

<b>Item</b>	<b>11/00366/OUTMAJ</b>
<b>Case Officer</b>	<b>Mrs Nicola Hopkins</b>
<b>Ward</b>	<b>Eccleston And Mawdesley</b>
<b>Proposal</b>	<b>Outline application for the erection of a replacement Local Centre Parade, Supermarket and up to 40 residential dwellings with associated areas of parking and servicing (all matter reserved apart from access). Full application for the relocation of existing pond to provide enhanced new pond.</b>
<b>Location</b>	<b>The Carrington Centre New Mill Street Eccleston</b>
<b>Applicant</b>	<b>Northern Trust Group Ltd</b>
<b>Consultation expiry: 9 September 2011</b>	
<b>Application expiry: 12 August 2011</b>	

This application is accompanied by a Planning Performance Agreement (PPA). A PPA is an agreement between the Council and the applicant in respect of key dates for consideration of the planning application and effectively removes the nationally imposed 13 week target date. In this case the PPA indicated that the application would be considered at DC Committee on 6th September. However it was not possible to meet consultation requirements, consider and report comments properly and meet the 6 September PPA target. A member site visit was also arranged on 7<sup>th</sup> September, in accordance with the PPA, to enable Members to visit the site prior to committee.

### **Proposal**

1. The application is a hybrid application in that it includes both outline and full elements as follows:
2. Outline (access to be determined): outline planning permission is sought to demolish all built structures on the site and erect:
  - a supermarket (with a gross floor space of 2,182sqm)
  - a new local centre (with a gross floor space of 1,728sqm) with a view of accommodating a range of uses including shops, the relocated Post Office and Chemist (Use Class A1), restaurants and cafes (Use Class A3), the relocated library (Use Class D1) and offices at first floor level (Use Class B1).
  - Up to 40 residential dwellings
3. Full: detailed planning permission is sought to relocate the existing pond adjoining the site south eastern boundary. The new pond is proposed to be of a greater size and depth than the existing pond.
4. As submitted, the outline element of the application scheme reserved all matters save access. The floorspaces detailed for the two development opportunity sites are maximum floorplates and in accordance with DCLG Circular 01/2006 the parameters of any planning consent would be constrained to the parameters detailed within the design and access statement and upon which there has been consultation.
5. The application is supported by the following statements:
  - Town Planning Statement
  - Design and Access Statement
  - Ecological Report (including specification details and Masterplan for the proposed relocated pond);
  - Statement of Community Involvement
  - Environmental Noise Report
  - Structural Survey
  - Topographical Survey
  - Tree Survey
  - Flood Risk Assessment
  - Outline Drainage Strategy

- Framework Travel Plan
- Transportation Assessment
- Affordable Housing Statement
- Land Contamination Assessment
- S106- Heads of Terms
- Waste Management Strategy
- Adoption Statement
- Parking Provision Statement
- Energy Efficiency/ Resource Conservation Statement

### **Recommendation**

6. The development involves the erection of a supermarket outside the defined local centre and the erection of dwellings on land allocated as safeguarded land and part of the allocated play space land. As such the development is a departure from the Local Plan. By virtue of Section 77 of the Town & Country Planning Act 1990 and Circular 02/09 The Town & Country Planning (Consultation) (England) Direction 2009, certain departure applications are subject to referral to the Secretary of State.
7. Circular 02/09 sets out which types of application require referral to the Secretary of State and include Green Belt development, development outside town centres (retail, leisure or office use consisting of the provision of a building or buildings where the floor space to be created by the development is: (i) 5,000 square metres or more; or (ii) extensions or new development of 2,500 square metres or more which, when aggregated), World Heritage Site development, playing field development (the land which is the subject of the application –(i) is land of a local authority; or (ii) is currently used by an educational institution as a playing field; or (iii) has at any time in the five years before the application is received been used by an educational institution as a playing field) and Sport England has made representations objecting to the whole or part of the development or flood risk area development.
8. None of the application site is allocated as Green Belt land and the proposed retail provision (located outside the defined local centre) does not exceed the thresholds set out above. Sport England have been consulted on the application as part of the residential development occupies the play space allocation within the local plan. They have confirmed that *detailed plans have been submitted to show the access road will not affect the pitch or its run-off. The minimal amount of playing field taken up by the access road is already affected by existing trees so the impact on the playing field will not change* and as such raise no objection.
9. As such it is not considered that the application requires referral to the Secretary of State and the application is recommended for approval.

### **Description Of Site And Surroundings**

10. The application site is located within the centre of Eccleston and is currently occupied by a relatively large former Mill building. The Mill building was converted approximately 25 years ago into retail units and employment uses (to the rear of the Mill). While the part of the site currently occupied by the Mill is previously developed land, the land to the rear of the mill, which lies within the application site, is Greenfield land, allocated within the existing local plan as safeguarded land.
11. Vehicular access to the existing Mill is via The Green. Along the frontage of The Green at the access to the Mill is an Italian restaurant and various residential properties. Within the site there is a large car park located in front of the mill and a row of 5 terraced properties which are used as office/ commercial accommodation.
12. To the south and north of the site are residential dwellings and to the east the character is open fields with a play space allocation (football pitch) immediately adjacent to the application site.

### **Representations**

#### **OBJECTIONS**

##### Residents:

13. **566 letters of objection** have been received raising the following points:
  - Housing does not conform with the Council's planning policies
  - Housing land is safeguarded land and informal recreation facility
  - Application does not conform with Policy GN3
  - Proposal does not incorporate open green space in accordance with Policy GN10
  - Application does not satisfy Policy GN2

- Proposal does not conform to the acceptable uses identified in policies DC1 and DC2- as such fails to meet the requirements of Policy DC3
- Application does not meet the requirements of Policy DC5
- The development will place a greater burden on local facilities including schools and the GP Practice.
- Application fails to meet the criteria of Policy HS6
- Application fails to meet the criteria of Policy HS8
- Policy LT14 requires the land to be retained for its recreational and amenity value.
- The applicants desire to cross subsidise the redevelopment of the shopping centre with the proceeds of the sale of the housing land should have no bearing on the decision of the planning permission
- Impact on traffic generation and congestion
- The Village does not have the social and physical infrastructure to absorb further development
- Site has neither adequate road access nor adequate drainage of sewerage and water
- Loss of privacy, loss of light and increase in noise and disturbance
- Impact of delivery hours
- Security gates should be installed to prevent vehicular access at night
- Problems with flooding to adjacent properties
- Loss of Village character and status
- Pond should not be relocated- Biological Heritage Site
- A modern supermarket would be out of keeping with the Village
- Light pollution
- Locating the library at first floor level ensures it will not be accessible to all users
- Impact on wildlife
- The application should be split in two as 2 different proposals.
- Impact on surface water drainage
- Removal of existing field drainage ditch
- Safeguarded land- any housing should be made available at significantly below market costs
- No current shortage of housing supply in the Borough- no need
- Housing to cross subsidise retail element does not constitute very special circumstances
- Application will destroy BHS
- Loss of trees protected by a TPO
- Further bat surveys are required
- The mill is not in a poor state of repair
- Loss of industrial units.
- Impede existing business- legal right of access to the rear
- Should preserve mill chimney
- Loss of jobs from existing supermarket
- Eccleston is no longer a Village
- Bradley Lane is a busy, narrow road which is not suitable for extra traffic
- Insufficient information submitted to assess the viability arguments in respect of the costs of the development.

14. **1 letter of objection** has been received in respect of the submitted 'Detailed Appraisal of Bradley Lane Pond Biological Heritage Site with Supplementary Mitigation & Compensation Details For Its Proposed Relocation' raising the following points:

- The proposed mitigation and compensation proposals are inadequate in that:
  1. They do not fully address the consultee objections.
  2. The benchmark condition of the pond, as it was prior to its drainage in June 2010, reflects its true potential; not the current state of the existing pond.
- The supplementary mitigation and compensation proposals would still result in a significant reduction in extent of the surrounding terrestrial habitat and also leave the pond isolated by roads and amenity grassland areas.
- The following issues have been properly addressed:-
  - a) The new route would, for the major part, necessitate crossing amenity grassland that runs alongside the proposed new road.
  - b) The building of a new road would result in the loss of a considerable length, approx 40m, of the existing field ditch and associated aquatic and wetland habitat for invertebrates and amphibians.

- c) Without proper maintenance/dredging the ditch would fail to support the pond life
- d) There is no indication of the amount of ditch widening that would be undertaken.
- e) When the existing pond was full to capacity it would, prior to the installation of a new drain in June 2010, overflow directly into the field drainage ditch. It did not cause flooding of the adjacent playing field as stated above

- The pond drainage operation carried out by the applicant in June 2010 had a significant adverse effect regarding both existing and sustainable wildlife species that have historically been present.
- The new pond would have a greater surface area and depth than the existing pond. However, prior to its drainage in June of last year the existing pond had a surface area of approx 530m<sup>2</sup> (new pond 410-450) and a similar overall depth to that proposed for the new pond (2.25m).
- To say that the replacement pond and associated water regime will restore and add to the former BHS interests of the existing pond (ERAP Summary 12) does not recognise the true environmental potential of the existing pond. If its outlet drain were to be raised by just 1.5metres then all of the potential benefits proposed for the new pond would be present, without any of the adverse effects associated with creating a new pond. Additionally, there would not be any of the biodiversity losses that would undoubtedly occur during the proposed transition, and the pond would have the capacity to recover to its former state.

15. **3 letters** have been received following publication of the comments of Liberata making the following comments:

- The review fails to make any reference to Appendix B (Town Planning Statement), which has not been changed by the applicant
- The review only provides six figures, not one of which appear in Appendix B and with certain key numbers representing significant changes in values and hence assumptions
- The review does not say that the retail development is only viable when linked to the residential component
- In order to assess the financial viability issue it is necessary to be able to compare:
  - Appendix B – Financial Appraisal submitted with the original application (Appendix B of the Town Planning Statement), and presented as justification for releasing the safeguarded land.
  - LIBERATA – Financial Viability Statement released on the 26th August
- Analysis of the figures provided by Liberata does not indicate that substantive evidence backing up the financials submitted with the original application (Appendix B of the Town Planning Statement), and presented as justification for releasing the safeguarded land, has been made available and subjected to a full commercial and financial audit.
- The comparison also appears to show that the two financial statements are based on assumptions that are markedly different. The pretext of promoting the redevelopment of the Carrington Centre is not supported by the Liberata statement, and the following key concerns are still valid:
  - The case for doing so is both unsound and opportunistic, and the retail element should stand to be assessed on its own merits.
  - It is wholly inappropriate for the applicant to imply that the income from building the proposed housing is necessary to finance the re- development of the Carrington Centre retail site.
  - If approved, the housing development proposal will represent a windfall profit in excess of £2.5m, which the applicant is not entitled to under current planning regulations.
- Liberata makes no reference to the financial viability of the retail/commercial component. However, from the limited information provided:
  - It would appear that the current value of the Carrington Centre is assessed as £3m and, despite a cash investment of £7.86m (£10.86m - £3.0m), this will only increase in value by £5.1m (£8.1m - £3.0m)
  - It is hard to comprehend that the current commercial centre comprising retail, business and work units located in a converted 1920's textile mill will, when replaced by a modern, purpose built retail/commercial centre, show such a small relative increase in value.
- In view of the extremely limited information provided and relative importance of this aspect of the application i.e. Justification for Promoting Development on 'Safeguarded Land', then the conclusion must continue to be regarded as unsafe, unless and until substantive evidence backing up the financials has been subject to a full independent audit and presented to the public in a form that provides the Development Control Committee with clear assurances that the case for releasing the safeguarded land is proven beyond reasonable doubt.
- Liberata have accepted the figures provided without question
- A financial value is not provided for the 10% affordable housing element
- The figure of £10,860,000 is an overestimation of costs
- The affordable housing provision is not in accordance with Planning Policy

## COMMENTS/ CONCERNS

16. **2 letters** have been received raising no objections but raising the following concerns:

- Traffic lights should be erected at the junction with The Green
- The right of way to the rear of 228 The Green should be preserved

17. **1 letter** has been received not objecting to the scheme but querying:

- What the boundary treatment along Middlewood Close will be as the current treatment offers privacy and a noise barrier
- Concerned how disruption will be minimised during the demolition and construction stage

18. **1 letter** has been received raising no major objection but stating:

- The new pond should be used as a nature centre
- The existing fish should be relocated into the new pond

## SUPPORT

19. 12 letters of support has been received raising the following points:

