

<b>Item A. 1</b>	<b>07/01426/FULMAJ</b>	<b>Permit (Subject to Legal Agreement)</b>
<b>Case Officer</b>	<b>Mrs Nicola Hopkins</b>	
<b>Ward</b>	<b>Chorley East</b>	
<b>Proposal</b>	<b>Erection of 149 residential dwellings including landscaping and access off Froom Street,</b>	
<b>Location</b>	<b>Talbot Mill Froom Street Chorley PR6 0EB</b>	
<b>Applicant</b>	<b>Baxter Estates Ltd</b>	
	<b>Consultation expiry: 22<sup>nd</sup> May 2008</b>	
	<b>Application expiry: 15<sup>th</sup> April 2008</b>	
<b>Proposal</b>	<p>The application relates to the erection of 149 dwellings at the site of the former Talbot Mill, Froom Street, Chorley. There is extensive planning history in respect of this site which is set out below.</p> <p>Vehicular access to the site will be gained via Froom Street and the existing Canal Bridge. The bridge will be upgraded and resurfaced and there will be traffic calming measures along Froom Street in the form of speed bumps. Due to the width of the bridge priority will be given to vehicles traveling down Froom Street.</p>	
<b>Planning Policy</b>	<p>PPS 1, PPS3, PPS23, PPS25, PPG13. Policy DP1, Policy DP3, Policy UR7, Policy ER5 (NWRSS). Policy 7, Policy 12, Policy 21, Access and Parking SPG, Landscape and Heritage SPG (JLSP). GN1, GN5, EP4, EP9, EP10, HS4, HS19 (ACBLPR)</p>	
<b>Planning History</b>	<p><b>99/00708/OUT-</b> Outline application for the erection of 120 dwellings. Refused (Appeal Withdrawn)</p> <p><b>00/00021/OUT-</b> Outline application for 120 dwellings. Refused (Allowed on Appeal)</p> <p><b>03/00857/FULMAJ-</b> Variation of Conditions 2 and 3 on application 9/00/00021 (to extend time periods for submission of reserved matters and commencement of development). Pending consideration</p> <p><b>03/01037/REMAJ-</b> Residential Development Approval of Reserved Matters. Withdrawn</p> <p><b>04/00618/FULMAJ-</b> Development of 159 residential dwellings including public open space, road layout, car parking and landscaping, with means of access off Froom Street and highway improvements to Froom Street. Refused</p> <p><b>05/00007/FULMAJ-</b> Development of 158 residential dwellings including landscaping, access off Froom Street and highway improvements to Froom Street / Eaves Lane. Refused</p> <p><b>05/00050/FUL-</b> Erection of 6 apartments. Refused</p>	

**05/00344/FULMAJ-** Development of 164 residential dwellings including landscaping, access off Froom Street, and highway improvements to Froom Street/Eaves Lane. Refused (Appeal dismissed).

## **Representations**

**Councillor Brown** has requested that if the Council are minded to grant permission then the following features should be included via condition:

- A recycling area for the site.
- Grit boxes on Froom St.
- Litter bins in the area and dog waste bins also.

27 letters have been received from neighbours raising the following comments/ objections:

- The site has flooded in the last 30 years
- Site should be used for industrial units- too many housing estates in Chorley
- Create traffic problems- access arrangements are not adequate to serve additional properties
- Could the area not be used for leisure
- Increase the volume of traffic in the area significantly
- Adverse impact on pedestrians
- Out of character with the surrounding area
- Noise impacts
- The removal of the pedestrian refuge will change the dynamics of Froom Street
- Create congestion
- Would be worthwhile considering an alternative access to the site
- Loss of privacy
- Adverse impact on wildlife
- The highways should be widened and the bridge replaced to tackle the problems which will be created
- Lack of local services in the area- further problems through additional properties
- Have an adverse effect on the countryside
- Emergency vehicle access would be compromised
- Create parking problems on Froom Street
- Happy that the pedestrian refuge is not being removed
- The vehicular analysis in the TA is fundamentally invalid- the assessment does not take into consideration the actual situation which occurs along Froom Street and the surrounding streets.

