

14 July 2015

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 14TH JULY 2015**

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following report that provides an update of events that have taken place since the agenda was printed.

**Agenda No    Item**

7        **Addendum (Pages 3 - 28)**

Report of the Director Public Protection, Streetscene and Community (enclosed).

Yours sincerely



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COMMITTEE REPORT		
REPORT OF	MEETING	DATE
Director Public Protection, Streetscene and Community	Development Control Committee	14 July 2015

<b>ADDENDUM</b>
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**ITEM 3a-15/00375/FULMAJ – Full application for the demolition of the Civic Offices, shopmobility units, public toilet 'kiosk' and electricity sub-station and the erection of a two storey retail (with a maximum convenience floor space of 1,394m<sup>2</sup>), restaurant and leisure unit on the Flat Iron car park along with the erection of a two storey restaurant/ retail (comparison goods only)/ office unit with replacement sub-station on the southern portion of the site. The creation of a temporary car park on the Civic Offices site alongside various public realm improvement works, relocation of the existing statue and associated servicing, access, soft landscaping and enhanced pedestrian linkages. Outline application for the erection of a retail unit (Use Class A3-A5) on the existing Civic Offices site all matters reserved save for access**

**The recommendation remains as per the original report**

**1 further representation** has been received setting out the following objections:

- Why can the public toilet 'kiosk' not be relocated outside Booths supermarket instead of demolishing them?
- There are not enough public toilets in Chorley I think is not fair on Booths that everybody use their public toilets which are only meant for Booths customers.
- It is the only public toilet which is available in Chorley 24 hours a day all year long. Plus it is always clean because it cleans itself after every user.

The proposals do not detail the relocation of the existing toilet facilities as the Council are considering various options for the provision of public facilities within the town centre

**2 further letters of objection** have been received, from Booths and from Steven Abbott Associates working on behalf of Booths, setting out the following issues:

***Steven Abbott***

I have to respectfully request that members of the Development Control Committee defer determination as this would be in everyone's interest.

Booths **OBJECT** to the above planning application for a number of reasons.

Car Parking

1. I start with some information about the background as it is important. Booths have had a considerable interest in Chorley Town Centre since 1855. Their relocation to the existing supermarket on the Flat Iron Car Park was promoted by the Council who (as part of its Local Plan at the time) were seeking to redevelop the old bus station site to enhance the shopping offer of the Town Centre. In turn this facilitated the creation of the current modern bus station closer to the railway station – seen as a public transport hub location.
2. The redevelopment of the bus station site for a supermarket (food store) was challenging because its viability relied on the use of the Flat Iron Car Park for customers. To enable

that to work a legally binding covenant was entered into by the Council in favour of the Developer. This ensured that a defined area within the wider Flat Iron Car Park is reserved as a 'shoppers' car park.

3. It is no exaggeration to state that Booths would not have occupied the supermarket without that mechanism – it is, in fact, crucial to the commercial integrity of the store. It is also true, that even the current arrangements are far from ideal for Booths. More particularly, the use of the 'shoppers' car park area by the open market (whereby customers have to use the east end of the Flat Iron Car Park) does not work well for Booths and this is reflected by turnover at the store. In these circumstances, you will appreciate why the loss of virtually all of the car park at the east end of the Flat Iron Car Park would be disastrous for Booths. I have read Mr Edwin Booth's letter to your Chief Executive and in particular note that the store would be unviable if the proposed development goes ahead.
4. We made comprehensive submissions on Booths behalf in September 2014, in response to the 'Extension Consultation' exercise. The issue was the impact on car parking but, regrettably, those objections appear to have been set aside. There is no reference to them in the Committee Report.
5. We note what is stated in paragraphs 7.21 to 7.24 submitted in support of the application by Quod. This section refers to the 'Outdoor Market'. Whilst this describes the temporary relocation of that market into local streets because of construction disruption it does not guarantee any such relocation whether temporary or permanent. As a consequence, for the purposes of these representations Booths have to assume that the outdoor market would stay at the Flat Iron Car Park. This would only leave 46 spaces on the remainder of the Flat Iron and 75 off Union Street. This is wholly unsuitable and insufficient as parking for a supermarket, especially as none are guaranteed for Booths customers.
6. We note that the Committee Report makes a number of references to a distance of 400 metres being an acceptable walking distance from a shop to a car park. Whilst such a distance is reasonable where comparison shopping is involved it is too far for those carrying food shopping in bulk or pushing shopping trolleys. In the context of this application the 400m involved in any case, is not a simple walk via a protected footway through a car park but involves crossing streets and the random use of various remote car parks – some are long stay and some are short stay.
7. There is currently no planning policy guidance on an acceptable distance for pushing shopping trolleys or carrying numbers of shopping bags (with food in them) to cars. What advice does exist from the Institution of Highways and Transportation (IHT) entitled 'Guidelines for Providing Journeys on Foot' (2001) only offers generalized advice about acceptable walking distances in town centres. It does not address the particular distance deemed reasonable for someone to carry or push a weighty trolley to a car. This must be because supermarket operators build supermarkets with their own car parks knowing that immediacy is essential.
8. It thus comes down to common sense and noting what Booths say about this as the party whose customers are affected.
9. To assume that their customers would carry heavy bags and/or push shopping trolleys through Chorley Town Centre to other car parks is unrealistic. The routes to such locations would involve congestion on footways, crossing roads, shops, navigating around market stalls and dealing with inclement weather. There will also be obvious problems with the recovery of trolleys. Such arrangements are wholly unsuitable.
10. Whilst the current parking arrangements are far from ideal Booths customers are familiar with them. To expect them to relocate, randomly, to other car parks remote from Booths is unrealistic.

11. As the committee report acknowledges there is a huge reduction in parking spaces (384 to 189) in the Flat Iron Car Park. On open market days the reduction will be even greater leaving only 46 for Booths customers on the Flat Iron Car Park to share with others visiting Market Walks (as extended) and other shops etc in the vicinity.
12. The proposed new car parking off Stanley Place (Union Street) is noted. However, the location (on the opposite side of Union Street) and the long, narrow shape of the land makes it unsuitable car parking for Booths customers. In any event from the submitted plans it appears that with the 75 spaces proposed this still leaves a reduction of 120 spaces on non-market days and 263 on market days. This would leave just 121 spaces in both the Flat Iron and Stanley Place on market days.
13. All together, the proposed car parking changes are wholly unacceptable to Booths as it leaves a grossly inadequate number of spaces with the necessary proximity to the store. I am advised by our client that the store is unviable with those arrangements.
14. We note that VMS signage is proposed. This reflects the fact the car parking arrangements will be insufficient. It is unrealistic to expect Booths customers to accept diversions to car parks remote from the store. They will shop elsewhere, perhaps a town where one of the Company's stores has sensible car parking provision.
15. The Committee Report recommends that there is space for a food store with the proposed development albeit up to a floor area of 1,394 m<sup>2</sup>. The justification for that restriction is the shortage of car parking. We find it impossible to understand how any such floor space can be countenanced or which operator would take it given the very obvious lack of parking spaces which will be left in the greatly reduced Flat Iron Car Park – and the almost none existence of those on market days. There is no evidence to back up this irrational conclusion.

