

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 29TH SEPTEMBER 2015, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following reports that were unavailable when the agenda was published.

Agenda No Item

3 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Public Protection, Streetscene and Community has submitted 9 reports for planning applications to be determined (enclosed).

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website. <http://planning.chorley.gov.uk/online-applications/>

3A 15/00375/FULMAJ - MARKET WALK EXTENSION, UNION STREET, CHORLEY

(Pages 104 -
145)

3B 15/00482/FULMAJ - DUXBURY PARK PHASE 2, BETWEEN MYLES STANDISH WAY AND DUXBURY GARDENS, MYLES STANDISH WAY, CHORLEY

(Pages 146 -
171)

GARY HALL
CHIEF EXECUTIVE

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Item 3a	15/00375/FULMAJ
Case Officer	Nicola Hopkins
Ward	Chorley South East
Proposal	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 1,394m²), 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
Location	Market Walk Extension, Union Street, Chorley
Applicant	Chorley Borough Council
Consultation expiry:	28th May 2015
Decision due by:	23rd July 2015 (time extension agreed until 2nd October 2015)

Recommendation
Approve full planning permission

Executive Summary

The proposed development relates to extensions to the existing retail centre within Chorley Town Centre. The proposals represents sustainable development which will result in job creation, lead to linked trips and increased footfall in the town centre and enhance the retail and leisure offer of the town centre, to benefit of its overall vitality and viability.

UPDATE SINCE THE 14TH JULY COMMITTEE

Members will recall that this application was deferred at 14th July Development Control Committee for the following reasons:

1. To allow members of the Development Control Committee the opportunity to give greater consideration and assess the late submission of information received in the addendum.
2. Greater consideration to be given to the amenities of residents, not just for the retail experience but for the proximity of civic functions for which the Council are responsible for.

The comments received following the publication of the 14th July Committee agenda were reported in full within the addendum for Members to consider. The comments have now been summarised within the Representations section below and addressed within the body of the report.

Members concerns related to the relocation of the Civic Offices staff and the services provided at the current offices. At this stage the new location for the staff and services has not been agreed however this is not material to the consideration of this planning application. This notwithstanding however the applicant has confirmed acceptance of the following condition to ensure that full details of the relocation are agreed prior to any demolition the following condition is suggested:

Prior to the demolition of the Civic Offices full details of the relocation of the Council staff and services and future location of third party organisations currently provided within the offices shall be submitted to and agreed in writing by the Local Planning Authority. The relocation shall be provided within a central location within Chorley Town and all the staff and services shall be relocated prior to the demolition of the Civic Offices.

Reason: the proposed development includes the demolition of offices which currently provide a valuable service to the residents of Chorley. Prior to the demolition full details of the relocation need to be secured to ensure that the services are continually available to the residents of the Borough.

Members also requested conditions at the 14th July Development Control Committee to address the following elements of the scheme:

1. Relocation of the existing public toilets. The following condition is suggested:
Prior to the removal of the existing public toilets full details of alternative toilet facilities within Chorley Town Centre shall first be submitted to and approved in writing by the Local Planning Authority. The alternative facilities shall be provided in accordance with the approved details prior to the removal of the existing toilets.
Reason: To ensure that alternative facilities are provided for visitors to the town centre prior to the removal of the existing facilities.
2. Construction Management Plan. This is included at suggested condition 7 and it is important to note that the Council own this site and will retain ownership. As such the Council will have overall control of the construction project.
3. Secure covered cycle provision. This is covered at condition 20.
4. Signage in respect of advance notice of parking space availability. This is addressed within the *Impact on the surrounding road network* section of the report and will include variable message signs (VMS) as secured by condition 23

The Committee report below has been amended to reflect the changes included on the 14th July Committee addendum, to address the concerns raised, to include additional comments received and to reflect the fact that the Chorley Local Plan was adopted on 21st July.

Legal Covenant Issue

Members will note that the main area of concern from Booths relates to the existence of the covenant in respect of half of the Flat Iron car park. Following the 14th July Development Control Committee Napthens, working on behalf of Booths, have provided a copy of their legal advice in respect of this covenant which has been provided by Kings Chambers. Following receipt of this representation the Council have sought its own legal advice from Landmark Chambers.

In summary:

Although covenants are a private interest in terms of planning a private right may be a consideration material to the determination of a planning application where the private interest in question needs to be protected in the public interest.

As such if Booths' private interest in retaining half of the Flat Iron Car Park subject to the covenant in favour of AXA as a car park is also in the public interest it will be a material consideration in the determination of the application for planning permission. If it was considered that the reconfiguration of the car park would lead to a loss of trade and activity in the town centre as a whole, then that is a material consideration.

However as set out clearly within the assessment below it is considered that the proposed mix of retail units will clawback expenditure going out of the Borough whilst within the identified capacities for the Borough and will not adversely impact on the current retail offer within the Town Centre. Whilst there will be a reduction of parking spaces within this very central location there will still be a retention of 185 parking spaces on the Flat Iron car park, there is currently a surplus of parking spaces in the town centre and the Transport Assessment of the parking proposals indicates that the future car parking provision will accommodate the cumulative needs of both the existing parking demand and that which is associated with the proposed development. As such there is no evidence to demonstrate that the proposals will lead to loss of trade and activity in the town centre and in fact it is likely that the proposals will lead to an increase in town centre trade and activity.

Following the Council's legal advice it is considered that the correct interpretation of the covenant is that Booths have an enforceable right to the retention of all the existing car park edged in blue on the plan attached to the Transfer for use as a car park.

Chorley's overall economic vision is to capitalise on Chorley's location as the city gateway in order to be the place of choice in the North West to do business. The Strategy is for a 10 year period with the key actions covering a two year period to 2014/15." The third of the five priority areas is *"to create a vibrant town centre that attracts people from the local community and visitors in the day and evening, for shopping, eating and entertainment."*

It is considered material to the consideration of whether to give planning permission for the proposed town centre redevelopment if potential delays in dealing with the consequences of the covenant on the Flat Iron Car Park would affect the time scale set out within the Council's Economic Strategy. Also material to the consideration of this planning application is whether the potential for other investment decisions in the town may be affected by difficulties or delays in delivering the scheme proposed in this application.

At a national level the Framework does advise (paragraph 173) that *"plans should be deliverable"*. Whilst this is in the context of plan-making it is considered relevant if the planning permission may be subject to potential time delays and/ or deliverability issues.

In respect of the deliverability of the scheme the Council sought authority at Full Council on 22nd September to exercise its powers under s. 237 of the 1990 Town and Country Planning Act. Authority was granted. S237 authorises the Council to undertake the development in accordance with a valid planning consent even where to do so interferes with another parties interest in the land. The covenant in this instance is such an interest. As such it is considered

that the scheme is deliverable as the Council's powers can be exercised in the event that a negotiated settlement with AXA/ Booths cannot be reached.

Representations

In total 14 representations have been received which are summarised below

Cllr Whittaker has made the following comments on behalf of a resident:

- I) On the plans the site immediately opposite her home is shown as a restaurant. This has obvious effects on the amenity she currently enjoys, ie a fairly quiet street. A restaurant with extended hours would/ could lead to late night openings and intrusion as cars enter and leave after dark. There would also be increased foot traffic. I believe her fellow residents feel the same.
- II) There are also highway implications for residents turning into and out of her road to access the car park opposite her house as well as the car park currently used by the Council staff.
- III) Is it possible to allocate this as a retail outlet/ shop which would obviously have less of an impact and be less intrusive.

The Chairman/Chorley Cinema Programmer of Chorley Little Theatre has made the following comments on the proposals:

- I've read through the documents for the new cinema and feel I must clarify the views of Chorley Empire Community Cinema, as (mis)represented in the Council application.
- Chorley Empire Community Cinema is based at Chorley Little Theatre. Although both are run entirely by volunteers and not-for-profit, they are two separate organisations.
- It is the feeling of CADOS (operators of Chorley Little Theatre) that this development is broadly good. We had over 20,000 admissions last year - a record - but still feel we exist in a bit of a bubble, and hope increased footfall - particularly a family-friendly night-time economy with brands like Nandos and Frankie & Bennys - will benefit us too. We hope people will want to make a night of it and come to the theatre.
- Of course, we have concerns that Chorley Council's narrow-minded approach to tourism and promotion mean we will actually miss out as all eyes and energies are focused on the shiny new thing, so would hope some part of the development promotes the other attractions in Chorley.
- Were the new development to keep visitors in the Flat Iron area of Chorley, and in fact take customers away from our events then we would struggle to continue. Chorley Little Theatre only exists on ticket and bar sales, and if that drops off we're in trouble. It's entirely run by volunteers and any profits go into keeping the building (built in 1910) going.
- For Chorley Empire Community Cinema the situation is even more complicated.
- Originally set up in 1986 as Chorley Film Society the aim then was to provide film screenings to the town until a new cinema re-opened. Therefore it is highly likely that the opening of Reel Cinemas will cause Chorley Empire Community Cinema to cease operations.
- However, we will still have the biggest screen and the most number of seats for an auditorium, and we have exclusive rights in Chorley to content from National Theatre Live and RSC Live so there is incentive to carry on. The "event cinema" (NT Live, etc) has become a major new source of income in the last year and were we to lose that exclusivity it could impact us by several thousand pounds.
- Reel Cinemas will have an advantage over us because they'll have newer films and comfier seats, and we cannot yet say we'll be showing a different type of film as we don't know their line-up. So the future of Chorley Empire Community Cinema really is up in the air, but the most likely event is it will close down and any remaining operations taken over by CADOS.
- New initiatives like dementia-friendly screenings and school presentations will likely be discontinued.

- It is the concern of both CADOS and Chorley Empire Community Cinema that the development will take away audiences. In our experience, with very rare exceptions, there is only a finite number of people who regularly go out in Chorley. I know the new development is supposed to change that, and we hope it will, but consideration must be given to the fact people outside the town centre are already used to driving to Preston and Bolton for films and we will be left fighting over the few left. Even today, we can be hit by an event at the Town Hall (for example) and attempts to tie screenings to events like Christmas Lights switch-ons have been disastrous.
- We are constantly looking to improve our building and hope to make major changes to the auditorium in the coming years. As the town's only regular provider of live plays, theatre, comedy, event cinema and films we feel we should strive for the best experience possible, working with what little resources we have.
- Essentially, we think the new development should be built but with thought for guiding visitors into the rest of the town, and that we should be allowed to promote our events and offers within and around the new development. We would welcome any Council initiative that would help us improve our customer offer

Prior to Development Control Committee on 14th July the following additional comments were received:

- 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.

Steven Abbott Associates have made the following comments on the proposals on behalf of Booths:

Booths OBJECT to the above planning application for the following reasons.

Car Parking

- 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.

- The loss of virtually all of the car park at the east end of the Flat Iron Car Park would be disastrous for Booths
- The store would be unviable if the proposed development goes ahead.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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 m2. 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

- 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.

Edwin Booth has made the following comments on the proposals:

- 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.
- 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.

- If the proposed development is implemented the store will be unworkable and in those circumstances would have to close.
- Closure of our store has serious ramifications not just for Booths but for the local economy including our staff and the town centre.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

Naphens LLP have written in on behalf of E.H Booth & Co Limited (Booths) raising the following 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.

Trowers & Hamlins LLP have written in behalf of their clients AXA UK Pension Trustees Corporation who are the freehold owners of the property leased to EH Booth & Co Limited raising the following points:

- Our clients strongly object to the application and urge the Council to refuse it
- Our clients have restrictive covenants on the land prohibiting the parking spaces being used other than as a shoppers car park and requiring the owner of the car park to make it available to shoppers
- The restrictive covenants in favour of AXA were created by the Council in 2004 and was designed to protect other nearby land uses from

inappropriate development that would put further pressure on parking for a period of 35 years. There is a clear overlap between the private interests of AXA and the public interest of local shopping. This is a material planning consideration.

- The existence of the restrictive covenant casts significant doubts on the deliverability of the proposals
- It would be wholly inappropriate for the Council to grant planning consent for a development that would conflict with the terms of the restrictive covenant
- We support the objections submitted by Steven Abbott Associates
- The proposals pose a significant threat to the viability of an existing and established retail unit and would make the existing customer parking arrangements worse
- Clearly it is not good planning to allow development that will render existing and successful retail uses redundant.

Objection

Total No. received: 8

- Object to knocking down Council offices and building a car park
- Could devalue properties
- Residents of Stanley Place- concerned that these developments including having the wall taken away at the end of Stanley Place will lead to it becoming a cut through for all traffic not just those wanting to use the car parks!
- Has a study been done to access the amount of traffic that will now flow up and down Stanley Place?
- See no reason for removing the wall to make access to the old staff car park/new car park as there is already access from Hollinshead Street. This access could help alleviate traffic on Union Street which is already a very busy road. Creating access to the old staff car park via Stanley Place will create more congestion, especially as residents will be able to keep their parking areas down one side of the road.
- Possibility of building a multi storey car park will create more traffic and overlook neighbours properties.
- During the demolition there will be excessive amount of dust and noise pollution.
- Has a Health Impact Assessment been undertaken and made available for the residents to view?
- Daughter will be affected not only by the noise, extra traffic and dust but more importantly her health
- Living rooms will be illuminated by head lights
- Demolishing the Council offices does not appear to be the most financially sound decision
- Reduction in the area for market stalls
- What research has been done that a cinema is a viable option- wouldn't Buckshaw be a better location?
- Assurances that unit 9 will not become a restaurant and residents parking will be retained?
- 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.
- Will rip the heart out of Chorley.

- The flat iron car park is needed for existing businesses.
- Mr Booth is right to make a stance. The ideal place for a leisure/ cinema complex was the new ASDA site.
- May lose the only supermarket of quality in the area of Chorley. Booths is an excellent store.
- Surely if you wish to consider this development it should be out of town so we can retain our market town image.
- Over the years Chorley Borough Council has destroyed much of the heritage that other towns would be pleased to care for.
- Please do not lose Booths or special Chorley Little Theatre for a very ordinary development
- I notice you say that this particular redevelopment proposal is the only feasible option to increase consumer footfall in Chorley: interested to know what research supports this.
- Healthy town centres seem to offer are Independents and we should focus on in an attempt to encourage small business
- Interested to know whether the footfall has increased on Saturday afternoons when car parking is free.
- The market seems to have had a few new traders and it seems to be buzzing.
- The wool shop (Knitty Norah) is a great addition to the town
- Would not want to see the heart ripped out by an impersonal shopping centre that becomes a white elephant.
- Would not want to see the parking charges increased
- Business case: Does it really stack up? What sort of governance has it been through? Does it include long term costs? Has it been through any form of peer review? To what extent have other options been considered, or will be revisited in the light of the recent report on town centres and comments from residents?
- Having acquired market walk (at a discount), it wet your appetite to become a mega landlord to satisfy an ego trip dealing in millions without the background expertise; or you know better than the experts – be aware.
- You cannot build on a car park and still have the same number of parking places.
- The vast majority of Chorley residents could not care less about the proposals. Not exactly a vote of confidence to proceed further.
- Will adversely impact on the Flat Iron market
- Assume unit (9) the Council office block that has had a fortune spent on it in recent years is proposed to be a leisure/restaurant; resulting in one of the smallest units having access to the largest ratio of parking bays-good thinking?
- The service lane, (Goods-in) for units 1,2,3 and 6 (mega size clients) that comes off and exits on to the by-pass near a round-about would never be accepted with a private planning application.
- The scheme is too ambitious; it has too big a footprint (sorry, footplate), it reduces the parking facilities overall and the only entrance and exit is on Union Street
- It is illogical to expect extra footfall to serve the new mega tenants with less parking facilities.

Consultees

Consultee	Summary of Comments received
Lancashire Constabulary's Designing Out Crime Officer	Has made some security recommendations
Environment Agency	No objection subject to suitable conditions
United Utilities	No objection subject to suitable conditions
Lead Local Flood Authority	No objection subject to suitable conditions
CBC Waste and Contaminated Land	Has no objections to the development subject to the development proceeding in accordance with the recommendations made in the SI report (section 4.6.3), and with further consideration of specified matters.
Lancashire County Council (Highways)	No objection- The engineer has made specific comments on the scheme which are included within the body of the report

Planning Application

Proposed Development

1. This is a hybrid planning application (part full/ part outline) and the proposed development relates to:
 - The erection of a two storey retail (with a maximum convenience floor space of 1,394m²), restaurant and leisure unit on the Flat Iron car park (units 1-6)
 - The erection of a two storey restaurant/ retail (comparison goods only)/ office unit with replacement sub-station on the southern portion of the site (units 7, 8 and 10)
 - The creation of a temporary car park on the Civic Offices site
 - Outline application for the erection of a restaurant unit (Use Class A3-A5) on the existing Civic Offices site all matters reserved save for access (unit 9)

2. The main area of the site is located on the Flat Iron car park. The west of the site is Booths supermarket, Weatherspoons pub and additional smaller retailers. Further afield are the town hall, police station, and St Lawrence Church. The Market Walk shopping complex to the south is typically 1990s in its architectural style and contains over 30 small retail units. This also provides a link through to the covered market and other shopping areas of the town centre.

3. To the east of the site are the existing shop-mobility unit and public toilets. The A6 (Clifford St) bounds the east of the site, separating it from the surface car parks (Portland & Friday St.) and the railway station, before some industrial and residential developments can be found. The Flat Iron car park contains the Chorley Pals war memorial along this perimeter.

4. The northern part of the site is currently occupied by the civic offices with staff parking located to the rear. Residential terraces are located on the adjoining Stanley and Byron Street. To the north is Hollinshead Street where garages and parts dealerships are located. Further west Chorley Library and additional residential terraces are located.

