

**Item 3b**                                    **14/00767/FULMAJ**

**Case Officer**                           **Nicola Hopkins**

**Ward**                                       **Coppull**

**Proposal**                                **Full planning application for the erection of 75 dwellings with associated access arrangements at land adjacent to Coppull Enterprise Centre, Chorley**

**Location**                                **Land 110M West Of Coppull Enterprise Centre, Mill Lane, Coppull**

**Applicant**                               **Miller Homes And Tatton Settled Estates Ltd**

**Consultation expiry:**                **8<sup>th</sup> October 2014**

**Decision due by:**                    **13<sup>th</sup> October 2014 (extension agreed until 7<sup>th</sup> November 2014)**

**Recommendation**

**It is recommended that full planning permission is granted subject to the associated legal agreement**

**Executive Summary**

**The proposals involve the development of an allocated housing site and some of the adjacent land. Outline planning consent has previously been granted at this site for upto 49 dwellings, the current proposals involve the erection of 75 dwellings. Although this results in the loss of a small section of employment land it is not considered that this land represents a viable option for future employment use. The proposed scheme secures additional affordable housing and additional contributions to open space and is considered to be an appropriate use of this brownfield site within the settlement of Coppull.**

## Representations

<p><b>Coppull Parish Council</b> object on the grounds of access to the site, which would be from Spendmore Lane/Regent Street/Mill Lane, which are already struggling with the amount of traffic from the Mill, and also there is not the infrastructure for additional houses, i.e. schools, doctors.</p>
<p><b>In total 2 representations have been received which are summarised below</b></p>
<p><b>Objection</b></p>
<p>Total No. received: 2</p>
<ul style="list-style-type: none"> <li>• The impact of the additional traffic generated by this development will have on the residents of Mill Lane.</li> <li>• Very few of the houses on Mill Lane have any off-street parking, and the width of the road together with the number of parked cars make it impossible for vehicles travelling in opposite directions to pass safely.</li> <li>• The times construction traffic can access the site should be restricted to between 9.30am and 4.00pm, as has been done recently with Clancutt Lane.</li> <li>• It is misleading to state that site access would be via a junction. In fact it would be via a branch or spur off an already over-used cul de sac (Mill Lane).</li> <li>• It currently feels that things are getting approved incrementally with no apparent recourse for residents who are unhappy with the significantly changed ambience of the street caused by greatly increased traffic.</li> </ul>

## Consultees

<b>Consultee</b>	<b>Summary of Comments received</b>
Architectural Liaison Officer Lancashire Constabulary HQ	Reference has been made to designing out the opportunity for crime in the Design and Access Statement which is supported. In order to prevent the opportunity for criminal activity at the proposed development security recommendations are provided
United Utilities	No objection
CBC Waste and Contaminated Land Officer	Has suggested conditions in respect of contamination
SUDs Approval Body (SAB)	Lancashire County Council's Flood Risk Management Team does not object to the proposed development.
Environment Agency	Initially objected to the application in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy however on receipt of further information they have removed their objection
LCC Education	Have requested contributions towards primary places £228,563 and secondary school places £145,011
LCC Highways	No objection
CBC Environmental Health Officer	Has commented in respect of noise generation- no objection subject to a condition
CBC Tree Officer	Has assessed the proposed tree removal and recommended some tree retention- addressed below

## **Assessment**

### ***Principle of the Development***

1. MemberS may recall that outline planning permission was granted on part of this site in 2013 for upto 49 dwellings. Since securing outline planning permission Miller Homes have worked with the land owners with the view to develop the site. The site area has been extended, to include two additional parcels of land, and now the proposals involve the erection of 75 dwellings on the land adjacent to the existing Mill.
2. At present, the site is occupied by an overflow car park associated with the Enterprise Centre, on which Mavis Mill originally stood until it was demolished, and land which, until recently, was occupied by REMA (located in the north eastern corner of the site) who have recently relocated off the site (it is understood that they have relocated locally). The site falls to be considered as previously developed land within the Framework definition and as such is the preferred choice for residential redevelopment rather than greenfield land.
3. The site is located within the settlement boundary of Coppull which is identified as an Urban Local Service Centre within Policy 1 of the Core Strategy. Within such areas Policy 1 confirms that some growth and investment will be encouraged to help meet housing and employment needs.
4. The majority of the site is allocated for housing development as part of Policy HS1 (HS1.36) of the emerging Local Plan. The Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.
5. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
6. The Council accepted the Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
7. As such the principle of housing development on this site is established.

### ***Loss of employment land***

8. When the previous application on this site was considered the loss of employment land was a consideration as the land formed part of the planning unit associated with the Mill and as such was considered under Policy EM9 of the current Local Plan and Policy 10 of the Core Strategy.
9. The majority of the site now benefits from outline consent for residential development and is allocated for housing within the emerging Local Plan which is afforded significant weight in decision making however part of the site is the former REMA site which was an employment use.
10. As this application proposes redevelopment of employment premises for redevelopment other than B use class employment uses it should be assessed under the criteria in Policy 10 of the Core Strategy and the provisions in the SPD on Controlling the Re-Use of Employment Premises, which aim to protect all existing employment premises and sites last used for employment uses. Policy 10 states:

All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:

- (a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;
- (b) the provision and need for the proposed use;
- (c) the relative suitability of the site for employment and for the alternative use;
- (d) the location of the site and its relationship to other uses;
- (e) whether the ability to accommodate smaller scale requirements would be compromised;
- (f) there would be a net improvement in amenity.

Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:

- (g) convincing evidence of lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;
- (h) an assessment of the viability of employment development including employment re-use and employment redevelopment.

11. In accordance with Policy 10 the supporting information has assessed the proposals against the requirements of Policy 10 as follows:

*(a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;*

12. Although the site was previously used for employment REMA have recently relocated nearby and their former buildings demolished. The quality of their former premises were informally modest at best, with the facilities bespoke to the former use. Access to the site was obtained solely using a bridleway to the rear of the main Enterprise Centre, therefore the premises do not actually benefit from any formal access rights.

13. The Enterprise Centre itself has been operating at no more than 75% of its capacity for many years, and therefore there is scope for a significant amount of additional employment to be accommodated there. In addition, some 57,000 sq. ft. of floorspace over and above the vacant space just referenced, also exists, which although currently unusable could be upgraded if the demand required it.

14. The location of the site itself is not considered to be particularly suitable any longer for the type of employment previously found here (B2), given the location of the site adjacent to the listed mill, the presence of existing residential development to the east, and the consented outline residential development to the west. Given the quality of the site is low, and the quantity of space available in the Enterprise Centre is considerable, it is considered this criteria is satisfied.

*(b) the provision and need for the proposed use;*

15. The acceptability of the principle of residential development at this location is firmly established, and the Framework encourages growth. The addition of this parcel of land to that approved at the outline stage will deliver a much improved layout than that originally proposed, and will ensure that the site will deliver houses within years 1-5 as envisaged by the Council and included in its evidence base. Therefore there is a clear need for this use.

*(c) the relative suitability of the site for employment and for the alternative use;*

16. The former REMA site has no legal rights of access, effectively making it landlocked. This makes it unsuitable to potential employment users, as access would need to be taken on

an informal basis to the rear of the Enterprise Centre, or through the new residential development.

17. Furthermore the principle of residential development on the land immediately adjacent to the west reduces the attractiveness of the site for employment uses, and the listed status of the Enterprise Centre would require any new employment use to commit to giving careful consideration to the setting of the listed building, which serves to potentially increase costs and reduce the appeal of the site.
18. In contrast the site is very well suited to residential use, which would create a development of much higher quality than that which might otherwise be achieved. In addition suitable access can be achieved through the proposed residential development.

*(d) the location of the site and its relationship to other uses;*

19. The site is located in a sustainable location, suitable for housing as justified by the extant outline planning consent and the allocation in the emerging Local Plan. As detailed above the site enjoys a very strong relationship with the adjacent land covered by the extant consent and the listed Enterprise Centre. Development for residential is the most appropriate relationship to other uses.

