

Item 1 **08/01170/OUTMAJ** **Permit (Subject to Legal Agreement)**

Case Officer **Mrs Nicola Hopkins**

Proposal **Outline application for the erection of 71 dwellings including access and scale.**

Location **Site Of Former Social And Athletic Club Duke Street Chorley**

Applicant **Victory Park (Holdings) Ltd**

3 letters have been received in respect of the proposed development.

Consultation expiry: 8th January 2009

Application expiry: 24th February 2009

Update

Members will recall that this application was considered at DC Committee on 3rd February and the members resolution was to defer the determination of this application to enable the provision of further information in respect of the off-site playing field and play space provision.

Firstly, the applicant has agreed to increase the contribution at Rangletts Recreation Ground to £65,000 which will enable improvements to the play space and the provision of Multi Use Games Area.

In respect of the Members' main concerns the People Directorate have provided the following information. The playing field at Westway is the biggest facility under council ownership that is not served by changing facilities. It has the optimum vehicle access, being served by Westway and Chancery Road, and is close to all the towns major routes (these being A6, A49, M6, M61, M65).

The site has far more room for expansion, to deliver more pitches and to a higher standard, than any other facility. As Sport England have stated this as key criteria (the need to increase quantity and provide changing facilities).

The only other facilities that are able to offer multi-pitch groupings are King George's Fields in Adlington and the Jubilee Playing Fields, also in Adlington. King George's Fields already provides our most modern changing accommodation to serve its three football and one rugby pitches, while Jubilee Playing Fields has only two pitches, with no space for expansion.

Three options have been considered for the provision of changing facilities and parking, these being;

- 1 - Access from Westway, new car park construction and a purpose-built Changing facility
- 2 - Partnership arrangement with Chorley Rugby Union Football Club, to access via their site and share facilities
- 3 - Changing Room extension to nearby Community Centre allowing for use of existing Hall Gate Car Park

All of these options assume that the commuted sum provided is £525,000. Of these options the third one appears to offer the most benefit. Given the commuted sum in question, the proximity of the community centre to the playing fields and the existing car park being in place it seems feasible that the provision of increased pitch quantity can be delivered, with modern changing accommodation. Lancashire County Council have confirmed that access off Westway is unlikely to be considered acceptable hence why option 3 is preferred.

Sport England have made the following additional comments in respect of the proposed Westway improvements, In respect of the issue about the commuted sum and where it is spent, the main issue from our point of view was to ensure that Exception E4 of our policy is met, particularly in terms of quantitative replacement. The Westway scheme will bring marginal land back into useable playing field and is located close to the application site and as such on balance we felt that this together with the additional qualitative benefits being proposed would meet the spirit of this exception.

Sport England have also confirmed that in respect of the potential of splitting the sum, from their point of view as long as it still delivers a genuine, replacement playing field of equivalent quantity and quality in a suitable location then they would not raise an objection. However, one potential drawback to splitting the sum would be where some of the quality improvements to be delivered at Westway would be lost e.g. new changing accommodation, particularly as this was identified as an issue in the Council's earlier playing pitch strategy.

The People Directorate have confirmed that the whole contribution of £525,000 is required for the proposed development at Westway to provide a quality development and increase the quantity of pitches available at the site. If the contribution was split between sites a quality development with increased quantity could not be achieved which would be contrary to the Local Plan Policies and Sport England's Policies and therefore would be unacceptable.

Proposal

The application is an outline application for the erection of 71 dwellinghouses including access. As this application is an outline application the only issues to consider are the principle of redeveloping the site, the access and the scale of the proposed houses. In the event that planning permission is granted the design, landscaping and layout will be dealt with at reserved matters stage.

The site is the former Social and Athletic Club located on the corner of Duke Street and Brindle Street. The site is allocated within the Local Plan as protected play space.

The proposal incorporates the erection of 71 new dwellings with access off Brindle Street. The site is 1.5 hectares in area and the erection of 71 dwellings will result in a density of 47.33 dwellings per hectare which is considered to be appropriate within this area.

