

Item A. 1 **05/00394/OUTMAJ** **Outline App Permitted with Legal Agmnt**

Case Officer **Mr David Stirzaker**

Ward **Chorley North East**

Proposal **Proposed mixed use development of mainly B1, B2 and B8 use classes with site entrance allocated for C1 & A4 use classes**

Location **Land Between M61 Motorway And Leeds And Liverpool Millennium Way Chorley Lancashire**

Applicant **Ivor Farnworth**

Proposal: Members will recall that this application was originally reported to Development Control Committee on the 6th March 2006 wherein it was resolved to grant planning permission subject to the conditions and a legal agreement to secure a contribution to improve accessibility of the site and that the end users enter into a Travel Plan.

The reason why the application is being reported to Development Control Committee again is because ownership of a large portion of the site has recently changed hands and the new owner of the site wishes to amend the application by reducing the overall site area. In effect, the applicant is seeking outline planning permission on a reduced site area reflective of the land purchased.

Members will recall that the application is in outline format and proposes a mixed-use development of mainly B1 (Offices & Light Industry), B2 (General Industry) and B8 (Warehousing & Distribution) use classes with site entrance allocated for C1 (Hotels) & A4 (Pubs & Bars) use classes.

Access to the site remains as per the previous approval from the A674 roundabout that has already been constructed and adopted by the Local Highways Authority. A section of the access road has already been constructed. It is proposed to remove the part that has temporary permission and construct a new road that serves all the proposed development and the existing Mill beyond.

As this application is submitted in outline form, all matters are reserved except for access although detailed permission has already been granted (subject to the legal agreement) for the two industrial units (05/00393/FULMAJ) and the office building (05/00392/FULMAJ).

Site: The site comprises part of the land between the M61 Motorway and the Leeds and Liverpool Canal to the north of Botany Bay Mill. The northern boundary is the A674 (Millennium Way) from which access is gained from the existing roundabout. The reduced site area extends to approximately 4.2 hectares in total.

The reduced site area for which outline planning permission is now being sought is the same as per the previous site area save

for the omission of the portion of land furthest south. The omitted area of land comprises of the land, which is bounded to the northeast by the public footpath crossing the site, the canal to the east, Botany Bay to the south and the M61 to the west.

Background:

Members will also recall that two applications were considered at an earlier Development Control Committee meeting in 2006 on the 14th February for the following two proposals:

Ref: 05/00392/FULMAJ

Proposal: Erection of two storey office unit with associated car parking - this application relates to the north eastern corner of parcel C shown on the outline application site plan.

Ref: 05/00393/FULMAJ

Proposal: Erection of 2 single storey industrial units with associated service yards and car parking - this application relates to the northern portion of parcel B shown on the outline application site plan.

These applications were resolved to be approved subject to the conditions and a legal agreement to secure a contribution to improve the accessibility of the site and that the end users enter into a Travel Plan. The legal agreement encompasses all three applications referred to herein.

Until recently, all three of the above applications have been pending the Section 106 agreement hence no decision has been issued. However, as the ownership of the site has changed hands, and the reduced site area plan submitted, instructions have now been sent to Legal Services to draft the said legal agreement, as the applicant is keen to progress the development of the site.

The reduced outline application site area still covers a large proportion of the site allocated under Policy EM1.9 (5.85 hectares in total). As previously stated, the outline application only includes details of access (effectively via the existing access road). Whilst originally a set of illustrative material had been included (plans and elevations of some of the buildings) this was subsequently been withdrawn and no indicative siting is now shown, only the three parcels A, B and C. In addition a Transport Assessment (and Travel Plan), an Ecological Assessment and a Design Statement have also been submitted.

All previously submitted supporting information still accompanies the application. This includes a transport assessment, a sequential approach for the development of the site for the offices, public house and hotel outside the town centre as well as an ecological assessment. A design statement also supports the rationale behind the form of the building and design principles.

Planning History:

In addition to the recent applications referred to above, there has been a previous outline planning permission for the redevelopment of the site, under reference 97/00247/OUT. This decision gave permission for a business and leisure development, including offices, research and development, light industry, general industry, distribution and warehousing, pubs and restaurants, hotel and leisure. However, no reserved matters were ever submitted. The permission has never been

implemented and it has now lapsed as the period of time for submission of reserved matter has expired.