## **Consultations**

**Environment Agency** originally objected to the scheme on flooding grounds. However following the receipt of additional information supporting the flood risk assessment the Environment Agency withdrew their objection subject to various conditions/informatives.

**Friends of Healey Nab have made the following comments:**

- Is Froom Street capable of taking the extra traffic generated by the proposed development?
- The site levels will be raised. Is Froom Street capable of handling the amount of wagons required to do this?
- Concerned about the proximity of the road and the impact on Black Brook
- Would like the footpath to be retained adjacent to the Brook

- Hope the Council considers the impact on bats
- Loss of the car park
- Feel the flooded field should stay
- The Listed Bridge should be protected.

Friends of Healey Nab are also looking into developing a 'gateway' to Healey Nab which involves improving the pond which has formed adjacent to the site and improving the motorway subway. They have a number of requests from the organisation which include providing car parking spaces on plots 71-73 and providing a porta- cabin for use by the organisation. The amended plans details 2 grasscrete car parking spaces east of plots 71-73 however the applicants are not willing to lose plots 71-73 or provide a porta-cabin. The majority of the site which the organisation wish to improve falls outside the application site and the applicants control and there are no specific planning policies which require the improvement of this site. As such the requests of the organisation cannot be required.

**The Ramblers Association** have made the following comments:

- There are two definitive rights of way close to the site- it would be unacceptable not to have access to Bagganley Lane.
- Preferable to redevelop this site than Green Belt. However question the amount of housing needed in the Borough.

**British Waterways** have no objection to the proposal but have made the following comments:

- Development is likely to impact on the canal towpath. The developer should pay a contribution to the repair and maintenance of this towpath
- Access to the towpath should be improved by the developer
- Various conditions/ informatives have also been suggested to ensure the protection of the waterway

**Lancashire County Council (Strategic Planning)** have made the following comments:

- Considers that the proposal conforms with Policy 12 of the Structure Plan
- The Council will have to determine whether the loss of this land would prejudice the supply of business and industrial land in the Borough
- Parking should be in accordance with the JLSP Parking Standards
- A travel plan will be required.
- The development is not likely to increase flood risk due to the greater permeability of the ground with the altered land use.
- 10% renewable energy should be incorporated into the scheme

**Director of Neighbourhoods** has no objection to the scheme subject to the following comments:

- The development should be carried out in accordance with the previously approved remediation details.
- Adequate provision should be made for bin storage

**Lancashire County Council (Highways)** have not formally commented on the application however they have been discussing the application directly with the applications. Following their discussions the access arrangements have been altered to accord with their requirements. Amended plans have been submitted in respect of the road amendments.

**Lancashire County Council (Ecology)** originally raised a number of concerns/ comments with the scheme. These were passed onto the agent for the application and further Ecology work was undertaken. This further work addressed a number of the concerns the Ecologist raised originally. Provided appropriate planning conditions are applied, it seems likely that ecological impacts (bat roosting opportunities, nesting birds, water voles, trees, spread of Japanese knotweed, etc.) can be avoided.

**The Council's Urban Design Manager** raised several concerns/ comments in respect of the originally submitted scheme. These concerns were discussed directly with the agents and the architects for the application and the scheme has been amended in accordance with the points raised.

**United Utilities** have no objection to the scheme subject to various conditions/ informatives

## **Assessment**

### **Principle of the Development**

As members will be aware there is extensive planning history relating to the Talbot Mill Site all of which relates to the use of the site for residential development. The site was previously occupied by a large Mill building which has now been demolished. Due to the previous use of the land the site falls to be considered as previously developed land within the PPS3 definition and as such is the preferred choice for residential redevelopment rather than greenfield land. This fact was established by the Inspector at the previous public inquiry. Therefore, in principle, the redevelopment of the land for residential purposes is considered to be acceptable. However the nature and location of the site raises several issues some of which lead to the previous refused applications, these issues will be dealt with in turn.