*(e) whether the ability to accommodate smaller scale requirements would be compromised;*

20. Smaller scale requirements could be accommodated in the Enterprise Centre, which has very significant amounts of floor space vacant. Therefore, the proposed development would not have an adverse impact on the ability to accommodate smaller scale employment requirements.

*(f) there would be a net improvement in amenity.*

21. The application proposals would result in a net improvement in amenity for both existing occupants of Coppull Enterprise Centre and for future occupants of the residential development.

*(g) convincing evidence of lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;*

22. The parcel of the site which already benefits from planning consent was subject to comprehensive marketing which demonstrated no demand for the site for employment purposes. The REMA site is impossible to market as a standalone site as the site does not have a legal right of access.

*(h) an assessment of the viability of employment development including employment re-use and employment redevelopment.*

23. As discussed throughout this Statement, the majority of the site benefits from outline planning consent for residential development, which is supported by the allocation of the site as a housing allocation within the Chorley Local Plan 2012 – 2026. The REMA parcel of land would not be viable as a standalone development site as the site does not have a legal right of access. Access is currently taken by an informal access to the rear of the Coppull Enterprise Centre. No form of employment use, or any form of standalone development, would be viable on this parcel of land due to the significant access issues. This parcel of land can only be brought forward as part of a wider masterplanned approach for the site.

24. In conclusion although this site currently provides an element of employment within Coppull it is not considered that the loss of the premises will adversely impact on the supply of employment land within the Borough, particularly as this site is not proposed for such an allocation within the emerging Local Plan. The adopted Core Strategy sets the

overall employment requirement for Chorley as 112 ha to 2026. The Inspector's Partial Report is accompanied by an Appendix containing the Main Modifications. In respect of employment the Inspector concluded *"that allocations accord with the quantum and locational strategy of the CS for employment development, and that the range and of site sizes and types provide a flexible portfolio of sites"*. The Main Modifications provide a Chorley employment land supply for the period 2010 -2026 as 100.61 ha with commitments (MMEC48). This figure does not take into account vacant stock in the Borough.

25. As employment uses have not been specifically identified on this site this ensures that the development will not compromise the Council's land allocations for employment and the overall employment land supply.

### **Affordable Housing**

26. Policy 7 of the Core Strategy sets out the requirements for the provision of affordable housing in Central Lancashire to meet the acute need for such housing in the area. In the case of this site there is the requirement to provide 30% affordable housing (or 23 units) on site.

27. The proposals incorporate 18 affordable housing units (or 24% affordable housing). This reduced percentage is based on the fact that the existing approval on this site incorporates 20% affordable housing, 10 units (6 being housing for Social Rented Units and 4 Intermediate Accommodation), in accordance with the Policy at the time of consideration.

28. This outline consent is extant until August 2016 and as such could still be implemented. As such it is considered that the current Policy requirement of 30% affordable housing should only be applicable to the additional houses now proposed although this will be based upon the current proposals being implemented within a similar timeframe as the approved scheme and as such will be subject to a two year planning consent.

29. 30% of the additional 26 units equate to 8 units which results in a total affordable housing provision of 18 units on the site. Nine 2 bedroom units have been provided and nine 3 bedroom units have been provided. In accordance with the Adopted Central Lancashire Affordable Housing SPD these should be provided on a 30:70 split of intermediate: rented as follows:

- 13 rented (9 two bed and 4 three bed)
- 5 intermediate (5 three bed)

30. However the agreed split on this site for the 10 affordable units as part of the approved scheme is 6 social rented and 4 intermediate which is a 60/40 split. As such the 10 units for the first 49 units will be based on a split of 6 rented/4 intermediate as per the original agreement and the additional 8 units will be based upon a 70/30 split which equates to 6 rented and 2 intermediate in accordance with current Policy. This results in a affordable housing split as follows:

- 12 social rented homes ( eight 2 bed and four 3 bed )
- 6 Shared ownership / intermediate ( five 3 bed and one 2 bed)

31. This will be secured as part of the legal agreement

### **Open Space**

32. Extant outline consent already exists on this site for residential development which has an associated open space requirement. Since the grant of outline consent the Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, the scheme as proposed has been assessed against the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD as follows:

### **Amenity Greenspace**

33. Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.
34. There is currently a deficit of provision in Coppull in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.114 hectares. A maintenance cost of £45,500 is also required.
35. The scheme includes the provision of 0.0216 hectares on site open space which is 0.0924 hectares below the required provision. It is considered in this case that an element of on site provision is acceptable with a contribution to off site provision also secured.

### **Provision for children/young people**

36. Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.
37. There is currently a surplus of provision in Coppull in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the settlement is therefore not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (sites 1360.1 – Brookside, 1363.1 – Longfield Ave). A contribution towards improvements to these sites is therefore required from this development. The amount required is £134 per dwelling.

### **Parks and Gardens**

38. There is no requirement to provide a new park or garden on-site within this development.
39. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

### **Natural and Semi-Natural Greenspace**

40. There is no requirement to provide new natural/semi natural greenspace on-site within this development.
41. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study (sites 1728 – Reservoir Mill Lane, 1372 – Tanyard Close), a contribution towards improving these sites is therefore required.

### **Allotments**

42. There is no requirement to provide allotment provision on site within this development.
43. The site is within the accessibility catchment (10 minutes' drive time) of allotments that are identified as being low quality and/or low value in the Open Space Study (sites 1647 – Chapel Lane, 1644 – Whittam Road, Chorley, 1646 – Worthy Street, Chorley). A contribution towards improving the quality/value of these sites is therefore required from this development. The amount required is £15 per dwelling.

### **Playing Pitches**

44. 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 amount required is £1,599 per dwelling.
45. However as there is a fallback position at this site from the previous consent and negotiations in terms of the required open space provisions have taken place in this

regard. The previous approval at this site incorporated on site casual/informal play space with the associated commuted sum for maintenance (£21,522) and an off site contribution to equipped play space and playing pitches (£63495). Taking into account the fallback position the contribution for the first 49 houses has been calculated, in respect of the provision for children/young people and playing pitches typologies, based on the previous figures and the additional 26 houses based upon the most up to date figures. Natural and Semi-Natural Greenspace and allotments are new typologies, which the Local Plan evidence base has identified as a requirement in the Borough, as such this provision will be based upon all 75 units (there is no requirements for a parks and gardens contribution from this development). As such the contributions have been negotiated as follows (along with a comparison related to all 75 units being calculated on the most up to date info):

Typology	Calculation	Up to date calculation	Difference
Amenity greenspace	0.0216 hectares on site Maintenance= £864  0.0924 hectares off site. Provision= £7,392  <b>Total= £8256</b>	£45,500 (10 year maintenance cost) for 0.114 hectares of greenspace	-£37,244
Equipped play area	49 x 426= 20,874 26 x 134= 3484  <b>Total= £24,358</b>	£10,050	+ £14,308
Parks/Gardens	£0	£0	0
Natural/semi-natural	75 x 557= £41,775	£41,775	0
Allotments	75 x 15= £1,125	£1,125	0
Playing Pitches	49 x 868= 42,532 26 x 1599= 41,574  <b>Total= £84,106</b>	£119,925	- £35,819
<b>Total</b>	<b>£159,620</b>	<b>£218,375</b>	<b>-£58,755</b>

46. As such this scheme secures contributions of £74,603 over and above that secured as part of the previous consent at this site and whilst this is less than what would be secured if the 75 dwellings were assessed against the most up to date evidence this is considered to be the most appropriate way forward given the fallback position in this case. This will be secured as part of the legal agreement

#### **Density**

47. The site area covers 1.99 hectares. The erection of 75 dwellings, as proposed, equates to a density of 38 dwellings per hectare. Strategic objective SO6 seeks to achieve densities for new housing that respect the local character of surrounding areas, whilst making efficient use of land. This is supported by Policy 5 of the Core Strategy which states that the authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land. A density of 38 dwellings per hectare is considered to be appropriate for this brownfield site in the context of the area.