- The population growth is such that it now supports many businesses that couldn't exist before.
- Our current shopping centre, whilst it serves the needs of Ecclestone at the moment, has many potential weaknesses for sustainability in the medium term; the building itself is obviously of poor quality and cannot continue to be functional without considerable future investment. Also, the use of the land area occupied by the development does not make best commercial use of its potential.
- The problem is that without investment The Carrington Centre will decay to the point it is unviable because of decreasing rent return from poorer quality estate coupled with increasing maintenance overhead.
- Ecclestone undoubtedly needs a good shopping centre, with smart, modern buildings.
- I fully understand the proposed arrangement where a small housing development can be used to provide the necessary capital for the retail redevelopment
- What is the downside of the housing development?
- Ecclestone is privileged to have a variety of Independent Traders situated here which provide a service to the residents of Ecclestone and surrounding villages however over recent years we have seen a move away from shopping locally and many of my neighbours now travel to large out of town supermarkets which have appeared in Chorley over the past 10 years or so. This has made for difficult trading conditions
- The only way forward is for Ecclestone to bring to its residents what they are presently travelling elsewhere to receive in the way of a well stocked, popular supermarket
- The Carrington Centre is in a very poor condition as I am sure you are aware which makes for unpleasant working conditions and an unattractive proposition for shoppers and prospective tenants
- With regards to the housing development and speaking as a resident that has no desire for over development I understand that we are committed to building more houses and in my view this proposition is the least offensive of any proposals that I have seen throughout the area as the vast majority is being built on land where there are existing buildings.
- I was bombarded with misinformation regarding the development culminating in a pre printed and addressed letter that only had to be signed and I guarantee that if you ask any resident if they would like more houses they would say no but nothing was made clear or even mentioned as to what would happen if the development didn't go ahead.
- There is unrealised commercial potential in the stores
- A comprehensive redevelopment is necessary

20. **1 letter** has been received stating that Ecclestone needs the development to replace the existing shopping parade

21. **Villages in Partnership** (The Rural Community Partnership Trust) support the scheme

## PARISH COUNCILS

22. **Ecclestone Parish Council** object to the proposals on the following grounds:

- Part of the land currently enjoys Safeguarded Status under DC3.13 of the Local Plan. The proposed development contains none of the exemptions listed under DC1 (a - g). The Parish Council is extremely concerned with the vague connotations of 'Very Special Circumstances' and would suggest that very special circumstances were intended to be defined as for the benefit of the village and/or residents and not, as in this case, to accommodate or assist the financial requirements/wellbeing of an applicant

- Impact of the dwellings on local drainage and sewerage services, which are already beyond capacity under certain conditions.
- The visual impact of the dwellings in a recreational area.
- The impact of additional vehicles accessing the development via Bradley Lane (a Safeguarded Cycle Route under TR17 of the Local Plan), which already currently experiences serious congestion.
- This application should also be considered in the light of the recently completed Lawrence Lane development (09/00998/FULMAJ) which added 10 properties, and the recently approved Sagar House redevelopment for 70 dwellings. The impact on services mentioned above and on the remaining services including schools, medical and dental services etc needs also to be given weight when considering this application.
- Over the years Eccleston village has drastically increased in size with little or no proportionate increase in village facilities, namely additional recreational open space/play areas and a village meeting space/hall.
- Furthermore the Parish Council shares the views of many residents that, due to unrestricted development, the identity of the village is rapidly changing to that of a dormitory town.

23. **Croston Parish Council** has raised the following concerns:

- The impact on the existing, already overloaded, sewage and drainage services. Croston currently suffers from problems, particularly along Grape Lane, with raw sewage erupting from manholes during times of heavy rain. Any development, further up the sewerage network will only exacerbate existing problems. The River Yarrow is, to an area around Town Bridge, tidal and any increase in surface water discharged into the river during periods of high tide and heavy rain will, again, exacerbate existing problems.
- The continual erosion of the rural community by developments of this nature.

24. **Heskin Parish Council** have confirmed that they support the replacement of the centre. They have commented that it would seem that a modern shopping facility would be beneficial to the many villages within this rural area (Rural West). There have been major reductions in local transport and a modern facility would enable local people to access it without the need to travel much longer distances to Chorley, Leyland and Wigan. There is no doubt that the Centre based as it is in buildings erected in the 1920's, is very much out of date. We are fortunate in Heskin in that we have an excellent facility with Post Office, General store etc in Lillian Harrison's. However we do not have a Library, a Chemist and other specialist facilities which are available at Eccleston and these must be retained.

The Parish Council are aware of other issues regarding traffic movements and that nearby residents are concerned about that. That is not something about which the Parish Council feel qualified to comment. No doubt the Highway Authority will have views.

Following the reconsultation in respect of the financial information the Parish Council have confirmed that they have no comments to make on them but would wish to repeat the previous views generally supporting the redevelopment

## **Consultations**

25. **Lancashire County Council (Ecology)** initially raised concerns with the proposals and requested the following details:

- Further bat surveys
- Full pond biodiversity surveys at an appropriate time of the year
- Further information on the status of common toads

Following the receipt of the bat survey the Ecologist has confirmed that provided the recommendations within the report can be implemented by planning condition impacts on bats and bat roosts should be avoided.

Following the receipt of the supplementary Ecology report the Ecologist has provided further comments which are addressed within the report.

26. **The Environment Agency** initially objected to the scheme on the following grounds:

- Need for a Flood Risk Assessment (FRA)
- Need for further survey work in respect of the Biological Heritage Site

A FRA was however submitted with the application which the Environment Agency are currently reviewing.

Following review of the FRA the Environment Agency maintained their objection on the following grounds:

- From looking at the submitted FRA, the calculation of the existing surface water runoff is not accurate. The impermeable areas have been calculated using the Modified Rational Method, however this method does not take into account the existing private drainage on the site and how efficient these drains are.
- We would therefore recommend a drainage survey to be conducted to identify an appropriate discharge rate from the site.
- With regards to section 4.4.4, the FRA must include a preliminary drainage design to show areas of attenuation and possible overland flood flow routes which should not increase the flood risk to the development or any neighbouring properties.
- Finally, with regards to section 4.6.2, is the existing small reservoir part of any current drainage system on the site and if so, can the outlets to any drainage networks be identified?

Following the receipt of the supplementary Ecology report, the Flood Risk Assessment and Outline Drainage the Environment Agency have removed their objections subject to various conditions

27. **The Architectural Design and Crime Reduction Advisor** has confirmed that anti social behaviour by juveniles is an issue in the car park and shops have suffered from burglary and criminal damage. As such he has requested that should the development be granted, a condition be added that CCTV be placed in the car park with day night capability and recorded in a room allocated to the onsite security staff. Additionally he has also requested that the new business properties be fitted with B.S. alarm systems
28. **GVA Grimly** have provided comments in respect of the retail elements of the scheme. The detail of the GVA Grimley assessment is addressed in the body of this report, the key issue for assessment is whether any significant adverse impacts arise, and how the positive and negative impacts of the proposal are weighed.
29. **United Utilities** have no objection on the proviso that the drainage strategy within the FRA is strictly adhered to.
30. **Lancashire County Council (Highways)** raise no objection to the scheme however they have made several comments which will be addressed below
31. **Chorley's Waste & Contaminated Land Officer** has no objection subject to conditions in respect of contamination
32. **Lancashire County Council (Education)** have confirmed a claim for additional school places is not required as there are sufficient places available to support this development
33. **Central Lancashire Primary Care Trust** have requested a financial contribution from the developers, under a Section 106 Agreement, to assist with the redevelopment and refurbishment of Eccleston clinic
34. **The Wildlife Trust for Lancashire, Manchester & North Merseyside** objects on the grounds of the total loss of Local Wildlife Site BHS 51NW11, Bradley Lane Pond.

Following this initial letter The Wildlife Trust for Lancashire, Manchester & North Merseyside submitted an additional objection raising the following concerns:

- It will result in the total destruction of Local Wildlife Site 51NW11, a maturing pond known as 'Bradley Lane Pond, Eccleston' Biological Heritage Site.
- The proposed mitigation for this total loss, consisting of the creation of a single new pond nearby, whilst welcomed is inadequate for the purpose.

Following the receipt of the supplementary Ecology report The Wildlife Trust have provided the following comments:

- We accept that the applicant's ecologist's finding that the pond now meets different criteria for identification as a Local Wildlife Site (BHS), and that these are based on vegetation rather than on data. This is to be expected in a single component of a wider dynamic ecological framework based on a local pond cluster.
- Maintenance of such a framework will require a variety of ponds in a variety of stages of succession so that the full range of typical pond life in this part of Central Lancashire may be sustained. Creation of a new pond, specifically designed to provide a variety of ecological niches is welcome. However, we continue to argue that the creation of at least two such ponds in

mitigation would be more likely to ensure sustainability of the wider ecological framework in this part of Chorley Borough.

- Whilst the proposals would create a new pond, it is not clear that local biodiversity value would be maintained or enhanced in the longer term. For example, there are no apparent mitigation and/or compensation proposals for negative impacts on a UK Biodiversity Action Plan priority species - Common Toad *Bufo bufo*; and the proposals would result in a reduction in habitat connectivity which would leave the proposed new pond effectively isolated from the wider pond cluster and its supporting habitats.
- The proposal for introduction of Floating Water-plantain (*Luronium natans*) into the proposed replacement pond would appear to owe more to botanical gardening than to mitigation for the loss of the extant pond or to ensuring sustainability of the wider ecological framework in this part of Chorley Borough. Whilst there may be merit in establishing a botanical garden in Chorley Borough, or elsewhere, to supplement the established efforts of the Royal Botanical Gardens at Kew, London to [maintain populations of UK](#) and EU rarities, that should be the subject of a separate application, rather than offered in mitigation for the impacts of this or any other specific and unrelated development proposal.
- I'm not aware that we have a copy of the 2009 pond survey referred to in the supplementary report. Consequently, I'm unable to comment on the acceptability or otherwise of trans-locating fishes from the extant Bradley Lane Pond Local Wildlife Site to the established undesignated pond to the west of the site. I recommend that the Environment Agency be consulted for its expertise in such matters.

35. **Chorley's Strategic Housing Team** have made the following comments:

- In terms of existing policies the proposal does not appear to comply with policies GN3 and HS8 in The Chorley Borough Local Plan Review 2003.
- However, were the development to proceed, on the basis of current knowledge, the Housing section would be looking for a mix of 2 and 3 bed houses.
- In terms of tenure we would expect 70% to be for social rent and 30% for intermediate /affordable sale i.e. shared ownership or similar.
- In the event of the scheme being approved the developer should be advised to consult with a Registered Provider, or housing association, with a local management presence in the area to determine how the affordable element of the site could be progressed and managed.

36. **Lancashire County Council (Archaeology)** have made the following comments:

- Recent consultation indicated that the site was of potential interest but further assessment would be required in order to determine if any surviving elements of the mill merited archaeological recording.
- Given the potential limited significant of any surviving structures such an assessment could be made post determination prior to demolition. An appropriately worded condition has been suggested in this regard.

37. **Lancashire County Council (Planning Contributions)** have requested a contribution of £19,200 towards Waste Management in Lancashire.

38. **Natural England** have made the following comments:

- This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.
- We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development.
- Two legal decisions have recently helped to clarify the role and responsibilities of Local Planning Authorities (LPAs) in respect of European Protected Species (EPS) when they are considering development consent applications. These cases do not create a new obligation or requirement on LPAs but they do provide some clarification of the duties placed on LPAs by the Conservation of Habitats and Species Regulations 2010.
- In order to assist planning authorities with this Natural England has released new guidance on European Protected Species and the planning process. As explained within this guidance document, the Regulations transpose certain prohibitions against activities affecting EPS. Where it is likely that one of these prohibitions will be offended the planning committee will be required to consider the likelihood of a licence being granted and in doing so, the three tests.
- With respect to your specific queries, it would be inappropriate for Natural England to tell LPAs how to do this as LPAs are the decision-making body and must make the decision themselves and not appear to be fettering their discretion in any way. In considering the tests LPAs however should properly have regard to Government Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.



39. **The Council's Policy and Design Manager** has commented on the scheme from a design perspective which is addressed within the report.

40. **Planning Policy** have made the following comments:

**Site Allocations DPD**

- The Council approved on 19 July 2011 site allocations and policies for the "preferred option" document, and agreed to further arrangements to enable further consultation for a 6 week period in August/September 2011.
- Following consultant advice the Council will not make any changes to retail boundaries in Ecclestone in relation to this scheme as to do so would undermine the control of such proposals through the development management process.
- The Council however propose to allocate some of the existing Safeguarded Land (DC3.13) for housing use to meet development requirements within the plan period.