A series of temporary planning permissions has been granted for the access road into the site serving the existing Mill, references 00/00237/FUL, 01/00173/FUL, 02/00312/FULMAJ, 03/00076/FULMAJ, 04/00116/FULMAJ, and 05/00207/FULMAJ. A further application was permitted last year to extend the consent for a further year, reference 06/00045/FULMAJ.

Development Plan: Given the site has already been granted outline planning permission; the principle of the proposal is acceptable. Nonetheless, it is considered necessary to reiterate to Members the assessment of the proposal against the requisite Policies of the Development Plan, which is detailed below.

The site is allocated in the Chorley Borough Local Plan Review 2003 for employment purposes by policy EM1, which states:

“The following sites are allocated for business, general industrial or storage and distribution (Use Classes B1, B2 or B8 respectively). Sites EM1.3, EM1.12, EM1.16 and EM1.18 are also allocated for financial and professional services (Use Classes A2). Site EM1.9 is also suitable for a hotel, pubs, restaurants, and leisure uses.

<u>Ref</u> <u>Classes</u>	<u>Location</u>	<u>Hectares</u>	<u>Use</u>
4.	Botany/Great Knowley	14.1	B1, B2
9.	M61/Botany, Chorley	5.85	B1,B2, B8,C1”

The County Council have issued a Statement of Non-Conformity in relation to Policy EM1 in that there is an identified oversupply of employment land. The policy is therefore contrary to Policy 14 ‘Business and Industrial land Provision’ of the Joint Lancashire Structure Plan (2005). In addition the policy does not quantify the amount of land allocated for Offices. As such the policy is also contrary to Policy 17 ‘Office Development’ of the Joint Lancashire Structure Plan (2005). Policy EM1 therefore has no weight as part of the Development Plan.

Furthermore, in relation to the specific allocation at EM1.9 they have stated that this is not in conformity with Policy 16 ‘Retail, Entertainment and Leisure Development’ of the Joint Lancashire Structure Plan (2005) in that retail, entertainment and leisure development should be located in town centres. They advise that a sequential approach should be adopted to site selection. Furthermore, Policy 18 ‘Major Hotel Development’ states that exceptionally major new hotels can be located elsewhere where a need can be demonstrated and the site is accessible by public transport. In demonstrating need Lancashire County Council have advised that it is necessary to indicate that the need cannot be met in sequentially preferable locations.

In addition to the above, the following other policies in the Development Plan are relevant to the proposals:

Regional Spatial Strategy for the North West (RPG13):

DP1	Economy in the use of land and buildings
DP3	Quality in New Development
DP4	Promoting Sustainable Economic Growth and Competitiveness and Social Inclusion
EC2	Manufacturing Industry
EC7	Warehousing and Distribution
EC8	Town Centres – Retail, Leisure and Office Development
ER5	Biodiversity and Nature Conservation

Joint Lancashire Structure Plan (2005):

Policy 1	General Policy
Policy 2	Main Development Locations
Policy 7	Parking
Policy 21	Lancashire's Natural and Manmade Heritage

Chorley Borough Local Plan Review 2003:

GN5	Building Design and Retaining Existing Landscape Features and Natural Habitats
GN9	Transport Accessibility
EP9	Trees and Woodland
EM2	Development Criteria for Industrial / Business Development
TR1	Major Development – Tests for Accessibility and Sustainability
TR4	Highway Development Control Criteria
LT9	The Leeds Liverpool Canal
LT10	Public Rights of Way

Policies TR8, TR18, LT1 of the Chorley Borough Local Plan Review 2003 have been superseded by policies in the Joint Lancashire Structure Plan (2005).

Consultation:

For clarity, the comments in relation to the originally proposed site area are included followed by the comments in relation to the reduced outline site area.

United Utilities –Had no objections subject to suitable controls being placed on surface water drainage, and that it may require a pumped connection to the public sewer. In relation to the reduced site area, no comments have been received.

