and proposes 70 dwellings including 30% affordable units.
26. The application site is allocated in the Adopted Chorley Borough Local Plan Review (Policy EM1.16). The site was ranked by the Employment Land Review as a "Good Urban" site and allocated in the Emerging Local Plan (EP1.4) for employment uses (B1, B2, B8 and A2 uses). The site also has a number of permissions for B1 use.
27. Policy 10 (Employment Premises and Sites) of the Adopted Central Lancashire Core Strategy states that there will be a presumption that "Best Urban" and "Good Urban" sites will be retained for employment uses. Proposals on employment sites/premises for re-use or redevelopment other than B use class (employment uses) will be assessed under criteria (a)-(h) of Policy 10.
28. The National Planning Policy Framework (the framework) states that Local Planning Authorities should support economic growth through the planning system as the planning system should do "*everything it can to support sustainable economic growth*".
29. The Emerging Local Plan allocates 110.65 hectares for B uses in Chorley (including this site). Policy 9 (Economic Growth and Employment) and Table 5 of the Adopted Central Lancashire Core Strategy requires the provision of 112ha of employment land for Chorley.
30. Taking into account the completions in Chorley, the residual requirement for B uses is now 105.65ha which was identified at the Examination in Public of the Emerging Local plan

(Examination Change EC21A). The Local Plan is in conformity with the Adopted Central Lancashire Core Strategy employment provision figure.

31. The Framework states that planning policies should “*avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*”. Policy 10 of the Adopted Central Lancashire Core Strategy and the Central Lancashire Controlling the re –use of employment premises Supplementary Planning Document (SPD) supports this, as land allocations will be reviewed.
32. Applications for alternative uses of land will therefore be treated on their own merits and will have regard to market signals. Policy 10 of the Adopted Central Lancashire Core Strategy states that proposals for housing on employment sites will be considered if specific criteria are met and the site has been subject to 12 months marketing period for employment re –use.
33. Having regard to the information submitted with this application it is considered the applicant has fully covered the requirements of the Adopted Central Lancashire Core Strategy Policy 10 (a)-(e). Additionally, as the application seeks permission for housing, it is considered the site has been fully marketed in excess of 12 months and has satisfied the requirements of Adopted Core Strategy criterion (g) and (h) and the relevant SPD – controlling re- use of employment premises.
34. As such, it is considered that there is no evidence before the Council that employment uses will come forward on this part of the site and as such alternative uses can be considered.
35. In terms of housing supply, the framework requires local planning authorities to boost significantly the supply of housing. This includes a requirement for the identification of a five-year supply of deliverable housing sites with an additional buffer of 5%. Policy 4 of the Adopted Central Lancashire Core Strategy sets out a minimum requirement for the delivery of 417 new dwellings per year in Chorley over the period 2010 – 2026, this minimum requirement is based upon a robust evidence base and has been found sound by an independent planning inspector at examination.
36. The Core Strategy identifies Chorley Town as a Key Service Centre, which is a sustainable location where growth and investment should be concentrated; therefore strategic policy directs housing development to the town. The development of housing on this site would help to meet the strategic policy objectives

Density

37. Policy 5 (Housing Density) of the Adopted Central Lancashire Core Strategy states that national policy no longer sets out an indicative density of 30 dwellings per hectare (dph). However, in suburban and rural locations a density of 25-35 dph is typical.
38. Policy 5 also states that density is an important consideration in any proposed housing scheme, however, the key objective is to achieve high quality design that responds to the character of the area in terms of existing density.
39. The application site extends to an area of approximately 2.4 hectares. The provision of 70 dwellings on the site therefore equates to a density of 29 dwellings per hectare (dph). The density of the scheme allows for the construction of family dwellings with private amenity space reflecting current market trends. This density also takes into account the topography of the site which has significant implications on the layout of the site.
40. The Arley Homes scheme to the north comprises 126 dwellings and covers an area of approximately 4.7 hectares equating to a density of approximately 26dph. The proposed densities are shown to be comparable and the density proposed at the application site would therefore reflect that already established in the surrounding area. As such, the proposed density of the development is considered to be in accordance with Policy 5 of the Adopted Central Lancashire Core Strategy.