**Assessment- Comments on the Appellants Case**

- GVA Grimley on behalf of the Central Lancashire Authorities (Preston City Council, Chorley Borough Council and South Ribble Borough Council) prepared in February 2010 a Retail and Leisure Study. The study was prepared primarily to inform the preparation of the Joint Core Strategy between the local authorities, setting out the spatial vision and strategic objectives of the planning framework for Central Lancashire. It was also prepared to assist the respective local authorities in making informed development management decisions on retail and leisure development proposals.
- The Retail and Leisure Study proposed for the Central Lancashire retail hierarchy that major retail and leisure development is focused in Preston City Centre and Chorley and Leyland town centres. Retail and leisure developments of an appropriate scale in district centres will also be promoted in order to adequately meet local shopping needs. The smaller local centres will primarily meet local residents daily convenience (top-up) shopping and service (banks etc.) needs.
- The R & L Study also concluded in addition to protecting existing local centre facilities, the Joint Core Strategy identifies housing growth options across the Central Lancashire area. In areas subject to potential major new residential developments, the respective local authorities should seek to enhance the existing network of local centres (i.e. potential expansion) or proactively plan for new local centres, which include basic retail and service facilities, to meet enhanced local needs. The Council should be genuinely satisfied that the scale and type of retail provision is local in nature (scale) and will not perform a wider retail function (i.e. main food shopping) or become a retail destination in its own right, potentially undermining existing / planned district and town centre provision. Any new provision as part of residential-led mixed-use scheme should be subject to the appropriate PPS4 planning policy tests.
- GVA have reviewed the applicant's submission in relation to PPS4 policy tests, EC15, EC16.1, EC17.1.a and b, EC13.1a and b, which is on file. I agree with their appraisal and assessment
- In terms of policy the proposal provides a comprehensive mixed use scheme involving redevelopment of the local centre site and utilising land to the rear of the existing centre. The new local centre will include the relocated library, relocated post office and relocated chemists shops, restaurants and cafes and B1 offices at first floor level, modern facilities which with the retail element of the scheme will deliver a main food shopping destination in Ecclestone. The centre and foodstore will assist in making Ecclestone a sustainable community allowing residents choice to utilise accessible local facilities, while also reducing the need to travel.
- Although the mill part of the site to the rear of the existing centre has been in employment use, this use has now ceased. The viability of this part of the site for an element of employment use has been enhanced with the proposals for mixed use. These proposals will provide economic and physical regeneration of the site and will ensure its long term operation while providing employment opportunities in terms of full and part time employment.
- The applicant states the above new/enhanced facilities will need to be cross subsidised by the proposed housing element (c 40 housing units of which 10(25%) of the units will be offered as affordable housing. The application part for housing overlaps an area that includes land within the settlement and land outside the settlement on the adjacent area of Safeguarded Land. Local Plan Policy HS8 covers local needs housing within the boundaries of rural settlements such as Ecclestone. Policy HS8 prescribes 20% of the total number of units on such sites. For land outside the settlement boundary Policy DC5 applies and allows a limited number of dwellings exclusively to meet a local need for affordable housing. For exception sites, in this instance this should apply to 100% affordable housing.
- The emerging Core Strategy Policy 7 – Affordable Housing says a percentage requirement at or near 35% will be sought in rural areas on sites in or adjoining villages with appropriate services. On exception sites the requirement will be 100%. Therefore in the settlement a maximum of 35

% affordable housing should apply and outside the settlement a 100% of affordable housing should apply in this locality.

- Part of the housing is proposed on the eastern portion of the site designated as Safeguarded Land. The status of Safeguarded Land in PPG2 Annex B2 is that Safeguarded Land may be required to serve development needs in the longer term and should be genuinely capable of development when needed. Annex B6 also says planning permission for the permanent development of safeguarded land should only be granted following a local plan review which proposes the development of particular areas of safeguarded land. A site suggestion was received by the Council for a mixed use scheme at the Carrington Centre incorporating housing to the rear. As part of the Site Allocations DPD all site suggestions and safeguarded land sites have been reviewed and subject to a sustainability assessment.
- The sustainable approach for the core strategy is to spread growth and investment across an identified hierarchy with priority locations, and have the least negative impacts - policy 1: Locating Growth, sets out that approach. Limited growth and investment is encouraged at the Rural Local Service Centre Ecclestone.
- The proposed allocations will mean that the Rural Local Service Centres will accommodate about 2.3% of the core strategy housing requirement. Brinscall/Withnell & Ecclestone contribute through existing commitments (86 units) and further land can be allocated for 58 units but there is more local availability in Ecclestone. The site suggestion is therefore considered sustainable by officers and the Council approved the whole site for allocation as part of the preferred option Site Allocations document which will be subject to consultation in the autumn.
- The planning application proposal is therefore supported. However the applicant needs to provide information in respect of sustainable/renewable resources. The Sustainable Resources Development Plan Document (Sept 2008) - Policy SR1 relates to incorporating Sustainable Resources into new development. There is a requirement for all new dwellings to meet Level 3 of the Code for Sustainable Homes by 2010, Level 4 by 2013 and Level 6 by 2016. Minimum energy efficiency standards for all other new buildings should be 'very good' and relate to the Building Research Establishment's Environmental Assessment Method (BREEAM).

41. **Sport England** have commented on the application which will be addressed in the main body of the report

42. **The Council's Neighbourhood Environmental Health Officer** has commented in respect of noise this will be addressed in the main body of the report

43. **Liberata** have provided comments in respect of the financial viability

### **Policy Considerations**

#### The Development Plan

44. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

45. The Coalition Government has announced their intention to revoke RSS, and this has been subject to challenge in the courts, whereby the outcome was that RSS remains part of the development plan, and that the intention to revoke is a material consideration in the determination of planning applications.

46. In this case, the development plan therefore comprises the North West Regional Spatial Strategy, the saved policies of the Chorley Borough Local Plan Review (adopted August 2003); together with the Sustainable Resources Development Plan Document adopted September 2008.

#### North West Regional Spatial Strategy

47. The relevant policies are:

- DP1 Spatial Principles underpin the RSS and are covered further by individual policies as follows: promote sustainable communities (DP2) /promote sustainable economic development (DP3) /make best use of existing resources /infrastructure (DP4)/ manage travel demand /reduce need to travel and increase accessibility (DP5), promote environmental quality (DP7), Reduce Emission and adapt to climate change(DP9) .
- RDF2 – Spatial Framework e.g. Local Service Centres
- W5 Retail Development
- L1 Services Provision
- L4 Regional Housing Provision
- L5 Affordable Housing
- RT2 Managing Travel Demand
- RT3 Public Transport Framework

- RT9 Walking and Cycling
- CLCR1 Central Lancashire City Regions Priorities – support and diversify the rural economy and improve access to services in the rural areas focusing development in locations which accord with RDF2

#### Chorley Local Plan

48. The Chorley Local Plan Review was adopted in August 2003. Various policies were saved in September 2007 and (applying principles contained in PPS12, especially section 9), in deciding to "save" policies, the Secretary of State would have had regard to consistency with extant national policy. Since the Local Plan policies were saved, PPS6 has been superseded by PPS4. It is considered that PPS4 is a material consideration which post-dates the adoption of the Local Plan Review. Accordingly, where there are inconsistencies between the two policy documents, it is considered that greater weight should attach to PPS4.

49. The relevant saved Local Plan Policies are as follows:

- GN3- Settlement Policy- Eccleston
- GN5- Building Design & Retaining Existing Landscape Features
- DC3- Areas of Safeguarded Land
- EP4- Species Protection
- EP9- Trees and Woodland
- EP20- Noise
- HS4- Design and Layout of Residential Developments
- HS8- Local Needs Housing in Rural Settlements Excluded from the Green Belt
- HS21- Playing Space Requirements
- TR1- Major Development – Tests for Accessibility & Sustainability
- TR4- Highway Development Control Criteria
- SP6- District, Neighbourhood and Local Shopping Centres

#### Sustainable Resources DPD

- Policy SR1 – Incorporating Sustainable Resources into New Development

#### National Planning Policy

50. The relevant national planning policy statements are as follows:

- PPS1 Delivering Sustainable Development
- PPG2: Green Belt
- PPS3 Housing
- PPS4 Planning for Sustainable Economic Growth
- PPS6 Planning for Town Centres: Guidance on Design & Implementation Tools (still extant following publication of PPS4)
- PPS12 Local Development Frameworks
- PPG13 Transport

#### Other Material Considerations

51. *Partial Review of Regional Spatial Strategy (RSS)*: The Partial Review of the RSS included a review of Parking Standards and set maximum standards in line with PPS4. The review reached examination stage, but the panel report was never formally published, although it was issued in response to a request under the Freedom of Information Act. It is considered that the evidence base that supported the Partial Review is still a material consideration.

52. With regard to retail matters, the advice from the DCLG Chief Planner following revocation of RSS was to have regard to PPS4.

53. *Central Lancashire Joint Core Strategy*: Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils. This sets out the strategic context for Central Lancashire and general locations for development to cover the period to 2026. The Core Strategy is at an advanced stage and was independently examined by a Planning Inspector in June/ July 2011. The formal adoption is scheduled for November 2011. The following Policies are of relevance to this application:

- Policy 1 Locating Growth
- Policy 4 Housing Delivery
- Policy 7 Affordable Housing
- Policy 9 Economic Growth and Employment
- Policy 10 Employment Premises and Sites
- Policy 11 Retail and Town Centre Uses and Business Based Tourism
- Policy 17 Design of New Buildings

- Policy 25 Community Facilities
- Policy 22 Biodiversity and Geodiversity
- Policy 27 Sustainable Resources and New Developments

54. Emerging policies on retail matters are supported by an evidence base that includes the Chorley Retail Study 2005 and the 2010 Central Lancashire Study. Both these documents are considered below.
55. *Chorley Retail Study 2005 (White Young Green)*: Whilst this is at the end of its design life its basis is still relevant.
56. *Central Lancashire Retail And Leisure Review (GVA Grimley March 2010)*: This study was commissioned to inform the LDF Core Strategy and identifies a retail hierarchy for the Central Lancashire Region. The Carrington Centre is included within Tier 4 (Local Centres) which support a number of local shops and basic services, meeting local residents' daily (top-up) shopping needs.
57. The Study identifies that there are 2 defined shopping areas within Eccleston: Langton Brow (between Bradley Lane and Lord Street) and The Carrington Centre. Overall the centre comprises 28 units in total with only one vacant unit. The main retail provision is focused within The Carrington Centre which is anchored by a small Somerfield supermarket. Eccleston retains a main food market share of 1% (£1m) from the Chorley catchment. The centre further secures 6.4% (£2.1m) of top-up convenience expenditure arising within the catchment, as well as inflows from Leyland (£0.7m / 2.8%) and Wyre Borough (£0.2m / 1.6%).
58. *Local Development Framework: Site Allocations And Development Management Policies Development Plan Document*: This DPD is approaching preferred options stage, and a report was made to Full Council on 19<sup>th</sup> July which sought endorsement for various matters including site allocations for the preferred option stage. The Council endorsed changes to the boundary of the local centre for The Carrington Centre.
59. At the time of writing this report, consultation on the preferred options stage is due to commence on 16<sup>th</sup> September. Given the stage of this DPD, only limited weight can be afforded to it.
60. *Ministerial Statement – Planning for Growth*: This was made in March 2011 and gives the Governments clear expectation that the answer to development and growth should wherever possible be 'yes'. Local Authorities should place particular weight on the potential economic benefits offered by an application. The statement also makes a clear commitment to introducing a strong presumption in favour of sustainable development in the forthcoming National Planning Policy Framework (NPPF). The NPPF will expect local planning authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up-to-date plans and national planning policies; and wherever possible to approve applications where plans are absent, out of date, silent or indeterminate.
61. *Draft National Planning Policy Framework (NPPF)*: Was published for consultation in July 2011, and generally seeks to consolidate existing national planning policy into a single shorter document. As a draft it can be afforded limited weight, and the current set of national guidance remains in force. The general national policy principles for sustainable development, are carried forward, but a new presumption in favour of sustainable development is proposed.
62. The NPPF proposed to alter the time horizon for assessing impacts of unplanned, retail and leisure schemes in the edge or out of centre locations from 5 years to 10 years. It is considered that this would allow a reasonable period of time from the time at which a planning application is made for planning permission to be granted, the planning permission implemented and the development to realise its full operational impacts on town centre vitality and viability.

