

Item A.1 07/00062/FULMAJ Permit Full Planning Permission

Case Officer Mr David Stirzaker

Ward Chorley North East

Proposal The erection of 3No office blocks with non infrastructure roadway, car parking and landscaping

Location Land Bounded By The M61 A674 Blackburn Road Leeds-Liverpool Canal And Including Canal Mill Botany Bay Chorley Lancashire

Applicant First Investments

Proposal This application proposes the erection of 3 office blocks with a total floor area of approximately 5000 square metres. The office blocks are proposed on land south of Canal Mill (Botany Bay), which presently comprises of overspill car parking. The site is triangular in shape and is bounded by the M61 to the southwest, the Leeds-Liverpool Canal to the east and Botany Bay to the north. The office blocks are 3 storey in height.

Background The application site is not specifically allocated in the Chorley Borough Local Plan Review although it does have the benefit of an extant permission (ref no. 00/00238/FUL) for the erection of 2 modern office blocks with a total floor area of approx. 5000 square metres. The conditions attached to this permission have been discharged and a technical start made on the development within 5 years of the permission being granted.

Planning Policy GN1: Main Settlement Areas
GN5: Building Design & Landscaping
EP4: Species Protection
EP16: Contaminated Land
EP 18: Surface Water Run Off
EP23: Energy from Renewable Sources
TR4: Highway Development Control Criteria
Policy 7: Parking Standards (JLSP)

Planning History In 2000 planning permission (ref no. 00/00238/FUL) was granted for the erection of 2 office blocks with a floor area totalling 5000 square metres. These office blocks were 3 storey in height and of modern design and materials. The conditions attached to this permission were discharged and a technical start made on the development hence the permission remains extant.

In 2006 a planning application for the erection of 3 office blocks was submitted (ref no. 06/00861/FULMAJ). However, the application lacked ecological surveys and the design of the office blocks was deemed unacceptable hence the application was withdrawn pending submission of this revised application.

Members will recall outline planning permission (ref no. 05/00394/OUTMAJ subject to S106 agreement) has recently been granted for the site to the north of Botany Bay. The road detailed on the outline planning permission will link up with the road

detailed on the current application, which is the subject of this report. Two detailed applications also subject to the same S106 agreement for offices (ref no. 05/00392/FULMAJ) and industrial units (ref no. 05/00393/FULMAJ) were also granted in 2006 on parcels included within the outline permission area.

Representations

No representations have been received following a public consultation exercise (letters to adjacent residents, site notices and press notice) on the application.

Consultations

The Ramblers raise no objections subject to the adjacent public footpath being kept clear.

The Director of Streetscene, Neighbourhoods and Environment recommends the imposition of a condition requiring the ground contamination to be investigated.

The Council's Economic Regeneration and Conservation Manager raises no objection in principle to the development subject to the resolution of various design matters.

The Environment Agency raise no objections subject to the imposition of various conditions and informatives. One of the conditions mirrors that suggested by the Director of Streetscene, Neighbourhoods and Environment regarding the investigation of and remediation of ground contamination where necessary.

The Highways Agency raises no objections subject to the imposition of conditions that relate to development alongside the Motorway (M61).

LCC (Strategic Planning & Transport) raise no strategic objections to the application although it is recommended that a developer contribution be sought towards transport improvements.

LCC (Ecology) requested that various surveys for protected species should be carried out prior to the application being determined.

British Waterways raise no objection in principle subject to requiring a landscape management plan and upgrade works to the canal towpath.

Chorley Community Safety Partnership raise concerns regarding the boundary treatment of the site adjacent to the Canal and the existing pedestrian access to the southern end of the site.

No comments have been received from LCC (Highways). If any are received they will be reported in the addendum.

United Utilities raise no objection in principle to the proposals.