Impact on neighbour amenity

41. The immediate neighbours to the proposed development are the properties to the north and west of the application site. The majority of these properties comprise the newly constructed Arley Homes dwellings at the adjacent part of the site (to the north and west) and a number of older dwellings on a site known as Duxbury Gardens.
42. Firstly, turning to the western extremity of the site, it has been noted that an intimate relationship would be created through higher density properties proposed to the west, set alongside lower density properties bordering the site. At this point plots 30-32 on the approved Arley Homes site are set at a higher land level than the plots 21-29 at the application site. However, these properties are orientated as such that this relationship will remain acceptable, providing adequate amenity space to each plot and sufficient distances between habitable room windows and their respective site boundaries.
43. Turning to the north-west of the site, it is relevant to note that amended plans have been received to re-position some of the plots situated at this part of the site amid concerns regarding changes in land levels and insufficient distances between habitable room windows. The amended plans now result in the gable end of proposed plot 30 now facing plots 23 and 24 on the approved Arley Homes site and their gardens extending in an easterly direction. Proposed plots 30-33 have also been lowered to lessen the visual impact of the gable of plot 30 when viewed from the properties to the north. As a result, this relationship is now considered to be acceptable.
44. Plots 34 and 35 have been re-positioned further south than originally proposed to increase the interface distance between plots 19-21 on the approved Arley Homes site taking account of the change in levels. This relationship is also now considered acceptable.
45. Plots 36-39 would be constructed at a comparable land level to those at the adjacent site and are considered to maintain adequate interface distances in this respect.
46. Turning to the north-eastern portion of the site, the proposed dwellings would have relationships both with dwellings at the Arley Homes site and some of the properties at Duxbury Gardens.
47. Plots 40-44 would be set at a lower level than plots 130-134 on the approved Arley Homes site, however, are considered to maintain an acceptable relationship and adequate interface distances taking into account finished floor levels.
48. Plots 44 and 45 would be positioned closest to the properties at Duxbury Gardens. However, both these dwellings would front the properties at Duxbury Gardens gable on and have no windows in the side elevation facing these properties. Additionally, both plots would be set in from the boundary and so would maintain an acceptable relationship in this case.
49. Plots 47-49 would also interact with properties at Duxbury Gardens. However, these plots would maintain acceptable distances between habitable room windows and so are not considered to result in any significant detrimental harm to neighbour amenity.
50. Plots 49-53 would all have gardens facing in an easterly direction, however, would overlook mature woodland and so would not result in any significant detrimental harm to neighbour amenity.
51. It has been noted that 3 letters of objection have been received concerning this application and that some of the concerns raised relate specifically to relationships between some of the existing and proposed plots.
52. This is with specific regard to No. 13 Shireburne Drive (plot 14 on the approved Arley Homes) and the position of plot 39 and its associated detached single garage. The occupier of No. 13 has raised concerns that light to the front bay window of their property is already reduced because of the orientation of the dwelling, the tall boundary treatment separating their house from the application site and an existing detached garage serving plot 13 at the adjacent site.

53. The occupier of this property has suggested ways in which this relationship could be improved which includes altering the house type at plot 39 to include an integral garage, moving the garage away from the fence, addressing level changes or altering the roof design. Additionally, the occupier of No. 13 states that no trees should be planted in the vicinity of plot 39 as this would further reduce light.
54. The applicant has been contacted outlining the above concerns. However, has chosen not to amend the plans in respect of this relationship. The applicant has responded stating that a letter was received from the occupier of No. 13 of the 10th March 2013 raising concerns about the loss of light to their property as a result of the proposed single garage at plot 39. The applicant advises that significant alterations to the scheme design have already been made to accommodate concerns from this resident, which included the loss of a two storey dwelling unit.
55. The applicant has also confirmed that the slab level for the single storey garage at plot 39 will be no higher than 78.25m above ordnance datum (AOD). This would result in the garage being lower than the garage serving plot 13 on the approved Arley Homes (78.75m AOD) and lower than the finished floor level of No. 13 Shireburne Drive (79.5m AOD). On this basis, the applicant considers no further changes to the scheme are required and the garage would not result in significant detrimental harm.
56. In terms of the Council's assessment of this relationship, it must firstly be noted that the proposed single garage would reach a maximum height of approximately 3.8m and would be set approximately 1.25m lower than the finished floor level of No. 13 Shireburne Drive. Additionally, it is relevant to note that both sites are separated at this point by a 1.8m high close boarded fence and the garage would be positioned approximately 9m from the bay window of No. 13. Taking into account the difference in levels and the existing boundary treatment in situ, it is considered that only approximately 0.75m of the garage would be visible above the fence.
57. On the basis of the above, it is not considered the proposed garage serving plot 39 would result in loss of light so significant to warrant refusal of the application on these grounds.
58. Internally, each plot is now considered to maintain an acceptable relationship and would retain sufficient private amenity space proportionate to what would be expected depending on the house type.
59. As such, the development is considered to retain acceptable neighbour relationships both within and surrounding the application site.