Outline planning permission was refused for the residential redevelopment of the site in 2000 (00/00021/OUT) however this decision was overturned at appeal. As such the principle of redeveloping the site for residential purposes was established. Although this application was determined over 5 years ago in 2003 an application was submitted (03/00857/FULMAJ) which sought to vary conditions attached to planning permission 00/00021/OUT seeking to extend the period of time for the submission of reserved matters and the commencement of development. This application has never been determined and is still live which therefore holds the original outline planning permission as extant.

The site covers 4.37 hectares, the erection of 149 dwellings equates to 34 dwellings per hectare. This accords with Government advice set out in PPS3 which requires a minimum density of 30 dwellings per hectare. Taking into consideration the character of the surrounding area, which is relatively high density, a high density development is considered to be appropriate in this location. The Inspector for the appeal in respect of the previous

application, which was for a higher number of dwellings, agreed that the density was appropriate for the location.

### **Public Inquiry**

The previous planning application at the site related to the erection of 164 dwellings (05/00344/FULMAJ) on the site. Chorley Borough Council refused the application on the grounds of oversupply of housing, lack of affordable housing and insufficient information in respect of the impact on protected species. The applicants appealed this decision and went to public inquiry. In the intervening period between the application being refused and the public inquiry the appellants agreed to provide a commuted sum to provide affordable housing provision off site. The scheme was originally considered to be contrary to Policy 12 of the Joint Lancashire Structure Plan in respect of oversupply of housing and affordable housing provision and Lancashire Council objected to the scheme hence the reasons for refusal. Following the agreement to provide a commuted sum the County Council withdrew their objection to the scheme.

Additionally further ecological work was carried out in the interim between the refusal and the appeal which dealt with the ecological reason for refusal. Therefore all of the reasons for refusal had been satisfied and the Council offered no evidence at the public inquiry. The Inspector and the Secretary of State however did not consider the scheme to be acceptable on the grounds that the scheme did not incorporate on site affordable housing, the traffic survey did not take into account pedestrian movement in the area and the layout and design of the scheme was unacceptable. As such the appeal was dismissed.

The submission of this amended application seeks to address the Appeal Inspector's and the Secretary of State's concerns and achieve an agreeable solution for the site. The scheme incorporates a proportion of on site affordable housing, a revised traffic assessment has been undertaken and the layout of the scheme has been amended in line with the Secretary of State's concerns.

### **Affordable Housing**

The proposal incorporates the erection of 149 new dwellings. In accordance with Policy 12 of the Joint Lancashire Structure Plan (JLSP) and the explanatory memorandum planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable housing. In accordance with the Council's Managing Housing Land Explanatory Note a minimum provision of 30% affordable/special needs housing will be required on schemes of 15 dwellings or more.

Lancashire County Council's Strategic Planning Section considers that the proposal conforms with Policy 12 of the JLSP on the proviso that the Council considers that the affordable housing will meet an identified need and contribute to the supply of affordable housing in the Borough. However due to the abnormal costs which arise in respect of developing the site the scheme does not incorporate 30% affordable housing. This 30% figure is derived from the Council's Interim Planning Guidance which is not currently supported by a Local Plan Policy, the Local Plan policy

requires 20%. The applicants argue that the level of contamination on the site and measures required to reduce the potential for flooding ensures that the inclusion of 30% affordable housing will render the scheme financially unviable. The current scheme incorporates 28 affordable units which represents 19% of the site. This is split between 1 x 3 bedroom flat on a rented basis, 6 x 2 bedroom flats on a rented basis, 7 x 3 bedroom houses on a rented basis, 8 x 3 bedroom houses for shared ownership and 6 x 2 bedroom flats on a shared ownership basis.

The applicants have submitted financial information demonstrating the abnormal costs on the site and the fact that the percentage of affordable units proposed is the most which can be achieved without rendering the site financially unviable. Liberata have assessed this financial information and have concluded that due to the high abnormal costs associated with the development the provision of 28 affordable units will impact on the land value and any potential profit for the developer, as such 28 units is considered to be the maximum achievable for this site. It should also be taken into consideration that the scheme does achieve a percentage of on site affordable housing which includes family housing, for which there is an identified need, and enables the regeneration of derelict site within a sustainable location.