5. The proposed mix of uses is as follows:

Unit	Proposed Use	Use Class	Number of floors	Floor Area (m ²)
1	Retail	A1	2	1860
2	Food retail	A1	2	987
3	Non-food retail	A1	1	1654
4	Leisure- restaurant	A3	1	205
5	Leisure- restaurant	A3	1	203
6	Cinema	D2	2	1534
7	Leisure- restaurant	A3	1	323
8	Leisure/ retail	A1-A5	1	82
9	Leisure- restaurant	A3-A5	1	299
10	Office	B1	1	588
TOTAL				7,735

Planning Policies

6. The Development Plan consists of the Chorley Local Plan 2012-2026 and the Adopted Central Lancashire Core Strategy 2012.
7. The Central Lancashire Core Strategy was adopted in July 2012 the relevant policies are:
 - Policy MP - clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework.
 - Policy 1 - Locating Growth
 - Policy 9 - Economic Growth and Employment
 - Policy 10 - Employment Premises and Sites
 - Policy 11 - Retail and Town Centre Uses and Business Based Tourism
 - Policy 12- Culture and Entertainment Facilities

- Policy 17 - Design of new buildings
 - Policy 27 - Sustainable Resources & New Developments
8. The Central Lancashire Design Guide Supplementary Planning Document (adopted October 2012) is relevant as it aims to encourage high quality design of places, buildings and landscapes in the Borough along with the Central Lancashire Controlling Re-use of Employment Premises Supplementary Planning Document (adopted October 2012).
 9. The Chorley Local Plan was adopted on 21st July 2015. The Policies relevant to this application are as follows:
 - ST1: Provision or Improvement of Footpaths, Cycleways, Bridleways and their Associated Facilities in Existing Networks and New Development
 - ST3: Road Schemes and Development Access Points
 - ST4: Parking Standards
 - BNE1: Design Criteria for New Development.
 - EP5- Retail Site Allocations in Chorley Town
 - EP6- Primary Shopping Area
 - EP9: Development in Edge of Centre and Out Of Centre Locations

Two storey retail (with a maximum convenience floor space of 1,394m²), restaurant and leisure unit on the Flat Iron car park (units 1-6)

10. The majority of the proposed two storey building is sited within the Local Plan land allocation, EP5.1, which allocates the land for retail development. A small part of the western edge of the building extends outside of the allocation into the primary shopping area (Local Plan Policy EP6) however given that the proposed development is a retail building located within the principal shopping area of Chorley Town it is considered that the proposals are acceptable in principle.
11. 6 separate units are proposed within this building which includes retail units (Use Class A1), restaurants (Use Class A3) and a cinema (use Class D2). The proposals incorporate both comparison and convenience floorspace although the extent of convenience floorspace is limited to 1,394m².
12. In 2010 the Central Lancashire Retail Study was commissioned to inform the Core Strategy (LDF) providing an evidence base on retail matters, a health check and therefore significant weight can be attached to the study.

Comparison Goods

13. In respect of comparison goods within the Borough, including forward projections of population and expenditure and commitments the capacity table for the Borough is below:

Year	2015	2018	2021	2026
CAPACITY	14,886m ² (gross)	18,062m ² (gross)	22,015m ² (gross)	29,479m ² (gross)

14. The conclusion to the report highlights that for comparison floorspace:
 "Whilst the town centre retains just under half of all comparison expenditure arising within the Chorley catchment, the survey-based exercise finds that it secures only 35% of clothing and fashion spend. A qualitative review of the town centre fashion offer indicates that the existing provision, with the exception of two mainstream fashion multiples is orientated towards the value end of the market."
15. "There is a quantitative and qualitative need to plan for new comparison retail provision within the town centre through the emerging LDF process. The north eastern area of the town centre around the Market Walk shopping centre, which includes surface car parks, would provide a logical extension to the town centre primary shopping core."

16. The non-food element (comparison goods) of this part of the proposed development is 3,514m² gross and will take a proportion of the capacity identified above and will keep within its parameters.

Convenience Goods

17. In respect of convenience goods the table below took into account the Buckshaw Tesco store plus the clawback of Morrison’s overtrading surplus. The study concluded there was support for a new food store in Chorley.

	2015	2018	2021	2026
Medium Retailer	3,723m ² (gross)	4,704m ² (gross)	5,511m ² (gross)	6,889m ² (gross)
Large Retailer	1,773m ² (gross)	2,240m ² (gross)	2,624m ² (gross)	3,280m ² (gross)

18. Since the 2010 study an Asda store (4,088 m²) has been completed within the town centre which reflects a large retailer in respect of the above capacity. Elsewhere in the borough a new Aldi store (1,725m² gross) has been granted consent at Buckshaw Village however there remains further capacity for medium sized convenience retail at Market Walk (proposed 1,046m² net, 1394m² gross).
19. There is currently retail trade leakage from Chorley to Preston destinations and Middlebrook/Other Bolton destinations and it is considered that the proposed development will clawback some of that expenditure and has the potential to increase town retail by 28% food and 11% non-food.
20. As noted above concerns have been raised about the impact of the proposals on the vitality and viability of Booths if planning permission is granted. It is important to note however that this site is subject to an up to date Local Plan allocation for redevelopment in the form proposed. There are no restrictions imposed on the development through the allocation. Paragraph 14 of the Framework is clear in stating that development proposals according with the development plan should be granted without delay. No evidence has been provided to demonstrate that the proposed convenience floorspace will adversely impact on Booths (the parking considerations are addressed elsewhere) and it is considered that the proposed mix of retail units will clawback expenditure going out of the Borough whilst within the identified capacities for the Borough and will not adversely impact on the current retail offer within the Borough.

Proposed Cinema

21. It is envisaged that national cinema chain, Reel Cinema, will occupy unit 6 with a six-screen cinema and will enter into a 20-year lease. Concerns have been raised from the Chairman/Chorley Cinema Programmer of Chorley Little Theatre in respect of the cinema element of the scheme as set out above. Chorley’s first electric cinema at Chorley Little Theatre was opened in 1910. The Theatre stages at least 6 productions per year plus a range of events including films, comedy, music and family shows.
22. At one point the town centre had 5 cinemas, the Plaza (closed in 1986) on Bolton Road- now demolished, Chorley Empire Community Cinema (still operating), the Odeon (closed on 6th February 1971- now Gala bingo), The Pavilion on Salisbury Street, and the Royal on Market Street.
23. It is considered that the proposed cinema will offer options to a different audience than the existing Chorley Empire Community Cinema. The Community Cinema lists within its mission the following aspirations:
- *“To screen a range of films that may have been overlooked by local multiplexes or had a limited release*
 - *To provide matinee presentations featuring fondly remembered classics and forgotten gems.*
 - *To demonstrate our ongoing commitment to show archive films and other films of local interest along with more general film education”*

- 24. The new cinema is likely to screen new releases within a location where these films are not currently shown (the nearest multi-screen cinema is at Middlebrook Retail Park). It is considered that the new cinema will enhance consumer choice within the Town Centre.
- 25. 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 the 2010 Central Lancashire Retail Study said Chorley Town could readily accommodate new provision for a cinema but considered at the time there was limited prospect of this provision coming forward. The study did not rule out developer led proposals emerging outside the LDF process and subject to policy tests the town could support new cinema provision.
- 26. Additionally it is also important to note that the Council has existing projects in place to support Chorley Little Theatre which include emphasising 'Theatre Walk' and a continuation of the Market Street improvements to provide an enhanced entrance to this part of the town, to improve pedestrian routes and to improve the environment.
- 27. The proposed cinema element of the proposals is considered to be an appropriate use for this town centre site and will assist in creating linked trips with the proposed retail and restaurant elements of the proposals and increase footfall in the town centre. 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 erection of a two storey restaurant/ retail (comparison goods only)/ office unit with replacement sub-station on the southern portion of the site. (Units 7, 8 and 10)

- 28. The proposed two storey building is sited within the Local Plan land allocation, EP5.1, which allocates the land for retail development. At ground floor level the proposals incorporate a restaurant use (unit 7) and a retail use (unit 8) in accordance with Policy EP5 of the Local Plan. At first floor level office accommodation is proposed (unit 10) and although this is not a retail use it is a main town centre use (as defined within the Framework) and as such is considered to be an appropriate use for this site.

Comparison Goods

- 29. In respect of comparison goods within the Borough, including forward projections of population and expenditure and commitments the capacity table for the Borough is below:

Year	2015	2018	2021	2026
CAPACITY	14,886m ² (gross)	18,062m ² (gross)	22,015m ² (gross)	29,479m ² (gross)

- 30. The conclusion to the report highlights that for comparison floorspace:
"Whilst the town centre retains just under half of all comparison expenditure arising within the Chorley catchment, the survey-based exercise finds that it secures only 35% of clothing and fashion spend. A qualitative review of the town centre fashion offer indicates that the existing provision, with the exception of two mainstream fashion multiples is orientated towards the value end of the market."
- 31. "There is a quantitative and qualitative need to plan for new comparison retail provision within the town centre through the emerging LDF process. The north eastern area of the town centre around the Market Walk shopping centre, which includes surface car parks, would provide a logical extension to the town centre primary shopping core."
- 32. All of the A1 retail which forms part of this part of the proposed development is for non-food comparison goods and will occupy 82m² gross (in total 3,596m² of non-food A1 retail is proposed across the site). This will take a proportion of the capacity identified above and will keep within its parameters.
- 33. The proposals include the demolition of the Chorley and South Ribble shopmobility unit to facilitate the proposed construction. No details of relocation form part of this planning

application although the Council are working with them to identify a suitable new site which include the railway station end of Portland Street car park or Fleet Street short stay car park. Both of these options are currently being considered by Chorley Council's Property Services Section.

Demolition of the existing civic offices and creation of a temporary car park on the Civic Offices site

34. The proposed full part of this application involves the demolition of the existing civic offices. The full elements of this planning application include demolition to the civic offices to make way for:
- (i) expansion and consolidation of town centre car parking provision,
 - (ii) relocation of the Chorley Pals Memorial statue, and
 - (iii) additional restaurant provision
35. It is intended to relocate all of the existing Council staff housed within the civic offices building to alternative accommodation within Chorley Town. For a temporary period it is proposed to use this site for parking (until reserved matters consent is granted on this site for a permanent use- assessed further below).
36. The civic offices are currently within office employment use (Use Class B1) and as such Policy 10 of the adopted Core Strategy, which seeks to protect employment sites, is applicable. The Policy states:
All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will need to be assessed under the Policy 10 criteria:
- (a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;*
 - (b) the provision and need for the proposed use;*
 - (c) the relative suitability of the site for employment and for the alternative use;*
 - (d) the location of the site and its relationship to other uses;*
 - (e) whether the ability to accommodate smaller scale requirements would be compromised;*
 - (f) there would be a net improvement in amenity.*
- Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:*
- (g) convincing evidence of lack of demand through rigorous and active 12 month marketing period for employment re-use and employment redevelopment;*
 - (h) an assessment of the viability of employment development including employment re-use and employment redevelopment.*
37. The Central Lancashire Supplementary Planning Document (SPD): Controlling Re-use of Employment Premises, Oct 2012 develops Core Strategy Policy 10.
38. The proposed restaurant unit on this site does not fall within the employment definition in Core Strategy Policy 10 which protects sites and premises for B1, B2 and B8 uses and as such the proposals are assessed against the relevant criteria (a) to (f) (please note the marketing requirements in criteria (g) and (h) are not applicable as the proposals do not relate to residential development).
39. There are existing vacant office premises within the town centre and edge of centre e.g. former tax offices on Water Street (1,060sqm) and smaller premises in the St Thomas's road/Queens Road area within walking distance of the site. Within Chorley Town there are a number of vacant office premises at Ackhurst Business Park ranging from 1,000sqft - 4,475sqft.
40. There remains 80 hectares allocated in the Chorley Local Plan for employment use. Of this total there are 8 sites allocated in the Chorley Local Plan which have the potential to realise B1 offices in Chorley Town. These 8 sites amount to 45 hectares although these

sites are expected to provide for a range of B uses including B1, B2 and B8 during the plan period.

41. Additionally new office accommodation is also proposed as part of the 2 storey building on the southern portion of the site (unit 10) which mitigates the loss of the Union Street offices to a degree. In respect of the criteria set out within Policy 10:
- a) *there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;*
It is not considered that the loss of the civic offices will result in an unacceptable reduction of supply for B1 offices within Chorley
 - b) *the provision and need for the proposed use;*
It is accepted there is no other location within the town centre where a scheme of the scale proposed could be accommodated.
 - c) *the relative suitability of the site for employment and for the alternative use;*
The area on the northern side of Union Street does include residential properties but also includes main town centre uses including the Civic offices, the library and a public house on Fellery Street.
 - d) *the location of the site and its relationship to other uses;*
 - e) *whether the ability to accommodate smaller scale requirements would be compromised;*
 - f) *there would be a net improvement in amenity.*
It is important that the proposal for the A3-A5 use at Union Street does not harm the amenity of the area and the amenity of adjacent residents in relation to noise and movement of vehicles however this can be controlled by condition.
42. The proposed development involves the relocation of the Chorley PALS Memorial to the opposite side of Union Street. The new location is adjacent to proposed unit 9 (which is the outline part of this application addressed below). The relocated position of the Memorial requires the Civic Offices to be demolished.
43. Consent was granted for the current memorial in 2009 (09/00874/FUL) on Chorley Council owned land. The trustees of the memorial have a 125 lease on the land however the lease does include the following provisions:
At any time during the Term, if the Land is included in or required for any future redevelopment the Council and the Trustees will enter into negotiations in good faith regarding the removal or reocation of the memorial and the Council shall use its best endeavours to locate an alternative site being an area of 6.25 square metres or thereabouts with appropriate access rights ("the Alternative Site") for the memorial which is acceptable to the Trustees acting reasonably.
44. The current location of the memorial is where the proposed pedestrian route across Union Street is proposed and as such will need to be relocated as part of the proposals. Whilst the legal issues in respect of the lease and the Councils' requirements for relocating the memorial are outwith of the planning process the trustees of the memorial have been advised of the planning application. Any comments they have will be reported on the addendum.
45. A memorial is something that commemorates an event and as this memorial is a representation of a soldier the proposed new siting is considered to be appropriate given that the PALS assembled close to this site. Two remembrance services take place at the current memorial each year in June and November and this is considered to be an important local landmark which is a key element of the proposals.
46. The Chorley Pals Memorial is proposed to be located on one of the main pedestrian routes close to where the pals paraded in 1914. A new garden is proposed surrounding the memorial provides space for people to congregate. The new Chorley PALS Memorial Garden area exceeds 110m² well in excess of the required 6.25m² minimum threshold set out within the lease.

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 (unit 9)

47. This is a hybrid application with the permanent reuse of part of the civic office site in outline only (the remainder of the site will be used for car parking and the relocated PALS Memorial). The outline proposal for this part of the application site involve the erection of a restaurant unit although Use Classes A3-A5 are applied for which include cafes, public houses and hot food takeaways.
48. Such uses fall within the definition of main town centre uses in accordance with the Framework. This civic offices site falls outside the defined shopping area for Chorley Town and as such is classified as an edge of centre site. The Framework states that: *Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.*
49. The National Planning Practice Guidance (NPPG) provides further guidance on the requirements for sequential tests and confirms that the application of the test should be proportionate and appropriate for the given proposal. The NPPG includes the following checklist in respect of sequential tests:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
 - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - If there are no suitable sequentially preferable locations, the sequential test is passed
50. Policy EP9 of the Local Plan reinforces the guidance contained within the Framework and permits such development within accessible locations, which do not harm the amenity of the area and which do not detract from the function, vitality and viability of the town centre.
51. The application is not supported by a sequential assessment as the agent considers that this matter has recently been clarified through planning case law which sets out that development subjected to the sequential test should reflect the nature and scale of that for which planning permission is sought, and that it should not be disaggregated (broken down to its component parts) in any way.
52. This basically relies on the disaggregation test in respect of all elements of the scheme, in that all the elements need to be considered as a whole and there are no sequentially preferable sites for all three elements.
53. This was considered within the Supreme Court's Judgement of 21st March 2012 in relation to the case of Tesco Stores v Dundee City Council. With regards the assessment of a site's 'suitability' for retail development, the Judgement made by Lord Hope was that: *"It is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre".* He went on to explain that, *"the issue of suitability is directed at the developer's proposals, not some alternative scheme which might be suggested....these*

criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so”.

54. Additionally the Secretary of State’s call-in decision relating to Northampton Road, Rushden (APP/G2815/V/12/2190) dealt with whether there remains a requirement to consider ‘disaggregation’ when demonstrating flexibility as part of the sequential test outlined in the Framework. The Inspector states at Paragraph 8.47 of his report that *“there is no longer any such requirement stated in the NPPF”* and that *“had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF”*.
55. The NPPG is however clear in that there is a requirement to demonstrate flexibility and it is considered the restaurant unit on the civic offices site not an essential constituent part of the application particularly as this element is only outline in nature. However the reason for a sequential assessment is to establish whether there are any sequentially preferable sites within the town centre and to ensure that any use outside a defined centre will not impact negatively on the vitality and viability of Chorley Town Centre. As the proposals involve utilising the entire plan retail allocation it is not considered that there are any sequentially preferable sites for this use within the town centre and as such it is considered that the sequential test for the proposed unit 9 is passed.
56. As set out above residents have raised concerns about this part of the development in terms of noise and dust impacts during demolition and construction and concerns about the final use of the building as a restaurant. Impacts during construction can be addressed via a construction management condition.
57. In terms of the use of the building as a restaurant although the site is outside the town centre boundary it is very close and a restaurant use is not unusual within a town centre location. However it is noted that there are residential dwellings very close to this unit and any use has the potential to impact on the neighbours amenities. In this regard restrictive conditions in respect of opening hours, demolition and deliveries will be attached to the recommendation to ensure the neighbours’ amenities are protected.