Levels

60. There are significant changes in levels across the application site which have informed the layout of the development. The Council's spacing standards in respect of dwelling houses increase where there is a significant level difference between dwellings. Due to the topography of the site there are inevitably significant level differences between the proposed dwellings. There are also differences in levels between some of the plots under construction at the adjacent Arley Homes site to the north and some of the plots proposed to the northern site boundary.
61. The Council's Adopted spacing standards are applied to ensure that an adequate amount of privacy and amenity is provided for the existing and future residents. The application is supported by a levels plan which demonstrates the difference in levels between the proposed dwellings.
62. The general topography of the site means the land raises relatively steeply to the north west from the existing main access road and would maintain more of a level relationship to the east. Plots 1-5 would face the main access road and would, in the most extreme case, have a finished floor level (FFL) approximately 10.5m lower than some of the plots (plots 28 and 29) to the western extremity of the site. The levels to the east of the main access road would vary over 2m depending on plot positions.

63. On the basis of the information submitted with the application, it is considered the proposed layout can be accommodated on the site at the proposed FFL's and would ensure the amenities of future residents are protected. Permitted development rights will be removed to ensure that future extensions to the dwellings do not adversely impact on the amenity of neighbouring residents.
64. To the west of the application site, plots 19-20 and 24-29 would have rear gardens abutting the rear garden of plot 33 on the approved Arley Homes site. However, at this point, the land levels are comparable and so there would be no demand for an increase in interface distances. All plots in this relationship would maintain a distance of at least 10m to their respective site boundaries and so this relationship is considered to be acceptable.
65. To the north-west of the application site, plots 30-33 have now been reoriented so the gable end of No. 30 faces the rear gardens of plot 22-24 on the approved Arley Homes site. At this point, the dwellings at the application site would be set approximately 0.5m higher than those at the adjacent site, meaning an increase in interface distances is not required. As such, given the amended orientation and siting of the dwellings it is not considered any detrimental relationship would occur.
66. To the north east of the site a number of plots would face dwellings on both the adjacent Arley Homes site and Duxbury Gardens to the north. Plots 42-44 would have rear windows facing plots 130-132 on the approved Arley Homes site, however, these properties would be set at a lower level than those at the adjacent site and would maintain a distance of at least 10m to their respective site boundaries. This relationship is therefore considered to be acceptable.
67. To the north-east, a number of dwellings at Duxbury Gardens face the application site. The land levels between the two sites at this point are comparable with no significant changes in levels. The relationship of plots proposed at this part of the site ensures that the properties at Duxbury Gardens will only view the gable ends of plots 44 and 45. Both plots 44 and 45 have no windows in the side elevation facing Duxbury Gardens and so this relationship is therefore considered to be acceptable.
68. The proposed levels are therefore considered to be acceptable when viewed internally and when compared to those at neighbouring properties which already exist in the area.

Design and layout

69. The applicant has carried out an appraisal of the surrounding area which highlights that the use of the surrounding area is predominately residential. Features which have been considered include the layout of surrounding buildings and spaces and how the layout and design relate to the existing built environment.
70. The applicant considers there to be a range of housing styles in the area ranging from linear terrace rows to cluster cul-de-sacs. Large blocks of residential development are broken up by establishments such as Holy Cross School and industrial buildings to the north east.
71. A large wooded area is to the south of the site and further to that more residential development. The applicant considers the predominant style throughout the immediate area to be defined by streets with curvature, lined with semi-detached and detached properties.
72. The layout of the proposed development would involve access from a singular source serving both the proposed development and the Arley Homes development to the north. The access would be from Myles Standish Way and would incorporate a crossroad type arrangement approximately 50m into the site. This would provide secondary access to the proposed development in an east and west direction and link through to the Arley Homes site to the north.
73. Plots would have defined areas, including off-road parking and private amenity space to define ownership and responsibility which would also mean areas are less likely to become neglected and abused. In the main plots will benefit from frontage and in-curtilage parking to improve self-surveillance and give a safer feel to the site.

