

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 14TH JULY 2015, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

- 1 **MINUTES OF MEETING TUESDAY, 16 JUNE 2015 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 6)

- 2 **DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

- 3 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Public Protection, Streetscene and Community has submitted 10 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 7 - 40)

- 3B **15/00224/OUTMAJ - LAND 200M NORTH OF DERIAN HOUSE, EUXTON LANE, CHORLEY (REPORT TO FOLLOW)**

- 3C **15/00023/CLEUD - BOTANY BAY, CANAL MILL, BOTANY BAY, CHORLEY**

(Pages 41 - 50)

- 3D **15/00312/FULMAJ - POLISH EX-SERVICEMEN'S CLUB, 10 PARK ROAD, CHORLEY, PR7 1QN**

(Pages 51 - 58)

3E	15/00520/REM - LAND BOUNDED BY TOWN LANE (TO THE NORTH) AND LUCAS LANE (TO THE EAST), TOWN LANE, WHITTLE-LE-WOODS	(Pages 59 - 66)
3F	15/00361/FULMAJ - SHAFTESBURY HOUSE SHORT STAY SCHOOL, STRATFORD ROAD, CHORLEY, PR6 0AF	(Pages 67 - 78)
3G	15/00448/FUL - LAND EAST OF 34 THIRLMERE DRIVE, WITHNELL	(Pages 79 - 90)
3H	15/00536/FUL - CHORLEY COMMUNITY HOUSING, 24-26 GILLIBRAND STREET, CHORLEY, PR7 2EJ	(Pages 91 - 98)
3I	15/00469/FUL - WILD ORCHID, 11 MARKET WALK, CHORLEY, PR7 1DE	(Pages 99 - 104)
3J	15/00383/FULMAJ - LAND OPPOSITE CHANCERY ROAD, WEST WAY, ASTLEY VILLAGE	(Pages 105 - 132)
4	ENFORCEMENT	
4A	142 BOLTON STREET CHORLEY	(Pages 133 - 136)
4B	LAND AT 80 BLACKBURN ROAD WHITTLE-LE-WOODS	(Pages 137 - 140)
4C	SITE OF FORMER BROOKES ARMS EAVES LANE CHORLEY	(Pages 141 - 142)
5	CHORLEY BOROUGH COUNCIL (PUBLIC FOOTPATH NO. 8 ECCLESTON, CHORLEY) DIVERSION ORDER 2015	(Pages 143 - 148)
6	ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR	

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Development Control Committee Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Charlie Bromilow, Henry Counce, Paul Clark, John Dalton, Danny Gee, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker.

Electronic agendas sent to Development Control Committee reserves for information.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

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<https://democracy.chorley.gov.uk/ecSDDisplay.aspx?NAME=SD852&id=852&rpId=0&sch=doc&cat=13021&path=13021>



MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 16 June 2015

MEMBERS PRESENT: Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Charlie Bromilow, Paul Clark, John Dalton, Danny Gee, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker

RESERVES: Councillors Greg Morgan

OFFICERS: Paul Whittingham (Development Control Team Leader), Adele Hayes (Principal Planning Officer), Alex Jackson (Legal Services Team Leader), James Appleton (Planning Assistant) and Cathryn Filbin (Democratic and Member Services Officer)

APOLOGIES: Councillors Keith Iddon

15.DC.133 Minutes of meeting Tuesday, 26 May 2015 of Development Control Committee

RESOLVED – That the minutes of the meeting of the Development Control Committee on 26 May 2015 be approved as a correct record for signature by the Chair.

15.DC.134 Declarations of Any Interests

There were no declarations of interest received.

15.DC.135 Delegation for applications to address the Judicial Review Challenge outcome

The Director of Public Protection, Streetscene and Community submitted a report which sought authority to amend resolutions for approval made by Development Control Committee which imposed a section 106 agreement contrary to the Ministerial Statement of November 2014, in the event a Judicial Review challenge to this statement failed.

It was reported that there were at least 10 planning applications which had been approved in the previous 6 months which were subject to a section 106 agreement to secure Public Open Space payments. The Government had clarified its position in respect of removing the ability to secure tariff style contributions to state that the Ministerial Statement is National Policy.

A legal challenge had been made to the original Ministerial Statement and decision to remove the ability to impose tariff style contributions and the outcome was due to be handed down shortly. Should the outcome of the legal challenge be that the Government's decision to prevent tariff style contributions was legally compliant then in order to be efficient and effective in the handling of applications and issuing decisions at the earliest possible date, authority was sought to allow those applications, already determined and approved, to be issued without a section 106 agreement.

RESOLVED (unanimously) –

1. That delegated authority be given to the Director of Public Protection, Streetscene and Community, to be exercised in consultation with the Chair of Development Control Committee to allow the removal of the requirement for a section 106 agreement where such an obligation had been imposed by a resolution made at Development Control Committee contrary to the Ministerial Statement relating to tariff based contributions for Public Open Space and / or affordable housing.
2. Such delegated authority would be exercised in accordance with a decision made on a Judicial Review application challenging the validity of the Ministerial Statement.

15.DC.136 Planning applications to be determined

The Director of Public Protection, Streetscene and Community submitted 7 reports for planning permission consideration.

In considering the applications, members of the Development Control Committee took in to account the agenda reports, the addendum, and the verbal representations and submissions provided by officers and individuals.

15.DC.136a 15/00067/FUL - 1 Victoria Terrace, Victoria Street, Wheelton, Chorley, PR6 8HE

RESOLVED (unanimously) – That planning permission be refused on the grounds that the proposed development would by virtue of its siting and prominent positioning result in an incongruous feature in the street scene that would be detrimental to the character and appearance of the area. The proposal is therefore contrary to The National Planning Policy Framework, BNE1 of the emerging Chorley Local Plan 2012 – 2026 and the Council's adopted Householder Design Guidance Supplementary Planning Document.

15.DC.136b 15/00295/FUL- Land Adjacent Canal Walk Play Area

Registered speaker: Mr Earley (applicant).

RESOLVED (unanimously) – That planning permission be approved subject to the conditions detailed within the report in the agenda and a section 106 agreement to secure payments for allotments and playing pitch typologies, should the results of a judicial review go against the government.

15.DC.136c 14/01272/OUT - Land between 71 and 81 Station Road, Croston

Registered speakers: Alison Peters (objector) and David Forshaw (applicant).

RESOLVED (unanimously) – That planning permission be approved subject to conditions detailed in the addendum and a subject 106 agreement to secure payments for allotments and playing pitch typologies should the results of the judicial review goes against the government.

At the request of the speaker, speaking in objection to the planning application 15/00359/FUL - Rambler Cottage, 86 Preston Road, Whittle-le-Woods, Chorley, PR6 7HE which was listed as 3d on the agenda the Chair of the Development Control Committee agreed for the item to be moved for consideration to the last item on the agenda to allow the speaker the opportunity to attend the meeting.

15.DC.136d 15/00282/FUL - H W Moon Ltd, 56 Wood Lane, Heskin

Registered speaker: Mr Charnock (objector)

RESOLVED (9:4:1) – That planning permission be approved subject to conditions detailed within the report in the agenda and the amended and additional conditions detailed in the addendum.

15.DC.136e 12/00270/FUL - 1 Darlington Street, Coppull

RESOLVED (unanimously) – That planning permission be approved subject to conditions and a section 106 agreement to secure payment towards allotments, playing pitch, and amenity green space typologies should the outcome of the judicial review go against the government.

15.DC.136f 15/00307/FUL- Walled Garden, Astley Park, Park Road, Chorley

(At this point Councillor Mick Muncaster left the room briefly before returning back to the meeting.)

RESOLVED (13:0:1) – The planning permission be approved subject to conditions detailed within the report in the agenda.

15.DC.137 Appeals and other decisions

There will be an update for the next meeting of Development Control Committee on 14 July 2015.

15.DC.137a 15/00359/FUL - Rambler Cottage, 86 Preston Road, Whittle-le-Woods, Chorley, PR6 7HE

Registered speaker: Nina Thistlethwaite (supporter).

The objector registered to speak on this application was not present at the time the planning application was considered. However, a copy of his speech was included within the addendum.

RESOLVED (unanimously) – That planning permission be approved subject to conditions detailed within the report in the agenda and a section 106 agreement to secure payments towards allotments and playing pitch

typologies should the outcome of the judicial review go against the government.

Chair

Date

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

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.

Representations

In total 4 representations have been received which are summarised below

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

Objection

Total No. received: 3

- 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?

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 retail 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	Fashion 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 Review 2003 and the Adopted Central Lancashire Core Strategy 2012. The Chorley Local Plan Review was adopted in August 2003. It was saved in September 2007. The relevant saved Local Plan policies are:
 - GN1: Settlement Policy
 - GN5: Building Design & Retaining Existing Landscape Features.
 - SP1- Locations for Major Retail Development
 - SP2- Retail Allocations
 - SP4- Primary Shopping Area
 - TR1- Major Development – Tests for Accessibility & Sustainability

- TR4- Highway Development Control Criteria
 - TR18: Provision for Pedestrians and Cyclists in New Development
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 Central Lancashire Controlling Re-use of Employment Premises (Oct 2012) provides guidance on the Policy 10 criteria assessment. In relation to criteria a) in assessing quantitative and qualitative issues reference is made to data within the Employment Land Review which is dated 2009.
 10. In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.
 11. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
 12. The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
 13. Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (08 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.
 14. 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)

15. The majority of the proposed two storey building is sited within the emerging 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 (emerging 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.
16. 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.
17. 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

18. 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)

19. 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."
20. "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."
21. 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

22. 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)

23. 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).
24. 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. As such 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

25. 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.
26. 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.
27. 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”*
28. 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 allowing residents the option of the 2 facilities which will provide different film choices.
29. 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.
30. 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.
31. 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.

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)

32. The proposed two storey building is sited within the emerging 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 emerging 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

33. 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)

34. 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."
35. "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."
36. 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.
37. 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

38. 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
39. 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).
40. 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.

41. The Central Lancashire Supplementary Planning Document (SPD): Controlling Re-use of Employment Premises, Oct 2012 develops Core Strategy Policy 10.
42. 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).
43. 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.
44. There remains 80 hectares allocated in the emerging 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.
45. 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.
46. 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.
47. 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.

48. 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.
49. 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.
50. 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.

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)

51. 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.
52. 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.*
53. 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

54. Policy EP9 of the emerging 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.
55. 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.
56. 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.
57. 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"*.
58. 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"*.
59. 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 emerging 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.
60. 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.
61. 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

62. 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.

- 63. 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.
- 64. 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

- 65. 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. The existing Booths supermarket has a restrictive covenant to provide a minimum of 130 car parking spaces nearby for its use at all times except on one market day per week.
- 66. 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

- 67. 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.
- 68. 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.

- 69. 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).
- 70. 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%.
- 71. 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%.
- 72. 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.
- 73. Policy ST4 of the emerging 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

- 74. 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%.
- 75. 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.

76. 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.
77. 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."*
78. 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.
79. 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).
80. In response to this the agent for the application has confirmed that subject to agreement with LCC the applicants are proposing to change this route to access only and will submit an amendment to the submitted plans accordingly. This is considered to be appropriate and may enable more spaces to be retained on the existing Hollinshead car park.
81. 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.

Highway Changes/ Improvements

82. 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.

83. 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.
84. 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.
85. 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.
86. The agent for the application has confirmed that the applicants highway engineers will liaise directly with LCC in terms of the Clifford Street crossing point which can be addressed by condition. 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

87. Policy ST1 of the emerging 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

88. 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.
89. 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.
90. 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.
91. 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.
92. 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

93. 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.

94. 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.
95. 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.
96. 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

97. 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.
98. 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

99. 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

100. 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
101. 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.
102. 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.
103. 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.
104. 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.
105. 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.
106. 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.
107. 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

108. 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.
109. 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

110. 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
111. 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.
112. 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

113. 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.
114. 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.
115. 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.
116. 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.
117. 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.
118. 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).
119. 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

120. 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.
121. 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

122. 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.
123. 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.
124. 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.
125. 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.
126. 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.
127. 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.
128. 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

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

Contamination

130. 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).
131. 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.
132. 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

133. 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.

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

Community Infrastructure Levy (CIL)

136. 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.
137. A maximum of 1,394m² of convenience retail floorspace is proposed (which will be conditioned appropriately). This equates to £223,040.

138. 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
139. 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"*
140. 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.
141. 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

142. 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;
143. 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.
144. 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.

145. 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;

146. 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

147. 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 Borough Local Plan Review 2003 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), the development plan and the emerging Local Plan 2012-2026. 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 1259 2016"> <thead> <tr> <th data-bbox="320 622 549 689">Title</th> <th data-bbox="549 622 772 689">Building</th> <th data-bbox="772 622 1034 689">Drawing Reference</th> <th data-bbox="1034 622 1259 689">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 689 549 792">Location Plan</td> <td data-bbox="549 689 772 792"></td> <td data-bbox="772 689 1034 792">B8245_AEW_XX-XX-DR_A-050 Rev P1</td> <td data-bbox="1034 689 1259 792">22nd April 2015</td> </tr> <tr> <td data-bbox="320 792 549 896">Proposed Ground Floor Plan</td> <td data-bbox="549 792 772 896"></td> <td data-bbox="772 792 1034 896">B8245-AEW-XX-XX-DR-A-0504 Rev P1</td> <td data-bbox="1034 792 1259 896">22nd April 2015</td> </tr> <tr> <td data-bbox="320 896 549 999">Proposed First Floor Plan</td> <td data-bbox="549 896 772 999"></td> <td data-bbox="772 896 1034 999">B8245-AEW-XX-XX-DR-A-0505 Rev P1</td> <td data-bbox="1034 896 1259 999">22nd April 2015</td> </tr> <tr> <td data-bbox="320 999 549 1102">Proposed Roof Plan</td> <td data-bbox="549 999 772 1102"></td> <td data-bbox="772 999 1034 1102">B8245-AEW-XX-RF-DR-A-0506 Rev P1</td> <td data-bbox="1034 999 1259 1102">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1102 549 1205">Proposed Site Plan</td> <td data-bbox="549 1102 772 1205"></td> <td data-bbox="772 1102 1034 1205">B8245_AEW_XX-XX-DR_A-0503 Rev P1</td> <td data-bbox="1034 1102 1259 1205">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1205 549 1375">Proposed Elevations 1</td> <td data-bbox="549 1205 772 1375">retail, restaurant and leisure unit on the Flat Iron car park</td> <td data-bbox="772 1205 1034 1375">B8245_AEW_XX-XX-DR_A-0507 Rev P1</td> <td data-bbox="1034 1205 1259 1375">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1375 549 1478">Proposed Site Sections</td> <td data-bbox="549 1375 772 1478"></td> <td data-bbox="772 1375 1034 1478">B8245-AEW-XX-XX-DR-A-0509 Rev P1</td> <td data-bbox="1034 1375 1259 1478">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1478 549 1581">Feasibility Site Plan</td> <td data-bbox="549 1478 772 1581"></td> <td data-bbox="772 1478 1034 1581">B8245_AEW_ZZ-XX-DR_A-0018 Rev P5</td> <td data-bbox="1034 1478 1259 1581">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1581 549 1684">Temporary Car parking Layout</td> <td data-bbox="549 1581 772 1684"></td> <td data-bbox="772 1581 1034 1684">B8245_AEW_XX-XX-DR_A-0511 Rev P1</td> <td data-bbox="1034 1581 1259 1684">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1684 549 1742">Landscape Masterplan</td> <td data-bbox="549 1684 772 1742"></td> <td data-bbox="772 1684 1034 1742">1409-01F</td> <td data-bbox="1034 1684 1259 1742">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1742 549 1948">Proposed Elevations Units 7, 8 and 10</td> <td data-bbox="549 1742 772 1948">restaurant, retail and office unit on the southern portion of the site</td> <td data-bbox="772 1742 1034 1948">B8245_AEW_XX-XX-DR_A-0508 Rev P1</td> <td data-bbox="1034 1742 1259 1948">22nd April 2015</td> </tr> <tr> <td data-bbox="320 1948 549 2016">Union Street Highway</td> <td data-bbox="549 1948 772 2016"></td> <td data-bbox="772 1948 1034 2016">TPMA5048_104</td> <td data-bbox="1034 1948 1259 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 P1	22 nd April 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 P1	22 nd April 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		TPMA5048_104	22 nd April 2015
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	Improvements												
	Phase 1 Desk Study		5894	22 nd April 2015									
	Phase 2 Site Investigation		5894A	22 nd April 2015									
	Tree Constraints Plan		D5073.001	22 nd April 2015									
	Reason: For the avoidance of doubt and in the interests of proper planning												
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	22nd April 2015	Union Street Highway Improvements	TPMA5048_104	22nd 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>												

<p>7.</p>	<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 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>
<p>8.</p>	<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>
<p>9.</p>	<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>
<p>10.</p>	<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>
<p>11.</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) (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>
<p>12.</p>	<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</p>

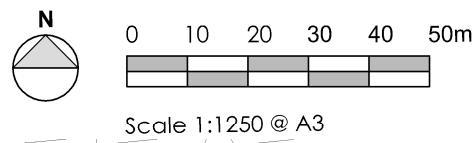
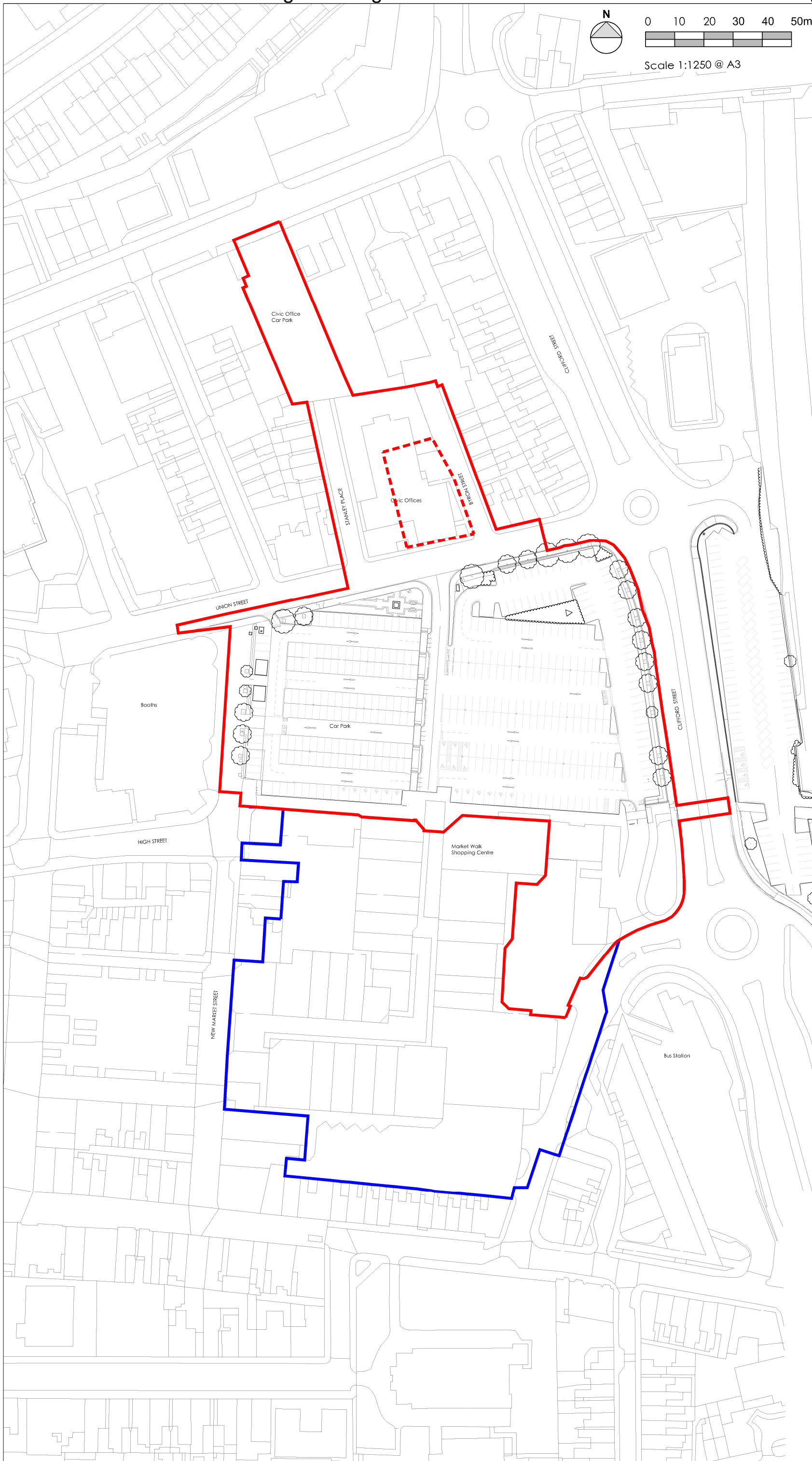
	<p>Assessor/Auditor and approved in writing by the Local Planning Authority Reason: In the interests of minimising the environmental impact of the development.</p>
13.	<p>Prior to the commencement of the retail, restaurant and leisure unit on the Flat Iron car park (units 1-6) a Carbon Reduction Statement shall be submitted to and approved in 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. 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>
14.	<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. 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>
15.	<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. 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>
16.	<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. 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>
17.	<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. 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>
18.	<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</p>

	<p>authority prior to implementation of the CCTV. The CCTV shall be implemented in accordance with the approved details prior to occupation of the development 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 implemented.</p>
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. 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. 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. 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) 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</p>

	<p>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 available parking space numbers on the Flat Iron along with appropriate traffic monitoring of the car park entrances to inform the signs. • 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>
<p>24.</p>	<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>
<p>25.</p>	<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>
<p>26.</p>	<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>
<p>27.</p>	<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.</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
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 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>
29.	<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>
30.	<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>
31.	<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>
32.	The ground surfacing materials, detailed on the approved plans, shall be used and no others substituted. The hard landscaping works shall be completed prior to the occupation of any phase of the development hereby approved.