Highways

58. Due to the nature of the proposals the application is supported by a Transport Assessment (TA) which has been reviewed by the Principal Engineer (Highways) at LCC. The proposed development in the town centre is in a sustainable location, which includes the adjacent bus and rail stations which provide frequent services within Chorley and to the wider region. The town centre location has the potential to also promote linked trips which helps people to combine a series of individual journeys into a single journey, for example the potential to combine a shopping trip with a leisure trip.
59. However notwithstanding the potential of the sustainable location, with the proposed increased retail offer and new leisure uses, the development is likely to generate additional vehicles and this will result in higher flows on the local network surrounding the site. Given the reduction in parking spaces on the Flat Iron car park it is essential that the development can be accessed by customers who choose to use a private car and that the local infrastructure can accommodate all expected movement and parking needs.
60. The western section of the Flat Iron car park is proposed to be retained for public parking. All vehicular access to the car park will be from Union Street. It is proposed that the current Union Street egress (adjacent to the Booths store) will be remodelled to allow two way traffic movement and the existing main access point will be relocated approximately 20m east in front of the new unit and opposite Byron Street. The relocation of the main vehicular access will facilitate a new main pedestrian route to the west of the new units linked to the existing Market Walks pedestrian entrance.

Parking

61. With the development the future car parking provision on the Flat Iron car park will comprise a total of 185 spaces, resulting in the loss of 199 parking spaces.

62. In terms of parking the developer carried out a car parking study which comprised ten existing formal off-street parking areas under the control of Chorley Council and one private car park (ASDA) as well as a Council "staff only" car park at Hollinshead Street which is available for public parking on weekends only. The study area was previously agreed with LCC and the 10 sites are considered to be the most likely alternative sites within Chorley town centre in which visitors would elect to park should their current parking habits alter, with the majority of the studied sites being within 400m walking distance of the proposed development. The following details the current and proposed parking provision in respect of the car parks:

Car Park	Existing Spaces	Short Stay/Long Stay	Proposed Spaces
Flat Iron	384	Short	189
Portland Street	88	Short	88
Friday Street	230	Long	230
Hollinshead Street	54	Short (Saturday only)	90
Water Street	71	Long	71
Queens Road	84	Long	84
Farrington Street	53	Long	53
St Marys Street	44	Short	44
West Street	117	Short	117
Fleet Street	288	Long/Short	124
Asda	450	Short	450
Total	1,863		1,540

63. There are additional formal off-street car parks and on-street parking facilities both within and beyond the study area which could offer additional capacity that were not included in the study. These car parks have the potential to provide additional latent parking capacity. They also fall within a 400m walking distance of the town's existing retail areas, or the proposed development, or both.

64. At weekends, the total capacity of all ten car parks included within this study is 1683 spaces. During weekdays the Hollinshead Street car park is exclusively for council use reducing the capacity by 54 spaces to 1627 spaces, in the future these spaces will be available for public use at all times as the council parking is to be relocated.

65. On Tuesdays the outdoor market at the Flat Iron car park occupies 151 spaces, this currently reduces the available capacity to 1477 spaces. But in the future with development the market will occupy 139 spaces on the revised layout (the TA assumes that the market remains on the Flat Iron car park following the completion of the development).

66. The study car parks were surveyed for access in/out and parking accumulation between 07:00 and 19:00 on Tuesday 3rd, Friday 6th and Saturday 7th February 2015. This survey data was analysed for utilisation of parking spaces by taking the ratio of the maximum spaces occupied to available spaces expressed as a percentage. The observations indicate that car park utilisation on Tuesday is 65%, on Friday 56% and on Saturday 58%.

67. The TA also considered "future proposals" for the options to amend the car parking availability in accordance with the development proposals to reduce the Flat Iron Car Park by 199 spaces and the additional 54 spaces on the Hollinshead car park. The effect of the future parking proposals on available capacity indicates car park utilisation on Tuesday would be 82%, Friday 69% and Saturday 73%.

68. These figures from the TA indicate that the even with a reduction in 199 spaces and with the 54 spaces on Hollinshead Street becoming available for public use in the week the car parks can accommodate the existing levels of demand for parking. Additionally the TA

suggests further latent capacity would exist in order to accommodate new development. This latent capacity will exist in car parking areas (on and off-street) which are within acceptable walking distances of both the proposed and existing retail and leisure premises in Chorley town centre. This may result in people changing their parking habits, utilising an alternative location compared to where they would normally park; but subject to improved pedestrian access to the town this should not have an adverse impact on attraction of the development, or use of the town centre.

69. Policy ST4 of the Local Plan set out the parking requirements for the Borough and includes the following requirements for this scheme:

Use	Requirement	Parking requirement of the scheme
A1 food retail	1 space per 16sqm	87
A1 non- food retail	1 space per 22sqm	163
A3/ A4/ A5	1 space per 8sqm of public floor space	88 (maximum)
B1 office	1 space per 40sqm	15
D2 cinema	1 per 10 seats	120 (based on 200 seats per screen)
Total		473

70. Concerns have been raised about the provision of additional retail convenience floor space with limited convenient parking spaces. In accordance with Policy ST4 of the Local Plan there is a requirement to provide 1 parking space per 16m² 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.
71. 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. Whilst 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 the completed development includes a number of parking spaces which will be located within a convenient location in terms of Booths.
72. However it is important to note that this is a highly sustainable location and as such in accordance with Policy ST4 such locations may be considered for lower levels of provision. It is noted that food retail floorspace tends to be a more intensive use than non-food in terms of vehicle movements hence why this element of the proposals is restricted. Given the sustainable nature of this site the TA makes a further assessment of the existing car park accumulation plus additional development parking demand (the potential trips). The TA identified that the heaviest utilisation of existing car parks is not unreasonably on the Tuesday market day, when the maximum utilisation is 87%.
73. The TA assessment of the parking proposals would indicate that the future car parking provision will accommodate the cumulative needs of both the existing parking demand and that which is associated with the proposed development. LCC have no grounds to challenge this conclusion and agree with Curtins that these levels of utilisation are considered acceptable.
74. It should not be forgotten that there are a number of other car parks that are available within Chorley that have not been considered as part of this assessment. These car parks could provide further parking provision over and above what has been assessed within the parking assessment: hence further spare capacity will exist in order to accommodate seasonal fluctuations in car parking demand within the town.

75. It is proposed that the current Hollinshead Street car park will be made available as a public car park throughout the entire week (currently this car park operates as a public car park at weekends only). There are currently 54 parking spaces within the Hollinshead Street car park. In addition, the Hollinshead Street car park will also have its capacity increased. However this increase in capacity may be delivered in phases as the increase requires the demolition of the Civic Offices. The TA states; *"Subject to the timescales for the demolition of the civic building on the site, the first phase will see the provision of a temporary car park, designed to maximise the available parking whilst the current civic building remains on the site. During this time, the maximum number of car parking spaces will be 55.....A further temporary solution involves the demolition of the Civic Centre building and replacing this with a temporary car park, this will offer capacity of up to 90 spaces...The final phase for the Hollinshead Street car park will see the permanent provision of car parking surrounding the new leisure unit. This will comprise a total of 76 car parking spaces for public use, 7 days a week."*
76. The Highway Engineer has commented that he would like to see a developer commitment, or condition that this increase in parking spaces would be delivered in the first phase to offset the loss of parking on the Flat Iron. The number of parking spaces lost on the Flat Iron will be increased during construction (due to contractors compounding and clear working area around the new units) and the Highway Engineer considers that a permanent increased number of parking spaces within 400m of the application site should be available prior to the commencement of work on the Flat Iron. This can be controlled by condition and will ensure that there is suitable parking provision for the existing and proposed uses within the town centre.
77. The proposed changes to the existing car park on Hollinshead Street will require a reconfiguration of the existing parking spaces due to the creation of the through route from Hollinshead Street along Stanley Place to Union Street which will result in 41 parking spaces on the current car parking area. As noted above concerns have been raised about the proposed creation of this through route and the Highway Engineer has queried this through route given the existing on-street parking regimes at Stanley Place which includes a resident parking zone. The Engineer has raised concerns that with the on-street parking the remaining carriageway would not be of sufficient width to allow 2-way access to the Hollinshead Street car park and that the application submissions should indicate all proposed changes to traffic management and Traffic Regulation Orders (TROs).
78. In response to this amended plans have been received incorporating changes to the Hollinshead Car Park including 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. A condition is recommended to secure this arrangement.
79. It is also noted that the land level of the Hollinshead car park is raised when compared to the carriageway level of both Hollinshead Street and Stanley Place, the current land level of the civic offices site is lower than the carriageway of Stanley Place and lower than the carriageway of Byron Street which will necessitate some regrading of the site to accommodate the proposed layout.
80. Concerns are raised that reference to 400m walk distance is referred to which Booths consider is excessive for their customers to carry shopping. It is important to note 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. The majority of the reconfigured parking spaces 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.

Highway Changes/ Improvements

81. To enhance pedestrian connectivity between the town centre and the Hollinshead Street car park, the application includes proposals for a scheme of public realm improvements on Union Street which comprise a new raised crossing facility and localised road narrowing which will reduce the width of the carriageway. The scheme will also provide the potential of 10 new on-street parking bays. The Highway Engineer does not object to the proposed public realm scheme however he has made suggested variations on the submitted scheme which could provide additional benefits linking into the pedestrian desire line in front of Booths and provide a wider footway along Union Street. These suggestions have been forwarded to the agent for the application and whilst they do not create a full "shared space" the Engineer considers that the suggestions link better with the Market Street improvement scheme and increases the possibility of improved materials and hence higher quality environment. The suggestions also include rotating the Chorley Pals monument in-line with the walk way through the Flat Iron and gives a focus from the existing Market Walks.
82. In response to the suggestions put forward by the Highway Engineer the agent for the application has commented that *the alternative works are more extensive than those proposed in the current application and are of a nature that have previously been considered by the design team*. The agent for the application does not rule out the implementation a more comprehensive scheme in the future although he does note that the existing proposals are considered appropriate to meet the needs of the development, and no changes are proposed. All the changes to Union Street will be secured via a S278 Agreement with LCC and whilst the proposed development will not prejudice delivery of further enhancements along Union Street it may be that when the S278 works for this scheme are designed further works along Union Street may be identified to assist with linkages to the western end of Union Street. This can be addressed by condition.
83. Friday Street and Portland Street car parks: These car parks to the east of the proposed development have approximately 318 parking spaces available. Beyond the car parking areas there are also significant areas of residential properties within reasonable walking distance of the town centre. Clifford Street presents a barrier to east/west pedestrian movement and to improve accessibility to the town centre from these car parks (and eastern residential areas) the applicant proposes to reconfigure the existing signal controlled crossing which is located just to the north of the Clifford Street / Shepherds Way roundabout. The crossing is proposed to be on the straight across desire line from Brunswick Street to the Market Walk.
84. Whilst the Highway Engineer welcomes this desire to reduce the barrier effect that the dual-carriageway section of Clifford Street presents to pedestrian linkage to the east the Engineer has raised operational and safety issues with the proposed single movement crossing. The proposed "one stage" crossing movement is in excess of the maximum crossing distance for a single crossing and is of a crossing length where a stagger crossing is normally required. The proposed single crossing would also require a very long "green man" time to allow for all levels of pedestrian mobility, resulting in the potential for excessive delays on the principal traffic route A6. LCC have considered the proposal scheme and other potential options and have prepared a scheme which they consider to be better in both operation and safety. This involves a 2 stage Toucan crossing, but with intelligent linking between the 2 stages to minimise pedestrian delay. This will be subject to a separate S278 Agreement with LCC as the Highway Authority.
85. Amended plans have been received detailing the revised arrangements for the Clifford Street pedestrian crossing following discussions with LCC. The proposals in respect of the crossing point are to provide directly linkages to the east of the site. It is noted that the current pedestrian arrangements from Friday Street car park do not include a clear route and can be a hinderance to mobility impaired people. It is considered that minor works (such as replacing the steps with a ramp) would assist in encouraging people to utilise the Friday Street car park with a direct route to the town centre. It is considered that this can be addressed as part of the S278 works at the site.

Cycling

86. Policy ST1 of the Local Plan requires appropriate facilities for pedestrians, cycle parking and/or cycle routes to be provided in conjunction with all developments. The Highway Engineer has commented that any approved scheme should provide quality cycle parking facilities in line with Sustran recommendations. It is considered that the public realm improvements proposed will enhance accessibility by pedestrian and cycle modes and a reduction in car parking on the Flat Iron will also assist in this regard as there will be less vehicle movements in the vicinity of the site making it safer for pedestrians. Provision for cycle parking will be controlled by condition.

Servicing

87. It is proposed that the new retail and leisure uses on the Flat Iron car park will be provided with a "servicing zone" which would run in parallel to the northbound carriageway of the A6 Clifford Street and Unit 2 will be serviced from the highway. The proposed servicing zone will be accessed directly from the A6, from a point located immediately to the north of the signal controlled pedestrian crossing; with a new egress from the servicing zone to the north shortly before reaching the Union Street roundabout. The principle of service access from Clifford Street was accepted by LCC for the previous scheme to redevelop Market Walks and there are no objections in principle to this proposed arrangement subject to appropriate management of the servicing zone to maintain a clear route for service vehicles, prevent casual parking by private car drivers and importantly demonstrating safe conditions for pedestrian.
88. The TA states that the *"servicing zone will be designed as a shared space where pedestrians will have a sense of priority over the occasional arrival of servicing and delivery vehicles. Such vehicles will be allocated a clearly demarked bay(s) within this area in order to create familiarity for drivers and pedestrians alike with regard to where vehicles will be expected to be encountered.....Further management measures will be implemented and enforced through the agreement of a Servicing Management Plan..... This will include the management of the time of arrival of vehicles associated... in order to seek that no more than two large goods vehicles are present within the servicing zone at any one time."* The Engineer has raised concerns that the submitted plan fails to indicate the *"demarked bay(s)"* or demonstrate how *"pedestrians will have a sense of priority"* and has requested further detail.
89. In response to this the agent has confirmed that servicing the development from Clifford Street will be subject to appropriate management of the service area and function. It is not appropriate to finalise details of this arrangement in the absence of a critical mass of the tenants being known and, therefore, this will be addressed by condition.
90. The restaurant, retail and office unit on the southern portion of the site will be serviced via the rear existing service yard accessed opposite the bus station.
91. Unit 9 to the north of Union Street is proposed to be serviced from a new on-street lay-by on Union Street. The TA outlines that the layby is intended to be *"restricted for use by service vehicles during the morning (potentially up to 10am) and then the lay-by will revert for on-street car parking use..... It is envisaged that this parking would be controlled in a similar manner to other on-street parking facilities within the town."* The reliance on servicing from the highway (for a new build) is far from ideal, but considering the proposed pub/restaurant use this would require servicing by a large dray vehicles only a couple of times a week with food/produce normally delivered by light vans etc. the Highway Engineer does not object to this element of the scheme.

Impact on surrounding road network

92. The TA includes analysis of the impacts of the development traffic on the following 3 junctions on the adjoining highway network:
- The A581 / Union Street compact roundabout junction;
 - Clifford St / Union Street / Portland Street roundabout; and
 - Clifford St / Shepherds Way roundabout.

93. The TA analysis indicates that the A581/ Union Street junction will receive minimal traffic impacts due to the development traffic and shall continue to operate within capacity. The Clifford Street/ Union Street/ Portland Street junction is predicted to exceed capacity due to natural traffic growth in the Base 2015 Scenario and the Future Year; this is particularly shown on the Union Street arm, however, the likely new traffic distribution patterns created by the development cause this arm to improve its capacity and queue lengths. The Clifford Street/ Shepard's Way Roundabout is predicted to operate within capacity during the peak periods of the future year with and without the development.
94. The town centre location is highly accessible and also promotes linked trips; which helps people to combine a series of individual journeys into a single journey, reducing the potential trip numbers. For example drivers combining a shopping trip with a leisure trip. Notwithstanding this, it is anticipated that, with development, traffic flows in the Town Centre will increase and it is likely that a level of delay will be experienced on the local highway network for longer periods during the typical day. However, identified capacity issues on the local network (Clifford Street/ Union Street/ Portland Street junction) can be attributed to background growth and not as a result of the proposed development. Further the TA identifies that alternative traffic patterns created by the development, (with the reduction of parking at the Flat Iron) are likely to improve its operation and queue lengths. LCC as Local Highway Authority consider that the highway impact of the development is not severe and at present this development can be accommodated locally and strategically.
95. To minimise unnecessary traffic use on Union Street by circulating drivers looking for parking and help manage the much reduced Flat Iron car park, the Highway Engineer has requested that the developer provide advance variable message signs (VMS) to indicate available parking space numbers on the Flat Iron. The VMS should be located at the junctions on both approaches to Union Street, and would also require the provision of appropriate traffic monitoring of the car park entrances to inform the signs. These works should be included in the s278 agreement for the provision of access and highway alterations. This is addressed by condition.

Pedestrians

96. The scheme has been designed with pedestrians key to the proposals and as set out above new and upgraded pedestrian crossings in the scheme assist in making the site accessible by pedestrians travelling from other areas of the town and arriving by public transport.
97. There is currently a wide pedestrian route to the front of Booths which although not accessible by vehicles has never been formerly 'closed' as a highway. This process has now begun and the proposed parking area extends into this pedestrian area. The Highway Engineer at LCC is aware of this and has commented that the paved walk in front of Booths should be retained as this is a key pedestrian route. The Highway Engineer has suggested a new crossing next to Booths to enhance this pedestrian route which will be retained although slightly narrower than currently as part of the proposals. The agent has been advised of the suggestion which may form part of later S278 works.

Highway Impact Conclusion

98. The proposed development in the town centre is in a sustainable location, adjacent to high frequency bus and rail services. The accessibility of the town centre (with improved pedestrian links proposed), together with public transport network provides sustainable infrastructure integrating into the wider and surrounding environment to satisfy the NPPF foundation of providing for sustainable transport.

