

**Item A. 2**                      **08/01044/OUTMAJ**                      **Permit (Subject to Legal Agreement)**

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

**Ward**                                      **Chorley South East**

**Proposal**                              **Outline application for the erection of a mixed use development incorporating residential and B1 employment use following the demolition of the existing buildings (7.2 hectares)**

**Location**                              **Vertex Training And Conference Centre Little Carr Lane Chorley PR7 3JT**

**Applicant**                              **United Utilities Property Solutions Ltd**

**2 neighbour letters have been received**  
**Consultation expiry: 2<sup>nd</sup> December 2008**  
**Application expiry: 31<sup>st</sup> December 2008**

**Proposal**                              The application is an outline application for the redevelopment of the Former Vertex Training Centre, Little Carr Lane, Chorley. The proposal is outline in nature with all matters, apart from access, reserved. The proposal incorporates redevelopment for residential use, up to 200 dwellings, and 10,800 square metres of office (Use Class B1) use.

The indicative masterplan demonstrates that 200 residential units and 10,800 square metres of B1 floor space can be accommodated on the site. It is envisaged that this will be split between 80 four-bed units, 70 three-bed units and 50 two-bed dwellings. This will incorporate apartments, terraced, semi-detached and detached properties. 4,032 square metres of public open space will be provided on site including equipped play space.

The whole site is 7.2 hectares in area. Part of the site is allocated as employment land within the local plan and covers an area of approximately 3.4 hectares. The density of the housing element of the scheme for 200 new dwellings is approximately 42 dwellings per hectare.

**Summary**                              The proposal incorporates the redevelopment of a brownfield site and will enhance employment opportunities within the Borough. There are still outstanding issues in respect of Bats which the applicants are aware of and will be reported on the addendum. This notwithstanding however the proposal is considered to be acceptable

**Planning Policy**                      **National Polices:**  
PPS1, PPS3, PPS9, PPS22, PPS23, PPS25, PPG17

**North West Regional Spatial Strategy:**  
**Policy DP1:** Spatial Principles  
**Policy DP4:** Make the best use of Existing Resources and Infrastructure  
**Policy DP7:** Promote Environmental Quality

**Policy RDF1:** Spatial Priorities  
**Policy W1:** Strengthening the Regional Economy  
**Policy W2:** Locations for Regionally Significant Employment Development  
**Policy W3:** Supply of Employment Land  
**Policy L4:** Regional Housing Provision  
**Policy L5:** Affordable Housing  
**Policy RT9:** Walking and Cycling  
**Policy EM5:** Integrated Water Management  
**Policy EM15:** A Framework for Sustainable Energy in the North West  
**Policy EM16:** Energy Conservation and Efficiency  
**Policy EM17:** Renewable Energy

**Adopted Chorley Borough Local Plan Review:**

**GN1:** Settlement Policy- Main Settlements  
**GN5:** Building Design and Retaining Existing Landscape Features and Natural Habitats  
**GN9:** Transport Accessibility  
**EP4:** Species Protection  
**EP9:** Trees and Woodland  
**EP17:** Water Resources and Quality  
**EP18:** Surface Water Run Off  
**HS4:** Design and Layout of Residential Developments  
**HS5:** Affordable Housing  
**HS6:** Housing Windfall Sites  
**HS21:** Playing Space Requirements  
**EM1:** Employment Land Allocations  
**EM2:** Development Criteria for Industrial/ Business Development  
**TR1:** Major Development- Tests for Accessibility and Sustainability  
**TR4:** Highway Development Control Criteria  
**TR18:** Provision for pedestrians and cyclists in new developments  
Sustainable Resources Development Plan Document  
Statement of Community Involvement

**Planning History**

The existing training centre on site was opened in 1974 and is now an outdated facility. The building became underused a number of years ago. The training function was moved out of the facility and the centre closed in 2002. A subsequent attempt was made to reopen the centre as a conference centre initially for three years however the centre operated at a loss and was closed in 2006.