#### **Design & Layout**

48. The proposals represent a typical housing layout and expand upon the indicative layout submitted as part of the previous outline application. When the application was originally submitted there were a number of relationships in terms of the proposed houses which



did not accord with the Council's spacing standards however the plans have been amended. The scheme now accords with the Council's spacing standards.

49. The Kipling house types wrap around the plot to create corner features. When the plans were originally submitted this house type did not retain the required 10 metres from the first floor bedroom window (bedroom 3) in the rear of the dwelling to the adjacent neighbours garden. However the plans have been amended in accordance with the requirement.
50. The originally submitted scheme incorporated the use of 900mm post and rail fences to delineate rear garden areas however this did not provide private rear gardens and as such the plans have been amended to incorporate a 1.8 metre high close boarded fence.

***Impact on the existing & future residents***

51. The immediate neighbours to the application site are the properties on Mill Lane, the properties on Mavis Drive and the properties on the opposite side of the railway line on Longfield Avenue and Holly Crescent.
52. The properties on Mill Lane and Mavis Drive are adjacent to the fishing pond which is being retained as part of the development. The nearest dwelling is in excess of 85 metres from proposed plot 1 and as such it is not considered that the proposals will adversely impact on the amenities of these neighbours.
53. The properties on Longfield Avenue and Mavis Drive are located on the opposite side of the railway line and the nearest properties are in excess of 40 metres from proposed plots 40-43. Due to the separation distance and the presence of the railway, although noting that there will be tree removal within this part of the site making the site more visible to the neighbours on the opposite side of the railway, it is not considered that the proposals will adversely impact on the amenities of the existing or future residents.
54. Planning permission has also recently been granted for the residential development of the site allocated for housing by Policy HS1.29 of the existing Local Plan and HS1.35 of the emerging Local Plan (ref: 10/00833/FULMAJ/ 11/00865/FULMAJ/ 12/00235/FUL) for 26 new dwellings. 12 and 13 Spinners Close of the recently constructed dwellings are located closest to the application site boundary and in particular plots 1 and 2.
55. The new dwellings are sited at a much lower land level than the application site. The property on plot 1 will be constructed 6 metres higher than the nearest property. The dwelling on plot 1 is a Darwin house type with no side windows. The orientation of the dwelling on plot 1 ensures that no direct overlooking or loss of privacy will be created to the detriment of the amenities.
56. The property on plot 2 is a Rolland house type which will be constructed approximately 5.7 metres higher than the dwelling to the rear. The rear elevation of plot 2 will face a driveway area so will not result in loss of privacy and the rear garden of 12 Spinners Close. The property on plot 2 will be located approximately 32.5 metres from the rear elevation of 12 Spinners Close and approximately 23.5 metres from the rear garden boundary. The Council's spacing standards require 21 metres window to window distance and 10 metres to rear garden boundaries however in this case given the level difference there is a requirement for 42 metres window to window distance and 31 metres to the rear garden boundary. This is not achieved in this case however it is noted that the proposed windows do not directly face the windows in the rear of 12 Spinners Close and the angle of the properties reduces the potential for loss of privacy. There is also dense vegetation between the application site and the neighbouring properties. As such it is considered in this case that the separation distance maintained, which exceeds the Councils standard requirements, and the site specific considerations that the proposals will not adversely impact on the amenities of the neighbours.

***Highway safety***

57. The application has been reviewed by the Highway Engineer at Lancashire County Council. The Engineer has confirmed that as part of the assessment of the approved outline application no major highway issues were identified and as such no highway objections were raised.
58. For the current proposal, the applicant has resubmitted the Transport Statement (TS) associated with the approved 51 dwellings, with a supplementary technical note to address the traffic and transport issues relating to the additional 24 dwellings.
59. It is apparent from the information provided, that there would be a corresponding increase in vehicular trips to be generated by the site as a result of the increased scale of development. However the TS has satisfactorily demonstrated that this increase will be marginal with minimal impact on the highway network.
60. The Highway Engineer considers that there is need for connectivity of the site towards north to integrate the proposed development with the existing built environment and the wider community. Improved connectivity would ensure sustainability of the site and ease accessibility for residents in line with the Manual for Streets 2 (MFS2) (Chapter 2; Section 2.5), which calls for developments to link-in with surrounding networks to achieve connected growth.
61. There is a bridleway beginning from the junction of Mill Lane and the access road to the side of no. 90 Mill Lane. The bridleway runs parallel to the railway towards north of the site up to Chorley Lane. A public footpath (Public Right of Way) also runs from the north end of the site over the bridleway to Church Lane. The Highway Authority currently has proposals to provide a cycle route over the bridleway/footpath to extend across Chorley Lane to Church Lane.
62. The Highway Engineer considers that improving the bridleway/footpath into a 3m wide link with tarmac surfacing for use by cyclists and pedestrians and linking this to the development would ensure connectivity and sustainability of the site. The section of bridleway/footpath considered necessary for improvement is the stretch from the existing paved area at the south east corner of the site towards north to the railway footbridge leading to Clancutt Lane (approximately 400m) long. The improvement will not stop horses from using the bridleway.
63. The Highway Engineer considers that the above improvements are an essential highway requirement to make the site sustainable and to enhance its accessibility and has requested a financial contribution towards this measure to be implemented through the s278 agreement.
64. It is important to note however that such a requirement was not identified as part of the previous approval at this site for upto 49 dwellings which could still be implemented. This development will also be CIL liable and as such it is considered that the improvements identified can be secured via the CIL levy if agreed following receipt of the CIL payment.
65. The Engineer has commented that the proposed layout seems acceptable and has no objections to the proposed development.
66. In accordance with Policy ST4 of the emerging Local Plan 2/3 bedroom properties are required to incorporate 2 off road parking spaces and 4+ bedroom properties are required to provide 3 off road parking spaces. When the scheme was originally submitted insufficient parking space was proposed however the plans have been amended to address this.
67. The scheme incorporates a number of integral garages which are not large enough to count as a parking space (6x3 metres). However for these house types a plan of the garages have been provided which demonstrates that a family car (Audi A4) can be accommodated within the integral garage of the Orwell, Greene, Travers and Crompton housetypes.

68. The reason why 6x3 metre garages are required is to enable a car to be accommodated along with storage space. As such where integral garages are proposed a shed will be required within the rear garden to address the storage requirements of the house.
69. Where driveways are provided in front of garages the driveway needs to measure 6 metres in length so a car can be parked clear of the highway with the garage door open. The originally submitted scheme did not incorporate sufficient driveway length in all cases however the plans have been amended in this regard.
70. As such the amended scheme now incorporates sufficient parking provision.

#### ***Impact on local services***

71. Lancashire County Council have requested a contribution of £228,563 towards primary places and £145,011 towards secondary school places. Although the comments of the Education Authority are noted part of this site is proposed to be allocated for housing development (49 new housing units) and as such was taken into account as part of the Council's housing land supply over the plan period which partly led the CIL charging schedule.
72. The previous approval on this site secured a commuted sum payment of £36,642.00 towards the provision of additional primary school places within a 3 mile radius of the site required as a consequence of the development. The intention of the CIL charging is to fund infrastructure that is needed as a result of development. The Council's CIL charging schedule includes funding for education provision and as such the additional school places required to accommodate the pupils generated by this development will be funded via the CIL charge attributed to this development. In the case of this site the 49 units identified as part of the Council's Housing Land Supply have extant planning permission which is not subject to CIL. CIL will be applicable on the additional houses, set out further below, which equates to a greater amount than previously secured on this site for education. As such there is the potential for a greater contribution to education than previously secured within this area through the CIL levy associated with this development.

