

Item 4e	15/00152/OUTMAJ
Case Officer	Adele Hayes
Ward	Eccleston and Mawdesley
Proposal	Section 73 application to vary condition 18 (Code for Sustainable Homes) attached to outline planning approval 14/00022/OUTMAJ.
Location	Goodyear Business Park, Gorse Lane, Mawdesley
Applicant	Bloor Homes North West
Consultation expiry:	10 April 2015
Decision due by:	3 June 2015

Recommendation

It is recommended that this application is granted conditional planning approval subject to an associated supplemental Section 106 Agreement.

Proposal

1. The application site is located within the defined settlement boundary of Mawdesley. It is bound, in broad terms, by properties along Gorse Lane to the south, a mix of commercial, industrial and residential properties along New Street to the west, an agricultural/wooded area also within the settlement boundary to the north and industrial premises and Green Belt agricultural land to the east.
2. The application site is essentially flat, with some undulations and there is a small pond to the rear of the existing premises occupied by Goodyear Furniture. There are mature trees and shrubs adjoining the field boundaries and there are woodland copses beyond the north and east boundaries.
3. The primary access to the site is from Gorse Lane. A secondary access is also available from New Street, and this will continue to serve the remaining section of Goodyear Business Park as it does currently.
4. Outline planning permission was granted in November 2014 for the means of access to a mixed use development comprising up to 56 residential units, a community building with car park and public open space and change of use from B1 (office) / B8 (storage) use to a retail showroom (14/00022/OUTMAJ).
5. A subsequent application for all reserved matters was approved in April 2015 (14/01218/REMMAJ).
6. The approved development is subject to a number of planning conditions and a separate S106 Obligation.
7. This application seeks to vary condition no. 18 attached to the outline planning approval that relates to the Code for Sustainable Homes standards.

Representations

8. The application has been publicised by way of individual letters and site notices have been displayed. Three letters have been received reiterating objections previously raised regarding the acceptability of the development in principle and the impact on existing infrastructure and increased flood risk.

Consultations

9. Mawdesley Parish Council – have commented that they welcomed the thorough detail that went in to specifying the conditions applied to the planning decision for the Goodyear Business Park development back in 2014. They have stated that a Section 73 application to vary one of the conditions, and in this case remove one of the key clauses set out in the Central Lancashire Adopted Core Strategy LDF 2012 should be rejected on the following grounds:
 - The Parish Council fully supports the Central Lancashire Core Strategy and the incorporation of sustainable resources set out in Policy 27. Stating "All new dwellings will be required to meet Level 3 (or where economically viable, Level 4) of the Code for Sustainable Homes. This minimum requirement will increase to Level 4 from January 2013 and Level 6 from January 2016. Minimum energy efficiency standards for all other new buildings will be 'Very Good' (or where possible, in urban areas, 'Excellent') according to the Building Research Establishment's Environmental Assessment Method (BREEAM)."
 - The applicant was well aware of the Core Strategy Document at the time of the planning submission and therefore should have fully understood and assessed the "viability" for a development proposal based on this, knowing

full well that some of the development works would not begin until after January 2016.

- The applicant is correct when quoting from "The Housing Standards Review Detailed Implementation Consultation" Paragraph 28. From 2016 local authorities will not be able to require energy efficiency measures above Building Regulations. There will be a national standard for all new homes set at around the level in the Code for Sustainable Homes level 4. Until such time as zero carbon policy is in place nationally from 2016, local authorities will be able to continue to ask for higher standard on energy but have been encouraged to not go above Code level 4". HOWEVER, the application was prepared in 2013, validated and granted in 2014, before the review had taken place. The decision by the planning authority to include the Condition 18 is fully justified seeing as this review had not been published at the time. The review clearly states "FROM 2016", this application was granted in 2014. It is not the Government's intention for developers to retrospectively apply the above to already granted applications.
- The Parish Council believes the above application is merely an attempt to construct all dwellings to code 4 thus increasing PROFIT by not having to undertake the additional sustainable recourses to meet code 6.