## **Assessment**

### **Principle of the development**

63. There are various Planning Policy considerations in respect of the proposals which will be addressed below. There are two elements to this scheme that whilst linked and must be assessed as a whole will be firstly assessed individually against the relevant policies before balancing the overall recommendation.
64. This report is split in 4 parts as follows:  
**Part 1: Commercial Elements:**  
 (a) Proposed Supermarket (PPS4 Overview)- 65-129  
 (b) Proposed Local Centre 130-134  
 (c) Loss of Employment Land 135-138  
 (d) Conclusion 139-141

## **Part 2: Residential Proposals**

- (e) Housing Development- 142-166
- (f) Affordable Housing- 167-178
- (g) Density- 179-180
- (h) Housing Layout- 181-182
- (i) Local Services- 183-186
- (j) Open Space- 187-194
- (k) Conclusion- 195-198

## **Part 3: Considerations Which Relate To The Scheme As A Whole**

- (a) Impact on the neighbours- 199-207
- (b) Design- 208-209
- (c) Trees and Landscape- 210-217
- (d) Ecology- 218-232
- (e) Flood Risk and Drainage- 233-239
- (f) Traffic and Transport- 240-252
- (g) Contamination- 253-254
- (h) Section 106 Agreement- 255-256

## **Part 4: Other Matters**

- (a) Public Consultation- 259-262

## **PART 1: COMMERCIAL ELEMENTS**

### **Part 1 (a) Proposed Supermarket (PPS4 Overview)**

65. This is an application for economic growth, in respect of the retail proposals of the development, for the purposes of PPS4. PPS4 expressly states it does not relate to housing development (para 5). PPS4 requires an approach to assessment based on whether the proposal is for a main town centre use, whether it is within a centre and also whether it is in accordance with an up to date development plan.
66. Retail development is a main town centre use; and, although part of the retail development will be sited within the defined local shopping centre for Ecclestone (Units S1-S9, S12, U1-U5), addressed below, the proposed supermarket and units S10 (proposed A1 Uses) and S11 (Proposed A3 Use) will be sited outside of the defined area. With regard to the mechanism of assessment of a retail proposal, the local plan is considered out of date as PPS4 requires a different approach. No objection or evidence has been provided to challenge the boundary of the local shopping area and therefore in these matters the local plan is considered to be up to date.
67. Under policy EC10.1, local authorities should adopt a positive and constructive approach towards applications for economic development, and applications to secure economic growth should be treated favourably. Under policy EC10.2, the proposal should be considered against five impact considerations.
68. In this case, where the proposed supermarket lies outside the defined local centre and is not in accordance with the development plan, then under policy EC16.1, the proposal must be assessed against the six impact considerations upon town centres, and under policy EC17.1, consideration must be made in terms of whether the applicant has demonstrated compliance with the sequential approach as per policy EC15, and whether the proposal leads to any significant adverse impacts under policy EC10.2 and EC16.1.
69. If no significant adverse impacts have been identified, then under policy EC17.2, the application should be determined by taking account of the positive and negative impacts of the proposal and any other material considerations, together with the likely cumulative effects of recent permissions, developments under construction and completed developments. Any judgements about any impacts should be informed by the development plan, recent local assessments of the health of town centres which take account of vitality and viability indicators (in this instance the Chorley Retail Study 2005 and the Draft Central Lancashire Retail Study 2010); and any other published local information such as a town centre or retail strategy.

### **Policy EC10.2 – Impact Considerations**

70. All applications for economic development should be assessed against the following impact considerations:

Policy EC10.2a – Climate Change

71. This application is outline in nature and as such the precise details of the design of the supermarket in respect of CO2 emissions have yet to be considered. This notwithstanding the proposal would have to meet and comply with the Councils DPD and SPD on climate change.
72. Achieving development on the ground that complies with the strict guidance in those documents will be a positive step for this development site as all the existing buildings are outdated and are likely to be highly inefficient, but also for signalling a commitment towards achieving national targets and local targets (Corporate Priority) for CO2 emission reduction. The policy is up to date with current guidance and assessment and therefore the proposal complies with those elements of EC10.2.a.

73. It is not considered that the development would result in significant adverse impacts having regard to the information already presented in the applicant's design & access statement and resource conservation statement, together with the imposition of suitable conditions in accordance with the Council's DPD.

Policy EC10.2b – Accessibility

74. This policy seeks to deliver accessibility by a choice of means of transport including walking, cycling, public transport and the car. The existing centre is sited on a bus route and during pre-application discussions the layout has been amended to take into consideration the main pedestrian routes to the site. As set out later within the report the Highway Engineer at Lancashire County Council is satisfied in respect of the detailed design for access arrangements.
75. It is not considered that the development would result in significant adverse impacts having regard to the information already presented in the applicant's design & access statement together with the imposition of suitable conditions.

Policy EC10.2c – Design, Character & Function

76. This impact consideration reflects PPS1 paragraph 34. There are essentially 2 considerations. Firstly, whether the proposal secures a high quality and inclusive design, which is appropriate in its context; and secondly whether the proposal takes the opportunity available for improving the character and quality of the area and the way it functions.
77. From a social inclusion perspective the Design and Access Statement confirms that all external surfaces will be even and tactile where required, widths to allow wheelchairs and pushchairs to pass, without steps and of appropriate gradients and cross falls with level landings and perimeter raised kerbs as required. Pedestrian and vehicular routes will be clearly distinguished and all surfaces will be of a slip-resistant finish suitable for use in most weather conditions. The buildings will be fully accessible for all members of the public, regardless of age, disability or any other factors, and include level access to all entrances, suitable widths for doorways, contrasting colour schemes, lifts to upper floor levels and facilities such as accessible changing and sanitary facilities.
78. The positive aspects of the character of the area are not reflected in the existing Mill building which dates back to the 1920s and does not provide the most suitable or efficient building for retail accommodation. Although the application is outline and issues of design and siting will be addressed at reserved matters stage the indicative plans indicate the proposed siting and the supermarket and car park which are considered to be an improvement on the existing situation.
79. 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. The Council's Policy and Design Manager has been involved with the proposals at pre-application stage and has confirmed *I am pleased to see that many of the comments raised in relation to previous meetings have been considered in this revised layout. These covered the layout of the carpark, the main pedestrian routes, the disposition of buildings, and the alignment of the main store entrance.*
80. There are a number of outstanding comments raised by the Design Manager which are detailed with Part 3 (b) however it is considered that these could be addressed a reserved matters stage.
81. It is not considered that the development would result in significant adverse impacts having regard to the information already presented in the applicant's design & access statement and indicative plans, together with the imposition of suitable conditions.

EC10.2d – Impact on Regeneration

82. The proposal itself will involve a comprehensive redevelopment of the site and remove poorly maintained buildings and provide a modern high quality development.
83. The proposal represents a significant investment in Ecclestone which will assist in reducing the scale of expenditure outflow from the area. Ecclestone is identified as a Rural Local Service Centre within the

adopted Local Plan and emerging Core Strategy, therefore, forming the principal settlement within the catchment/study area. The agents for the application anticipate that the proposed supermarket in Ecclestone will have a convenience turnover of £8m. This represents roughly a 350% increase in the current convenience turnover of the Carrington Centre/Ecclestone Local Centre. It is considered that this will have a number of positive benefits including 'linked' trips with the proposed local centre and a greater number of visitors.

84. Additionally the proposed supermarket will provide a main shopping destination reducing the amount and length of car journeys required by residents of Ecclestone and the surrounding villages. This will benefit residents who do not have access to a car.
85. Overall, the impact upon regeneration is positive and certainly not considered to result in significant adverse impacts

#### EC10.2e – Impact on Local Employment

86. The proposed supermarket will have a gross floor area of 2,182 sqm compared to the existing Co-op store with a floor area of 900 sqm. The agent for the application has confirmed that although the supermarket does not have a named operator presently it is considered that the likely number of jobs which will be created is around 100. There are approximately 12 employees at the existing store. The creation of jobs at the new supermarket along with the inclusion of the library, new retail shops and office accommodation within the local centre scheme represent a positive benefit for Ecclestone.
87. The proposed development as a whole involves the demolition of the mill which currently accommodates both retail and business uses (Use Class B to the rear of the site). Although it is proposed to accommodate the retail uses within the new development the business/ commercial uses will not be accommodated within the development. The applicants have confirmed that of the floor space occupied by the B2 and B8 uses in the industrial units the majority is used by Crown Leisure which is a Northern Trust Group company. Northern Trust owns many other units in the Borough to one of which it is expected to relocate Crown Leisure. Northern Trust has assisted the other B2/8 use tenants in finding alternative accommodation within Chorley either in owned units or by advising them of vacant units Northern Trust does not own. It is understood that all the B2/ B8 tenants have made alternative arrangements.
88. Employment will also be generated during the construction phase, and indirect employment would also be generated from the suppliers of goods and services.
89. It is considered that the impact upon employment will be a positive one in relation to job creation and local employment considerations and the impact on local employment is not considered to be 'significantly adverse'.

#### Policies EC12 and EC14

90. The application site is located within Ecclestone which is a rural village and as such Policy EC12 of PPS4 is relevant. The Policy seeks to ensure that proposals enhance the vitality and viability of market towns and other rural service centres. It is considered that the proposed supermarket will enhance the retail provision within Ecclestone and 'clawback' some of the convenience expenditure with this area.
91. Policy EC14 requires applicants proposing applications for main town centre uses that are not within a centre and not in accordance with an up to date development plan to undertake and submit a sequential assessment which is addressed below.

#### EC15 – Sequential Test

92. Policy EC15 deals with the Sequential Assessment. For a site to be sequentially preferable the sites must be assessed for their availability, suitability and viability.
- Available is defined as: Whether sites are available now or are likely to become available for development within a reasonable period of time.
  - Suitability is defined as: With due regard to the requirements to demonstrate flexibility, whether sites are suitable to accommodate the need or demand which the proposal is intended to meet. Relevant factors in assessment are:
    - Policy Restrictions – such as designations, protected areas, existing planning policy and corporate or community strategy policy.
    - Physical problems or limitations
    - Potential Impacts – including effects on landscape features and conservation.
  - Viability is defined as: Whether there is a reasonable prospect that the development will occur on a site at a particular point in time. Again the importance of demonstrating the viability of

alternatives depends in part on the nature of the need and the timescale over which it is to be met.

93. The proposed supermarket is sited outside the defined local shopping centre within Ecclestone. A key consideration in assessing whether a sequential assessment is required is whether the proposal is classed as “out of centre” or “edge of centre”. A proposal is considered to be “edge of centre” if it is well connected to, and within easy walking distance (i.e. up to 300m) of the Primary Shopping Area (PSA). As the PSA is Chorley Town Centre the proposed siting of the supermarket would fall to be considered “out of centre” which is defined in Annex B PPS4 as *a location which is not in or on the edge of a centre but not necessarily outside the urban area*.
94. The scope of the sequential assessment has been agreed with the Council on the basis of the catchment area of the proposed foodstore; this accords with PPS4 good practice. The applicant confirms that there are no suitable, available and viable sites within Ecclestone, Croston, Mawdesley and Heskin to accommodate the proposed foodstore.
95. The Council’s consultants, GVA Grimley, have reviewed the adopted Local Plan proposals maps and are not aware of any sequentially preferable (available, suitable or viable) sites in any of the centres within the agreed catchment to accommodate the proposed foodstore, even allowing for flexibility in terms of scale, format, car parking and disaggregation.
96. As set out above GVA Grimley assessed the submitted retail assessment on behalf of the Council. GVA Grimley concur that the application meets PPS4 test EC15 and thereafter determining test EC17.1a (sequential compliance). The Council agree with this conclusion.

#### EC16.1 – Impact Assessment

97. The application must be assessed against the six impacts identified under policy EC16. In applying EC 17.1 (b), the LPA must consider whether there is likely to be a significant adverse impact.

##### EC16.1a – Impact on Investment

98. PPS4 requires the impact to be considered on existing, committed and planned public and private investment in a centre or centres within the catchment area of the proposal. GVA Grimley advise that the proposed new foodstore will predominantly compete with other mainstream foodstores located in surrounding centres (Chorley, Leyland etc.). It is not considered that the impact on mainstream foodstores would be significantly adverse and that the impacted mainstream foodstores (Chorley, Leyland etc.) would continue to trade and serve more extensive catchments. As such GVA Grimley concur that the application met PPS4 policy test EC16.1a
99. It is therefore concluded that there is no robust evidence of ‘significant adverse’ impacts with regard to investment within the area.