#### ***Community Infrastructure Levy***

73. This is a full application and the CIL regulations specify that the fall back position of approved schemes can only be taken into account in respect of CIL when a S73 application is submitted. However it is considered that a pragmatic approach is appropriate given that the intention of CIL was never to retrospectively impose CIL charging on approved schemes. As such the extent of approved development is subtracted from the extent of proposed development and CIL is only charged on the uplift created by virtue of the proposed amendments.
74. As the fallback position is being taken into account in respect of CIL it is considered appropriate to tie this permission to the same time limit as the previous outline approval. The condition on the previous approval requires the following:

Before the development hereby permitted is first commenced, full details of all reserved matters (namely the siting, design, landscaping of the site and the external appearance of the dwellings) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

75. The date of the permission was 30 August 2013 and as such reserved matters would need to be submitted prior to 30<sup>th</sup> August 2016 which is just less than 2 years from now. As the fallback position has been taken into account this permission will only be for 2 years to tie into the extant consent at this site.

76. The previous approval on this site was outline with no floorspace indicated however the indicative Masterplan detailed a mix of 2, 3 and 4 bedroom dwellings on a moderate density for the size of the site.

77. To calculate the CIL levy on this site it is considered appropriate to work out the average floorspace across the whole site which based upon 7,433m<sup>2</sup> as proposed equates to 99.11m<sup>2</sup> per dwelling. As such the calculation is as follows:

75 dwellings (75x99.11)= 7433-  
49 dwellings (49x99.11)= 4856+  
5 detached garages (5x18)=90=

**Total = 2667m<sup>2</sup> chargeable floor space (or £173,355)**

78. The 2014 CIL Regulations do allow for affordable housing to be exempt from the CIL levy if the correct procedures are adhered to. As the original 10 affordable units have already been deducted as part of the originally approved 49 units this would only relate to the additional 8 units. The supporting information includes a floor space of 533 for the 8 affordable units which results in the following calculation

2667m<sup>2</sup> chargeable floor space-  
533m<sup>2</sup> for the affordable housing=

**Total = 2134m<sup>2</sup> chargeable floor space (or £138,710)**

79. The supporting information states that the former REMA building, which has been demolished, will be deducted from the CIL liability also. The 2014 CIL Regulations do allow for the gross internal area of any existing building(s) on the site to be demolished to be deducted from the final CIL liability provided it has been in continuous lawful use for six months of the previous 3 years. The onus is on the applicant or their agent to demonstrate lawful use by providing appropriate evidence such as Council Tax records or Business Rate documentation.

80. The extent of the floorspace to be deducted from the CIL liability is stated to be 1017m<sup>2</sup> (which would reduce the amount of liability by £66,105) however the CIL forms are clear that the deduction relates to gross internal floorspace **to be lost** by change of use or demolition. The application forms state the site is vacant and that works on site have not yet commenced and as such it is not considered that the demolition of the former REMA building forms part of this development and therefore should not be taken into account in terms of the level of CIL liability.

81. It is noted that a dangerous structure notice was submitted to the Council in December 2010 (13/00057/DEM) which related to the REMA building. As the current application was not submitted until July 2014 it is clear that the demolition was not a requirement of the current development.

82. As such the CIL liability associated with this development equates to £173,355 although if the affordable housing exemption is applied this will be reduced to take into account 8 affordable units. The previous REMA building cannot be used to offset the CIL liability at this site.

### **Ecology**

83. Due to the nature of the proposals and the proximity to Biological Heritage Sites the application is supported by an Ecological Assessment which has been reviewed by the Ecologist at LCC. The Ecologist originally commented that the following matters will need to be addressed before the application is determined:

*Clarification of potential impacts on European protected species (bats).*

84. The ecological assessment (paragraph 5.14) notes that several trees possess features suitable to support roosting bats, but that current proposals indicate these trees would not be affected. The Arboricultural Impact Assessment contradicts this however. If trees with

bat roost potential are to be removed to facilitate development, the presence or absence of bats must be established prior to determination.

85. In response to this the applicant's appointed ecological and arboricultural consultants, TEP, have undertaken a further site visit to survey the trees to ascertain whether the presence or absence of bats is likely. Two of the trees (T18 and T19) on the western boundary and a number of trees within Group G7 have features classifying the trees as Bat Conservation Trust Category 1. Additional bat surveys have therefore been undertaken.
86. The Ecological Assessment has been updated following further bat surveys on trees T18, T19 and G7 and this updated document has been reviewed by the Ecologist at LCC. The Ecologist has commented that the updated report indicates that the three poplar trees on the western boundary may provide roosting opportunities for bats, but there was no evidence to suggest that bats were present at the time of surveys. Precautionary measures are required to minimise the risk of an offence (impact on bats) during felling works. This can be secured by condition.
87. The updated report does not provide any further information in respect of lighting, merely re-stating that direct lighting of woodland and trees could affect bat behaviour and should therefore be avoided. The Ecologist considers that in order that Chorley Council can demonstrate, in the making of the planning decision, adequate engagement with the legislative protection afforded to bats she recommends that the Council should be satisfied that they can adequately control external lighting to avoid illumination of bat foraging and commuting habitat (trees, woodland edges, hedgerows, scrub, water bodies, etc). It is considered that this can be addressed by a prior commencement condition.
88. The Ecologist at LCC also commented that Chorley Council should also be satisfied that:
  - the proposed site layout can accommodate adequate replacement native tree planting (to compensate for the loss of 0.5ha of trees/ tree groups);
  - the Biological Heritage Site can be adequately buffered and protected from the adverse effects of development (construction and operation);
  - the development will not result in light pollution of retained trees, hedgerows and woodland edges. If lighting impacts cannot be avoided (trees with roost potential, woodland edges), then bat surveys should be carried out to establish bat activity and inform the need for mitigation and compensation.
89. In response to this the applicant's appointed Ecologist considers that the submitted Ecological Assessment, Arboricultural Impact Assessment and Detailed Planting Plans demonstrate how the application proposals will accommodate adequate replacement native tree planting.
90. In respect of the updated information the Ecologist at LCC has commented that the updated TEP report does not appear to provide any further information to demonstrate that adequate replacement planting would be delivered. The ecologist has confirmed that it remains the case that Chorley Council should be satisfied that adequate retention/ replacement planting is secured to offset losses. The TEP report indicates that the proposals "could" strengthen the BHS by incorporating a planting strip (paragraph 5.22); recommends a new mixed species native hedgerow should be planted to compensate for the loss of dense scrub (paragraph 5.23); and additional enhancements should be incorporated (paragraph 5.24).
91. Although it is not clear that any of these proposals are implemented in the proposed layout the Ecologist considers that these measures are all appropriate and as such will be secured by condition.
92. The Ecologist at LCC is satisfied that the following ecological impacts can be addressed by condition:

- Any necessary and approved mitigation measures for impacts on bats/ bat roosts shall be implemented in full.
- The submission of a scheme of mitigation measures (Reasonable Avoidance Measures) for amphibians.
- Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections by a suitably qualified/ experienced individual.
- The submission of a mitigation/compensation scheme for impacts on Darlington Sidings and Clancutt Brook Biological Heritage Site.
- The submission of a scheme of landscaping, the scheme shall demonstrate adequate replacement planting to offset the loss of 0.5ha of scrub/ tree groups, native species buffering between the Local Site (Biological Heritage Site) and the development (a mixed species native hedgerow would be appropriate), maintenance and enhancement of habitat connectivity (boundary hedgerows, but also permeable boundary treatments – fences and walls to allow passage of wildlife).
- The submission of a scheme of external site lighting to demonstrate avoidance of light pollution (increase in artificial illumination) of wildlife habitats.
- All trees being retained in or adjacent to the application area to be adequately protected during construction.

93. Following a recent high court decision 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.

94. It is considered that a favourable conservation status of protected species at the site will be retained and secured by appropriate conditions. The site is an allocated housing site within the emerging Local Plan and as such forms part of the Council's housing land supply over the plan period. It is considered that appropriate mitigation can be secured by condition to address the impact of the development.

### **Trees**

95. The application site area occupies a larger site area than the previous approval on this site and the housing allocation. The application site now includes land which is vegetated and contains trees and as such the application is supported by an Arboricultural Impact Assessment. A total of 20 individual trees (T1 - T20) and 14 groups (G1 - G14) were surveyed and categorised in respect of the quality of the trees.