#### Landscaping

16. Booths consider that the loss of trees caused by the intensity of the envisaged development is detrimental to the amenity of the area including their store. The planting is relatively young and it is surprising that such costs are justified.

#### Conclusion

17. Booths are very long established and key stakeholders in the Town Centre. They offer a unique, quality offer which distinguishes them from the national supermarket operators present.
18. As Chorley Town Centre has been generally affected by out-of-centre developments in the region, Booths has been and is a 'stalwart' anchor store at the north end of the town centre.
19. Unfortunately, the proposed development would (for all practical purposes) reduce Booths already limited customer parking options to the point that the store would be unviable.
20. The justification, whereby new spaces are created off Union Street and customers are expected to park remotely in the town centre otherwise is unrealistic and wholly unacceptable to our client.
21. In the circumstances, Booths maintain their strong objections to the application (as stated in the consultation exercise in September).
22. We think it would be in everyone's interest to defer a decision so that the matter can be reviewed in consultation with our client's team. On the Company's behalf we respectfully request a deferment of the determination of the application so that the above issues can be addressed.

23. The need to do so is amplified by the breach of the covenant affecting the Flat Iron Car Park which is directly affected by the development site.
24. We regret that these representations are so strong as our client and we prefer to work in partnership with the Council (as we have in the past) and that remains the common goal.

**Edwin Booth**

I refer to the above planning application which is due to be determined at your Development Control Committee this coming Tuesday, 14 July 2015.

I have to express the utter dismay of my Company about this planning application which would have a catastrophic impact on our Chorley store if permission is granted.

Below, I set out in detail why the proposed development is wholly unacceptable to us and why we strongly object.

In September 2014 a comprehensive objection was lodged with you in response to the Extension Consultation exercise. It made it clear that the loss of parking on the Flat Iron Car Park is unacceptable. Indeed, paragraph 6.2 in that document stated that the Flat Iron Car Park is 'crucial' to the viability of our store. I would also invite you to re-read the rest of those representations.

Booths maintains its objection and wish to reinforce it now they know the fixed details in the planning application. In particular:-

1. We have the security of a covenant which protects a defined area within the Flat Iron Car Park for use as a shoppers car park. This was sealed in 2005 when your Council sold the old bus station site to the developers of our store. The proposed development incurs into that defined area and therefore is in breach of the covenant. We have not been requested to vary that covenant and we would not be willing to do so. This is because the only way that the car parking arrangements we have are tolerable is that on market days (when we lose the 'shoppers' car park) the rest of the Flat Iron Car Park is available to customers – even though, as we have made it clear before this is a poor arrangement – as we have discovered to our cost since the store opened.
2. In truth, Booths would not have occupied the store if the car parking arrangements now proposed had been proposed when the development was undertaken. This is because we would have known that it was unviable. It follows that if the proposed development is implemented the store will be unworkable and in those circumstances would have to close. It is worth stating, too, that even the construction programme (including complete disruption to the shoppers' car park and access arrangements) would severely compromise the store with the same consequences. Clearly, a closure of our store has serious ramifications not just for Booths but for the local economy including our staff and the town centre.
3. The planning officers' report to Committee repeatedly makes the assertion that a notional walk of 400 metres from our shop to a car park is acceptable for our customers. We think this is totally unrealistic. It is long established conventional wisdom, but our view anyway as food store operators, that the maximum walking distance for car borne shoppers is about 200 metres from the shop door.
4. Whilst on the subject of distances the Committee Report fails to consider what a 400m walk from our shop door to other (totally unsuitable) car parks would entail. There are roads to cross, slopes, pedestrian and traffic congestion at busy times, street clutter (including market stalls), inclement weather and so on. To expect a customer to walk through such on 'assault course' with food shopping is ridiculous.

5. Your predecessor officers encouraged our relocation from Market Street to the Flat Iron Car Park. One of the features promoted was that there was direct access from the car park to the store. Frankly, apart from the number of spaces needed for our customers, we would not have accommodated the premises (and are unable to stay there) on the basis that customers will randomly alternate between various car parks and have to pay for the privilege. There is no food store operator in the country who would accept that model.
6. The Council's inability to enforce against Asda's free car park (despite being in breach of a planning condition for 9 months) only exacerbates the situation. There, you have a large surface car park controlled by Asda and free to use. You expect Booths to tolerate a car park smaller than the one it is legally entitled to and one which is half the size of the one which currently exists at the Flat Iron Car Park.
7. In simple terms, the officers' report does not address the true impact of the proposed changes to the Flat Iron Car Park on our business at all. The idea that other car parks will compensate is nonsensical. It is not a solution and our store cannot continue to operate under such circumstances.
8. To compound matters even further, we are astonished to see that you are recommending to members of the Committee that a food store of 1,394m<sup>2</sup> (2,459sq ft) can be accommodated in the new development. How can it be asserted that more food shoppers will visit the Town Centre when (apart from Asda) there will be nowhere close enough for them to park? Moreover it would appear that Asda's arrangements are to be allowed to continue whilst we are faced with proposals which would inevitably lead to the closure of our store.
9. The plans show a narrowing of the pedestrianized area in front of our store which will detract from our store by lessening circulation space in front of it and lessening its presence in the street scene.
10. The plans also show a comprehensive removal of relatively recent tree planting in the immediate locality which denudes the quality of the local environment. This appears to be a function of an attempt to 'squeeze' what is left of the 'shoppers' car park next to our store. I have serious reservations about the merit of this approach.
11. In reality, it would be difficult to design a scheme which caused more harm to our store than what is proposed. Your decision to ignore our September 2014 objections is proof positive that in pursuit of the development of your own land you are prepared to compromise our store. We have made a major investment in Chorley – the speculative proposals being pursued by the Council are only that but as soon as you implement the latter you will destroy our trade.

We have had a shop in Chorley since 1855. I therefore sincerely regret having to write to you in such strong terms but I must urge your Council to reconsider its position.

**Naphens LLP** have also written in. They act for E.H Booth & Co Limited (Booths) raising the following summarised points:

- The proposed development scheme appears to include the construction of buildings on land within that part of the Flat Iron Car Park which is the subject of the covenant restricting the use of such land to a shopper's car park. As such the carrying out of development in this form would be a breach of the relevant covenant and this would not be acceptable to Booths.
- We do not know whether the Council has served notice of these proposals upon AXA because of the covenant or consulted them on the planning application and thus we are copying this letter to them together with copies of relevant plans and application details.

- In view of the above we would suggest that the Council should defer determination of this application as clearly there are legal constraints which prevent the development being delivered as currently proposed.

**In response to the comments raised the agent for the application has provided the following comments:**

The objection is made under two headings; 'car parking' and 'landscaping'. The landscaping objection does not raise any matters of substance, and the submission and officer's report to committee clearly demonstrate that more than adequate replacement tree planting is proposed across the scheme, and that delivery will be secured by appropriate conditions.

The clear focus of the objection relates to the changing patterns of car parking provision around the town centre as a result of the proposed development, and the (existing) relationship between the Booths store and the outdoor market.

*a) Number of Spaces*

Much is made of the legally binding covenant entered into by the Council which it is stated ensures a defined area within the Flat Iron Car Park is reserved as a 'shoppers car park', and the fact that adherence to this covenant is "...crucial to the commercial integrity of the [Booths] store".

