

16 September 2011

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 15TH
SEPTEMBER 2011**

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

Addendum (Pages 1 - 6)

Report of the Director of Partnership, Planning and Policy updating Members of the Committee on any developments for the application since the agenda was printed.

Yours sincerely



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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

*This addendum was emailed to Members of the
Development Control Committee on 14 September 2011*

C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director of Partnerships, Planning & Policy	Development Control Committee	15 September 2011

ADDENDUM

ITEM 4a-11/00366/OUTMAJ – The Carrington Centre, New Mill Street, Ecclestone

The recommendation remains as per the original report

1 resident has requested that Members are made aware of the following:

There are 16 units at the Carrington Centre at the moment, the proposal is to reduce this to 9 units. The 9 units will be retail, the other 7 units (which he classed as light industry) have to find other premises and potentially take employment away from Ecclestone.

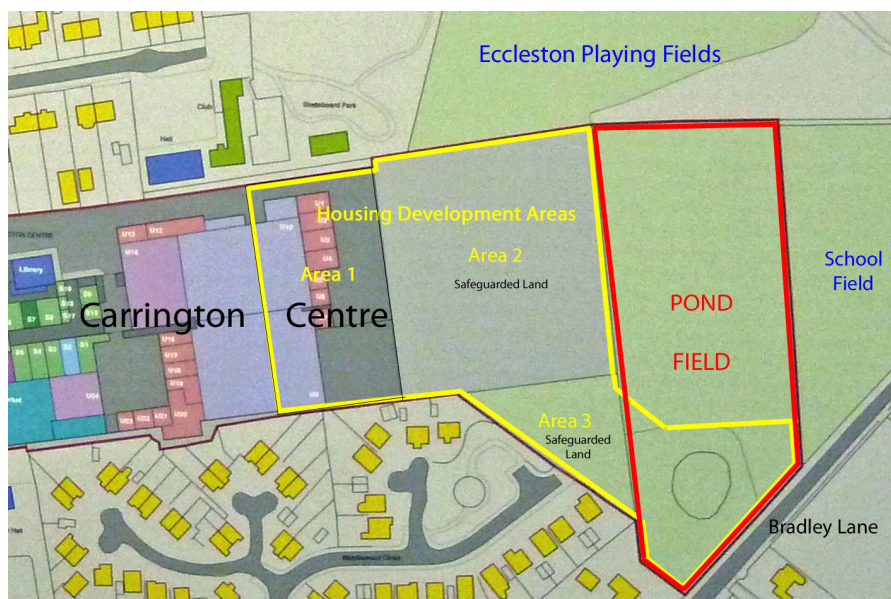
In response the applicant has confirmed that there are about 80 people employed by all the existing businesses. The proposed scheme should provide about 150 jobs in total.

I further letter has been received in respect of the financial viability raising the following comments:

- There appears to be an ‘apparent and obvious mistake’ regarding the insignificant limited overall profit- a difference of £600K. No explanation is given for this discrepancy.
- With total costs of nearly £11m, why is it that the retail element only increases in value by £5m?
- Supermarket sales are projected to be 54% (£8m) of a benchmark size if operated at a “Big 5 Company Average” GVA Grimley say that 75% (£11.1m) is more commercially realistic. A £3m increase in turnover would justify the retail/commercial development in its own right, and completely remove the need for any cross-subsidy from residential.
- The financial case for justifying the release of Safeguarded Land is both unreliable and unrealistic

Ecclestone Parish Council have confirmed that the area known locally as the Bradley Lane Pond Field forms part of an application for Village Green status submitted by a resident of Ecclestone to Lancashire County Council. The application was countersigned by Ecclestone Parish Council and the Parish Council wish the Members to be aware of this application.

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Members should be aware that this application for Village Green status does not impact on the Council's ability to determine this planning application. The result of this application for Village Green status being successful would be that the land would have the highest degree of protection afforded to any land in England and the land should be preserved in the state at time of registration. This may hinder the future development of the site however this would not occur until (and if) the land is registered.