74. The position of plots has somewhat been dictated by the topographical constraints of the site and amended plans have been received to ensure both proposed and existing dwellings maintain adequate relationships between one another to ensure sufficient private amenity space.
75. The main streetscene view of the site would be from Myles Standish Way and so a number of plots have been orientated to face this way, creating visual interest to this part of the site and to help respond to local character. Equally, because of the curved nature of the secondary roads serving the development, where plots are positioned in prominent locations, many have been afforded a dual aspect to bring visual interest. This has been achieved through introducing the H and H-Special House Types.
76. The development will also incorporate elements of a shared surface, giving equal priority to cars and pedestrians in an attempt to create an active frontage.
77. To the north west of the site, the development will physically link to the Arley Homes development, providing access to green spaces already granted consent.
78. The proposed development would result in the erection of 70 dwellings all of which would be 2 stories in height. This would equate to the erection of 21 two bedroom dwellings, 14 three bedroom dwellings and 35 four bedroom dwellings. The split of dwelling types across the site includes 17 terraced properties, 18 semi-detached properties and 35 detached dwellings.
79. The applicant has confirmed that the range of house types proposed would provide family accommodation to suit market demand. Additionally, in design terms the applicant has tried to take lead from traditional details found throughout Chorley, and in particular the adjacent development, to influence the elevation designs of this scheme.
80. The design and scale of the proposed dwellings and the plot sizes are considered to be acceptable as they are similar to the dwellings in the surrounding area and other house types found at the adjacent site.
81. Amendments have been sought during the application process to ensure the front driveways form usable parking areas and to clarify the house types proposed at each plot. The site would include a number of integral and detached garages to achieve the required parking standards and are considered appropriate in this context.
82. Having regard to the above, the design and layout of the site is considered acceptable.

Affordable housing

83. In accordance with Policy 7 of the Adopted Central Lancashire Core Strategy the development is required to provide 30% affordable housing. The proposed development would result in 70 new dwellings and so in accordance with current policy, the scheme should provide 21 affordable units.
84. The development would provide 21 affordable homes comprising 13 two bedroom dwellings and 8 three bedroom dwellings. This would be split as 15 social rented units (13x2 bed roomed dwellings and 2x3 bed roomed dwellings) positioned to the western portion of the site and 6x3 bed roomed intermediate units positioned to the eastern portion of the site.
85. An objection letter received from a local resident states that affordable units should be away from Shireburne Drive because of problems with the affordable housing on the Arley Homes site and if affordable housing is to remain, strict rules should be enforced by the Housing Association.
86. With regard to the above, it is considered the affordable housing is located appropriately in the context of the site. The purpose of the planning system in the context of affordable housing is to secure it where the policy requires. However, it is not the role of the planning system to look at

management rules enforced by the Housing Association or indeed who will occupy the affordable housing. This is a separate issue for consideration by the Housing Association.

87. As such, it is considered the proposed development would provide adequate affordable housing on site in accordance with Policy 7 of the Adopted Central Lancashire Core Strategy.

Public Consultation

88. In accordance with the Council's Statement of Community Involvement the applicant has undertaken consultations with the community prior to submitting the formal application. The prime purpose of consultation was to improve the design and layout by involving a wide range of interested parties and individuals.

89. The first public consultation event was held on the 15th January 2013 at The Hop Pocket Public House and the second on the 17th January 2013 at Albany Academy.

90. Comments were made with regard to the relationship between the boundary of the site and the housing nearest it. To resolve this, the applicant rotated a property and moved the affordable housing away from the northern site boundary.

91. The applicant states that key stakeholders such as Ward Councillors and the Council were consulted prior to submitting the application. This was with a view to providing the design team with the opportunity to address any additional concerns and make any necessary amendments.

92. It is considered that the community involvement undertaken is in accordance with the Council's Statement of Community Involvement. Additionally this involvement resulted in changes which are reflected in the submitted application.

Sustainability

93. In accordance with Policy 27 (Sustainable Resources and New Developments) of the Adopted Central Lancashire Core Strategy, the application is accompanied by an Energy Statement. The submitted Energy Statement outlines the how the development will achieve the requirements of Policy 27.

94. It firstly concludes that the development will be constructed to comply with level 4 of the Code for Sustainable Homes. This will be done through incorporating features such as effective insulation, low energy lighting and using quality construction materials in addition to passive measures such as orientation and ventilation to take advantage of solar gains.

95. In respect of appropriate decentralised, renewable or low carbon energy sources, the Energy Statement indicates that it is proposed that the carbon emissions of the proposed dwellings will be reduced by 15% through the use of appropriate low/zero carbon technology.

96. Whilst the full details of such technology are not yet known at this stage, it is anticipated a combination of high efficiency boilers, solar water heating and solar photovoltaic panels will be utilised to achieve the 15% target outlined in Policy 27.

97. As such, the development is therefore considered to be in accordance with Policy 27 of the Adopted Central Lancashire Core Strategy subject to appropriately worded conditions.

Trees and landscape

98. The application site is essentially split into two sections, the first being to the west and the second to the east of the existing access road.

99. The part of the site to the west is that which involves the greatest change in levels and rises significantly in an east-west direction, parallel with the properties already erected to the north of the site. This part of the site has already been cleared of any vegetation and is currently vacant.