English Nature –Requested that a survey for the presence of water voles be carried out before permission is granted as they are protected under Schedule 5 of the Wildlife and Countryside Act 1981. No comments received in relation to the reduced site area though.

Head of Environmental Services – No comments to the original application however, a desktop study has been requested in response to the amended plans and any identified remediation works undertaken.

Lancashire Wildlife Trust – Commented that further survey work is undertaken in respect of water voles, and that they object to the culverting of any watercourse. No further comments made in relation to the reduced site area.

LCC Ecology – Objected to the original application due to inadequacies in the submitted survey and ecological assessment. In response to the revised submission, no further comments are made.

LCC Strategic Planning – They had previously raised objections to the hotel and the public house but had raised no strategic planning issues in relation to the office and industrial development. They also sought a developer contribution of £100,000 towards improving transport infrastructure and recommended that the end users enter into a Travel Plan – these are the subjects of the said section 106 agreement. In relation to the reduced site area, no further comments are made.

Environment Agency – The Agency originally objected to the applications on the basis of the additional culverting to the detriment of the aquatic environment and flood storage capacity. However, they then raised no objection to the amended submission as it offered suitable mitigation and the removal of the existing culverted ditch. They do however recommend the imposition of conditions to secure the appropriate mitigation. In relation to the reduced site area, no further comments are made.

British Waterways – Raised no objection to the principle of the proposed development although they wish to consider the detailed construction techniques of certain elements in due course. They request that no surface water is discharged into the canal. In response to the further amended plans and supporting information they raised no objections. With regards to the reduced site area, no further comments have been made.

LCC Highways – No objection in principle although the internal layout of the road as shown includes four arm mini roundabouts. These are not suitable and are unacceptable for use on this type of road layout.

Highways Agency – Originally issued a Direction preventing the determination of the application and requested detailed additional information to supplement the original transport assessment. This information has now been forthcoming and by letter dated 12 December 2005 they have raised no objection to the proposed development. In relation to the amended site area, no objections in principle are raised.

Ramblers Association – Question what provision has been made for the retention of the footpath that crosses the site (Chorley 26). They wish to secure adequate screening etc and ensure that it is not part of a vehicular access. They confirm that provided provision is made for its retention that they would have no objections to the proposed development

Neighbours:

Two letters have been received from local residents as a result of consultations on the amended site area. The contents of these letters can be summarised as follows: -

- Industrial units on the site could bring extra noise and light pollution to the area
- The development of the site will leave an industrial legacy in the 21st century to spoil the rural edges of the town and further pollute the countryside

- The area along the canal should be enhanced rather than going back to the industrial days of the 19th century and there are enough brown field sites around Chorley where these projects could be undertaken
- The already dangerous motorway junction will become even worse and it is only a matter of time before a major incident occurs
- Rural Chorley is on its knees and creating any more development of this kind will leave the landscape ugly and roads even more overloaded
- The green fields should be preserved as they are a valuable asset

Applicants Case: In addition to the other supporting information submitted, the previous applicant wrote in support of the application drawing to the attention of the council a number of points. They advised that:

“These two applications both form part of the bigger picture that we have carefully planned for the Chorley Expressway site. The balance and variety of uses on a site such as this are extremely important and you will appreciate that from our perspective it is critical that the two remaining applications are approved if this site is to be brought forward for development.

It is unusual for a site of this quality, in terms of location, prominence and accessibility, to have remained undeveloped until now. I believe that there is a very good reason for this, namely that the site is extremely expensive to service. Gas and electricity will have to be brought on to the site from a considerable distance away (gas from Wheelton and electricity from Botany Brow). A rising main foul sewer will also need to be laid to Botany Brow together with an on site pumping station. The new surface water drainage system for the site will also require significant on site attenuation. As you are aware there is also now a requirement for a £100,000 contribution towards public transport.

The higher value uses that we have incorporated in the master plan (the hotel and public house) will provide a dual benefit for the scheme. Firstly they will enable us to justify the very significant investment that is required in order to service the remainder of the site; secondly they will provide excellent on site amenities for new business occupiers – a very significant factor in attracting inward investment to this location.”