**95/00050/FUL-** Construction of new car park for 62 cars, including landscaping. Approved March 1995.

**96/00645/FUL-** Siting of one portacabin unit for temporary office accommodation. Approved October 1996

**97/00025/FUL-** Single-storey side extension to administration offices. Approved March 1997

**97/00161/FUL-** Provision of open canopy to road training area. Approved May 1997

**98/00375/FUL-** Siting of electricity transmission tower for training purposes only (not connected to electricity transmission/distribution network). Approved October 1998

**98/00415/FUL-** Single storey infill extension. Approved July 1998

**98/00690/FUL-** Continuation of planning permission 9/96/00645 to allow the use of one portacabin unit for temporary office accommodation for a further 2 years. Approved November 1998

**98/00813/FUL-** Erection of communications building on land adjacent Red Bank Mission. Approved January 1999

**98/00842/FUL-** Siting of portacabin for a temporary period of five years. Approved January 1999

**00/00856/FUL-** Extension of previous permission (9/96/00645/FUL) to continue use of one portacabin unit for temporary office accommodation for a further 12 months. Approved December 2000

**06/00850/CB3-** Creation of an access junction off the proposed Eaves Green Link Road (site area 0.31ha). Approved November 2006

### **Applicant's Case**

The following points have been forwarded in support of the case:

- The scheme has been developed in close liaison with the Borough Council at pre-application stage
- Extensive community consultation has also been undertaken
- The application proposes to redevelop a brownfield site which is currently redundant and underused
- Presently the site makes no positive contribution to the character and appearance of the area.
- The development will provide on site affordable housing and approximately 500 job opportunities.

### **Representations**

1 letter has been received raising concerns in respect of tree removal and the location of industrial units to the rear of the dwellings although they are aware that siting will be dealt with at reserved matters stage.

1 letter has been received objecting to parts of the application as follows:

- Concerned about where the access will terminate at Little Carr Lane as it is in front of her house
- Adequate safe play areas are required as part of the development- the area to the north of the site is very small
- Concerned about drainage on the site.

### **Consultations**

**The Council's Conservation Officer** has no comments to make.

**The Council's Urban Design Manager** has made comments on the design and layout of the scheme. As this is an outline application issues relating to design and siting will be dealt with at reserved matters stage.

**Corporate Director (Neighbourhoods)** has no objections to the proposed development provided that the proposed remedial measures and any further investigation works as necessary are carried out in accordance with the recommendations made in the reports.

**Lancashire County Council (Ecology)** have commented on the scheme and require a method statement, for approval prior to determination of the application, detailing how detrimental impacts on the conservation status of the bat population will be avoided during and after the development

**Lancashire County Council (Strategic Planning)** considers that the scheme conforms with the NW Regional Spatial Strategy

**United Utilities** has no objections subject to various conditions/informatives.

**Ramblers Association** have suggested a alternative route of the diverted footpath which they consider to be more appropriate.

**The Council's Parks and Open Spaces Officer** has raised concerns with natural surveillance of the equipped play area but does consider that the site has a good proportion of Public Open Space.

**Chorley Landscape Assistant** has no objections to the proposal.

**Lancashire County Council (Highways)** has no objections to the proposal and confirms that the road and junctions has adequate capacity as they were designed to accommodate development. Concerns have been raised with the illustrative internal arrangements. The layout would need completely revising to meet the needs and design requirements of the site

**The Environment Agency** has no objections to the scheme subject to various conditions/ informatives

**Natural England** have concerns about the impact of the proposal on bats.

**Lancashire Fire and Rescue Service** have suggested the installation of residential sprinkler systems

**Lancashire County Council (Archaeology)** have recommended an archaeological survey condition due to the possibility of the remains of collieries and buildings on the site

**Planning Policy** have made the following comments:

- That B1 office element of the development is contrary to National and Regional Planning Policy because since the adoption of the Local Plan more recent Planning Policy, National Planning Policy Statement 6 (PPS6) and the adopted Regional Spatial Strategy (RSS), has been adopted. Both of these documents direct office uses to town centre locations
- This site is a brownfield site within the defined Chorley town settlement and as such housing development is acceptable in principle
- The application proposes 20% affordable housing on site, which accords with Policy HS5 in the Local Plan Review and National Planning Policy in Planning Policy Statement 3.