Layout and Design

99. Applications do evolve throughout the consideration of the application and in this instance a significant amount of design work was undertaken at pre-application stage. In design terms the following elements are considered to be key to the scheme:
- Four elevations of active frontage

- A landmark building
 - High end retail units
 - Mitigation against loss of parking
 - Relocation of the Market
100. The building is taller than its immediate surroundings which has been done to help it to form a gateway to the town centre. The large frontage building includes a curved corner to create a feature and opens up views into the site. It is also considered that this will prevent the Flat Iron car park from being closed off from Clifford Street.
101. A large building is required to secure new retailers within the building and as such the elevations have been broken vertically to create some interest and 'break-up' the massing of the building. Glazing is proposed within the elevations to create an active street frontage and a high quality scheme.
102. In respect of the large frontage retail/ leisure building proposed the predominant two storey façades are punctuated by the introduction of vertical and horizontal stone panels that split the length of the elevations. Stone-clad frames are also used to highlight specific areas of the building, as illustrated on the east elevation and north elevations. Horizontal bands of glazing and metal cladding run consistently round the building, positioned behind the stone to articulate the material layering of the building elements.
103. In respect of the southern retail/ office building the east elevation is considered a prominent area of the site, due to the connection between the bus station and the Flat Iron. This elevation consists of glazing to the ground floor and the shop front is designed to match those of leisure units 4 and 5. At first floor the small office (unit 10) is proposed, metal cladding is the predominant material, with vertically expressed glazing set within deep window reveals allowing natural daylight to penetrate the cantilevered structure. The first floor office overhangs the leisure unit below, creating a covered walkway. The west elevation has been treated with cladding panels which provide an efficient and resilient material to face onto the existing service yard. The parts of the elevation that are visible to the public realm continue the elevational treatment of the east and north façades.
104. The proposals also involve the removal of the glass canopies that front onto the car park from the existing Market Walk Centre to allow the proposals to link through consistently and remove this dated feature of the Market Walk centre.
105. Hard and soft landscaping as part of the proposals include paving which matches the recent Market Street development to ensure the proposals tie into the town centre improvements which has been completed/ are proposed. It is proposed to incorporate darker bands within the paving to highlight routes between the different areas of the complex, along which trees, lighting, seating and signage.
106. The contemplative garden proposed around the relocated Chorley Pals Memorial will reuse the existing York stone and an ellipse (oval) will be created around the memorial made up of 222 'planks'; granite in the paving and timber slats on a seat, to symbolically honour the 222 Chorley Pals named on the memorial.

CCTV

107. There are currently seven CCTV cameras surveying the area of the Flat Iron and Market Walk site. These are located at the corner of the Flat Iron car park, adjacent to Booths, looking down onto New Market Street pedestrianised thoroughfare. A number are also located outside the existing Iceland store, looking in various directions over the Flat Iron car park. A further camera is located at Portland Street/ Clifford Street roundabout and looks across the A6 towards the Flat Iron car park and north up the A6.
108. It is proposed to erect supplementary cameras as part of the scheme and further consultation with Chorley Council will be undertaken in this regard to identify appropriate locations. This can be addressed by condition.

Lighting

109. The proposed shopfronts will be internally lit to tenant requirements however external lighting to pedestrian routes and car parking areas will also be required. The submitted Design and Access Statement suggests that lighting at a 3:1 ratio (e.g. 4m columns spaced at 12m centres). Lighting has been suggested down the main pedestrian routes from Clifford Street through the leisure hub to the Market Walks and beyond, whilst also integrating the route from the Memorial at the north end of the site. General lighting has been identified within the main car park areas
110. However it is considered that a lighting strategy for the site will be required with input from the Market Walk management team and to maintain illuminance to all areas for security reasons.
111. Feature lighting to both hard and soft landscaping will be included at the memorial area, trees within leisure hub and the Market Walk entrance. Lighting will be addressed by condition.

Trees

112. There are a number of trees located within the application site and as such the proposals are supported by an Arboricultural Impact Assessment. A total of 39 individual trees and 3 groups of trees and 8 hedges were surveyed. The report identifies that 36 of the trees surveyed will need to be felled to facilitate the development along with 7 hedged shrub beds. The remaining 3 individual trees, 3 groups of trees and hedge are located outside of the site on third party land.
113. The tree removal includes three high value trees (cherry, silver birch and Norway maple) along with 31 moderate quality trees. The need to re-grade the site for use as a car park means that retention of these trees is not possible. All trees around the Flat Iron car part will be removed. The majority of these are small birch species that have moderate value, these can be replaced on a like for like basis. The Whitebeam species along Union Street are also proposed for removal however they are of a relatively small size of the trees and as such replacements can be provided in the short to medium term.
114. Four trees in the south of the site would be removed to allow for construction of retail units and a remodelled pedestrian area. This includes two larger pollarded ash trees (T13 and T14) which are the largest and only substantial mature individuals on the site. This will result in unrestricted views of the substation compound that they currently screen.
115. Other works are suggested to some of the trees within the submitted assessment in the interests of sound arboricultural management. As the trees are not protected these can be undertaken by the Council at any time.
116. A landscape design has been developed to mitigate the loss of existing trees and create an attractive retail environment. In total, 50 new trees will be planted to replace the 36 trees and 7 hedges that will be removed. New trees will be planted in specially designed planting pits to ensure that they can thrive within the urban context and the species chosen have been selected to provide colour all year round. Replacement tree planting will be addressed by condition.
117. Two of the trees within the site have plaques on; a tree outside Booths on New Market St (the one closest to Union St) which is for the 125th anniversary of the Chorley and District Gardening Society, and a small cherry behind the council offices which is in memory of an individual. These plaques will be relocated after consultation with the community to an appropriate location (most likely within the contemplative garden).
118. Tree T13 (common ash) was found to have features of a size and condition that may be desirable to bats. This tree would be removed under the current proposal and as such a condition will be attached to the recommendation requiring this tree to be surveyed prior to felling.

Outdoor Market

119. The proposed development will occupy a significant portion of the Flat Iron car park and it is important to note that the car park hosts the outdoor market every Tuesday. Clearly the construction of the proposals will impact on the market and as such this necessitates a temporary relocation of the existing outdoor market from the Flat Iron car park. Chorley Council commissioned a markets assessment in terms of the temporary relocation and the proposed area has been identified on Fazakerley Street and Chapel Street within close proximity to its current location and close to St Marys and Westgate car park (alternative parking options). Once the development is complete the most appropriate layout and location for the outdoor market will be fully considered.
120. Concerns were raised at the Member presentation on 16th June and by neighbours that the areas identified for the relocated market will not be large enough to accommodate the current market stalls. This issue has been fully considered by the project team who have confirmed that the vast majority of traders can be relocated by consideration of the size and layout of stalls.

Drainage

121. Due to the size and nature of the proposals the application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy. Historically there has been a particular concentration of surface water flooding at the junction of Union Street and Clifford Street close to the north east corner of the site. The submitted reports assert that this may be as a result of the drainage system not being able to cope with extreme rainfall events in this area. The flood water in this location is likely to be channelled and held in the road as there is a low point in Union Street at the junction with Clifford Street.
122. It is considered that the proposals provide the opportunity for drainage improvements on site which will help to decrease the risk of the surface water flooding. The proposed development will incorporate SuDS into the existing drainage system, using permeable paving and underground geo-cellular storage tanks. It is accepted that infiltration may not be suitable at this location and it is considered suitable that source control techniques are being used.
123. Paragraph 103 of the Framework and Written Statement on Sustainable Drainage Systems (HCWS161) requires that surface water arising from a developed site should, as far as it is practicable, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account.
124. The drainage connections to the existing United Utilities surface water drainage system in Union street will be retained. The Union Street building which currently discharges surface water into the combined drainage system will be redirected into the surface water system to provide further improvement.
125. The surface and foul water for the Market Walk shopping centre crosses the car park site and will need to be diverted to accommodate the new buildings. The flows from these buildings will need to be maintained during the proposed development works. Additional foul water flows from the proposed development will be discharged into the existing diverted system from the Market Walk shopping centre.
126. The submitted FRA states that the proposed arrangements will introduce below ground storage of 114m³ and require above ground storage of 62m³ for a 1 in 100 year +30% rainfall event. LCC as the Lead Local Flood Authority have recommended that the underground storage is increased in order to reduce the potential flood risk to the car park area during the 1 in 100 year +30% rainfall event.
127. The proposals have been reviewed by United Utilities who have no objection to the proposed development subject to conditions which reflects the comments made by LCC in terms of a 30% betterment

128. The proposals incorporate SuDS components in accordance with the requirements of Paragraph 103 of the National Planning Policy Framework and the Chorley Local Plan and Design Guide SPD.

Contamination

129. The application site consists of made ground (defined as land or ground created by filling in a low area with rubbish or other fill material) to a depth of upto 7.2m comprising bituminous macadam, gravel, stone, brick, glass, timber and concrete. As such shallow foundations will not be suitable for the proposed buildings and alternatives will need to be considered (such as ground improvement by vibroflotation with shallow reinforced foundations or piled foundations).
130. Given the above the application is supported by a Phase 1 (desk study ref: 5894) and Phase 2 report (site investigation ref: 5894A). The Council's Waste and Contaminated Land Officer has no objection to the proposals proceeding subject to the recommendations made in the Site Investigation report. This includes surface protection for the landscaped areas and the open space areas. This can be addressed by condition.
131. The Officer did have some queries in respect of the site boundary, records for the gas monitoring exercise and soil sampling. In this regard further work is required however this can be addressed by condition.

Sustainable Resources

132. The proposed buildings on this site in excess of 500m² will be required to achieve BREEAM rating 'Very Good'. Policy 27 also includes the following requirements in respect of the proposed buildings:

Criteria (a) - Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;

Criteria (b) - Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures,

Or

appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%;

Criteria (c) - Appropriate storage space is to be provided for recyclable waste materials and composting;

Criteria (d)- If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.

133. The application is supported by an Energy and Sustainability Statement which confirms that the buildings will achieve 'Very Good' in accordance with Policy 27; this will be secured by condition.
134. Policy 27 also requires a reduction in carbon emissions over and above BREEAM this can also be addressed by condition.

Community Infrastructure Levy (CIL)

135. The Chorley CIL Charging Schedule provides a specific amount for convenience retail floorspace - £160m² and for comparison goods- £40m². The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013.
136. A maximum of 1,394m² of convenience retail floorspace is proposed (which will be conditioned appropriately). This equates to £223,040.

137. The development also includes A1 comparison retail floorspace as part of the proposals. The CIL Inspectors reports identifies all uses which fall within the 'All Other Uses' CIL levy and this includes (para 64) shops (Class A1) that do not fall within the retail levy definitions. The retail levy definitions are:
- Convenience retail (excluding neighbourhood convenience stores): £160 Sq. m
 - Retail warehouse, retail parks, and neighbourhood convenience stores: £40 Sq. m
138. The Inspector's Report on the CIL Examination (June 2013) page 15 referred to the definition of retail warehouses and retail parks and states *"To avoid any confusion with convenience retail stores, a store will be considered to be a retail warehouse if 50% or more of the net trading floor area is dedicated to comparison goods"*
139. The agent for the application considers that the proposed development represents an extension of an existing town centre shopping centre, and whilst it will be served by the Flat Iron car park, this is not a dedicated car park for these units, but instead a town centre car park with a corresponding charging regime. The agent considers that if the intention had been to apply the charge to 'town centre' comparison goods floorspace then the 'retail warehouse' definition would not have been required; comparison goods floorspace would simply have been subject to a flat charge of £40 per sqm.
140. Whilst the Inspector at the Examination relates the retail definitions to the physical character of the retail trading and not locational considerations (there was no locational discussion on the CIL rates and none of the retail definitions refer to location i.e. town centre; edge of town centre) it is considered that a CIL levy could apply within the town centre boundary hence why the convenience floorspace is chargeable development. However the comparison goods elements of the proposals are individual shop units which are not a retail warehouse. As the type of A1 shops proposed are included within the definition of 'All Other Uses' this part of the development is CIL liable although the levy is nil.

Overall Conclusion

141. At a National level the Framework includes the following requirements to ensure the vitality of town centres:
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
 - Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
142. Retail development, cinemas, restaurants and offices fall within the definition of main town centre uses within the Framework and as such it is considered that the proposals accord with National guidance.
143. At a local level Chorley's economic vision is to capitalise on Chorley's location as the city gateway in order to be the place of choice in the North West to do business. Chorley will attract employers to its key employment sites and together with a strong local business base; residents will have a greater opportunity to gain well paid employment locally. The vision will be delivered through five priority areas as set out below. The Strategy is for a 10 year period with the key actions covering a two year period to 2014/15.
1. To promote and increase inward investment in Chorley through maximising best use of available employment land and buildings in the borough in order to support economic growth and provide a mix of well paid, high and low skilled jobs.

2. To provide support to new and existing businesses.
3. To create a vibrant town centre that attracts people from the local community and visitors in the day and evening, for shopping, eating and entertainment.
4. Education, training and skills development - Supporting people in accessing the education, training and skills required by local businesses and therefore supporting people into jobs, and supporting businesses to develop the skills of their existing workforce.
5. Reducing the gap in our most deprived communities - To reduce the gap in Chorley's most deprived communities and support them in becoming economically active and self-sustaining, supporting a reduction in levels of deprivation in the borough.

144. The Economic Strategy acknowledges at page 18 "Work is also well underway to achieve our vision of a vibrant town centre with a lot of activity taking place over the past 12 months including:

- The development of a town centre masterplan, which sets out a number of opportunities for investment at key development sites to ensure the viability and vitality of Chorley town centre into the future;
- The purchase of the Market Walk shopping centre, enabling the council to have more influence in improving and ensuring a sustainable future for the town centre;
- The development of a programme of car park improvements;"

145. It is considered that the proposed development will assist in meeting with above objectives, will enhance the retail and leisure offer in Chorley and result in job creation (approximately 228-340 jobs). These are considered to be substantial benefits to the Town Centre and as consequently the application is recommended for approval.

Planning Policies

146. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
10/00176/OUTMAJ	Class A1 retail development with ancillary works and associated infrastructure - in Outline	Never determined	
12/01169/FULMAJ	Full Planning Application for the erection of a new Class A1 retail unit, replacement Shopmobility facility and public toilet, with associated car park and servicing works	Approved	February 2013

Suggested Conditions

No.	Condition																																																								
1.	<p>The development of the retail, restaurant and leisure unit on the Flat Iron car park and/or the restaurant, retail and office unit on the southern portion of the site must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>																																																								
2.	<p>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:</p> <table border="1" data-bbox="320 622 1358 2016"> <thead> <tr> <th data-bbox="320 622 584 689">Title</th> <th data-bbox="584 622 831 689">Building</th> <th data-bbox="831 622 1110 689">Drawing Reference</th> <th data-bbox="1110 622 1358 689">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 689 584 792">Location Plan</td> <td data-bbox="584 689 831 792"></td> <td data-bbox="831 689 1110 792">B8245_AEW_XX-XX-DR_A-050 Rev P1</td> <td data-bbox="1110 689 1358 792">22nd April 2015</td> </tr> <tr> <td data-bbox="320 792 584 896">Proposed Ground Floor Plan</td> <td data-bbox="584 792 831 896"></td> <td data-bbox="831 792 1110 896">B8245-AEW-XX-XX-DR-A-0504 Rev P1</td> <td data-bbox="1110 792 1358 896">22nd April 2015</td> </tr> <tr> <td data-bbox="320 896 584 999">Proposed First Floor Plan</td> <td data-bbox="584 896 831 999"></td> <td data-bbox="831 896 1110 999">B8245-AEW-XX-XX-DR-A-0505 Rev P1</td> <td data-bbox="1110 896 1358 999">22nd April 2015</td> </tr> <tr> <td data-bbox="320 999 584 1102">Proposed Roof Plan</td> <td data-bbox="584 999 831 1102"></td> <td data-bbox="831 999 1110 1102">B8245-AEW-XX-RF-DR-A-0506 Rev P1</td> <td data-bbox="1110 999 1358 1102">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1102 584 1205">Proposed Site Plan</td> <td data-bbox="584 1102 831 1205"></td> <td data-bbox="831 1102 1110 1205">B8245_AEW_XX-XX-DR_A-0503 Rev P2</td> <td data-bbox="1110 1102 1358 1205">9th July 2015</td> </tr> <tr> <td data-bbox="320 1205 584 1339">Proposed Elevations 1</td> <td data-bbox="584 1205 831 1339">retail, restaurant and leisure unit on the Flat Iron car park</td> <td data-bbox="831 1205 1110 1339">B8245_AEW_XX-XX-DR_A-0507 Rev P1</td> <td data-bbox="1110 1205 1358 1339">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1339 584 1442">Proposed Site Sections</td> <td data-bbox="584 1339 831 1442"></td> <td data-bbox="831 1339 1110 1442">B8245-AEW-XX-XX-DR-A-0509 Rev P1</td> <td data-bbox="1110 1339 1358 1442">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1442 584 1545">Feasibility Site Plan</td> <td data-bbox="584 1442 831 1545"></td> <td data-bbox="831 1442 1110 1545">B8245_AEW_ZZ-XX-DR_A-0018 Rev P5</td> <td data-bbox="1110 1442 1358 1545">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1545 584 1648">Temporary Car parking Layout</td> <td data-bbox="584 1545 831 1648"></td> <td data-bbox="831 1545 1110 1648">B8245_AEW_XX-XX-DR_A-0511 Rev P2</td> <td data-bbox="1110 1545 1358 1648">9th July 2015</td> </tr> <tr> <td data-bbox="320 1648 584 1715">Landscape Masterplan</td> <td data-bbox="584 1648 831 1715"></td> <td data-bbox="831 1648 1110 1715">1409-01F</td> <td data-bbox="1110 1648 1358 1715">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1715 584 1886">Proposed Elevations Units 7, 8 and 10</td> <td data-bbox="584 1715 831 1886">restaurant, retail and office unit on the southern portion of the site</td> <td data-bbox="831 1715 1110 1886">B8245_AEW_XX-XX-DR_A-0508 Rev P1</td> <td data-bbox="1110 1715 1358 1886">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1886 584 1989">Union Street Highway Improvements</td> <td data-bbox="584 1886 831 1989"></td> <td data-bbox="831 1886 1110 1989">TPMA5048_104</td> <td data-bbox="1110 1886 1358 1989">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1989 584 2016">Phase 1 Desk</td> <td data-bbox="584 1989 831 2016"></td> <td data-bbox="831 1989 1110 2016">5894</td> <td data-bbox="1110 1989 1358 2016">22nd April 2015</td> </tr> </tbody> </table>	Title	Building	Drawing Reference	Received date	Location Plan		B8245_AEW_XX-XX-DR_A-050 Rev P1	22 nd April 2015	Proposed Ground Floor Plan		B8245-AEW-XX-XX-DR-A-0504 Rev P1	22 nd April 2015	Proposed First Floor Plan		B8245-AEW-XX-XX-DR-A-0505 Rev P1	22 nd April 2015	Proposed Roof Plan		B8245-AEW-XX-RF-DR-A-0506 Rev P1	22 nd April 2015	Proposed Site Plan		B8245_AEW_XX-XX-DR_A-0503 Rev P2	9 th 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 nd April 2015	Proposed Site Sections		B8245-AEW-XX-XX-DR-A-0509 Rev P1	22 nd April 2015	Feasibility Site Plan		B8245_AEW_ZZ-XX-DR_A-0018 Rev P5	22 nd April 2015	Temporary Car parking Layout		B8245_AEW_XX-XX-DR_A-0511 Rev P2	9 th July 2015	Landscape Masterplan		1409-01F	22 nd 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 nd April 2015	Union Street Highway Improvements		TPMA5048_104	22 nd April 2015	Phase 1 Desk		5894	22 nd April 2015
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3.	<p>An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of Unit 9) must be made to the Council before the expiration of three years from the date of this permission and the development of Unit 9 hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: 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 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>												
4.	<p>The approved means of access to Unit 9 hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>B8245_AEW_XX-XX-DR_A-050 Rev P1</td> <td>22nd April 2015</td> </tr> <tr> <td>Union Street Highway Improvements</td> <td>TPMA5048_104</td> <td>22nd April 2015</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Location Plan	B8245_AEW_XX-XX-DR_A-050 Rev P1	22 nd April 2015	Union Street Highway Improvements	TPMA5048_104	22 nd April 2015			
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5.	<p>Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been first submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined public sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow that mimics the existing site run off plus 30% betterment to combat the effects of climate change. The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>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</p>												
6.	<p>Prior to the first occupation of any of the units hereby permitted an appropriate management and maintenance plan for the sustainable drainage system shall be first submitted to and approved in writing by the Local planning Authority. The plan shall include:</p> <ul style="list-style-type: none"> the arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company <p>Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.</p> <p>Reason: To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.</p>												
7.	<p>Prior to the commencement of each phase of development, including any works of demolition, a Construction Method Statement shall be first submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local</p>												