The fact that on site affordable housing is provided on site satisfies the Inspectors and Secretary of States concerns. These concerns related to the fact that off site affordable housing provision was inconsistent with the outline permission and the fact that the timescales to deliver off site affordable housing via a commuted sum could be considerable.

### **Highways**

A large number of the neighbours objections relate to the traffic and highway safety problems which will be created by the introduction of 149 dwellings accessed off Froom Street. Highway safety issues were not a reason for refusal in respect of the previous scheme however the Inspector and Secretary of State were concerned with the Traffic Assessment and pedestrian movements within the area. Concern was raised that, contrary to advise in PPG3, priority was given to vehicles rather than the needs of the pedestrians.

As part of the highway works proposed the deck structure of the Froom Street bridge will be replaced with an in-situ concrete structure having an overall width of 5.9 metres, the same as the existing structure. This allows for a 3.1 metre wide carriageway with a 1.8 metre wide footway to its north and a 600mm margin to its south. Traffic calming will be incorporated along Froom Street in the form of speed bumps.

It was originally proposed to give priority to vehicles exiting the development however following discussions with the Highways Authority this has been altered to give priority for vehicles travelling down Froom Street. The level of the existing unadopted access to the east of the bridge will be raised to achieve a minimum forward visibility of 70 metres which exceeds the requirements set out within Manual for Streets. Additionally the layout of the main access road into the development has been amended in accordance with the Highway Engineers concerns. The plans have been amended to accommodate the Highway

Engineers requirements and no objections have been received from Lancashire County Council Highways in respect of the highway implications of the development.

A further traffic assessment has been carried out at the site which takes into account traffic, cycle and pedestrian counts at the existing Froom Street/Eaves Lane junction. The traffic assessment demonstrates that there is adequate capacity at the Froom Street/Eaves Lane junction to accommodate the traffic generated by the proposal. The previous application required modifications to the layout of this junction however the revised traffic assessment demonstrates that these modifications are no longer required. This has been concluded following the assessment regarding pedestrian movements and new guidelines which permits a reduced visibility distance of 43m. Hence the removal of the central refuge island to the north of the Froom Street junction, as proposed as part of the previous application, is no longer required. Also an additional central refuge has recently been installed on Eaves Lane to the south of the Froom Street junction.

A pedestrian count was carried out at the site in July 2007 during the morning and mid-afternoon/ evening peak period. The traffic assessment demonstrated that the majority of pedestrians passing through the junction travelled along either footway of Eaves Lane crossing Froom Street and Aniline Street. Occasionally pedestrians crossed Eaves Lane at the central refuge to the north of the Froom Street junction. Some people travelling to and from Froom Street crossed this street within 20 metres of the junction depending upon which side of the street they lived. No adverse pedestrian movement/ vehicle interaction was observed given the good intervisibility between all users on Froom Street and Eaves Lane.

The pedestrian refuges will be retained on Eaves Lane and, taking into consideration pedestrian movement in the area, it is considered that the increased vehicle movements can be accommodated at the existing junction whilst maintaining pedestrians safety.

The traffic assessment demonstrates that, other than a relatively short length of Froom Street serving the terraced housing where the effective carriageway is restricted by parked vehicles to single lane working at certain times of the day, the majority of the length of Froom Street is of adequate width and utility to accommodate the traffic generated by the development.

It is considered that the further traffic assessment which has been undertaken satisfies the Inspector and Secretary of State's concerns relating to pedestrian movement. The site has good access to local facilities and is considered to be a sustainable location. This fact was confirmed by the Inspector within the appeal decision notice. The fact that the site is considered to be sustainable accords with the Governments objectives in respect of the location of new developments.