Summary

The site is located within a sustainable location close to Chorley Town Centre and is very residential in character. The main Planning Policy issue in this regard is the fact that the site is allocated as playing fields. At the time of writing this report Sport England upheld their objection to the proposal however discussions are ongoing with the Council to try and resolve this and any resolution will be reported on the addendum.

Planning Policy

National Policies:

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 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

TR1: Major Development- Tests for Accessibility and Sustainability

TR4: Highway Development Control Criteria

TR18: Provision for pedestrians and cyclists in new developments

LT14: Public, Private, Educational and Institutional Playing Fields, Parks and Other Recreational Open Space

Sustainable Resources Development Plan Document

Statement of Community Involvement

Planning History **97/00747/FUL-** Demolition of existing pavilion building and erection of 57 two storey houses. Refused

97/00756/FUL- Demolition of existing pavilion building and erection of 57 two storey houses. Withdrawn

05/01146/OUTMAJ- Outline application for the redevelopment of 1.5ha of land for residential use and bowling green. Withdrawn

Applicant's Case The following points have been submitted in support of the application:

- The site is currently derelict, underused and overgrown. It was formally a sports ground which was forced to close in 1996 when costs became unsustainable.
- The site is bounded by residential property and public roads with open space beyond.
- The site is in a very sustainable location only 600m from the town centre close to shops, pubs, services and public transport
- At 47.33 dwellings per hectare the proposal represents an appropriate opportunity to develop this site in accordance with sustainable principles representing most efficient use of this vacant and overgrown urban site.
- Although the layout is for illustrative purposes only it does demonstrate that an appropriate scheme can be accommodated satisfying all national, regional and local plan policies and guidance.

Representations 2 letters of objection have been received raising the following points:

- Too many houses in the area
- Not suitable for building
- Three storey properties will lead to loss of light

1 letter has been received commenting on the application raising the following points:

- Additional traffic
- Traffic calming measures should be implemented

Consultations **Lancashire County Council (Highways)** have no highways comments on this application and the principle of residential development is accepted.

Lancashire County Council (Ecology) have commented on the need for a bat survey of an existing structure and have suggested various conditions/ informatives.

Sport England object to the scheme on the grounds that the development will lead to the permanent loss of the existing playing field and does not meet any of the exceptions outlined in Sport's England Playing Fields Policy. The proposal would therefore be contrary to Sport's England Playing Fields Policy, PPG17 and Policy LT14 of the Local Plan.

Corporate Director (Neighbourhoods) has no objection subject to various conditions/ informatives

Environment Agency has no objections subject to various conditions/ informatives

United Utilities has no objections subject to various conditions/ informatives

Planning Policy initially made the following comments:

- The proposal is contrary to Policy LT14. The proposal does not provide an equivalent or enhanced new facility development in a convenient location.
- Conditions are required to make sure that the proposals fully address the criteria of Policy SR1 of the Sustainable Resources DPD
- The record of community involvement conforms with guidance in the Statement of Community Involvement

However following further discussions with Leisure Services the off site provision which is proposed is considered to be sufficient to mitigate the loss of the Duke Street Playing Field and as such the proposal accords with Policy LT14.

Assessment

Principle of the Development

In accordance with PPS3 land in built up areas such as parks, recreation grounds and allotments, which although it may feature paths, pavilions and other buildings, has not previously been developed does not fall within the definition of previously developed land. As such the site falls to be considered 'greenfield' land. The priority for new housing developments set out within PPS3 is previously developed land however achieving housing is suitable, sustainable locations is also a priority.

At the Public Inquiry into the Local Plan Review in 2002 the Inspector concluded that the site is, in principle, suitable for housing in terms of government guidance and structure plan policy. He accepted that the site is a sustainable location, well placed for local services and public transport and the site could make a contribution to affordable housing and relatively high-density development. However the site was retained as allocated play space and was not included within the housing allocations Policy within the Local Plan as the Inspector considered that there was an opportunity to re-establish the recreation use on the site which was financially viable. This was based on evidence provided of financial support and people who wanted to pursue this option. Returning the site to a meaningful recreation use would require considerable investment and restoration work.