Issues: As with Policy issues, it is considered pertinent to reiterate to Members the main issues considered at the time of the originally approved outline site area and it should be noted that all supporting documents submitted in relation to the originally approved site area are still considered to be relevant to this application. The main issues are therefore as follows:

- Proposed Employment Uses
- Proposed Hotel and Pub Uses
- Design
- Ecology
- Landscape
- Highways

These are considered in detail below.

Proposed Employment Uses

Although the site the subject of this application is allocated for B1, B2, B8, and C1 uses including potential for a hotel and public house in the Local Plan. This has only limited weight due to the Statement of Non-Conformity issued by the County Council.

However, from the recorded take up of business and industrial land the proposed development would not, at this time, appear to result in the over supply of such land. As a consequence the proposed development does not conflict with the strategic objectives of Policy 14 of the Joint Lancashire Structure Plan (2005). LCC Planning have raised no strategic objection to this element of the proposed development.

One of the other reasons that LCC issued the Statement of Non-Conformity for Policy EM1, was that in accordance with Policy 17 of the Joint Lancashire Structure Plan (2005) states that office uses should be located within main town centres or at transport hubs/corridors. It is not considered that the proposed office development is at such a location.

The original applicant prepared a sequential assessment of the sites available within more accessible locations elsewhere within the Borough. The sequential approach identified that within the central core of the town centre, no existing sites of the scale required have been identified while site clearance/assembly appears difficult given the many adjacent terraced streets and large public buildings.

This was accepted by members at the Development Control Committee meeting on the 14th February 2006 when permission was resolved to be granted for the industrial units (05/00393/FULMAJ) and the office development (05/00392/FULMAJ) on parts of the site.

Proposed Hotel and Public House Uses

In relation to the proposed hotel and public house, whilst these are referred to in the allocation in the Chorley Borough Local Plan Review 2003 they have no weight due to the issue of the Statement of Non-Conformity issued by the County Council.

Both the Joint Lancashire Structure Plan (2005) and Planning Policy Statement 6: 'Planning for Town Centre' makes it clear that these uses should be located as a matter of preference in the Town Centre. They advise that a sequential approach should be adopted to site selection in that the nearest available site should be chosen for the proposed development.

The original applicant prepared a detailed assessment of the proposed development. This considered both the need for the proposed development and its location. PPS6 at paragraph 3.15 requires developers and operators to be able to demonstrate that in seeking to find a site in or on the edge of existing centres, they have been flexible about their proposed business model in terms of:

- The scale of their development;

- The format of their development;
- Car parking provision; and
- The scope for desegregation.

In this respect the original applicants advised that the site with a hotel. The pub restaurant proposal, therefore, represents one element of a joint scheme and with both being designed to compliment identification criteria for their clients can be summarised as follows:

1. Any site must be physically able to accommodate the proposed pub/restaurant unit and/or a hotel with associated facilities – ‘the operational criterion’.
2. Any site has to be accessible to any identified catchment – ‘the accessibility criterion’.
3. Any site must be in an appropriate and ‘primary’ location – ‘the locational criteria’.
4. Due account has to be taken of land values/potential rentals and other commercial considerations – ‘the viability criterion’.
5. Access to a local work force – ‘the workforce criterion’.

They identify the following site specific issues in relation to the proposed pub/restaurant and the hotel developments:

1. The pub/restaurant is to be developed in conjunction each other in operational terms. For instance, the hotel is not intended to provide anything other than a very limited food and drink offer and with this involving serving breakfast as well as snacks for late arrivals. The hotel would, therefore, be primarily ‘serviced’ by the pub restaurant and this has formed the basis of the ‘joint venture/development’. In locational and operational terms, therefore, there is an evident synergy between the hotel and pub restaurant units.
2. The public house is also intended to ‘service’ the requirements of local land uses and in particular the proposed business park and related developments at Chorley Expressway. This, therefore, is a clear locational requirement.
3. In addition to the above, it is anticipated that a significant proportion of anticipated business will come from passing traffic. In this respect, the subject site was selected because of the significant traffic levels passing close to it and particularly via the adjacent M61 motorway. The physical location of the site, therefore, close to the motorway, together with its high visibility and ease of access, are significant factors in identifying the subject site for the development.