	Reason: To ensure that the materials used are visually appropriate to the locality.
33.	<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 • 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>The Class A1 retail elements of the development hereby permitted shall be restricted to a maximum floor area of 1,394m² (gross) 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).</p> <p>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>



- 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 3c	15/00023/CLEUD
Case Officer	Nicola Hopkins
Ward	Chorley North East
Proposal	Application for a Certificate of Lawfulness for an existing A1 retail use of 4,500 m² of floorspace at Botany Bay (located on the ground, first, second and third floor of the building) incorporating the sale of: Books,CD's,Toys,Stationery and Hobby / Crafts Products (10% of the floor area); Clothing, Footwear and Jewellery (11% of the floor area); Food and Drink (for consumption off the premises) (15% of the floor area); Furniture, Carpets and Soft Furnishings (22% of the floor area); Household Goods (42% of the floor area).
Location	Botany Bay Canal Mill Botany Bay
Applicant	Fifedale Trading Ltd T/a Botany Bay Trading
Consultation expiry:	N/A
Decision due by:	19th March 2015 (time extension agreed until 17th July)
Recommendation	
Grant Certificate of Lawfulness	

Assessment

1. This certificate relates to Botany Bay Mill building and seeks confirmation that the building identified in the application has been in continuous use for more than ten years for retail purposes (Use Class A1)
2. The National Planning Policy Guidance is clear that the test when considering such an application is whether the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
3. Members should be aware that the application is being reported to committee for their information in the wider public interest and because of the fact that this site forms part of the larger Botany Bay site allocation for a mixed use development. However Members are advised that the only matters for consideration are matters of evidence rather than the planning merits of the case and these must relate to the lawfulness of the use during the ten years preceding the application.

Planning History

4. Planning permission was granted in 1994 for the conversion of the existing Mill building (formerly known as Gilbraith Mill) to an Antiques Centre (93/00386/COU) for the display and sale of antiques, collectibles and memorabilia with associated refreshment and office facilities over all 5 floors of the mill building along with the attached former workshop building. The change of use was granted consent on 30th November 1994 subject to a number of conditions including:

7) The permission hereby granted is for the use of the premises for the display and sale of collectables, memorabilia and antiques with associated offices and sale of hot and cold food for consumption on the premises only and, in particular, for no other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order). No food or drink shall be sold other than for consumption on the premises. No more than 300 square metres of the ground floor of the building shall be used for the sale of new goods.
Reason: To define the permission and to ensure that unrestricted retailing, which would be detrimental to the vitality of Chorley Town Centre, does not take place at the site.
5. Concerns were raised by the case officer at the time of the application in 1993/94 that an unrestricted retail use may have a damaging effect on the town centre and other retailing locations and as such the above condition was attached to limit the amount of new goods sold on the ground floor as it was not considered that the upper floors posed the same planning impact.
6. At the time of the 1993/94 planning application the submitted plans detailed 5981m² of retail floorspace. The plans also included a world museum (6241m²), a fire station museum (401m²), a café, a comedy club (309m²) and a themed bar (139m²) all at ground floor level with a night club (211m²) and a Cajun restaurant (171m²) at first floor level.
7. In 1997 the Council received a letter from a local wholesale curtain fabric business raising concerns that a large-scale fabric retailers were planning to open a retail outlet at the Mill which would conflict with the above condition. A letter was sent to the owners of Botany Bay in November 1997 reminding the owners that any unrestricted retail sales would require the submission of a planning application. At this time the owner was also made aware that the area of the ground floor approved as a comedy/night club, which does not appear to be in use in 1997, needed to adhere to the above condition restrictions. The response from Botany Bay confirmed that in order to relinquish the nightclub consent an application for retail use would be submitted however there is no record of this submission.
8. A site audit was carried out in 1999 following concerns raised by Chorley's Chamber of Trade and the owners of Botany Bay were advised that the Council considered there to be a breach of the above condition and invited the owners to either:
 - Comply with the requirements of the condition or
 - Apply to vary the condition albeit in the 'spirit' of the original consent (to ensure the continued vitality and viability of Chorley Town Centre).

9. Notwithstanding the above correspondence no formal action was taken, no enforcement notice for the breach of condition was issued and no formal planning application was received to regularise the situation.
10. Since the original change of use consent the fire station museum area has been converted into a garden centre and the world museum has been converted into Puddletown Pirates children's soft play centre, both with the benefit of planning permission. This certificate of lawfulness therefore does not relate to these parts of the building.

Certificate of Lawfulness

11. Details of what must be included in each type of lawful development certificate can be found in section 191(5) and 192(3) of the Town and Country Planning Act. Precision in the terms of any certificate is vital, so there is no room for doubt about what was lawful at a particular date, as any subsequent change may be assessed against it. It is important to note that:
 - A certificate for existing use must include a description of the use, operations or other matter for which it is granted regardless of whether the matters fall within a use class. But where it is within a "use class", a certificate must also specify the relevant "class". In all cases, the description needs to be more than simply a title or label, if future problems interpreting it are to be avoided. The certificate needs to therefore spell out the characteristics of the matter so as to define it unambiguously and with precision. This is particularly important for uses which do not fall within a "use class" (i.e. "sui generis" use).
12. A lawful development certificate may be granted on the basis that there is an extant planning permission for the development; however that development still needs to comply with any conditions or limitations imposed on the development by that grant of permission, except to the extent specifically described in the lawful development certificate.
13. The applicants have sought legal advice in respect of this certificate application and their Counsel considers that the certificate should be granted for an open, unrestricted A1 retail use without further limitation. It is however clear from Botany Bay's own web-site and the witness statements that the retail offer is not unrestricted. A number of the witness statements differentiate the goods sold on a floor by floor basis. Taking into account paragraph 12 above a two staged approach is considered appropriate which involves, firstly, identifying the primary categories of goods which have been retailed over the 10 year period. Secondly a percentage (maximum, minimum or actual) needs to be attributed to the amount of the floorspace on which the specific goods were sold.
14. This certificate application seeks to establish that a percentage of the floor space has been continuously in breach of the condition for in excess of 10 years. The originally submitted certificate included 117,000sqft (10,870m²) of floorspace including communal areas; ancillary uses such as offices (6,764sqft/ 628m²), toilets and the restaurant (8,610sqft/ 800m²); and the circulation space surrounding the individual shops, stalls and cabinets. As such it has been established early on that the total floorspace available to rent is less than the total floorspace.
15. The agents for the application do however consider that the communal areas and circulation space are associated equally with the compliant and non-complaint uses. As such the applicants originally sought confirmation that all of the floorspace, minus the restaurant and office area, have been in breach of the condition for in excess of 10 years (this equates to approximately 84% of the floorspace). It is considered appropriate to include communal areas and circulation spaces within the floor area for a use of this type.
16. The range of goods which the applicants assert have been sold from the premises for in excess of 10 years which are new goods and in breach of the condition are as follows:
 - Furniture
 - carpets
 - soft furnishings
 - household goods
 - clothing
 - footwear
 - Jewellery

- Books
 - CDs
 - Toys
 - Stationery
 - Hobby/ Crafts Products
 - Food and Drink (for consumption off the premises)
17. Condition 7 specifies a number of authorised activities, and these include '... sale of hot and cold food for consumption on the premises only ...'. This provision is underwritten by the following restriction: 'No food or drink shall be sold other than for consumption on the premises'. The restaurant operation is therefore in accordance with and not in breach of condition 7 and the floorspace occupied by it should not properly be certified as having a lawful use otherwise than in accordance with condition 7. The food preparation area/kitchen and seating area are properly considered to be part and parcel of the floorspace occupied for the activity described in the condition. This is also applicable to the café area on the ground floor.
18. In light of the wording of condition 7 it is not considered necessary or appropriate to consider whether the restaurant is also not in breach of condition 7 because it is ancillary to the retail use of the premises. The ancillary nature of the operation is confirmed by the Botany Bay website as a matter of fact as follows: 'Smethurst's restaurant is located on the 4th floor, providing the ideal stop off to refuel ready to shop your way back to the ground floor or have a wholesome meal before leaving for home. ...'.
19. Following full consideration of the evidence submitted in support of the certificate application and review of the planning history, it was identified that the floorspace which the applicants related the certificate to also included the internal sales area for the approved garden centre. When the 1994 application to which this certificate relates was approved the internal garden centre area was detailed as a museum and when consent was granted for the garden centre the following condition was attached:
- The permission hereby granted is for the area, as shown edged red on submitted drawing no.3 received 10 April 2003, to be used for the display and sale of products associated with a garden centre and for no other purposes within Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.
- Reason: To define the extent of the permission and to ensure that unrestricted retailing which would be detrimental to the vitality and viability of Chorley Town Centre does not take place at the site.*
20. This appears to still be the case at the site and as this certificate application only relates to the condition on the 1994 permission this part of the building will be removed from the red edge for certification.
21. Queries were also raised with the agent about the amount of floorspace applied for (117,000sqft) as the plans submitted in support of application 93/00386/COU detail a floor area of approximately 1594m² per floor. The agents for the application agree with utilising the floor area detailed on the originally submitted plans and have confirmed that their originally submitted floor area included the garden centre addressed above.
22. Following the above agreement on the floor area, concerns were raised also with the agent in respect of the fourth floor and whether this has been continuously in breach of the condition for 10 years. In terms of the evidence submitted the witnesses provide different statements in terms of the use of this space as follows:

Gerald Joseph Wood:

Fourth Floor

Approximately a third of this floor was taken up by the restaurant. We also had a small Penny Arcade on this floor as well as other displays (such as a display about the Titanic).

I would say that around half this floor was used for retail purposes, pretty much exclusively for furniture. It was also used as a seasonal shop and for clearance goods.

Susan Beckett:

2013 Fourth Floor

On this floor we have a restaurant and function area. The rest of the space is taken up by our Christmas section which sells and displays new Christmas decorations etc.

1999 Fourth Floor

This floor was used as an attraction/museum and also had a penny arcade

Claire Sharp:

1997 Fourth Floor

This floor was difficult to let. We actually had a big aeroplane in the middle of the floor. We also had a concession selling sofas, living room and dining room furniture. This furniture was standard and utilitarian —not what could be classed as collectable.

It was clear that even in 1997 we were most definitely in breach of condition 7 of the 1994 planning permission:

- The majority of the ground floor was selling new general goods*
- We were selling food and beverages for consumption on and off the premises.*
- The whole of the 2nd floor was being use for selling new mass produced furniture*
- A proportion of the goods on the third floor were not collectibles.*
- Part of the fourth floor was selling new dining and living room furniture.*

2002 Fourth Floor

Seasonal shop, clearance goods and restaurant

Current Fourth Floor

Christmas shop (part of year), Clearance (part of year), and restaurant.

23. This is supported by the applicants submitted advice from Counsel in para 3.1: *In general terms each floor, save for the top, is devoted to retail.*
24. Whilst it is clear that part of the fourth floor is used as a Christmas Shop, which is well documented on the Company's web-site, this is seasonal and only for part of the year. As such it is not a continuous breach. The agents cited the Westminster Case (2013, EWHC 23) in this regard, where the Court was invited to consider the lawfulness of the use of an area of pavement outside a restaurant which had been repeatedly used for the placing of seats and tables to enable al fresco pavement dining, but where the furniture had been packed away each evening and during inclement weather. The Court concluded that an overall view has to be formed of the activity which had taken place and the question was whether the area of land was in habitual use in breach of planning control even if there had been brief (and explicable) periods of ostensible compliance. The agents for this certificate considered that, in light of this case law that the use of the fourth floor (excluding the permitted restaurant) would constitute a breach of condition and should therefore be included within the certificate.
25. A site visit was undertaken in early March 2015 where it was noted that the area of the fourth floor used as the Christmas shop was empty and inaccessible and only some of the floor space was used for clearance goods. Whilst some of the witness statements refer to the use of the fourth floor for clearance goods it is also clear that lettings on this floor have historically proven difficult and there is no evidence to confirm that use of this floor has been used continuously in breach of the condition for 10 years.
26. The key issues about continuity in the Westminster case concerned:

- (a) the overnight storage of furniture and
- (b) winter use or non-use of the outside seating area.

27. It is not considered that there is anything in this certificate akin to the overnight storage at (a), and as such the Westminster case is not applicable. In terms of (b) the Council has sought legal advice and concluded that the Westminster case does not support the grant of a CLEUD on the footing that a breach of condition during the period the Christmas shop is in situ each year is a continuous breach of planning control.
28. The evidence does not demonstrate, on the balance of probability, continuity of use of the whole of the fourth floor in breach of condition over ten years. The Christmas Shop is not itself a continuous breach of planning control and the evidence about the remainder of the year does not show that or how retail use was maintained continuously year-on-year. As such it is not considered that the fourth floor should be included within the certificate.
29. Based on the above consideration and the floor space plans which the Council has on file the following floor split is considered in respect of this certificate:

Floor	Exclusions	Floor area (m2)
Ground	excluding the café area (171m ²) and garden centre sales area	1,423 (food= 688m ² , other= 735m ²)
1st	excluding the reception/ office area (334m ²)	1,260
2nd	excluding the staff only area (334m ²)	1,260
3rd	excluding the penny arcade (180.6m ²)	1,414
TOTAL		5,357m²

30. This certificate relates to 84% of the above floor area (as a percentage of the floor area is not in breach of the original condition) which equates to 4,500m².
31. In respect of the 2nd part of the approach for this certificate based on the floor plans and what is evident at the site the area of food and drink sales on the ground floor is set by the small individual 'shop' like units which exist on the ground floor. Over the past 10 years the percentage of floor area occupied by the new goods sold has fluctuated however based upon an average floor space (based upon the letting information) the following percentages and floor area are attributed to the various categories as follows (covering all floors in the table above):

Category	Percentage of Non-Collectable Floorspace	Max Floor Area (m2)
Books, Cd's, Toys, Stationery and Hobby/ Crafts Products	10	450
Clothing, Footwear and Jewellery	11	495
Food and Drink	15	675
Furniture, Carpets and Soft Furnishings	22	990
Household Goods	42	1,890
TOTAL		4,500

32. The agent for the application agrees with this assessment.

Overall Conclusion

33. Based on the evidence submitted not only by the applicant, it is considered that on the balance of probability that 4,500m² of the floorspace has been used continuously for 10 years for the sale of the above new goods (Use Class A1) based upon the floorspace specified within the above table.

Planning History

Reference	Description	Decision	Date
74/00847/FUL	Commercial Vehicle Repair Garage	approved	9 June 1975
74/00359/FUL	Pipe storage	approved	8 July 1974
76/00806/FUL	Commercial vehicle repair and maintenance workshop with offices and toilets	Approved	4 January 1977
77/00803/FUL	Elevational improvements to existing commercial vehicle repair depot	Approved	21 August 1978
84/00285/FUL	Extension to form testing bay	Approved	10 July 1984
89/01216/FUL	Temporary siting of three Portakabins for office accommodation	Approved	9 July 1990
93/00386/COU	Change of use to Antiques Centre with associated facilities	Approved	30 November 1994
94/00946/COU	Change of use of part of existing mill to licensed public house and night club	Refused	15 March 1995
95/00220/COU	Change of use of part of existing mill to licenced public house and comedy club	Approved	24 May 1995
95/00710/COU	Use of part of Mill as Indoor Childrens' Play Area	Approved	5 December 1995
96/00138/FUL	Change of use of part of mill buildings to indoor children's play area with alterations to elevations and provision of fire escape	Approved	30 April 1996
98/00508/FUL	Provision of open air, hand operated car wash	Approved	2 September 1998
99/00203/FUL	Single-storey extension to kitchen/cafe	Approved	29 April 1999
99/00204/FUL	Single-storey extension to cafe	Approved	29 April 1999
00/00237/FUL	Temporary access road from A674 roundabout/access to canal mill	Approved	19 May 2000
01/00173/FUL	Extension of approval for temporary access road from new roundabout / access on A674 to Canal Mill until 31.03.2002	Approved	3 April 2001
02/00312/FULMAJ	Extension of approval for temporary access road from roundabout access on A674 to Canal Mill until 31.03.2003	Approved	11 June 2002
03/00076/FULMAJ	Extension of approval for temporary access road from roundabout on A674 to Canal Mill, until 31.03.2004	Approved	29 April 2003
03/00375/COU	Change of Use of museum and part of car park to garden centre	Approved	13 August 2003
03/00895/FUL	Retrospective application for temporary helicopter hangar for	Approved	17 June 2004

	18 months		
04/00116/FULMAJ	Extension of approval for temporary access road from roundabout on A674 to Canal Mill for a further 12 months until 31.03.2005	Approved	31 March 2004
05/00207/FULMAJ	Extension of approval for temporary access road from roundabout on A674 to Canal Mill for a further 12 months until 31.03.2006	Approved	7 April 2005

Site Plan
Botany Bay, Chorley



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Item 3D	15/00312/FUL
Case Officer	Adele Hayes
Ward	Chorley North East
Proposal	Change of use from mixed use comprising social club and 8no. bedsits to 11no. self-contained 1 bedroom apartments.
Location	Polish Ex-servicemen's Club 10 Park Road Chorley PR7 1QN
Applicant	Hightown Group
Consultation expiry:	18 June 2015
Decision due by:	28 May 2015

Recommendation

It is recommended that this application is approved subject to conditions.

Proposal

1. The application site comprises a three storey semi-detached property which occupies a corner plot at Park Road / Park Street within the St. Lawrence's, Chorley Conservation Area. The property has formerly been in use as a social club at basement and ground floor with eight bed-sit units on the two floors above. The property has been vacant for four years.
2. The site is within a predominantly residential area, whilst some of the nearby properties have been converted for commercial office use, the dominant land use is residential. The wider local area contains a variety of housing types, many of which are positioned within large plots and ranging between 2 and 3 storey in height.
3. It is proposed to convert the existing premises into 11 no. (one bedroomed) self-contained dwellings. The majority of works involve interior modifications, however, there will be some minor elevational changes which includes the insertion of a new ground floor window in the gable elevation and the replacement of windows where perished. The replacement windows will be sash-pattern casement windows with the frames set back 100mm within the existing brick reveals.

Representations

4. The application has been publicised by way of individual letters sent to the occupiers of neighbouring premises and a site notice has been displayed. As a result of this publicity 7no. representations have been received citing the following grounds of objection:
 - On street parking is very limited and it is very difficult to find a parking space in the locality at the moment, especially on Tuesday, market day and because of the proximity of the nearby primary school.
 - The proposed development will exacerbate existing parking difficulties.

- The parking needs of the proposed development are underestimated in the Transport Statement. There is a 100% increase in living accommodation (from 2 to 4 floors) and potentially 200% increase in inhabitants, on existing, from 8 persons to potentially 22+ persons.
- There will be insufficient control over the number of future inhabitants and the Council has no ability to issue an overcrowding order. The alteration from a property of multiple occupation to one of self-contained apartments has different legal controls in terms of numbers of occupants.
- The proposed use and increase in the number of residents will potentially lead to an increase in nuisance, including noise, unsociable behaviour and poor management of facilities including refuse collection, above that experienced when the building was used as bedsit accommodation. A high turnover of inhabitants is likely to be unsatisfactory to the existing community living nearby, currently a mixture of owner occupants and tenants, leading to 'fly tipping' of discarded furniture, poor parking practises when unloading/loading, proliferation of 'to let' signs, and a lack of commitment to the local community.
- Insufficient information has been provided on the submitted drawings concerning the existing boundary walls and railings, and a lack of consideration for adjacent residents in terms of overlooking and privacy from the development.
- There is no need for more flats on Park Road

Consultations

5. LCC Highways – No objection subject to a condition requiring the provision of secure and covered cycle storage on site to encourage residents to cycle as an alternative to using the private car.
6. Environmental Health – no comments have been received

Assessment

Principle of the Development

7. The application site is located within the settlement of Chorley and at a local level, Policy GN1 of the Chorley Local Plan states that *'Within the areas of Adlington, Chorley, Clayton Brook/Green, Clayton-le-Woods, Coppull, Euxton and Whittle-le-Woods, as well as land adjoining Feniscowles and Horwich, excluded from the Green Belt, there is a presumption in favour of appropriate development, subject to normal considerations and the other Policies and Proposals of this Plan.*
8. Policy GN5 of the Adopted Chorley Borough Local Plan Review states that the design of proposed developments will be expected to be well related to their surroundings. The proposed elevational alterations are minor and are considered to be acceptable.
9. There are therefore no objections in principle to the proposed use.

Impact on amenity

10. The property has previously been used as a social club and 8no. bedsits which are each capable of being used as double bedsit rooms which could in total accommodate up to 16 people. In addition, as a House in Multiple Occupancy, there is no control over whether some of these rooms could be used as dormitories and as such greater numbers could be accommodated.

11. The proposed development involves conversion of the property to form 11 no. self-contained flats which is likely to limit the maximum number of occupants to 22 persons. It is considered that this level of occupation is acceptable.
12. It is understood that local residents have previously experienced anti-social behaviour when the social club was operational and more recently when the property has been empty. It is considered that the proposed change of use to self-contained flats would remove the conflicting previous use as a Social Club in a residential area.
13. The applicant's agent has indicated that a management company will oversee the management and maintenance of the communal areas and the rear yard will be utilised as a secured cycle store.
14. The existing wall and railings along Park Street form an important element of the boundary treatment in the Conservation Area and to the property itself. The railings also prevent people from falling down the light well. The applicant has confirmed that the railings will be retained and has submitted an amended drawing detailing them.
15. The property is on a main road and given its lawful use, as a social club with bed sit accommodation, it is not considered that the proposed use will have a harmful impact on the character and appearance of the locality, or on the level of residential amenity currently enjoyed by the occupiers of neighbouring.

Highway safety

16. For the proposed change of use, a certain level of on-site parking is normally necessary to reduce congestion on the highway, to ensure safety of pedestrians and to protect the amenity of other residents within the vicinity of the site.
17. However, the previous use, which had a similar level of parking as the proposed, relied on available parking spaces on-street, but resulted in no adverse parking conditions in the area. In addition the site is located close to the town centre with extensive waiting restrictions, but with good public transport accessibility, cycle and walking facilities that would make it possible for residents to reach day-to-day destinations, such as jobs, schools and shops, without the use of a car.
18. Besides sections of Park Road and Park Street that are without waiting restrictions where residents could park, there are long and short stay public car parks within walking distance of the site in Water Street and Hollinshead Street.
19. There have been four recorded traffic accidents within 100m of the site in the past 5 years, but the accidents were not due to an identifiable common cause and none of them resulted in personal injury. It is therefore not considered that the proposed change of use will exacerbate existing accident problems in the area.
20. Given the above local circumstances, the proposal is considered acceptable in highways terms and no objections have been raised by the County Highway Engineer.

Overall Conclusion

21. The proposed development will result in the provision of housing in a highly sustainable location in close proximity to the Town Centre. It is considered that the refurbishment and reuse of this substantial Georgian building, which has fallen into disrepair and which contributes to the setting of the adjacent Grade 2 listed buildings (12/14 Park Road), the Manse and Unitarian Chapel's Hall, as well as the Conservation Area as a whole, is acceptable.