Assessment

Principle of the development

10. The principle of redeveloping the site with housing was originally established as being acceptable by the grant of outline planning permission in 2014.
11. The applicant will also be required to discharge conditions placed on the outline permission which requires a number of issues to be approved by the Council, including surface water drainage details and foul water drainage details.

Planning Policy Context

12. The outline planning permission was assessed against the provisions of the Core Strategy that was adopted in July 2012. Policy 27 of the Core Strategy relates to 'Sustainable Resources and New Developments'. The aim of the policy is to incorporate sustainable credentials into all developments through a variety of measures including compliance with the Code for Sustainable Homes.
13. The first part of Policy 27 states that: All new dwellings will be required to meet Level 3 (or where economically viable, Level 4) of the Code for Sustainable Homes. This minimum requirement will increase to Level 4 from January 2013 and Level 6 from January 2016. Minimum energy efficiency standards for all other new buildings will be 'Very Good' (or where possible, in urban areas, 'Excellent according to the Building Research Establishment's Environmental Assessment Method (BREEAM)').
14. The explanatory text for Policy 27 explains that the requirement to meet the provisions of the Code for Sustainable Homes will apply unless it can be demonstrated (including through the use of open book accounting) that the circumstances of an individual site are such that development would not be economically viable if the policy were to be implemented.
15. The Core Strategy makes provisions for the relaxation of Code for Sustainable Homes requirements where it can be demonstrated that the economic viability of any development is prejudiced. In the case of the development no relaxation of the requirement of the policy was sought on viability grounds and hence condition no. 18 was imposed at outline stage.

16. However, recent legislative changes have impacted on how Core Strategy Policy 27 should be implemented, particularly in matters relating to the determination of planning applications.
17. In particular, the Deregulation Act 2015 received Royal Assent on 26th March 2015. Amongst other things, it proposes changes to the Planning and Energy Act 2008 which will result in local planning authorities no longer being allowed to include policies in their development plans requiring energy efficiency standards for dwellings that exceed building regulations, such as the Code for Sustainable Homes. It is proposed that all energy efficiency standards will be included in building regulations.
18. Until this time, the Government have set out transitional arrangements that allow local planning authorities to continue to apply policies in their adopted Local Plans which require compliance with energy efficiency standards that exceed building regulations. Where a local planning authority has an existing policy that sets requirements relating to the Code for Sustainable Homes, as is the case in Chorley, they can continue to require dwellings to achieve an energy efficiency equivalent to Code for Sustainable Homes Level 4, but they will not be able to require compliance with other aspects of the Code for Sustainable Homes as it has now been withdrawn.
19. A separate report is included on this agenda that sets out the Council's proposed transitional arrangements.

Other Issues

20. The issues raised by objectors have already been considered or will be considered as part of conditions and the associated legal agreement.
21. The applicant will be required to discharge conditions placed on the outline permission which requires a number of issues to be approved by the Council, including surface water drainage details and foul water drainage details.

Conclusion

22. It is recommended that condition 18 of the outline planning permission is removed and substituted with the following:

All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

23. In addition it is recommended that conditions 19 and 20 be varied as follows:

- *Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.*

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

This needs to be provided prior to the commencement so is can be assured that the design meets the required dwelling emission rate.

- No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

24. Permission granted under Section 73 results in a new 'stand-alone' planning permission and therefore a short supplemental Section 106 Agreement will be required.

Conditions

1. The development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.

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

2. An application for approval of the reserved matters (namely appearance, layout, scale and landscaping of the site) for the residential dwellings and community / scout building, hereafter called the reserved matters, 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.

Reason: 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 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The outline planning permission hereby approved relates to the erection of up to 56 residential units and a community / scout building. The application for reserved matters shall not exceed 56 residential units.

Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area.

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

Title	Drawing Reference	Received date
Site Location Plan	GL/M_LP01	15 January 2014
Illustrative masterplan	W1-0006-13-05D	13 June 2014
Proposed floor plans	NW16_Mawddesley	15 January 2014

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

5. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

6. Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied 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.