	<p>Planning Authority. The Statement shall provide for:</p> <ul style="list-style-type: none"> • 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 • 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 • demolition methodology <p>Reason: In the interests of highway safety, to protect the amenities of the nearby residents and to ensure the continued operation of the surrounding businesses</p>
8.	<p>The retail, restaurant and leisure unit on the Flat Iron car park (units 1-6) and the restaurant, retail and office unit on the southern portion of the site (units 7, 8 and 10), hereby approved shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good'. Within 6 months of occupation 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. Reason: In the interests of minimising the environmental impact of the development.</p>
9.	<p>Prior to the commencement of the retail, restaurant and leisure unit on the Flat Iron car park (units 1-6) (excluding ground preparation works, demolition and public realm works), a 'Design Stage' assessment and related certification which confirms that the building will achieve BREEAM Very Good shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification. Reason: The building will be constructed to BREEAM 'Very Good' standards in the interests of minimising the environmental impact of the development. The Design Stage Assessment is required early on in the process to ensure the required standard is met</p>
10.	<p>Prior to the occupation of the retail, restaurant and leisure unit on the Flat Iron car park (units 1-6) hereby permitted a letter of assurance; detailing how the building has achieved BREEAM has been issued by a licensed BREEAM Assessor/Auditor and approved in writing by the Local Planning Authority Reason: In the interests of minimising the environmental impact of the development.</p>
11.	<p>Prior to the commencement of the restaurant, retail and office unit on the southern portion of the site (units 7, 8 and 10) (excluding ground preparation works, demolition and public realm works) a 'Design Stage' assessment and related certification which confirms that the building will achieve BREEAM Very Good shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification. Reason: The building will be constructed to BREEAM 'Very Good' standards in the interests of minimising the environmental impact of the development. The Design Stage Assessment is required early on in the process to ensure the required standard is met</p>
12.	<p>Prior to the occupation of the restaurant, retail and office unit on the southern portion of the site (units 7, 8 and 10) hereby permitted a letter of assurance; detailing how the building has achieved BREEAM has been issued by a licensed BREEAM Assessor/Auditor and approved in writing by the Local Planning Authority Reason: In the interests of minimising the environmental impact of the development.</p>
13.	<p>Prior to the commencement of the retail, restaurant and leisure unit on the Flat Iron car park (units 1-6) a Carbon Reduction Statement shall be submitted to and approved in</p>

	<p>writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant BREEAM rating.</p> <p>Reason: The building will be constructed to BREEAM 'Very Good' standards in the interests of minimising the environmental impact of the development further to this Policy 27 of the Adopted Central Lancashire Core Strategy requires new buildings to contribute to carbon reduction. This information is needed early on in the process as the measures proposed can incorporate the build elements of the proposals.</p>
<p>14.</p>	<p>Prior to the commencement of the restaurant, retail and office unit on the southern portion of the site (units 7, 8 and 10) a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant BREEAM rating.</p> <p>Reason: The building will be constructed to BREEAM 'Very Good' standards in the interests of minimising the environmental impact of the development further to this Policy 27 of the Adopted Central Lancashire Core Strategy requires new buildings to contribute to carbon reduction. This information is needed early on in the process as the measures proposed can incorporate the build elements of the proposals.</p>
<p>15.</p>	<p>Prior to the commencement of any phase of built development (excluding ground preparation works, demolition and public realm works) samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be first submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>Reason: Full details of the proposed external facing materials was not provided as part of the application and in order to ensure that the materials used are visually appropriate to the locality samples are required.</p>
<p>16.</p>	<p>Before any phase of built development (excluding ground preparation works, demolition and public realm works) hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been first 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.</p> <p>Reason: The submitted information did not include details of the levels and protect the appearance of the locality and in the interests of the amenities of local residents.</p>
<p>17.</p>	<p>Full details of proposed external lighting shall be first submitted to and approved in writing by the local planning authority prior to implementation of the lighting. The lighting shall be implemented in accordance with the approved details prior to the first occupation of the development.</p> <p>Reason: External lighting is required to pedestrian routes and car parking areas to maintain illuminance to all areas for security reasons. Full details do not form part of the submission information and full details are required early on in the development process to ensure a suitable scheme is implemented.</p>
<p>18.</p>	<p>Full details of supplementary CCTV cameras and details of any relocation of the existing CCTV cameras shall be submitted to and approved in writing by the local planning authority prior to implementation of the CCTV. The CCTV shall be implemented in accordance with the approved details prior to occupation of the development</p> <p>Reason: Supplementary CCTV cameras are required to ensure continued and full coverage of the area. Full details do not form part of the submission information and full details are required early on in the development process to ensure a suitable scheme is</p>

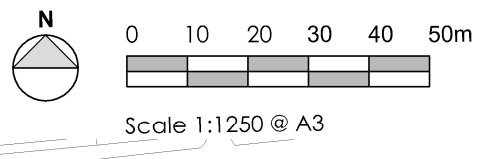
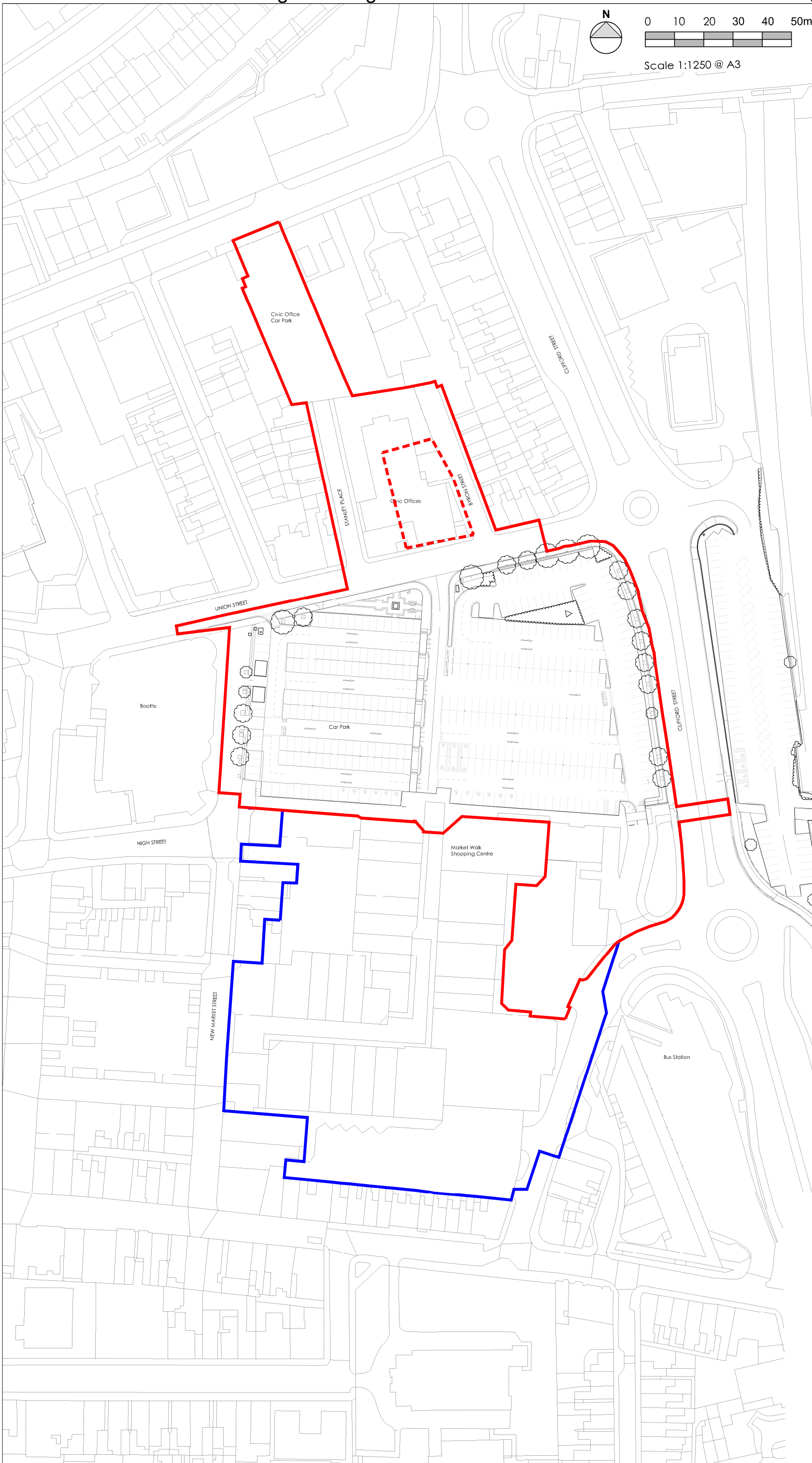
	implemented.
19.	<p>Prior to the removal of the Chorley PALs Memorial full details of the repositioning of the Memorial shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the layout of the Memorial and the surrounding garden, plans of the Memorial and a timescale for repositioning the Memorial. The Memorial thereafter shall be repositioned in accordance with the approved details and time period.</p> <p>Reason: in the interests of proper planning and to ensure the final details of the Memorial and contemplative garden are acceptable.</p>
20.	<p>Prior to the first occupation of any phase of the built development hereby approved provision for quality cycle parking facilities (in accordance with Sustrans recommendations), in accordance with details first agreed in writing with the Local Planning Authority, shall have been provided in all respects and made available for use, and shall thereafter be retained.</p> <p>Reason: To ensure adequate on site provision for cycle parking and to enable choice for visitors to the site in respect of transport modes.</p>
21.	<p>Prior to the first occupation of the retail, restaurant and leisure unit on the Flat Iron car park (units 1-6) full details of the management of the servicing zone (a Servicing Management Plan) shall be first submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> • The number and timing of deliveries; • The co-ordination of deliveries between occupiers; • The type of delivery vehicle; • The transfer of goods into the buildings; • The removal of waste and recycling; • Pedestrian safety measures. <p>The approved Servicing Management Plan shall thereafter be implemented in full and the servicing zone shall thereafter be managed in accordance with the approved Plan.</p> <p>Reason: In the interests of highway safety and to ensure that use of the area for servicing does not result in queuing onto the surrounding road network and provides safe access for pedestrians.</p>
22.	<p>Prior to the commencement of the development which has the effect of reducing the number of available car parking spaces on the Flat Iron Car Park a parking strategy shall first be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of alternative parking provision within 400m of the application site either by:</p> <ol style="list-style-type: none"> i. making the existing Hollinshead Road car park permanently available as a public pay and display car park along with the creation of 49 temporary parking spaces on the site of the Civic Offices (in accordance with plan reference B8245_AEW_XX-XX-DR_A-0511 Rev P1) or i. Alternative car parking provision is made which matches or exceeds the number generated under option (i). <p>The alternative parking provision shall be made available prior to the commencement of the construction of the retail, restaurant and leisure unit on the Flat Iron car park (units 1-6)</p> <p>Reason: The proposed development reduces parking provision at the site, to mitigate for this impact alternative provision is required within a 400m walking distance of the site.</p>
23.	<p>Within 6 months of the commencement of the development full details of the works to the highways within the vicinity of the application site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the Section 278 works and shall include:</p> <ul style="list-style-type: none"> • Details of the Toucan crossing on Clifford Street • Details of the location of the advance variable message signs (VMS) to indicate

	<p>available parking space numbers on the Flat Iron along with appropriate traffic monitoring of the car park entrances to inform the signs.</p> <ul style="list-style-type: none"> • Details of the highway works and pedestrian crossing(s) on Union Street including any works to improve linkages to the western end of Union Street • Any identified improvements to Brunswick Street to improve linkages to Friday Street car park including a clear route for pedestrians from the application site to Friday Street car park <p>The works to the highway shall thereafter be completed in accordance with the approved details prior to the use of any of the units hereby approved. Reason: In the interests of highway safety and to ensure there is appropriate access to the site for all modes of transport including pedestrians in the interests of sustainability.</p>
24.	<p>Prior to the use of any of the restaurant units hereby approved (units 4, 5, 7 and 9) full details of any external seating area shall be submitted to and approved in writing by the Local Planning Authority. The external seating areas shall thereafter be laid out in accordance with the approved details. Reason: In the interests of proper planning and to define any external seating areas to ensure that the character of the scheme is maintained and there is no conflict with pedestrians.</p>
25.	<p>A scheme of landscaping for each Phase shall be first submitted and agreed in writing by the Local Planning Authority prior to the commencement of that Phase or Sub-Phase of development. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, paved or hard landscaped and detail any changes of ground level. Landscaping and restoration schemes should also aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. Reason: In the interests of the amenity of the area the landscaping of the scheme is considered to be a significant element of the proposals particularly as trees are proposed to be removed. Full details are required to ensure a suitable scheme is proposed and to 'tie' the development into the wider town centre improvement works which have occurred/ are proposed.</p>
26.	<p>All planting, seeding or turfing comprised in the approved details of landscaping pursuant to the previous condition above shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development within the relevant Phase, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Reason: In the interest of the appearance of the locality.</p>
27.	<p>The recommendations contained within the Phase 2 site investigation report (ref: 5894A) shall be undertaken prior to the commencement of the built development hereby approved in respect of the parts of the sites covered by the Phase 2 site investigation report. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority for approval. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures identified. Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use</p>
28.	<p>Due to past processes and activities upon/adjacent to the above site, there is a potential for ground contamination. Given the proposed sensitive end-use, no development (in</p>

	<p>respect of the parts of the site not covered by the submitted Phase 2 site investigation report (ref: 5894A)) shall take place until:</p> <p>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;</p> <p>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;</p> <p>c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority for approval.</p> <p>Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.</p>
<p>29.</p>	<p>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 first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use. In accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
<p>30.</p>	<p>No demolition works/ tree removal shall be undertaken during the bird nesting season (March to July inclusive) unless a survey for nesting birds has first been undertaken, submitted to and approved in writing by the Local Planning Authority which demonstrates the absence of nesting birds.</p> <p>Reason: To ensure the protection of any birds which may be nesting within trees/ the building which will be felled/ demolished as part of the proposals</p>
<p>31.</p>	<p>The felling of tree T13 (as identified on the Tree Constraints Plan ref: D5073.001), which has been identified as having bat roost potential, shall be undertaken through soft felling under the supervision of a licensed bat ecologist. The works shall be undertaken during September/October or April unless a survey, which has been first submitted to and approved in writing by the Local Planning Authority, confirms the absence of roosting bats.</p> <p>Reason: in the interests of ensuring that bat roosts are not adversely affected by the proposed development.</p>
<p>32.</p>	<p>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.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
<p>33.</p>	<p>The use of Unit 9 hereby permitted shall be restricted to between the following opening hours:</p> <ul style="list-style-type: none"> • 08:30 and 01:00 Thursday to Saturday and