### **Character and Design**

Concerns were raised by the Appeal Inspector and the Secretary of State at the appeal in respect of the layout of the scheme. The originally submitted scheme sought to address these concerns and the layout had been amended when compared to the previous

application.

The amendments included at reduction in the number of dwellings to 149, removal of the access road from the middle of the site, redesigning the access road close to the motorway removing the proposed houses which would abut the motorway, buildings are now proposed as focal points, the possibility of encroachment into the landscape/ wildlife corridor along Black Brook has been removed, direct footpath links are provided to the apartments, parking courts have been broken up with landscaping, the amount of amenity space has been increased, the dwellings have been relocated so they do not encroach into retained tree canopies, properties have been removed to that loss of privacy will not be created from the canal bridge and the trees to the east of the canal bridge will be retained. These amendments specifically deal with all the points set out within the Inspector's Appeal Decision.

Although the Inspector had some concerns with the layout the following points were also included within the appeal decision. The Inspector agreed that the general form of the layout responded to the physical assets of the site. The scheme provided a mix of dwelling types and sizes. She did not consider that due to separation distances that there would be any adverse impact on neighbours. The heights of the building and density would be in keeping with the surrounding area. Open space is provided in the site, the access road will achieve safe speeds and the properties are sited to ensure natural surveillance. Thus many of the design requirements of the local plan policies were taken into account.

However it was not considered that the originally submitted scheme, although it satisfied the Inspectors concerns, was the best design solution for the site. The Urban Design Manager made very detailed comments on the originally submitted scheme and a number of concerns with the layout and design of the proposed scheme. These comments were forwarded onto the applicants and the architects for the scheme have dealt with each point in turn.

Many of the urban designer's comments have been incorporated into this scheme where practicable, subject to site restrictions, and those outstanding issues can be dealt with by way of planning conditions. It is considered that an acceptable scheme can be achieved on this site in terms of the layout and design.

Lancashire County Council Strategic Planning have requested that a minimum of 10% renewable energy is incorporated into the scheme. The development involves the re-use of materials on site which adds to the sustainability of the site and reduces the number of vehicle movements required at the site. It is envisaged that the homes will be built to Code Level 3 of the Code for Sustainable Homes. This includes homes being 25% more energy efficient than ones built to 2006 Building regulations standards and the homes will be designed to use no more than approximately 105 litres of water per person per day.

Councillor Brown has requested that bins and a grit box are provided on site. The applicants are happy to provide these features and the Section 106 Agreement will incorporate a commuted sum to provide these features.



## **Flooding**

The site is located within a Flood Risk Zone 3 and although a Flood Risk Assessment was submitted with the application the Environment Agency did not consider that the information was sufficient and objected on the grounds of flooding. During the application process further work has been carried out on flooding and an addendum to the Flood Risk Assessment was submitted. The Environment Agency considers that this additional information is sufficient and have removed their objection subject to various conditions.

The flood mitigation measures include 6,500cu m of compensatory storage in the Public Open Space in addition to the existing ground storage capacity of the site. The additional information supplied in support of the Flood Risk Assessment demonstrates that for the 1 in 100 year event the proposed site layout shows a decrease in peak flow by 0.16m<sup>3</sup>/s. For the 1 in 100 year + Climate Change event no increase in flow at the downstream boundary of the model will result from the development proposals.

The site has some 8,000cu m of on site material, representing the remains of the former mill buildings, which will be reused. The total amount of imported fill will be some 21,500cu m. This is broken down in to 15,000cu m of imported fill, 5,000 cu m of clay capping, and 1,500cu m of topsoil/clay/stone fill. (within the 15,000cu m of imported fill is some 5,000cu m for flood risk prevention measures as required by the EA, the other amounts for flood risk prevention will be taken from the existing 8,000cu m of on site materials). This imported fill includes road construction material, removal and replacement of contaminated land capping material and fill flood prevention material. The approximate 21,500cu m of imported fill equates to approximately 1900 lorry loads although the use of on site materials represents a saving of some 900 lorry loads. The site overall will be raised on average by approximately 1.5m to reduce the risk of flooding.