1 letter has been sent directly to Members confirming the submission of the Village Green application and raising the following concerns:

- The full application for the relocation of existing pond relates to land that is entirely within the Bradley Lane Pond Field. The relocation of the pond is to enable access to the new housing from Bradley Lane, and will require:
 - Breaching a line of mature trees, an established bat roosting site, and removal of trees with TPO's.
 - Moving the existing football pitch such that the touchline is right up against the school field boundary
 - Creating a new pond, and then filling in the old pond, which will undoubtedly result in further ecological damage (the pond was drained in June 2010 causing loss of wildlife, flora and fauna) to a pond recognised as being of high wildlife value and a Biological Heritage Site
 - Access onto Bradley Lane, which is narrow (almost single track) and the most congested road in Eccleston
- There are other, less disruptive options available for accessing the new housing, and these options need to be properly considered before any decision on a full planning application for relocating the pond is made.

Response: In response to these concerns:

- The indicative layout plans do incorporate removal of TPO trees however the purpose of imposing a TPO has regard to maintaining the status quo not requiring all the trees to be kept. In this regard replacement planting will be required to mitigate any loss. Bats are dealt with by condition
- Sport England have no objection in respect of the football pitch

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- The pond implications are addressed within the original report. To expand on this and the impact on toads. Toads are a priority species that use the same pond for breeding however they have different habitat requirements to other species, such as Great Crested Newts, and as such could utilise the new pond, subject to the specific details. Toads will travel a significant distance for a breeding pond and work on where the toads travel from has yet to be undertaken by the applicant. Access is being considered as part of this application which is adjacent to the pond however there is flexibility within the site to route the internal road to take into account any toad routes. There are also other measures, such as toad patrols, which may be required, at the developers expense, if it is determined that toads travel to the pond from the west. As such it is considered that the toad population can be sustained.
- The highway implications of the scheme are addressed within the main report.

The following conditions have been amended:

1. Any application for approval of reserved matters (as defined in Condition 2 below) for all Phases must be made to the Council not later than the expiration of two years beginning with the date of this decision notice. Each Phase or Sub-Phase (as defined in Condition 3 below) of the development shall be begun within 18 months of the date of the Reserved Matters Approval relating to that Phase or Sub-Phase or in the case of approval of reserved matters, for a phase or sub-phase approved, on different dates the date of the final approval of the last of such matters to be approved.

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

Condition 1 now requires an application for reserved matters to be submitted within 2 years of the outline approval and for the development to be begun within 18 months of the reserved matters approval. Please see below

3. Any application for approval of reserved matters of a Phase (or sub-phase of that phase) shall not be submitted for approval pursuant to Condition 2 (above) until there has first been submitted to and approved in writing by the Local Planning Authority a phasing plan and strategy for the entire outline application site.

Reason: To ensure the proper development of the site in a co-ordinated manner.

Condition 3 has been amended to make the wording more precise.

18, A scheme of landscaping (including habitat creation, enhancement and management) for each Phase or Sub-Phase shall be submitted and agreed in writing 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. The scheme shall demonstrate retention/replacement of hedgerows and trees to maintain the extent of Habitat of Principal Importance, and bat foraging and commuting habitat, and bird nesting opportunities. The scheme shall also include details of long-term management of features including hedgerows and ponds. Landscaping and restoration schemes should aim to protect, enhance, expand and connect existing habitats. 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.

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Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review

This condition has been amended as it referred to incorrect conditions

26. Prior to the commencement of any Phase or Sub-Phase hereby permitted a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. The details shall include a full drainage survey of the existing network to clarify the surface water discharge rates for the site, which will also determine the amount of attenuation required on-site and details of how the scheme shall be maintained and managed after completion. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.

27. Prior to the commencement of any Phase or Sub-Phase hereby permitted a scheme for the provision and implementation, of a surface water regulation system has been approved by the Local Planning Authority. The details shall include a full drainage survey of the existing network to clarify the surface water discharge rates for the site, which will also determine the amount of attenuation required on-site and details of how the scheme shall be maintained and managed after completion. The scheme shall be completed in accordance with the approved details.

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

28. Prior to the commencement of any Phase or Sub-Phase hereby permitted:

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

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

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for

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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 PPS23.