Assessment

The main issues for consideration pertinent to this application are as follows: -

As the site already benefits from an extant permission for 5000 square metres of office space, the principle of the current application, which proposes the same amount of floorspace, albeit, spread over 3 office blocks as opposed to 2, is considered to be acceptable. Regarding the comments of LCC (Strategic Planning &

Transport) requesting a developer contribution towards transport improvements, it must be borne in mind that the site has the benefit of an extant permission for the erection of 5000 square metres of office space and this permission was not the subject of a S106 agreement. The applicant in this case is not willing to enter into a S106 agreement and given the site has the benefit of an extant permission, it would be unreasonable to withhold planning permission on this basis.

In design terms, Policy GN5 requires proposed developments to be well related to their surroundings in terms of appearance, layout, landscaping and spacing of new buildings. With regards to this Policy, the form of the office blocks now proposed follows extensive negotiations between the Council and the applicant. The resultant buildings have been designed to be sympathetic to the adjacent Mill (Botany Bay) in terms of external appearance, materials and scale. The facades include a strong vertical emphasis with detailed elements reflective of the adjacent Canal Mill (Botany Bay). Amendments to the northwest facing elevation of Unit 1 have been requested so as the fenestration matches that of the other buildings. This is considered important as this will be the first element of the development that comes into view when approaching the site from the north. Details of the amended plans will be reported in the addendum.

The scale of the office blocks being 3 storey means they are lower in height and therefore subservient to the main Canal Mill building which will retain its dominance of the site. The largest of the 3 units which is sited at the southern end of the site side on to the Canal and M61. This office block incorporates a parapet roof design thus resulting in the heights of the buildings gradually stepping up to the main Canal Mill building further north. This office block also incorporates a tower feature, the final design of which is reserved for approval pursuant to a condition although it is anticipated that the tower design will be reflective of those found on Canal Mill.

Whilst the buildings will be highly visible from the M61 when approaching Chorley and also from the Canal towpath, the development will enhance the character and appearance of the Botany Bay site and provide an attractive built form of development. It is noted that two of the units are in close proximity to the Canal Towpath. However, the elevations facing onto the Canal have been modified wherein the previous utilitarian stairwell towers now incorporate interesting visual elements and it is often the case that buildings were constructed in very close proximity to Canals hence this relationship is considered acceptable. The upgrade works to the Canal towpath and landscaping will also provide an improved and more attractive Canal side environment.

Vehicular access to the offices will be via the existing access at the northern end of the Botany Bay site from the A674 (i.e. the same as per the extant permission for the 2 office blocks) although it is proposed to improve the existing internal road, which runs between the Canal and Botany Bay before linking up with the new road permitted (subject to S106 agreement) as part of the outline permission for the northern end of the site (ref no. 05/00394/FULMAJ). The level of car parking provision is considered to be acceptable and no comments on the application have been received from LCC (Highways). The proposals therefore

accord with Policy TR4 of the Chorley Borough Local Plan Review and Policy 7 of the Joint Lancashire Structure Plan.

The applicant has also included the Canal towpath within the red edge on the location site plan and served the requisite notice on British Waterways. In doing so the applicant has agreed to undertake improvement works to the Canal towpath and this can be required via a suitably worded condition given the land in question has been included in the red edge. Lockable gates are also proposed between the site and Canal Towpath along with vehicular access control between the site and Botany Bay as requested by Chorley Community Safety Partnership.

The development proposed is of sufficient distance from the nearest residential properties so as not to have a detrimental impact on the amenities currently enjoyed by the occupiers of these properties.

With regards to ecological issues, Policy EP4 states that planning conditions will be used to safeguard protected species affected by the development. The applicant has at the request of LCC (Ecology) carried out surveys for Bats and Water Voles. The Bat survey concludes that the development will not have an impact on roosting bats and that the impact on the feeding resources of bats should be fairly insignificant, especially if a new hedge is planted. With regards to the Water Vole survey, this identified the presence of Water Voles and recommends that a 5m buffer strip should be maintained between the development and the bank of the Canal by amending the design of the development. LCC (Ecology) are in receipt of the survey and recommend that if the design of the development is not amended then a mitigation scheme should be submitted prior to any works commencing. This can be made the subject of a suitably worded condition. LCC (Ecology) also recommend works that could potentially impact on breeding birds should be avoided during the bird breeding season (March to July inclusive). Japanese Knotweed is also present within the application area and it is recommended that the applicant adopt working methods that prevent the spread of this species as a result of the development. It is recommended that prior to works commencing, the applicant should submit a method statement covering this for written approval. This can be made the subject of a suitably worded condition. It is therefore considered that the development meets with the objectives of Policy EP4.