Without the evidence and financial support at the time of the Public Inquiry it is clear from the Inspectors comments that the designation of this site may have been removed from the Local Plan. This notwithstanding however the site was retained as allocated play space which is one of the main material planning considerations in respect of this planning application.

Loss of Allocated Play Space

The site is allocated as play space within the Adopted Chorley Borough Local Plan Review, Policy LT14, and this is a saved Policy. In accordance with this Policy and Sport England's Planning Policy Statement, [A Sporting Future for the Playing Fields of England](#), development which involves the loss of playing fields will only be permitted if it can be demonstrated that the site is not required to satisfy a current or future recreational need, there is a clear excess of this type of facility for the catchment or an equivalent or enhanced facility is provided in a convenient location to serve the catchment. Sport England's Policy has five exceptions which are reflected within the Local Plan Policy and include:

- (E1) A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.
- (E4) The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

Sport England initially objected to the proposal for two reasons. Firstly, although the applicants state that 'It is clear that there is no demand for the use of this site and it is not commercially viable to use the site for sporting and social uses' no evidence that this is the case has been provided. Concerns were raised in this regard particularly as the previous application at the site, submitted in 2005, clearly stated that 'on balance it is considered that there remains a potential need for the land at Duke Street as a playing pitch.'

However the agents for the application have confirmed that they do not intend for this proposal to address this exception (exception E1). It is their intention to try and satisfy exception E4 in respect of compensatory provision.

However Sport England were also concerned that although the applicants supporting statement states that compensatory provision will be provided for the loss of the playing pitch the extent and location of this provision was not clear.

Through discussions with the People Directorate it was considered that mitigation for the loss of the Duke Street playing field could be in the form of a commuted sum for off site improvements to existing facilities. The suggestions include:

- (1) Upgrading the existing play area on the Rangletts Recreation Ground (£50,000). This would offer substantially more play value to children and young people in the vicinity.
- (2) To deliver drainage improvements, access and changing facilities for users of sports pitches on the Westway Playing Fields (£525,000). This work is in-line with the current sports pitch development programme, and will be a key feature of the soon-to-be commissioned Playing Pitch Strategy.

Any commuted sum will be secured through the Section 106 Agreement.

Following further discussions between Sport England and the People Directorate Sport England have removed their initial objection to the proposal. Sport England have confirmed the following:

The proposed improvements and contribution to Westway Playing Fields, set out within the Section 106 Agreement, would represent a significant investment in pitch team sports, particularly when issues of poor quality playing surfaces and changing accommodation at this site were raised by local clubs in the Council's 2002 playing pitch assessment. As such I am satisfied that this aspect would satisfy the better quality and suitable location requirements of Exception E4 of Sport England's playing fields policy and paragraph 15 iii of PPG 17.

Sport England's main concern related to the issue of the quantitative loss of playing field arising from the proposed development, given that the works identified related to existing, usable playing field land. Sport England have visited the Westway site and a sketch has been produced detailing the potential of the site. It is apparent that in order to achieve the additional pitch layouts being put forward at this site, works would have to be carried out to what is currently marginal land of the playing field, which due to the topography and levels would not currently be capable of forming a playing pitch. As such, the works to be funded through the commuted sum would in effect bring what is currently an unusable area of marginal land into use as playing field land which is capable of forming a new playing pitch.

As such Sport England now consider that the proposal would now be capable of satisfying Exception E4 of Sport England's playing fields policy. The withdrawal of this objection is subject to changes to the Section 106 Agreement which have been incorporated into the draft Section 106 Agreement for this site.

Housing Development

The proposal incorporates the erection of 71 dwellings. Although siting, design and landscaping will be dealt with at Reserved Matters Stage an indicative layout plan has been submitted demonstrating that the scheme can be accommodated on this site. 71 dwellings results in 47.33 dwellings per hectare which is a relatively high density however this site is very urban in character located within high density location close to the town centre. It is considered that a high density development in this sustainable location is the most appropriate use of the land in accordance with PPS3.