96. The Assessment identifies that the trees on the north west periphery and northern portion of the site require removal to facilitate the development (T14, T15, T16, T17, T18, T19 T20, G4 (part), G5 (part), G6, G7, G8, G9, G10, G11) however only 8 of these trees (T14 and 7 trees included in G4) are categorised as moderate quality with the rest being low quality trees.

97. The Council's Tree Officer has reviewed the proposals and made the following comments:

Removal required to facilitate the development:

#### *Tree Category B*

- T14 Mature Goat Willow, good condition, no visible defects.

#### *Category C*

- T15 Middle Aged Hawthorn, low vigour, fence inclusion.
- T17 Middle Aged Hawthorn, good condition no visual defects.
- T20 Middle Aged Hawthorn, good condition, shrubby form.
- Group 5 consisting of Elder, Hawthorn, Goat Willow, Hazel, Ash. Middle aged, fair condition, self-set regeneration.
- Group 6 consisting of Lombardy Poplar, Middle aged, fair/poor condition although some trees have defects, poor branch attachments, several branch failures, several cracks and cavities throughout the group.
- Group 7, Lombardy Poplar, mature. Previous branch failures with poor regrowth, several major cavities and large stem wounds.
- G8 consisting of young/middle aged Goat Willow and Hawthorn. Self-set, low shrubby form.
- Group 9 Goat Willow, middle aged, dense group, multi stemmed, shrubby form, self-set.
- Group 10, consisting of Goat Willow, silver Birch, young/middle aged, self -set, low shrubby form, no visual defects.
- G11 Goat Willow, Silver Birch, Ash. Young/middle aged.

*Category U trees (Trees with irremediable defects and anticipated early loss due to collapse, dead trees or those in immediate decline and those with infectious pathogens that threaten other trees.)*

- T16 Middle aged Hawthorn, low vigour, sparse crown, deadwood throughout the crown.
  - T18 Mature Lombardy Poplar, sever basal cavity, large stem wounds, sparse crown.
  - T19 Mature Lombardy Poplar, sever basal cavity from base to 3m, sparse crown.
98. The Tree Officer recommends that the tree works are approved as per the Arboricultural Assessment to Tree Groups: G4(part), G5(part), G6, G7, G8, G9, G10 and recommends retention of 5 Silver Birch trees and retention of eastern most boundary trees along railway fencing to form barrier between dwellings and railway. These trees however are category C trees which are categorised as being low quality. It is not appropriate to protect such trees although the landscaping condition will require tree planting along the railway boundary to mitigate for the loss of trees on the site.
99. Conditions will be attached to the recommendation requiring mitigation in respect of the loss of trees and scrub to mitigate for the loss of the higher quality trees.
100. A number of the trees around the southern pond are identified for retention and are moderate/ higher quality. These trees offer a valuable amenity value to the area and given they are close to the proposed sewer easement the higher quality trees detailed as being retained will be protected by virtue of a TPO.

#### ***Drainage, Flooding & Ground Contamination***

101. The application was originally submitted with a Flood Risk Assessment (FRA) and concept drainage strategy. The Environment Agency however originally commented that the application lies within Flood Zone 1 defined as having a low probability of flooding although the site area exceeds 1 hectare and as such is required to be accompanied by a suitable FRA.
102. The village of Croston and the surrounding area, which flooded twice in 2012, is located downstream of this development and the Environment Agency are currently investing in a multi-million pound flood alleviation scheme. The Agency identified specific issues with the originally submitted FRA which required further information in order to ensure that flood risk is not increased downstream of the development, and to ensure the effectiveness of the flood alleviation scheme now and in the future.
103. Following receipt of these comments an amended Flood Risk Assessment was submitted which has been reviewed by the Environment Agency (EA). The EA have confirmed that they are satisfied that the proposed development would be safe and that it

would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. Appropriate conditions will be attached in this regard.

104. United Utilities have no objection to the proposals subject to a condition in respect of the submission of details of the foul and surface water infrastructure.
105. Due to past processes and activities at the above site, there is a potential for ground contamination. The application is supported by a Phase I and Phase II Geo-Environmental Site Investigation and a Remediation Strategy (REC Ref: 44209P4R0).
106. The Council's Waste and Contaminated Land Officer is satisfied with the submitted strategy however the Environment Agency (EA) have commented that the site is located in a sensitive location with respect to protection of surface water quality with two tributaries of Clancutt Brook issuing within 30 metres of the site. Therefore surface waters are considered to be the primary controlled waters receptor for this site.
107. The site investigation has found that shallow groundwater on the site has been contaminated with metallic contaminants and to a lesser extent some petroleum hydrocarbons. The hydrocarbons are of heavier end oils and therefore are not likely to present a significant risk of migration to nearby surface waters. However, the EA consider that the metal contamination found in shallow groundwater on the site warrants further assessment. Due to the above concerns regarding the assessment of risk to surface water quality the EA has recommended a condition which will be attached to the recommendation.

#### **Noise**

108. The proposed development now involves taking the residential development in close proximity to the railway line. The proposed development will also be sited in close proximity to the existing commercial operators and as such the proposals are supported by a Noise & Vibration Impact Assessment. The assessment concludes that in order to control noise within residential dwellings along the eastern site boundary, the boundary with the railway upgraded glazing and window-mounted trickle ventilators are recommended. The trickle ventilator should be combined with a Mechanical Extract Ventilator (MEV) or Passive Extract Ventilator (PEV) system. This can be addressed by condition.
109. This assessment has been reviewed by the Council's Environmental Health Team who have commented the report seeks to make an assessment of the impact of several noise sources (rail traffic and commercial noise) and vibration from the railway line.
110. Measurement of the commercial noise was undertaken between 06:55hrs and 09:55hrs on Friday the 11th July and , at that time comprised, 'occasional noise' from the enterprise centre and movements of a HGV delivery vehicle on the car park. There appears to be no mention of noise from cars using the enterprise centre car park unless this is the 'occasional noise. The Officer does have slight concerns over how representative this actually is, as it is unclear whether Friday's a 'quiet' or a 'noisy' days?
111. The Officer has commented that consideration should be given to the likelihood for new businesses to occupy the enterprise centre which has the potential to give rise to increased levels of noise however, at this stage, accurate predictions of this would be difficult. At this stage it is not possible to predict noise generation from potential future occupiers of the Mill however the future house owners will be fully aware of the proximity of the Mill when deciding whether to purchase a dwelling.
112. The submitted report identifies that, with regards to rail noise for dwellings 'at least' 30m from the centre of the rail noise, with windows open that the required internal target noise levels will be exceeded. The report goes on to recommend that the mitigation measure is to provide an alternative ventilation scheme which does not require the opening of any windows. The Officer has commented that whilst this does appear to be a suitable means of achieving the required acoustic internal targets (according to the



report) consideration should be given to the occupants of the affected rooms and thermal comfort.

113. The Officer has commented that the proposed ventilation systems provide ventilation but during warm summer weather external noise levels may take away the choice of the occupant of the dwelling to purge ventilate rooms for thermal comfort.
114. The Officer has advised that I would suggest that a more suitable way forward would be to install mechanical ventilation systems with a boost function to provide additional comfort ventilation.
115. The report does not provide clarification of the number of properties which would be subject to higher noise levels and as such would require the necessary mitigation measures however this can be adequately addressed by condition.