##### EC16.1b – Impact on Vitality & Viability and EC16.1d – Impact on turnover and trade

100. In assessing the impact of a proposal on the vitality & viability of the proposals on the surrounding villages PPS4 directs local planning authorities to balance the desirability of maintaining and enhancing the turnover of existing facilities with the benefits of improved consumer choice, competition and access to new retail facilities. PPS4 practice guidance acknowledges that impacts are inter-related and judging their significance requires an understanding of the centre and its vulnerability.
101. PPS4 acknowledges that trade diversion from a centre can seriously undermine vitality and viability, resulting in reduced footfall, increased vacancies and a more ‘down market’ offer. The PPS4 practice guide does highlight that there are no meaningful benchmarks of what constitutes an acceptable level of trade diversion and that a judgement about the positive and negative effects needs to be taken.
102. GVA accepts that a new mainstream foodstore in Ecclestone is not likely to achieve its full benchmark (£14.8 million in 2016) given the nature of its potential catchment. However, GVA consider that the trading figure (£8 million) adopted by agents for the application in its analysis (new store undertrading by £6.9 million / 54% below benchmark) raises material concerns.
103. It is acknowledged within PPS4 practice guidance that *a retailer may be content with accepting a lower turnover level for a new store than their company average in order to gain representation in an area (para. D15)*. However given the location of the store and the small rural catchment it would serve, a turnover figure 54% below benchmark raises material questions as to the commercial realism and viability of the store from an operator perspective. GVA Grimley query whether a mainstream (Big 5) convenience retailer would seek representation on this basis.



104. The applicants have confirmed that the residential elements of this planning application are required to cross-subsidise the commercial elements however GVA Grimley question whether the receipts / value generated by the residential elements would actually cross-subsidise the trading performance of the store.
105. GVA Grimley advise that a more realistic trading position is that a new foodstore in Ecclestone would achieve a convenience turnover in the order of 75% of full benchmark (£11.1 million); this represents a mid-way point between the full benchmark (£14.8 million) and position put forward by the agents for the application (£8 million). GVA Grimley consider that a reduced turnover figure of 75% is more commercially realistic and one which operators may be content to trade at given the nature of the proposal. Given that the existing Co-Op store in Ecclestone would close, the re-provision of the existing Co-Op turnover (c. £2.7 million) means that the new store needs in effect to divert £8.4 million of existing trade from the catchment to support it in quantitative terms.
106. In regards to the impact on the surrounding villages GVA Grimley acknowledge that the main issue relating to impact therefore relates to whether the proposed new foodstore in Ecclestone would draw some trade away from existing local shops in surrounding villages (Croston, Heskin etc.) within the defined catchment. The agents for the application maintain that the impact on existing local shops will be negligible.
107. GVA Grimley consider that regardless of whether existing village local shops solely perform a top-up function, the proposal will inevitably generate some trade diversion given its prominent location within the catchment, its potential enhanced range of convenience goods (relative to existing local shops) and linked trips with the new shopping precinct (post office, dry cleaners etc.).
108. It is considered that the proposed new foodstore would draw 5% of its trade (£0.41 million) from existing convenience provision within the defined catchment (Croston, Mawdesley and Heskin); this reflects the predominantly main food nature of the scheme and has regard to existing shopping patterns in the rural-based catchment.
109. GVA Grimley consider that the trading impact of the proposal is unlikely to fall on one village store within the catchment but instead be dispersed throughout. Having regard to the turnover performance of existing provision which was established by the household survey undertaken to support the submitted Retail Impact Assessment GVA Grimley consider that there is limited evidence to suggest that the potential impact arising may not be significantly adverse.
110. It is considered that no evidence has been submitted which indicates that any particular local shop within the respective villages would close and result in the loss of a key local service facility. It is considered, taking into account the nature of the existing local centre provision and the relatively discrete catchments which each village centre serves, that the existing provision is likely to continue to perform a localised top-up function for daily perishables.
111. GVA Grimley have advised that on balance, whilst the agents approach significantly understates potential trade impacts on existing local centres in the defined catchment, GVA's own assessment has identified no clear evidence of any significant adverse impacts arising.
112. It is important to acknowledge the positive contribution to vitality & viability of the other aspects of the proposal, and these are referred to earlier in the report under the tests concerning EC10, and will be addressed in the later section of this report as part of the assessment against EC17.
113. Given the advice of GVA Grimley, it is therefore concluded that there is no robust evidence of 'significant adverse' impacts with regard to the vitality and viability of the surrounding villages.

#### EC16.1c – Impact on Allocated Sites outside Town Centres

114. There are no sites within the catchment area that are presently subject to an allocation and therefore it is considered that there will be no 'significant adverse' impact.

#### EC16.1e – Appropriateness of Scale

115. It is considered that the size of the proposed supermarket is appropriate to a local centre. However, an assessment is required as to whether the proposed supermarket is of an appropriate scale relative to the catchment which it seeks to serve (i.e. is there sufficient expenditure capacity to support it in quantitative terms).
116. Within the supplementary tables which accompany the Retail Impact Assessment it is acknowledged that if the proposed new foodstore was to achieve full benchmark, £14.8 million, then it would be of a scale which is too large for the catchment if intends to serve. It is also acknowledged that it is unlikely that the

proposed store could achieve clawback of all current expenditure leaking to mainstream foodstores outside the catchment.

117. GVA Grimley advises that in their view a store achieving a 'mid-way' benchmark of c. £11.1 million would be appropriate in PPS4 scale terms. The original submitted RIA identifies expenditure capacity in the order of £20.2 million by 2019 and this provides sufficient 'quantitative headroom' to accommodate the proposal whilst acknowledging continued outflows to larger stores (brand loyalty, travel to work etc.) and the claims of existing local shops in the catchment. A new store performing at full benchmark would result in significantly reduced quantitative headroom in the catchment.
118. Given the advice of GVA Grimley, it is therefore concluded that there is no robust evidence of 'significant adverse' impacts with regard to the scale of the proposals.

#### EC16.1f – Locally Important Impacts

119. Such tests would emerge from the joint Core Strategy however for the reasons previously outlined in this report in respect of the impacts upon regeneration, the proposal makes a significant contribution. The impact is not therefore considered to be 'significant adverse'.
120. GVA Grimley conclude that they have not identified any significant adverse impacts (the PPS4 test) through their own assessment. There is no clear evidence to suggest that the proposed new foodstore would have a significant adverse impact on existing local centres within the defined catchment.

#### Conclusion: EC16 tests

121. GVA Grimley consider that the application meets the second PPS4 gateway policy test (EC17.1b) in relation to policy EC16.1 (a-f). Given that the assessment demonstrates no significant adverse impacts under Policy EC10.2, then the positive and negative benefits of the scheme can now be weighed up in accordance with Policy EC17.

#### EC17- Consideration of Planning Applications for development of main town centre uses not in a centre and not in accordance with and up to date development plan

122. The positive benefits of the proposals are:
- The contribution the scheme will make to achieving national and local targets for CO2 emission reductions,
  - The provision of a main food destination which will secure the 'claw-back' of some of the leaked expenditure to the surrounding areas contributing to the economic regeneration of the area,
  - The removal of the existing 'run-down' mill building and the incorporation of a modern development which will contribute to the physical regeneration of the area.
  - The creation of jobs within the area both when the development is complete and during the construction stage
123. The negative impacts are considered to be:
- The loss of the B2/B8 employment on the site although this will be relocated within Chorley
124. In regard to policy EC17, it is considered that the applicant has demonstrated compliance with the sequential approach (EC15), and that there is no clear evidence that the proposal (subject to the provisions detailed within this report) will lead to significant adverse impacts.
125. The preceding paragraphs assess the 5 impact considerations of Policy EC10.2. Taking the 5 impact considerations as a whole it is considered that the positive benefits of the scheme outweigh the negative impacts and it is not considered that there will be any significant adverse impacts for the purposes of Policies EC17.1 and 17.2 of PPS 4.
126. Policy EC18 deals with the application of car parking standards for non-residential development, and states that local parking standards should apply to individual planning applications unless:
- the applicant has demonstrated (where appropriate through a transport assessment) that a higher level of parking provision is needed and shown the measures proposed to be taken (for instance in the design, location and operation of the scheme) to minimise the need for parking.
  - for retail and leisure developments located in a town centre, or on an edge of centre site, the local planning authority is satisfied that:
  - the parking provision is consistent with any town centre parking strategy and the facilities will genuinely serve the town centre as a whole and this has been secured before planning permission is granted
  - the scale of parking is proportionate to the size of the centre

127. The Highway Engineer at Lancashire County Council has considered the proposed car park for the retail elements and considers that *The car parking appears to be generally well laid out and caters for safe pedestrian passage via provision of pedestrian walkways through the site. The layout will be considered in detail at full planning stage. The levels of car parking provision would be in compliance with RSS parking standards.*
128. Policy EC19 deals with the effective use of conditions for main town centre uses. This will be addressed as part of any positive recommendation.

#### PPS 4 – Overall Conclusion

129. The proposed supermarket has been assessed against PPS4 and no reason has been found to refuse the application and it should therefore be treated favourably, subject to appropriate conditions and s278 agreement(s).

#### **Part 1(b) Proposed Local Centre**

130. The proposed development also includes the erection of a new local centre which incorporates A1 use at ground floor level with A2, office (B1) use and the relocated library at first floor. The majority of this development will be sited within the Local Centre. Policy SP6 of the Local Plan advocates proposals for retail use within these defined areas. Additionally PPS4 confirms that the Government's aspirations are for *new economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities* (PPS4, para 10). As such the proposed local centre is considered to be acceptable in respect of Planning Policy.
131. Additionally PPS4 states that at the local level Local Authorities should *encourage residential or office development above ground floor retail, leisure or other facilities within centres* (PPS4, Policy EC3.1). At first floor level offices are proposed which is in accordance with this Policy.
132. Policy EC13 of PPS4 relates to applications affecting shops and services in local centres and villages. This Policy seeks to ensure that local planning authorities respond positively to planning applications for the conversion or extension of shops which are designed to improve their viability. This proposal seeks to achieve this and enhance the viability and attraction of the Local Centre as a whole.
133. Although strictly speaking Units S10 and S11 (with the library above) will be sited outside the defined local centre these units will form part of the building which will accommodate the proposed local centre and will be 'read' as one unit. As the application site for these units is immediately adjacent to the allocated site the consideration of the application site in respect of the local plan and PPS4 would be as a seamless extension to a local shopping centre sited within an allocated local centre and this is referred to within PPS4 practice guidance.
134. As such, taking into account the fact that units S10 and S11 will only occupy a floor area of 141sqm and will be attached to a centre which is sited within a defined centre, the proposals are considered to be appropriate development.

#### **Part 1 (c) Loss of Employment Land**

135. The application site is currently occupied by a former cotton mill which has been converted into retail and commercial accommodation. At the rear of the mill there are several businesses which fall within Use Class B and will not be retained as part of the redevelopment of the site. As such Policy EM4 is applicable.
136. Policy EM4 states that sites and premises currently in employment use (or that were last used for employment purposes) which become vacant or are proposed for new development, will be assessed to determine whether they are particularly suitable to be re-used for employment purposes. Sites that are assessed to be particularly suitable to be re-used for employment purposes shall be reserved for such uses unless:
- there is no realistic prospect of an employment re-use of the land or premises, or
  - redevelopment for an employment use would not be economically viable, or
  - an employment re-use or redevelopment would no longer be appropriate for planning or environmental reasons.
137. The proposals incorporate an element of office accommodation (Use Class B1). Planning Policy have reviewed the proposals from a loss of employment land perspective and consider that the proposals will provide economic and physical regeneration of the site and will ensure its long term operation while providing employment opportunities in terms of full and part time employment.

138. As such it is considered that the new employment opportunities which will be offered on this site accords with the intentions of Policy EM4 in this regard.

#### **Part 1(d) Conclusion**

139. In respect of the proposed supermarket the applicant has demonstrated compliance with the requirements the sequential approach and it is clear that the proposal is unlikely to lead to significant adverse b. impacts in terms of the impact assessment. As this is the case it is considered that the positive impacts of the scheme outweigh the potential negative impacts. As such, in accordance with PPS4 which advocates that (policy EC10) planning applications that secure sustainable economic growth should be treated favourably, the proposed supermarket is considered to be acceptable.
140. The other elements of the proposals would secure the physical regeneration of the site whilst securing the future of valuable community resources such as the post office and library within the centre of Ecclestone.
141. The proposals represent sustainable development which are acceptable in respect of National, Local and Regional Planning Policy.