## **Assessment**

### **Principle of the development**

Part of the site is previously developed, brownfield land and is occupied by the former Vertex Training Centre. The built development is located on a central position on the site. The land to the east and west of the built development is previously undeveloped land however the whole site forms part of the curtilage of the site. Additionally the site is located within the defined settlement within the Local Plan.

In accordance with Planning Policy Statement 3: Housing the site is considered to be previously developed land. Previously developed land is land which is or was last occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. PPS3 encourages the redevelopment of previously developed land. As such the principle of redeveloping the site for accords with Government guidance.

### **Employment Land**

The eastern section of the site is allocated as employment land within the Local Plan. As such in accordance with Policy EM1 this part of the site is identified as suitable for business, general industrial or storage and distribution (Use Classes B1, B2 and B8). Additionally financial and professional services (Use Class A2) are identified as being appropriate in this location.

The proposed employment part of the scheme does not, however, fully accord with the employment land allocation. It was determined during pre-application discussions that it would be more appropriate to locate the employment uses along Myles Standish Way to give greater prominence to employment uses on Myles Standish Way and to reduce the impact of the employment development on the adjacent residential properties. The size of the employment site has not been reduced, however, when compared to the employment allocation.

The employment proposed as part of this scheme is proposed to be wholly B1 Office accommodation comprising of small to medium sized units with a maximum floor space of 10,800 square metres. B1 Office accommodation is identified as an appropriate use within the Policy EM1 allocation however since the adoption of the Local Plan more recent Planning Policy, National Planning Policy Statement 6 (PPS6) and the adopted Regional Spatial Strategy (RSS), has been adopted. Both of these documents direct office uses to town centre locations. Policy W3 of the RSS states that office development should, as far as possible, be focused in the regional centres, in or adjacent to town/city centres listed in Policy RDF1 and in Key Service Centres (such as Chorley Town), consistent with Policy RDF2 and the sequential approach to the location of development in PPS6.

The allocation under Policy EM1 clearly does not conform with more recent National and Regional Policy however it is a saved Policy and as such is still a material planning consideration. The Policy identifies B1 office use as appropriate. The submission of this planning application follows extensive pre-application discussions with the Council. Small/ starter B1 office units have been identified as lacking in the Borough and the applicants were advised that B1 office units would be appropriate in this location.

Additionally the allocated housing site to the north of the application site originally formed part of the whole site and was sold to Persimmon Homes after outline planning permission had been granted (04/01457/OUTMAJ) for residential redevelopment. This development is well commenced on site. At the time of the outline planning application United Utilities entered into a Section 106 Agreement which Chorley BC which obliged United Utilities to, among other obligations, market the allocated employment land for B1, B2, B8 and A2 uses. Chorley Council entered into this agreement with United Utilities in October 2005 and the obligation related directly to the opening of the Eaves Green Link Road, now known as Myles Standish Way.

The obligation required a 6-month marketing exercise however, although this hasn't been undertaken, this exercise may have resulted in no employment interest in the site. If this occurred other uses, including residential development, would have had to be considered for the allocated employment site. This development ensures employment uses will be accommodated on this allocated employment site to the benefit of the local economy.

Although current National and Regional Planning Policy would prefer to direct office accommodation to town centre locations in this situation, taking into account the Policy EM1 allocation, the fact that the legal agreement identified B1 Uses as appropriate uses to market the site for and the fact that there are no identified town centre locations, ensures that employment accommodation will be achieved in the Borough and is appropriate in this location.

Lancashire County Council consider that due to the location of the site, the fact that the site is well serviced by sustainable transport and is allocated within the Local Plan then this element of the scheme is in conformity with the RSS.

Two office buildings will form the 'gateway' to the development as they will front Myles Standish Way and the access junction into the site. The addendum to the Design and Access Statement encourages exceptional design solutions for these buildings to create a 'gateway'.