### **Impact on the Listed Building**

116. The application site is immediately adjacent to Coppull Ring Mill, now known as Coppull Enterprise Centre, which is a grade II listed building and is thereby defined as a designated heritage asset by Annex 2 to the Framework (National Planning Policy Framework).
117. Paragraphs 129, 132, 133 and 134 of the Framework are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the emerging Chorley Local Plan 2012 – 2026.
118. Within the Framework paragraph 129 states that, *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'*
119. Paragraph 132 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*
120. Paragraph 133 states, *'Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:  
The nature of the heritage asset prevents all reasonable uses of the site; and  
No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and  
Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and  
The harm or loss is outweighed by the benefit of bringing the site back into use.'*
121. Paragraph 134 states, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

122. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by: Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*
123. The emerging Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate. The enhancement of the setting of heritage assets.'*
124. The Council's Conservation Officer has reviewed the proposals and has commented that the area immediately to the north was until recently occupied by an industrial contractor who filled the area with unsightly scrap metal and industrial storage tanks awaiting refurbishment. In the Officer's opinion these caused substantial harm to the setting on the designated heritage asset by introducing visual blight to the area. The area to the west was previously occupied by another mill, Mavis Mill, that was demolished in the latter part of the 20<sup>th</sup> Century and that part of the site has been left vacant and disused until the present day.
125. The Conservation Officer considers that the proposed development, particularly to the north of the designated heritage asset, enhances its setting by removing the industrial blight from the scene and by deriving the optimum use of the land. The Officer considers that the proposed development will sustain the significance of the designated heritage asset although the following suggestions are included within the officers comments:
- The relationship with the heritage asset would be improved if the house types proposed immediately next to the listed building were all of the Yare type, which would more closely resemble the typical terraced housing found to the south of the site on Mill Lane. Could plots 43, 44 and 45 be swapped for four Yare properties instead and other 'affordable' units be swapped for other house types elsewhere on the site?
  - The boundary treatment between the listed building and the site adjacent to plots 45 and the adjacent Yare properties should be kept open to emulate the typical traditional relationship between a mill and its workers dwellings.
126. In response to these requests the plans have been amended to swap the location of plots 45 and 46 with plot 44. This change results in a scheme which is more complementary to the Coppull Enterprise Centre building. The 1.8m high boundary adjacent to the Enterprise Centre has been replaced with metal railings. In respect of these changes the Conservation Officer is now happy with the proposed scheme.

### **Sustainability**

127. Policy 27 of the Adopted Central Lancashire Core Strategy states that all dwellings will be required to meet Level 4 of the Code for Sustainable Homes from January 2013. This increases to Level 6 in 2016.
128. The Policy also states that subject to other planning policies, planning permission for new built development will only be granted on proposals for 5 or more dwellings where all of the following criteria are satisfied:
- (a) Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;

(b) Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures,

or

appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%;

(c) Appropriate storage space is to be provided for recyclable waste materials and composting;

(d) If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.

129. As the proposed development exceeds 5 dwellings both parts of the Policy will need to be satisfied in respect of the proposals. This is typically addressed by condition however in respect of the uplift the Code 6 in 2016 the supporting information includes the following:

*The Parliamentary Under Secretary of State for Communities and Local Government (Stephen Williams) produced a Written Ministerial Statement regarding Building Regulations, which was published on 13 March 2014, setting out the outcome of the housing standards review. The technical housing standard review was launched in October 2012 following the housing and construction Red Tape Challenge, introduced in Spring 2012.*

*The Government is committed to consolidating necessary standards into the Building Regulations during this Parliament. Draft regulations and technical standards will be published in the summer, with necessary statutory regulations and supporting approved documents coming into force at the turn of the year. The requirements for the Code for Sustainable Homes will be consolidated into Building Regulations, which would require substantial changes to the content of the current Code, as well as a reconsideration of its role. In light of this, the Government has suggested that the current Code will need to be wound down to coincide with the changes incorporating the new standards coming into force.*

*Given the commitment by Government to wind down the current Code and consolidate into Building Regulations, this application proposes that the development is built to Code Level 4 in accordance with Central Lancashire Core Strategy Policy 27. It is considered too premature for the Council to impose Code Level 6 within any Condition, for development which is started after 1 January 2016, when Government has indicated that changes to the Code for Sustainable Homes are imminent.*

*It is not practical, nor viable to provide Code Level 6 on this development.*

*In summary, the application proposals are to be built to Code Level 4 and an attached planning condition on any associated planning permission should refer to a blanket requirement for Code Level 4.*

130. It is acknowledged that changes to Building Regulations and the Code have been suggested over the past few years however nothing has been published to date even though documents were supposed to be published in the summer.

131. The supporting information states that it is not practical, nor viable to provide Code 6. The preamble to Policy 27 allows for variations in the requirements, if demonstrated on viability grounds, and in this regard a financial viability assessment to demonstrate that Code 6 would render the scheme unviable has been submitted. This assessment is being

reviewed by the Council's Property Services Section whose comments will be provided on the addendum.

### **Car Park Upgrading**

132. As part of the previous application the applicant advised that a legal agreement between Tatton Estates and Bizspace was being drawn up to oblige the applicant to upgrade the existing car park. This was to ensure that the existing car park is upgraded and made more user friendly to existing and proposed users of the Enterprise Centre.

### **Overall Conclusion**

133. The acceptability of the principle of the residential development of this site has been established by the grant of outline planning permission. The access to the site and level of traffic it would generate is also considered to be acceptable by LCC (Highways). The relationship between the development and the Grade II Listed Mill is considered to be an acceptable one and there are also no concerns in terms of the ecological impact of the development. On this basis, it is recommended that planning permission be granted subject to the signing of a S106 legal agreement that will secure on site affordable housing and contributions to open space.

### **Planning Policies**

134. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

### **Planning History**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
04/01289/CLEUD	Certificate of Lawful Use in respect of an existing use of a compound for storage of bottled gas.	Refused	November 2004
04/00933/FUL	Extension of existing compound using a concrete post and chainlink fence, and installation of a skid pan mounted Autogas unit.	Refused	February 2007
04/00834/CTY	To construct a temporary stone access with chain link mesh gate.	No objection	
10/00735/OUTMAJ	Outline planning application for the erection of a residential development with associated access arrangements	Approved	August 2013

