

<b>Item 5</b>	<b>08/01147/OUTMAJ Outline App Permitted with Legal Agmnt</b>
<b>Case Officer</b>	<b>Mr Andy Wiggett</b>
<b>Ward</b>	<b>Chorley East</b>
<b>Proposal</b>	<b>Proposed residential development for 76 no. 2, 2.5, 3 &amp; 4 storey mixed dwelling types with associated works</b>
<b>Location</b>	<b>Quarry Road Industrial Estate Quarry Road Chorley</b>
<b>Applicant</b>	<b>Northern Trust Company Ltd</b>
<b>Proposal</b>	<p>The proposal is in outline form with scale and access being applied for. The scheme proposes seventy six 2, 2.5, and 3 storey mixed dwelling types. The application is accompanied by an illustrative layout but this does not form part of the proposal. The proposed main vehicular access into the site is from the existing access off Quarry Road with a further access serving only a small number of dwellings off Fell View, again at the location of the existing access. The application is a resubmission of that withdrawn in October 2008 but with a different sketch layout and a slight increase in the number of dwellings proposed. The previous application was refused on the grounds of prematurity but that situation no longer applies with the adoption of the Regional Spatial Strategy in September 2008 which has set new targets for both housing and employment land.</p>
<b>Policy</b>	<p><b>Regional Spatial Strategy for the North West</b>  L4  W3  EM1  RDF2</p> <p><b>Chorley Borough Local Plan Review 2003</b>  GN1  EM9  HS4  HS6  TR4</p> <p><b>Planning Policy Statement 1 - General Principles</b>  <b>PPS3 - Housing</b></p>
<b>Planning History</b>	There is no relevant planning history relating to the land.
<b>Consultations</b>	<p><b>Lancashire County Environment Directorate (Planning)</b>  Considers that the proposal conforms to the policies in the Regional Spatial Strategy.  Recommend some native tree planting along the northern, eastern and southern boundaries.</p> <p><b>Lancashire County Council Highways</b>  Raises no concerns from a highway point of view but wishes to secure a contribution of £17500 towards traffic calming on Yarrow Road and Canterbury Street.</p>

### **Lancashire County Resources Directorate**

The accessibility scoring system indicates that a contribution of £90000 is required to upgrade the nearest 2 bus stops, funding to maintain the Eaves Lane bus service and discounted tickets. A contribution is required for investment in waste management infrastructure of £34560.

### **Lancashire County Council Ecological Services**

Of the view that the developer should submit an ecological assessment to determine any potential impacts and to provide a basis for mitigation/compensation. Need a planning condition to protect breeding birds. Landscaping should maximise opportunities for biodiversity.

### **Neighbourhoods Directorate**

Due to the nature of the industries and processes carried on the land there is a potential for ground contamination. Recommends that conditions be attached requiring an investigation and assessment be carried out.

### **Environment Agency**

Having received a contaminated land report from the applicants we would withdraw our objection to the development subject to conditions requiring further investigation and the production of a remediation strategy. Encouragement should be given to the developer to produce a sustainable drainage system.

### **United Utilities**

No objections to the proposal provided it is drained to separate systems. A water supply can be provided.

### **Coal Authority**

Standard comments

### **Planning Policy**

Whilst the retention or redevelopment of employment sites for employment uses is normally preferred, the fact that this particular site does not perform well when assessing its specific suitability for employment re-use, particularly with regard to its poor road access, combined with the fact that it has been marketed without attracting occupiers, means that we do not object to this site being redeveloped for housing.

## **Representations**

Four letters of objection have been received raising the following issues:

- Unacceptable increase in traffic in Quarry Road and Yarrow Road over and above the problems already experienced in the area
- The junction of Yarrow Road and Brook Street is poor and of a dangerous design
- Property would be overlooked

## **Applicant's Case**

- There is a presumption in favour of appropriate development as an unallocated site within the settlement of Chorley
- The proposal for the site represents the redevelopment of previously used land in conformity with national and regional planning policies
- With regard to the provisions of Policy EM9 of the Local Plan, it is considered that an employment re-use or

redevelopment would no longer be appropriate for planning or environmental reasons

- The traffic assessment concluded that the development proposals will not have a material impact on the operational performance of the local highway network
- The illustrative layout demonstrates that the criteria set out in Local Plan policy HS4 are all met.

## **Assessment**

The main issues concern planning policy, highway and traffic matters, land contamination ecological concerns and design and amenity considerations.