	<ul style="list-style-type: none"> • 08:30 and 24:00 Sunday to Wednesday. <p>Reason: To define the permission and to safeguard the amenities of the adjacent residential occupants</p>
34.	<p>The demolition and construction works associated with the demolition of the Civic Offices and the erection of Unit 9 hereby permitted shall not take place except between the hours of:</p> <ul style="list-style-type: none"> • 0800 to 1800 Monday to Friday • 0800 to 1300 on Saturdays. <p>No demolition or construction activities shall take place on Sundays or Public and Bank Holidays.</p> <p>Reason: To safeguard the amenities of local residents and to protect nearby noise sensitive buildings.</p>
35.	<p>Deliveries, servicing and collections to and from Unit 9, including waste collections, shall be from the parking spaces created on Union Street (detailed on the Union Street Highway Improvements Plan ref: TPMA5048_104) and shall not take place outside the following hours:</p> <ul style="list-style-type: none"> • 07:00 to 10.00 – Monday to Sunday <p>Where exceptional circumstances require deliveries/servicing/collections to take place outside these stated hours, full written permission will be first sought from Chorley Council.</p> <p>Reason: To safeguard the amenities of the occupiers of nearby residential accommodation</p>
36.	<p>No more than 1,394m² (gross) of the Class A1 retail floorspace hereby permitted shall be used for the sale of convenience goods. (Convenience goods are defined as food, non-alcoholic drinks, tobacco, alcohol, newspapers and periodicals; and 90% of non-durable household goods. Comparison goods are defined as all other retail goods).Reason: In the interests of highway safety and the parking impacts of the scheme as food retail floorspace tends to be more intensive in terms of traffic generation and movements</p>
37.	<p>Prior to the occupation of any of the units hereby approved a Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be generally in accordance with document submitted with the application entitled Interim Travel Plan (ref: TPMA5048). The development thereafter shall be carried out in accordance with the approved details.</p> <p>Reason: To reduce the number of car borne trips and to encourage the use of public transport</p>
38.	<p>The approved phases of the development hereby approved are as follows:</p> <ul style="list-style-type: none"> • The retail, restaurant and leisure unit (units 1-6) on the Flat Iron car park • The restaurant, retail and office unit on the southern portion of the site (units 7, 8 and 10) • The erection of a building on the Civic Offices site (unit 9) <p>Reason: to the define the permission</p>
39.	<p>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 parks onto Union Street via 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.</p> <p>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</p>

	<p>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.</p>
40.	<p>Prior to the demolition of the Civic Offices full details of the relocation of the Council staff and services and future location of third party organisations currently provided within the offices shall be submitted to and agreed in writing by the Local Planning Authority. The relocation shall be provided within a central location within Chorley Town and all the staff and services shall be relocated prior to the demolition of the Civic Offices. Reason: the proposed development includes the demolition of offices which currently provide a valuable service to the residents of Chorley. Prior to the demolition full details of the relocation need to be secured to ensure that the services are continually available to the residents of the Borough.</p>
41.	<p>Prior to the removal of the existing public toilets full details of alternative toilet facilities within Chorley Town Centre shall first be submitted to and approved in writing by the Local Planning Authority. The alternative facilities shall be provided in accordance with the approved details prior to the removal of the existing toilets. Reason: To ensure that alternative facilities are provided for visitors to the town centre prior to the removal of the existing facilities.</p>
42.	<p>Prior to the commencement of any works to the Flat Iron car park full details of the relocation of the existing trolley bays shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall also include a timetable for relocation of the trolley bays. The trolley bays thereafter shall be relocated on accordance with the approved plans and timetable. Reason: The proposed scheme will impact on the trolley bays which serve Booths and no details are provided of the relocation of these facilities.</p>



- NOTES**
- All dimensions and levels are to be checked on site.
 - Any discrepancies are to be reported to the architect before any work commences.
 - This drawing shall not be scaled to ascertain any dimensions. Work to figured dims only.
 - This drawing shall not be reproduced without express written permission from AEW.
 - Title overlay drawings and ownership boundaries are produced using all reasonable endeavors. AEW cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.

- DESIGN HAZARD IDENTIFICATION**
- No significant Hazards have been identified in this drawing

- KEY**
- Outline Boundary
 - Full Planning Boundary
 - Ownership Boundary

P1	16/04/15	TR	GJ
Initial Issue			
REV	Date	Drawn by:-	Checked by:-
Status	Purpose of Issue		
S2	For Information		
drawing stage	Planning		
client	Chorley Council		
project	Market Walks & Flat Iron Car Park Chorley		
drawing title	Location Plan		
date	16/04/15	drawn	TR
scale@A3	1:1250	checked	GJ

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Item 3b	15/00482/FULMAJ
Case Officer	Nicola Hopkins
Ward	Chorley South East
Proposal	Erection of 68 dwellings, associated garaging, car parking and access arrangements
Location	Duxbury Park Phase 2 Between Myles Standish Way And Duxbury Gardens, Myles Standish Way
Applicant	Rowland Homes
Consultation expiry:	8th August 2015
Decision due by:	19th August 2015 (time extension agreed until 2nd October 2015)

Recommendation

Approve full planning permission subject to the associated S106 Agreement

Executive Summary

This site already has consent for 70 dwellings (the scheme proposes 68 new dwellings) and as such the main issues to consider are the changes to the proposed layout when compared to the approved housing layout for this site.

Update

Members will recall that this application was considered at DC Committee on 11th August and deferred for a site visit. Concerns have been raised that there was extensive consultation prior to the submission of the United Utilities scheme at this site which was not replicated by Rowland Homes as part of this application. This has resulted in a scheme which is considered to disregard the previous public consultation which occurred. Although the Council encourages public consultation for major schemes, in accordance with its Statement of Community Involvement, such as this it isn't possible for the Planning Authority to insist on developers undertaking a public consultation exercise.

The main area of concern is the relationship with the proposed houses and Duxbury Gardens which Members viewed during the site visit. It was queried with Rowland Homes whether this part of the site could be amended in line with the previous approval. However this is not possible as there is a necessary sewer easement which runs across the proposed rear gardens of plots 43 to 47. The agent for the application has confirmed that the previous application did not take account of this easement in the approved layout and as such this allowed for houses in this location to orientated differently. The scheme which United Utilities got consent for therefore could not be constructed as approved.

Following further consideration of the proposals this part of the site has been amended and the 3 affordable shared ownership dwellings on plots 43-45 have been removed and replaced by one large detached market dwellings. The assessment as a result of these changes has been added in red within the body of the report below. It is understood that this change addresses the neighbours' concerns.

Representations

The Chorley South East Ward Councillors have made the following comments:

- Agree with a number of the points raised by Duxbury Garden residents who we have spoken to.
- When this development was first put forward for planning, this was after an extensive consultation process undertaken by United Utilities. As a result of this process, the residents’ concerns about being overlooked, or overlooking, and issues around privacy and noise, were taken into account and the plans were amended accordingly.
- We now have Rowland homes, going back to virtually the original plans and totally disregarding the consultation process. This we find unacceptable as a lot of time and effort from all sides were put into the consultation and surely this should help inform any plans for the site as previously.
- We would urge Rowland Homes to re look at the plans for the site to make sure that neighbours amenities and comments are given full consideration. If this means deferring the plans to a later committee date then so be it.

In total 11 representations have been received which are summarised below

Objection	Not specified
Total No. received: 9	Total No. received:2
<ul style="list-style-type: none"> • Removal of promised planting to the rear of the existing properties • Resiting of affordable dwellings • Windows proposed facing existing dwellings • Request no windows are built onto the side of the dwellings facing existing properties. • Plot number 48 is extremely close to the fence line. • The corner of plot number 48 is touching the fence line which does not seem appropriate. • The construction process will disturb family life due to the proximity of the building work, alongside a high risk of possible disturbance to the foundations alongside the fence line. • A large number of hedgehogs in the area- building work would disturb the area’s wildlife. • Loss of light • 3 more trees will be planted in place of the existing trees next to number 28 Duxbury Gardens however request that the landscaping adds to this and puts a run of evergreen trees along the boundary fence so as to maintain the privacy of the dwellings at the end of the cul-de-sac, reduce overlooked and add to privacy for the new dwellings. 	<ul style="list-style-type: none"> • Request that the 2 birch trees (ref. BET JAC and BET PEN) are replaced with a different type of tree due to the neighbour’s severe pollen allergy • Previous plans showed existing properties not being overlooked with the nearest new property being “gable side on “. It is queried whether this is still the case.

- Lack of developer consultation with neighbours
- Noise concerns
- All residents agreed that the original plans- 13/00178/FULMAJ –took concerns on board. New plans have changed significantly at the back of the site and this directly affects Duxbury Gardens residents.
- Duxbury Garden houses affected, except no 29, are 3 storey designed, as already noted, with living room on first floor and two bedrooms on second floor at the back-all will overlook plots 45-47 with Duxbury Gardens numbers 30, 31(my families) looking directly into numbers 45-47. Therefore not maintaining the sympathetic layout and design in original layout in original approved scheme.
- Loss of privacy for the proposed plots and privacy issues for the existing houses
- With 8 houses now potentially being built in an area of original approved scheme where there was only 3 will lead to a great deal more noise and disturbance due to more family members and also with each house having two parking spaces this means the potential of 16 cars instead of six.
- Inaccuracies in the actual Planning and Design Statement-this cannot be legally correct or at least , not in the spirit or principles of the original approved scheme.
- The environmental impact of natural habitat being eroded, meant the putting up of many 'bat boxes' into the trees that have now been felled. The current landscape is now decimated.
- Rowland Homes: there has been absolutely no contact with households or consultation of any kind
- Rowland Homes haven't listened to the concerns raised.
- The meeting should be deferred so Rowland Homes could have a re-look at the plans and consult the neighbours.
- There are 7 properties on Duxbury Gardens that are being affected and at least 5 have raised objections.
- Will be thoroughly disappointed if these plans go forward as they are after the original consultations

Consultees

Consultee	Summary of Comments received
Lancashire Constabulary Designing Out Crime Officer	Has made some recommendations to reduce the risk of crime affecting the residents, visitors and immediate locality, should planning permission be granted.
Environment Agency	No further comments to make further to initial response regarding the approved Flood Risk Assessment (FRA) (February 2013) and FRA amended letter dated 25 April 2013
Strategic Housing	The type and tenure of Affordable Housing proposed matches what was previously required for the 13/00178/FULMAJ application and is therefore acceptable to Strategic Housing.
Lead Local Flood Authority	No objection subject to appropriate conditions
LCC Highways	No objection
CBC Waste and Contaminated Land Officer	Satisfied with the submitted report and for the development to proceed in accordance with the recommendations made in this report
Greater Manchester Ecology Unit	Have commented on the proposals addressed within the report

AssessmentProposed Development

1. The application site is located within Chorley Town and is accessed via Myles Standish way. This site forms part of a larger site than was historically occupied by United Utilities the remainder of the site is being developed for housing by Arley Homes.
2. The application site itself is adjacent to Duxbury Gardens and the Arley Homes residential estate to the north (currently under construction). To the south of the site is Myles Standish Way, from which the site already has an established vehicular access.
3. The application is submitted by Rowland Homes to erect 68 dwellings on the part of the site which was previously identified for employment use.

History of the site

4. The application site is part of a larger area previously granted outline approval (08/01044/OUTMAJ) for a mixed use development comprising up to 200 residential units and 10,800m² of B1 employment use. The current application relates to the previously approved area for B1 employment use.
5. In 2011, a reserved matters application (10/00946/REMMAJ) was approved for the development of 135 dwellings on the residential part of the site. Development of this part of the site is currently in progress and is close to completion.
6. Following the grant of full planning permission for residential development on part of the site, United Utilities applied to erect 70 dwellings on the part of the site (13/00178/FULMAJ) which was previously approved for employment use. This permission was granted in August 2013 and as such the acceptability of the principle of housing on this part of the site has been established.

Principle of the Development

7. The application site is allocated in the Chorley Local Plan (Policy HS1.2) for residential development and as such the principle of erecting houses on this site is considered acceptable.

Density

8. Policy 5 (Housing Density) of the Adopted Central Lancashire Core Strategy states that National Policy no longer sets out an indicative density of 30 dwellings per hectare(dph). However, in suburban and rural locations a density of 25-35 dph is typical.
9. Policy 5 also states that density is an important consideration in any proposed housing scheme, however, the key objective is to achieve high quality design that responds to the character of the area in terms of existing density.
10. The application site extends to an area of approximately 2.4 hectares. The provision of 68 dwellings on the site therefore equates to a density of 28 dwellings per hectare (dph). The density of the scheme allows for the construction of family dwellings with private amenity space reflecting current market trends. This density also takes into account the topography of the site which has significant implications on the layout of the site.
11. The Arley Homes scheme to the north comprises 126 dwellings and covers an area of approximately 4.7 hectares equating to a density of approximately 26dph. Although 135 dwellings were originally approved the plans have been amended to incorporate 126 dwellings. The proposed densities are shown to be comparable and the density proposed at the application site would therefore reflect that already established in the surrounding area. As such, the proposed density of the development is considered to be in accordance with Policy 5 of the Adopted Central Lancashire Core Strategy.

Impact on neighbour amenity and levels

12. The immediate neighbours to the proposed development are the properties to the north and west of the application site. The majority of these properties comprise the newly

constructed Arley Homes dwellings at the adjacent part of the site and a number of older dwellings on a site known as Duxbury Gardens.

13. 28 Duxbury Gardens is a two storey detached dwellinghouse located to the north of proposed plot 48 (now plot 46). 28 Duxbury Gardens has a blank gable wall facing plot 48 and the proposed dwelling on plot 48 is a Renishaw house type with a blank gable wall facing the common boundary with 28 Duxbury Gardens. Plot 48 is proposed to have a similar finished floor level as the existing house resulting in no significant level change between the properties. Given the proposed siting of dwelling in relation to the existing dwelling, it is not considered that the proposals will result in loss of amenity to the detriment of the existing residents.
14. Plots 46 and 47 (now plots 44 and 35) face the side garden area of 29 Duxbury Gardens however due to the existing garage at 29 Duxbury Gardens these plots will not enable direct overlooking of the private garden space of the existing property. Although it is noted that the proposed dwellings, in particular plot 44, will directly face the rear garden area of 29 Duxbury Gardens approximately 10m is retained from the rear of the proposed dwelling to the garden boundary in accordance with the Council's spacing standards.
15. Plots 43-45 are proposed to back onto 29-32 Duxbury Gardens. The existing properties comprise two storey dwellings (29 and 32) and 2.5 storey dwellings with room in the roof space incorporating dormer windows (30 and 31). The proposed properties are slightly offset in terms of their siting. However the layout maintains in excess of 10m long gardens and at least 21 metres is maintained between the rear elevation of the proposed dwellings and the existing dwellings. The proposed dwellings are two storey houses which form part of the affordable housing provision on the site. The proposed properties are approximately 0.3m lower than the existing properties ensuring that the spacing distances maintained are appropriate.
16. Concerns have been raised by some residents of Duxbury Gardens and the Ward Councillors that this part of the site was amended during the consultation with United Utilities so that there were no new houses backing onto the existing houses with the gable end of the new dwellings adjacent to the boundary with the existing houses. It was queried with Rowland Homes whether this part of the site could be amended in line with the previous approval. However this is not possible as there is a necessary sewer easement which runs across the proposed rear gardens of plots 43 to 47. The agent for the application has confirmed that *the previous application did not take account of this easement in the approved layout and as such this allowed for houses in this location to orientated differently. The relationship between proposed plots 43 to 47 and existing houses on Duxbury Gardens has been considered to ensure that interface distances are met and privacy is maintained for existing residents.*
17. *Following the amendments to the scheme 29-32 Duxbury Gardens now back onto a single detached dwelling (plot 43). The amended layout retains approximately 15m (at it closest point) to the rear boundary and over 24m to the rear elevation of 31 Duxbury Gardens which exceeds the Council's standard spacing distances. Additionally the property on plot 43 has been designed so that there are no first floor rear habitable room windows. This is considered to be an acceptable relationship.*
18. *The proposed property on plot 43 includes first floor side windows, one which serves a bathroom and as such will be obscurely glazed and one which serves a bedroom. The bedroom window will face the side gable of plot 44 ensuring that no loss of privacy is created as a result of this window.*
19. 33-35 Duxbury Gardens face the side gable and rear garden of proposed plot 42. The dwelling on this plot is proposed to be a two storey three bed roomed dwelling which is one of the affordable units on the site. In excess of 13m is retained between the rear edge of 33 Duxbury Gardens and the gable of plot 42 which exceeds the Council's standard spacing distances. 34 and 35 Duxbury Gardens are 2.5 storey dwellings which face the rear garden of plot 42. In excess of 15 metres is retained between the rear of

these properties and the boundary with the garden which exceeds the required 10m. The proposed dwelling on plot 42 is approximately 0.05m lower than the existing dwellings ensuring that the spacing distances maintained are appropriate (this level difference was amended during the application process increasing the proposed slab level from 74.70 to 75.15 which is mid-way between the slab levels of 75.00 and 75.30 that are shown on the approved layout and to replicate the finished floor levels of the existing properties on Duxbury Gardens. Although the dwellings on Duxbury Gardens extend to 3 storeys in height, with habitable room rear windows on all levels, it is considered that the spacing distances maintained will protect the amenities of the existing and future residents.

20. 8 and 10 Duxbury Manor Way are located to the west of plots 40-42. The newly built properties are 2.5 storey dwellings with a rear roof dormer. However this dormer serves a bathroom with obscure glazing and as such the interface consideration in respect of the existing and proposed dwellings relate to the ground and first floor windows. The proposed dwellings have a proposed finished floor level between 0.75m and 0.9m lower than the existing dwellings which require a 2m increase in the Council's standard spacing distances. However this reflects the previously approved layout in respect of this part of the site and as such this relationship has already been established as acceptable.
21. The rear of 6 Duxbury Manor Way faces the rear garden of plot 37. This newly built property is a 2.5 storey dwelling with a rear roof dormer. However this dormer serves a bathroom with obscure glazing and as such the interface consideration relates to the ground and first floor windows. 6 Duxbury Manor Way is approximately 1.32m higher than the proposed property on plot 37. However this reflects the previously approved layout in respect of this part of the site which retained 10m from the rear of 6 Duxbury Manor Way to the garden area. As such this relationship has already been established as acceptable.
22. Plot 36 is located adjacent to 13 Shireburne Drive and will be constructed at a land level approximately 1m lower than the existing dwelling. It is proposed that the side gable of the proposed dwelling will be adjacent to the side gable of the existing dwelling to create an acceptable relationship. Plot 36 is a Belgrave House type which does not have any windows in the side gable facing 13 Shireburne Drive
23. Plot 35 backs onto 19 and 21 Shireburne Drive and is proposed to be a two storey detached dwelling built at a land level approximately 1.2m lower than the existing dwelling. Given the level change there is a requirement to provide 23m window to window distance which is achieved in respect of this relationship.
24. 33-37 Shireburne Drive back onto the side gable of plot 32 and are approximately 2m higher than the proposed dwelling. There is approximately 12m retained between the existing houses and the proposed houses. The proposed houses are two storey dwellinghouses and with the level difference this ensures that the occupiers of the existing properties will not be facing a large two storey blank gable wall. This relationship is considered to be acceptable.
25. The Council's spacing standards are applied to ensure that an adequate amount of privacy and amenity is provided for the existing and future residents. The application is supported by various sectional drawings which demonstrate the difference in levels between the proposed dwellings. The main areas of concern relate to:
 - 23 and 25 Shireburne Drive overlooking the garden of plot 33,
 - 39-43 Shireburne Drive overlooking the garden of plot 32 and
 - The relationship of plots 26-28 with 37 Duxbury Manor Way.
26. 23 and 25 Shireburne Drive face the rear garden area of plot 33 and are approximately 0.65m higher than the proposed dwelling. 10m is retained to the rear garden boundary which is considered to be acceptable.