Although the layout plan is indicative the plan demonstrates that a mix of detached, semi-detached and terraced dwellinghouses and apartments can be accommodated on the site. The layout details 1 one bedroom apartment, 42 two bedroom apartments and dwellinghouses, 26 three bedroom houses and 2 four bedroom houses.

The applicant intends to fix scale as part of this planning application. The submitted proposal includes a mixture of 2, 2.5 and 3 storey dwellings. The layout indicates 44 two storey properties, 11 2.5 storey properties and 16 three storey properties. Two storey properties will be located along the southern boundary of the site with the existing residential properties on Brindle Street and Harrison Road to protect the amenities of the existing and future residents. The higher properties are located within central locations on the site and to create focal buildings where there will be no adverse impact on existing neighbours. Richmond Court located at the western boundary is a large building and as such it is considered that accommodating 2.5 and 3 storey properties along this boundary will be character with the area and will not adversely impact on the existing or future residents.

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/intermediate affordable units. This split is based on local need in the area.

This equates to 10 rented units and 4 shared ownership units. The submitted plan has indicated which units will be affordable. However the originally submitted layout included 8 two-bedroom houses/studios, 3 three bedroom houses and the remainder were 1/2 bedroom apartments which does not accord with need in the area. Following discussions between the applicants and Strategic Housing it has been agreed that 8 two bedroom units and 6 three bedroom units will be provided on site in accordance with the need in the area. This provision will form part of the Section 106 Agreements requirements and the location of the affordable units will be agreed on site as part of the reserved matters application. As 20% of 71 equate to 14.2 units 14 units will be provided on site and the 0.2 has been equated as a commuted sum to be paid for the provision of off-site affordable housing. The 0.2 provision equates to J10,200.

Design

A Design Brief was produced for this site prior to the submission of a formal planning application. This brief requires a high density development, the proposal for 71 dwellings 47.33 dwellings per hectare is relatively high density in accordance with the brief. The scale of the properties is set out above and fixed at this stage. The proposal includes a maximum of two storey high properties along the southern boundary in accordance with the Design Brief. Similarly in accordance with the brief larger scale properties are considered acceptable in other locations on the site.

A large 3 storey building is proposed on the corner of Duke Street and Brindle Street to act as a focal point and to create identity in accordance with the brief. Some of the spacing standards have not been achieved on the submitted layout plan however as this plan is indicative and principal windows cannot be identified it is not possible to confirm the necessary spacing distances. The

applicants, however, are aware of the required spacing standards and it is considered that residential redevelopment of the site can be achieved whilst protecting the amenities of the existing and future residents. Additionally, in accordance with the brief, affordable housing will be provided on the site.

The scheme incorporates only one vehicular access point off Brindle Street and although the indicative layout indicates a dropped kerb to serve plots 5 and 6 the applicants have been made aware that this will not be acceptable and parking will need to be provided in the form of rear parking courts with no vehicular access off Duke Street/ Brindle Street. This will be enforced through a condition attached to the recommendation.

The scheme includes an area of public open space adjacent to the boundary with Richmond Court which provide amenity space for the future residents and will benefit the visual amenities of the area. This accords with the Design Brief for the site.

In design terms it is considered that the proposal accords with the brief for the site and achieves the objectives of the Brief.

Ecological Implications

Due to the nature of the site and the fact that there are existing trees on site the proposed development has the potential to create ecological implications. As such an Ecological Appraisal has been submitted as part of the application.

The Ecological Assessment concludes that there are no important habitats on the site, before tree/ shrub removal checks for nesting birds will be required unless they are removed outside of the breeding season and no bats were identified however a small brick building on site requires surveying prior to demolition.

The Ecologist at Lancashire County Council is satisfied with the results of the survey and has suggested various conditions/ informatives. The Ecologist was initially concerned with the potential for bat roosts in the existing building and advised that surveys of this building were required prior to making a recommendation. A further survey of this building was submitted which the Ecologist is satisfied with and demonstrates that there are no roosts in the building.