### *Planning Policy*

The key issue with regard to planning policy matters is compatibility with Policy EM9 – Redevelopment of Existing Employment Sites for Non-Employment Uses and the relevant Supplementary Planning Guidance. Those considered suitable to be re-used for employment purposes are intended to be reserved for such uses unless there is no realistic prospect for an employment re-use, it would not be economically viable or it would not be appropriate for planning or environmental reasons. The applicant has submitted a copy of a report prepared by GVA Grimley which concludes that the site is not a particularly suitable one to be reused for employment purposes and demonstrates that the site is not viable for redevelopment for industrial/warehouse uses. The existing premises are poorly accessed, functionally obsolete and detrimental to the amenity of adjoining residents. A marketing exercise had been carried out without attracting any potential occupiers. The proposal, therefore, meets the criteria

set out in Policy EM9 so as to permit the site to be reused for a non-employment use.

In terms of housing policy the proposal complies with the criteria set out in HS6 – Housing Windfall Sites as the site is brownfield, in a sustainable location and is compatible with the surrounding uses in terms of amenity and impact on surrounding uses.

The applicant has agreed to provide affordable housing at a level of 20%, that is 15 dwellings.

With regard to the policies of the Regional Spatial Strategy, the additional housing will contribute to the housing figures set out in Policy L4 and is compatible with the aims of Policy RDF2 which seeks to concentrate development in key service centres such as Chorley town.

### *Highway and Traffic Considerations*

Notwithstanding the concerns of local residents concerning traffic problems in the area, the County Highway Authority have no objections to the principle of the development and are only seeking a contribution towards traffic calming in the area. The traffic assessment submitted with the application confirms that it is in a sustainable location and that traffic generated by the development proposal compared with that attracted by the permitted industrial use will be little different and have the added advantage of removing HGVs from the area.

### *Land Contamination and Ecological Considerations*

The application is accompanied by a comprehensive geotechnical survey of the site. The Environment Agency have assessed the report and withdrawn their initial objection but wish to see conditions imposed to secure a method statement and remediation strategy which also would cover the possibility of further contamination being found and for post remediation sampling and monitoring. The land was previously tipped in connection with an adjoining brick and terracotta works. Since then the land has been completely covered in concrete surfaces and buildings and has no ecological value. Along the frontage with the houses on Fell View there is an area of landscaping but this would be retained. The County Ecologist is of the view that the development may impact on bats and breeding birds. A suitable condition can be attached to require a survey of the existing buildings on site for bat roosts before demolition and suitable mitigation measures put in place if found to be necessary. A condition can also be attached to protect breeding birds by limiting the time period for demolition and construction.

#### *Design and Amenity Considerations*

Although the application was accompanied by an illustrative layout, this does not form part of the application. The layout is an improvement on the previous scheme in that the relationship to the existing dwellings is now satisfactory, car parking levels would comply with current standards. The layout shown would be capable of adoption and demonstrates that the site can accommodate 76 dwellings at an acceptable density.

**Conclusion:** The current application satisfies the relevant policy criteria with regard to new housing. It is on a brownfield site that can be released from employment use as the requirements of Policy EM9 have been met. The illustrative layout is now acceptable and does not adversely affect the amenity of adjoining houses. The Highway Authority have no objections subject to securing a contribution to traffic calming measures. This matter, a contribution to open space provision and affordable housing will form part of a S106 agreement to be entered into before the planning permission is issued.

**Recommendation Grant planning permission subject to a S106 agreement**

**Recommendation: Outline App Permitted with Legal Agmnt 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. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the 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.*

3. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.  
*Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.*

4. 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.*

6. No development shall take place until a survey has been carried out by a competent person of the existing buildings on the site for the presence of bats. The results of the survey shall be made available to the Local Planning Authority and any recommendations for compensation measures should a bat roost be found agreed in writing by the Local Planning Authority before development commences. The necessary works shall be carried out before building work on site commences.  
*Reason: to secure the preservation of protected species in accordance with Policy EP3 of the Adopted Chorley Borough Local Plan Review.*

7. 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.*

8. 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. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot by means of low carbon sources. Details shall be submitted for on-site measures to be implemented including 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.*

9. 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.*

10. No development shall take place until:

- a) a methodology for investigation and assessment of ground contamination has been submitted to and approved in writing by the Local Planning Authority. The investigation and assessment shall be carried out in accordance with current best practice including British Standard 10175:2001 "Investigation of potentially contaminated sites – Code of Practice". The objectives of the investigation shall be, but not limited to, identifying the types, nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works, a validation report containing any validation sampling results have been submitted to and approved in writing by the Local Planning Authority.

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

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