The supporting statement first considered allocations identified in the Local Plan including the following sites:

- Site SP2.1 – High Street/Cleveland Street/Union Street including the Bus Station Site/New Market Street and the Flat Iron
- Site SP2.2 – Bolton Street/Pall Mall (Leisure Allocation LT2.1)
- Site SP2.3 – Corner of Gillibrand Street and Market Street
- Site SP2.5 – 5/9 Gillibrand Street

Site SP2.6 – Clifford Street/Portland Street (Leisure Allocation LT2.2)

Site SP2.7 – George Street/Lyons Lane (LT2.3)

However, the report concluded that the allocations within the relatively local plan did not provide sequentially preferable opportunities which were available, suitable or viable for the proposed development. This was broadly accepted.

Notwithstanding the above, the search was 'extended' in an attempt to identify other sites that could be suitable for the proposed development (as well as being available and viable) and with these being in sequentially preferable locations. On this basis, 15 sites were identified by the original applicant.

However, the report concluded that these other sites also did not provide sequentially preferable opportunities that were available, suitable or viable for the proposed development. This was also broadly accepted. However, this was partly because the locational criteria used by the original applicants to select sites favour out of centre locations. Whilst desegregation had been accepted as possible, the opportunities to fully explore this had not been taken and many of the sites had been discounted on issues relating to the inability to accommodate both developments. It is clear that most of these sites would struggle to accommodate the hotel of the scale proposed. The sites identified could accommodate a public house but have been discounted for other reasons. On balance it is considered that whilst the other sites were identified as being sequentially preferable they lacked availability, ability to accommodate all the proposed development, suitability or viability.

In relation to need for the proposed development, the original applicants appraised existing provision. They original 42 accommodation establishments in the borough including 18 hotels. There are 6 hotels with more than 40 rooms three of which account for 40% of the room stock (Park Hall – 148 Rooms, Shaw Hill Hotel – 100 rooms, and Premier Travel Inn – 81 Rooms. They identified that the Councils tourism strategy identifies a need for additional hotel accommodation and that based on assessment of potential demand there is a need for the proposed hotel, particularly catering for business tourism. In relation to the proposed public house, they identified a quantitative need for additional restaurants/public houses in the borough both in terms of growth and leakage to other centres.

The recently completed Chorley Town Centre – Retail and Leisure Study completed by White Young Green on behalf of the Council concluded that it is very difficult to predict future need for pubs and restaurants, it is anticipated that there is significant new demand for new development. It also concluded that there was a need for further hotel developments although it clearly suggested that a town centre location was preferable.

In summary it is concluded that there is a need for the proposed development, and that the original applicants demonstrated that there are no available sites in sequentially preferable locations which could accommodate the development proposed.

Design

As detailed, this application has been submitted in outline only with all matters reserved. None of the siting or design of buildings is being included with the application. The individual position of the proposed buildings are not therefore fixed save for the already approved industrial units (05/00393/FULMAJ) and the office development (05/00392/FULMAJ) on parts of the site which are subject to the said legal agreement.

Therefore detailed design is a matter that will be considered in due course. A design statement has been submitted and it is anticipated that future applications will have to respect the context of the site to a greater degree (i.e. Botany Bay, the canal, and the semi-rural location).

However, as elements of detailed design have previously been resolved to be approved on the site, the broad principles have already been established.

Highways

All of the applications on this site have been the subject of Article 14 Directions issued by the Highways Agency that has prevented the Local Planning Authority from determining the applications. This was in place for approximately 8 months. It was issued due to concerns they have on the impact of the proposed development on the motorway network.

The original applicants Highways Consultants had been in detailed consultations with the Highways Agency and their agents in attempts to resolve the matter. As a result they revised the Transport Assessment that was submitted with the application. Following this, the Highways Agency no longer objected to the proposed development and lifted the direction not to determine the applications. No specific conditions or requirements were suggested by the Highways Agency at the time although they have now suggested several conditions.