100. The part of the site to the east has been left in more of a natural state and currently includes a number of trees, shrubs and grassland. An Arboricultural Survey has been submitted with the application which includes details of all the trees on site and a proposed schedule of works.
101. The report identifies which trees are worthy of retention. In summary, the report identifies 8 trees/groups which have been recommended for removal for Arboricultural reasons, these are either considered unsafe or are to be removed to benefit adjacent trees. 49 trees/groups have been recommended for removal because they are either within the development footprint or too close to the proposed development to be practically protected during construction. The majority of the trees to be removed to accommodate the development are identified as category 'C' trees which have a low amenity value. 22 of the 33 Category 'B' trees are to be felled, however as part of the development landscaping will be provided to mitigate for the loss.
102. The trees which have the highest amenity value are located within the woodland along the eastern extremity of the site. This area also adjoins a Biological Heritage site. None of these trees will be affected by the development and will be protected by Tree Preservation Order.
103. As such, it is considered that provided the Arboricultural Survey is implemented in full and a suitable landscaping scheme is required and implemented via planning condition, the development will be in accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review.

Ecology

104. Bowland Ecology Ltd have been commissioned by United Utilities to undertake an extended Phase 1 Ecology Survey and desk study of the site at Duxbury Park. The survey aims to update and build on a phase 1 survey previously undertaken in 2008 by United Environmental Services.
105. The majority of the western part of the site currently comprises worked ground, hardstanding and is adjacent to the Arley Homes development currently being constructed to the north. Given the characteristics of this part of the site and its current appearance, it is not considered to harbour features suitable for protected species. Equally, this part of the site is not considered to have a high ecological value.
106. The eastern part of the site is different and includes various habitats which have been identified by the Ecological Survey. This part of the site is boarded to the north by residential development and to the east by industrial development and a Biological Heritage Site.
107. As such, the proposal could have possible impacts on the Biological Heritage site, bats and nesting birds, as well as the fragmentation/isolation of habitats. There is also the possibility that giant hogweed will be spread.
108. The Ecological Survey concludes there are no Great Crested Newts on the site and as such, there will be no impact in the case of the proposed development.
109. In terms of bats, the Ecological Survey recommends that the bat boxes already sited on the trees to the eastern site boundary (which were installed as part of the mitigation for the loss of roost sites within the original buildings) should remain in situ. Additionally, the Survey identifies a tree within the woodland to the east to be of moderate risk for use by roosting bats. As such, if the tree is to be felled, it is recommended a method statement within the Survey is followed. The Ecological Survey recommends that bat boxes should be provided to compensate for the loss of any confirmed tree roosts or the loss of trees with roosting potential.
110. Appropriate conditions can be attached to ensure the proposal does not adversely impact on breeding birds and eradication of evasive plant species on the site. Additionally, loss of the semi-improved grassland could also be mitigated through an enhanced landscaping scheme.
111. The area of woodland to the east of the site is designated as Biological Heritage Site (Duxbury Woods Biological Heritage Site (BHS 51NE13)). The Survey states that no detrimental

harm would come to the BHS in this case provided a number of conditions are enforced with any consent, these relate in the main to chemical storage.

112. The Ecological Survey also notes that many of the trees within the site are to be removed to make way for the development. This includes a number of oak trees within close proximity to plots 132-134 at the adjacent site. The assessment suggests these trees should be retained as they have moderate ecological value. However, retention of these trees this would significantly compromise the layout of the scheme. Additionally, it is relevant to note that these trees were not protected by Tree Preservation Order at outline stage during consideration of the former mixed use application, in which the whole site could have been developed. The trees are considered to have limited amenity value and are not worthy of protection. However, their loss can be mitigated through a replacement planting scheme.
113. Following a high court decision (*R (on the application of Simon Woolley) v Cheshire East Borough Council*, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - (b) there must be no satisfactory alternative and
 - (c) favourable conservation status of the species must be maintained.
114. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
115. As set out above the ecological impacts of the proposals have been fully considered and as such it is considered that the Council, subject to suitable conditions, has discharged its obligations in respect of the above tests.