Concerns have been raised that due to the current market the employment uses will not be delivered whereas the residential units will be leaving a vacant piece of land. The applicants have confirmed that due to the size of the site and two differing types of development it is likely that the site will be split into parcels and 2/3 different developers will develop the site. To ensure the employment uses will be delivered current discussions in respect of the Section 106 Agreement are based around phasing the development so the construction of a proportion of the residential development will require the construction of a proportion of the employment development.

Additionally details of the structure planting will be required prior to the commencement of the development which will require planting/ landscaping along the main access route into the site at an early stage.

### **Housing Development**

The proposed development incorporates a mixed use scheme with an element of employment use, set out above, and an

element of residential redevelopment. The site is located within the settlement boundary and is allocated under Policy GN1 of the Adopted Local Plan. As such the principle of redeveloping the site for residential purposes is considered to be acceptable.

The residential units will be sited to the north and west of the site. The west of the site rises upward to the woodland located at the western boundary of the site. Locating the residential properties in this location takes into account the natural topography of the site and will afford views to the east.

Following receipt of the comments from the Urban Design Manager the indicative layout has been amended and an addendum to the Design and Access Statement has been submitted. To take into account the topography of the site the addendum letter encourages future developers to consider split level houses. The apartment building to the north of the site has been relocated forward to continue the adjacent building line and the parking has been repositioned to a more discrete location. The addendum to the Design and Access Statement encourages dual aspect housing and consideration of detailed boundary treatments will be dealt with at reserved matters stage.

Although the application is outline with all matters reserved an indicative Masterplan has been submitted which demonstrates that 200 new dwelling units can be accommodated on the site. This will be split between 80 four bed units, 70 three bed units and 50 two bed units. This will include terraced, semi-detached and detached dwellinghouses and apartments. The dwellinghouses will range in height between two and two and a half storeys; the apartments will range in height between 3 and 4 storey.

Although the submitted layout plan is indicative the plan seeks to demonstrate that the site can be developed as proposed without adversely impacting on the neighbours amenities. The immediate residential neighbours to the site are located to the north of the site along Carr Lane and Little Carr Lane, the new Persimmon development, Duxbury Gardens, is also located to the north of the site. To the west of the site are the residential properties on The Bowers.

The submitted parameters plan details that along the northern boundary of the site with Carr Lane and Little Carr Lane all of the proposed dwellings will be a maximum of 2 stories high. The existing dwellings are located in close proximity to the site boundary and are at a slightly lower land level than the application site. However the illustrative masterplan illustrates that the required 21 metre window to window distance can easily be achieved with the spacing of the properties exceeding this distance. Where properties are located closer than 21 metres to the rear of the existing dwellings the masterplan illustrates that the proposed dwellings will be orientated to ensure a blank gable wall faces the existing property and more than the required 12 metres spacing distance is retained.

Along the boundary with Duxbury Gardens a three storey apartment block, 2 storey dwellinghouses and 2 storey office buildings are proposed. Duxbury Gardens consists of three storey dwellings and as such the siting of a three storey apartment block close to this boundary is not considered to be out of keeping with

the character of the area. Additionally over 27 metres separation distance can be achieved between the proposed apartments and the existing dwellings which will ensure there is no loss of amenity for the future or existing residents. The closest office building is indicated to be approximately 14 metres from the rear of the existing properties however in this situation the gable end of the office building will face the dwellinghouse with no side windows.

The Biological Heritage Site and dense vegetation is located along the boundary of the site adjacent to the properties on The Bowers. Due to the presence of this landscape strip and the fact that the majority of the BHS falls outside the application site ensures that this landscaping will be retained and screens the proposed development from the properties on The Bowers.

It is considered that the development can be achieved whilst maintaining adequate spacing distances and ensuring the amenities of the existing and future residents are maintained.

In accordance with Policy L5 of the Regional Spatial Strategy and Policy HS5 of the Adopted Local Plan and 20% on site affordable housing will be required as part of the development. This obligation will form part of the Section 106 Agreement associated with the development and the 20% provision will be split between 70% rented affordable units and 30% shared ownership affordable units. This split is based on local need in the area.