27. 39-43 Shireburne Drive back onto the proposed rear garden area of plot 32 and are approximately 2.3m higher. Given the level change there is a requirement to provide 17m long gardens which is not retained in this case.
28. Proposed plots 26-28 back onto 37 Duxbury Manor Way and will be built approximately 5.78m lower in land levels. Applying the increase in spacing required by the Council's standards due to the significant level changes across the site would result in a significant amount of space retained between dwellings. This is the case in respect of this relationship which would require 42m rear window to rear window where only approximately 26m is retained.
29. The sectional plan demonstrates the extent of views from the ground and first floor windows. The proposed and existing rear boundary treatments along with the level difference ensures that there will not be any loss of privacy or amenity for the future residents which address the purposes of applying separation distances. This replicates the arrangement of houses on the adjacent Arley homes site which had to address similar level changes.
30. Plots 24-25 back onto the rear garden are of 41 Duxbury Manor Way, however given that these properties are approximately 4.7m lower than the existing property the proposed dwellings will not create overlooking to the detriment of the neighbours amenities.
31. Internally within the site plot 13 only has a 9.5m long garden which is slightly below the required 10m. However the future residents will be aware of this relationship when they purchase the property.
32. During the consideration of the application the finished floor levels to Plots 5/6 and 10 have been altered so that the differential between Plots 5 and 10 is now 0.85m (previously 1.09m) and Plots 6 and 10 is now 1.15m (previously 1.44m). The distance retained between plots 5 and 10 is 21.5m and plots 6 and 10 is 22.5m. This is only slightly below the required spacing distances (given the finished floor level difference) and are considered to be acceptable.
33. The originally proposed details included 0.9m high fences to delineate rear gardens. However as this was raised as a concern as this would not provide private rear gardens the plans have now been amended to include 1.8m high fences which will ensure that private rear gardens are provided.

Affordable housing

34. In accordance with Policy 7 of the Adopted Central Lancashire Core Strategy the development is required to provide 30% affordable housing. The proposed development would result in 70 new dwellings and so in accordance with current policy; the scheme should provide 21 affordable units.
35. The development provides 21 affordable homes comprising:
 - 13 two bedroom houses- social rented
 - 2 three bedroom houses- social rented
 - 6 three bedroom houses- intermediate sale (shared ownership)
36. The affordable units are identified on plots 18-32 in the western end of the site and on plots 40-45 at the northern end of the site. As noted above concerns have been raised about the location of the affordable housing which differs from the previously approved scheme on this site. However the Adopted Affordable SPD encourages the dispersal of affordable housing units within residential development to promote mixed communities and minimise social exclusion. It is considered that siting the proposed affordable houses within two parts of the site accords with the aspirations of the SPD.
37. **Following the amendments to the scheme the proposed development now results in 68 new dwellings and so in accordance with current policy; the scheme should provide 20 affordable units.**

38. The development provides 18 on site affordable homes comprising:
 - 13 two bedroom houses- social rented (Plots 20 to 32)
 - 5 three bedroom houses- intermediate sale (shared ownership) (Plots 18, 19 & 40 to 42)
39. The affordable units are identified on plots 18-32 in the western end of the site and on plots 40-42 at the northern end of the site. It is considered that siting the proposed affordable houses within two parts of the site accords with the aspirations of the SPD.
40. 18 on site affordable houses are however below the required 20. The Central Lancashire Affordable Housing SPD does confirm that the Council's preferred way forward is on-site provision however it does allow for off-site provision or financial contributions where robustly justified. In this case to provide a scheme which addresses the relationship of the proposed and existing dwellings on Duxbury Gardens which has directly altered the affordable housing provision on site it is considered that a financial contribution, to be secured via a Section 106 Agreement, can be secured to address the deficit of 2 affordable units on this site.
41. In accordance with the calculation contained within the SPD the commuted sum associated with this development is $150,475 \times 33\% = 49,657 \times 2 = \text{£}99,313.50$
42. In this regard Rowland Homes have raised concerns with the level of commuted sum as the proposals reduce the number of dwellings which will be built but still necessitates the same land and infrastructure costs. Rowland Homes have also commented that the change increases the CIL payment. As such they initially confirmed that they are only able to offer a commuted Sum of £55,000 for off-site affordable homes.
43. The required affordable housing commuted sum set out above is approximately £5000 higher than the calculation undertaken by Rowland Homes and a reduction in houses on this site results in a reduction to the required POS contribution and sustainable transport contribution (as set out further below). As such it was considered that there was capacity in the scheme to increase this offer.
44. Taking these comments on board Rowland Homes have increased their offer to £75,000. This would enable the provision of 1.5 off site affordable units and will be used to secure the delivery of affordable housing on a stalled site within this part of Chorley. Members will note that the level of contribution is approximately £24,000 below which would typically be required and Members are asked to confirm whether the level of contribution is acceptable.

Sustainable Resources

45. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

46. As such there will be a requirement for the dwellings hereby approved to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Trees and landscape

47. The application site is essentially split into two sections, the first being to the west and the second to the east of the existing access road.
48. The part of the site to the west is that which involves the greatest change in levels and rises significantly in an east-west direction, parallel with the properties already erected to the north of the site. This part of the site has already been cleared of any vegetation and is currently vacant.
49. The part of the site to the east has been left in more of a natural state and currently includes a number of trees, shrubs and grassland. An Arboricultural Constraints Appraisal has been submitted with the application which includes details of all the trees on site.
50. 12 individual trees form part of the appraisal which reflects the 12 trees already protected on this site (TPO 6 (Chorley) 2013). All of the trees are identified for retention and include appropriate root protection areas to ensure the continued protection of the trees during the construction process.
51. Concerns have been raised by one neighbour in terms of the types of trees originally proposed due to an existing resident having a pollen allergy, however the plans have been amended to replace these trees.

Ecology

52. Bowland Ecology Ltd was commissioned by Rowland Homes Ltd to undertake an extended Phase 1 Ecology Survey and desk study of the site at Duxbury Park, Chorley (NGR: SD 588 160). The extended Phase 1 survey aimed to update phase 1 surveys previously undertaken by United Environmental Services in 2008 and Bowland Ecology Ltd in 2012 in support of planning application that has been granted to develop the site.
53. Greater Manchester Ecology Unit has provided the following comments:
It would appear that some harm has been caused to the woodland strip at the eastern edge of the (current) application site by previous ground clearance works.

Assuming that compensation for losses and/or mitigation has not been previously agreed as part of the wider scheme I would support the proposals in the most recent ecology survey to seek compensation for this loss and /or mitigation for future harm to ground flora, as follows -

“the remaining ancient woodland groundflora and associated woodland soils beneath the trees at the eastern boundary of the application site should be translocated to an appropriate location as agreed with the LPA. This would include removing all the plants, bulbs, the top soil and subsoil to a suitable location following an approved Method Statement. The area of habitat to be translocated will be identified and marked out by a suitably qualified ecologist prior to translocation”.

54. Translocation of the woodland groundflora aims to preserve the remaining biodiversity of the site in a situation where it will be protected from further developmental pressures.
55. Following the Supreme Court ruling (Morge vs Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural

England on proposals which may affect protected species and ask the following questions:

- Is the proposal likely to result in a breach of the Habitats Regulations?
- If so, is Natural England likely to grant a licence?

56. Natural England has not been consulted on the proposals as it is not considered that that the proposals will result in a breach of the Habitats Regulations.
57. Following the high court decision (*R (on the application of Simon Woolley) v Cheshire East Borough Council*, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- a) the activity must be for imperative reasons of overriding public interest of for public health and safety;
 - b) there must be no satisfactory alternative and
 - c) favourable conservation status of the species must be maintained.
58. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive. It is not considered that the proposals will impact on protected species and the ecological impact identified above can be addressed by condition.

Drainage and Sewers

59. Part of the site falls within a Flood Zones 2 and 3. As such a Flood Risk Assessment & Drainage Strategy (FRA) has been submitted as part of the application. The Environment Agency commented on the previous application at this site and raised no objection subject to suitable conditions.
60. Surface water drainage is now the responsibility of Lancashire County Council as the Lead Local Flood Authority (LLFA) who have no objection to the proposals subject to the imposition of suitable conditions. These mainly relate to the inclusion of a surface water sustainable drainage scheme as they have commented that the FRA submitted as part of this application does not include evidence of surface water run-off rates. As this application relates to previously developed land, the LLFA would request that further calculations are to be completed and the LLFA requests to be formally consulted on these. The FRA also states that there will be a requirement to attenuate surface water due to the increase in impermeable area as a result of the development. The final requirements of this attenuation have not been finalised and the LLFA would again request to be consulted on these proposals. This will be addressed by condition.

Open Space

61. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. The following requirements are based upon the standards within Local Plan Policies HS4A and HS4B and the approach in the SPD.

Amenity Greenspace

62. There is currently a deficit of provision in the Chorley South East ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

63. There is currently a surplus of provision in the Chorley South East ward in relation to this standard, a contribution towards new provision in the ward is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

64. It is also important to note that the adjacent development for 126 dwellings provided 0.35 hectares of open space provision including an equipped play area. The minimum size of play area required for the adjacent development was 0.08 hectares which meant that extra provision was made in that case. As such, taking into account the fact that an oversupply of equipped play space was provided immediately adjacent to the application site there is no justification for additional equipped play space.

Parks and Gardens

65. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

66. There is no requirement to provide new natural/semi natural greenspace on-site within this development. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study (sites 1725 – Between St Gregory's Place/Burgh Meadows and 1827 – Plock Wood, Lower Burgh Way), a contribution towards improving these sites is therefore required. The amount required is £557 per dwelling.

Allotments

67. There is no requirement to provide allotment provision on site within this development. The site is within the accessibility catchment (10 minutes' drive time) of proposed new allotment sites at Land at Sylvesters Farm, Euxton (HW5.2) and Harrison Road, Adlington (HW5.3). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

68. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

69. As 70 dwellings are proposed to total POS contribution equates to £161,770

70. **Following the amendments to the scheme the reduction in dwellings results in a total POS contribution equates to £157,148**

Contamination and Coal Mines

71. Due to nature of the type of training that took place on site for both water and electricity industries there may be issues with contaminated land in some parts of the site. In addition to this, it is thought that there may be mine shafts across the site.
72. In this regard a Phase I & Phase II Geo-Environmental Site Investigation has been undertaken which has been reviewed by the Council's Waste and Contaminated Land Officer. The Officer is satisfied with the report and for the development to proceed in accordance with the recommendations made in this report. This can be addressed by condition.

Highways

73. LCC Highways have reviewed the proposals and confirmed that they have no objection subject to all the highway conditions and advice notes attached to the previous approval. The Highway Engineer has also commented that the highway contributions requested in respect of the previous approval are still relevant and should apply to the approval of this application.

74. In respect of the previous application LCC Highways requested a contribution of £130,620 to investigate and fund operation of an additional bus service in the area. In respect of the history of this site the outline application secured £368,900 towards sustainable transport improvements. The subsequent Section 73 application reduced the contribution (based upon a decrease in number of houses from 200 to 126) as follows:
- £83,970 related to the employment land
 - £165,037 related to the residential land
75. This application takes the total number of houses back up to approx. 200 which was originally envisaged for the site although it is on the land originally allocated for employment uses and as such LCC consider that the original request of £130,620 is justified as it relates to sustainable transport improvements directly related to housing (i.e. access to shops, employment etc).
76. To resolve this issue as part of the previous planning application (on a pure calculation basis) it was calculated that the figure secured from the Arley Homes site equates to £1309 per dwelling. This was translated into the proposed development and equated to a sum of £91,687 (70 x £1309.82) which was secured as part of the legal agreement.
77. As Chorley is now a CIL Charging Authority and this scheme will be CIL liable requests for Section 106 contributions should be restricted to the regulation of development and site specific mitigation. To avoid any double charging, planning authorities cannot seek the provision of a contribution towards items included in the Regulation 123 List through S106 obligations, even where they would be justified as site specific remediation. It is considered that the sustainable transport contribution requested as part of this development is directly related to the development in question and the development as part of the wider site and as such is justified in this case. This will be secured as part of the legal agreement.
78. **Following the amendments to the number of dwellings proposed the sustainable transport contribution has reduced to £89,067.76 (68 x £1309.82) which was secured as part of the legal agreement.**
79. The Highway Engineer has raised concerns that the previously approved pedestrian/cycle route linking the site at its western end to the public open space (POS) has been removed in the current proposal. This linked directly to the area of open space within the Arley Homes development and was removed by Rowland Homes when they assessed the developability of the site. Creating this pedestrian link involved significant engineering operations and the creation of a sloped footpath due to the level differences on site. It is considered that the scheme as proposed without the link creates an improved layout in respect of the existing and future residents. The removal of this link does not hinder access to the POS although it will be a lightly longer route for the residents of this development.
80. The Engineer has also raised concerns that the previous Highways request for pedestrian/cycle route from the eastern end of the development to Red Bank has not been incorporated. However this land is outside of the applicant's control and would not be possible to secure.
81. The proposed houses incorporate sufficient driveway/garage space for the size of dwellings proposed. A number of the integral garages do not meet the Manual for Streets standard of 6x3m garages, however they are large enough to accommodate a car. The storage space which is included within the Manual for Streets garage dimensions in these cases will be secured by the inclusion of a shed.

Community Infrastructure Levy

82. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq. m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed housing development will be chargeable development.

- 83. This is a full application and S.128A of the CIL regulations specify that where an applicant wishes to make changes to a previously approved planning permission and they do so via a S.73 application the amount payable by the applicant will be any increase in the difference between what the CIL payment would have been had the previous application been subject to CIL and the amount of CIL payable for the current application.
- 84. Members will note that to date where there is an extant permission on a site and the applicant makes a further application in respect of the same site but this application has not been made under S.73 (and is therefore a standalone permission) then the Council have adopted an approach similar to that specified by S.128A on the basis that the intention of CIL was never to retrospectively impose CIL charging on approved schemes. In these cases since the adoption of CIL the extent of approved development has been subtracted from the extent of proposed development and CIL has only been charged on the difference between any increase of liability created by virtue of the proposed amendments on the basis that a shorter time limit to commence development is applied to take into account the length of time left on the previous planning approval.
- 85. The same approach will be taken in respect of this application however Members should be aware that this transitional approach will not be applicable for any new full planning application submitted from 1st September 2015 and as such any new full planning applications will be fully CIL liable even if the site has an extant permission.

Overall Conclusion

- 86. The erection of dwellings on this site has already been established as acceptable and is considered to be an appropriate use of this site within a sustainable location. The layout has changed when compared to the previous layout however as demonstrated above the layout as proposed ensures that the amenities of the future and existing residents are protected. As such the proposals are recommended for approval subject to the associated legal agreement.