In addition to the suggested mitigation methods suggested by the Environment Agency in respect of flooding the applicants have also agreed to install a grey water system with each dwelling and apartment block to collect rainwater. The systems will contribute to renewable energy on the site, in line with LCC requirements set out above, and manage rainwater run-off which will benefit the site and further reduce the already low potential for flooding. This could be in the form of cisterns above or below ground that will collect and store rainwater run off from rooftops and other impervious surfaces. These collection tanks can then serve as an on-site supply for watering lawns and garden. It may also possible to reuse grey water indoors in toilets and for washing. This provision will be dealt with via condition.

## **Ecology and Trees**

The Ecologist at Lancashire County Council commented on the originally submitted scheme and the submitted Ecology and Tree surveys. Following the receipt of the Ecologist's comments additional work was done on the Ecological impact of the development and the Ecologist has reviewed the additional information.

The Ecologist considers that it seems likely that ecological

impacts (bat roosting opportunities, nesting birds, water voles, trees, spread of Japanese Knotweed) can be avoided and has suggested appropriate conditions to attach to the recommendation.

The Ecologist still had concerns/ queries in respect of the tree works required to which the agent for the application has responded. Trees which are to be felled which have the potential for bat roosting opportunities will be done using precautionary methods and English Nature will be consulted prior to felling the tree. Bat roosts were not found on site however which is acknowledged by the Ecologist and any potential bat roosts will be identified within the precautionary re-survey.

A condition will be attached requiring a 5 metre buffer zone around the adjacent pond to prevent material entering/ disturbing it however it must be noted that this pond is outside the application site and applicants ownership and as such cannot be included within the Landscape Management Plan.

In addition to the above it is proposed to enhance the canal footpath as part of the scheme by replacing seating etc. A walkway west of the Black Brook will be provided to ensure residents can enjoy a circuitous route around the site.

British Waterways have requested that the canal towpath and access to it should be improved by the developer. However this falls outside the application site and is not within the applicants' control. Additionally as part of the proposal the existing canal footpath within the application site will be enhanced which will provide an accessible route along the Canal.

### **Open Space**

As part of the scheme an area of informal open space and a Locally Equipped Play Area will be provided on site. These elements will be provided by the applicant and maintained by the Council, this will be secured through a Section 106 Agreement. Additionally a commuted sum will be provided to provide and maintain off site playing field provision also secured through the legal agreement.

In addition to the formal areas of open space amenity space will also be provided around the apartment blocks.

### **Loss of Employment Land**

Historically the land was developed with Mills serving the Cotton Industry. The last remaining buildings were demolished in 2000. A sewage works which occupied the southern part of the site was discontinued in the late 1950s.

As the site was previously used for employment use in accordance with the Council's Local Plan Policies the preferred re-use would be for employment purposes. However when the Local Plan was adopted the site was allocated for residential use and it was accepted that the preferred use of the site would not be for employment use. Although this Policy has been superseded by the JLSP the Inspector who dealt with the 2000 outline planning application for the site also considered that redevelopment for residential use was acceptable. The site is previously developed land which is derelict and vacant and is within a sustainable

location. Therefore the site falls to be considered the preferred choice for redevelopment rather than greenfield sites.

Additionally the only access to the site is through residential areas and therefore the re-use of the site for employment purposes could potentially conflict with the existing residents through the types of vehicles entering and exiting the site and the type of industry present on the site. It is considered that the redevelopment of the site for residential purposes will form a sustainable pattern of development and the loss of this employment site will not adversely impact on the supply of employment land in the Borough.

### **Conclusion**

Clearly the extensive history of this site demonstrates how contentious the residential redevelopment of this site has been over the past ten years. Within the Adopted Chorley Borough Local Plan Review the site is allocated as housing land. However following the adoption of the Joint Lancashire Structure Plan this Policy was not considered to be in conformity with the Structure Plan and as such the Structure Plan Policies supersede this Local Plan Policy.