We understand that the covenant in question seeks to ensure a defined number of spaces (i.e. as opposed to a defined area) are reserved for 'shopper' car parking. The proposed development has been designed to comply with the covenant in this respect.

The legal mechanism that is crucial to the commercial integrity of the Booth store continues to be honoured.

There is no suggestion that the analysis contained within the submission, and accepted by Lancashire County Council Highways, regarding the appropriate levels of car parking available across the centre is incorrect or invalid.

*b) Outdoor Market*

A fundamental area of concern appears to be the implications for car parking provision for Booths customers specifically on days when the outdoor market takes place on the Flat Iron Car Park. It is evident that this is an underlying concern irrespective of the proposed Market Walk scheme.

The observation that the proposals for temporary relocation of the market during construction of the proposed development offers no guarantee that the market will continue to trade from its alternative location post completion of the development is correct. However, the investment made by the Council to secure this alternative location, and the benefits that market traders are anticipated to acknowledge as a result, increases likelihood of traders choosing to make the temporary move permanent at the end of the process. This will deliver a significant betterment to Booths, but the scope to encourage this change only takes place in conjunction with the proposed development.

*c) The Development Plan*

Of course, the objection must be considered within the context that the site is subject to an up to date Local Plan allocation for redevelopment in the form proposed, which must be afforded primacy in the decision making process.

There are no restrictions imposed on the development through the allocation. Paragraph 14 of the NPPF is clear in stating that development proposals according with the development plan should be granted without delay.

There is no need to consider deferral of the application in this light, and certainly no justification for revising the recommendation set out within the officer's report.



**Case Officers response to the comments raised:**

A lot of the concerns raised relate to the legal covenant which Booths have with Chorley Council this however is a private legal issue separate to the planning regime. The existence of a legal covenant does not preclude a planning application being determined this is a separate matter between the relevant legal parties. Further clarification on the covenant is provided below.

Concerns are raised that reference to 400m walk distance is referred to within the Committee report which Booths consider is excessive for their customers to carry shopping. The comments received confirm that there is no specified walk distance set out nationally in terms of walk distances however 400m is used as a general guide and is considered applicable in respect of the current proposals. However it is noted that the majority of the reconfigured parking spaces (in excess of 130 spaces which is the figure referred to in the covenant) proposed when the development is complete are located in front of the Booths store which is convenient for the store. Although if the market relocates to the Flat Iron the parking will be reduced it is noted that a full assessment of the market location will be undertaken by the Council at an appropriate time.

Concerns are raised about the provision of additional retail convenience floor space with limited convenient parking spaces. In accordance with Policy ST4 of the emerging Local Plan there is a requirement to provide 1 parking space per 16m<sup>2</sup> for A1 food retail. This equates to 87 spaces in respect of the proposed new convenience floor space. According to the supporting information submitted as part of the planning application for the Booths store (02/00733/FULMAJ) the floorspace of Booths is the same as the proposed new floorspace which equates to the need for 174 spaces associated with the 2 food stores. It is noted that it is proposed to retain in excess of 174 spaces on the Flat Iron which exceeds the Policy requirement purely in respect of the Booths store and the convenience store. It is noted that the other existing and proposed uses will generate vehicle movements to the car park and it is not possible to allocate all the spaces for the convenience food parts of the scheme however Booths have legal covenants with the Council in terms of parking spaces and the completed development includes a number of parking spaces which will be located within a convenient location in terms of Booths.

Concerns have been raised about the loss of landscaping. Whilst it is not ideal to remove existing landscaping this is mitigated by the requirement to replace all of the planting lost and will ensure the scheme 'ties' into the works already undertaken within the town centre.

**Legal Covenant**

In respect of the legal covenant and the comments from Napthans that the proposed development encroaches onto the covenant land the Council's Head of Governance and Property Services has commented as follows: It is the Council's interpretation of this clause that provided not less than 130 car parking spaces are provided within this area then the Covenant is complied with. There is no requirement within the Covenant that the area is used solely for car parking and nothing else.

**Chorley Little Theatre/ Chorley Empire Community Cinema** have made the following additional comments:

I just want to clarify something in the agenda, regarding point 27 which says "the proposed cinema will offer options to a different audience than the existing Chorley Empire Community Cinema"

I don't know how anyone can say such a thing at this stage. Films shown in the last 2 years at Chorley Empire Community Cinema include The Theory of Everything, The Imitation Game, Frozen, The Lego Movie, Paddington, Mrs Browns Boys, Gravity and 12 Years A Slave. I find it very hard to believe that the proposed Reel Cinemas will not be showing these films.

As we wouldn't be able to get these films for showing as soon as Reel could, we would likely have to not bother and look at alternative programming such as arthouse or foreign films. But in our experience there is not sufficient market for these types of films in Chorley, and we would run at a loss.

If Reel Cinemas also decide to show “Event Cinema” such as NTLive and RSCLive (as they do at all their current cinemas) then they will again be duplicating what Chorley Empire Community Cinema are already offering.

Based on our figures for the last year, if Chorley Little Theatre did not show the above films and event cinema it is looking at a loss of income of around £20,000 - roughly 10% of all income for the year.

I feel the reports continue to misrepresent what Chorley Empire Community Cinema does and the films it shows, so am using this addendum to try and redress the balance.

**Case Officers response to the comments raised:**

The concerns of the community cinema in terms of completing for/ duplicating the existing film offer within the proposed cinema are noted however it is also noted that there is capacity within the town centre for another cinema (as detailed within the 2010 Central Lancashire Retail Study) and as part of the Council’s existing projects there are plans to support Chorley Little Theatre and the cinema. As such whilst the new cinema may compete with the existing cinema, which is not a material planning consideration, it is considered that there is capacity within the town centre for the 2 cinemas.

**The following conditions have been amended:**

**Condition 2** has been amended to include the amended plans (detailed below):

The retail, restaurant and leisure unit on the Flat Iron car park (units 1-6) and restaurant, retail and office unit on the southern portion of the site (units 7, 8 and 10) hereby permitted shall be carried out in accordance with the following approved plans and documents:

Title	Building	Drawing Reference	Received date
Location Plan		B8245_AEW_XX-XX-DR_A-050 Rev P1	22 <sup>nd</sup> April 2015
Proposed Ground Floor Plan		B8245-AEW-XX-XX-DR-A-0504 Rev P1	22 <sup>nd</sup> April 2015
Proposed First Floor Plan		B8245-AEW-XX-XX-DR-A-0505 Rev P1	22 <sup>nd</sup> April 2015
Proposed Roof Plan		B8245-AEW-XX-RF-DR-A-0506 Rev P1	22 <sup>nd</sup> April 2015
Proposed Site Plan		B8245_AEW_XX-XX-DR_A-0503 Rev P2	9 <sup>th</sup> July 2015
Proposed Elevations 1	retail, restaurant and leisure unit on the Flat Iron car park	B8245_AEW_XX-XX-DR_A-0507 Rev P1	22 <sup>nd</sup> April 2015
Proposed Site Sections		B8245-AEW-XX-XX-DR-A-0509 Rev P1	22 <sup>nd</sup> April 2015
Feasibility Site Plan		B8245_AEW_ZZ-XX-DR_A-0018 Rev P5	22 <sup>nd</sup> April 2015
Temporary Car parking Layout		B8245_AEW_XX-XX-DR_A-0511 Rev P2	9 <sup>th</sup> July 2015
Landscape Masterplan		1409-01F	22 <sup>nd</sup> April 2015
Proposed Elevations Units 7, 8 and 10	restaurant, retail and office unit on the southern portion of the site	B8245_AEW_XX-XX-DR_A-0508 Rev P1	22 <sup>nd</sup> April 2015
Union Street Highway Improvements		TPMA5048_104	22 <sup>nd</sup> April 2015
Phase 1 Desk Study		5894	22 <sup>nd</sup> April 2015