Planning Policies

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 Borough Local Plan Review 2003 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), the development plan and the emerging Local Plan 2012-2026.

Note on the Emerging Chorley Local Plan 2012-2026

In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.

Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*

The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (8 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.

Suggested Conditions

No.	Condition									
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>									
2.	The approved plans are: <table border="0" data-bbox="277 1512 1230 1608"> <tr> <td>Plan Ref.</td> <td>Received On:</td> <td>Title:</td> </tr> <tr> <td>15/031/E01 Rev B</td> <td>8 June 2015</td> <td>Proposed Floor Plans and Elevations</td> </tr> <tr> <td>15/031</td> <td>2 April 2015</td> <td>Location Plan</td> </tr> </table> <i>Reason: To define the permission and in the interests of the proper development of the site.</i>	Plan Ref.	Received On:	Title:	15/031/E01 Rev B	8 June 2015	Proposed Floor Plans and Elevations	15/031	2 April 2015	Location Plan
Plan Ref.	Received On:	Title:								
15/031/E01 Rev B	8 June 2015	Proposed Floor Plans and Elevations								
15/031	2 April 2015	Location Plan								
3.	No development shall commence until details of secure and covered cycle storage have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Chorley Council Parking Standards. The scheme shall be implemented in accordance with the approved details before the first occupation of the development. The facilities shall be retained at all times thereafter. <i>Reason: To encourage sustainable transport modes.</i>									

Planning History

There is no recent relevant planning history.

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Site Layout 1:500

0m 25m 50m
Scale: 1:500



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Location Plan
 1:1250
 0m 125m
Scale: 1:1250

Revision Notes:



CLIENT
 The Hightown Group.

PROJECT NAME
 Former Polish Club, 10 Park Road, Chorley, PR7 1QN.

Change of Use to 11no Self -Contained Apartments.

DRAWING NAME
 Location & Site Plan,

SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
varies @ A3	JRM	16:12:14	15/031/L01	

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Item 3	15/00520/REM
Case Officer	Caron Taylor
Ward	Pennine
Proposal	Reserved matters application to slightly amend the positions of the properties on plots 1 and 2 and substitution of house types on plots 3 and 4 from those originally approved under planning permission ref: 12/01244/REMAJ.
Location	Land Bounded By Town Lane (To The North) And Lucas Lane (To The East) Town Lane Whittle-Le-Woods
Applicant	Redrow Homes Ltd (Lancashire Division)
Consultation expiry:	29th June 2015
Decision due by:	29th July 2015

Recommendation

That the application is approved.

Representations

Whittle-le-Woods Parish Council state they have no comments on the application.
--

1 representation have been received which are summarised below

Objection

Total No. received: 1

- A neighbour has sent a copy an e-mail that they have sent to Redrow complaining about fencing that has not been completed and flooding at the bottom of the garden of plot 4 which is extending into his garden.

The case officer has replied asking if this is a formal objection to the application or not and if so if they could advise the basis of this based on the changes proposed as to what was previously approved. If correspondence is received this will be placed on the addendum.

Consultees

None undertaken.

Assessment**Background**

1. The whole site was granted outline planning permission for up to 135 dwellings with all matters reserved, save for access, on the site at appeal on 19th September 2012 (appeal ref: APP/D2320/A/12/2172693) (Council ref: 11/00992/OUTMAJ). A further permission was granted (ref: 13/00804/OUTMAJ) which varied the conditions of the original permission and granted a new outline permission. Reserved Matters was granted for 121 dwellings on the site on 6th March 2013. The north part of the site (not including the plots the subject of this application) was the re-planned under permission ref: 14/00563/REMAJ.

2. The development is now well underway and show homes are open for viewing.

Proposed Development

3. This application is for reserved matters relating to plots 1-4 on the Redrow development now known as Lucas Green. These are the first four plots as the site is entered from Dunham Drive on the left hand side and construction on them has not commenced.

4. It is proposed to retain the same house types on plots 1 and 2 but slightly amend their positions on the site and replace the house types previously approved on plots 3 and 4 with different house types.

Principle of the Development

5. The principle of the development has already been established by the previous permission to build houses on these four plots. The issues for assessment therefore are the acceptability of the changes proposed.

Design, Layout and Impact on neighbours

6. The house types proposed on plots 1 and 2 will remain as Worcester and Oxford + house types, but their position on the site will be amended slightly. Plot 1 will be moved southeast by approximately 30cm. It is considered this movement will be barely noticeable on site and is acceptable.
7. Plot 2 will be moved approximately 1.4m to the south. This will bring the plot closer to the side of the garden of no. 22 Harvest Drive. Although the site slopes down slightly towards this property there will still be approximately 19.5m between the rear first floor windows of the property on Plot 2 and the garden boundary of 22 Harvest Drive which is considered an acceptable relationship.
8. The property on Plot 3 was originally approved as a Welwyn and this will change to a Henley house type. This will result in the rear elevation of the property being positioned approximately 2.4m further back (southwest) on the site towards Harvest Drive. However, there will be approximately 16.5m retained to the boundary and the property will not back directly onto another dwelling, being a play area and open space on the other side of the boundary.
9. The property on Plot 4 was originally approved as a Sunningdale and this will change to a Welwyn. The property will also be re-orientated on the site so its rear elevation will be approximately 16m from the rear boundary with the properties on Harvest Drive. Even though the land does fall away to the boundary, there is landscaping between the existing and proposed properties which provides some screening. The distance between the existing and proposed properties is considered acceptable.
10. In terms of design the different house types proposed on plots 3 and 4 are a type already used across the rest of the site from the same Redrow Heritage range. The design is therefore considered in-keeping with the rest of the site.
11. In terms of parking the house types on plots 1 and 2 will remain the same. There was a condition on the original permission for plots 2, 3 and 4 requiring the garages to remain available for parking, as the properties will have four bedrooms and therefore requires three parking spaces and each only has a double driveway. This will be re-imposed on the current proposal.

Levels

12. The finished floor levels of the properties will remain the same as previously approved for each of the four plots and is considered acceptable.

Overall Conclusion

13. The changes to plots 1-4 are considered acceptable subject to conditions and are recommended for approval.

Planning Policies

14. 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 Borough Local Plan Review 2003 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), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

15. In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.
16. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
17. The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
18. Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (8 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.

Planning History

Reference	Description	Decision	Date
11/00992/OUTMAJ	Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access.	Permitted at appeal	19 th September 2012
12/01244/REMMAJ	Reserved Matters application for residential development comprising of 121 dwellings and associated works (pursuant to outline permission ref: 11/00992/OUTMAJ).	Permitted	6 th March 2013
13/00594/MNMA	Application for minor non-material amendment to plots 1-12, 14-30, 32-72 and 111-123 (originally approved under 12/01244/REMMAJ). There are no changes to the properties, but rather the reference numbers on the plans have been changed.	Permitted	25 th July 2013
13/00804/OUTMAJ	Section 73 application to vary condition 11 (Code for Sustainable Homes) attached to outline planning approval 11/00992/OUTMAJ	Permitted	25 th November 2013

14/00563/REMMAJ	Reserved Matters planning application for residential development comprising of 34 dwellings and associated works (re-plan of north part of the site).	Permitted	8 th August 2014
14/01128/REM	Application to reposition the existing screen fences within the rear gardens of Plots 5, 6, 7, 8 and 9 and remove the screen fence in rear garden of plot 4 on the Redrow development.	Permitted	15 th December 2014
14/01150/MNMA	Minor non-material amendment to change the Alton apartments from 2 bed to 1 bed (no external alterations)	Permitted	26 th November 2014

Suggested Conditions

No.	Condition																																																			
1.	<p>The hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 344 1302 1043"> <thead> <tr> <th data-bbox="320 344 815 409">Title</th> <th data-bbox="815 344 1094 409">Drawing Reference</th> <th data-bbox="1094 344 1302 409">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 409 815 439">The Worcester 2013 Edition</td> <td data-bbox="815 409 1094 439">E Series E3H118</td> <td data-bbox="1094 409 1302 439">3rd June 2015</td> </tr> <tr> <td data-bbox="320 439 815 468">The Oxford + 2013</td> <td data-bbox="815 439 1094 468">E Series E4H131</td> <td data-bbox="1094 439 1302 468">3rd June 2015</td> </tr> <tr> <td data-bbox="320 468 815 497">The Welwyn Floor Plans 2013 Edition</td> <td data-bbox="815 468 1094 497">E Series 4H153</td> <td data-bbox="1094 468 1302 497">3rd June 2015</td> </tr> <tr> <td data-bbox="320 497 815 526">The Welwyn Elevations 2013 Edition</td> <td data-bbox="815 497 1094 526">E Series E4H153</td> <td data-bbox="1094 497 1302 526">3rd June 2015</td> </tr> <tr> <td data-bbox="320 526 815 555">The Henley Floor Plans 2013 Edition</td> <td data-bbox="815 526 1094 555">E Series E4H176</td> <td data-bbox="1094 526 1302 555">3rd June 2015</td> </tr> <tr> <td data-bbox="320 555 815 584">The Henley Elevations 2013 Edition</td> <td data-bbox="815 555 1094 584">E Series E4H176</td> <td data-bbox="1094 555 1302 584">3rd June 2015</td> </tr> <tr> <td data-bbox="320 584 815 658">Waste Management Layout</td> <td data-bbox="815 584 1094 658">4172-WML-02 Rev H</td> <td data-bbox="1094 584 1302 658">28th May 2015</td> </tr> <tr> <td data-bbox="320 658 815 723">Plot Drainage Layout Sht 1</td> <td data-bbox="815 658 1094 723">4300/ENG011-1 Rev D</td> <td data-bbox="1094 658 1302 723">28th May 2015</td> </tr> <tr> <td data-bbox="320 723 815 752">Code for Sustainable Homes Layout</td> <td data-bbox="815 723 1094 752">4172-CFSH-03</td> <td data-bbox="1094 723 1302 752">28th May 2015</td> </tr> <tr> <td data-bbox="320 752 815 781">Detailed Site Layout</td> <td data-bbox="815 752 1094 781">4172-DSL-01 Rev V</td> <td data-bbox="1094 752 1302 781">28th May 2015</td> </tr> <tr> <td data-bbox="320 781 815 810">Detailed Site Layout (with overlay)</td> <td data-bbox="815 781 1094 810">4172-DSLWO-01</td> <td data-bbox="1094 781 1302 810">3rd June 2015</td> </tr> <tr> <td data-bbox="320 810 815 840">Materials Layout</td> <td data-bbox="815 810 1094 840">4172-ML-05 Rev N</td> <td data-bbox="1094 810 1302 840">3rd June 2015</td> </tr> <tr> <td data-bbox="320 840 815 869">Land Disposal Plan</td> <td data-bbox="815 840 1094 869">4172-LDL-06 Rev G</td> <td data-bbox="1094 840 1302 869">28th May 2015</td> </tr> <tr> <td data-bbox="320 869 815 943">Hard Surfacing Plan</td> <td data-bbox="815 869 1094 943">4172/ENG026 Rev C</td> <td data-bbox="1094 869 1302 943">28th May 2015</td> </tr> <tr> <td data-bbox="320 943 815 1008">Lucas Land Standard Details Plan</td> <td data-bbox="815 943 1094 1008">4172-B-STD-01 Rev B</td> <td data-bbox="1094 943 1302 1008">28th May 2015</td> </tr> <tr> <td data-bbox="320 1008 815 1037">Landscape Proposal (4 of 4)</td> <td data-bbox="815 1008 1094 1037">4079.06 Rev H</td> <td data-bbox="1094 1008 1302 1037">28th May 2015</td> </tr> </tbody> </table> <p data-bbox="320 1043 1219 1072"><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	The Worcester 2013 Edition	E Series E3H118	3 rd June 2015	The Oxford + 2013	E Series E4H131	3 rd June 2015	The Welwyn Floor Plans 2013 Edition	E Series 4H153	3 rd June 2015	The Welwyn Elevations 2013 Edition	E Series E4H153	3 rd June 2015	The Henley Floor Plans 2013 Edition	E Series E4H176	3 rd June 2015	The Henley Elevations 2013 Edition	E Series E4H176	3 rd June 2015	Waste Management Layout	4172-WML-02 Rev H	28 th May 2015	Plot Drainage Layout Sht 1	4300/ENG011-1 Rev D	28 th May 2015	Code for Sustainable Homes Layout	4172-CFSH-03	28 th May 2015	Detailed Site Layout	4172-DSL-01 Rev V	28 th May 2015	Detailed Site Layout (with overlay)	4172-DSLWO-01	3 rd June 2015	Materials Layout	4172-ML-05 Rev N	3 rd June 2015	Land Disposal Plan	4172-LDL-06 Rev G	28 th May 2015	Hard Surfacing Plan	4172/ENG026 Rev C	28 th May 2015	Lucas Land Standard Details Plan	4172-B-STD-01 Rev B	28 th May 2015	Landscape Proposal (4 of 4)	4079.06 Rev H	28 th May 2015
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Land Disposal Plan	4172-LDL-06 Rev G	28 th May 2015																																																		
Hard Surfacing Plan	4172/ENG026 Rev C	28 th May 2015																																																		
Lucas Land Standard Details Plan	4172-B-STD-01 Rev B	28 th May 2015																																																		
Landscape Proposal (4 of 4)	4079.06 Rev H	28 th May 2015																																																		
2.	<p>The integral garages hereby approved for plots 2, 3, and 4 shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order, shall be undertaken to alter or convert the space into living or other accommodation</p> <p><i>Reason: To ensure adequate garaging/off street parking provision is made/maintained in accordance with Council's Parking Standards and thereby avoid hazards and nuisance caused by on-street parking.</i></p>																																																			
3.	<p>3. The parking, driveways and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the properties.</p> <p><i>Reason: To ensure sufficient parking for the properties approved.</i></p>																																																			
4.	<p>4. During the construction period, all trees to be retained shall be protected in accordance with the details set out in the Arboricultural Impact Assessment and Method Statement by Trevor Bridge Associates received 19th February 2013 and the associated Tree Protection Plan ref: 4079.07 and initial tree survey report ref: DF/4079/TreeSurveyReport Rev B.</p> <p><i>Reason: To safeguard the trees to be retained o the site.</i></p>																																																			
5.	<p>The ground surfacing materials, detailed on the approved plans, shall be used and no others substituted.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>																																																			
6.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the</p>																																																			

	<p>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><i>Reason: In the interest of the appearance of the locality.</i></p>
7.	<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.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
8.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
9.	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted with the prior written approval of the Local Planning Authority.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
10.	<p>The development hereby permitted shall begin no later than two years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>



Existing low level vegetation and trees to be retained.

- Line to delineate Reserved Matters Application Boundary
- Line to delineate Site Boundary
- Line to delineate extent of 1.8 metre high close boarded fencing. Refer to Building standard detail no. C-SD0006
- Line to delineate extent of 2.1 metre high close boarded fencing with 400mm rails. Refer to Building standard detail no. C-SD0005
- Line to delineate extent of 1.8 metre high metal railings. Refer to Building standard detail no. C-SD0005
- Line to delineate extent of 2.1 metre high close boarded fencing with 400mm rails. Refer to Building standard detail no. C-SD0005
- Line to delineate extent of 1.8 metre high brick wall. Refer to Building standard detail no. C-SD0005
- Indicates existing landscaping to be retained subject to Local Authority Tree Conservation Officer
- Indicates existing landscaping to be retained
- Indicates position of new tree planting. Refer to Landscape Layout for further details
- Proposed timber gates to be erected to rear garden as indicated on site layout. Refer to Commercial Department for price of gates
- Proposed terrace with red cladding. Refer to Engineer's External Works Plan for further details
- Proposed regular block paving. Refer to Engineer's External Works Plan for further details
- Indicates house types that are handed
- Arrow indicates extra windows for surveillance
- Asterisk indicates affordable dwellings
- Indicates location of proposed retaining walls

House Type	Set	No. Beds	Garage	Quantity
HOUSE TYPES				
Allen Apts	592	1	-	4
SP	604	1	-	4
Everham	660	2	-	16
Everham 3	704	3	-	16
Broadway	816	3	-	4
Worcester	1248	3	SDG	8
Colony	1317	4	SDG	13
Cambridge	1382	4	SDG	9
Canterbury	1408	4	DDG	7
Widely	1533	4	SDG	12
Sunningdale	1621	4	DDG	6
Widely	1768	4	SDG	8
Richmond	1807	4	DDG	5
Midbrough	1901	5	SDG	6
Richmond	2030	4	DDG	6
Blackburn	2234	5	DDG	4

TOTAL: 122

SDG = Single Garage
 DDG = Double Garage
 SDG = Integral Single Garage
 DDG = Integral Double Garage

Revision	Date	Amendment	Issue

Developer: Lucas Lane
Location: Whittle-le-Woods
Marketing Name: Lucas Green
Drawing Title: Detailed Site Layout With Overlay
Drawing Number: 4172-DSLWO-01
Revision: - **Scale @ A0:** 1:100 @ A0
Drawn By: JLC **Date Started:** 19.05.2015
Checked by: - **Date:** -

REDROW HOMES
 Redrow Homes Lancashire
 Redrow House, 14 Lime Street, Bolton, Greater Manchester, M4 1JF, UK
 Tel: 01772 647500 Fax: 01772 647501 Web: www.redrow.co.uk

Legal Disclaimer: TBC
 This report has been prepared after due consideration of our Contract & Conditions of Sale.

On the amended plans:

- The amended plan is less acceptable than the original one. The new build flats should be turned through 90 degrees so they do not overlook the properties on Stump Lane and Stratford Road;
- The amended parking arrangement is unacceptable as it leaves no planting along the southern boundary where the previous landscaping has been removed;
- The moving of the [new build] flats such a small distance away from the rear of the properties on Stump Lane will not make any difference at all;
- The use of frosted glass in the windows is ridiculous – they will still be able to open and look into properties;
- The addition of the communal garden is going to create more noise and disturbance;
- A line of shrubs would be better to block the flats;
- The entrance from the alleyway into the back of the flats was not recommended by Highways and is not adopted road and is partially owned by the residents so why is it still on the plans?;
- The buildings and car park will be lit which will disturb their children's sleep.

Consultees

Consultee	Summary of Comments received
Police Architectural Liaison Officer	<p>State they have conducted a crime and incident search of this policing incident location and during the period 30/04/2014 to 30/04/2015 there have been reports of criminal activity including criminal damage and vehicle crime. In order to prevent the opportunity for crime and disorder at the scheme they make a number of security recommendations which have been passed to the agent.</p> <p>In terms of the plans they state the flats have been provided with private amenity space. This should be clearly defined and secured as private space with a fence arrangement such as close boarded timber up to 1.8m.</p> <p>There are a number of access points down the side and rear of each of the apartment blocks. Movement along these areas must be restricted with a 1.8m gate arrangement with access provided for residents only.</p>
Council's Waste Officer	States they are happy with the proposal for bin storage on the amended plans.
Council's Planning Policy Team	<p>The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, these comments are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.</p> <p>The obligations are as follows (sites as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012):</p> <p><u>Amenity Greenspace</u> A contribution of £1,820 towards improving the quality/value of the following site as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012: Site 1941 – Primrose Street</p>

	<p><u>Provision for children/young people</u> A contribution of £1,742 towards improving the quality/value of the following site as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012: Site 1330.2 – Tatton Recreation Ground</p> <p><u>Allotments</u> A contribution of £195 towards provision of new allotments at the following site allocated in the Chorley Local Plan 2012-2026: HW5.2 - Land at Sylvesters Farm, Euxton</p> <p><u>Playing Pitches</u> A contribution of £20,787 towards the improvement of existing playing pitches in the Borough as identified in the Chorley Action Plan within the Central Lancashire Playing Pitch Strategy & Action Plan, June 2012.</p>
<p>Lancashire County Council Highways</p>	<p>It appears the parking for the ground floor of the existing property is to be accessed from the alley to the rear of 36-52 Stump Lane. Highways find this access unacceptable, as there seems to be scope within the development to allow the two spaces to be accessed from the proposed new access. The alley is not an adopted highway and currently privately maintained. It is partly shown within the applicant's boundary, but the greater section does not appear to be within the applicant's control. There are no rear garages within the alley and is mainly used as walkway by frontagers to access the rear of their properties. The alley has restricted visibility at its entrance to Stratford Road and although there are signs of previous vehicular use, this appears to be by occasional delivery and service vehicles requiring access. The applicant's proposal however is for a regular access to the property which potentially raises safety concerns. If use of the alley is permitted, vehicles may access and exit the site to the detriment of pedestrian safety in the easterly direction through the access between 52 and 54 Stump Lane.</p> <p>Due to the difference in ground level, the applicant should ensure that the use of the proposed bin store at the existing pedestrian access does not involve residents having to lift bins.</p> <p>LCC Highways requested amendments to the access point to prevent conflict between it and the public right of way. 19 parking spaces were originally shown which they found acceptable but request one was marked as a disabled space. They also requested that the cycle and motorcycle storage should be covered and secure. These amendments have been made to the scheme.</p>
<p>United Utilities</p>	<p>Have no objection to the proposal subject to conditions requiring foul and surface water drainage details to be submitted.</p>

Assessment

Existing Site and Proposal

1. The site and buildings on the site are currently vacant having been last used as a short stay school for pupils who had been excluded from main stream education.

2. The main building on the site is a three-storey Edwardian villa which has been extended with two large flat roof single storey modern extensions. There is an all-weather pitch and play area that will be removed as part of the proposals.
3. The application proposes to retain the Edwardian building and convert it into five flats, demolish the modern extensions and build a new block of eight flats in a new two and a half storey block. A new access to the site will be created off Stratford Road with a new car park for residents.

Principle of the Development

4. The application site is identified as within the settlement of Chorley in the emerging Local Plan 2012-2026 where there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within the Plan.
5. Policy BNE1 covers Design Criterial for New Development and states that planning permission will be granted for new development, including extensions, conversions and free standing structure, provided that, where relevant to the development the following criteria are met:
 - a) The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.
 - b) The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing;
 - c) The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;
 - d) The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;
 - e) The proposal would not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas;
 - f) The proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site;
 - g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;
 - h) The proposal includes measures to help to prevent crime and promote community safety.
6. These aspects are considered in the sections below, but if found to be satisfactory the proposal is acceptable in principle.