### Suggested Conditions

No.	Condition																																																																				
1.	<p>The proposed development must be begun not later than two years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>																																																																				
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 591 1214 2033"> <thead> <tr> <th data-bbox="368 591 584 651">Title</th> <th data-bbox="584 591 791 651">Plot</th> <th data-bbox="791 591 1002 651">Drawing Reference</th> <th data-bbox="1002 591 1214 651">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 651 584 712">Site Layout Plan</td> <td data-bbox="584 651 791 712"></td> <td data-bbox="791 651 1002 712">100-002 Rev L</td> <td data-bbox="1002 651 1214 712">15th October 2014</td> </tr> <tr> <td data-bbox="368 712 584 837">Materials Layout &amp; Boundary Treatment Plan</td> <td data-bbox="584 712 791 837"></td> <td data-bbox="791 712 1002 837">Mat/001 REV B</td> <td data-bbox="1002 712 1214 837">8th October 2014</td> </tr> <tr> <td data-bbox="368 837 584 898">Site Location Plan</td> <td data-bbox="584 837 791 898"></td> <td data-bbox="791 837 1002 898">LP/001</td> <td data-bbox="1002 837 1214 898">8th July 2014</td> </tr> <tr> <td data-bbox="368 898 584 958">1200mm high railings plain</td> <td data-bbox="584 898 791 958"></td> <td data-bbox="791 898 1002 958">SD/RAIL 2</td> <td data-bbox="1002 898 1214 958">8th October 2014</td> </tr> <tr> <td data-bbox="368 958 584 1061">Yare House Type (203-2B/3P/657)</td> <td data-bbox="584 958 791 1061">40/ 41/ 42/ 43/ 64/ 65/ 66/ 67/ 68/ 69</td> <td data-bbox="791 958 1002 1061">2038013 rev A</td> <td data-bbox="1002 958 1214 1061">8th July 2014</td> </tr> <tr> <td data-bbox="368 1061 584 1144">Nevis House Type (301-3B/4P/754)</td> <td data-bbox="584 1061 791 1144">54/ 55/ 56/ 57/ 58/ 59/ 60/ 61</td> <td data-bbox="791 1061 1002 1144">3018013</td> <td data-bbox="1002 1061 1214 1144">8th July 2014</td> </tr> <tr> <td data-bbox="368 1144 584 1205">1.8m High Screen Wall</td> <td data-bbox="584 1144 791 1205"></td> <td data-bbox="791 1144 1002 1205">SD/ED/SW1</td> <td data-bbox="1002 1144 1214 1205">8th July 2014</td> </tr> <tr> <td data-bbox="368 1205 584 1308">Tolkien House Type (305-3B/5P/892)</td> <td data-bbox="584 1205 791 1308">70/ 71/ 72/ 73</td> <td data-bbox="791 1205 1002 1308">3058013 Rev A</td> <td data-bbox="1002 1205 1214 1308">8th July 2014</td> </tr> <tr> <td data-bbox="368 1308 584 1391">Darwin House Type (307-3B/5P/921)</td> <td data-bbox="584 1308 791 1391">1/ 5/ 11</td> <td data-bbox="791 1308 1002 1391">3078013 Rev A</td> <td data-bbox="1002 1308 1214 1391">8th July 2014</td> </tr> <tr> <td data-bbox="368 1391 584 1494">Orwell House Type (309-3B/5P/960)</td> <td data-bbox="584 1391 791 1494">8/ 13/ 16/ 19/ 30/ 35/ 47</td> <td data-bbox="791 1391 1002 1494">3098013 Rev B</td> <td data-bbox="1002 1391 1214 1494">8th July 2014</td> </tr> <tr> <td data-bbox="368 1494 584 1576">Kipling House Type (310-3B/5P/1027)</td> <td data-bbox="584 1494 791 1576">50/ 51/ 62/ 63/ 74/ 75</td> <td data-bbox="791 1494 1002 1576">3108013 Rev A</td> <td data-bbox="1002 1494 1214 1576">8th July 2014</td> </tr> <tr> <td data-bbox="368 1576 584 1680">Greene House Type (402-4B/6P/1073)</td> <td data-bbox="584 1576 791 1680">4/ 7/ 12/ 27/ 28/ 33/ 46 53</td> <td data-bbox="791 1576 1002 1680">4028013 Rev B</td> <td data-bbox="1002 1576 1214 1680">8th July 2014</td> </tr> <tr> <td data-bbox="368 1680 584 1805">Rolland House Type (403-4B/6P/1086)</td> <td data-bbox="584 1680 791 1805">2/ 9/ 10/ 17/ 18/ 20/ 21/ 34/ 35/ 38/ 39/ 44/ 45/ 48/ 49</td> <td data-bbox="791 1680 1002 1805">4038013 Rev A</td> <td data-bbox="1002 1680 1214 1805">8th July 2014</td> </tr> <tr> <td data-bbox="368 1805 584 1888">Travers House Type (410-4B/6P/1258)</td> <td data-bbox="584 1805 791 1888">22/ 25/ 31/ 37</td> <td data-bbox="791 1805 1002 1888">4108013 Rev B</td> <td data-bbox="1002 1805 1214 1888">8th July 2014</td> </tr> <tr> <td data-bbox="368 1888 584 1971">Buchan House Type (411-4B/6P/1264)</td> <td data-bbox="584 1888 791 1971">32/ 52</td> <td data-bbox="791 1888 1002 1971">4118013 Rev A</td> <td data-bbox="1002 1888 1214 1971">8th July 2014</td> </tr> <tr> <td data-bbox="368 1971 584 2033">Crompton</td> <td data-bbox="584 1971 791 2033">3/ 6/ 14/ 15/</td> <td data-bbox="791 1971 1002 2033">4138013 Rev</td> <td data-bbox="1002 1971 1214 2033">8th July 2014</td> </tr> </tbody> </table>	Title	Plot	Drawing Reference	Received date	Site Layout Plan		100-002 Rev L	15th October 2014	Materials Layout & Boundary Treatment Plan		Mat/001 REV B	8th October 2014	Site Location Plan		LP/001	8th July 2014	1200mm high railings plain		SD/RAIL 2	8th October 2014	Yare House Type (203-2B/3P/657)	40/ 41/ 42/ 43/ 64/ 65/ 66/ 67/ 68/ 69	2038013 rev A	8th July 2014	Nevis House Type (301-3B/4P/754)	54/ 55/ 56/ 57/ 58/ 59/ 60/ 61	3018013	8th July 2014	1.8m High Screen Wall		SD/ED/SW1	8th July 2014	Tolkien House Type (305-3B/5P/892)	70/ 71/ 72/ 73	3058013 Rev A	8th July 2014	Darwin House Type (307-3B/5P/921)	1/ 5/ 11	3078013 Rev A	8th July 2014	Orwell House Type (309-3B/5P/960)	8/ 13/ 16/ 19/ 30/ 35/ 47	3098013 Rev B	8th July 2014	Kipling House Type (310-3B/5P/1027)	50/ 51/ 62/ 63/ 74/ 75	3108013 Rev A	8th July 2014	Greene House Type (402-4B/6P/1073)	4/ 7/ 12/ 27/ 28/ 33/ 46 53	4028013 Rev B	8th July 2014	Rolland House Type (403-4B/6P/1086)	2/ 9/ 10/ 17/ 18/ 20/ 21/ 34/ 35/ 38/ 39/ 44/ 45/ 48/ 49	4038013 Rev A	8th July 2014	Travers House Type (410-4B/6P/1258)	22/ 25/ 31/ 37	4108013 Rev B	8th July 2014	Buchan House Type (411-4B/6P/1264)	32/ 52	4118013 Rev A	8th July 2014	Crompton	3/ 6/ 14/ 15/	4138013 Rev	8th July 2014
Title	Plot	Drawing Reference	Received date																																																																		
Site Layout Plan		100-002 Rev L	15th October 2014																																																																		
Materials Layout & Boundary Treatment Plan		Mat/001 REV B	8th October 2014																																																																		
Site Location Plan		LP/001	8th July 2014																																																																		
1200mm high railings plain		SD/RAIL 2	8th October 2014																																																																		
Yare House Type (203-2B/3P/657)	40/ 41/ 42/ 43/ 64/ 65/ 66/ 67/ 68/ 69	2038013 rev A	8th July 2014																																																																		
Nevis House Type (301-3B/4P/754)	54/ 55/ 56/ 57/ 58/ 59/ 60/ 61	3018013	8th July 2014																																																																		
1.8m High Screen Wall		SD/ED/SW1	8th July 2014																																																																		
Tolkien House Type (305-3B/5P/892)	70/ 71/ 72/ 73	3058013 Rev A	8th July 2014																																																																		
Darwin House Type (307-3B/5P/921)	1/ 5/ 11	3078013 Rev A	8th July 2014																																																																		
Orwell House Type (309-3B/5P/960)	8/ 13/ 16/ 19/ 30/ 35/ 47	3098013 Rev B	8th July 2014																																																																		
Kipling House Type (310-3B/5P/1027)	50/ 51/ 62/ 63/ 74/ 75	3108013 Rev A	8th July 2014																																																																		
Greene House Type (402-4B/6P/1073)	4/ 7/ 12/ 27/ 28/ 33/ 46 53	4028013 Rev B	8th July 2014																																																																		
Rolland House Type (403-4B/6P/1086)	2/ 9/ 10/ 17/ 18/ 20/ 21/ 34/ 35/ 38/ 39/ 44/ 45/ 48/ 49	4038013 Rev A	8th July 2014																																																																		
Travers House Type (410-4B/6P/1258)	22/ 25/ 31/ 37	4108013 Rev B	8th July 2014																																																																		
Buchan House Type (411-4B/6P/1264)	32/ 52	4118013 Rev A	8th July 2014																																																																		
Crompton	3/ 6/ 14/ 15/	4138013 Rev	8th July 2014																																																																		