It is considered that as the proposed housing forms a key element within a mixed use regeneration project and will meet district targets in terms of providing affordable housing. As such redeveloping the scheme for housing is considered to be appropriate.

### **Open Space**

The proposal incorporates elements of Public Open Space within the site. A total of 4,032 square metres of Public Open Space will be provided within the site which includes 1,308 square metres of Equipped Play Space. These areas will be provided by the developers and passed over to the Council for adoption and maintenance. This provision will be secured by the associated legal agreement.

The indicative masterplan details three areas of public open space to the north of the site adjacent to the properties on Little Carr Lane, in a central location on the site and to the south of the site close to Myles Standish Way. The equipped play area will form part of the open space proposed to the south of the site.

A Public Realm Plan forms part of the submission which indicates which elevations of the dwellings and B1 office units should incorporate habitable room windows and office windows to promote informal supervision of streets, public open space and paths.

Additionally in accordance with Policy HS21 of the Adopted Local Plan provision of playing fields is required due to the size of the proposed residential development. This provision will form part of the Section 106 Agreement and will be provided off site.



## **Trees and Landscape**

The site incorporates areas of trees and vegetation some of which will be retained as part of the development and some of which will be removed. An Arboricultural Survey has been submitted with the application which includes details of all the trees on site which formed part of the Tree Survey.

The report identifies which trees are worthy of retention and which are not worthy of retention. The trees on site are generally in a good condition. 24 trees/ groups have been recommended for removal for Arboricultural reasons as they are considered unsafe and because their removal will benefit adjacent trees. 93 trees/ groups have been recommended for removal because they are either within the development footprint or too close to the proposed development to be practically protected during construction. The majority of the trees to be removed to accommodate the development are identified as category 'C' trees within the survey which have a low amenity value. 14 of the 33 Category 'B' trees are proposed to be felled however as part of the landscaping of the whole site replacement trees will be planted to mitigate for the loss of the existing trees.

The trees which have the highest amenity value are located within the woodland along the western boundary of the site. This area is also designated as a Biological Heritage site. None of these trees will be affected by the development. These trees are also protected by Tree Preservation Order 9 (Chorley) 1995.

The Council's Arboricultural Officer will review the submitted report and his comments will be reported on the addendum.

## **Ecology**

As there are existing buildings and trees on site the proposed redevelopment has the potential to impact on protected species. An Ecological Assessment of the site has been undertaken which has been assessed by Lancashire County Council's Ecologist.

The proposal could have possible impacts on the Biological Heritage site, bats and nesting birds, as well as the fragmentation/isolation of habitats. There is also the possibility that giant hogweed will be spread.

The Ecological Assessment concludes that there are no Great Crested Newts on the site and as such there will be no impact on Great Crested Newts. Bats roosts are present on the site and as such a method statement for approval prior to determination of the application, detailing how detrimental impacts on the conservation status of the bat population will be avoided during and after the development will be required.

Appropriate conditions can be attached to ensure the proposal does not adversely impact on breeding birds and eradication of evasive plant species on the site can be dealt with by condition. The area of woodland to the west of the site is designated as Biological Heritage Site (Duxbury Woods Biological Heritage Site (BHS 51NE13). The Ecologist at LCC has confirmed that Duxbury Woods has been damaged (loss of extent and fragmentation) by earlier developments. As such it is important to ensure that the remaining areas are adequately protected from further damage. To ensure the Biological Heritage site is not affected by the

development appropriate planning conditions will be attached to the recommendation.

### **Flood Risk**

Part of the site falls within a Flood Risk Zone 2 and 3. As such Flood Risk Assessments have been submitted as part of the application. The assessment concludes that there is a low flood risk from the River Yarrow and the proposal is acceptable from a flood risk perspective.

United Utilities have assessed the Flood Risk Assessments and have confirmed that the flood risk assessment and proposed drainage details are acceptable to United Utilities in principle, subject to amendments to the sewer in the area. The Environment Agency are also satisfied with the findings of the Flood Risk Assessment

### **Traffic and Transport**

The proposal incorporates the redevelopment of the site for employment and residential uses. The site has previously been used for a number of purposes including a training centre which, when it was fully operational, would have attracted a significant number of traffic movements. Additionally the site accommodates large parking areas for the existing facility. The current vehicle access to the site is via Little Carr Lane which is a residential street however the proposal intends to incorporate vehicle access off the new Eaves Green Link Road, Myles Standish Way, with only emergency and pedestrian/ cycle access achieved through the current Little Carr Lane access.