Design and Layout

7. As part of the conversion of the main Edwardian building on the site the existing chimneys will be removed along with the existing external metal fire escape staircase. The window and door openings on the building will be altered and the existing single storey outbuilding

attached to the rear of the property incorporated into the building to provide a larger floor area to one of the ground floor flats. There will be two flats on the ground floor, two on the first floor and one on the third floor/in the roof space. Overall the proposal will improve the look of the building, removing unsightly flat roof extensions and a metal fire escape that is very prominent in the streetscene.

8. The new build flats will sit alongside the main building to be retained with their front elevation facing south. The flats will be two and a half storeys high, utilising the room in the roof with pitched roof dormers in the front roof plane and roof lights in the rear roof plane. The building will be approximately 10.4m to ridge, approximately 0.5m lower than the main building with an eaves height that matches. The main entrance of the flats will be via two single storey porches on the front elevation.
9. The land around the sides and rear of the flats will be landscaped and subdivided to provide amenity space, some will be private for individual flats and others areas will be shared between several flats following the removal of an existing fuel tank and associated bund walls and the removal of the existing fencing surrounding the playground/all-weather pitch.
10. The layout is considered acceptable, the comments of a neighbour regarding turning the new build block through 90 degrees are noted, however it is not considered this would be acceptable as the proposal would then not meet the interface distance in terms of the adjacent land (effectively sterilising it from any future development) or the main building creating loss of privacy.
11. In terms of boundary treatments the plans show that the existing boundary wall will be maintained along the frontage with Stratford Road apart from a section where it will be cut back to where the existing gate and steps are to allow the access point to be created. The proposed bin store will be located behind this wall so only the side of it will be visible from Stratford Road at the access point. On the southern boundary, up to the new access point and on the west boundary the existing railings are to be retained unless an alternative is agreed, which can be covered by a condition. On the rest of the west boundary the existing brick boundary wall is to be retained and on the north boundary the existing concrete post and timber panel fence is to be retained and made good where necessary. The existing metal access gate on this boundary will be replaced with new timber gates.
12. In relation to the Police Architectural Liaison Officer comments, fencing is proposed at the side and rear of the apartment blocks to only allow access for residents. Regarding the amenity space, these are also proposed to be fenced.
13. It is considered acceptable external materials for the new build element of the proposal can be covered by a condition.
14. The design and layout of the proposal is therefore considered acceptable.

Impact on the neighbours

15. As part of the proposals some of the doors and windows in the main building to be converted will be amended. Changes to ground floor windows will not impact on nearby properties as they are separated by boundary walls or fences. The window openings in the rear elevation at first and second floor, facing the rear of the properties on Stump Lane, will remain the same as existing and will serve a bathroom and kitchen. These windows are proposed to be obscure glazed. Comments regarding these in relation to overlooking are noted, however they are also shown to have top opening lights only. It is considered that obscure glazing and top opening lights are sufficient to prevent overlooking to the properties at the rear and these measures can be controlled by a condition.
16. The windows in the side (west) elevation facing Stratford Road will remain as exist, apart from changing a window at ground floor to a door.

17. The windows in the front (south) elevation will remain the same as existing (facing towards the side elevation of no. 12 Stratford Road), as will the side (east) elevation, however with the demolition of the modern single storey extensions the ground floor of the east elevation of the building will be uncovered. A door and high level window will be inserted here.
18. Overall, the windows in the building to be converted will remain largely as exists and where new windows are to be added it is not considered they will have an unacceptable relationship with the surrounding properties.
19. The new build block will face the same way as the existing building with its front elevation facing south. The block has been moved slightly further south on the site to ensure the windows comply with the Council's interface distances in relation to the rear of the properties on Stump Lane and their rear gardens.
20. To the south of the site is no.12 Stratford Road which is side onto the site and the properties on Epping Place. These are separated from the application site by a ginnel which is a public right of way and the relationship of the new build flats with these properties also complies with the interface distances. No windows are proposed in the east or west elevations.
21. The relationship of the new build flats with the surrounding properties is therefore considered acceptable.
22. In terms of noise and disturbance, the immediate surrounding area is largely residential although Chorley and District Mencap Centre is immediately behind the site to the east. It is considered that introducing a residential development into the area is appropriate to the existing neighbouring land uses which are also largely residential. It is considered that gardens for the residents of the flats are an appropriate use to be near the rear gardens of the properties on Stump Lane. A condition requiring a Construction Management Plan to be submitted is proposed regarding hours of construction, contractor parking etc. given the surrounding residential properties.
23. In terms of lighting the car park may be lit but this is to the front of the proposed properties, if does not bound with the properties on Stump Lane. Future residents of the properties may also choose to erect lighting to their properties e.g. security lighting, but this is not unusual and is something found in most residential areas and on many properties in the borough. It is generally not something that requires planning permission.
24. The comments of the neighbour regarding the removal of vegetation within the site on the south boundary are noted. However, no consent was required to remove it and it could have been removed at any time, whether or not there was a planning application. The proposal shows the proposed parking against the southern boundary of the site but it will be separated from the residential properties to the south by the existing railings that are to be retained, the ginnel which is over 2.5m wide and the boundaries to the gardens of these properties. This relationship is therefore considered acceptable.

Open Space

25. There is a requirement for a financial contribution towards public open space as set out by the Planning Policy Team this will need to be secured through a Section 106 agreement.

Community Infrastructure Levy (CIL)

26. The application is for flats, which are not CIL liable.

Ecology

27. A bat survey has been submitted with the application. The comments of a neighbour on this matter are noted, however it has been reviewed by the Council's Ecology advisor. They state although conducted at a sub-optimal time of year to detect bats, it was carried

out by a very experienced surveyor and was proportionate to the somewhat limited potential of the building to support bats. They therefore accept the conclusions of the survey report; these were that no bats or signs of bats were found and that the development of the building could be undertaken without any impact on bats. They therefore have no objections to the application on nature conservation grounds.

28. They do however advise that bats can, and do, turn up in unlikely places. If bats are found at any time during any permitted works then works must cease immediately and advice sought from a suitably qualified person about how best to proceed. This can be covered by a condition.
29. There are no trees on site that would be affected by the proposal. As noted by a neighbour trees were removed from the site prior to an application being submitted.

Flood Risk and Drainage

30. The site is not in Flood Zone 2 or 3 as identified by the Environment Agency and is not over 1 hectare in size. A Flood Risk Assessment is not therefore required.
31. The conditions requested by United Utilities requiring details of foul and surface water drainage to be submitted are proposed.

Traffic and Transport

32. The application proposes a new vehicular access into the site from Stratford Road along with the creation of 20 parking spaces. One of these will be a disabled space and one will be accessed from the alley way to the rear of the building (see below) to serve flat no. 2.
33. In line with the Council's parking standards set out under policy ST4 of the emerging Local Plan 2012-2026 the scheme is required to have 18 parking spaces. The proposal therefore complies with this policy. In addition it is considered the spaces will be used more efficiently than if they were allocated to individual dwellings as it will allow any of the spaces to be used by any of the flats or visitors to them. It is not considered therefore that the proposal will result in unacceptable parking on Stratford Road.
34. The access point has been moved slightly further north on the site at the request of LCC Highways so the radius of the junction does not interfere with the footway on Stratford Road where the public right of way emerges from the ginnel.
35. There is an existing gate from the alleyway to the north of the site into the application site. This access point into the site is to be maintained (with a new gate) into what will be the amenity space for flat no. 2 and provide one parking space for this flat. This comments of Highways regarding this access are noted, however it is not considered that the application could be refused on these grounds as it is an existing access point into the site that has in the past been used by vehicles and the creation of a new access to the south of the building along with parking for residents is likely to reduce the amount of vehicles using the rear access than used it when it was in use as a school. If the occupier of flat no. 2 decides not to use this space there are still sufficient spaces in the car park to the front of the property for this flat.
36. In terms of bin collection the Council's Waste and Contaminated Land Officer was initially concerned that one of the proposed bins stores was shown positioned to the west of the site. This would have required the bin wagon to reverse into the site to collect the bins but it may not have been able to get the swing required to do this due to parked cars on Stratford Road. The amended access point has allowed the bin store to be moved so it is immediately adjacent to the access point and therefore the bin wagon will not need to reverse into the site. The Council's Waste and Contaminated Land Officer is now happy with the waste collection details.
37. Cycle and motorcycle parking has been amended so it is shown to be provided in a secure covered area (as requested by Highways) adjacent to the access point, full details of this can be covered by a condition.

Coal Mines

38. The site is in a Low Risk Area as identified by The Coal Authority. This requires an informative note to be placed on any permission.

Sustainable Resources

39. Policy 27 of the Core Strategy requires new dwellings to be built to Level 4 of the Code for Sustainable Homes rising to Level 6 from January 2016.

40. A Ministerial Statement on the 25th March announced that the Code for Sustainable Homes had been withdrawn, however, it also sets out transitional arrangements which includes local planning authorities being able to continue to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations (but not above a Code Level 4 equivalent) until commencement of amendments to the Planning and Energy Act 2008 (which may be next year when the Building Regulations are updated). From then onwards energy performance requirements will be set in Building Regulations.

41. Compliance with the Code can therefore no longer be required however in accordance with the transitional arrangements the Council still require an energy efficiency standard equivalent to Code Level 4 which is a 19% improvement over 2013 Building Regulations. This can be controlled by conditions.

Overall Conclusion

42. The different aspects of the proposal have been found to be acceptable. The proposal is therefore considered to comply with the criteria of policy BNE1 of the emerging Local Plan 2012-2016 and is therefore considered acceptable and recommended for approval subject to conditions.

Planning Policies

43. 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 Borough Local Plan Review 2003 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), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

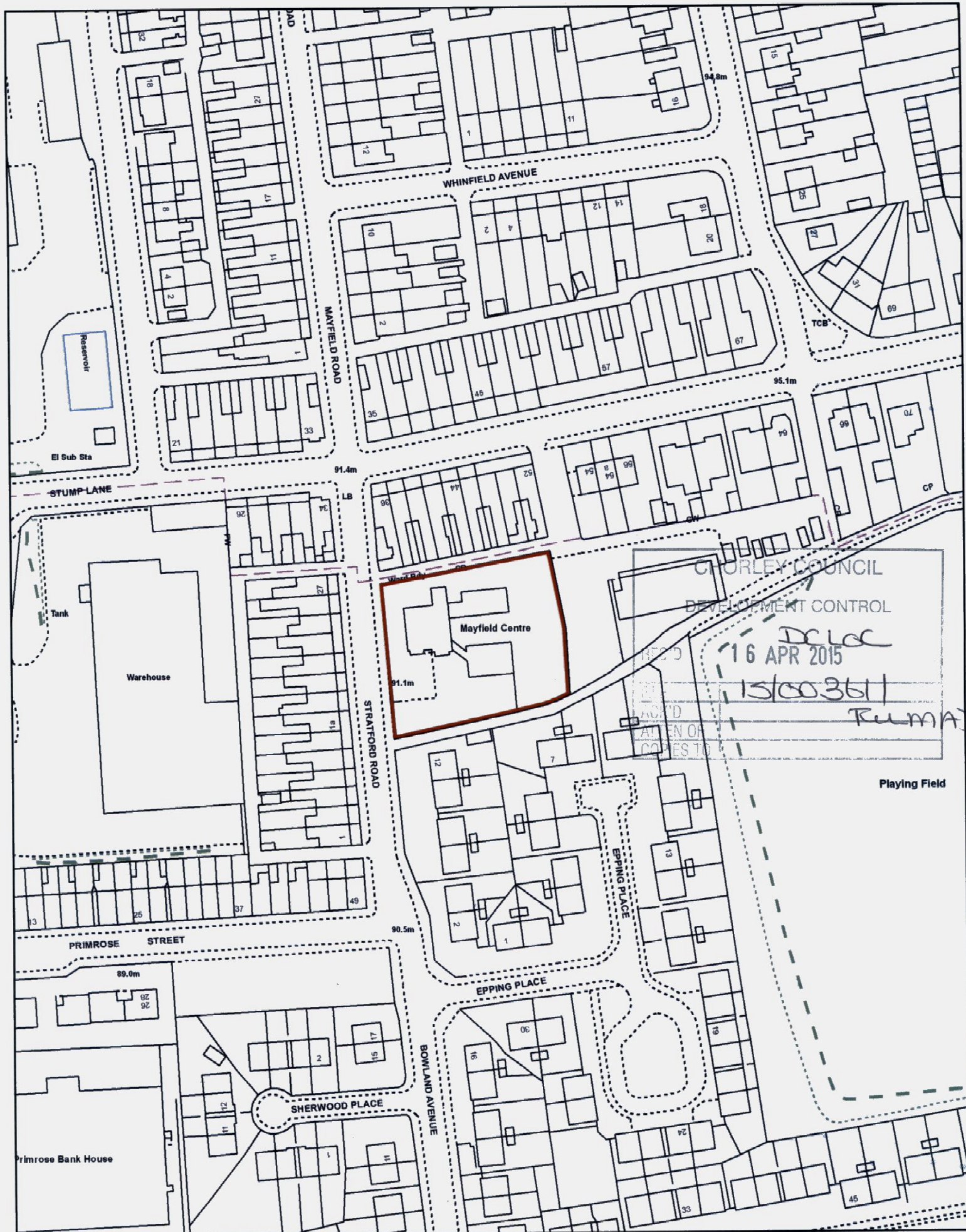
Planning History

44. There is no planning history relevant to the current application. The recent history on the site relates to its previous use.

Suggested Conditions

No.	Condition
1.	
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Item 3G	15/00448/FUL
Case Officer	Helen Lowe
Ward	Wheelton and Withnell
Proposal	Erection of one two bedroom bungalow
Location	Land east of 34 Thirlmere Drive, Withnell
Applicant	Mr Stephen Donohue
Consultation expiry:	3 July 2015
Decision due by:	17th July 2015 (extension of time agreed)
Recommendation	Approve
Executive Summary	This is a full application for the erection of a single bungalow. The site is located within the Green Belt and is considered to form an infill plot within the provisions of policy HS7. The plot also has an extant outline consent for a bungalow. The proposal would not cause any undue harm to neighbour amenity or highway safety and is recommended for approval.

Representations

Withnell Parish Council No comments have been received

One representation has been received citing the following grounds of objection:

- Other bungalows are brick and the houses mainly brick, the bungalow should be of a similar construction;
- The lack of a footway is at odds with the rest of the drive;
- The access has been moved which will not solve any problems with regards to parking and congestion at the end of the drive;

Consultees

Consultee	Summary of Comments received
LCC Highways	Initially raised concerns regarding the lack of a footway along the site frontage. The plans have subsequently been amended to include a footway and LCC Highways have confirmed that they have no objections to the proposals, subject to the imposition of conditions.
GMEU	No objections

AssessmentBackground

1. A number of previous applications have been submitted for residential development on this land. Application 11/00619/OUT was refused by the Council as the plot was not considered to form an infill plot, and the proposal was therefore inappropriate development within the Green Belt.
2. The applicant appealed against this decision and the appeal dismissed. However the Inspector found that :

Whilst it has been concluded that the erection of a dwelling on the site would not constitute inappropriate development in the Green Belt this does not outweigh the limited harm to openness which has been identified or the concerns regarding the effect of the development on the Eucalyptus which the provisional TPO seeks to protect. For this reason, and having regard to all other matters raised, the appeal is dismissed”.
3. Taking account of the Inspector’s appeal decision, the applicant employed the services of a qualified arboriculturist who carried out an assessment of the protected Eucalyptus tree. An application (12/00999/TPO) was subsequently submitted to the Council to fell the tree which was approved upon advice from the Council’s Tree Officer.
4. A second application (13/00530/OUT) was then submitted to the Council for a one bedroom detached bungalow, which the applicant considered had taken account of the Inspector’s comments (as the appeal decision was now a material planning consideration). However, this application was withdrawn amid comments received from Lancashire County Council (LCC) Highways relating to the proposed footway alterations and vehicular parking space, and comments received from LCC Ecology amid concerns relating to ecology and biodiversity.
5. Application 13/00870/OUT, also for a one bedroom detached bungalow, was subsequently approved in October 2013, as all outstanding matters were addressed.

Principle of the Development

6. The application site is located within the Green Belt. The land has previously been used as an allotment/garden (but not residential curtilage). It located at the end of a cul-de-sac, within a small area of development in Withnell that is washed over by the Green Belt. The land is bounded to the east and the west by other dwellings and to the rear by open fields. To the north the land is separated from other dwellings on Thirlmere Drive by the road.
7. There have been a number of previous applications for residential development on the site. Most recently outline consent for the erection of a one bedroom bungalow was granted in 2013 (ref. 13/00870/OUT). This consent remains extant.
8. Whilst the construction of new buildings within the Green Belt is generally regarded as inappropriate development, paragraph 89 of the Framework recognises limited infilling in villages as an exception.
9. Policy HS7 of the emerging Local Plan provides further guidance on types of rural infilling that will be considered appropriate by the Council. It permits the development of small gaps for one or possibly two dwellings within smaller villages washed over by the Green Belt provided that three criteria are met:
 - a) The existing buildings form a clearly identifiable built up frontage
 - b) The site lies within the frontage, with buildings on either side, and its development does not extend that frontage;
 - c) The proposal would complement the character and setting of the existing buildings
10. In terms of compliance with criteria (a)-(c) of emerging Local Plan Policy HS7, it is relevant to note that under the application 11/00619/OUT, the Council sought to resist the

proposal arguing that (1) in the past similar developments had been refused and dismissed at appeal at this site and (2) the development was more akin to ribbon development than infill.

11. However, the Inspector dismissed this argument and allowed the appeal. The Inspector acknowledged that on the southern side of Thirlmere Drive, built development only extends as far as No. 34. However, they also noted that there are existing dwellings all along the northern side which wrap around the head of the cul-de-sac and culminate in the turning head to the east of the site. The Inspector noted that the only physical gap which is not occupied by dwellings, their gardens or the estate road is the application site.
12. The Inspector noted that the separation distance between No. 34 and 37 is approximately 60m and although this is somewhat greater than the frontages of nearby dwellings, this is a consequence of the layout of the cul-de-sac. The Inspector considered the site to form a relatively small gap in the overall pattern of development and on that basis, concluded that visually, development of the application site would not harm the character of the area or result in a fragmented or ribbon pattern of development.
13. The Inspector also considered there to be no evidence to suggest that the proposed dwelling could not be designed to complement the character and setting of the existing buildings. The inspector concluded that the proposal represented an acceptable form of infill in accordance with the guidance contained with the Framework, and the relevant policies of the adopted Local Plan at the time.
14. However, the Inspector did not specifically address the requirement of policy HS7 that such sites should be located within villages. It was considered as part of the assessment of application 13/00870/OUT that the site is within an area which has the characteristics of a small village. This takes account of the substantial number of dwellings in the area, a nearby primary school at Withnell Fold, a local shop and other services found in nearby Higher Wheelton and good bus links on Chorley Road to the wider area.
15. Therefore, taking into consideration the previous appeal decision, the extant outline consent and the above policy considerations, it is considered that the proposed development is in accordance with the Framework, the emerging Local Plan and is not considered inappropriate development within the Green Belt.
16. The Inspector previously stated that the proposed development would affect the openness of the Green Belt, but in the context of its setting within the built development of the cul-de-sac, only limited harm would be caused. Given the size and scale of the development proposed it is not considered that a refusal could be sustained on these grounds.

Design and appearance

17. Thirlmere Drive presently consists of a variety of house types, including bungalows and semi-detached two storey houses. The bungalows are faced with light coloured brick, however the houses are a mixture of render and brickwork.
18. The application site is located adjacent to two storey houses, however given the variety of house types and designs in the local area it is not considered that a single storey dwelling would appear incongruous. The neighbour's comments on the use of render are noted, however as adjacent dwellings, although two storey dwellings, are part faced with cream render it is considered that it would be unreasonable to refuse the use of off white render to face the proposed bungalow.
19. The design, scale, appearance and materials proposed are considered to be acceptable. The proposal is therefore considered to be in accordance with policy BNE1 of the emerging Local Plan.

Impact on Neighbour Amenity

20. The western gable of the proposed bungalow would be approximately 11m from the side facing elevation of no. 34 Thirlmere Drive to the west. There is a ground floor and first floor window in the side facing elevation of no. 34. A dwarf wall, 450mm high, is proposed on the common boundary with no. 34 and no windows are proposed in the west facing side elevation of the proposed bungalow. It is therefore not considered that the proposed bungalow would cause any undue loss of privacy for the occupants of no. 34. The proposed dwelling would also not experience an unacceptable degree of overlooking from no. 34 due to the distances involved and the fact that it would only be the driveway area that would be overlooked.
21. A lounge window is proposed in the east facing side elevation of the proposed dwelling. This would be approximately 19m from the boundary with no. 37 Thirlmere Drive. There is a large mature hedge screening the side garden area of no. 37 from both the application site and the road, however even if this hedge were not in place it is considered that there would be sufficient distance between the proposed dwelling and no. 37 to prevent an undue loss of privacy.
22. It is considered that the proposed dwelling would not cause undue harm to the amenities of neighbouring residents and is therefore in accordance with policy BNE1 of the emerging Local Plan.

Highway Safety

23. The Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy BNE1 of the emerging Local Plan also states that development should not prejudice highway safety, pedestrian safety, the free flow of traffic and must adhere to the parking standards set out in policy ST4.
24. Concerns have been raised by a resident in respect of the proposed access and parking arrangements at the site and how this would relate to the existing access and parking arrangements in the cul-de-sac. During the course of the previous applications a number of concerns were expressed particularly with regard to the impact of the proposal on on-street parking in the local area. As such, Lancashire County Council (LCC) Highways have been consulted regarding the application.
25. The plans now provide for a footpath linking the outside of No. 34 Thirlmere Drive, across the site frontage up to the end of the turning head. These footway works will be carried out through a Section 278 agreement and are considered acceptable.
26. The Highways Engineer has confirmed that they are satisfied with the proposed layout and formation of a new footpath. The proposal would provide two off road parking spaces in accordance with the Council's parking standards.
27. It is acknowledged there is likely to be an impact on the highway in the locality during construction of the development. However, the development would be modest in scale (i.e. should not take long to complete being a one bedroom bungalow) and any disturbance would not be prolonged. It is not considered a refusal of the application could be sustained on these grounds and equally, it is not considered necessary to impose restrictive construction conditions given the scale of the development.
28. As such, it is not considered the development would result in significant detrimental harm to highway safety and it should also be recognised that LCC Highways raise no objection to the application, subject to a number of planning conditions and advice notes.