The above three conditions have been amended to require the submission of the information prior to the commencement of built development on site. The previous wording would have required the information before the commencement of the relocation of the pond which is not necessary in this case.

29. Prior to the commencement of the commercial development a Security Action Plan shall be submitted to and approved in writing by the Local Planning Authority. The requirements set out in the Action Plan shall be retained in perpetuity.

Reason: In the interests of the security of the site. In accordance with Section 17 of the Crime and Disorder Act 1998 and policy GN5 of the Adopted Chorley Borough Local Plan Review.

The originally worded condition was overly onerous. This amended condition allows further discussions with the architectural liaison officer in respect of the most appropriate solutions for the site.

34, The principal use of the food store shall be for the sale of convenience goods and no more than 15% of the net floor space of the building shall be used for the display and sale of comparison 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. Both definitions are in accordance with the Experian's Retail Planner Briefing Note v. 8.1 (August 2010) Appendix 2).

Reason: In the interests of the vitality and viability of the neighbouring shopping centres. In accordance with Government advice contained in PPS4: Planning for Sustainable Economic Growth.

To refer to the most upto date Experian briefing note and to remove the restriction of a post office within the supermarket. It is expected that the post office will be relocated within the local centre parade however as long as the post office is retained at the centre, whether within the local centre or the supermarket, is the main consideration.

36, The floor space of the Class A1 foodstore shall not exceed 2,182 sq m gross, comprising 1,347 sqm net with a minimum floor space of 85% of the net floor area for the display and sale of convenience goods (the net retail sales area excludes checkouts, lobby, concessions, restaurants, customer toilets, and walkways behind the checkouts).

Reason: In order to protect the vitality and viability of the neighbouring centres and in accordance with PPS4

This amendment purely rewords the condition and does not amend the requirements of this condition.

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Condition 37 has been deleted as this is adequately covered within condition 35.

38. The Local Centre Parade hereby permitted shall be used for Use Classes A1, A2, A3, A5 (limited to a maximum of two of the ground floor retail units with a maximum floor area of 150sqm for the two A5 units combined), D1 (the relocated Library) and Use Class B1 (Offices at first floor level).

Reason: In order to protect the vitality and viability of neighbouring centres and in accordance with PPS4

This has been amended at the request of the applicant to allow other uses within the Local Centre parade although A5 (hot food takeaways) has been limited to ensure that there is not a proliferation of this type of use.

The original report has been amended as follows:

Paragraph 166 sets out the comments raised by residents in respect of the financial viability assessment. Additional comments have been received as set out above. These were forwarded to Liberata who have confirmed:

I can confirm that we have been asked to assess the figures for financial viability provided by the developer of the above proposed planning application. The figures were initially provided from Appendix B in the brief version attached to the Town Planning Statement dated 21 April 2011 and subsequently from more detailed information.

The aim of the RICS Guidance Notes GN 59/2010 on Valuation of land for affordable housing is to assist the valuer in the approach to the valuation of affordable housing development land. It focuses on the valuation of land for the affordable housing element of a scheme. The components of the residual appraisal for both the commercial and housing elements have been assessed with reference to the RICS Valuation Information Paper 12.

The purpose of the appraisal is to test how far adverse impacts can be mitigated or policy requirements met having regard to the conclusions of the viability appraisal.

The subject appraisal has been put forward on the basis of varying percentages of affordable housing which was initially offered at 10% after demonstrating no profit with higher percentages. Subsequently the developer has increased to 20% low cost housing at the developers own risk.

The commercial element has been shown to make a loss initially as demonstrated by the residual appraisal figures that have been cross-subsidised from the housing element.

Paragraph 177 confirmed that the S106 Agreement would include a claw-back provision in respect of affordable housing as it was acknowledged that the development of this site will take several years and the profit achievable from this development has the potential to increase. This assertion was based on a medium term profit increase. It is not considered that in the short term the potential profit increase will be substantial and in this regard the applicant is willing to accept a shorter time period for submitting reserved matters and commencing the development. This will ensure the development commences within the next few years and ensures that a clawback provision is no longer necessary in this case. Condition 1 has been amended according above.