At the time of writing the report in relation to the original site area, no comments had been received from LCC Highways although the request for £100,000 from the development as a whole towards improving accessibility of the area had come from LCC (Strategic Planning). The new applicant has agreed to this contribution but has requested that this be phased in two parts across the various parts of the development. This is inevitable in any respect. This contribution is one of the requirements of the said section 106 agreement.

LCC (Highways) have made comments in relation to the reduced site area. No objections are raised in principle to the development. However, as with the previous application, concerns have been expressed in relation to the use of four arm mini roundabouts on the access road. However, this matter can be suitably resolved pursuant to a condition requiring the applicant to agree a suitable road layout with the Council, as per the previous approval.

The existing alignment of the public footpath has been incorporated into the development without the need for a diversion.

Regarding the issue of the access road finishing short of its previous position. The road will still provide the same access into the site albeit at a different location. This will mean traffic has to make a left turn onto the existing car parking area to meet back up with the temporary access road adjacent to the Canal. However, no objections have been raised in relation to this aspect of the proposals by LCC (Highways). It should also be noted that a separate application for three office blocks is currently being considered for the southern end of the site (07/00062/FULMAJ) and the red edge of this application includes within it a new access road adjoining the one proposed on the amended site area of this outline application at the point where it ends. This will then provide a full link up through the site providing an upgraded access road to Botany Bay itself and the other office development at the southern end of the site. This is of course subject to permission being granted for the three office blocks (07/00062/FULMAJ) at the southern end of the site and it is anticipated that this application will be reported to Development Control Committee in due course.

Ecology

The layout plans were amended from the original submission to allow for the retention of the ditch that crosses the site and removes the additional length of culverting. The reduced site area does not change this. As before, the associated hedge is shown for retention. The trees to the north east of the application site are excluded from the allocation and the proposed development. These are shown for retention although they are outside the applicant's control.

The County Ecologist originally advised that works during the bird breeding season (March to July inclusive) should be avoided where there may be an impact on nesting birds. Although the originally submitted Ecological Survey did not find any evidence of the presence of water vole, it concluded water voles are highly likely to be present within the Leeds and Liverpool Canal. Paragraph 5.1.9 of the report recommends that, if the construction start date extends into April, a pre-construction survey for water vole should be carried out. If water voles are found to be present at that time (or at any time during construction), then the applicant should submit a method statement detailing how impacts on water voles and their habitat will be avoided. This should be the subject of a planning condition.

Although the ditch is to be reinstated at the eastern end, culverting of the central section of the ditch to create an access road. The County Ecologist advised that the invert of the culvert should be below the bed-level of the ditch and the culvert should be a square culvert pipe of a maximum size such that the ditch is not narrowed through the culvert. It is also recommended that further opportunity be made to enhance the areas of grassland to be planted and the potential wildlife habitat along the ditch and that a buffer distance of 8m be established. This could be the subject of planning conditions.

The Environment Agency re-iterate previous comments and consider that the revised proposals for the site offer suitable mitigation for the section of ditch habitat lost to the proposed culvert. They no longer object to the proposed development

provided conditions are imposed to ensure that the existing culvert be removed and the landscape and habitat improvements to the ditch and surrounding area be implemented. In this respect the suggested mitigation measures and habitat creation measures (section 5 of the Ecological Survey and Assessment report) should also be the subject of a planning condition.

Contaminated Land and Pollution

There is no substantive evidence to suggest that the site is contaminated, however, it is recommended that a condition be imposed to require a desktop study of the potential for contamination. This can be the subject of a condition. If any contamination is found, the condition will require a remediation scheme to be approved by the Local Planning Authority and then implemented prior to any development taking place.

Conclusions:

For the reasons discussed above, it is considered that the application for outline planning permission on a reduced site area for a mixed use development incorporating industrial, offices, a hotel and public house are acceptable and are recommended for approval subject to the following conditions and subject to a legal agreement to secure a contribution to improve accessibility of the site and that the end users enter into a Travel Plan. In addition the detailed technical issues relating to the access road need to be overcome and that the resolution of these issues should be delegated to officers.