Ecology

29. Concerns were when the previous applications were under consideration that the proposed development may have an adverse impact on biodiversity, in particular in relation to the ditch at the rear of the site. An ecological survey was submitted with the previous application.

30. The Greater Manchester Ecological Unit have not expressed any concerns about the proposal. Subject to the imposition of suitable conditions relating to avoiding tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds it is considered that the proposal is in accordance with policy BNE10 of the emerging Local Plan.

Trees

31. A protected tree lies on the southern boundary of the application site. No works are proposed to this tree as part of the proposals. It is considered to attach a condition requiring a root protection area to be put in place during construction.

CIL

32. The Chorley CIL Charging Schedule provides a specific amount for housing - £65 per sq m. This was adopted in July 2013 and charging commenced on 1 September 2013. As the proposal results in new residential floor space being created a CIL liability notice will be issued for the development.

Overall Conclusion

33. Taking into consideration the Inspector's appeal decision, the existing outline consent and the matters discussed above the application is considered to be acceptable. The proposal is accordingly recommended for approval, subject to the imposition of suitable conditions.

Planning Policies

34. 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 Borough Local Plan Review 2003 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), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.
35. In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.
36. Paragraph 18 of the Partial Report states: "For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers."
37. The Council accepted the Local Plan Inspector's modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
38. Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector's Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (08 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.

Planning History

Reference	Description	Decision	Date
13/00870/OUT	Outline application for the erection of a one bedroom detached bungalow (all matters reserved apart from access). Resubmission of previously withdrawn application 13/00530/OUT.	Approved	30 October 2013
13/00530/OUT	Outline application for the erection of a one bedroom detached bungalow (all matters reserved apart from access).	Withdrawn	18 July 2013
13/00086/DIS	Discharge of Condition 2 of 12/00999/TPO detail of replacement tree planting.	Approved	7 February 2013
12/000999/TPO	Works to trees covered by TPO 8 (Withnell) 2011	Approved	10 January 2013
11/00619/OUT	Outline application for the erection of one detached bungalow (all matters reserved apart from access).	Refused, appeal dismissed	12 June 2012
79/01299/FUL	Use of derelict land as garden and car park area	Approved	17 March 1980
79/01290OUT	Outline application for bungalow	Refused	17 March 1980

Suggested Conditions

No.	Condition															
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>															
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 539 1305 891"> <thead> <tr> <th data-bbox="320 539 687 600">Title</th> <th data-bbox="687 539 994 600">Drawing Reference</th> <th data-bbox="994 539 1305 600">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 600 687 667">Proposed site plan</td> <td data-bbox="687 600 994 667">AR/100/001 P7</td> <td data-bbox="994 600 1305 667">12 June 2015</td> </tr> <tr> <td data-bbox="320 667 687 728">Location plan</td> <td data-bbox="687 667 994 728"></td> <td data-bbox="994 667 1305 728">12 May 2015</td> </tr> <tr> <td data-bbox="320 728 687 824">Proposed plans and elevations</td> <td data-bbox="687 728 994 824">AR/100/002 P5</td> <td data-bbox="994 728 1305 824">12 May 2015</td> </tr> <tr> <td data-bbox="320 824 687 891">Existing site survey</td> <td data-bbox="687 824 994 891">AR/100/E01 P1</td> <td data-bbox="994 824 1305 891">12 May 2015</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Proposed site plan	AR/100/001 P7	12 June 2015	Location plan		12 May 2015	Proposed plans and elevations	AR/100/002 P5	12 May 2015	Existing site survey	AR/100/E01 P1	12 May 2015
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Proposed plans and elevations	AR/100/002 P5	12 May 2015														
Existing site survey	AR/100/E01 P1	12 May 2015														
3.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding.</i></p>															
4.	<p>During the construction period, the Field Maple (protected by Tree Preservation Order) as shown on the approved plan shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.</p> <p><i>Reason: To safeguard the trees to be retained.</i></p>															
5.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof, no extension to the dwelling, porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.</p> <p><i>Reason: In the interests of neighbour amenity.</i></p>															
6.	<p>Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections. If nesting birds are present, works within at least 5m of the nest must be delayed until such time as nesting is complete (the young have fledged and left the nest and the nest has been abandoned, dependent young are no longer in the area).</p>															

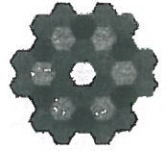
	<i>Reason: the site supports potential nesting bird habitat. Nesting birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended).</i>
7.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>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.</i></p>
8.	<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.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</i></p>
9.	<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><i>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.</i></p>
10.	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement (footway) has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme hereby approved has been constructed and completed in accordance with the scheme details.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.</i></p>

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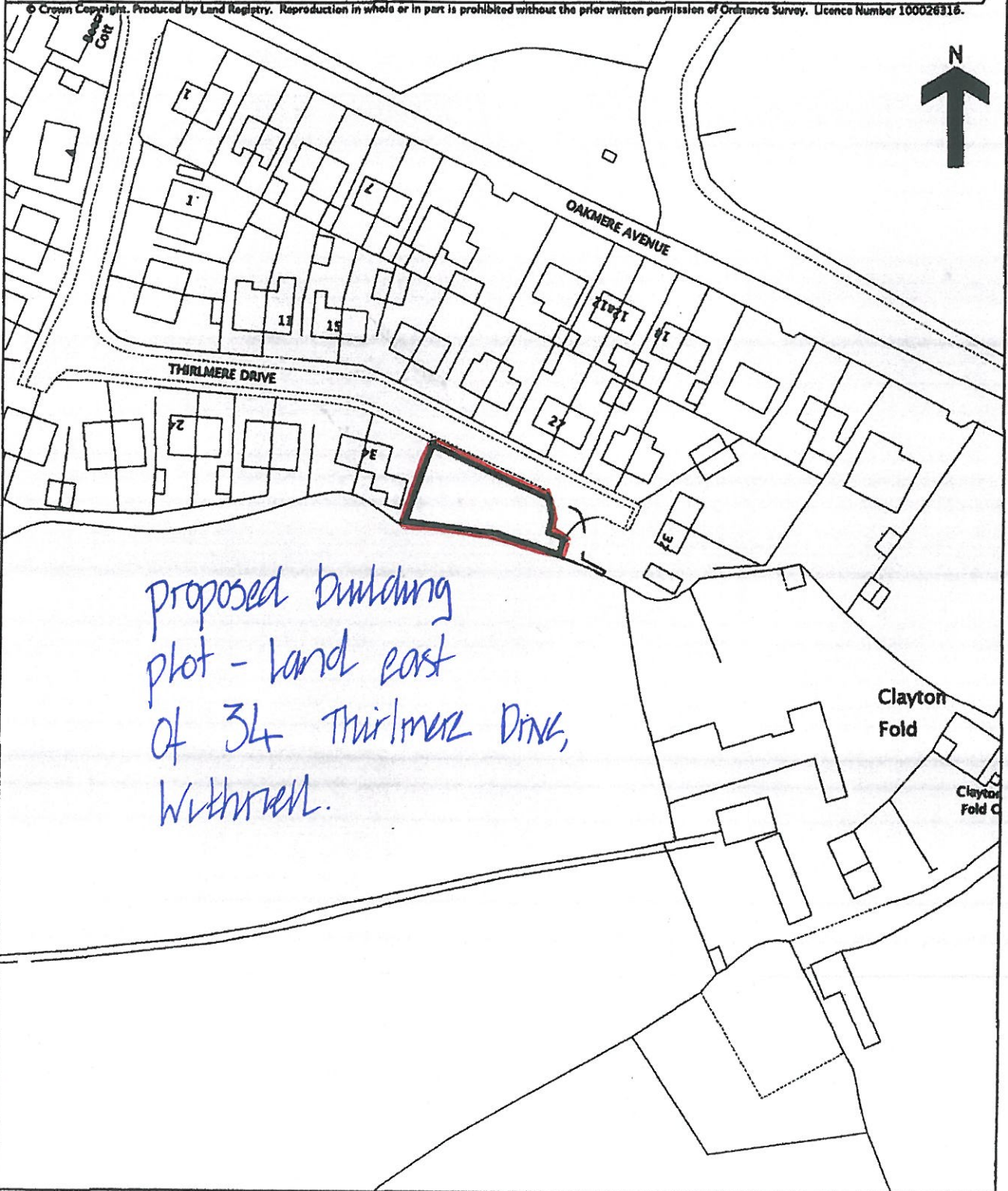
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land East of 34 Thirlmere, Withnell..

Land Registry
Index map plan

Title number not applicable
Ordnance Survey map reference SD6122NE
Scale 1:1250



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proposed building
plot - land east
of 34 Thirlmere Drive,
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Item 3H	15/00536/COU
Case Officer	Adele Hayes
Ward	Chorley North West
Proposal	Change of use from offices (Class B1) to health centre (Class D1)
Location	Chorley Community Housing 24 - 26 Gillibrand Street Chorley PR7 2EJ
Applicant	Doctor Lindsay Dickinson
Consultation expiry:	17 July 2015
Decision due by:	19 August 2015

Recommendation

It is recommended that this application is approved subject to no material representations being received before the expiry of the consultation period (17 July 2015) and that the decision is delegated to the Chair and Vice Chair in consultation with the Executive Director of Public Protection, Street Scene and Community.

Proposal

1. This application proposes the change of use of an existing office building to a health centre. The premises were previously occupied by Chorley Community Housing and have been vacant since November 2014.
2. It is understood that the proposed use is for a temporary facility to enable surgeries that are currently unable to expand, or cater for additional needs, to locate here until the proposed new Friday Street Health Centre is built.
3. It is proposed to create 7 consulting rooms and the existing car parking that has 24 spaces will be used by staff. No elevational alterations are proposed.

Representations

4. The application has been publicised by way of individual letters sent to the occupiers of neighbouring premises and a site notice has been displayed. As a result of this publicity no representations have been received.

Consultations

5. LCC Highways – Has no objection to the proposal in principle and has requested further information regarding the detail of the car parking arrangements. Any comments will be reported on the addendum. However,

Assessment

Principle of development

6. The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It highlights that there are three dimensions to sustainable development, which give rise to the need for the planning system to perform a number of roles. These are economic, social and environmental.
7. Class B1 offices can clearly perform an economic role by supporting local businesses, but they can also perform a social role when used to provide accessible local services that reflect the community's needs. These offices have fulfilled this role as in the past they were used as Chorley Council offices and more latterly as offices for Chorley Community Housing and The Probation Service.
8. The provision of a health centre will perform a clear social role and help to support a strong, vibrant and healthy community, by providing accessible health services for community needs to help support health and social well-being, which is full accordance with the Framework. Chorley is a local authority that is currently delivering significant numbers of houses and is experiencing population growth. It is important that facilities and services, such as health care facilities, are provided and enhanced to cater for the changing needs of the Borough.
9. Core Strategy Policy 23 is supportive of improvements to health care provision and states that the Central Lancashire authorities should work with health care commissioners to support health care infrastructure and to improve primary care access and facilities. It also highlights the importance of accessibility to facilities. This proposal is located in a sustainable and accessible location in Chorley Town Centre and accords with the principles set out in Policy 23.
10. The application site is located within the Chorley Town Centre boundary. The Framework states that local planning authorities should recognise town centres at the heart of their communities and pursue policies to support their viability and vitality. This proposal does involve the loss of Class B1 offices, which are currently vacant, but as well as the provision of full and part-time jobs this proposal will encourage visits to Chorley Town Centre and it should help to support its vitality, which accords with the objectives of the Framework.
11. The application site lies within a secondary frontage area, as shown on the emerging Chorley Local Plan Inset Map and therefore should be assessed against policy EP6 of this Plan. This policy states that a combination of retail and town centre uses will be permitted where they maintain and enhance the vitality of this area. The policy then lists some types of development and changes of use that may be appropriate. A health centre is not a defined town centre use, but as with town centre uses there are significant advantages in locating them in sustainable, accessible locations, such as this. A health centre will attract visitors to the area and is a form of change of use that should help to support the daytime economy in this part of the town centre and therefore is in accordance with the objectives of Policy EP6 of the emerging Chorley Local Plan.
12. This proposal involves the loss of Class B1 offices, and as such should be assessed against Core Strategy Policy 10, which aims to protect employment premises and sites. It states that there will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. These premises were not assessed under the Employment Land Review, so are not 'Best Urban' or 'Good Urban'. Policy 10 states that proposals on all employment sites or premises for re-use or redevelopment other than B use class employment will be assessed under a number of criteria and these are assessed below:

(a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;

This proposal will result in the loss of town centre Class B1 offices, through their change of use. However, these offices have previously been used by organisations

that provide a service to the local community (Chorley Council and Chorley Community Housing) and this proposal will result in the provision of community services in the form of health care and there are benefits of co-locating surgeries in one building. In addition the offices are currently vacant and the proposal does not involve external changes, or the loss of the building. The proposed use will provide for skilled employment opportunities and the proposal will not result in an unacceptable reduction in the type, quality or quantity of the employment land supply.

(b) the provision and need for the proposed use;

The applicants have not provided evidence about the need for a health centre, but the provision of such facilities is supported by the Framework and Core Strategy, and such facilities are an essential component of sustainable development and are needed to support growth. Therefore, the proposed use should provide extra capacity and significant health benefits.

(c) the relative suitability of the site for employment and for the alternative use;

The site is in a sustainable location, which is accessible by a variety of means, and is suitable for both the existing and proposed use.

(d) the location of the site and its relationship to other uses;

The proposal involves the re-use of premises within a mixed area on the edge of the town centre and is considered suitable in this location in principle.

(e) whether the ability to accommodate smaller scale requirements would be compromised;

This proposal involves a loss of Class B1 employment premises through a change of use, but no external changes are proposed and the building is not being redeveloped. Therefore, it would not preclude use for smaller scale requirements at a later date, if circumstances change, or if less space is required for the health centre.

(f) there would be a net improvement in amenity.

This proposal does not involve external changes, but involves the re-use of a currently vacant building, which should result in a net improvement in amenity.

13. There is no requirement to market this building as it is not proposed for residential use.

14. Whilst the proposal will result in the loss of some Class B1 offices, through change of use, it is considered that this is outweighed by the fact that this scheme should provide significant benefits that accord with the objectives and policies of the Framework, Central Lancashire Core and the proposal is considered to be acceptable in principle.

Impact on neighbour amenity

15. There are residential properties in proximity to the application site. However, taking into account the distance to neighbouring residential properties and the nature of surrounding land uses, it is not considered that neighbouring residents are likely to experience any undue noise or disturbance as a result of the proposal.

Highway safety

16. There is an existing car park and the proposal will allow for a continuation of the use of this by staff. Whilst no car parking is proposed for patients and visitors, the application site is in a highly sustainable location and accessible to a large number of people via a range of different transport modes. Furthermore, there are a number of car parks within close proximity. In this instance it is considered that the level of parking proposed is acceptable.

Overall Conclusion

17. Although the proposal would result in the loss of an employment use, taking into consideration the level of employment that would be generated by the proposed use and the limited impact of the proposals, the application is accordingly recommended for approval, subject to conditions.

Planning Policies

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 Borough Local Plan Review 2003 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), the development plan and the emerging Local Plan 2012-2026.

Note on the Emerging Chorley Local Plan 2012-2026

In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.

Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*

The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (8 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.

Suggested Conditions

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The approved plans are: Plan Ref. Received On: Title: N/A 1 June 2015 Site of 24 – 26 Gillibrand Street <i>Reason: To define the permission and in the interests of the proper development of the site.</i>

Planning History

The site history of the property is as follows:

Ref: 78/00538/FUL	Decision: DEEMED	Decision Date: 3 July 1978
Description:	Conversion of photographer's studio to offices	
Ref: 81/00719/FUL 1981	Decision: PERFPP	Decision Date: 18 August
Description:	Change of use of dwelling to offices	
Ref: 07/00231/ADV	Decision: REFADV	Decision Date: 13 April 2007
Description:	Erection of various non-illuminated signs,	
Ref: 10/00619/ADV 2010	Decision: PERADV	Decision Date: 5 October
Description:	Erection of notice board to display information for residents	
Ref: 12/00046/FUL	Decision: PERFPP	Decision Date: 17 April 2012
Description:	Change of use of land to create 12 car parking spaces at Rothwell Road, Anderton	
Ref: 15/00536/COU	Decision: PCO	Decision Date:
Description:	Change of use from offices (Class B1) to health centre (Class D1)	

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Item 3i	15/00469/FUL
Case Officer	Adele Hayes
Ward	Chorley South East
Proposal	Change of use from retail (Class A1) to mixed retail and cafe use
Location	Wild Orchid 11 Market Walk Chorley PR7 1DE
Applicant	Mr Graham Read
Consultation expiry:	30 June 2015
Decision due by:	9 July 2015

Recommendation

It is recommended that this application is approved subject to conditions.

Proposal

1. This application relates to an existing retail unit located within the Primary Shopping Area in Chorley Town Centre. It is faced with cream and burgundy tiles and has large windows and signage typical of a contemporary retail unit.
2. Planning permission is sought to change the use of the unit from retail (Class A1) to mixed retail and cafe use. The submitted plans indicate that 24 covers will be provided on the ground floor towards the rear of the unit. No elevational alterations are proposed.

Representations

3. The application has been publicised by way of individual letters sent to the occupiers of neighbouring premises and a site notice has been displayed. As a result of this publicity no representations have been received.

Consultations

4. Environmental Health – no objections have been raised

Assessment

Principle of the Development

5. The National Planning Policy Framework (The Framework) is strongly in support of proposals that enhance the vitality and viability of town centres.
6. This is complemented by Central Lancashire Core Strategy Policy 11 which seeks to maintain and improve the vitality and viability of Chorley Town Centre by supporting a range of retailers and services as well as improving the centre's appearance.

7. The emerging Local Plan 2012-2026 allows for restaurants and cafes uses in the Primary Shopping Area of the town centre in recognition of the fact that a proportionate amount of complementary non-A1 activities (such as food and drink outlets e.g. cafes and restaurants) can make a positive contribution to the street scene, support vitality and viability of shopping areas and encourage the continued use of the town centre outside normal shopping hours.
8. Policy EP6 of the emerging Local Plan 2012-2026 states that Class A3 use (restaurants and cafes) will be permitted in circumstances where they do not adversely impact either individually or cumulatively, on the function, vitality and viability of the Primary Frontage.
9. It is considered that the proposed use will contribute positively to the character of the area creating vitality.

Impact on neighbour amenity / noise

10. The application site is located within the town centre away from residential properties. As such there would be no adverse impact on any residential properties as a result of the change in use through noise, smells or disturbance.

Highway safety

11. There is no car parking proposed as part of the application, however, the application site is in a highly sustainable location and accessible to a large number of people via a range of different transport modes. Furthermore, there are a number of car parks within close proximity.

Overall Conclusion

12. The proposed development will contribute to the vitality and viability of Chorley Town Centre. There is unlikely to be any detrimental impact on the amenity of neighbouring occupiers or the appearance and character of the area. In addition the development is located in a highly sustainable location. On the basis of the above, it is recommended that planning permission be granted.

Planning Policies

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 Borough Local Plan Review 2003 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), the development plan and the emerging Local Plan 2012-2026.

Note on the Emerging Chorley Local Plan 2012-2026

In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.

Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*

The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that

significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (8 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.

Suggested Conditions

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The approved plans are: Plan Ref. Received On: Title: n/a 14 May 2015 Proposed <i>Reason: To define the permission and in the interests of the proper development of the site.</i>

Planning History

The site history of the property is as follows:

Ref: 14/00932/ADV Decision: PERADV Decision Date: 9 October 2014
Description: Proposed new internally illuminated fascia sign

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PCLOe

Description

11 Market Walk
Chorley

LIBERATA

Property Services
17-23 Gillibrand Street,
Chorley,
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Council

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Drawing Number

Drawn By
HP

Date
July 2014

GAD Reference

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Item 3j	15/00383/FULMAJ
Case Officer	Nicola Hopkins
Ward	Euxton South
Proposal	Demolition of existing buildings. Erection of a vehicle storage and maintenance workshop and offices. Erection of purpose built offices and storage building for scaffolding business.
Location	Land Opposite Chancery Road, West Way, Astley Village
Applicant	Bugle Inn Motor Company Ltd, T/a The Chorley Group
Consultation expiry:	9th June 2015
Decision due by:	4th August 2015

Recommendation

It is recommended that this application is approved subject to no objections being raised by the Council's Regulatory Services Officer regarding noise.

Representations

Euxton Parish Council has no concerns with the proposed vehicle storage and maintenance workshop and offices.

However the Parish Council does have concerns with the scaffolding business and in particular with the storage yard. They have made the following comments:

- Movement of scaffolding is very noisy and storage of scaffolding is often unsightly
- This development is in a particularly sensitive location, where the green belt is supported by an Area of Separation.
- It is separated only by open fields from the nearby housing in Euxton.
- Therefore request that the Borough Council be satisfied that the proposal meets all its requirements for the development within the green belt.
- If the Borough Council is minded to approve the development, it ensures that measures are in place to protect nearby housing areas from the visual and noise impacts.

In total 3 representations have been received which are summarised below

Lancashire Fire and Rescue Service, as a neighbour, has made the following comments:

- The existing access onto Westway has been widened by the addition of a lane strictly for egress of emergency service vehicles only and the full width of the existing access cannot be considered in this application.
- Egress onto Westway is controlled by a legal deed with the Woodlands Trust, who own the landscaping area adjacent to the highway.
- The additional lane and associated visibility splays onto Westway, by removal of trees on Woodlands Trust land to meet highway authority requirements, is upon the understanding it is only to benefit egress of emergency service vehicles from the new Chorley Community Fire Station.
- Any proposed development of the subject application site must exclude this area from use as access/egress and the potential for congestion at the junction with Westway must be taken into account as egress of emergency service vehicles cannot be impeded

Following receipt of the above representation a further representation has been received from M Jones Planning Consultancy on behalf of Lancashire Fire and Rescue Services making the following representations:

- My client does not wish to formally object to the proposal, but would like the Council to take into account some issues that may affect the effective operation of Washington Hall as a working fire station as well as training centre.
- On a procedural matter, the red line location plan submitted with the application does not include the site access road, which links the development to West Way (B5252). My client owns the access road and whilst the owner of the application site has the right of access across this land the appropriate planning notice has not been served. More importantly the red line application site boundary and site layout plans do not show the Council how delivery vehicles and cars are to safely gain access/egress from the site to the public highway at West Way.
- The application site was formerly a low key forensic laboratory with few daily visitors, which also afforded the site to be more secure by this type of occupation, the proposed development would have security implications due to the nature of its proposed uses. Whilst my client is pleased that the site is to be regenerated and visually improved, concern is raised with regards to the increase in traffic and deliveries of vehicles on transporters to and from the site. It would appear from considering the planning submission and layout plans articulated vehicles will access/egress the site from two access points to the north and east. The site layout plans seem to show the vehicle storage and workshop use gaining using the eastern access with

the scaffolding business using the northern access. Lancashire Council, as Highway Authority, has not requested a detailed Transport Assessment because it believes the former use was on a slightly larger scale than the proposal.