### **PART 2: RESIDENTIAL PROPOSALS**

#### **Part 2 (a) Housing Development**

142. As set out within paragraph 64 there are two elements to the proposal. The next section assesses the residential elements of the scheme.
143. The main Policy consideration in respect of the proposed residential development is the release of safeguarded land under policy DC3.13. The illustrative layout shows approximately 21 dwellings within the settlement boundary, and the remaining 18 on safeguarded land. Planning Policy Guidance Note 2:Green Belts (PPG2) encourages the designation of safeguarded land, which may be required to meet longer term development needs. This does not mean that the land is allocated for development at the present time, so the issue is whether it is appropriate to release this land for development at this time to meet development needs.
144. The Secretary of State saved the Safeguarded Land Policy (DC3) in September 2007 for ongoing use. As Planning Policy Statement 3:Housing (PPS3) became a material consideration after 1 April 2007 it is considered that in saving Policy DC3, the Secretary of State must have considered that Policy DC3 was consistent with PPS3. There have been changes to PPS3 since that date however it is not considered that any of them are material to Policy DC3 and the designation of the site as safeguarded land.
145. Policy DC3 states that development, other than that permissible in the countryside under Policies DC1 or DC2, will not be permitted on Safeguarded Land. Policy DC1 lists the development which is considered to be appropriate development within the Green Belt and includes: (f) to provide affordable housing for local needs in accordance with Policy DC5. Policy DC5 relates to special provisions for affordable rural housing and states that a limited number of dwellings exclusively to meet a local need for affordable housing may be allowed in or adjoining the confines of Ecclestone providing that all the dwellings would be made available at significantly below current market costs. The proposed scheme does not incorporate 100% affordable housing in accordance with Policy DC5.
146. It is clear within PPG2 that planning permission for the permanent development of safeguarded land will only be granted following a local plan review and making safeguarded land available for permanent development in other circumstances would be a departure from the plan. The purpose of safeguarding land under Policy DC3 of the Local Plan was to safeguard the land for development needs which might arise beyond the plan period, i.e. after 2001 and the safeguarded land would remain protected until 2006. However as the Council has a current 5 year housing land supply it is considered that retaining this land for future development needs is consistent with the purposes of allocating the site as safeguarded within the Local Plan, in accordance with PPG2.
147. Additionally Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) was amended by Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) on 29 December 2009. It is therefore an up to date expression of national guidance (as amended) and seeks to protect the countryside for its own sake. Therefore unless there is a need for development on this site the Local

Planning Authority should seek to protect the countryside as a natural resource. This is in accordance with Policy DC3 and PPS1.

148. In accordance with paragraph 54 of PPS3 the Council have identified a 5.38 year supply of deliverable housing within the Borough. In allocating land as safeguarded land with the Local Plan the Local Planning Authority accepted that, for example, housing was acceptable in principle. The issue that remains is whether there is a current need for such housing development on this site.
149. The applicant, Northern Trust, has stated that the residential element of the proposal is necessary to secure the redevelopment of The Carrington Centre. Northern Trust do not build houses however the land sale of the residential land will cross subsidise the redevelopment of the Centre and secure a suitable occupier for the supermarket.
150. In this regard a financial viability assessment has been undertaken and reviewed by Liberata on behalf of the Council. This financial viability assessment was submitted confidentially as it contains commercially sensitive information however once Liberata views were submitted they were made public and included the main headline figures in respect of the financial viability.
151. The key figures, provided by the agent within the financial viability are:
  - a) The Carrington centre reflecting current use & condition has a value to the planning applicant of £3,000,000
  - b) The estimated value of a redeveloped commercial centre in line with the planning application is £8,100,000
  - c) The cost of redeveloping the commercial centre as outlined in the planning application, including finance, contingencies, developers profit etc is £10,860,000
  - d) The expected capital receipt from the sale of the residential land is £2,682,800
  - e) The s106 contributions to be in the region of £104,000
  - f) Other costs and abnormals associated with the land sale are in the region of £570,000
  - g) The affordable housing element will represent 10% of the residential development
152. Liberata consider that the development costs, land and property values & financial contributions set out in the submission are considered to be relevant and within the range of values that can be expected for this type of proposed scheme and additionally reflect, the risks involved in implementing the development, the current economic climate and general property market for the locality.
153. Liberata also note that the planning application is for outline planning consent only, any “reserved matters” and implementation of additional planning obligations/ requirements may have additional financial impacts on the viability of the proposed scheme.
154. It should be noted that the applicant contends that due to the poor state of the existing mill building it is cheaper to demolish the building as the repair costs would be substantial. In this regard a Structural Survey has been submitted with the application which has been reviewed by the Principal Building Control Officer. The report and photographs show that the roof(s) are generally in a poor condition. This together with the many alterations/ additional and differing constructions will make for a costly replacement programme. The estimate of £3.6 million equates to about £350/ sqm which overall whilst on the high side is not unrealistic. As such the costs set out above, within the financial appraisal, demonstrate that it is cheaper to demolish the building.
155. As set out above Liberata concur with the findings of the financial viability assessment and it is considered that without the receipt of the land sale the commercial elements would not be achievable. This is a material consideration in respect of this application.
156. As part of the land is safeguarded land the main issue to consider is whether its release for housing is justified at this time. The Council has a 5 year supply of housing currently and as such there is no reason to release the land at this time. As set out above this application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.
157. This was reinforced by the recent appeal decision by Fox Land and Property at Land to the east of Wigan Road, Clayton Le Woods, Chorley, Lancashire (reference APP/D2320/A/10/2140873). In this case the Appeal Inspector and the Secretary of State considered that *despite DC3 being saved, it must be read in the context of other material considerations, which may be afforded greater weight.*
158. In this case the applicants contend that the retail scheme would not go ahead without cross subsidy from the residential land sale, a view which is supported by Liberata. Part 1 of this report sets out the benefits

of the commercial elements of the scheme which include economic and physical regeneration, sustainable development and the retention of valuable services within Ecclestone.

159. As such it is considered that the fact that the residential elements of the scheme will assist in securing the future of Ecclestone Local Centre is a material consideration which indicates that the safeguarded land should be released at this time.
160. Other material considerations in respect of this application relate to emerging policy which are addressed below:
161. As set out above Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils. The Core Strategy is at an advanced stage and as such limited weight can be attached to the Policies within this document. Within Policy 1 Ecclestone is identified as a Rural Local Service Centres where limited growth and investment will be encouraged to help meet local housing and employment needs and to support the provision of services to the wider area.
162. Policy 7 relates to affordable housing and requires 35% affordable housing within rural areas. Affordable housing is addressed further within Part 2(b). The Predicted Core Strategy Settlement Housing Target 2010 -2026 expects approximately 83 dwellings to be provided in Ecclestone.
163. Within the Site Allocations And Development Management Policies Development Plan Document, which is only afforded limited weight due to the stage this document is at, the safeguarded land subject to this application is identified for housing development (for up to 40 dwellings). This site is one of the three sites identified for housing within Ecclestone. The other two are Sagar House and a small infill site. It should be noted that Barratt Homes have secured full planning permission for 70 dwellings at the former Sagar House site which will contribute to the housing provision in Ecclestone. This would suggest that a further 13 dwellings are expected to be found in Ecclestone.
164. The Draft National Planning Policy Framework (NPPF) is only afforded limited weight. This document proposes a new presumption in favour of sustainable development.
165. As only limited weight can be afforded to the Core Strategy, the Site Allocations DPD and the NPPF these material considerations are secondary to the main material consideration which is to release the housing to secure the future of Ecclestone Local Centre. However it is noted that these documents do demonstrate that the general thrust is to say yes to development if it is sustainable. It is considered that this site will be released for housing as part of the Site Allocations as it is only one of 2 available sites identified within Ecclestone and is represents sustainable development. It is acknowledged that following the adoption of the Core Strategy 35% affordable housing will be required on sites in Ecclestone which is not proposed as part of this application however the financial viability of the scheme is a consideration which is addressed below and this notwithstanding the scheme does incorporate a proportion of affordable housing.
166. Concerns have been raised by residents in respect of the financial viability information as set out below:
  - The review fails to make any reference to Appendix B of the Town Planning Statement- This document was submitted initially however a fuller viability assessment was required to assess the proposals. This was submitted taking into account further financial considerations including rising costs and requests for S106 contributions hence why the figures differ.
  - The review does not say that the retail development is only viable when linked to the residential component- the assessment as a whole demonstrates that the two are linked as address above
  - Justification for releasing the safeguarded land, has been made available and subjected to a full commercial and financial audit- The full appraisal includes commercially sensitive information hence why it was treated as confidential. Liberata have made a full assessment of the appraisal on behalf of the Council and have provided a response based on their professional expertise.
  - The retail element should stand to be assessed on its own merits- it is not possible to split the two elements as they are interlinked in respect of this application.
  - If approved, the housing development proposal will represent a windfall profit in excess of £2.5m, which the applicant is not entitled to under current planning regulations- the recommendation will include conditions which tie the two elements together to ensure that the residential scheme is not undertaken without the commercial scheme.
  - It is hard to comprehend that the current commercial centre comprising retail, business and work units located in a converted 1920's textile mill will, when replaced by a modern, purpose built retail/commercial centre, show such a small relative increase in value- Liberata have confirmed that the figures submitted are reasonable.

- A financial value is not provided for the 10% affordable housing element- the expected land value deducts the land which will be utilised for affordable housing and treats this as nil value.
- The figure of £10,860,000 is an overestimation of costs- Liberata have confirmed that the figures submitted are reasonable.
- The affordable housing provision is not in accordance with Planning Policy- this is addressed below.

## **Part 2 (b) Affordable Housing**

167. In accordance with Policy L5 of the Regional Spatial Strategy and Policy HS5 of the Adopted Local Plan 20% on site affordable housing will be required as part of the development, in respect of the brownfield element of the site (the part within the settlement boundary which is currently occupied by the Mill and hardstanding areas). Based on the illustrative layout this equates to 4.2 affordable dwellings on the site (0.2 element could be calculated as a commuted sum which will be used for the provision of off site affordable housing).
168. As the site is located within the Village of Ecclestone Policy GN3 of the Adopted Local Plan is a material planning consideration. The Policy restricts development within Ecclestone to the following criterion:
- a) The development and redevelopment of land wholly within the existing built-up extent of the settlement;
  - b) The use of infill sites;
  - c) The re-use of previously developed land, bearing in mind the scale of any proposed development in relation to its surroundings and the sustainability of the location;
  - d) The rehabilitation and reuse of buildings;
  - e) That which provides affordable housing to meet a recognised local housing need in accordance with Policy HS8; or
  - f) That which meets a particular local community or employment need
169. The redevelopment of the brownfield area of land accords with criterion c of this Policy as set out within paragraph 167. In order for the redevelopment of the 'Greenfield' (safeguarded) part of the site to accord with this Policy the scheme will have to meet the requirements of criterion e and Policy HS8.
170. Policy HS8 states that residential development of open land within a rural settlement excluded from the Green Belt will be restricted to schemes which would significantly contribute to the solution of a recognised local housing problem. It is considered that in order to comply with this Policy to 'Greenfield' element of the proposal will be required to provide 50% affordable housing. This would require 9 affordable units on the undeveloped part of the site which equates to a total of 13.2 affordable houses on the site.
171. As set out above the emerging Core Strategy Policy 7 says a percentage requirement at or near 35% will be sought in rural areas on sites in or adjoining villages with appropriate services however only limited weight can be afforded to this Policy at this time.
172. As set out above the financial viability of the scheme is material to the consideration of this application. In respect of the percentage of affordable housing which could be achieved on this site the agent has provided the following four scenarios:
- Scenario A: 25% on site affordable housing, transport contribution, health care contribution, community and public open space contributions returns a profit of £96,651
  - Scenario B: 35% on site affordable housing, transport contribution, health care contribution, community and public open space contributions returns a profit of -£202,549
  - Scenario C: 10% on site affordable housing, transport contribution, health care contribution, community and public open space contributions returns a profit of £545,451
  - Scenario D: 0% on site affordable housing, transport contribution, health care contribution, community and public open space contributions returns a profit of £844,651
173. Northern Trust initially offered Scenario C in respect of this application which incorporated 10% affordable housing. As set out above the profit that would be associated with this scenario equates to 5.32% which is significantly below the typical developers profit of 15%.
174. Following further negotiations it was not considered that in respect of this application a contribution to public open space (addressed below) or community facilities could be justified in respect of the CIL tests which altered the expected profit. Based on 10% affordable housing this would have achieved a profit of 6.12%. Liberata assessed the viability, as set out above, in respect of this scenario and conclude that the assessment is reasonable.

175. Following publication of Liberata's conclusions the applicant, via the agent, has offered 20% affordable housing which would result in a profit of approximately 2%. The fact that the applicant has offered 20% affordable housing would not achieve a profit that is generally required by banks/ developers. This demonstrates the applicant's commitment to assisting with the Council's priorities in respect of affordable housing whilst ensuring the future of the local centre within Ecclestone.
176. 20% affordable housing on this site (which equates to 7.8 units based on a layout of 39 units) is contrary to Local Plan Policies however it is considered, in this case, that the financial viability of the scheme demonstrates that 20% affordable housing is the maximum achievable on the site whilst placing the onus on the developer to deliver a scheme with minimal profit.
177. It is acknowledged that the development of this site will take several years and the profit achievable from this development has the potential to increase. In this regard, taking into account the affordable housing proposed on the safeguarded land is lower than the Local Plan Policy requires, the Section 106 Agreement will include a claw-back provision which means a proportion of any profit achieved over and above that currently envisaged is paid to the Council by way of commuted sum to utilise for affordable housing within Ecclestone.
178. It is acknowledged that the residential land will be sold and not developed by the applicant. As there is a significant reliance on the residential element of the scheme to secure the commercial element, which is considered to be a material consideration in respect of releasing the safeguarded element of the land, these two elements have to be linked to ensure that the residential development is not commenced without the commercial element. This will be secured via condition.