Recommendation: Outline App Permitted with Legal Agmnt Conditions

1. (a) Before any development is commenced details of all 'Reserved Matters', (that is any matters in respect of which details have not been given in the application and which concern the siting, design, external appearance of the building(s), and landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority.
(b) An application for approval of all 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.
(c) The development to which this permission relates must be begun not later than two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: (a) This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995: (1) of the (b) & (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.

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

Plan Ref:	Received On:	Title:
NN03-PLO9 Rev I	5 th January 2007	Masterplan
NN03-PL01 Rev A	5 th January 2007-02-26	Location Plan

Reason: To define the permission and ensure a satisfactory form of development.

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) together with details of all windows and doors shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved unless otherwise first agreed in writing by the Local Planning Authority.

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

4. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, unless otherwise first agreed in writing by the Local Planning Authority, and shall be completed in all respects before the final completion of the development and thereafter retained.

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

5. Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.

6. Prior to the commencement of any development hereby permitted, full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.

7. Prior to the commencement of development plans and particulars showing the provision to be made for the storage and disposal of refuse and recycling, shall be submitted to, and approved in writing by, the Local Planning Authority. Such provision as is agreed shall be implemented concurrently with the development and thereafter retained. No part of the development shall be occupied until the agreed provision is completed and made available for use.

Reason: In order that the Council may be satisfied with the details of the proposal.

8. Details of all external lighting, including floodlighting, to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied without express written permission. Furthermore, no additional external lighting shall be installed without the express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of the area and to minimise the possibility of light pollution that would adversely affect the character of the area in accordance with policies GN5, LT9, EP10 and EM2 of the Chorley Borough Local Plan Review 2003.

9. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.

Reason: To prevent pollution of the water environment in accordance with policy EP17, EP18 and EP19 of the Chorley Borough Local Plan Review 2003.

10. Plans and particulars showing the provision for the parking or garaging of cars and associated manoeuvring areas in accordance with the Local Planning Authority's current standards, shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such details as agreed shall be laid out and made ready in all respects for use prior to the first occupation of the building to which it is related and thereafter retained.

Reason: In order that the Council may be satisfied with the details of the proposal and to ensure a satisfactory level of off-street vehicle park.

11. Before the development hereby permitted is first occupied, provision for cycle parking, in accordance with details first agreed in writing with the Local Planning Authority, shall have been made.

Reason: To ensure adequate on site provision for cycle parking and in accordance with Policy TR18 of the Adopted Chorley Borough Local Plan Review.

12. No part of the development hereby permitted shall be occupied or used until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

13. A scheme for the translocation of the South Marsh Orchids (*Dactylorhiza praetermissa*) found within the site shall be submitted to and approved in writing by the Local Planning Authority. No development shall commence unless and until that scheme has been implemented in its entirety.

Reason: To secure the nature conservation interest of the site.

14. Upon approval of the landscaping details, including any screen walls or fences, pursuant to Condition 1 the new planting shall be carried out during the planting season October/March inclusive, (in accordance with the appropriate British Standards for ground preparation, staking, etc., in BS4428:1989 (1979)) immediately following commencement of the development. Any plants found damaged, dead or dying in the first five years are to be duly replaced and the scheme thereafter retained.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and the locality.

15. The existing natural tree screen/hedgerow along the *eastern boundary of the site with the canal* shall be retained and reinforced where necessary in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Any such reinforcement shall be carried out during the planting season October/March inclusive following the first occupation of the adjacent building maintained for a period of five years during which time any plants that are found to be dead or dying shall be replaced.

Reason: In order to protect the amenities of the area in accordance with policies GN5, EP9 and EM2 of the Chorley Borough Local Plan Review 2003.

16. No goods, plant or material shall be deposited or stored in the open, and furthermore no part of the development permitted shall be used for retail purposes, including the sale or display of goods, without the prior consent in writing of the Local Planning Authority.

Reason: In order to protect the amenities of the area, and to maintain adequate parking areas in accordance with policies GN5, EM2 and TR4 of the Chorley Borough Local Plan Review 2003 and to prevent the inappropriate use of any part of the development for retail purposes.

17. Details of facilities to be provided for the storage and removal of commercial refuse and waste from the premises shall be submitted to and approved by the Local Planning Authority, and then implemented strictly in accordance with those agreed details before the building is first occupied and thereafter retained.