Conclusion

On the basis of the above, it is considered that the development accords with the requisite Planning Policies and when compared to the office blocks for which an extant permission exists, the development represents a significant improvement in design terms hence it is recommended that planning permission be granted subject to the following conditions.

Recommendation: Permit Full Planning Permission Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

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

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

3. Before the development hereby permitted is first commenced 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 the approved plans. The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

4. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

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

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

6. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on the approved plans. The scheme shall cover the whole of the site including the upgrading of the Canal Towpath and shall indicate 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 areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

8. Before the development hereby permitted is first occupied, facilities for cycle parking, in accordance with details to be first submitted to and agreed in writing with the Local Planning Authority, shall have been provided and retained at all times thereafter.

Reason: To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.

9. Before the development hereby permitted is first commenced, full details of a scheme to prevent all vehicular access/egress from/to the south (via Botany Bay/Botany Brow/Blackburn Brow), except for public transport vehicles, emergency vehicles and cyclists, shall have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, the approved scheme shall have been implemented in full and thereafter shall be

kept in operation at all times except in so far as any variation of the scheme is agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review and Policy No. 7 of the Joint Lancashire Structure Plan.

10. Prior to the commencement of development, a method statement shall be submitted to and approved in writing by the Local Planning Authority detailing how Japanese Knotweed will be eradicated from the site. The Japanese Knotweed on the site shall only be eradicated in accordance with the approved method statement.

Reason: To prevent the spread of Japanese Knotweed and in accordance with Policy No.

11. The development hereby permitted shall not commence until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include details of how the landscaping will be managed and by whom all management of the landscaping shall be carried out in full accordance with the approved plan.

Reason: In the interests of the long term management of the site and in accordance with Policy No. GN5 of the Chorley Borough Local Plan Review.

12. Before the development hereby permitted is first commenced, a scheme detailing mitigation measures to protect water voles and their habitats shall have been submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the recommendations of the approved water vole mitigation scheme.

Reason: To ensure the protection of Water Voles and in accordance with Policy No. EP4 of the Chorley Borough Local Plan Review.

13. No development hereby permitted shall commence until a scheme detailing the enhancement of the area alongside the drain at the northern end of the site for water voles has been submitted to and approved in writing by the Local Planning Authority (see The Water Vole Conservation Handbook, Second Edition (Strachan & Moorhouse, 2006) for further details). If water voles, or signs of water voles are found along the drain at the northern end of the site at any time during construction, a method statement shall be submitted to and approved in writing detailing how impacts on water voles and their habitats will be avoided. The works must only thereafter continue in accordance with the recommendations of the method statement.

Reason: To mitigate against harm to protected species and in accordance with Policy No. EP4 of the Adopted Chorley Borough Local Plan Review.

14. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied 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, to protect the amenities of occupiers of nearby property and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

15. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.

16. No development approved by this permission shall be commenced until:

- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

- b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on site.
- c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.
- d) A Method Statement and remediation strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the Local Planning Authority: unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

A) To identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.

B) To enable:

- *A risk assessment to be undertaken*
- *Refinement of the conceptual model, and*
- *The development of a Method Statement and Remediation Strategy*

C) & D) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

17. 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 submitted to and approved in writing by the Local Planning Authority. The scheme shall only be completed in accordance with the approved plans prior to first occupation of the office blocks.

Reason: To reduce the increased risk of flooding and in accordance with Policy No. EP19 of the Chorley Borough Local Plan Review.

18. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the car parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the River Chor and in accordance with Policy No. EP18 of the Chorley Borough Local Plan Review.

19. Notwithstanding the details shown on the approved plans, all fascias, soffits and gutters shall be colour finished black unless an alternative is otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory form of development and in accordance with Policy No. GN5 of the Chorley Borough Local Plan Review.