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

7. 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) 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.

Reason: To ensure that the materials used are visually appropriate to the locality.

8. Prior to the commencement of development, full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved materials.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

9. The development permitted by this planning permission shall only be carried out in accordance with the approved FRA (Ref: BLH02_FRA, Rev 3.1; dated March 2014) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the annual critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site; by limiting surface water runoff to 26.6l/s for this event, and by limiting surface water runoff for the 1 in 100 year plus climate change event to 79.7l/s.

2. Provision of compensatory flood storage to attenuate a volume of 1121.5 m3.

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.

Reason: 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and; 2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

10. Notwithstanding the details shown on the submitted plans, the private driveway/hardsurfacing areas to the front of the all the dwellinghouses shall be constructed using pervious paving subject to suitable ground conditions. Where ground conditions are not suitable for infiltration then underdrained pervious paving shall be utilised. Full details shall be submitted with each reserved matters application.

Reason: In the interests of highway safety and to prevent flooding.

11. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, both on and off site.

12. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and

hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, both on and off site.

13. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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:

1. A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

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.

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.

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.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the development does not pose a risk of pollution to controlled waters.

14. 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.

Reason: To ensure the development does not pose a risk of pollution to controlled waters.

15. The development shall not be carried out other than in complete accordance with all the recommendations for ecological mitigation contained within section 4 of the Ecological Survey and Assessment submitted with this application, prepared by Ribble Ecology dated 28 November 2013 (ref:RB-13-38) and updated by letter dated 13 June 2014, unless any variation to this is otherwise first agreed in writing by the Local Planning Authority.

Reason: To provide long-term protection to natural habitats.

16. 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.

Reason: to ensure the eradication and control of any invasive species which are found on the site.

17. Prior to the commencement of the development full details to measures to reduce dust and particulate matter resulting from the construction works shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall detail the mitigation measures to be employed at the site during the construction activities. The development thereafter shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority

Reason: To reduce the amount of dust and particulate matter created as a part of the development of the site, in order to minimise the air quality impacts and to provide adequate mitigation measures to reduce dust production.

18. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

19. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

20. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

21. 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development.

22. Any application for approval of reserved matters pursuant to Condition 2 (above) shall include the submission for approval of a detailed arboricultural impact assessment and Tree Constraints Plan. The information shall include:

an individual tree assessment of all trees with a canopy of more than 750mm in diameter which gives full details of all existing trees
Detail those trees which are proposed to be.
The measures which will be implemented in order to secure their protection during the course of the development and retention thereafter.
No development in any phase or sub-phase shall commence until the approved tree protection measures have been put in place and the development of the relevant Phase or Sub-Phase shall thereafter proceed in full accordance with the approved Tree Constraints Plan, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the trees to be retained and directly related to the visual impact assessment which has been undertaken when assessing the impacts of the development hereby approved.

23. Prior to the commencement development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
the parking of vehicles of site operatives and visitors
loading and unloading of plant and materials
storage of plant and materials used in constructing the development
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
wheel washing facilities
a scheme for recycling/disposing of waste resulting from demolition and construction works
Reason: In the interests of highway safety and to protect the amenities of the nearby residents.

24. Prior to the occupation of the first dwelling all the highway works shall be constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

25. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvements have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

26. No part of the development hereby approved shall commence until a scheme for the construction of a controlled barrier on the boundary of the residential site and the remaining section of the Goodyear Business Park to prevent vehicular use of the New Street access by residents of the proposed development and reserve its use for only vehicles to the remaining section of the Goodyear Business Park, as a pedestrian/cyclist link between the site and New Street and for emergency purposes has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

27. No part of the development hereby approved shall be occupied or opened for trading until the approved schemes referred to in Condition 2 have been constructed and completed in accordance with the scheme details.
Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

28. Prior to the commencement 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.

Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.

29. 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.

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.

30. The construction works and deliveries associated with the development hereby permitted shall not take place except between the hours of:

0800 hrs to 1800 hrs Monday to Friday

0800 hrs to 1300 hrs on Saturdays.