Reason: In the interests of amenity and to be satisfied about the details of the scheme in accordance with policies GN5 and EM2 of the Chorley Borough Local Plan Review 2003.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 8, Class A and Schedule 2, Part 2, Class A) or any Order revoking and re-enacting that Order no extension or alteration shall be carried out in respect of the building(s) to which this permission relates and no fences, gates or walls or other means of enclosure shall be erected (other than those expressly authorised by this permission) without the express consent of the Local Planning Authority.

Reason: To prevent an intensification in the use of the premises, in the interests of the visual amenities of the area and the amenities of local residents and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.

19. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To reduce the risk of flooding in accordance with policy EP17, EP18 and EP19 of the Chorley Borough Local Plan Review 2003.

20. Prior to any discharge into any watercourse, surface water sewer or soak away system, all surface water drainage from vehicle parking and manoeuvring areas shall pass through an oil interceptor designed and constructed to have capacity and details compatible with the site being drained. The interceptor shall be installed and operational prior to any building hereby approved being occupied and shall thereafter be maintained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment in accordance with policy EP17, EP18 and EP19 of the Chorley Borough Local Plan Review 2003.

21. Plans and particulars showing the layout, together with details of levels, sections, drainage, and street lighting of the proposed roads (notwithstanding the details shown on the approved plans) shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. All works shall be undertaken strictly in accordance with the details as approved.

Reason: In order that the Council may be satisfied with the details of the proposal.

22. If the start date for construction of the development extends into April, no development shall take place until a pre construction survey has been carried out to detect the presence of water voles, the details of which, including suitable mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority in the form of a report. The development shall only be carried out in accordance with the mitigation measures set out in the approved survey and mitigation measures.

Reason: In the interests of protected species and in accordance with Policy No. EP4 of the Adopted Chorley Borough Local Plan Review.

23. The development hereby permitted shall not commence until plans and particulars (having regard to section 5 of the Ecological Survey and Assessment report dated 23rd December 2005) of the culvert and reinstated ditch have been submitted to and approved in writing by the Local Planning Authority. The culvert and reinstated drainage ditch shall only be in accordance with the approved details.

Reason: In the interests of protecting and enhancing ecological habitats and in accordance with Policy Nos. EP4 and EP12 of the Adopted Chorley Borough Local Plan Review.

24. The existing natural tree screen/hedgerow along the eastern boundary of the site with the canal shall be retained and reinforced where necessary in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Any such

reinforcement shall be carried out during the planting season October/March inclusive following the first occupation of the adjacent building and maintained for a period of five years during which time any plants that are found to be dead or dying shall be replaced.

Reason: In order to protect the amenities of the area in accordance with policies GN5, EP9 and EM2 of the Chorley Borough Local Plan Review 2003.

25. The development shall only be carried out in accordance with the mitigation and habitat creation measures set out in section 5 of the Ecological Survey and Assessment report dated 23rd December 2005.

Reason: To protect and enhance ecological habitats and in accordance with Policy Nos. EP4 and EP21 of the Adopted Chorley Borough Local Plan Review.

26. No works pursuant to the permission hereby granted shall be permitted to take place on the site during the bird breeding season (March to July inclusive)

Reason: In the interests of nesting birds and in accordance with Policy No. EP4 of the Adopted Chorley Borough Local Plan Review.

27. No development shall take place until a desktop study for the presence of contaminated land has been completed and submitted to and approved in writing by the Local Planning Authority. Such report that is submitted shall include a methodology for investigation and assessment of ground contamination as is appropriate depending on the findings of the desktop survey. The findings of any further investigation agreed with the Local Planning Authority (including all testing specified in the approved scheme and the results of the investigation and risk assessment) shall be submitted to and approved in writing by the Local Planning Authority together with any remediation proposals to render the site capable of development. The agreed remediation proposals, which shall include an implementation timetable and monitoring proposals, shall be completed in their entirety. Furthermore, prior to the commencement of any further development and upon completion of the remediation works, a validation report containing any validation sampling results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.