It is possible that the proposed development will generate more traffic than the existing use and as such a Traffic Assessment has been undertaken and forms part of the planning application.

The assessment concludes that the Eaves Green Link Road has been designed to accommodate significant traffic flows and the junction into the application site, which has already been constructed, will be able to operate well within capacity and will not result in queuing during peak hours. Additionally the closure of the Little Carr Lane entrance and removal of traffic generated by the Conference Centre would have environmental and safety benefits to the existing residential areas.

The site is located close to existing bus stops and a contribution will be provided, which will be secured as part of the Section 106 Agreement, to Sustainable Transport Improvements which will include improvements to the local bus service and the provision of a bus stop close to the site.

The Little Carr Lane access will be available for emergency access and will be managed with appropriate measures, such as drop down bollards, to ensure the access is not utilised by general traffic.

There is an existing public right of way which goes through the site. The route will not follow the existing route but will be diverted through the development. The indicative masterplan indicated that the proposed diversion route will run from Little Carr Lane through the emergency access point and along the main access road of the site to Myles Standish Way. The Ramblers have an alternative

suggestion which follows the original route more closely. The Public Right of Way diversion has not yet been finalised and will be agreed with the Public Rights of Way Officer at Lancashire County Council.

A dedicated cycle route will also be provided through the site linking Little Carr Lane with Myles Standish Way along with additional pedestrian links, in addition to the public right of way.

The S106 contribution will also improve pedestrian links between the Development and the bus stop and contribute to the provision of safe cycling facilities. As such the development will enable other transport choices rather than the car in accordance with the Government's sustainability principles.

The Highways Engineer at Lancashire County Council has reviewed the Transport Assessment and the proposal and considers that the junction and access road have sufficient capacity for the development. Concerns have been raised in respect of the internal road layout however this is indicative at this stage and will be fully developed at reserved matters stage.

### **Public Consultation**

In accordance with the Council's Statement of Community Involvement the applicants along with their agents undertook consultations with the community prior to submitting the formal application. This included a public exhibition where neighbours were asked to comment on the proposed scheme.

Following the exhibition the applicants reviewed their scheme in light of the comments received from the residents. Following receipt of the comments the scheme has been amended to accommodate some of the concerns, not all of the concerns have been addressed however the following changes were made. The public house and hotel were removed from the scheme, industrial uses will not be incorporated as part of the development, the layout of the properties along the northern boundary has been revised along with introducing an area of open space to the northern boundary to increase separation distances, affordable housing will be provided as part of the scheme, the heights of the houses in the north west corner of the site have been reduced to 2 storey, the easements and alignment of the electricity cables has been investigated and positions reflected in the revised scheme and mature planting will be retained with replacement planting proposed for the trees lost.

In addition to the exhibition updates have been provided to a ward councillor and residents and a formal presentation was given to Development Control Committee on 16<sup>th</sup> September 2008.

It is considered that the community involvement undertaken is in accordance with the Council's Statement of Community Involvement. Additionally this involvement resulted in changes which are reflected in the submitted application.

### **Sustainability**

Following the adoption of the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), the new style Local Plan, September 2008 a sustainability statement has been submitted as part of the

planning application. This document covers climate change, energy, place making, community involvement, transport, ecology, resources, business and buildings.

This is an outline application with all matters reserved except for means of access. As such measures to achieve the required 10% reduction in energy consumption are speculative at this stage. Comments have been made that building orientation can make a big difference to energy efficiency and the ability to implement micro-generation. Sustainable Urban Drainage Systems should be included within the site. Additionally there could also be potential for a small wind turbine on site, or utilisation of ground source heat within the road layout.

To ensure that the future reserved matters applications accord with Policy SR1 of the Sustainable Resources DPD appropriately worded conditions will be attached to the recommendation in respect of reducing energy consumption.