Highways

The proposal incorporates one vehicular access point to the site off Brindle Street. Although the submitted layout is indicative at this stage the plan demonstrates that the scheme can be achieved without on street parking/ driveways along Brindle Street and Duke Street. Parking is provided in the form of rear parking courts and garages.

The scheme indicates that 130 parking spaces can be provided on the site. This is considered acceptable to serve the site particularly taking into account the mix of properties on the site, the fact that the site is located within a sustainable location close to the town centre and is within walking distance of a bus stop and local shops.

There are various pedestrian access points proposed into the site including via Duke Street and via Richmond Court which will ensure the site is accessible. A simple transport assessment has been submitted with the application and Lancashire County Council Highways Section have reviewed the proposals. The Highway Engineer has no objections to the proposal and accepts the principle of residential development.

Sustainable Resources

Following the adoption of the first policy document, Sustainable Resources Development Plan Document (DPD), within Chorley's new Local Development Framework (LDF), the new style Local Plan, September 2008 an Energy Efficiency/Resource Conservation Statement, which sets out how the development complies with the criteria of policy SR1 of the DPD, is required as part of the application.

A statement has been submitted as part of the application. As the application is outline it is difficult to specify precise measures at this stage to reduce carbon emissions and utilise sustainable resources. 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 this regard.

Public Consultation

In accordance with the Council's Statement of Community Involvement the applicants undertook consultations with the community prior to submitting the formal application. This included a public exhibition on 10th November 2008 where neighbours were asked to comment on the proposed scheme.

In all 23 people attended the event, including 5 Council Members, 2 local police officers and 2 Council Officers. Nine comments forms were received. The main concerns were increase in traffic, loss of light and the site should be retained for open space/ sporting facilities. The applicants have responded to these queries as follows, The Highway Authority will assess the highway/ traffic implications of the development, the layout has been designed to exceed minimum interface distances ensuring protection of light and privacy and a commuted sum will be provided for off site sports facilities to mitigate for the loss of this facility.

It is considered that the community involvement undertaken is in accordance with the Council's Statement of Community Involvement.

Trees and Landscape

There are existing trees on the site which include Sycamore, Lombardy Poplars, Silver Birch and a Lime Tree. Prior to the submission of a formal planning application the trees on site were assessed by the Council's Arboricultural Officer. The Sycamores have been pollarded and coppiced previously which has resulted in poor specimens and the Poplars are considered to be visually imposing trees, as such it is not considered that these trees are worthy of retention. The Silver Birch and Lime Tree on site are

considered to be good example of trees, worthy of retention and as such these trees have been protected by Tree Preservation Order 2 (Chorley) 2008.

The two protected trees are indicated on the indicative layout plan for retention and are sited away from the proposed dwellinghouses to ensure protection and future retention. A condition will be attached to the recommendation requiring replacement trees for the trees which will be felled as part of the development and protection for retained trees.

Levels

Although the site appears relatively flat there are differing land levels across the site. A topographical survey has been submitted with the application which details that the central points of the site are at a lower land level and the levels rise up around the boundaries of the site. The drainage appraisal submitted with the application states that central ground levels are up to 1.5 metres lower than the boundary site levels. In order to connect the site to a public sewer it will be necessary to raise the ground levels along the Brindle Street frontage and the southern boundary approximately 1.2m above the existing south eastern boundary levels.

The levels of the site, compared to the existing levels, will be raised due to the difference in levels which currently exists to create a flat site with adequate drainage. The most significant level change will be in the south eastern section of the site close to the properties on Brindle Street and Harrison Road. A condition will be attached requiring proposed levels details as part of any reserved matters application to ensure adequate spacing standards are achieved, taking into account the level differences between the site and neighbouring parcels of land, to protect the amenities of the existing and future residents. It is considered that residential redevelopment can be achieved on this site taking into account the level changes.

Contamination

A Geoenvironmental Appraisal and Gas Appraisal of the site have been undertaken and submitted with the application. The appraisals relate to the ground conditions of the site, contamination and gas protection requirements. The Environment Agency and the Council's Environmental Services Section have reviewed these documents and consider the information to be sufficient subject to suitable conditions/ informatives.