Although outline planning permission was granted at the site and the site was allocated within the local plan this does not necessarily mean the site should be brought forward for redevelopment. Particularly as the outline permission could only be implemented if a favourable recommendation is made on the current application to vary Conditions 2 and extend time periods for submission of reserved matters. (03/00857/FULMAJ).

This notwithstanding however the site represents a brownfield site located within a location which is considered to be sustainable. In accordance with Government advice contained in PPS3 the redevelopment of brownfield sites is preferable to the redevelopment of greenfield sites and the redevelopment of this site would represent an improvement in the visual amenities of the area as the site is currently in a derelict state.

The density of the site is considered to be appropriate for this location and an agreeable design and layout can be achieved on this site. Although the proposal will add to the supply of housing within the Borough it is considered that the inclusion of affordable housing and the fact that the site is a brownfield site within a sustainable location ensures that the proposal complies with Policy 12 of the Joint Lancashire Structure Plan.

The proposal seeks to address the concerns raised by the Inspector and Secretary of State in respect of the previous scheme and it is considered that the current proposal represents the most appropriate solution for the redevelopment of the site. The proposal complies with National, Regional and Local Planning Policies and as such is considered to be acceptable.

**Recommendation: Permit (Subject to Legal Agreement)  
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 51 of the Planning and Compulsory Purchase Act 2004.*

2. 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 previously submitted 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 Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

3. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on previously submitted plans) 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, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

4. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.

*Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*

5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out 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 and HS4 of the Adopted Chorley Borough Local Plan Review.*

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

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

7. Prior to the commencement of the development a scheme for the provision and implementation of a surface water regulation system shall be submitted to and approved in writing by the Local Planning Authority. The scheme thereafter shall be completed in accordance with the approved details.

*Reason: To reduce the increased risk of flooding and in accordance with Policy 24 of the Joint Lancashire Structure Plan and Government advice contained in PPS25 Development and Flood Risk*

8. The development hereby approved shall be carried out in accordance with the measures outlines in the Flood Risk Assessment dated December 2007 and the addendum to the Flood Risk Assessment dated 18th February 2008 carried out by Weetwood Environmental Engineering.

*Reason: To reduce the risk of flooding and in accordance with Policy 24 of the Joint Lancashire Structure Plan and Government advice contained in PPS25 Development and Flood Risk*

9. Prior to the commencement of the development a Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include measures to ensure the protection of the Leeds Liverpool Canal during construction. Including measures to prevent any pollution of the canal by construction materials, dust or contaminated surface water run-off. The development thereafter shall be carried out in accordance with the approved method statement. Reason: To ensure the development does not adversely impact on the water course and in accordance with Policy EP17 of the Adopted Chorley Borough Local Plan Review.

10. Prior to the commencement of the development full details of the emergency access link from Bagganley Lane shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the measures to be implemented to prevent vehicular access except in emergencies.

*Reason: To ensure the acceptable development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*

11. Prior to the first use of the development hereby permitted, a Residential Travel Plan shall be submitted to and approved in writing by, the local planning authority. The measures in the agreed Travel Plan shall then thereafter be complied with unless otherwise agreed in writing by the Local Planning Authority. Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review.

12. Prior to the commencement of the development the highway serving the site and the traffic calming measures along Froom Street shall have been completed in accordance with the approved details shown on plans reference P2040/04/118A and 04/210/100/003A, or as otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*

13. Prior to the felling of trees which have the potential to support bat roosts the trees and bridges shall be resurveyed to establish the presence of bats. The survey shall include the recommendations set out within the by Penny Anderson Associates Ltd. 2006. Baxter Estates Ltd, Talbot Mills, Ecological Assessment (paragraphs 6.5-6.15). If bats are found to be present work on site should cease and a professionally qualified Ecologist should be consulted to ensure that there will be no harm to bats.

*Reason: In the interest of the continued protection of protected species and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.*

14. Prior to the commencement of the development a scheme for the provision of bat boxes/ bat bricks and bird boxes shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall include the number proposed and the

proposed location. The development thereafter shall be carried out in accordance with the approved details.