### **Local Facilities**

Lancashire County Council (Education) consider that there is sufficient capacity within the nearby primary and secondary schools for the new development.

### **Contamination and Coal Mines**

Due to nature of the type of training that took place on site for both water and electricity industries there may be issues with contaminated land in some parts of the site. In addition to this there are thought to be mine shafts across the site. As such a preliminary risk assessment and mine shaft assessment have been submitted as part of the application.

The reports suggest further work which is required in respect of contaminates, gas and coal mine shafts on site. The Council's Environmental Services Section and the Environment Agency have reviewed the documents and no objection is raised on the proviso that the proposed remedial measures and further investigation works are carried out in accordance with the report recommendations. This will be dealt with by suitably worded conditions.

**Conclusion** As demonstrated above the scheme is considered to be acceptable. The impact on bats is still outstanding which the applicants are aware of and will be reported on the addendum. The proposal will ensure the redevelopment of a brownfield site, will contribute to the Borough's affordable housing targets and include further employment opportunities within the Borough.

**Recommendation Agreement)** **Permit Outline Planning Permission (subject to S106**  
**2008** **Refuse if S106 Agreement is not signed by 23<sup>rd</sup> December**

**Recommendation: Permit (Subject to Legal Agreement)**  
**Conditions**

1. Standard Conditions

2. Application for approval of the reserved matters must be made to the Council before 31<sup>st</sup> December 2014 and the development carried out pursuant to the approval of any reserved matter shall be begun within two years of the date of the approval.

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

3. Before any phase of the development hereby permitted is first commenced, full details of all reserved matters relating to that phase (namely the siting, design, external appearance of the buildings, and the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.

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

4. At the time of submission of the first set of details for development of the site, pursuant to Condition 3 above, a Statement of Overall Landscape Strategy for the site as a whole shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a landscaping/habitat creation and management plan and shall include details of structure planting on the site's peripheral areas and adjacent to the primary roads, footpaths and cycle ways within the site. The structure planting shall be implemented within one year of the completion of the access junction or within the first planting and seeding season following the completion of the access junction (whichever is the sooner).

*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.*

#### 5. Prior Commencement Conditions

6. Prior to the commencement of the development a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the phasing of the construction of the dwellings and B1 Office Units, details of the phasing of the roads, the design and implementation of all services and sewers and the adoption proposals or ongoing management of those facilities. The development thereafter shall be carried out in accordance with the approved Phasing Plan.

*Reason: In the interests of the appropriate development of the site and in accordance with Policies HS4 and EM2 of the Adopted Chorley Borough Local Plan Review*

7. Before any phase of 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 plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building/dwelling shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy Nos. GN5, HS4 and EM2 of the Adopted Chorley Borough Local Plan Review.*

8. Samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) for each phase shall be submitted to and agreed in writing prior to the commencement of that phase of development. 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, HS4 and EM2 of the Adopted Chorley Borough Local Plan Review.*

9. 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) for each phase shall be submitted to and agreed in writing prior to the commencement of that phase of development. The development shall only be carried out using the

approved external facing materials. 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.*

10. A scheme of landscaping for each phase shall be submitted and agreed in writing prior to the commencement of that phase of development. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, paved or hard landscaped and detail any changes of ground level. Landscaping and restoration schemes should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

*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.*

11. All planting, seeding or turfing comprising approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any buildings within each phase of development and any trees or plants which within a period of five years from the completion of the development phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other 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.*

12. Prior to the commencement of the development hereby permitted the proposed remedial measures and further investigation works shall be carried out in accordance with the recommendations set out in the submitted Preliminary Risk Assessment (Phase 1 Desk Study) by Leyland Kirby Associates dated 9<sup>th</sup> June 2008, the Ground Investigation and Risk Assessment (Ref CL1301 and CL1302) dated 11<sup>th</sup> August 2008 and Investigation of Mine Shafts dated 25<sup>th</sup> July 2008.

*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*

13. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control*

14. Prior to the commencement of the development hereby permitted a method statement, setting out proposals for the protection of the Biological Heritage Site both during and after construction, 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 methods.