Response to Neighbour Concerns

In respect of the neighbours concerns the fact that there are too many houses within the area is not a material planning consideration. The site does fall to be considered a 'greenfield' site however the fact that the site is located within a sustainable location which is suitable for housing ensures that the proposal complies with the relevant Planning Policies. The three storey properties will be located within central locations on the site and the layout, which will be dealt with at reserved matters stage, will ensure that the amenities of the future and existing residents are maintained.

Concerns have been raised about extra traffic in the area however the Highways Engineer has raised no objections to the scheme or highway safety in the area.

Conclusion

It is considered that the site is located within a sustainable location close to local services and the Town Centre and could be redeveloped for residential use. The outstanding issue however still relates to the allocation of the site as Playing Fields which is currently being discussed and will be addressed on the addendum.

Recommendation Approve Outline Planning Permission (subject to a Section 106 Agreement)

1. An application for approval of the reserved matters (namely siting, external appearance of the buildings and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: 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

2. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (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 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. The 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

4. The application 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.

5. The application for approval of reserved matters shall be accompanied by full details of the location and design of the on site affordable housing units, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.

Reason: To ensure the proper development of the site and in accordance with Policy Nos. HS5 of the Adopted Chorley Borough Local Plan Review.

6. 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.

7. 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. The details shall also demonstrate that the biodiversity resource within the application area will be enhanced as part of the proposals. The scheme should include a landscaping/habitat creation and management plan which 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 Government advice contained in PPS9, Policy EM1 of the North West Regional Spatial Strategy and Policies No. GN5 and EP9 of the Adopted Chorley Borough Local Plan Review.

8. 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.

9. 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.

10. 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.

11. No dwelling hereby permitted shall be occupied until the highway alterations to the site access with Brindle Street have been completed in accordance with the details which have been 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 highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

12. No dwelling 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.

13. No direct vehicular access shall be provided from Brindle Street or Duke Street to each of the individual plots which front onto Duke Street and Brindle Street. The parking for the dwellinghouses which front onto Brindle Street and Duke Street shall be in the form of rear parking areas accessible from within the development site.

Reason: In the interest of highway safety and the visual amenities of the area. In accordance with Policies HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.

14. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall

be carried out in accordance with the approved details within nine months of the tree felling.

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

15. Prior to the removal of trees on the site a bat roost search shall be undertaken to assess the presence of bats. In the event that bat roosts are identified the applicant shall contact Natural England for further advice prior to felling the tree/ trees were the roosts are identified.

Reason: To ensure the continued and future protection of bats and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review

16. 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.

17. Due to the size of development and sensitive end-use, no development shall take place until:

- a) A methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with 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 site - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), 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 shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

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 on the area of land affected 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. The development hereby approved shall be carried out in accordance with the gas protection measures set out within the Gas Appraisal dated 9th December 2008, ref: 7353/1/NMW, submitted by Encia Consulting Ltd and the Geo-environmental appraisal (ref: 7353/1, dated October 2007) submitted by Encia Consulting Ltd.

Reason: To protect occupiers from the ingress of landfill gas and in accordance with Government advice contained in PPS23: Planning and Pollution Control

20. Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including storage, collection of refuse and management of the open space, shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company, or their successors, in accordance with the approved arrangements.

Reason: To ensure the satisfactory management of the site and in accordance with Policies GN5, HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.

21. Before the development hereby permitted is first occupied, provision for cycle parking provision, in accordance with details to be first agreed in writing with the Local Planning Authority, shall have been made.

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

22. Prior to the commencement of the development full details of the bin storage facilities associated with the proposed residential units shall be submitted to and approved in writing by the Local Planning Authority. The bin storage thereafter shall be constructed and retained in accordance with the approved plans.

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

23. 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 of the Adopted Chorley Borough Local Plan Review.

24. For the avoidance of doubt, notwithstanding the details on the submitted plans, the illustrative plan, reference 929:L8 dated 14th January 2009, relates to scale only. Full details of the layout are required with the submission of the reserved matters application.

Reason: To ensure the proper development of the site. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order

amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