Impact on highways, access and parking

116. The proposal would result in the development of the site for residential purposes and the site currently benefits from outline consent for a mixed use scheme comprising 200 dwellings and 10,800m² of B1 employment use.
117. The site has previously been used for a number of purposes including a training centre which, when it was fully operational, would have attracted a significant number of traffic movements. Additionally the site accommodated large parking areas for the existing facility.
118. The original vehicular access to the site was from Little Carr Lane which comprises a residential street. However, the access created in relation to the adjacent Arley Homes development and that which would serve the application site is from Myles Standish Way, with only emergency and pedestrian/ cycle access achieved through the current Little Carr Lane access.
119. Comments have been received from Lancashire County Council (LCC) Highways in respect of the proposed layout which are outlined in more detail below.
120. LCC Highways have noted that the existing access from Myles Standish Way has been previously approved under the original consent and was designed to accommodate both HGV's (associated with the B1 use) as well as cars to serve the dwellings.
121. LCC Highways consider that the existing access will accommodate the proposed residential development without any issues of capacity, but have stated that the width of the main access road is excessive.
122. However, in considering this issue, it is relevant to note that the access road itself was designed and constructed by LCC Highways and has sufficient capacity to serve the development. Additionally, the access has served the adjacent Arley Homes site for some time now without issues arising. As such, it would be unreasonable to request alterations to the main

access in light of the current application. Furthermore, LCC Highways advise that in terms of trip generation and distribution, the number of journeys created by the proposed development would be less than that which approved the previous B1 use which further supports this position.

123. In terms of permeability from the site to the surrounding area, LCC Highways consider that the development should include greater cycle and pedestrian links to Myles Standish Way. The applicant has been contacted to this effect but is still considering this request. The development includes connectivity to the adjacent Arley Homes site and more importantly an area of open space to the north-west. Aside from this and the connectivity to Myles Standish Way, additional permeability is not considered to be appropriate in this case to the adjacent Arley Homes site or Duxbury Gardens development because of changes in land levels and the layout of the adjacent sites.
124. In terms of the internal layout, LCC Highways consider the development to be in general accordance with the principles of Manual for Streets. The development should therefore be acceptable for adoption under Section 38 of the Highways Act 1980.
125. In terms of off-road parking provision, the proposed layout has been amended to ensure 2 or 3 bedroomed properties have 2 off-road parking spaces and properties with 4 or more bedrooms have 3 off-road parking spaces. The internal sizes of both detached and integral garages are also considered to be sufficient in this case to count towards off-road parking provision.
126. Aside from the above, LCC Highways have requested a contribution of £130,620 to investigate and fund operation of an additional bus service in the area. The applicant is currently considering this information and will respond before the application is heard at Development Control Planning Committee. Any additional comments will be reported on the Addendum.
127. As such, on balance of the above, the development is not considered to result in any significant harm to highway safety and so is in accordance with the framework and Policy TR4 of the Adopted Chorley Borough Local Plan Review.

Drainage and Sewers

128. Part of the site falls within a Flood Zones 2 and 3. As such a Flood Risk Assessment (FRA) and accompanying letter have been submitted as part of the application.
129. The initial comments received from the Environment Agency raised concern that that the FRA submitted with the application did not properly determine how surface water run-off would be effectively managed and restricted. As such, the applicant engaged with both United Utilities and the Environment Agency to try and resolve the situation.
130. This resulted in a supplementary letter which includes discussions from both United Utilities and the Environment Agency concerning allowable rates for surface water discharge from the site. Discussions with United Utilities confirm that they will accept a maximum flow of 50l/s from the development into their surface water sewerage, this being the proportion allocated in previous discussions at the adjacent Arley Homes site, which agreed a maximum rate of discharge for the combined sites of 150/s.
131. United Utilities have also commented stating that a number of standard conditions should be enforced with any consent, including a scheme for the disposal of foul and surface water to be submitted before commencement; that surface water must drain separate from the foul; that no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems and; any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 50l/s.
132. Discussions between the applicant and the Environment Agency indicate they will accept a maximum flow to the River Yarrow of approximately 33l/s. However, the Environment Agency are prepared to accept a higher discharge rate if it can be shown that the rate of runoff at the

100-year storm event from this site and the adjacent Arley Homes site combined, does not exceed that which was discharged from the former training centre.

133. As such, no objection is raised to the development from United Utilities in this case and although updated comments have not been received from the Environment Agency, the supplementary letter includes copies of email correspondence from representatives at the Environment Agency indicating that the proposed arrangements are considered acceptable.
134. Should further comments be received from the Environment Agency these will be reported to committee on the Addendum.

Open Space

135. Policy HS21 of the Local Plan requires new housing development to include provision for appropriate areas of open space. The Council has also produced Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments. Consequently, new open space provision or a financial contribution for new provision or improvements will be required where there is an identified deficiency in quantity, accessibility or quality/value.
136. There is currently a surplus of amenity open space in the Chorley South East ward and as such a contribution towards new provision is therefore not required from this development.
137. There is currently a deficit of equipped play space provision in the Chorley South East ward and therefore a contribution towards new provision is required from this development. The amount required is £426 per dwelling. However, an equipped play area was secured as part of the adjacent development for 126 dwellings which provided 0.35 hectares of open space provision including the aforementioned equipped play area. Furthermore, the minimum size of play area required for the adjacent development was 0.08 hectares which meant that extra provision was made in that case. As such, taking into account the clear link shown to the north west of the site between the application site and the play area at the adjacent site, it is not considered a contribution in respect of equipped play space is required in this case.
138. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The financial contribution required is £868 per dwelling.
139. With regard to the above, a Section 106 Agreement is therefore necessary to secure the requisite contribution in lieu of the above. This has amounted to a total of £60,760 for the improvement of existing playing pitches borough wide.