*Reasons: In the interests of the continued protection of the Biological Heritage Site and to ensure that there is no net loss of biological interest from the site. In accordance with Policy EP2 of the Adopted Chorley Borough Local Plan Review.*

15. Giant hogweed (*Heracleum mantegazzianum*) is present within the application area. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to cause the spread of Giant hogweed (*Heracleum mantegazzianum*). Therefore a programme of control/eradication of this species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The programme shall accord with Environment Agency Guidelines. The development thereafter shall be carried out in accordance with the approved details.

*Reason: To ensure the eradication of Giant hogweed (Heracleum mantegazzianum) in accordance with the Wildlife and Countryside Act 1981 (as amended).*

16. Each application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show the on-site measures to be installed and implemented so as to produce a minimum of 10%, or locally set targets (whichever is the higher) in place at the receipt of the reserved matters, of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling, the implementation of sustainable urban drainage systems and the provision of storage space for recyclable waste materials and composting. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD.*

17. The applications for approval of Reserved Matters shall demonstrate and provide full details of how the design and layout of the buildings will withstand climate change. The scheme shall include details of the Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD.*

18. Each application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels of the dwellings and the B1 office units (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved level 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, EM2 and HS4 of the Adopted Chorley Borough Local Plan Review.*

19. Prior to the commencement of the development hereby permitted the access link from Little Carr Lane shall cease to be used. Full details of the measures to be implemented to prevent vehicular access except in emergencies shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of proposed signage, details of the pedestrian/cycle route and samples of the proposed hard surfacing materials. The development thereafter shall be carried out in accordance with the approved scheme.

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

20. No development approved by this permission shall be commenced until a strategy to attenuate surface discharges from the development to existing 'greenfield rates' has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be completed in accordance with the approved strategy.

*Reason: To reduce the risk of flooding at the site and in accordance with Government advice contained in PPS25: Development and Flood Risk.*

21. The reserved matters application which includes the Local Equipped Area of Play, within the south-west corner of the site, shall be accompanied by full details of the equipped play area. The details shall include the layout of the play area and details of the proposed equipment. The construction of the approved play area shall commence on site prior to the occupation of the dwellinghouses and apartments which adjoin and face the equipped play area.

*Reason: In the interests of the proper development of the site and the visual amenities of the area. In accordance with Policies GN5 and HS21 of the Adopted Chorley Borough Local Plan Review.*

22. Each reserved matters application shall include full details of the trees which have been felled on that phase of the development and shall include full details (including species, number, stature and location) of the replacement tree planting. The replacement tree planting shall thereafter be carried out in accordance with the approved details.

*Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*

23. No development shall take place until a programme of archaeological work has been implemented in accordance with a scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority.

*Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately excavated and the remains recorded and in accordance with Policy Nos. HT11 and HT12 of the Adopted Chorley Borough Local Plan Review.*

#### 24. Other Conditions

25. 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.*

26. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

*Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.*

27. 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*

28. No dwelling/ B1 office unit hereby permitted shall be occupied until the highway alterations to the site access with Myles Standish Way have been completed in accordance with plan reference B3141 P017A, dated 21<sup>st</sup> November 2008, unless otherwise agreed in writing by the Local Planning Authority. The access road shall



include access roads into the two employment areas located to the east and west of the access junction.

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

29. No dwelling/ B1 office unit hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with plans which have been submitted to and approved 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.*

30. The outline planning permission hereby approved relates to the erection of upto 200 residential units and upto 10,800 square metres of B1 office floor space. The applications for reserved matters shall not exceed 200 residential units and 10,800 square metres of B1 office floor space.

*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. In accordance with Government advice contained in PPS3: Housing and Policy EM2 of the Adopted Chorley Borough Local Plan Review.*

31. The employment units hereby approved shall be used for B1 uses and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

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

32. Access to the site for construction vehicles and traffic will be achieved via the junction of the site with Myles Standish Way. Construction vehicles and traffic will be not permitted to access the site via the access off Little Carr Lane.

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

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