No construction activities shall take place on Sundays or Bank Holidays. These construction hours shall be adhered to during the development of the whole site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local resident/ businesses and to protect nearby noise sensitive buildings.

31. Within 12 months of the date of this planning approval a Habitat Management Plan for the wildlife area indicated on the approved illustrative masterplan shall be submitted to and approved in writing by the local Planning Authority. As well as nature conservation management methods, the management plan shall address measures to control and off-set potential long-term impacts on habitats, including impacts that may result from recreational pressure, measures to protect, manage and maintain habitats for the benefit of biodiversity (including protected and priority species known/ likely to be present such as bats, birds, amphibians, badgers); mitigation for recreational/ operational impacts; detailed management objectives and prescriptions; timescales for implementation; measures of success; and proposals for monitoring, reporting and review. The management plan shall also include a monitoring scheme and periodic review of management prescriptions. The Management Plan shall cover a period of 25 years following the completion of the remediation and reclamation works. The Management Plan thereafter shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory management, maintenance and retention of habitats.

32. Prior to the commencement of the development details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate avoidance of light pollution of wildlife habitat, including retained and replacement bat roosts, bat foraging and commuting habitat. The lighting scheme shall be in accordance with guidance issued by the Bat Conservation Trust and Institute of Lighting Engineers. The approved mitigation measures shall be implemented in full and maintained in perpetuity.

Reason: In the interests of ensuring the bat roosts are not adversely impacted upon through any proposed lighting.

33. Prior to the commencement of the development an updated and fully detailed mitigation method statement for great crested newts and their habitat shall be submitted to and approved in writing by the Local Planning Authority . The approved mitigation measures shall be implemented in full (subject to any changes required by Natural England) and maintained in perpetuity.

Reason: In the interests of maintaining the populations of Great Crested Newts at the site and to ensure their continued protection.

34. Prior to the commencement of development to be carried out between 1st March and 31st August in any year, a detailed survey shall be carried out by an ecologist to check for nesting birds within the area relating to that phase of the proposed works. Where nests are found in

any building, hedgerow, tree or other habitat to be removed or disturbed, a minimum 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not impact on nesting birds.

35. All planting, seeding or turfing comprised in the approved details of landscaping pursuant condition 2 shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development within the relevant Phase or Sub-Phase, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..

Reason: In the interest of the appearance of the locality.

Planning History

Reference	Description	Decision
14/01218/REMAJ	Reserved matters application pursuant to outline planning permission 14/00022/OUTMAJ for the erection of 56 no. dwellings and a scout hut with associated parking. Layout, scale, appearance and landscaping to be considered.	Approved: 22.04.2015
14/00022/OUTMAJ	Outline application for the means of access to a mixed use development comprising up to 56 residential units, a community building with car park and public open space and change of use from B1 (office) / B8 (storage) use to a retail showroom	Approved: 22.04.2014
02/01209/FUL	Change of Use from storage space to offices with alterations to elevations	Approved: 03.02.2003
00/00859/COU	Change of use of mixed use building to Class B1 (office/light industrial) use	Approved: 14.02.2001
98/00839/FUL	Provision of new windows at first floor level	Refused: 10.03.1999
92/00700/FUL	Vehicular and pedestrian access	Refused: 30.03.1993
90/00709/COU	Change of use from storage to light industrial (Unit 2)	Approved: 18.12.1990
87/00278/FUL	Erection of office storage and display building (Unit 11)	Approved: 15.06.1987
82/00449/FUL	Change of use from basketware store to joiners workshop (Unit 11)	Approved: 24.08.1982
77/01098/OUT	Outline application for single storey storage building	Approved: 11.04.1978
76/00594/FUL	2 storey workshop	Approved: 05.10.1976
76/00073/FUL	Two storey warehouse/workshop, and alterations to existing shop/offices	Approved: 05.04.1976

Note on the Emerging Chorley Local Plan 2012-2026

In October 2013, the Local Plan Inspector 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.

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.”*

The Council accepted the Local Plan 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.

Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (8 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.