Education provision

140. Comments have been received from LCC Education in respect of contributions required for places towards primary and secondary schools. This has resulted in a request for 17 primary school place and no secondary school places.
141. The latest projections for local primary schools show there to be a shortfall of 57 primary school places in 5 years' time. These projections take account of the current numbers of pupils in schools, the expected take up of pupils in future years based on local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and housing development within the local 5 year Housing Land Supply document.
142. The proposed development is considered to produce a yield of 17 places which would increase the local shortfall to 74 primary school places.
143. As such, LCC Education advise that a contribution of £201, 968 is required in this case, calculated at the current rate.

144. Based on the information submitted, this figure is considered to be justified in this case and will be incorporated into the Section 106 Agreement.

Contamination and Coal Mines

145. Due to nature of the type of training that took place on site for both water and electricity industries there may be issues with contaminated land in some parts of the site. In addition to this there are thought to be mine shafts across the site. As such a preliminary risk assessment and mine shaft assessment was submitted with earlier applications.

146. The reports suggest further work is required in respect of contaminants, gas and coal mine shafts on site. The Council's Environmental Services Section and the Environment Agency have previously reviewed the documents and no objection is raised on the proviso that the proposed remedial measures and further investigation works are carried out in accordance with the report recommendations. This will be dealt with by suitably worded conditions.

Overall Conclusion

147. On the basis of the above, the application is accordingly recommended for approval subject to conditions and the signing of an associated section 106 agreement.

Planning Policies

National Planning Policy Framework

Central Lancashire Core Strategy

Policies 1, 4, 5, 17, 22, 26 and 27

Adopted Chorley Borough Local Plan Review

Policies GN5, EP4, EP9, HS4, HS6, HS21, TR4 and EP18.

Emerging Chorley Local Plan

Policies HS1, HS4A, HS4B, BNE1, BNE9 and BNE10

Planning History

There is no relevant history concerning the application site.

Application Number – 13/00178/FULMAJ

- Erection of 70 residential dwellings, associated garaging, car parking, access arrangements and landscape works.
- Approve subject to conditions and associated Section 106 Agreement.
- 24th May 2013.

Recommendation: Permit (Subject to Legal Agreement) Conditions

1. Surface water run-off from the site shall be restricted to 50 L/S. *Reason: In order that the proposed development does not contribute to an increased risk of flooding and in accordance with the National Planning Policy Framework and Policy EP18 of the Adopted Chorley Borough Local Plan Review.*

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Ref	Revision	Received date
Planning Site Layout	SK01	F (10-05-2013)	20/05/2013
Planning Site Layout	SK01	F (10-05-2013)	23/05/2013
Location Plan	-	-	25/02/2013
Proposed plans and	P-1001	-	25/02/2013

elevations Type A			
Proposed plans and elevations Type B	P-1002	-	25/02/2013
Proposed plans and elevations Type C	P-1003	-	25/02/2013
Proposed plans and elevations Type D	P-1004	-	25/02/2013
Proposed plans and elevations Type E	P-1005	-	25/02/2013
Proposed plans and elevations Type F	P-1006	-	25/02/2013
Proposed plans and elevations Type G	P-1007	-	25/02/2013
Proposed plans and elevations Type H	P-1008	-	25/02/2013
Proposed plans and elevations Type H-Special	P-1009	-	25/02/2013
Proposed plans and elevations Type J	P-1010	-	25/02/2013
Proposed plans and elevations Type K	P-1011	-	25/02/2013
Proposed plans and elevations Type L	P-1012	-	25/02/2013
Garage Type A	P-1013	-	25/02/2013
Garage Type B	P-1014	-	25/02/2013
Garage Type C	P-1015	-	25/02/2013
Garage Type D	P-1016	-	25/02/2013

Reason: For the avoidance of doubt and in the interests of proper planning

3. 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.*

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time at first floor level or above in the rear elevations of the dwellings occupying plots 6 and 18 hereby permitted. *Reason: In the interests of the privacy of occupiers of neighbouring properties and in accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