#### **Part 2 (c) Density**

179. The submitted indicative layout demonstrates that 39 two, three, four and five bedroom dwellings could be accommodated on this site although the application seeks permission for up to 40 dwellings in accordance with the Site Allocations work which has been undertaken.
180. The residential part of the site occupies 1.7 hectares. The erection of 40 dwellings equates to approximately 23 dwellings per hectare which is considered to be appropriate for this site on the edge of the settlement.

#### **Part 2 (d) Housing Layout**

181. The indicative layout details 39 detached, semi-detached and terraced dwellings. Although indicative at this stage the scheme demonstrates that adequate spacing distances can be maintained to protect the amenities of the existing and future residents. All of the housing will be two storey which reflects the character of the surrounding area and can be secured via condition. Additionally there is flexibility within the site to accommodate an additional dwelling hence allowing up to 40 dwellings is feasible.
182. The submitted indicative layout does not demonstrate adequate levels of parking for all of the properties in respect of the size indicated however there is adequate flexibility within the site to provide sufficient parking for each property.

#### **Part 2 (e) Local Services**

183. A number of concerns have been received from local residents that the proposed residential element of the scheme will adversely impact on local services such as the local GP service and the local schools. Both the Central Lancashire Primary Care Trust (PCT) and the Education Authority have been consulted on the application.
184. As set out above the Education Authority have confirmed a claim for additional school places is not required as there are sufficient places available to support this development. As such it is not considered that the proposed housing will adversely impact on school places in the area.
185. The PCT have been consulted on the application and confirmed that space within the existing GP practice is severely limited. The existing facility is landlocked and the most practical way of providing the additional capacity required would be to relocate Dr Bennett's practice into the existing Ecclestone clinic which is adjacent to his existing surgery on Doctors Lane. The cost estimate for the work equates to £527,000 and as such the PCT have requested a financial contribution from the developers, under the Section 106 Agreement, to assist with the redevelopment and refurbishment of Ecclestone clinic.
186. It is considered that the proposed residential element of the scheme will put additional pressure on health care provision within Ecclestone by virtue of the fact that there will be an associated increase in population which cannot be supported by the existing services. However the S106 contribution will assist in improving the facilities within the Village. Northern Trust have offered a contribution of £50,000 (based on the financial viability of the scheme) which will be utilised for improving health care facilities in the Village.



## **Part 2 (f) Open Space**

187. In accordance with Policy HS21 of the Adopted Local Plan proposals for new housing development will be required to include provision for outdoor play space. For housing developments of less than 1 hectare a commuted sum from the development may be secured for use in the provision or improvement of open space facilities in the locality.
188. In this case however the application site is immediately adjacent to a playing pitch and is located close to existing equipped play space. The playing pitch is used by a football club and is proposed to be retained as part of this application. At present the football club does not have a formal agreement to use the pitch. This informal agreement does not enable the club to apply for lottery and other grant money or secure its long term future use of the pitch. Northern Trust is currently in discussions with representatives of the club and has offered a 21 year lease for its continued use. This term will allow the club to bid for grant money to improve its facilities in the local area.
189. As set out below any S106 obligations are required to meet the following tests:
- (a) necessary to make the development acceptable in planning terms
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
190. Taking into account the proximity of the site to existing open space it is not considered necessary, reasonable or justified in this case to require contributions for open space.
191. Sport England have been consulted on the application due to the fact that part of the proposed access road serving the residential elements occupies part of the playing pitch which is allocated within the Local Plan under Policy LT14. Sport England raise no objection to the proposals as the detailed plans which have been submitted show that the access road will not affect the pitch or its run-off. The minimal amount of playing field taken up by the access road is already affected by existing trees so the impact on the playing field will not change.
192. Sport England have however made the following further comments. New housing development raises the local population, and consequently places additional pressure on existing publicly accessible sport and recreation facilities. It is essential that additional facility needs are met when development takes place so as to secure sustainable communities. In some areas existing facilities may be able to cope with additional users but in many areas facilities are already under pressure and enhancements or new provision will be needed in order to satisfy the new demand created by the development.
193. Sport England recommend an assessment of formal indoor/outdoor sports provision be undertaken as part of the reserved matters application to identify whether there is a need to create/upgrade facilities.
194. A playing pitch strategy is being undertaken as part of the evidence base for the Core Strategy which will identify any open space needs, from a quality and quantity perspective, and is due to be published in the new year. At this stage however as set out above contributions to open space are not considered to be necessary in respect of this application.

## **Part 2 (g) Conclusion**

195. Part of the land proposed for residential development is allocated as safeguarded land within the Local Plan as such in accordance with advice contained in PPG2 planning *permission for the permanent development of safeguarded land will only be granted following a local plan review*. PPS3 states that *Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing* (Para 71). However as the Council currently has a 5 year supply there is no requirement to release the land at this time.
196. In this case however it is considered that the material considerations submitted in support of this application indicate that the housing proposals are acceptable. The proposed housing will assist in securing the existing local centre at Ecclestone which is considered to be a valuable resource. Additionally the proposed housing is sited within a sustainable location within the centre of Ecclestone within walking distance of the local centre, public transport and local services and as such accords with the Government's objectives for sustainable development.

197. The Ministerial Statement on Planning for Growth is also a material planning consideration which stated that the Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.
198. The proposals incorporate an element of affordable housing assisting in meeting the Council's Corporate objectives and will contribute to health care improvements within Ecclestone to the benefit of the wider area. As such the proposals are considered to be acceptable.

### **PART 3: CONSIDERATIONS WHICH RELATE TO THE SCHEME AS A WHOLE**

#### **Part 3 (a) Impact on the neighbours**

199. The immediate residential neighbours to the site are to the north of the application site on Drapers Avenue, to the south of the application site on Middlewood Close and along The Green. The application site currently accommodates a large Mill building which is nearly 100 years old and is immediately adjacent to the boundary with the properties on Middlewood Close. A vehicular accessway runs along the boundary with the properties on Drapers Avenue which serves the businesses at the rear of the Mill.
200. The proposed layout, although indicative at this stage, proposes to site the supermarket away from the common boundary with the properties on Middlewood Close which enables a landscape buffer to be incorporated along this boundary. The submitted massing plans demonstrate that the supermarket will be two stories high replicating the height of the existing building and as such it is considered that removing the existing building from the common boundary and replacing it with a similarly sized building will improve the relationship of the site with the neighbours' properties on Middlewood Close.
201. The proposed development includes for the provision of new surface car parking spaces in close proximity to the boundary with the houses to the south on Middlewood Close. It is considered that noise from the car park affecting these houses will be audible however not to a degree which is considered unacceptable. The existing yard and hardstanding areas to the rear of Carrington Mill will be removed as part of the proposed scheme and become part of the residential area of the development. Therefore, houses in the north eastern area of Middlewood Close will no longer be subject to noise produced by vehicle movements in this area which will benefit the residents.
202. The suggested indicative layout incorporates a staff car park and accessway to the supermarket service yard adjacent to the boundary with the properties on Drapers Avenue. This partly replicates the existing situation on site apart from the service yard which, although it is not immediately adjacent to residential properties, is close to 20 Drapers Avenue. Noise is sited as a concern by neighbours and this service yard has the potential to be the noisiest element of the proposals.
203. The service yard in most supermarkets is the cause of most complaints. To mitigate for any impact the following measures will be secured via condition:
- The hours of deliveries, servicing and collections will be limited and this will mitigate and limit the harm to those properties to an acceptable degree.
  - The plant will be designed to minimise noise related impact
  - There will be limits placed on the service yard to prevent temporary units from being placed in the yard at peak periods.
204. The planning application is supported by an Environmental Noise Study (undertaken by Red Acoustics dated April 2011). This document was forwarded to the Council's Environmental Health Section who has confirmed that the report is acceptable. The Officer considers that the proposed noise levels for the new dwellings and the noise from the plant on the site are a good standard however he does consider that any new plant should not be tonal. This can be addressed by condition. One minor issue relates to deliveries and the use of the loading bay if they are intended to be used at night. However this can be addressed by condition. As such in respect of noise the proposals are considered to be acceptable in respect of Policy EP20 subject to various conditions.
205. It is difficult to estimate the impact of noise though deliveries without knowing the end user of the supermarket and retail units however taking into account the fact that delivery vehicle movements to and from the new shopping precinct will follow a similar route along the northern boundary of the site to the current situation and the suggested mitigation measures above it is considered that any increase in noise can be adequately mitigated against.

206. Number 228 The Green, which is immediately adjacent to the existing access to the Carrington Centre has a right of access to the rear via the application site. The agents for the applications have been made aware of this who have confirmed that *This can be achieved by providing a dropped kerb access from the internal service road, with the specific details being determined at full application stage. It is considered that this can be delivered by means of an appropriate planning condition.*
207. In respect of the residential part of the development the houses to the eastern section of Middlewood Close will be sited in close proximity to the proposed dwellings. However as stated earlier the indicative layout demonstrates that both the amenities of the existing and future residents can be adequately protected by adequate spacing distances being incorporated.

### **Part 3 (b) Design**

208. As set out above there are a number of points which the Design Manager considers still need addressing. These are:

#### General comments:

- Sections, axonometrics, perspectives, photographs and streetscenes would all help to inform considerations of this proposal.
- There are no pedestrian/cycle routes to link the store to the surrounding housing and to the recreation land to the north. It is essential that these are provided as permeability is a key principle of good urban design. The absence of such links forces residents to drive to the store/recreation land.

#### Comments on the residential elements:

- The interface of the housing to the football pitch could prove problematic as blank rear facades are proposed.
- The semi-detached properties directly behind the supermarket seem very close to the extent that it could appear overbearing, what is the height difference?
- How does the property layout respond to that of the locality? It appears a very unimaginative, standard layout with standard house types. Some of the properties are on overly large plots.
- Many of the properties appear to present blank side elevations and fencing to the street to the detriment of the streetscene and safety and security.
- How does this layout respond to current site characteristics?
- Are there existing trees of amenity value/ levels to respond to?
- There is no indication of the type of housing proposed. These appear as standard house types which will fail to contribute to the character of Ecclestone.

#### Comments on the commercial element:

- The scheme should cater for the restaurants displaced from the existing centre as they are important to its vitality and viability.
- At previous meetings there were proposals to enhance the greenspace fronting onto The Green. This would facilitate pedestrian flows to the neighbourhood centre. It is likely to be used as a short cut and I would like to see this 'desire line' designed into the scheme.
- The main pedestrian routes towards the store could be enhanced with tree planting.
- SUDs should be explored.
- The 10 parking bays at the entrance should be accessed off the road running to the staff car park. This would mean that there need only be one pedestrian crossing. Therefore giving the necessary priority to pedestrians. An alternative could be to move the block of commercial units west and provide disabled bays in a similar block close to the supermarket entrance.
- The needs of cyclists should be designed in to the scheme which means designated cycle routes and cycle parking close to the store entrance (not tucked into an un-overlooked corner of the site as shown).
- Where are the recycling facilities to be located?
- Pedestrians walking along The Green should not be inconvenienced in favour of car movements as shown by the crossing point sketched with a roundabout solution.
- In the interests of residential amenity, parking tight to the rear of Drapers lane properties should be removed and replaced with a more substantial landscape buffer.
- The design sketches included in the Design and Access Statement would not be supported at detailed design stage. They are dated and reminiscent of 1980s style out of centre supermarket developments, have no relevance to the site, and fail to respond to the character of Ecclestone, Chorley.

209. As stated previously it is not considered feasible from a safety perspective to incorporate a pedestrian link from the housing site to the supermarket due to the layout restrictions on the site. In respect of the

other points raised above these can all be addressed a reserved matters stage and the agent for the application has been made aware of these points.