- The former use was a forensic laboratory and this would fall within Class B1 of the Town and Country Planning (Use Classes) Order 1987 as amended. It was a low key business use that generated very few vehicles. The proposals would appear to fall within a mixed use development (Sui Generis) with uses predominantly falling within Class B2 General Industry and B8 Storage or Distribution. On this basis, it is requested that a detailed Transportation Assessment is submitted and formally considered by the County Council as Highway Authority. In addition, the forensic laboratory operated only during normal office hours (09.00 – 18.00) and the proposed use will operate 06.00 – 19.00 Monday to Friday and 08.00 – 18.00 at weekends. The highway authority needs to take into account the increased hours of use and its impact on the road junction as well as my client's emergency activities.
- My client operates a 24 hour, 7 days each week emergency fire station and urban search and rescue facility. In addition, the site is a training facility and a central store for vehicles and equipment. More importantly the fire service headquarters is to be relocated to the site in the future with over 130 staff being relocated as well as the centre offering regional training facilities. The yard area to the north of the site is used on a daily basis for training purposes including the use of the fire house and towers. If the application site is used more intensively than at present my client is concerned that the junction of the site with West Way might not be sufficient to cater for the increased vehicular traffic and more importantly be a grid lock when emergency vehicles are needed.
- It is therefore requested that before a decision is made on this application a detailed Transportation Assessment is prepared that considers the impact of the proposed use on the future highway network as well as its impact on its neighbours as Lancashire fire and Rescue Service. It is requested that the assessment should include:
 - A detailed assessment of how the traffic generated from the proposed use will impact on the junction of the site with West Way especially during peak times and how it will impact on traffic flows generated from the adjoining uses both now and in the future when the fire service headquarters is relocated to Washington Hall;
 - Whether the junction with the access road and West Way requires any improvements such as traffic lights and/or traffic management to cater for the increased use, especially to ensure unrestricted access for emergency vehicles;
- The access to the northern part of the site is proposed to be re-opened and used solely by the scaffolding business. It is close to the training yard and the access often needs to be restricted when training takes place, especially when the towers and fire house are in use. By re-opening this access to articulated vehicles and other vehicles there are safety and access implications, which are material planning considerations in determining the application. It is requested that the Council consider imposing restrictions or seek revised plans that allow only one access to be provided to the east of the site with all vehicles entering and leaving the site by this access only

1 neighbour has expressed the following concern must be given to the wisdom of vehicle access to the site. West Way is a very busy road and a freeway. The Fire Service vehicles already experience difficulty accessing the road from their station.

Consultees

Consultee	Summary of Comments received
Greater Manchester Ecology Unit	No objection subject to suitable conditions
Environment Agency	No objection subject to suitable conditions
CBC Economic Development	Support the application. Their comments are included within the body of the report
LCC Highways	No objection subject to suitable conditions
Lancashire Constabulary Designing Out Crime Officer	No objection- provided some security recommendations
Lead Local Flood Authority	Initially requested the submission of a flood risk assessment. Following receipt of this document no objection is raised subject to conditions.
CBC Regulatory Services Officer	Has commented on the noise impacts of the development

Proposed Development

1. The application relates to the demolition of all of the existing buildings/ structures on the site and the erection of two new buildings. The current buildings/ structures were used as a Forensic Science Laboratory however the site has been vacant for a number of years now.
2. One of the proposed buildings will be occupied by the Chorley Group who will vacate their current site on Friday Street and use the building for offices, car storage and car repairs. The other proposed building will be occupied by a scaffolding business (Speedy Scaffolders) with purpose built offices, workshop and outside storage areas.
3. The site is located within the Green Belt, accessed via Westway off Southport Road and is opposite the fire station.
4. The Chorley Group will use the new accommodation as their new head office and will employ approximately 25 full time members of staff in the offices and 35 full time staff in the workshop area, comprising 15 technicians, 2 MOT, 6 service advisors/warranty/manager, 3 parts people, 6 valeters and 3 drivers.
5. The building for the Chorley Group will consist of:
 - 812m² of office space over 2 floors
 - 2,131m² of workshop space
6. Speedy Scaffolders will employ approximately 100 people from this site, 25 of whom will be based within the office/ yard on a permanent basis. The remaining staff will be drivers and operatives who come into the premises to collect the scaffolding and go to their required destinations. They have already acquired an operator's licence which demonstrates that this site is considered suitable in operational terms to accommodate the 10 vehicles which will be based here.
7. The building for Speedy Scaffolders will consist of:
 - 526m² of office space over 2 floors
 - 600m² of workshop space

Assessment**Green Belt**

8. The site is located within the Green Belt and the site is allocated as a Major Developed Site within the Green Belt under Policy DC6 of the Adopted Chorley Borough Local Plan Review. Policy DC6 was saved by the Secretary of State in 2007 and under the provisions of Paragraph 215 of the Framework, as of 27 March 2013, due weight should be given to the relevant saved policies of the Adopted Chorley Borough Local Plan Review (ACBLPR) according to their degree of consistency with the Framework.
9. In the context of Paragraphs 14 and 215 of the Framework, it is considered that, as the ACBLPR was originally adopted in 2003 and although the majority of its policies were saved by the Secretary of State in September 2007, reference to Major Developed Sites was removed within the Framework and replaced with previously developed sites (brownfield land) within the Green Belt. The tests in respect of the Framework relate to whether the proposals would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Reference to scale, heights and footprint which was contained within PPG2, and set out within Policy DC6, is no longer a stated test within the Framework and as such Policy DC6 is not considered to be consistent with the Green Belt policies of the Framework and as such can only be afforded limited weight in assessing the planning application.
10. Policy 1 of the Adopted Core Strategy, which was adopted post Framework and as such is compliant with The Framework, states:

Focus growth and investment on well-located brownfield sites and the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main

urban areas in South Ribble, whilst protecting the character of suburban and rural areas. Some Greenfield development will be required on the fringes of the main urban areas. To promote vibrant local communities and support services, an appropriate scale of growth and investment will be encouraged in identified Local Service Centres, providing it is in keeping with their local character and setting, and at certain other key locations outside the main urban areas.

Growth and investment will be concentrated in:

(a) The Preston/South Ribble Urban Area comprising:

- i. The Central Preston Strategic Location and adjacent inner city suburbs, focussing on regeneration opportunities in Inner East Preston, the Tithebarn Regeneration Area and the New Central Business District Area in particular.
- ii. The northern suburbs of Preston, focussing on Local Centres, with greenfield development within the Cottam Strategic Site and the North West Preston Strategic Location.
- iii. The settlements south of the River Ribble, comprising:
 - Penwortham, focussing on the regeneration of the District Centre, but with some greenfield development at the South of Penwortham and North of Farington Strategic Location.
 - Lostock Hall, focussing on the regeneration of brownfield sites.
 - Bamber Bridge, focussing on the regeneration of the District Centre and brownfield sites.
 - Walton-le-Dale, Higher Walton, focussing on brownfield sites.

(b) The Key Service Centres of:

- ii. Leyland / Farington, focussing on regeneration of Leyland Town Centre* and brownfield sites.
- iii. Chorley Town, focussing on the regeneration of the Town Centre* but with some greenfield development.
- iv. Longridge, where land within Central Lancashire may be required to support the development of this Key Service Centre in Ribble Valley.

(c) Strategic Sites allocated at:

- i. BAE Systems, Samsbury – employment
- ii. Cuerden (Lancashire Central) – employment
- iii. Buckshaw Village – mixed use

(d) Some growth and investment will be encouraged at the following Urban Local Service Centres to help meet housing and employment needs:

- i. Adlington
- ii. Clayton Brook/Green
- iii. Clayton-le-Woods (Lancaster Lane)
- iv. Coppull
- v. Euxton
- vi. Whittle-le-Woods

(e) Limited growth and investment will be encouraged at the following Rural Local Service Centres to help meet local housing and employment needs and to support the provision of services to the wider area:

- i. Brinscall / Withnell
- ii. Eccleston
- iii. Longton

(f) In other places - smaller villages, substantially built up frontages and Major Developed Sites - development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.

11. This part of the Borough is not identified for growth and although Policy 1 does allow for small scale development, limited to appropriate infilling, conversion of buildings and

proposals to meet local need states, in other places such as Major Developed Sites, a large scale scheme as proposed will only be considered acceptable where there are exceptional reasons for a larger scale redevelopment scheme.

12. A large scale scheme as proposed will only be considered appropriate on this site in exceptional circumstances. It is acknowledged that the re-use of previously developed sites within the Green Belt is not necessarily inappropriate development and where the historic use of a large site in the Green Belt may cease the site owners may consequently seek an alternative use however such sites are generally not in the most accessible locations, which is the case in respect of this site, so are normally not appropriate for uses that would generate large numbers of trips to access off site services.
13. The overall spatial vision of what Central Lancashire aspires to be like is what guides the Core Strategy. The Core Strategy includes locally distinctive Strategic objectives which are the key issues which need to be addressed. Each of the relevant Strategic Objectives are set out within the relevant sections below. In respect of Policy 1 Strategic Objective SO1 seeks to foster growth and investment in Central Lancashire in a manner that:
- Makes the best use of infrastructure and land by focussing on the Preston/ South Ribble Urban Area, and the Key Service Centres of Leyland and Chorley.
 - Marries opportunity and need by focussing investment in Preston City Centre and other Strategic Sites and Locations, and Leyland and Chorley town centres.
 - Supports service provision in rural areas, particularly in the Rural Local Service Centres.
14. National guidance on Green Belt is contained in Chapter 9 of the Framework which states:

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

*89. A local planning authority should regard the **construction of new buildings as inappropriate** in Green Belt. **Exceptions** to this are:*

*...
limited infilling or the **partial or complete redevelopment of previously developed sites (brownfield land)**, whether redundant or in continuing use (excluding temporary buildings), **which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.***

15. The application site constitutes previously developed land within the Green Belt which would engage within the exception contained within paragraph 89 of The Framework

involving the complete redevelopment of a redundant previously developed site on the proviso that the development does not have a greater impact on the openness of the Green Belt and the purpose of including land within it.

16. Policy BNE5 of the emerging Local Plan was amended by the Local Plan Inspector and relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:
The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:
In the case of re-use
- a) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;
 - b) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.
- In the case of infill:
- c) The proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- In the case of redevelopment:
- d) The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.
17. The construction of the new buildings will constitute inappropriate development unless one of the exceptions in the Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:
- The partial or complete redevelopment of previously developed land;
 - Which would not have a greater impact on the “openness” of the Green Belt; and
 - Which would not have a greater impact on the purposes of including land in the Green Belt.
18. The site is occupied by various vacant buildings which were used as a forensic science lab but have been empty for some time now. The site falls to be considered previously developed land and the proposals will result in the complete redevelopment of previously developed land.
19. In terms of openness whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of ‘openness’. It is noted that the existence of buildings on the current site has an impact on the openness of this area of Green Belt.
20. The total volume of the existing buildings equates to 21,328m³. The building proposed for Speedy Scaffolding has a volume of 7000m³ and the building for Chorley Group has a volume of 14,200m³ which results in a volume marginally below the existing buildings on site. Although an assessment of scale, heights and footprint is no longer the test in respect of the Framework, it is considered that replacing a large range of mis-matched buildings and structures with two buildings which have less volume than the current buildings/ structures on site it is considered that from an openness perspective the perception is that the impact on openness will be less.
21. The five purposes of the Green Belt are as follows:
- to check the unrestricted sprawl of large built-up areas;
The development proposes to restrict the built development to the existing site boundaries.
 - to prevent neighbouring towns merging into one another;

Development of the site would not lead to the coalescence of neighbouring towns (Chorley and Standish).

- to assist in safeguarding the countryside from encroachment;
The development would not result in encroachment of the countryside as the development involves the redevelopment of previously developed land
- to preserve the setting and special character of historic towns; and
This does not apply as the site is not located near a historical town
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
It is not considered that the development of this site would prejudice the development of other non-Green Belt sites within the Borough

22. As such it is considered that the proposed new buildings are not inappropriate development within this Green Belt location.
23. However, the proposed development also proposes to change the use of an area of existing car parking to create an area of outside storage associated with the scaffolding business. Paragraph 89 of the Framework lists types of built development which are not necessarily inappropriate and paragraph 90 lists certain other forms of development that are also not necessarily inappropriate in Green Belt however change of use of the car park into an open storage area does not form development which falls within paragraph 89/90 and as such falls to be considered inappropriate development. In such cases the tests of paragraph 88 are engaged which requires very special circumstances to be provided.

Visual Impact

24. It has been established in case law that openness and visual impact are different concepts in terms of Green Belt Policy. However they can relate to each other and as such the visual impact is a material consideration. In *Heath & Hampsted Society v LB of Camden* [2007] EWHC 977, the difference between openness and visual impact was explained as follows:

21. Paragraph 3.6 is concerned with the size of the replacement dwelling, not with its visual impact. There are good reasons why the relevant test for replacement dwellings in the Green Belt and Metropolitan Open Land is one of size rather than visual impact. The essential characteristic of Green Belts and Metropolitan Open Land is their openness ... The extent to which that openness is, or is not, visible from public vantage points and the extent to which a new building in the Green Belt would be visually intrusive are a separate issue...

The fact that a materially larger (in terms in footprint, floor space or building volume) replacement dwelling is more concealed from public view than a smaller but more prominent existing dwelling does not mean that the replacement dwelling is appropriate development in the Green Belt or Metropolitan Open Land.

22. The loss of openness (ie unbuilt on land) within the Green Belt or Metropolitan Open Land is of itself harmful to the underlying policy objective. If the replacement dwelling is more visually intrusive there will be further harm in addition to the harm by reason of inappropriateness, which will have to be outweighed by those special circumstances if planning permission is to be granted (paragraph 3.15 of PPG 2, above). If the materially larger replacement dwelling is less visually intrusive than the existing dwelling then that would be a factor which could be taken into consideration when deciding whether the harm by reason of inappropriateness was outweighed by very special circumstances.

25. When interpreting paragraph 89 of the Framework the Judge in *Timmins v Gedling BC and Westerleigh Group Limited* [2014] analysed the relationship between openness and visual impact. He held inter alia:

74. Any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities. *A beautiful building is still an affront to openness, simply because it exists. The same applies to a building this is camouflaged or rendered unobtrusive by felicitous landscaping.*

26. In this case the Judge concluded that:

78. In short it seems to me that there are three points which arise from the above analysis. First, there is a clear conceptual distinction between openness and visual impact. Secondly, it is therefore wrong in principle to arrive at a specific conclusion as to openness by reference to visual impact. Thirdly, when considering however whether a development in the Green Belt which adversely impacts upon openness can be justified by very special circumstances it is not wrong to take account of the visual impact of a development as one, inter alia, of the considerations that form part of the overall weighing exercise.

27. As part of the development falls to be considered inappropriate development the landscape/ visual impact of the proposed development as a whole is a key material consideration in terms of the overall balance as to whether there is harm.
28. In terms of the current situation on site there are a number of buildings and structures on site which range in height from single storey buildings, two storey portacabins and a three storey element to the building which exceed 5 metres in height. The proposed buildings will exceed the height of the existing buildings on site (with the Chorley Group building extending to 7.5m in height and the scaffolding building extending to 8.1m in height) which will have a greater visual impact.
29. However from a visual impact perspective it is considered that the site is currently occupied by a 'mis-match' of dilapidated buildings and portacabins and it is considered that redeveloping the site with a more modern scheme will benefit the visual characteristics of the area which is a material planning consideration when assessing the harm created to the Green Belt.
30. In terms of the area of open storage for the scaffolding business it is considered that this would have a greater impact visually than the previous use as a car park. However it is important to note that this part of the site will be viewed in the context of the built development proposed, additional boundary planting can be secured to mitigate the impact of this part of the site and the height of the stored materials can be controlled by condition. As such it is considered that visual impacts of the storage area can be reduced by the imposition of conditions.

Overall Conclusion Green Belt

31. The development falls to be considered inappropriate development within the Green Belt and as such the above very special circumstances are taken into account when balancing the harm created by reason of inappropriateness with any other harm and against other considerations as per the test contained within Paragraph 88 of the Framework.
32. The following very special circumstances exist in respect of this site:
- The site is previously developed land and its redevelopment is encouraged both at a national level within the Framework (one of the 12 core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land)- paragraph 17) and a local level with a brownfield target of 70% of all new housing.
 - The existing site already has an impact on the openness of the Green Belt by the presence of existing structures, buildings and areas of hardstanding.
 - The site is currently a derelict site which does not make a positive contribution to the character or appearance of the rural location. Nor does the current site contribute to the 5 purposes of Green Belt which is assessed below in respect of the proposed development.

- The development will create a visual benefit by the removal of the existing mismatch of buildings/ structures on the site.
 - The development will create jobs. At a national level the Framework confirms that *the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future* (paragraph 18). Paragraph 19 goes on to confirm that *the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.*
33. In relation to the 5 purposes of the Green Belt (para 80 of the Framework) it is considered:
- to check the unrestricted sprawl of large built-up areas;
The development proposes to restrict the built development to the existing site boundaries.
 - to prevent neighbouring towns merging into one another;
Development of the site would not lead to the coalescence of neighbouring towns (Chorley and Standish).
 - to assist in safeguarding the countryside from encroachment;
The development would not result in encroachment of the countryside as the development involves the redevelopment of previously developed land
 - to preserve the setting and special character of historic towns; and
This does not apply as the site is not located near a historical town
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
It is not considered that the development of this site would prejudice the development of other non-Green Belt sites within the Borough
34. As such although the development falls to be considered inappropriate development it is considered that the proposed development would contribute to the purposes by recycling derelict land which is one of the 12 core planning principles contained within the Framework.
35. The proposals constitute a re-use of this previously developed land which constitutes efficient and effective use of brownfield land. As set out above there are very special circumstances which do exist to support the redevelopment of this site which outweigh the harm the development would have on the Green Belt

Employment Land

36. As this application proposes redevelopment of employment premises (former forensics laboratory) for mixed uses purposes it should be assessed under the criteria in Policy 10 of the Core Strategy and the provisions in the SPD on Controlling the Re-Use of Employment Premises, which aim to protect all existing employment premises and sites last used for employment uses. Policy 10 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 be assessed under the following 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 a 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. Although the uses proposed are considered to be sui-generis uses as mixed use facilities it is noted that both the Chorley Group premises and the scaffolding business will generate a number of jobs. The Council's Economic Development Section support the proposals and make the following comments:

- The Chorley Group are a well-established Chorley company that is growing and expanding. The Chorley Group showroom is attracting more customers resulting in an increased demand on the number of vehicles being stored and valeted.
- The storage and valeting of vehicles takes place on Friday Street and the company have now outgrown this site and requires a larger site for expansion. In addition, the Friday Street site is a short term 12 month lease and the uncertainty of an annual lease renewal does not provide a good basis for growth and investment in the current site. The Chorley Group have to vacate their current premises on Friday Street by December 2015.
- The Chorley Group are an active member of the local business community and have recently been a headline sponsor at the Council's annual Choose Chorley for Business evening event. They are currently working closely with the Chorley Council advisor on the development and expansion of their business.
- The Chorley Group have pride in Chorley as their Head Office base and although they have showrooms in a number of locations across Lancashire they continue to use the 'Chorley Nissan' name.
- The new site on land opposite Chancery Road is ideal to create a purpose built service centre, with more ramps and MOT bays. This will ensure the increased customer demand is met and allow The Chorley Group to expand.
- The new site (previous forensic labs) has been vacant for a number of years. The investment by The Chorley Group will create new and improved commercial floorspace.
- The relocation to this new site will safeguard existing jobs and create new jobs. 20 new posts are to be created and promoted to local Chorley job seekers. The Chorley Group are committed to training their staff and offering apprenticeships, and with Nissan, have worked with Blackburn College to create a Nissan workshop/training facility.

- If successful in moving to this new site, The Chorley Group are keen to apply for a Chorley Business Improvement Grant to financially assist toward the internal fit out. In doing so, the company will sign up our Chorley Employment Charter and it is likely up to 10 of the 20 new posts will be filled by local Chorley residents.

38. The proposals will provide new job opportunities and the proposals will maintain the site for employment purposes in accordance with the general thrust of Policy 10.

Offices

39. As set out above both of the proposed buildings incorporate a substantial amount of office accommodation with the Chorley Group envisaging that this site will be their head office. Offices fall within the definition of a main town centre use in accordance with the Framework. Such uses which are located outside of the town centre and/or designated shopping areas are required to be supported by a sequential assessment to ensure that there are no more sequentially preferable sites for the proposed offices. In this regard the application is supported by such as assessment.

40. Although the submitted sequential assessment queries the need for such a requirement given the mixed use nature of the proposals it is considered that a substantial amount of office accommodation is proposed in respect of the Chorley Group proposals which will form a significant part of the development and is not considered to be ancillary accommodation associated with the other use within the building.

41. A site between 1-1.5 hectares is required for the proposed facilities. The head office for the Chorley Group needs to be sited close to the day to day business to ensure the operation of the business is not affected and as such it is considered that there are no sequentially preferable sites for the Chorley Group office accommodation proposed as part of this development.

Other Considerations

Highway safety

42. In terms of the highway implications of the proposed development the LCC Highway Engineer has assessed the proposals and made the following comments:

43. The proposal does not include a new vehicle access to the public highway. The site has an existing access with adequate visibility and capacity at its junction with West Way and should cater for the proposal without difficulties. There are no identifiable safety issues of highway concern at the site access and indeed West Way and the highway network within the immediate environment of the site.

44. The site is in a location where infrastructure exists and offers employees and visitors the opportunity to adopt sustainable alternative modes of travelling to using private cars. There are good quality footways, cycle routes, bus stops with a train station within 2.0km of the site.