Phase 2 Site Investigation		5894A	22 <sup>nd</sup> April 2015
Tree Constraints Plan		D5073.001	22 <sup>nd</sup> April 2015

*Reason: For the avoidance of doubt and in the interests of proper planning*

Condition 32 has been amended to include some flexibility in case the specified hardsurfacing materials are no longer available from the manufacturers at that time:

32. The ground surfacing materials, detailed on the approved plans, shall be used and no others substituted unless otherwise agreed in writing by the Local Planning Authority. The hard landscaping works shall be completed prior to the occupation of any phase of the development hereby approved.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

**The original report has been amended as follows:**

The following clarification points relate to the original Committee report:

**Paragraph 1.** Unit 9 will be a restaurant/ leisure use not an A1 retail use

**Paragraph 5.** The reference to retail fashion is illustrative there is no intention to restrict the comparison retail floorspace

**Paragraph 50.** The new Chorley PALs Memorial Garden area exceeds 110m<sup>2</sup> well in excess of the required 6.25m<sup>2</sup> minimum threshold set out within the lease.

**Paragraphs 80 & 86.** Two amended plans have been submitted detailing the revised arrangements for the Clifford Street pedestrian crossing and limiting traffic movements to the Hollinshead Street car park to access only from Stanley Place (i.e. no additional two-way movements).

The changes to the Hollinshead Car Park include a no-exit arrangement for the northern most parking area, forcing this traffic to leave via Hollinshead Street. It would still mean there would be some increase in two-way movements at the southern end of Stanley Place however this would be a low speed environment, with good inter-visibility and the very southern end of the road neat to the junction with Union Street is already two-way, protected by double yellow lines.

To secure this amended arrangement the following condition is proposed:

Prior to the first use of the access from Stanley Place to Hollinshead Street car par (detailed on plan reference B8245\_AEW\_XX-XX-DR\_A-0503 Rev P2) by vehicular traffic full details of the measures/ mechanisms to stop vehicles exiting the car park onto Stanley Place shall be submitted to and approved in writing by the Local Planning Authority. The measures/ mechanisms shall thereafter be implemented in accordance with the approved details, implemented prior to the first use of the access from Stanley Place to Hollinshead Street car park by vehicular traffic and retained in perpetuity thereafter.

Reason: there is existing residents parking along Stanley Place which restricts the width of the highway limiting the potential for 2 way vehicle movements. Limiting the access from Stanley Place to access only reduces vehicle movements along Stanley Place although appropriate mechanisms are required to ensure vehicles using the Hollinshead Street car park exit via Hollinshead Street.

**ITEM 3b- 15/00224/OUTMAJ – Land 200M North Of Derian House, Euxton Lane, Chorley**

**The recommendation remains as per the original report**

Cllr Perks has written in objection to the application. A copy of his letter is attached to the end of this addendum in full.

**Two further letters of objection have been received to the application as follows:**

**Objection 1:**

No solutions are being provided in terms of noise – any noise reduction solutions are only being implemented within the development itself and not to surrounding residential areas, despite an acknowledgement that noise and the overall impact of increased traffic was a significant concern to residents adjacent to Euxton Lane. That there is increase traffic from HGV's (doubled)

There has been a limited consultation process, resulting in unnecessary duplication and delay.

My property runs adjacent to Euxton Lane (B5252) and whilst traffic has increased steadily over the 10 years:-

1. I have noticed a significant increase in traffic over the last six to twelve months in particular.
2. The increase means that not only has traffic noise increased, but also that my house experiences tremors on a regular basis. .
3. The passing of heavy goods vehicles 24/7 means that my bed physically shakes at frequent intervals throughout the night, resulting in regular interrupted sleep, which means that it, is causing sleep deprivation.
4. I am concerned that this will ultimately have a long-term impact on the integrity of my home. We have had new triple glazing in three bedrooms; this worked for a while, but has proven to less affective in the latter years of our occupation. I appreciate that living adjacent to a main road will mean that there will always be some road noise, however, I now find myself having to give serious thought to upgrading to triple glazing, erecting a wall on the roadside edge to 'detach' the road activity from my property and taking specialist advice regarding sound reduction and management. These changes, if implemented are still unlikely to prevent the tremors described previously, are likely to be costly and are only under consideration because of action that has not been taken by the Council; circumstances for which I am not responsible and have no control over and the impact of which appears to be given no regard by the Council.

You will appreciate that:-

1. The poor quality repair of the road itself is an added factor, as each time a heavy vehicle goes over a bump or divot in the road, the impact is felt directly in the house.
2. A lack of basic traffic management controls means that it has become common practice for vehicles to exceed the 40 mph speed limit. Apart from one sign indicating speed cameras.
3. There are no measures in place to discourage drivers from speeding. Drivers who travel the route regularly will be aware that there are no speed cameras on this road.
4. Finally, as drivers travel towards the roundabout at the Chancery Road end of Euxton Lane, they assume automatic right of way and cross over on to West Way (also the B5252), rarely slowing down.

There is no doubt that the proposed development on Euxton Lane will, if successful bring more jobs, greater prosperity and potentially increase the economic wellbeing of the area and individuals in it, however, whilst I support development and am no stranger to change, the environmental and financial cost of the change should not unduly fall upon existing residents.

The Euxton Lane development along with plans for Chancery Road, the increased business units on the Matrix in Buckshaw Village and constant traffic passing to the Tarmac quarry will inevitably result in an exponential increase on the roads in Euxton and in particular on Euxton Lane, leading

to and from the motorway and surrounding A rounds. This aggregated traffic increase is likely to be in excess of the 5% threshold used to assess impact on residential areas. All of which will in the longer term inevitably affect the integrity of property in the immediate vicinity.

I believe that the Council has a responsibility to mitigate the overall impact of this situation not only on the overall integrity of my home, but also on my general health and wellbeing.

**Preferred Outcome:**

I believe that the Council has a duty to consider and address the concerns raised during the Euxton Lane Developments consultation process and those highlighted in this letter, in particular the direct impact of current and future traffic flows. On a personal level, this includes the way in which these changes directly affect my property boundary and premises.

Therefore, I request that the Council:

- Notes, acknowledges and reviews my concerns.
- Identifies and implements appropriate solutions to address them.

**Objection 2 (a response from LCC Highways is attached to the objection giving traffic figures):**

In relation to the planning consultation, I have attached supporting traffic details provided by Lancashire County Council, which clearly illustrates that the volume of heavy good vehicles has doubled to in excess of 1000 over 2 years up to 2014, increasing specifically from 2013 to 2014 from 662 to 1075. Unfortunately, 2015 figures were unavailable to an equipment fault. Whilst I appreciate that these are historical figures and are likely to be included in some way in the transport assessment to support the planning application, I believe that they are illustrative of the potential increase in relation to the proposed development and therefore request that these are considered in support of my concerns regarding this development proposal.