5. The slab of the detached single garage serving plot 39 shall be built no higher than 78.25m above ordnance datum. *Reason: In the interests of the amenities of local residents and in particular the occupier of No. 13 Shireburne Drive. In accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

6. Prior to the commencement of development, full details of the Management Company to deal with the future management of the site shall be submitted to and approved in writing by the local planning authority. The details shall include:

- Details of who will maintain the land;
- Details of how the land will be maintained and kept (including grass, foliage, trees and litter);
- Details of the regularity of maintenance;

- Contact details should issues of maintenance/access arise;

The site shall therefore be maintained / managed in accordance with the approved details thereafter. *Reason: To ensure continued maintenance of the land, to protect the appearance of the locality and to allow safe access/egress to the site. In the interests of the amenities of the local residents and in accordance with Policy 17 of the Adopted Central Lancashire Core Strategy and Policies GN5, HS4, EP4 and TR4 of the Adopted Chorley Borough Local Plan Review.*

7. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- hours of operation (including deliveries) during construction
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: in the interests of highway safety and to protect the amenities of the nearby residents in accordance with the National Planning Policy Framework and Policy TR4 of the Adopted Chorley Borough Local Plan Review.

8. The integral/attached and detached garages hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995. *Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking. In accordance with the National Planning Policy Framework and Policy Nos. HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.*

9. Before any development hereby permitted is first commenced full details of the means of both foul and surface water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for both foul and surface water drainage/disposal have been completed in accordance with the approved details. *Reason: To ensure a satisfactory means of both foul and surface water drainage in accordance with the National Planning Policy Framework and Policy EP18 of the Adopted Chorley Borough Local Plan Review.*

10. The development shall be carried out in full accordance with Section 8 of the approved updated geo-environmental investigation and risk assessment report "*Land at Duxbury Park Chorley (southern & eastern section - proposed residential development)*", dated 12th April 2013. *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 National Planning Policy Framework.*

11. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences, railings, walls and gates to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied 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. *Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby properties. In accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5, and HS4 of the Adopted Chorley Borough Local Plan Review.*

12. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the 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 the National Planning Policy Framework, Policy No. 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

13. 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 the National Planning Policy Framework, Policy No. 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

14. Before the properties hereby permitted are first occupied, the driveways shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways 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 the National Planning Policy Framework and Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*

15. All dwellings are required to be constructed to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development and in accordance with the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.*

16. Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level. *Reason: In the interests of minimising the environmental impact of the development and in accordance with the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.*

17. Prior to the commencement of a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating. *Reason: In the interests of minimising the environmental impact of the development and in accordance with the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.*

18. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development and in accordance with the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.*

19. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan titled: 'Planning Site Layout'; Drawing number SK01; Revision F (10-05-2013); Received 23rd May 2013. *Reason: To protect the appearance of the locality and in the interests of the amenities of neighbouring properties and in accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission). *Reason: To protect the appearance of the locality and the amenity of the future occupiers of the approved dwellings and those surrounding the site. In accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

21. The development hereby permitted shall be carried out in accordance with paragraphs 4.1 - 4.7 (inclusive) and paragraphs 4.9 - 4.18 (inclusive) of the Ecological Phase 1 Survey Report, dated April 2012. *Reason: In order to avoid impacts on protected species (which have been recorded in the area and may be on the site) and to provide mitigation and compensation for the loss of potential habitats. In accordance with the National Planning Policy Framework, Policy 22 of the Adopted Central Lancashire Core Strategy and Policy EP4 of the Adopted Chorley Borough Local Plan Review.*

22. Prior to the commencement of the development, a scheme for the landscaping of the development and its surroundings shall be submitted. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site and those areas to be seeded, paved or hard landscaped. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within 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. *Reason: To ensure that a satisfactory landscaping scheme for the development, mitigate the loss of potential habitats and secure a high quality design. In accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy No. GN5 and EP4 of the Adopted Chorley Borough Local Plan Review.*

23. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand. *Reason: To safeguard the trees to be retained at the site and in accordance with the National Planning Policy Framework and Policies EP4 and EP9 of the Adopted Chorley Borough Local Plan Review.*

24. Prior to the commencement of the development hereby permitted the proposed remedial measures and further investigation works shall be carried out in accordance with the recommendations set out in the submitted Preliminary Risk Assessment (Phase 1 Desk Study) by Leyland Kirby Associates dated 9th June 2008, the Ground Investigation and Risk Assessment (Ref CL1301 and CL1302) dated 11th August 2008 and Investigation of Mine Shafts dated 25th July 2008 (filed under the application 08/01044/OUTMAJ). *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 National Planning Policy Framework.*