	House Type (413-4B/7P/1341)	23/ 24/ 26/ 29	A	
	Twin Garage	1/ 2/	mh/tg/001	15th October 2014
	Single Garage	5/ 33/ 52	Mh/sg/001	15th October 2014
	Reason: For the avoidance of doubt and in the interests of proper planning			
3.	The external facing materials, detailed on the approved plans, shall be used and no others substituted without the prior written consent of the Local Planning Authority  Reason: To ensure that the materials used are visually appropriate to the locality.			
4.	The detached and integral garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation. Reason: To ensure adequate off street parking provision is maintained and thereby avoid hazards caused by on-street parking.			
5.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwellings on plots 1, 2, 9, 44-53 (inclusive), 56 and 57 shall be erected other than those expressly authorised by this permission. Reason: In the interests of neighbour amenity and to ensure the amenities of the existing and future residents are protected in the future.			
6.	No dwelling on plots 8/ 13/ 16/ 19/ 30/ 35/ 47 (Orwell House Type), 4/ 7/ 12/ 27/ 28/ 33/ 46 53 (Greene House Type), 22/ 25/ 31/ 37 (Travers House Type), 3/ 6/ 14/ 15/ 23/ 24/ 26/ 29 (Crompton House Type) hereby permitted shall be occupied until garden sheds have been provided in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. The garden sheds shall be retained in perpetuity thereafter. Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets			
7.	During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.  Reason: To safeguard the trees to be retained			
8.	The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans  Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.			
9.	Notwithstanding the submitted details a scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development (excluding site preparation works). 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, those			

	<p>areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels and means of enclosure. The scheme shall demonstrate adequate replacement planting to offset the loss of 0.5ha of scrub/ tree groups, native species buffering between the Local Site (Biological Heritage Site) and the development (a mixed species native hedgerow would be appropriate), new tree planting along the railway line, maintenance and enhancement of habitat connectivity (boundary hedgerows, but also permeable boundary treatments – fences and walls to allow passage of wildlife). The scheme should include a landscaping/habitat creation and management plan which should demonstrate enhancement of biodiversity. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>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.</p> <p>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development, to ensure maintenance of biodiversity in accordance with Framework, e.g. paragraphs 61, 118; treatment of a Local Designated Site in accordance with Framework paragraphs 109, 117; maintenance of habitat and habitat connectivity for protected species and species listed under section 41 of the NERC Act 2006 and to secure a high quality design</p>
10.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>
11.	<p>All dwellings commenced after 1st January 2013 will be required 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 or in accordance with the national standard in place at the time of construction which has first been agreed in writing by the Local Planning Authority. 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.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
12.	<p>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 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
13.	<p>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 submitted to the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the</p>

	development
14.	<p>Prior to the commencement of the development 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. The approved measures shall be implemented in accordance with the approved details and retained in situ thereafter.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
15.	<p>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.</p> <p>Reason: Please note it is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
16.	<p>No development shall take place, including any works of demolition, 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:</p> <ol style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. wheel washing facilities</li> <li>v. measures to control the emission of dust and dirt during construction</li> <li>vi. a scheme for recycling/disposing of waste resulting from construction works</li> <li>vii. vehicle routing to the site</li> <li>ix. the proposed temporary closing of any roads or streets.</li> </ol> <p>Reason: in the interests of highway safety and to protect the amenities of the nearby residents.</p>
17.	<p>The construction works (including deliveries) associated with the development hereby permitted shall not take place except between the hours of:</p> <ul style="list-style-type: none"> <li>• 0800 to 1800 Monday to Friday</li> <li>• 0800 to 1300 on Saturdays.</li> </ul> <p>No construction activities or deliveries shall take place on Sundays or Public and Bank Holidays. Reason: To safeguard the amenities of local residents and to protect nearby noise sensitive buildings</p>
18.	<p>Notwithstanding the details shown on the submitted plans, the private driveway/hardsurfacing areas to the front of the all the dwellinghouses shall be</p>



	<p>constructed using pervious paving subject to suitable ground conditions. Where ground conditions are not suitable for infiltration then underdrained pervious paving shall be utilised. Prior to the commencement of the development full details of the proposed solution for the driveways shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety and to prevent flooding</p>
19.	<p>Prior to the commencement of the development details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.</p> <p>Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.</p>
20.	<p>Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.</p> <p>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</p>
21.	<p>If any plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) occur on the site, such as Himalayan balsam, Japanese knotweed, rhododendron and giant hogweed, then they shall be eradicated from the site and working methods shall be adopted to prevent their Spread in accordance with Environment Agency guidance and codes of practice.</p> <p>Reason: to ensure the eradication and control of any invasive species which are found on the site</p>
22.	<p>Prior to the commencement of the development a scheme of mitigation measures (Reasonable Avoidance Measures) for amphibians (great crested newt, common toad) shall be submitted and approved in writing by the Local Planning Authority. The agreed measures thereafter shall be implemented in full.</p> <p>Reason: amphibians are known to be present in the wider area. Although habitats on site are largely unsuitable to support amphibians, and the development will not therefore result in significant impacts on a population, measures are required to avoid impacts to individuals (killing, injuring) during works; measures outlined in paragraphs 5.9 – 5.12 of the ecology report are not sufficiently detailed or comprehensive to be implemented. These measures are required for the avoidance of breach of Conservation of Habitats and Species Regulations 2010 (as amended), compliance with duty under section 41 NERC Act 2006</p>
23.	<p>No site clearance, site preparation or development work shall take place until a mitigation/compensation scheme for impacts on Darlington Sidings and Clancutt Brook Biological Heritage Site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full thereafter.</p> <p>Reason: the development is immediately adjacent to a Biological Heritage Site (Local Site); measures are required for protection during construction and operation; compliance with NPPF paragraphs 109, 117</p>
24.	<p>No site clearance, site preparation or development works shall take place until a scheme of external site lighting has been submitted to and approved in writing by the Local Planning Authority, and subsequent implementation in full. The scheme shall demonstrate avoidance of light pollution (increase in artificial illumination) of</p>

	<p>wildlife habitats including boundary hedgerows, woodlands and woodland edges, trees with bat roost potential and water bodies. The scheme shall be in accordance with guidance issued by the Bat Conservation Trust and Institute of Lighting Engineers.</p> <p>Reason: to ensure avoidance of impacts on European protected species (bats) and their habitat; compliance with NPPF paragraph 125</p>
25.	<p>No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
26.	<p>Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 44.9l/s. The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding</p>
27.	<p>The development hereby permitted shall only be carried out in accordance with the approved FRA (Ref: ELLUC-MH-297-180913-FRA-F1, dated September 2014) and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> <li>1. Limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.</li> <li>2. Surface water is discharged to the United Utilities surface water network at the agreed rate of 44.9 litres per second.</li> </ol> <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>REASON</p> <ol style="list-style-type: none"> <li>1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</li> <li>2. To reduce the risk of flooding to the proposed development and future occupants.</li> </ol>
28.	<p>No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:</p> <ol style="list-style-type: none"> <li>1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> <li>• all previous uses</li> <li>• potential contaminants associated with those uses</li> <li>• a conceptual model of the site indicating sources, pathways and receptors</li> <li>• potentially unacceptable risks arising from contamination at the site.</li> </ul> </li> </ol>

	<p>2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason: To ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
29.	<p>Any trees which are felled which have been identified as having bat roost potential (T18, T19, G7) shall be undertaken through soft felling under the supervision of a licensed bat ecologist. The works shall be undertaken during September/October or April.</p> <p>Reason: in the interests of ensuring that bat roosts are not adversely affected by the proposed development</p>
30.	<p>Prior to the commencement of the development full details of the mechanical ventilation systems, with a boost function, to be installed within the dwellings, hereby approved, which will be subject to higher noise levels in respect of the railway shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a supplemental Noise &amp; Vibration Impact Assessment which demonstrates which properties will be subject to higher noise levels. The approved system shall thereafter be installed within the affected properties identified within the supplemental report.</p> <p>Reason: In the interest s of the amenities of the future residents, to ensure that no undue loss of amenity is created in respect of noise from the railway and to ensure that suitable comfort ventilation is provided for the future residents.</p>