I understand that any major development subject to a planning application such as this is likely to be accompanied by a transport assessment or statement and that this will detail the trip generation indicatively relative to the quantum of the development proposed and that this will be considered in the context of current traffic and any subsequent increase, notwithstanding that figures are unavailable for 2015. Based on 700 jobs and 125 residential properties and the additional development on Chancery Road, traffic will increase by a minimum of further by 10%, with heavy or large vehicles increasing further due to commercial and residential deliveries etc, magnifying further during construction periods .

My understanding in relation to traffic impacts is that there are a number of concerns that would constitute 'material' objections or issues to consider some of which have been exemplified previously, including:

- Residential amenity (general noise, vibration, disturbance and a reduction to quality of life and residential environment currently enjoyed). A further increase in development as indicated above will inevitably result in an increase of the noise, vibrations and tremors already experienced by residents, including impact on health and well being. What measures will be put in place to minimise the impact on residents affected if this proposal is agreed eg sound proofing fencing, glazing, road quality, traffic diverts, speed management etc.
- Impact on key junctions and junction capacity (specifically the roundabout at Chancery Road) and pedestrian cross area.
- Routing of traffic and potential to divert to preclude domestic and commercial traffic conflict, at peak times, but more specifically during unsociable hours ie during the evenings, in relation to heavy vehicle traffic in particular. Further, in relation to construction traffic, I understand that it is possible to restrict the hours of construction on site including limiting deliveries and other construction traffic to more sociable hours; something that I understand that the Council has the potential to control in order to mitigate impacts on the surrounding areas in the event that planning permission is granted. This is already an issue where heavy vehicles are

deliveries to other sites around Euxton Lane, resulting in disrupted sleep during the evenings.

I would like to further add, that any consideration of this proposal should be made in the context of the developments that have undertaken in the vicinity in the last few years, including those running concurrently which if considered in isolation, only take into account the individual impacts, however, when considered together will show a greater impact. Measures that can be put into place for residents to mitigate direct impact should be included in any proposals.

**Case Officers response to the comments raised:**

The site is an allocated employment site in the emerging Local Plan 2012-2026 and therefore the principle of employment development on the site has been found to be acceptable through the Local Plan. The application is for a mixed use development including employment but also includes up to 125 residential properties, a care home, a convenience store, family pub and/or medical centre. It is considered that this mix of uses will attract lower levels of heavy goods vehicles than a site solely in employment use. The addition of a new junction on Euxton Lane is also likely to reduce traffic speeds to those at present. A Transport Assessment accompanies the application that takes into account other committed developments. A conditions is also proposed requiring a Construction Method Statement to be submitted which includes hours of operation including deliveries.

**The following conditions are proposed:**

1. Prior to the commencement of development, or with the submission of any reserved matters, a plan indicating the phasing of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.
  - (a) Before development is commenced on any one phase of the development details of all 'Reserved Matters' pertaining to that phase, (that is any matters in respect of which details have not been given in the application and which concern the appearance, layout, scale and landscaping of the building(s) to which this permission and the application relates) shall be submitted to and approved in writing by the Local Planning Authority.
  - (b) An application for approval of all 'Reserved Matters' must be made not later than the expiration of five years beginning with the date of this permission.
  - (c) The development to which this permission relates must be begun not later than two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: (a) This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995: (b) & (c) These conditions are 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 residential part of the development (as defined on the parameters plan listed below) shall be limited to no more than 125 dwellings and all any reserved matters applications on the site shall be in accordance with the parameters for the scale and building heights set on the Parameters Plan and other plans submitted with the application:

Title	Drawing Reference	Received date
Location Plan	_MP_00_1001	18th June 2015
Parameters Plan	_MP_00_0201	11th March 2015
Potential Site Access and Cycleway Arrangement	TPMA1216_013	10th July 2015
Illustrative Masterplan Including HCA Land	_MP_02_0203	11th March 2015

Reason: To define the permission and in the interests of proper development.

3. Any applications for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels, the details shall include any changes in ground levels, earthworks and excavations including those to be carried out near to

the railway boundary (all relative to ground levels adjoining the site). The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

4. Reserved matters submitted pursuant to Condition 2 that include details of the spine road through the site shall include details to demonstrate how the development will provide vehicular and pedestrian connections up to boundary with the adjacent land to the west (the land shown bounding with the site to the west as shown on the 'Illustrative Masterplan Including HCA Land' drawing no.\_MP\_02\_0203).

Reason: To ensure a comprehensive development of the area and satisfactory links to improve the accessibility of the site.

5. Samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority either with any reserved matters applications or prior to the construction of each the buildings on the site. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

6. Either with each reserved matters application or prior to the laying of any hard landscaping on any phase of the site, full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before occupation of that phase of the development and thereafter retained.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

7. Prior to any development commencing on the site:

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 in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - 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 any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of 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.

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals 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 the site is suitable for the proposed end-use.

8. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

9. Either with any reserved matters application that includes the construction of dwellings or prior to the commencement of the development approved by each reserved matters application that includes the construction of dwellings, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The dwellings shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

10. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

11. Either with each reserved matters application or prior to the commencement of each phase a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- hours of operation (including deliveries) during construction
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- siting of cabins
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety and to protect the amenities of the nearby residents.

12. Prior to any site clearance or soil stripping all trees and hedges to be retained shall be protected by 1.2m high fencing as specified in paragraph 8.2.2 of the 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 areas to be fenced. All excavations within the areas so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained on the site.



13. Either with any reserved matters application for residential dwellings (Use Class C3) or prior to the commencement of any phase of residential development on the site, full details of the alignment, height and appearance of all fences and walls and gates to be erected on the site, including to the site boundaries (except the boundary treatment to the railway line), along with a timetable for their erection 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. Non-curtilage boundary treatments shall be completed in accordance with both the approved details and the approved timetable.

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

14. Residential baseline surveys shall be undertaken within 3 months of first occupancy of any dwelling, and employee baseline surveys shall be completed once any of the non-residential units first become occupied. A residents' travel survey shall have been carried out within 3 months of 75% occupation of the dwellings hereby permitted and employees travel survey shall have been carried out within 3 months of 75% occupation of the buildings hereby permitted and a Full Travel Plan shall have been submitted for written approval of the Local Planning Authority within 3 months of the residential or commercial travel surveys, whichever is the earlier. As a minimum, the Full Travel Plan shall include:

- i) The contact details of the Travel Plan Co-ordinator (s) for both the residential and commercial elements of the site including whether they will be part or full-time and how long they will be in post;
  - ii) The results of the residents' travel survey;
  - iii) Details of cycling, pedestrian and public transport links to and through the site;
  - iv) Details of the provision for cycle parking for any properties where suitable space is not available within the curtilage;
  - v) The Objectives of the plan;
  - vi) SMART (Site specific, Measurable, Achievable, Realistic and Time-related) Targets for non-car modes of travel using baseline data from the residents' survey;
  - vii) A detailed action plan for the introduction of the proposed measures, including marketing and promotion;
  - viii) Details of the arrangements for monitoring and review of the Travel Plan for a period of at least five years;
  - ix) A review of both national and local policies relating to travel plans and sustainable travel.
- The Travel Plan shall be implemented as approved.