45. The proposed site layout incorporates adequate manoeuvring space to allow for various sizes of vehicles to safely turn. 58 parking spaces are proposed 5 of which will be disabled parking spaces.

46. Policy ST4 of the emerging Local Plan sets out the parking requirements within the Borough. For the uses proposed there are the following parking requirements:
B1 office accommodation- 42 spaces (based on 1,338m² of office floorspace)
B2 general industrial- 57 spaces (based on 2,731m² of workshop space).

47. The parking is below the standards required in terms of Policy ST4 however it is noted that the largest parking generator will be the office accommodation for which there is sufficient parking. The Chorley Group building includes a large amount of operational parking separate to the main parking area and the majority of the staff in respect of Speedy Scaffolding will be based off site. As such the level of parking is considered to be acceptable.

48. The Highway Engineer has commented that a proposal of this type and scale should normally be accompanied by a Transport Assessment (TA) to establish the highway and transport impacts of the proposed development and to ascertain if the development can be satisfactorily integrated into the existing infrastructure network. This is a requirement of the National Planning Policy Framework (NPPF) which states that all developments that generate significant amounts of movement should be supported by a TA. However, The Engineer has taken into account the fact that the previous use of the site was on a slightly larger scale and although 10no additional parking spaces are currently proposed the overall the impact will be significantly different from the previous use. As such the Engineer has not insisted on the submission of the TA.
49. It is noted that further representations (the first representations are addressed below) have been received from Lancashire Fire and Rescue Services in respect of the lack of TA and safety implications of the proposed access point. As these were received on the day this report was published the response from the Highway Engineer will be reported on the addendum.
50. The Engineer has however commented that the applicant is required to submit a Travel Plan (TP) detailing the package of proposed measures aimed at reducing reliance on private cars and reducing congestion. As pointed out above the area has the requisite infrastructure to encourage alternative transport modes and with a TP in place, the development will most likely deliver significant reductions in the use of private cars, although it must be stressed that the success of the TP will involve continuous monitoring, review and improvement over time.
51. In respect of highways and traffic the proposals are considered to be acceptable subject to conditions.
52. It is noted that the Lancashire Fire and Rescue Service, as a neighbour, have commented on the proposals in relation to the fact that the existing access onto Westway has been widened by the addition of a lane strictly for egress of emergency service vehicles only and the full width of the existing access cannot be considered in this application.
53. The Highway Engineer has been made aware of these comments. It is important to note that the access road leading to the site is not an adopted highway and the assessment of the junction which has been undertaken does not foresee any 'potential congestion' due to the proposed development. It is considered that access for emergency service vehicles will not be impeded by the proposed development.
54. It is clear that the junction was widened to facilitate access for emergency service vehicles however no additional lanes have been provided within the adopted highway, the works which occurred involved widening the access which are still part of the public highway. There is an additional lane within the site which has been created and is painted red. The Highway Engineer has commented that given that the highway widenings form part of the public highway they cannot be reserved for use only by the Fire & Rescue Service and it would be almost impossible, from the Highway Authority's perspective, to prevent other vehicles from using these sections of the highway.
55. It appears that the use restrictions mentioned are on the additional lane is a private legal covenant with the landowners, The Woodland Trust, and is outwith of the public highway. As such any restrictions within the site should be enforced, if necessary, by the land owners. Even with such restrictions it is important to note that there is an alternative egress point from this site which provided egress for vehicles as part of the previous use of this site and will provide a suitable egress for the vehicles associated with the proposed development. The widened section of the junction is public highway and the Highway Engineer does not consider it necessary to require improvements to visibility at the access.

Sustainable Resources

56. The proposed buildings on this site both exceed 500m² and as such will be required to achieve BREEAM rating 'Very Good'. Policy 27 of the Core Strategy 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.

57. Policy 27 also requires a reduction in carbon emissions over and above BREEAM however it is considered that both parts of Policy 27 can be addressed by condition.

Landscaping and Trees

58. The site is currently partly screened on the western and southern boundaries by existing trees and vegetation. The Ecologist as Greater Manchester Ecology Unit has commented that new shrub and tree planting would serve to compensate for the tree losses, would enhance the biodiversity value of the site and would serve to screen site activities from the surrounding area. As set out above in terms of the visual impacts on the Green Belt and the adjacent Area of Separation additional planting is required to assist in providing a landscaping screen, this is particularly relevant in respect of the proposed outdoor storage area. This will be secured by condition.

59. There are a number of trees on site and as such the application is supported by a Arboricultural Report with Tree Constraints Plan & Arboricultural Impact Assessment. In total 20 individual trees were assessed and 1 group of trees. Two of the individual trees (both oak trees) close to the entrance of the site and the group of trees (mixed broadleaf) are categorised as 'B' category trees which are trees of moderate quality and value with an estimated remaining life expectancy of at least 20 years. The remaining trees are categorised as low quality or trees that cannot be realistically be retained due to their condition.

60. In total 13 of the individual trees surveyed were initially identified for removal including the 2 category B trees however the plans have been amended to ensure the protection of the 2 category B trees. To afford additional protection to these trees a TPO will be placed on the category B trees on the site and a 'no-dig' condition will be attached in respect of the trees to be retained on the site.

Ecology

61. As the proposals involve demolishing existing buildings and structures the application is supported by an Ecological Appraisal. This has been reviewed by the Ecologist at Greater Manchester Ecology Unit who has made the following comments.

62. The application site is not of substantive nature conservation value; it is dominated by buildings and hard standing and is surrounded by a security fence which limits access.

The buildings to be demolished have only low potential to support bats and ponds within 250m of the site have only low potential to support great crested newts.

63. The Ecologist has commented that some evidence of nesting birds in parts of the existing building complex was found during survey. All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended). As such the Ecologist has recommended a condition that no demolition works should commence during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.
64. As a cautionary note the Ecologist has commented that although the buildings have been assessed as having only low potential for supporting bats, bats can and do turn up in unlikely places. If bats are found at any time during any approved demolition works then works must cease immediately and advice sought from a suitably qualified person about how best to proceed. The applicant will be advised of this risk by inclusion of an informative.
65. Following a 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 or for public health and safety;
 - (b) there must be no satisfactory alternative and
 - (c) favourable conservation status of the species must be maintained.
66. 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.
67. As set out above the ecological impacts of the proposals have been fully considered and as such it is considered that the Council, subject to suitable conditions, has discharged its obligations in respect of the above tests.

Noise

68. The Parish Council have raised concerns about the noise and visual impacts of the proposed outside storage area for the scaffolding company. The Parish Council have mentioned the Area of Separation (Policy BNE4 of the emerging Local Plan) however the proposed development does not extend into this area ensuring that the Area of Separation is maintained.
69. In terms of noise it is noted that a large outside storage area is proposed in connection with the scaffolding business. The movement of scaffolding equipment onto and off vehicles has the potential to adversely impact on nearby noise sensitive dwellings. In this regard the Council's Regulatory Services Officer has requested the submission of a noise assessment to understand any impact which may result in the need for restrictive conditions in respect of this element of the proposals. Alternatively Speedy Scaffolding may be able to demonstrate that their business and operational methods will have limited noise impact. Noise will be addressed further on the addendum.

Flood Risk and Drainage

70. Lancashire County Council as the Lead Local Flood Authority commented that a Flood Risk Assessment was needed for this site (due to the fact that the site exceeds 1 hectare) and in this respect a Flood Risk Assessment (FRA) has been submitted. This has been reviewed by LCC's Flood Risk Management Officer who has made the following comments.

71. The FRA submitted in support of this application has based the attenuations requirements on an additional 20% allowance for climate change. The LLFA recommends using a 30% allowance. The FRA also states that the highways within the site will be used to accommodate exceedance flows. Whilst this is acceptable in principle from a flood risk perspective, if the applicant is intending for the highway within the site to be adopted, the use of the highways as an exceedance route will need to be agreed in writing with the Highway Authority. However the internal roads within the site will not form part of the adopted highway.
72. It is noted from the FRA that the proposed development intends to incorporate the use of underground geo-cellular storage tanks. The LLFA has recommended guidelines for such systems which will be attached as an informative to the decision notice.
73. Under the Water Framework Directive (WFD), all water bodies should reach 'good ecological status' by 2015. No activities or works, including the proposed development, should deteriorate the status of any nearby watercourse as the main objectives for the WFD is to prevent deterioration in 'status' for all waterbodies. The ecological health of any receiving watercourse can be protected by the implementation of a SuDS scheme with an appropriate number of treatment stages that are appropriately maintained.
74. Local government has a major role in delivering and achieving the objectives set out in the WFD and to help the natural and modified environment adapt to the impacts of climate change. One mechanism of doing so is through the planning and development process to ensure that new developments do not pose a threat to water quality. It is recommended that the developer has regard for the WFD in developing a detailed drainage strategy.
75. In addition to the national guidelines on the use of SuDS, the emerging Chorley Local Plan and the Design Guide SPD also includes provisions to encourage the use of SuDS on development proposals within Chorley. Specific policies include:
- Core Strategic Objective SO23 to 'manage flood risk and the impacts of flooding especially at Croston.'
 - Design Principle 5 - development should contribute towards resource and energy efficiency (production and use), environmental sustainability including flood risk management and biodiversity'. This design principle also encourages the use of SuDS.
76. It is therefore considered especially appropriate for the applicant to incorporate SuDS within the drainage strategy for the proposed development. It is considered that issues in respect of flood risk and drainage can be addressed by condition.

Overall Conclusion

77. The proposed development constitutes the redevelopment of previously developed land within the Green Belt. Whilst the proposals fall to be considered inappropriate development it is considered that the re-use of this derelict site which will create employment opportunities outweighs the harm created and the impact can be mitigated via suitable conditions. As such the application is recommended for approval on the proviso that the noise impacts can be addressed.

Planning Policies

78. 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 Borough Local Plan Review 2003 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), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

79. In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.
80. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
81. The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
82. Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (08 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.

Planning History

Reference	Description	Decision	Date
78/01239/LCC	New Offices/Teaching/Dining Block	No objection	12.02.1979
88/00036/CIRC	Circular 18/084 notification proposed erection of single storey extension to chemistry block	No objection	15.03.1988
88/00730/CIRC	Circular 18/84 notification for perimeter security fencing	No objection	08.11.1988
97/00927/CIRC	Circular 18/84 Notice of proposed development by Forensic Science Service to provide Security Fencing,	No objection	18.02.1998
98/00800/CIRC	Notice of proposed installation of CCTV and Lighting,	No objection	17.02.1999
99/00185/CIRC	Circular 18/84 notification in respect of provision of additional car parking facilities	No objection	26.05.1999
01/00626/CIRC	Notice of proposed development by Government Agency to provide additional work floor area with provision of 2 No new portacabins and 1 No. relocated portacabin,	No objection	11.09.2001
03/00694/CIRC	Provision of additional portacabin at second storey level above existing portacabin	No objection	13.08.2003
05/00504/CIRC	Erection of a new two storey modular building to the rear of the site	No objection	22.06.2005
06/00154/CIRC	Erection of two storey modular building to rear of site.	No objection	28.03.2006

Suggested Conditions

No.	Condition																																				
1.	The proposed development must be begun not later than three years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004																																				
2.	The development hereby permitted shall be carried out in accordance with the following approved plans: <table border="1" data-bbox="320 539 1303 1973"> <thead> <tr> <th data-bbox="320 539 568 600">Title</th> <th data-bbox="568 539 815 600">Building</th> <th data-bbox="815 539 1062 600">Drawing Reference</th> <th data-bbox="1062 539 1303 600">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 600 568 660">Site Location Plan</td> <td data-bbox="568 600 815 660"></td> <td data-bbox="815 600 1062 660">1514/01</td> <td data-bbox="1062 600 1303 660">25th April 2015</td> </tr> <tr> <td data-bbox="320 660 568 721">Proposed Site Plan</td> <td data-bbox="568 660 815 721"></td> <td data-bbox="815 660 1062 721">1514/02 Rev A</td> <td data-bbox="1062 660 1303 721">2nd July 2015</td> </tr> <tr> <td data-bbox="320 721 568 931">Proposed Floor Plan</td> <td data-bbox="568 721 815 931">Chorley Group- Vehicle storage, maintenance workshop and office building</td> <td data-bbox="815 721 1062 931">1514/04</td> <td data-bbox="1062 721 1303 931">29th April 2015</td> </tr> <tr> <td data-bbox="320 931 568 1142">Proposed Sections</td> <td data-bbox="568 931 815 1142">Chorley Group- Vehicle storage, maintenance workshop and office building</td> <td data-bbox="815 931 1062 1142">1514/05</td> <td data-bbox="1062 931 1303 1142">29th April 2015</td> </tr> <tr> <td data-bbox="320 1142 568 1352">Proposed Elevations</td> <td data-bbox="568 1142 815 1352">Chorley Group- Vehicle storage, maintenance workshop and office building</td> <td data-bbox="815 1142 1062 1352">1514/03</td> <td data-bbox="1062 1142 1303 1352">23rd April 2015</td> </tr> <tr> <td data-bbox="320 1352 568 1563">Proposed Floor Plans</td> <td data-bbox="568 1352 815 1563">Speedy Scaffolding- Purpose built office and storage building</td> <td data-bbox="815 1352 1062 1563">1412/11 Rev A</td> <td data-bbox="1062 1352 1303 1563">23rd April 2015</td> </tr> <tr> <td data-bbox="320 1563 568 1774">Proposed Elevations (north and east)</td> <td data-bbox="568 1563 815 1774">Speedy Scaffolding- Purpose built office and storage building</td> <td data-bbox="815 1563 1062 1774">1412/12</td> <td data-bbox="1062 1563 1303 1774">23rd April 2015</td> </tr> <tr> <td data-bbox="320 1774 568 1984">Proposed Elevations (south and west)</td> <td data-bbox="568 1774 815 1984">Speedy Scaffolding- Purpose built office and storage building</td> <td data-bbox="815 1774 1062 1984">1412/12</td> <td data-bbox="1062 1774 1303 1984">23rd April 2015</td> </tr> </tbody> </table>	Title	Building	Drawing Reference	Received date	Site Location Plan		1514/01	25 th April 2015	Proposed Site Plan		1514/02 Rev A	2 nd July 2015	Proposed Floor Plan	Chorley Group- Vehicle storage, maintenance workshop and office building	1514/04	29 th April 2015	Proposed Sections	Chorley Group- Vehicle storage, maintenance workshop and office building	1514/05	29 th April 2015	Proposed Elevations	Chorley Group- Vehicle storage, maintenance workshop and office building	1514/03	23 rd April 2015	Proposed Floor Plans	Speedy Scaffolding- Purpose built office and storage building	1412/11 Rev A	23 rd April 2015	Proposed Elevations (north and east)	Speedy Scaffolding- Purpose built office and storage building	1412/12	23 rd April 2015	Proposed Elevations (south and west)	Speedy Scaffolding- Purpose built office and storage building	1412/12	23 rd April 2015
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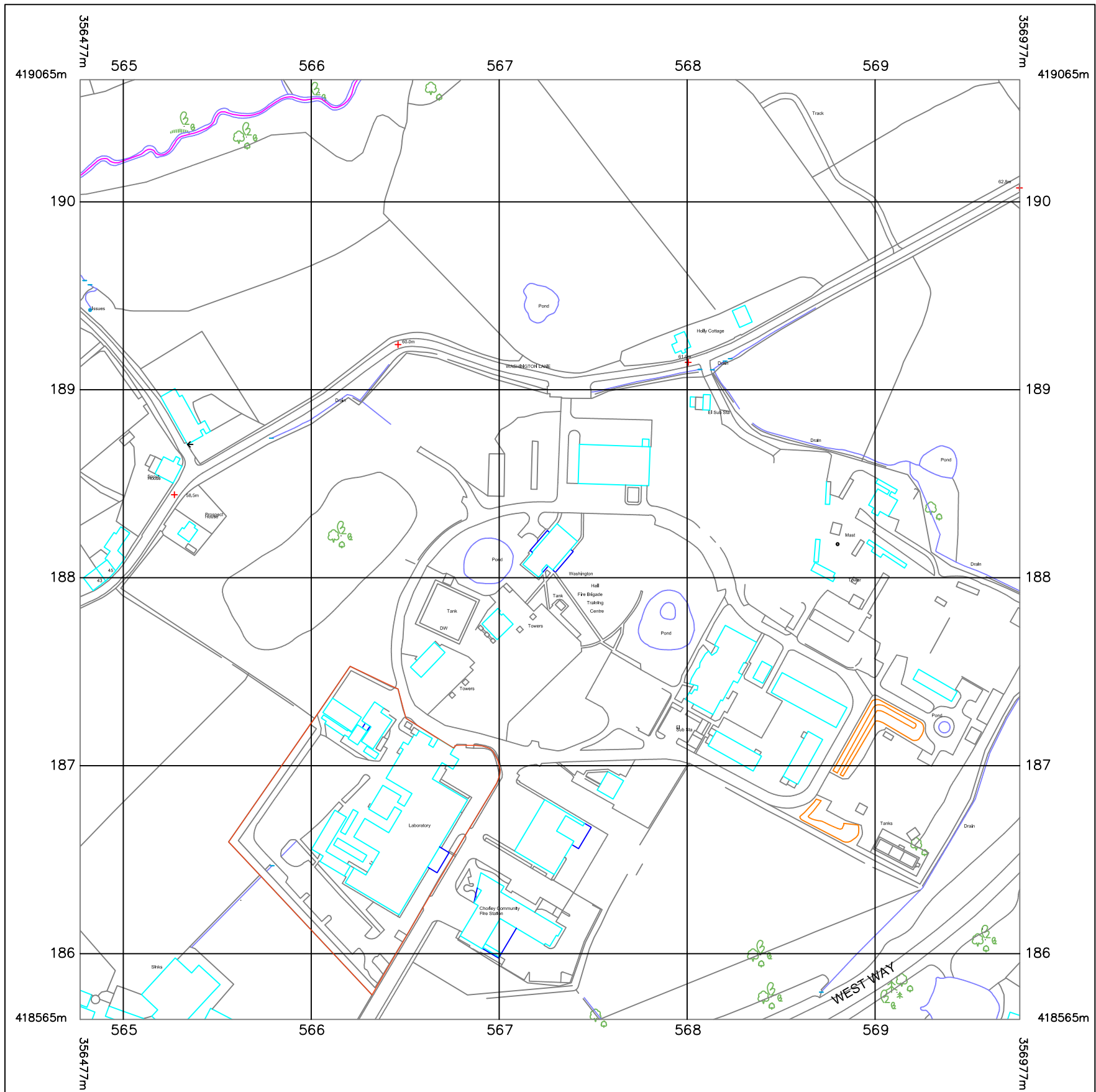
	Reason: For the avoidance of doubt and in the interests of proper planning
3.	<p>Prior to the commencement of each phase of the development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be first submitted 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>
4.	<p>Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been first submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.</p> <p>Reason: Full details of the proposed fences/ walls were not provided as part of the application and in order to ensure a visually satisfactory form of development</p>
5.	<p>Prior to the commencement of the development full details of the trees to be removed at the site and full details (including species, number, stature and location) of the replacement tree planting shall have been first submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details as part of the approved landscaping scheme for the site.</p> <p>Reason: To safeguard the visual amenity of the area and to mitigate for the loss of the trees on the site. Trees are required to be felled to facilitate the development and to mitigate the loss full details of a replacement scheme are required prior to commencement to ensure that adequate mitigation can be secured</p>
6.	<p>Prior to the commencement of each phase of the development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been first submitted to and approved in writing by the Local Planning Authority. In particular the proposed vehicle crossing at the site access shall incorporate dropped kerbs and tactile pavings. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.</p> <p>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>
7.	<p>Before each phase of the development 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</p>

	residents.
8.	<p>Before each phase of the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas associated with that phase shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p>Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</p>
9.	<p>No development or demolition works shall take place until a Construction Method Statement has been first 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 wholly within the application site • hours of operation (including deliveries) during construction and demolition • loading and unloading of plant and materials wholly within the application site • storage of plant and materials used in constructing the development wholly within the application site • measures to control the emission of dust and dirt during construction • a scheme for recycling/disposing of waste resulting from construction works • facilities to be provided within the site to clean the wheels of the vehicles exiting the site <p>Reason: The site is located close to the Fire Station. The specified information is required in the interests of highway safety and to ensure that the construction phase does not hinder the operation of the fire station. This information is required prior to commencement to ensure that the entire project adheres to appropriate procedures</p>
10.	<p>A scheme for the landscaping of the development and its surroundings shall be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; Landscaping proposals should comprise only native plant communities appropriate to the natural area and shall demonstrate that the landscaping proposed will provide a visual screen along the western and southern boundaries of the approved outside storage area.</p> <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 is carried out to mitigate the impact of the development and secure a high quality design.</p>
11.	<p>The buildings 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</p>

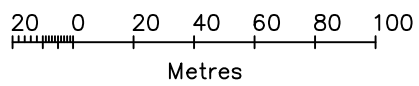
	<p>Certificate shall be submitted to the Local Planning Authority certifying that a BREEAM standard of 'very good' has been achieved.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
12.	<p>Prior to the commencement of each phase of the development, a 'Design Stage' assessment and related certification which confirms that the phase will achieve BREEAM Very Good shall be first 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.</p> <p>Reason: The buildings 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>
13.	<p>Prior to the occupation of each phase of the development 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</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
14.	<p>No demolition works shall be undertaken during the bird nesting season (March to July inclusive) unless a survey for nesting birds has been undertaken, submitted to and approved in writing by the Local Planning Authority which demonstrates the absence of nesting birds. Reason: to ensure the protection of any birds which may be nesting within the building/ structures which will be demolished on the site.</p>
15.	<p>Prior to the commencement of the development a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be first submitted to and approved, in writing, by the Local Planning Authority:</p> <ol style="list-style-type: none"> 1) A preliminary risk assessment which has identified: <ul style="list-style-type: none"> • all previous uses; • potential contaminants associated with those uses; • a conceptual model of the site indicating sources, pathways and receptors; and • potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. <p>The scheme shall be implemented thereafter in accordance with the approved details.</p> <p>Reason: The National Planning Policy Framework (paragraph 109) states that the</p>

	<p>planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.</p>
<p>16.</p>	<p>Prior to the occupation of any phase of the development hereby permitted a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: The National Planning Policy Framework (paragraph 109) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.</p>
<p>17.</p>	<p>Prior to the commencement of the development (excluding demolition and site preparation works) details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been first submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:</p> <ul style="list-style-type: none"> 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 not exceed the runoff rate for currently developed site which has been calculated at 11 litres per second. 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; 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. <p>The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, 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>Reason: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed Development and to ensure that water quality is not detrimentally impacted by the</p>

	development. This information is required prior to commencement of the built development to ensure a suitable scheme can be implemented.
18.	<p>Prior to the first use of each phase of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Business Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.</p> <p>Reason: To promote and provide access to sustainable transport/multi-modal options.</p>
19.	<p>The construction of the proposed car parking spaces and hardsurfaced areas located within the root protection area of trees T002 and T010 (detailed on the Tree Constraints Plan ref: 0674 received 1st July 2015) shall be undertaken using a 'no-dig' cellular confinement system method of construction or alternative method which has first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the continued protection of the trees on the site</p>
20.	<p>All material/ scaffolding equipment stored outside shall not exceed a maximum height of 3m</p> <p>Reason: in the interests of maintaining the visual amenities of this Green Belt location</p>
21.	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA 1240 v3) and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> 1. Limiting the surface water run-off generated so that it will not exceed the run-off from the currently developed site and not increase the risk of flooding off-site. 2. Provision of 23m³ of compensatory flood storage to accommodate the additional flows generated as a result of the increase in the impermeable area. <p>The mitigation measures shall be fully implemented prior to occupation and Subsequently in accordance with the timing / phasing arrangements embodied within the scheme.</p> <p>Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the sit and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.</p>
22.	<p>Prior to the first occupation of any of the buildings hereby permitted an appropriate management and maintenance plan for the sustainable drainage system shall be 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>
23.	<p>The approved phases of the development hereby approved are as follows:</p> <ul style="list-style-type: none"> • Chorley Group-Vehicle storage, maintenance workshop and office building • Speedy Scaffolding- Purpose built office and storage building <p>Reason: To define the permission</p>



WASHINGTON HALL LOCATION PLAN 1:2500 SCALE



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A3 sheet - 297x420mm

Client <i>Chorley Group</i>				
Project <i>Proposed Offices and Service Depot at Washington Hall, Euxton, PR7 6HJ.</i>				
Title <i>Site Location Plan for Washington Hall</i>				
Drg. No. <i>1514/01</i>	Scale <i>1/2500</i>	Date <i>Jan 2015</i>	Drawn <i>RSA</i>	Rev.
'Hillcrest', Weeton Village Preston, Lancashire PR4 3NB		Richard Ansell Ltd		Phone (01253) 836888 Mobile (07973) 621288 Email richard@ansell.org
WWW.FYLDEARCHITECTURE.CO.UK				

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SERVICES LEGEND
 Please note underground services have not been surveyed except where manholes and/or covers have been lifted, the positions have been interpreted from services drawings provided and are only intended to show the approximate location for information only. Services should be properly surveyed with tracing equipment before any excavation commences to determine the exact locations.