*Reasons: In the interests of protected species and providing nesting opportunities for protected species. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.*

15. An undeveloped buffer zone of at least 5m should be retained along the watercourses and should include the pond to the north of the site. This buffer zone must be protected from construction activities (e.g. run-off/pollution, the storing of any material, or vehicle movements), and secured herras fencing at least 5m from the brook and canal shall be erected and retained during the period of construction to ensure the continued protection of Water Voles and the water bodies.

*Reason: In the interests of the continued protection of protected species and to ensure the water body is not affected by any changes to drainage/hydrology, and does not receive any surface run-off or pollution from the development site. In accordance with Policies EP4 and EP17 of the Adopted Chorley Borough Local Plan Review.*

16. 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.*

17. The site shall be remediated in accordance with the approved remediation proposal, reference TC/P2062/04/GC produced by Gary Clarke (& Kathryn Iddon) of Thomas Consulting. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to 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 Government advice contained in PPS23: Planning and Pollution Control*

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

*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 Government advice contained in PPS23: Planning and Pollution Control*

19. Notwithstanding the previously submitted plans, prior to the commencement of the development, full details of the proposed bin storage shall be submitted to and approved in writing by the Local Planning Authority. Provision should be made to ensure adequate storage is provided for household waste and adequate access is provided for collection vehicles/ crews. The submitted details should accord with Chorley Borough Council's Waste Storage and Collection Guidance for New Developments. The development thereafter shall be carried out in accordance with the approved details.

*Reason: To ensure that adequate refuge storage is provided on site and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.*

20. Notwithstanding the previously submitted plans, prior to the commencement of the development details of the cycle parking provision associated with the apartment blocks shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be in accordance with the approved details.

*Reason : To ensure adequate on site provision for cycle parking and in accordance with Policies No. TR18 and HS4 of the Adopted Chorley Borough Local Plan Review.*

21. Prior to the commencement of the development full details of the proposed street lighting and signage shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

*Reason: In the interests of the visual appearance of the development and in accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

22. Prior to the commencement of the development full details of the walkway enhancements along the canal and the Black Brook shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed improvement measures (e.g replacement seating), a demonstration that a circuitous route can be achieved and evidence that the route is fully accessible, including disabled access. Additionally the details shall include the footpath link to the housing development to the south of the site. The development thereafter shall be carried out in accordance with the approved details.

*Reason: In the interests of the visual amenities of the area and the future amenities of the residents. In accordance with Policy GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

23. Prior to the commencement of the development full details of the measures to be incorporated to protect dwellings affected by the M61 Motorway, plots 70-73, 74-79, 80-85, 100-103 and 107, shall be submitted to and approved in writing by the Local Planning Authority. All work which form part of the approved scheme shall be completed before the first occupation of the noise-sensitive dwellings and noise protection measures shall be retained thereafter.

*Reason: To protect the amenities of the future occupiers of the properties affected by the motorway and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.*

24. Prior to the commencement of the development full details of the laying out of the public open space and equipped play area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the play equipment and other equipment to be provided. The approved scheme shall be completed prior to the occupation of the dwellings on plots 1-4, 10-15 and 146-149 and the open space and play area shall be retained thereafter.

*Reason: To ensure adequate provision is made for public open space and in accordance with Policies GN5 and HS19 of the Adopted Chorley Borough Local Plan Review.*

25. Prior to the commencement of the development full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.

*Reason: To ensure the satisfactory management of the private driveways and refuse storage/ collection at the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

26. Prior to the commencement of the development full details of a scheme for the collection and storage of rainwater shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include full details of the systems to be installed at each of the apartment blocks and individual residential units, and how this water will be recycled within the residential units.

*Reason: In the interests of reducing the potential of flooding at the site and as a contribution to renewable energy resources at the site. In accordance with Government advice contained in Planning Policy Statement 1: Delivering Sustainable Development, the supplement to PPS1: Planning and Climate Change and Planning Policy Statement 25: Development and Flood Risk.*

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