15. Any reserved matters applications shall be accompanied by a noise impact assessment demonstrating how the layout has been designed to minimise noise to the lowest practicable levels and shall include any necessary noise mitigation measures. The development shall only be carried out in accordance with the approved mitigation measures.

Reason: To ensure the site is laid out and designed to ensure the lowest practicable levels noise from the railway line to the north of the site and between the proposed uses.

16. No development shall commence until details of the design, implementation (including phasing), maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation including any phasing;

- e) Site investigation and test results to confirm infiltrations rates;
- f) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The surface water drainage scheme shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development. This is required to be a pre-commencement condition to ensure a satisfactory surface water drainage scheme is proposed for the site before any development commences.

17. No development approved by this permission shall commence until a scheme for the disposal of foul waters for the entire site has been submitted to and approved in writing by the Local Planning Authority including a timetable for implementation including any phasing. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding. This is required to be a pre-commencement condition to ensure a satisfactory foul water drainage scheme is proposed for the site before any development commences.

18. Any reserved matters application(s) for dwellings (Use Class C3) shall be accompanied by full details of the type, design and location of the affordable housing units to be provided on the site for written approval by the Local Planning Authority. The development shall only be carried out in accordance with the details approved in writing by the Local Planning Authority.

Reason: To ensure sufficient affordable housing is provided on site.

19. The car parking spaces for each dwelling/building on the site shall be surfaced or paved, drained and marked out all in accordance with the approved plan before it is first occupied. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas.

20. No part of the development hereby approved shall commence until a scheme for the construction of all site access and the off-site highway works of highway improvement referred to below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Prior to the first occupation of any part of the development, construction of the site access and all the highway works shall have been completed as shown on drawing ref: TPMA1216\_011 Rev J (or any variation as requested in writing by the Local Planning Authority in consultation with the Local Highways Authority), to include:

- Yellow box marking on Badgers Walk/Euxton Lane junction;
- A 3m wide off-road shared cycleway/footway across the site frontage from the junction of Strawberry Fields (through the new site junction) to tie into the existing off-carriageway cycleway to the west;
- Toucan crossings at site access;
- New junction into the site with Euxton Lane to include the installation of MOVA signal technology to optimise signal timing to improve network reliability.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and in order to improve the accessibility of the site and ensure that residents of the development have satisfactory access to services and facilities.

21. Either with any reserved matters application or prior to the commencement of the development an Estate Street Phasing and Completion Plan shall be submitted to and approved in writing by the

Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards to each estate streets serving each phase of the development will be completed.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety, to ensure a satisfactory appearance to the highways infrastructure serving the development and to safeguard the visual amenities of the locality and users of the highway.

22. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential/highway safety.

23. Prior to the commencement of any phase of the development full engineering, drainage, street lighting and constructional details of the streets proposed for adoption shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

24. Prior to occupation of any of the dwelling (Use Class C3) details of a trespass proof fence to be erected adjacent to the boundary with the railway shall be submitted to and approved in writing by the Local Planning Authority. It required by the mitigation measures in the submitted noise impact assessment this shall be an acoustic fence. The approved fence shall be erected in accordance with the approved details prior to the occupation of any of the dwellings.

Reason: To protect the adjacent railway from unauthorised access and if necessary to protect the amenity of the residential properties from the noise of the railway line.

25. Any scaffolding which is to be erected /constructed within 10metres of the boundary to the railway line must be erected in such a manner that at no time will any poles over-sail the railway line. A method statement giving details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing) shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The measures (including protective fencing) to prevent any construction materials from the development reaching the railway line hereby approved shall be implemented in accordance with the approved details before development commences.

Reason: This information is required to be submitted prior to commencement to allow it to be implemented before development commences and in the interests of railway safety

26. Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To prevent any piling works and vibration from de-stabilising or impacting the railway.

27. Any vegetation clearance required by the scheme should be carried out outside of the optimum period for bird nesting (March to July inclusive), unless an appropriate walkover survey is undertaken that concludes that no breeding birds, active nests, eggs or fledglings are present in the area to be cleared has been undertaken.

Reason: All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

28. The 'Reasonable Avoidance Measures' as set out in Appendix 4 (Section 11) of the 'ERAP' ecology report ref: 2004\_159 March 2015 to be taken to avoid any possible harm to amphibians (which would also aid other wildlife) shall be implemented in full.

Reason: To ensure the protection of amphibians during the construction period.

29. Any landscaping scheme submitted as reserved matters stage shall detail how it has taken account of the Habitat Enhancement set out in Appendix 4 (Section 11) of the 'ERAP' ecology report ref: 2004\_159 March 2015.

Reason: To ensure the scheme promotes habitat enhancement.

30. Prior to the construction of the Spine Road (the road through the site extending from the junction with Euxton Lane as shown illustratively on parameters plan ref: \_MP\_00\_0201) full details of the services to be provided to all the uses/phases on the site other than the residential dwellings (the areas shaded grey, light grey, yellow and purple on parameters plan ref: \_MP\_00\_0201) shall be submitted to and approved in writing by the Local Planning Authority. The information provided shall include details of any electricity, gas, water and telecoms services, their capacity and their connection points to the areas shaded grey, light grey, yellow and purple on parameters plan ref: \_MP\_00\_0201. The servicing shall then be carried out concurrently with the construction with the spine road as per the approved details.

Reason: To ensure that the non-residential parts of the site area appropriately serviced.

31. Not more than 35% of the dwellings permitted shall be occupied until the spine road (the road through the site extending from the junction with Euxton Lane as shown illustratively on parameters plan ref: \_MP\_00\_0201) to serve the development has been constructed to an adoptable standard (or other standard submitted to an agreed in writing with the Local Planning Authority) to enable the areas shaded yellow, light grey and purple on the parameters plan ref: \_MP\_00\_0201 to be accessed from Euxton Lane, and not more than 70% of the dwellings permitted shall be occupied until the spine road to enable the development on the area shaded dark grey on the parameters plan ref: \_MP\_00\_0201 to be accessed from Euxton Lane has been constructed to an adoptable standard (or other standard submitted to an agreed in writing with the Local Planning Authority) up to the boundary with the adjacent land to the west (the land shown bounding with the site to the west as shown on the 'Illustrative Masterplan Including HCA Land' drawing no. \_MP\_02\_0203) and to enable the area shaded dark grey on the parameters plan ref: \_MP\_00\_0201 to be accessed from Euxton Lane.

Reason: To ensure that the non-residential parts of the site area are provided with appropriate access to Euxton Lane and to ensure the land to the west can be accessed through the site.

32. Any buildings hereby permitted (other than the residential dwellings) over 500m<sup>2</sup> shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good'. Within 6 months of occupation of each building or phase a 'Post Construction Stage' assessment and a Final Certificate shall be submitted to the Local Planning Authority certifying that a BREEAM standard of 'very good' has been achieved for that building or phase.

Reason: In the interests of minimising the environmental impact of the development.

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**ITEM 3f- 15/00361/FULMAJ – Shaftesbury House Short Stay School, Stratford Road, Chorley, PR6 0AF**

**The recommendation has changed as follows: The application is approved subject to the associated legal agreement**

**The following conditions are proposed:**

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 windows in the first floor of the rear (north) elevation of the building to be converted to flats hereby permitted shall be top hung only and shall be fitted with obscure glass. Top hung windows with obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or equivalent.