Planning Policies

- 87. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
06/00850/CB3	Creation of an access junction off the proposed Eaves Green Link Road (site area 0.31ha).	Approved	November 2006
08/01044/OUTMAJ	Outline application for the erection of a mixed use development incorporating residential and B1 employment use following the demolition of the existing buildings (7.2 hectares).	Approved	December 2008
10/00004/DIS	Application to discharge condition 29 of planning approval 08/01044/OUTMAJ.	Discharged	January 2010
10/00240/DIS	Application to discharge condition 14 of planning approval 08/01044/OUTMAJ.	Discharged	April 2010
10/00888/FULMAJ	Application to vary conditions 11, 12 (ground remediation), 19	Approved	11th January 2011

	(surface water attenuation) and 21 (archaeology) of outline planning permission ref: 08/01044/OUTMAJ to enable the site to be developed in phases.		
10/00946/REMMAJ	Reserved Matters application, pursuant to Section 73 planning permission 10/00888/OUTMAJ, proposing full details for the siting, layout, appearance and landscaping for a residential development comprising 135 dwellings at Duxbury Park, Myles Standish Way, Chorley	Approved	February 2011
11/00190/DIS	Application to discharge conditions 6, 8, 9, 12, 13, 14, 19, 21, 22, 24, 26, 27, 28, 29, & 30 attached to planning approval 10/00946/REMMAJ.	Discharged	May 2011
11/00263/FUL	Construction of a temporary junction and access road for use during the construction period.	Approved	May 2011
11/00453/REMMAJ	Section 73 application to vary conditions 1 (approved plans), 4 (approved plans), 10 (finished floor levels in respect of plots 6-8, 80-89 and 126-134), 26 (carbon emissions) and 27 (code for sustainable homes) attached to planning approval 10/00946/REMMAJ	Approved	August 2011
11/01019/REMMAJ	Section 73 application to vary conditions 1 and 4 (approved plans) and 25 and 27 (plot references) attached to planning approval 11/00453/REMMAJ	Approved	April 2012
13/00178/FULMAJ	Erection of 70 residential dwellings, associated garaging, car parking, access arrangements and landscape works.	Approved	August 2013

Suggested Conditions

No.	Condition																																																												
1.	The proposed development must be begun not later than one year from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004																																																												
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 533 1295 2000"> <thead> <tr> <th data-bbox="320 533 564 622">Title</th> <th data-bbox="564 533 804 622">Plot</th> <th data-bbox="804 533 1048 622">Drawing Reference</th> <th data-bbox="1048 533 1295 622">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 622 564 689">Location Plan</td> <td data-bbox="564 622 804 689"></td> <td data-bbox="804 622 1048 689">R074/1000 Rev B</td> <td data-bbox="1048 622 1295 689">11th August 2015</td> </tr> <tr> <td data-bbox="320 689 564 757">A2-2 Block Plans</td> <td data-bbox="564 689 804 757">20, 21, 22, 23</td> <td data-bbox="804 689 1048 757">HT164/P/2/V1-1</td> <td data-bbox="1048 689 1295 757">18th May 2015</td> </tr> <tr> <td data-bbox="320 757 564 857">A2- 2 Block Elevations</td> <td data-bbox="564 757 804 857">20, 21, 22, 23</td> <td data-bbox="804 757 1048 857">HT165/P/2/V1-2</td> <td data-bbox="1048 757 1295 857">19th May 2015</td> </tr> <tr> <td data-bbox="320 857 564 925">A3-3 Block Plans</td> <td data-bbox="564 857 804 925">40, 41, 42</td> <td data-bbox="804 857 1048 925">HT165/P/3/V2-1</td> <td data-bbox="1048 857 1295 925">19th May 2015</td> </tr> <tr> <td data-bbox="320 925 564 1014">A3-3 Block Elevations</td> <td data-bbox="564 925 804 1014">40, 41, 42</td> <td data-bbox="804 925 1048 1014">HT165/P/3/V2-1</td> <td data-bbox="1048 925 1295 1014">19th May 2015</td> </tr> <tr> <td data-bbox="320 1014 564 1115">Reynold Floor Plans</td> <td data-bbox="564 1014 804 1115">1, 10</td> <td data-bbox="804 1014 1048 1115">HT130/P/110 Rev A</td> <td data-bbox="1048 1014 1295 1115">18th May 2015</td> </tr> <tr> <td data-bbox="320 1115 564 1216">Reynold Elevations</td> <td data-bbox="564 1115 804 1216">1, 10</td> <td data-bbox="804 1115 1048 1216">HT130/P/111 Rev A</td> <td data-bbox="1048 1115 1295 1216">18th May 2015</td> </tr> <tr> <td data-bbox="320 1216 564 1317">Hatton House Type</td> <td data-bbox="564 1216 804 1317">6, 56, 60</td> <td data-bbox="804 1216 1048 1317">HT139/P/111 Rev C</td> <td data-bbox="1048 1216 1295 1317">18th May 2015</td> </tr> <tr> <td data-bbox="320 1317 564 1417">Belgrave House Type</td> <td data-bbox="564 1317 804 1417">13, 36, 37, 38</td> <td data-bbox="804 1317 1048 1417">HT146/P/115</td> <td data-bbox="1048 1317 1295 1417">18th May 2015</td> </tr> <tr> <td data-bbox="320 1417 564 1507">Bonington Floor Plans (with bay)</td> <td data-bbox="564 1417 804 1507">11, 35, 52, 53</td> <td data-bbox="804 1417 1048 1507">HT147/P/110-11 Rev I</td> <td data-bbox="1048 1417 1295 1507">18th May 2015</td> </tr> <tr> <td data-bbox="320 1507 564 1641">Bonington Elevations (with bay)</td> <td data-bbox="564 1507 804 1641">11, 35, 52, 53</td> <td data-bbox="804 1507 1048 1641">HT147/P/112-11 Rev A</td> <td data-bbox="1048 1507 1295 1641">18th May 2015</td> </tr> <tr> <td data-bbox="320 1641 564 1776">Bonington Floor Plans (without bay)</td> <td data-bbox="564 1641 804 1776">17</td> <td data-bbox="804 1641 1048 1776">HT147/P/113</td> <td data-bbox="1048 1641 1295 1776">18th May 2015</td> </tr> <tr> <td data-bbox="320 1776 564 1910">Bonington Elevations (without bay)</td> <td data-bbox="564 1776 804 1910">17</td> <td data-bbox="804 1776 1048 1910">HT147/P/202-38</td> <td data-bbox="1048 1776 1295 1910">18th May 2015</td> </tr> <tr> <td data-bbox="320 1910 564 2000">Charleston House Type</td> <td data-bbox="564 1910 804 2000">7, 12, 33, 34, 35, 58, 61</td> <td data-bbox="804 1910 1048 2000">HT166/P/111 Rev A</td> <td data-bbox="1048 1910 1295 2000">18th May 2015</td> </tr> </tbody> </table>	Title	Plot	Drawing Reference	Received date	Location Plan		R074/1000 Rev B	11 th August 2015	A2-2 Block Plans	20, 21, 22, 23	HT164/P/2/V1-1	18 th May 2015	A2- 2 Block Elevations	20, 21, 22, 23	HT165/P/2/V1-2	19 th May 2015	A3-3 Block Plans	40, 41, 42	HT165/P/3/V2-1	19 th May 2015	A3-3 Block Elevations	40, 41, 42	HT165/P/3/V2-1	19 th May 2015	Reynold Floor Plans	1, 10	HT130/P/110 Rev A	18 th May 2015	Reynold Elevations	1, 10	HT130/P/111 Rev A	18 th May 2015	Hatton House Type	6, 56, 60	HT139/P/111 Rev C	18 th May 2015	Belgrave House Type	13, 36, 37, 38	HT146/P/115	18 th May 2015	Bonington Floor Plans (with bay)	11, 35, 52, 53	HT147/P/110-11 Rev I	18 th May 2015	Bonington Elevations (with bay)	11, 35, 52, 53	HT147/P/112-11 Rev A	18 th May 2015	Bonington Floor Plans (without bay)	17	HT147/P/113	18 th May 2015	Bonington Elevations (without bay)	17	HT147/P/202-38	18 th May 2015	Charleston House Type	7, 12, 33, 34, 35, 58, 61	HT166/P/111 Rev A	18 th May 2015
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Brantwood House Type	4, 14, 66	HT167/P/100	18 th May 2015
Materials Schedule Plan		R074/3 Rev D	22 nd September 2015
Detached Double Garage	1, 10, 36, 43, 68	P/DG/1	18 th May 2015
Single Detached Garage	4, 7, 11, 12, 14, 16, 17, 33, 34, 35, 52, 53, 58, 65, 66	P/SG/1	18 th May 2015
Tree Protection drawing		P.532.15.02 Rev A	7 th August 2015
Proposed Site Levels (western)		J3432.EX02 Rev B	18 th May 2015
Proposed Site Levels (eastern)		J3432.EX03 Rev A	18 th May 2015
1.8M High close board timber fence		SD.1 Rev A	18 th May 2015
1.8m high screen wall		S.O.46	18 th May 2015
Planning layout		R074/1 Rev D	22 nd September 2015
Bowes House Type	2, 5, 9, 47, 48, 54, 55, 59	HT104/P/111 Rev B	18 th May 2015
Burlington House Type	44, 45, 62, 63	HT105/P/111 Rev C	18 th May 2015
Marlborough floor plans	49, 57	HT107/P/110	18 th May 2015
Marlborough Elevations	49, 57	HT107/P/112 Rev A	18 th May 2015
Marlborough floor plans	68	HT107/P/210	18 th May 2015
Marlborough Elevations	68	HT107/P/212 Rev A	18 th May 2015
Elmbridge House Type	8, 16, 64, 65	HT148/P/111	18 th May 2015
Renishaw house	3, 15, 39, 46, 50,	HT149/P/202 Rev	18 th May 2015

type	51, 67	A	
A2- 3 Block Floor Plans	21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32	HT164/P/3/V1-1	18 th May 2015
A2- 3 Elevations	21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32	HT164/P/3/V1-2	18 th May 2015
A3- 3 Block Plans	18, 19	HT165/P/2/V1-1	18 th May 2015
Planting Plan		P.532.15.01 Rev E	8 th September 2015
Planting Schedules		P.532.15.01 Rev E	8 th September 2015
Proposed Site Sections		J3432 EX13	21 st July 2015
Fencing Layout		RO74/2 Rev C	22 nd September 2015
900 high post & rail fence detail		SD.21	18 th May 2015
Plot 43 Floor Plans	43	R074/1010	22 nd September 2015
Plot 43 Elevations	43	R074/1011	22 nd September 2015

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

3. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.
 Those details shall include, as a minimum:
- 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, 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, and details of floor levels in AOD;
 - b) The drainage strategy should demonstrate that the surface water run-off must be as close as reasonable practicable to the greenfield runoff rate and should not exceed the rate of discharge prior to this development which is yet to be calculated. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) 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);
 - d) Flood water exceedance routes, both on and off site;
 - e) A timetable for implementation, including phasing as applicable;

	<p>f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates; g) details of water quality controls, where applicable. The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. To ensure that the proposed development can be adequately drained. 2. To ensure that there is no flood risk on or off the site resulting from the proposed development
<p>4.</p>	<p>No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development which, as a minimum, shall include:</p> <ol style="list-style-type: none"> a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as: <ol style="list-style-type: none"> i. on-going inspections relating to performance and asset condition assessments ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime; c) means of access for maintenance and easements where applicable. <p>The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development 2. To reduce the flood risk to the development as a result of inadequate maintenance 3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
<p>5.</p>	<p>No development shall take place 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:</p> <ul style="list-style-type: none"> • 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 • 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 <p>Reason: in the interests of highway safety and to protect the amenities of the nearby residents</p>
<p>6.</p>	<p>The integral/attached and detached garages hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living</p>

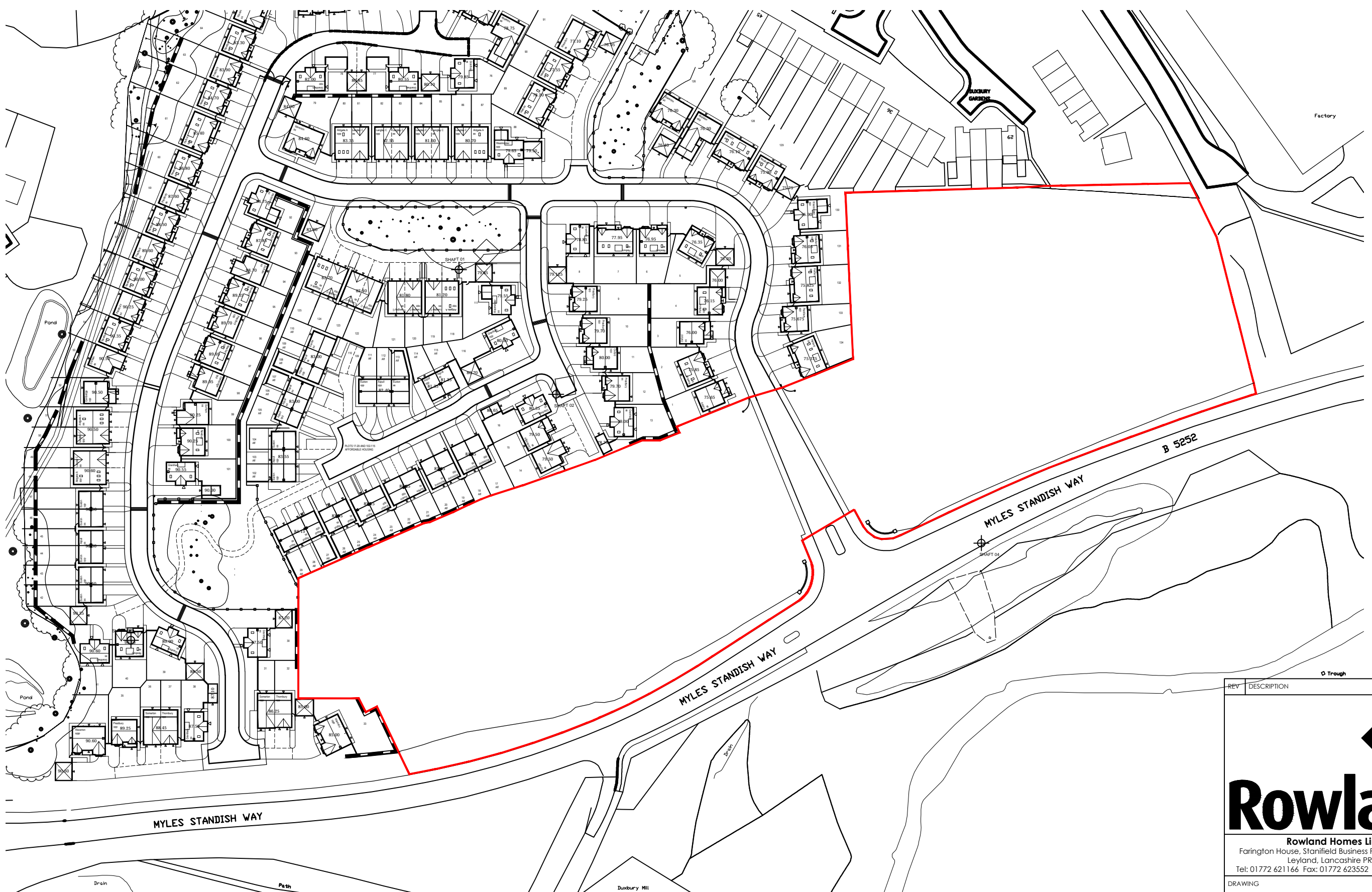
	<p>accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015. Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.</p>
7.	<p>The development hereby permitted shall be carried out in accordance with the recommendations contained within the submitted site investigation reports: PHASE I & PHASE II GEO-ENVIRONMENTAL SITE INVESTIGATION Land off Myles Standish Way, E3P Report: 10022r1 Issued: January 2014</p> <p>Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority for approval.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures identified.</p> <p>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use</p>
8.	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that the materials used are visually appropriate to the locality.</p>
9.	<p>The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground-surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details. Reason: The submitted information did not include details of the hard surfacing materials and to ensure that the materials used are visually appropriate to the locality samples are required.</p>
10.	<p>Before the properties hereby permitted are first occupied, the driveways shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways 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</p>
11.	<p>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.</p>
12.	<p>Prior to the commencement of the development 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 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</p>

	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
13.	<p>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.</p> <p>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.</p>
14.	<p>The development hereby permitted shall only be carried out in conformity with the approved ground and building slab levels</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of neighbouring properties.</p>
15.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no extensions or external alterations shall be undertaken to the dwellings hereby permitted on plots 1-3 (inclusive) , 5-10 (inclusive), 11-14 (inclusive), 17-33 (inclusive), 35-38 (inclusive), 40-45 (inclusive), 50-55 (inclusive), 58-62 (inclusive), 64-65 (inclusive), 67-68 (inclusive),</p> <p>Reason: To protect the appearance of the locality and the amenity of the future occupiers of the approved dwellings and those surrounding the site.</p>
16.	<p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: To ensure that a satisfactory landscaping scheme for the development, mitigate the loss of potential habitats and secure a high quality design.</p>
17.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p>Reason: To safeguard the trees to be retained</p>
18.	<p>Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.</p> <p>This development shall be completed maintained and managed in accordance with the approved details.</p> <p>Reason: To ensure suitable drainage is provided for the dwellings hereby approved, this is required prior to the commencement of the construction of the</p>

	<p>dwellinghouses to ensure that a suitable scheme can be put in place at the appropriate time.</p>
19.	<p>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 that the land is remediated to an appropriate standard for the proposed end use. In accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
20.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development. Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>
21.	<p>No dwelling on plots 2, 3, 5, 6, 9, 13, 15, 36, 37, 38, 39, 46, 47, 48, 50, 51, 54, 55, 56, 59, 60, 67 and 68 hereby permitted shall be occupied until garden sheds have been provided in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. The garden sheds shall be retained in perpetuity thereafter. Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets</p>
22.	<p>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/doors other than those expressly authorised by this permission shall be inserted or constructed at any time in the:</p> <ul style="list-style-type: none"> • East elevation of plot 10 • South elevation of plot 13 • South elevation of plot 19 • South elevation of plot 24 • North elevation of plot 32 • North elevation of plot 33 • West elevation of plot 37 • North elevation of plot 42 • South elevation of plot 40 • First floor of the north elevation of plot 43 • North elevation of plot 46 • South elevation of plot 49 • East elevation of plot 64 <p>Reason: To protect the amenities and privacy of the adjoining properties</p>
23.	<p>All windows and doors in the:</p> <ul style="list-style-type: none"> • North elevation of plot 33 • North elevation of plot 42 • First floor of the north elevation plot 43 • West elevation of plot 43 • South elevation of plot 49 • East elevation of plot 64 <p>hereby permitted shall be fitted with obscure glass and obscure glazing shall be</p>

	<p>retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p> <p>Reason: In the interests of the privacy of occupiers of neighbouring properties.</p>
24.	<p>Prior to the occupation of the first dwellinghouse hereby approved, full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.</p> <p>Reason: No details of the management arrangements form part of the submission information and to ensure the satisfactory management of the private driveways, resident's parking spaces and landscaped areas full details are required.</p>
25.	<p>Prior to the occupation of any of the dwellings hereby approved details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be 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.</p> <p>Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.</p>
26.	<p>Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets 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.</p> <p>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.</p>
27.	<p>Prior to the commencement of the development a Method Statement detailing the translocation of the remaining ancient woodland groundflora and associated woodland soils beneath the trees at the eastern boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority. The translocation shall include removing all the plants, bulbs, the top soil and subsoil and the submitted Method Statement shall include full details of the proposed timescale for relocation. Following approval of the Method Statement the area of habitat to be translocated shall be clearly identified and marked out by a suitably qualified ecologist prior to translocation.</p> <p>Reason: to preserve the remaining biodiversity of the site in a situation where it will be protected from further developmental pressures and to mitigate from future harm</p>
28.	<p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are known to occur on the/ adjacent to the site. These species shall be eradicated from the site and working methods shall be adopted to prevent their spread in accordance with Environment Agency guidance and codes of practice.</p> <p>Reason: to ensure the eradication and control of any invasive species which are found on the site</p>

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REV	DESCRIPTION	DATE

D Trough



Rowland

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DRAWING
LOCATION PLAN

PROJECT
MYLES STANDISH WAY, CHORLEY

SCALE	1:1250 @ A3	REV.		DRAWING No.	R074/1000
DATE	MAY '15				
DRAWN					

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