- GAS MAIN
- WATER MAIN
- TELECOM CABLES
- ELECTRICITY CABLES
- FOUL WATER DRAIN
- SURFACE WATER DRAIN

BUILDING VOLUME CALCULATION
 EXISTING
 Existing Buildings calculated to be 21,328m³
 PROPOSED
 Speedier Scaffolding Proposed Building to be 7,000m³
 Chorley Group Proposed Building to be 14,200m³
 TOTAL PROPOSED - 21,200m³

Speedier Scaffolding Buildings
 Warehouse 3540m³
 Office 3440m³
 TOTAL VOLUME - 7000m³

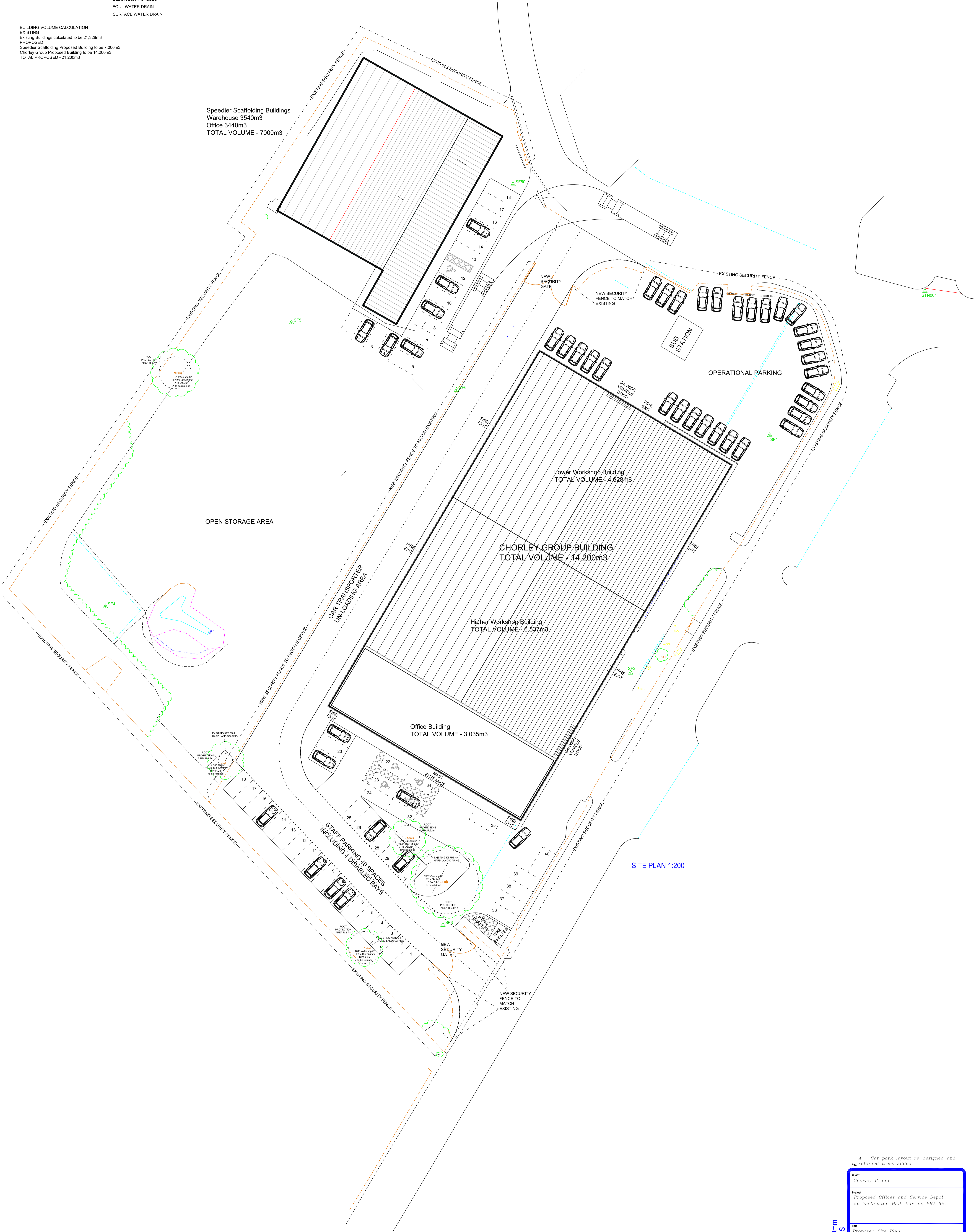
Lower Workshop Building
 TOTAL VOLUME - 4,628m³

CHORLEY GROUP BUILDING
 TOTAL VOLUME - 14,200m³

Higher Workshop Building
 TOTAL VOLUME - 6,637m³

Office Building
 TOTAL VOLUME - 3,035m³

SITE PLAN 1:200



A0 sheet - 841x1189mm
 SUBMISSION PLANS

A - Car park layout re-designed and retained trees added

Client Chorley Group				
Project Proposed Offices and Service Depot at Washington Hall, Euxton, PR7 6HL				
Title Proposed Site Plan				
Drawn 15/11/02	Scale 1/200	Date July 2015	Drawn RSA	Rev. A
Richard Ansell Ltd www.fyldearchitecture.co.uk Phone: 01253 838888 Mobile: 01927 627288 Email: r@fyldearchitecture.co.uk				

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Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	14 July 2015

ENFORCEMENT ITEM

PLANNING PERMISSION 14/00687/FUL - 142 BOLTON STREET CHORLEY- DEVELOPMENT NOT CARRIED OUT IN ACCORDANCE WITH APPROVED PLANS.

PURPOSE OF REPORT

1. To seek authority to under-enforce against the unauthorised alterations to planning permission 14/00687/FUL.

RECOMMENDATION(S)

2. That in accordance with Section 173(11) of the Town and Country Planning Act 1990 it is considered expedient to 'under enforce' in respect of the following breach of planning control: Without planning permission Change of use from petrol station to hand car wash and valeting centre, including removal of petrol pumps and erection of a valeting area consisting of an attached polycarbonate roof supported by a screen plywood wall and erection of single storey extension to provide store room and prayer room to south east of existing building.(as shown on the plan attached to this notice)

Remedy For Breach

1. The car wash and valeting centre hereby permitted shall only be operated between 09.00 hours and 19.00 hours on any day of the week.
2. The prayer room shall only be used by employees of the car wash and valeting centre.

Period For Compliance

Seven days.

Reason For Issue Of Notice

To protect the amenities of the nearby residents.

EXECUTIVE SUMMARY OF REPORT

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

3. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

- Historically, this site was a former petrol station and is situated on the corner of Bolton Road and Jackson Street, Chorley. On 8th August 2014, planning permission was approved for *‘Change of use from petrol station to hand car wash and valeting centre, including removal of petrol pumps and erection of a valeting area consisting of an attached polycarbonate roof on steel supports to southeast of existing building’*. An enforcement complaint was received following the implementation of the permission alleging that the development had not been carried out in accordance with the approved plans and was attached to a wall owned by another party. A canopy covering the car washing area had been extended so that it attached onto a boundary wall together with an attached side extension which is used as a store room and a prayer room for staff which is attached to the original shop premises of the former service station. A retrospective planning application has been requested however no application has been submitted.

ASSESSMENT

- The location of the car wash is within the settlement and the principle of development is considered acceptable the main issues are whether as a result of the development this has had an adverse impact on the area or amenity of neighbouring residents. The canopy in the car wash area has now been reduced in length to 7.2 metres from the previous unauthorised length of 8.5 metres and removed from the wall to which it was originally attached. Although the canopy has been reduced in size the side extension which overall measures 8.5 metres x 4.2 metres remains for the prayer room/store room which forms an L shape infilling the area between the car wash canopy and the former garage shop.
- As part of the Councils consideration of the case I wrote to the occupiers of neighbouring properties to advise them that the development had not been carried out in accordance with the planning permission and asked for their comments as to whether they considered the development had affected them or the area in any way and ,if so ,how. Two responses were received. They state that part of the development has been attached to a neighbouring property not within the ownership of the applicant and that the materials used to construct the car wash canopy are different from the approved plans in that it has been constructed from wood and has a plastic sheet roofing .Part of the development may well be attached to property not within the applicants ownership, however that is not a planning consideration and remedies exist through means of civil law to deal with any encroachment and this is a private matter between the two parties. The roof of the car wash canopy has been constructed of translucent polycarbonate as approved. The roof was shown to be supported by four steel galvanised pole supports. These have been replaced with a screen wall comprised of sheet plywood which supports the roof.
- The planning impact of the changes is minimal both in terms of the alternative treatment used to support the roof and extension to the existing building. The materials used are acceptable in appearance and it is not highly visible in the streetscene.It is considered therefore that the development does not have an adverse impact either on the area or the amenity of neighbouring residents.

8. Having said that because the development has not been implemented strictly in accordance with the approved plans then the development is unlawful and any conditions attached to the planning permission would have no subsequent effect and would be unenforceable. In this case there is a condition restricting the opening hours of the premises in respect of car washing/valeting. In order to protect the Council’s ability to enforce the condition in the absence of a retrospective application upon which conditions could be re-imposed I consider it expedient to under enforce against the breach of planning control which has occurred. This means that the development would effectively be granted planning permission but with same conditions as the original planning permission which would protect the Council’s position to enforce against any potential breach of the planning conditions.

IMPLICATIONS OF REPORT

9. This report has implications in the following areas and the relevant Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

12. There are no budgetary implications at this stage.

COMMENTS OF THE MONITORING OFFICER

- 13 The proposed action is proportionate in this instance.

Jamie Carson
 Director of Public Protection Streetscene and Community

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Colin Wordsworth	5414	29/06/2015	***

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Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	14 July 2015

ENFORCEMENT ITEM

CHANGE OF USE OF LAND FROM RESIDENTIAL CURTILAGE TO A MIXED USE OF RESIDENTIAL CURTILAGE AND USE FOR PLANT HIRE/ GROUND WORKS DEPOT, LAND AT 80 BLACKBURN ROAD WHITTLE-LE-WOODS

PURPOSE OF REPORT

1. To seek authority to take enforcement action in respect of the unauthorised use of the land.

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:
3. Without planning permission the change of use from residential curtilage to a mixed use of residential curtilage and use as a plant hire and ground works depot including formation of a fenced compound area including the parking/storage of plant hire/ground works vehicles, equipment, machinery and the siting of storage containers and formation of access road to serve compound area.

Remedy For Breach

1. Cease the use of the land as a plant hire and ground works depot.
2. Dismantle the site compound area and remove the fencing materials from the land.
3. Cease the parking/storage of plant hire/ground works vehicles, equipment and machinery and remove the vehicles equipment and machinery from the land.
4. Remove the storage containers from the land.
5. Excavate and remove the materials laid to form the access road serving the compound area from the land.

Period For Compliance

Three Months

Reason For Issue Of Notice

The development constitutes inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt unless very special circumstances exist to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the

development is contrary to the policies of the National Policy Framework and Policy DC1 of the Adopted Chorley Local Plan Review.

EXECUTIVE SUMMARY OF REPORT

- There is no planning permission for the development on the land and the landowner has been advised that because the land is designated as Green Belt such development is considered inappropriate development and unacceptable in planning terms. It is considered therefore given the inappropriateness of the development within the Green Belt that it would be expedient to issue an enforcement notice in this case.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

- This case relates to land which forms part of the residential curtilage of an existing dwelling house which is being used as a plant hire/ ground works depot in connection with the occupiers business .A fenced compound area has been established which is used to park and store vehicles equipment and machinery. Within the compound area there are containers used for storage purposes in connection with the business including domestic items. I initially wrote to the occupier earlier this year regarding the alleged breach of planning control and was advised that they did have an alternative site from which to operate and would remove the compound and relocate the use there. However, it appears that little or no progress has been made with regard to this and the use continues to operate from the land.

ASSESSMENT

- The land is within the Green Belt and policy guidance within the National Planning Policy Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review are relevant policy considerations.
- Within the Green Belt only those uses of land which are considered appropriate development will be permitted unless it can be demonstrated that very special circumstances exist to outweigh the harm to the Green Belt.
- In this case the uses of land do not fall within any of the categories of development considered to be appropriate development within the Green Belt and are therefore by definition inappropriate development.
- The addition of a compound area, containers and formation of an access road on the land also constitutes inappropriate development and this further adds to encroachment into the Green Belt and loss of openness.

11. There is no planning permission for the development on the land and the occupier has been advised that because the land is designated as Green Belt such development is considered inappropriate development and unacceptable in planning terms. It would be unlikely that planning permission would be granted should a planning application be submitted .No action has been taken by the owner to cease the use of the land and it appears that the landowner is not willing to comply voluntarily in this case. It is considered therefore given the inappropriateness of the development within the Green Belt that it would be expedient to issue an enforcement notice in this case.

IMPLICATIONS OF REPORT

12. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

13. There are no budgetary implications at this stage.

COMMENTS OF THE MONITORING OFFICER

14. The proposed action is proportionate in this instance.

Jamie Carson
 Director of Public Protection Streetscene and Community

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	1 July 2015	***

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Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	14 July 2015

ENFORCEMENT ITEM

SITE OF FORMER BROOKES ARMS PUBLIC HOUSE EAVES LANE CHORLEY

PURPOSE OF REPORT

- To recommend action by the Council under Section 215 of the Town and Country Planning Act 1990.

RECOMMENDATION(S)

- That a Section 215 Notice be served on those persons with an interest in the land in order to remedy the harm caused to the amenity of the area. The period for compliance shall be within 28 days of the date which the notice takes effect.

EXECUTIVE SUMMARY OF REPORT

- The issue for consideration in this case is whether the condition of the land adversely affects the amenity of the area and if so what steps are required for remedying the condition of the land. The condition of the land has been left in an untidy state following demolition works and this has adversely affected the amenity of the area. It would be appropriate therefore for the Council to use its powers to remedy the harm caused.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

- This report relates to the site of the former Brookes Arms public house which was demolished last year. Following demolition the site was fenced with Harris fencing to prevent access, however the site has been left in an untidy condition with bricks and other materials littering the site which is in a prominent position at the junction of Eaves Lane and Brooke Street Chorley.

- 6. I have written to the landowner to seek his co-operation in carrying out works to remedy the appearance of the site on two occasions; however no response has been received.
- 7. Section 215 of the Town and Country Planning Act 1990 allows local planning authorities to serve a notice as a means of remedying the unsightly nature of land which has an adverse effect on the amenity of the area .I consider that the appearance of this site does adversely affect the appearance of the area and a notice would therefore require the owner to clear the site of loose bricks and other materials and to blind off the surface with a layer of cold planings or other such material to seal the surface in order to remedy the harm caused.

IMPLICATIONS OF REPORT

- 8. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 9. There are no budgetary implications at this stage.

COMMENTS OF THE MONITORING OFFICER

- 10. The proposed action is proportionate in this instance.

Jamie Carson
 Director of Public Protection Streetscene and Community

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	1 July 2015	***



Report of	Meeting	Date
Chief Executive	Development Control Committee	14 July 2015

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257 CHORLEY BOROUGH COUNCIL (PUBLIC FOOTPATH NO.8, ECCLESTON) PUBLIC PATH DIVERSION ORDER 2015

PURPOSE OF REPORT

1. To consider the making of a public path diversion Order, in order to facilitate the development of an earth embankment, ancillary control and infrastructure, a new permanent access road and borrow pits in the River Yarrow on the Croston Flood Risk Management Project Land 485M south east of 77 Lydigate Lane, Eccleston.

RECOMMENDATIONS

2. That the Head of Governance and Property Services be authorised to make the Chorley Borough Council (Public Footpath No 8 Eccleston) Public Footpath Diversion Order 2015 pursuant to Section 257 of the Town and Country Planning Act 1990, in order to permit the development to be carried out in accordance with the grant of planning permission namely the development of an earth embankment , ancillary control and infrastructure, a new permanent access road and borrow pits in the River Yarrow on the Croston Flood Risk Management Project Land 485M south east of 77 Lydigate Lane, Eccleston.
3. That in the event that no objections are received to the making of the order or where an objection is received by the statutory deadline and it is subsequently withdrawn then the Head of Governance and Property Services be authorised to confirm the making of the Chorley Borough Council (Public Footpath No 8 Eccleston) Public Footpath Diversion Order 2015.
4. The Head of Governance and Property Services is authorised to arrange advertisements in the local press, to serve notice on site and on prescribed persons and to certify the order as being complied with having regard to any representations from the Public Rights of Way Team (PROW) at Lancashire County Council (LCC) or to confirm the order in the absence of representations from PROW and certify its terms as being complied with.

EXECUTIVE SUMMARY OF REPORT

5. A planning application under reference 14/01046/FULMAJ for the construction of an earth embankment , ancillary control and infrastructure, a new permanent access road and borrow pits in the River Yarrow on the Croston Flood Risk Management Project Land 485M south east of 77 Lydigate Lane, Eccleston was approved on the 21 January 2015. In order to facilitate the development the Environment Agency has submitted an application to divert the existing public right of way.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	√	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

7. Planning approval for the development of an earth embankment, ancillary control and infrastructure, a new permanent access road and borrow pits in the River Yarrow on the Croston Flood Risk Management Project Land 485M south east of 77 Lydigate Lane, Eccleston was granted on 21 January 2015.
8. The development will provide a temporary flood storage area during periods of heavy rainfall in order to reduce the flood risk in Croston to a 1 in 100 year event. The Scheme has been designated as an ‘Accelerated Project’ in the Environment Agency’s Projects of Acceleration and Growth programme.
9. There is an existing right of way (Footpath No 8 Eccleston) that runs through the site therefore the Environment Agency has now submitted an application for the diversion of the current footpath.
10. The current footpath runs from point A in an east/west direction for the distance of 50metres as shown in a bold black line on the appended map.
11. It is proposed that the footpath is diverted so as to run in a north westerly direction around the eastern toe of the proposed flood embankment for 130metres where it will turn west and cross a stone access track before turning south down the western toe of the embankment for 130metres to re-join the existing footpath as shown by blue dashed line on the appended map.
12. The diversion of the footpath is necessary to facilitate the development.
13. Upon the making of the Order a public notice describing the order must be advertised in the local press and the Order placed on deposit for public inspection. This public notice and order map must also be placed at each end of the length of public footpath to be diverted. Owners of land affected by the order and various statutory consultees must be contacted and served with the notice and a copy of the order and they must be allowed the opportunity to make objections within 28 days from the date of notice.
14. In the event that no objections are received or any objections so received are subsequently withdrawn the Council may confirm the Order as an unopposed order.
15. On confirmation of the order similar steps to those outlined above must be repeated enclosing a copy of the confirmed order. Objectors may challenge the validity of the Order in the High Court within six weeks after notice of the confirmation is published on the grounds that the confirmation is outside the Council’s powers or that there has been a procedural defect. The diversion order does not come into effect until Chorley Borough

Council certifies that the provisions of the order have been complied with. It is reasonable to take into account the views of LCC because the County will be responsible for maintaining the newly diverted route and ensuring that it remains unobstructed. However the decision to certify is ultimately one for Chorley Council as the order making authority.

IMPLICATIONS OF REPORT

16. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	x	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

17. Chorley Council will incur costs in advertising the proposed order in the local press and officer time must be spent in drafting and sending out notices. The developer has agreed to meet the costs of the application.
18. Maintenance responsibility of public footpaths rests with Lancashire County Council as part of the wider public footpath network.

COMMENTS OF THE MONITORING OFFICER

19. The legal basis for the making and confirmation of the order and the procedural requirements are addressed within the body of the report.

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jodi Fitzpatrick	5112	26 June 2015	

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