Reason: In the interests of the privacy of occupiers of neighbouring properties.

3. The parking spaces numbered 1, 2, 3, 4, 17, 18, 19 and 20 and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the five flats created in the existing building. All remaining parking spaces and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the new built flats hereby approved. Such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

Reason: To ensure provision of adequate off-street parking facilities within the site.

4. 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 (unless an alternative is has been submitted to and approved in writing by the Local Planning Authority which shall then be implemented in accordance with the approved details)

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

5. Before construction of the new build flats are commenced, full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) of the new build flats shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

6. No part of the development hereby permitted shall be occupied until the vehicular access from the site to Stratford Road has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety.

7. Before the development hereby permitted is first occupied, full details of the provision for cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of any of the flats the cycle parking shall be made available for use, and shall be retained at all times thereafter.

Reason: To ensure adequate on site provision for cycle parking.

8. Before the development hereby permitted is first occupied, full details of the bin storage for the flats shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of any of the flats the bin storage shall be made available for use, and shall be retained at all times thereafter.

Reason: To ensure adequate on site provision for the storage of bins.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. hours of operation (including deliveries) during construction

- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction

Reason: In the interests of highway safety and to protect the amenities of the nearby residents. This is required to be a pre-commencement condition to ensure this details are approved prior to any works taking place on the site, including demolition.

10. Prior to the construction of the new build flats hereby approved, samples and/or details of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

11. Prior to the laying of any hard surfacing at the site (including the car park) full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

12. Any trees and shrubs required to be removed to facilitate the scheme should be removed outside of the optimum period for bird nesting (March to July inclusive) unless an inspection of them has confirmed the absence of breeding birds.

Reason: Breeding birds are a protected species.

13. If bats are found at any time during any permitted works then works must cease immediately and advice sought from a suitably qualified person about how best to proceed.

Reason: Bats are a protected species and failure to so would be a criminal offence.

14. Prior to the commencement of any development (other than demolition), details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. No flats shall be occupied until the approved foul drainage scheme has been completed to serve that flat, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory foul drainage system scheme is implemented at the site.

15. Prior to the commencement of any development (other than demolition), a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure an acceptable surface water drainage scheme is implemented at the site.

16. All new build flats shall achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

17. Prior to the commencement of the development (other than demolition) details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the new build flats will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

18. None of the new build flats hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that, that flat has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be inserted or constructed at any time at first floor level or above in any of the elevations of the flats hereby permitted.

Reason: To protect the amenities and privacy of the adjoining properties.

20. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Shaftesbury House School Chorley (Location Plan)	-	16th April 2015
Proposed Site Plan	1486 14 Rev A	12th June 2015
Proposed Front & Side Elevation	1489 11 Rev A	16th April 2015
Proposed Side & Rear Elevations	1489 12 Rev B	12th June 2015
Proposed Ground Floor Plan	1489 08 Rev A	16th April 2015
Proposed First & Second Floor Plans	1489 10 Rev B	12th June 2015
Proposed Apartments – Plans & Elevations	1489 13 Rev B	12th June 2015

Reason: For the avoidance of doubt and in the interests of proper planning.

### **ITEM 3h- 15/00536/COU – Chorley Community Housing, 24 - 26 Gillibrand Street Chorley, PR7 2EJ**

**The recommendation remains as per the original report.**

Representations have been received from a local resident commenting that they welcome the application for the doctor's surgery, but ask that the current landlords, or the new tenant, pay attention to the overgrown grounds at the rear because this is a popular pedestrian route for local residents into town.

**ITEM 3j- 15/00383/FULMAJ – Land Opposite Chancery Road, West Way, Astley Village**

**The recommendation has changed as follows: Officers recommend that consideration of the proposals is deferred until August Committee to enable the applicant to address the noise concerns and to await comments from LCC in terms of the comments received from the Lancashire Fire and Rescue Service**

The following comments have been received on behalf of Lancashire Fire and Rescue Service:

- Speaking neither for nor against the development but stating facts that you need to be aware of in reaching a decision.
  - The medium term plan is to potentially relocate other emergency service and support functions to the Washington Hall site and the private access road also serving the application site will provide the main, if not the only, access onto Washington Hall.
  - My client can only honour the right of way to the application site to the extent contractually permitted as it would not wish to allow increased capacity that may risk further development of its own site. As you are aware there have been a number of demolitions on the Washington Hall site in recent years but this is to remove redundant buildings in readiness for more focused operational development rather than a permanent downsizing of the site.
-



**The following letter of objection has been received from Cllr Mark Perks:**

I wish to lodge my objection based on the following points :-

The Chorley Local Plan 2012-26 has been amended according to the Main Modifications suggested by the Planning Inspector following her Examination Hearing ( Oct 2013 ) . However, because of the very advanced stage in the examination process that the main modifications have now been reached and **significant** weight should be attached to all policies and proposals of this Plan.

With the Local Plan to be formally adopted at Full Council next week on 21st July, after what has been some timely and extensive work on it. It is still only a couple of years old and is seen to be a guiding document for the council planning service to adopt and follow in the borough for the next 11 years. It is rather strange and at odds with adopting a local plan to consider ignoring a vital policy that has been pursued, pushed and argued for at the public inquiry by planning officers at the council.

The planning inspector made it quite clear along with planner officers that the land in question would be purely for Employment use as per Policy EP1: Employment Site Allocations and that the site in question would be for B1, B2 and B8 use business, general industrial or storage and distribution.

As outlined in the Local Plan :-

Location	Hectares	Use Class	Policy	Key Service Centre: Chorley Town
EP1.1 Great Knowley*#}	14.1	employment site for sub-regionally	14.1	B1, B2)
EP2 EP1.2 Botany Bay*# }	5.90	significant development	5.90	B1, B2, B8, C1} EP2
EP1.3 Land to North East of M61 Junction* (Gale Moss)	6.90		6.90	B1, B2, B8
<b>EP1.5 North of Euxton Lane*</b>	<b>13.1 hectares</b>			<b>B1, B2, B8</b>

As this application includes 4 additional uses ( A1, A4, C2 and D1) these were not agreed or supported for this piece of land allocated for employment use, by the Inspector in the Local Plan.

As such this application is contrary to the Local Plan as it adds further uses, wishes to create a mixed development that will ultimately deprive the council of land set aside for employment,

I have no objection to the proposal which includes as part of the application for a Digital Health Park as part of the employment uses on the site.

The Digital Health Park proposed as a part of this application comprises up to 5000 m<sup>2</sup> of digital health offices start-up accommodation and 1000 m<sup>2</sup> of data centre provision (Use Class B1). 3000 m<sup>2</sup> Digital Health start-up accommodation (Use Class B1) b. 2500 m<sup>2</sup> light industrial/employment units (Use Class B1/B2/B8) 3000 m<sup>2</sup> expansion for either Digital Health or light industrial/employment (Use Class B1/B2/B8)

I do object to the inclusion of the 3600 m<sup>2</sup> care home Class C2, the 2800 m<sup>2</sup> specialist care provision Class C2, the 600 m<sup>2</sup> local convenience store Class A1, the 700 m<sup>2</sup> family pub class A4 and / or 400 m<sup>2</sup> medical centre use Class D1 but my main objection is particular to new homes including 30% affordable Class C3.

The information in support of the application indicates this would be in the region of some 125 dwellings.

A viability assessment has been put forward with the application that some housing is required to enable the delivery of employment on the site. The construction of the housing would allow the site access road to be put in and the employment land to be serviced in the form of utilities, therefore making the employment parts of the site ready serviced plots. **However, I would argue that it is not the role of the planning authority so early in the implementation of the Local Plan to give much weight to this argument.**

As the site is an allocated employment site under Policy EP 1.5 in the emerging Local Plan 2012-2026 along with the land bounding with the site to the west (13.1ha in total).

The developer sought support from the council to a bid to attract funding to develop to enable the Digital Health element to come forward. This bid was rejected, however the applicant has omitted this and failed to say way it was rejected.

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore **significant** weight should be placed on the need to support economic growth through the planning system. I again would argue the council has neither given enough time for the proposal to develop this site in relative the short life span of the Local Plan.

The location is an allocated employment site under Policy EP 1.5 and the the application proposes a mixed use scheme including housing and therefore the other uses are contrary to the allocation in the emerging Local Plan. Core Strategy Policy 10 is therefore relevant to the application which states:

The Supplementary Planning Document (SPD) on Controlling Re-use of Employment Premises expands on a policy and provides guidance on marketing and the assessment of the viability of employment development. Neither the council nor applicant has given adequate time for future employment needs to develop.

The Central Lancashire Core Strategy requires Chorley to make provision for 112 hectares of employment land (gross) for B1, B2 and B8 use classes to the period 2026 (this requirement excludes land for A2 use classes).

The Local Plan Inspector's Partial Report of October 2013 considered the whole of this 13.1 ha site for residential use but stated it is allocated as employment site (EP1.5) and its re-allocation as a housing site would not be justified and would make the Plan unsound. **The council should adhere to this report and reject the application.**

The Local Plan Inspector (Issue 5 – Delivering Economic Prosperity – Employment Site Allocations) considered the whole of the 13.1 ha site as an employment allocation and concluded it accords with the quantum and locational strategy of the Core Strategy for employment development, and that the range of site sizes and types allocated in the plan provide a flexible portfolio of sites. Furthermore, each employment allocation allows for a range of Class B employment uses, providing further flexibility. She goes on to say: 'All of the employment allocations are consistent with the Framework and none are physically constrained or require the provision of infrastructure to the extent that they would be made undeliverable. Most have the support of the landowner'.

In relation to this site (allocation EP1.5) the Local Plan Inspector also stated 'Site EP1.5 is a 13.1 hectares, greenfield site north of Euxton Lane allocated for all Class B uses and is of sufficient area to provide a range of plot sizes. It is in a sustainable location in close proximity to Chorley Town Centre and Buckshaw station. It has a visible road frontage and no insurmountable environmental or infrastructure constraints'. **The council accepted her finding and statements back then so what has changed in the time since October 2013 to July 2015.**

It is considered that although not falling within the B Use Class, two hectares of the application site will provide other employment generating uses which will drive economic growth and provide important job opportunities relating to care, retail and leisure sectors. The mix of uses includes service uses that could generate a significant amount of skilled and unskilled employment opportunities. The proposed facilities will also provide employment, services and facilities for the local community. It is not considered the proposal for additional housing on the remainder of the application site would result in an unacceptable reduction in the type, quality or quantity of the employment land supply.

The council clearly signalled and agreed for a this location to be just B class employment use in its Local Plan. At no stage has it shown a desire to have this policy amended and has not sought subsequent changes that would go against the Inspector findings. So it should stick with the agreed Local Plan that it wishes to approval at its July Full Council meeting.

The applicants argument regarding large industrial units or smaller units are irrelevant when considering this application and just because no buyer has come forward for the site at this early stage of the Local Plan should not be a reason for the council to ignore significant weight to the Employment Use policy for this site in the plan.

The compelling business case for this use in this location to help revolutionise the future delivery of health services through digital technology while co-existing and being in proximity to the Chorley Hospital. Should see the council refusing this application on the grounds more time should be given for the proposal to be developed as the potential for job creation in skilled workers and the direct health provision and potential medical centre will assist in underpinning the existing health sector facilities in the immediate area thereby helping to broaden employment opportunities and facilities in the local community and for Chorley as a whole should be pursued.

The pub and local retail unit are ancillary elements of the plan and are facilities which will provide community cohesion yet also provide jobs in the community.

Based on the above completely false to claim that there is a need for the mix of uses on the site. The Hartwood public house caters for the pub element and current retail provision meets the needs of local people in the area.

The Local Plan Inspector considered the site for employment uses including taking into account its topography, adjacent neighbours, transport requirement/accessibility, sustainability and key features on the site. The appeal Inspector stated that none of the employment allocations including this site are physically constrained or require the provision of infrastructure to the extent that they would be made undeliverable. So the reason for having difficulty to develop the site put forward by the applicant should be given no weight ! or are the planning officers now indicating they disagree with the Inspectors findings ? If so then the Local Plan needs to be changed.

The Planning Framework says that planning policies should 'avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose'. Core Strategy Policy 10 and its associated SPD supports this, and land allocations have been reviewed through the Chorley Local Plan 2012-2026. **There has been no long term protection of this site so this argument should be dismissed**

A financial viability statement has been submitted with the application and has been assessed independently on behalf of the Council. This again needs to be ignored as it comes to quickly on the heels of a new Local Plan.

The comments in the officers report at paragraph 74 say:- In addition to the above, another factor that needs to be weighed in the balance in coming to a decision is the Council's Economic Development Strategy. This was approved in 2012 and refreshed in 2014 and sets out an economic vision for Chorley, together with five priority areas.

One of these priorities is to promote and increase inward investment in Chorley and a key action within this for 2014/15 -2015/16 is to progress opportunities around developing a Digital Health Park in Chorley. Digital Health is also a target area in the Lancashire Strategic Economic Plan. A Digital Health Park is therefore seen as a priority of the Council and the housing proposed will allow this site to come forward for this purpose. Significant weight is given to this factor in the decision making process. I disagree with the council planning dept statement the council's own Economic Development Strategy has significant weight to determine this applicant over a policy listed in the Local Plan.

There is a strong risk that the housing proposed would be provided without the employment coming forward or use up future prospects for employment. The housing is required to enable the employment site to be serviced in the form of an access road and utilities. This should be evidence on its own which means the council has grounds to object.

LCC as the highway authority have indicated the local junctions are approaching capacity with background growth and committed traffic. The cumulative impact of existing and committed development will result in these junctions on the local network reaching capacity for periods of the network peaks in future years (with background growth and committed traffic). When this point is reached any further additional impact will exacerbate the congested conditions and this cannot be dismissed as minimal.

This gives another good reason for objection until further investigation and evidence are given for the impact made by the development of this land. It is interesting to note LCC did not give any indication of future capacity issues when the Public inquiry to the Local Plan was held.

In conclusion I would state the case for approving this application has not been made I and would urge it to be rejected.

Cllr Mark Perks  
Astley & Buckshaw Ward  
Chorley Council