### **Part 3 (c) Trees and Landscape**

210. There are numerous mature trees across the site, mainly to the rear of the existing centre on the part of the site proposed for residential, along with mature trees along the boundaries of the site (although outside the application site). In this regard the application is accompanied by a Tree Survey.
211. The survey has assessed 56 individual trees split into three areas. Area A is the existing commercial area, the report states that this area consists of mainly poor quality landscaping trees planted within the car parking area. There is a row of good quality Alder Trees screening the site along the front/ west of the pond. Area B is the area of undeveloped land to the rear of the site, the report states that this area consists of mainly good quality mature Oaks with possibly self-seeded Ash and Sycamore also present. These trees form field boundaries to surrounding land and also screen the site from the adjacent park to the north.
212. The report considers that, apart from the row of Alder trees, all of the trees in Area A could easily be compensated for if lost to development. This row of Alder trees will require protection during the construction phase. Most of the trees in Area B are of a high quality these will require protection during any construction phase.
213. The report also includes Area C which consists of mainly good quality mature Oaks which are outside the application site on the adjacent properties and as such have not been fully assessed. The report states that these trees should be protected during any construction phase. The area adjacent to these trees is currently hardstanding and is designed for the use of heavy traffic. If this hardstanding is to remain a no dig zone is not required however the crown of these trees should be raised to avoid damage during the construction phase and subsequent use.
214. The report concludes that all the trees to be lost on site are of poor quality and should easily be compensated for. This is a good opportunity to actually increase the biodiversity of the site and the area as a whole.
215. The Council's Arboricultural Officer has visited the site and assessed the trees. As a result of this assessment a Tree Preservation Order (TPO3 (Eccleston) 2011) has been placed on 21 of the trees. All of these trees fall within Area B and include 18 Oak trees, 2 Sycamores and 1 Ash tree. The Tree Survey does identify 32 trees within Area B however the Arboricultural officer has identified the trees with the highest amenity value and protected them by virtue of the TPO.
216. A number of the trees which have been protected are shown to be removed on the indicative layout in order to accommodate the road to serve the residential dwellings. By protecting these trees adequate replacements can be secured via condition to mitigate for their loss in the event that planning permission is granted.
217. The row of Alder trees identified above are actually outside the application site fronting The Green, the Arboricultural Officer will be undertaking an assessment of these trees to confirm whether they are also worthy of protection.

### **Part 3 (d) Ecology**

218. The application was initially supported by an Ecological Survey and Assessment (April 2011 undertaken by Erap Consultant Ecologists). This document was reviewed by Lancashire County Council Ecology, The Environment Agency and The Wildlife Trust for Lancashire, Manchester & North Merseyside.
219. Both the Ecologist at Lancashire County Council and the Environment Agency initially raised concerns with the submissions requesting bat surveys and the need for further survey work in respect of the Biological Heritage Site. Following receipt of these comments a Supplementary Report: Results of the Daylight and Nocturnal Bat Survey (dated May- June 2011) was submitted. Following receipt of this document the Ecologist at Lancashire County Council confirmed that provided the recommendations within the report can be implemented by planning condition impacts on bats and bat roosts should be avoided.
220. The Wildlife Trust have objected to the proposals on the grounds that it will result in the complete destruction of a maturing pond, Local Wildlife Site 51NW11, known as 'Bradley Lane Pond, Eccleston' Biological Heritage Site. The Trust considers that the proposed mitigation for this total loss of a maturing pond, consisting of the creation of a single new pond nearby, whilst welcomed, is inadequate for the purpose.

221. The trust welcomes the intent to avoid the isolation of the established pond as a consequence of the proposed development. However, they do not believe this can be accomplished by the destruction of the mature pond and the creation of a single newly established pond nearby. For mobile species such as dragonflies and damselflies a network of ponds at various stages of youth, maturity and senescence would provide optimum habitat diversity and hence species diversity.
222. To address the other concerns raised a Supplementary Report: Detailed Appraisal of Bradley Lane Pond Biological Heritage Site (Bhs), with Supplementary Mitigation & Compensation Details for its Proposed Relocation and Specification of Hedgerow Compensation Measures (dated July 2011) was submitted.
223. The Environment Agency have reviewed this document and have withdrawn their objection. They have suggested a condition in respect of the replacement pond which could be added to a positive recommendation.
224. The Wildlife Trust for Lancashire, Manchester & North Merseyside have reviewed the document and although they have commented that in their opinion the creation of at least two ponds in mitigation would be more likely to ensure sustainability of the wider ecological framework in this part of Chorley Borough.
225. Lancashire County Council have reviewed the supplementary report and have made the following comments:
- This report does not provide greater detail of the current biodiversity value of the pond, and is sufficient to inform replacement pond creation proposals.
  - However, whilst the proposals would create a new pond, it is not clear that biodiversity value would be maintained/enhanced in the longer term.
  - If Chorley Council is satisfied that matters of habitat connectivity can be addressed within the site layout (such that toad migration routes can be maintained and the existing toad population can therefore be conserved), then the submission of mitigation proposals for impacts on common toads (informed by specific surveys for common toads) for approval and subsequent implementation could form the basis of a planning condition.
  - The proposals would affect a Species of Principal Importance (common toads) and its habitat, there do not appear to be any detailed proposals to mitigate or compensate impacts on common toads and their habitat.
  - Issues of terrestrial habitat loss and fragmentation, and fragmentation of migration routes do not appear to have been addressed. The proposed layout would leave the pond isolated, with apparently no high quality habitat connectivity to the wider area.
  - The supplementary report proposes the introduction of several plant species not currently found within the BHS pond. I suggest that they are not introduced to the pond and the proposals will need to be amended accordingly. Revision of the supplementary report could be dealt with by planning condition.
  - I recommend that the Environment Agency should be consulted regarding proposals for the fish.
  - Adequate replacement hedge planting can be achieved to compensate for losses of hedgerow. However, it would be appropriate to extend the hedgerow planting along the edges of the playing fields.
226. It is considered that the comments raised above, which reflect similar concerns raised by the Wildlife Trust, can be adequately addressed by condition. The draft conditions were sent to the Ecologist at LCC who has confirmed *provided Chorley Council is satisfied that the site layout can accommodate effective mitigation and compensation for impacts on common toads (including the maintenance of habitat connectivity), such that the matter can be dealt with by condition, then yes the proposed conditions appear reasonable and appropriate.*
227. As the layout is indicative it is considered that a layout can be achieved at reserved matters stage which provides mitigation, compensation and habitat connectivity in respect of the common toads.
228. Following a recent supreme court ruling (Morge vs Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
- Is the proposal likely to result in a breach of the Habitats Regulations?
  - If so, is Natural England likely to grant a licence?
229. Natural England's response to set out above. Natural England confirm *that this proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development* however the three tests are still applicable.

230. 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.
231. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority is required to engage with the Directive.
232. 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.

### **Part 3 (e) Flood Risk and drainage**

233. The application is accompanied by a Flood Risk Assessment Outline Drainage Strategy, these documents were forwarded to both the Environment Agency and United Utilities for comments. As set out above neighbours have raised flooding and drainage concerns associated with the proposed development.
234. The Environment Agency initially objected to the development on the grounds of the lack of a Flood Risk Assessment. However it transpired that the Agency had not seen a copy of the submitted assessment. On receipt of the document the Agency maintained their objection on the following grounds:
- The calculation of the existing surface water runoff is not accurate. The impermeable areas have been calculated using the Modified Rational Method, however this method does not take into account the existing private drainage on the site and how efficient these drains are. We would therefore recommend a drainage survey to be conducted to identify an appropriate discharge rate from the site.
  - With regards to section 4.4.4, the FRA must include a preliminary drainage design to show areas of attenuation and possible overland flood flow routes which should not increase the flood risk to the development or any neighbouring properties.
  - Finally, with regards to section 4.6.2, is the existing small reservoir part of any current drainage system on the site and if so, can the outlets to any drainage networks be identified?
235. It should be noted that prior to receipt of these comments United Utilities, who are responsible for drainage within the area, raised no objection to the proposals subject to compliance with the drainage strategy within the Flood Risk Assessment. On receipt of these comments they were forwarded to both United Utilities and the agent for the application. United Utilities consulted with their Developer Enquiries Team and have raised no objection. They have confirmed that *United Utilities are happy with the FRA content at this outline application stage and agree that flood flow paths should be shown however, these and other details can be assessed / verified at a later stage prior to full consent being granted. The applicant must discuss full details of the site drainage proposals with John Lunt via [Planning.Liaison@uuplc.co.uk](mailto:Planning.Liaison@uuplc.co.uk). United Utilities have no knowledge of the small reservoir within the site boundary.*
236. Following the receipt of the Environment Agencies objections revised documents were provided to the Environment Agency which resulted in the Agency withdrawing their objection. The Agency have made the following comments *The revised FRA now includes drawings detailing Indicative Overland Flow Routes and an Outline Drainage Layout (Appendix F & G respectively). In our previous response, we also recommended a drainage survey to confirm the effect and efficiency of existing private drainage on the site to determine an appropriate discharge rate from the site, but we are satisfied that this could actually be conditioned as part of any subsequent approval.*
237. As such the Environment Agency have no objection to the proposals subject to various conditions.
238. Several of the neighbours have raised concerns with flooding and drainage in the area and the Case Officer has met with some of the neighbours to discuss the concerns. These concerns were forwarded to the agent for the application and United Utilities. The following response was provided to the neighbours:
1. The drainage strategy includes:
    - United Utilities will accept surface water flows of 133.94 l/s which can discharge to the existing public and private surface water drainage systems serving the site.

- Surface water drainage will be designed to be adopted by United Utilities.
  - The method of attenuation will be confirmed at the detailed design stage which is likely to be in the form of oversized pipes or below ground storage tanks.
2. The surface water drainage from the site will be split proportionately between the existing surface water drainage systems serving the site. These are the adopted UU sewer (manhole 1810) and the private sewer (manhole 2802) which in turn connects into the public sewer network to the north. Further investigation will be required at detailed design stage to ascertain the actual impermeable area of the existing site drainage that connects to the public sewerage system via the private and adopted sewers. The system will be designed so that there is no increase in the existing contributing area connecting to the private and adopted sewers. (Refer to Executive Summary and Section 9 Drainage Strategy).
  3. United Utilities consider that a detailed design can be arrived at which will not have any adverse impact on the current system
  4. The surface water drain extends along the edge of the site (adjacent to Drapers Avenue) in pipe format (this was originally a ditch) and changes into an open drainage ditch just to the east of the scout hut (please see attached) however this is not shown on the United Utilities plans. The agents have commented that *It is assumed that this is a private drain because it is not shown on UU records and it connects into a private sewer downstream (manhole 2802) and United Utilities have confirmed that these Land drains are under riparian ownership.*
  5. It is understood that there are existing large under ground storage tanks to the east of The Carrington Centre which were installed when Middlewood Close was constructed. The agent has confirmed that *These storage tanks are in the form of oversized pipes and were discussed briefly within the report (Para 2.3.9 and 9.1.15). At the time of writing the report it was not clear who was responsible for these pipes and further investigations at detailed design stage were recommended. However, it is feasible that these pipes could be utilised subject to the current owner being determined, confirmation of available capacity within the pipes to receive the additional flow and consent sought from the EA for the additional discharge to the watercourse. United Utilities are not aware of these pipes or who the owner is.*

239. In respect of drainage, flooding and sewers both United Utilities and the Environment Agency are satisfied with the submitted information and it is not considered that the proposed development will have an adverse impact on the surrounding area.

### **Part 3 (f) Traffic and Transport**

240. The application is supported by Transportation Assessment and Framework Travel Plan. The Highway Engineer at Lancashire County Council has assessed these documents along with the proposed plans and has no overriding objection.
241. The Highway Engineer has provided detailed comments on the proposals. At this stage the application is outline with only the main vehicular access points under consideration. The Engineer considers the proposals for the vehicular access via The Green (to serve the commercial proposals) and Bradley Lane (to serve the residential development) are acceptable and can be secured via condition.
242. In respect of the commercial development the only area of contention between the Highway Engineer and the transport consultations working on behalf of the applicants (WSP) relates to 'diverted trips'. The highway engineer considers that the TA has dismissed 'diverted trips' however the store has significant potential to attract customers from neighbouring areas therefore further information is required. The engineer considers that there is considerable potential to generate much higher levels of traffic than those indicated in the TA which is partly reflected in the reason to increase the car park from the existing 130no spaces to the maximum level of 237no spaces. In this regard the engineer considers that improved pedestrian and highway facilities should be provided to make the road safer.
243. In this regard the following transport contributions are sought by the highway engineer:
  - Travel Plan - £18,000
  - Upgrade existing pelican crossing on The Green to puffin
  - Provide signal pedestrian crossing o/side St Mary's Primary school
  - Pedestrian crossing facility/traffic signals at Doctor's Lane junction
  - Gateway treatment at Bradley lane
  - Upgrade existing bus stops (4no) to DDA compliance
  - Provide new bus stop at lay-by
  - Provide cycle facilities

244. The Highway Consultants have confirmed that LCC have provided different advice in respect of trip generation as that provided at pre-application/ scoping stage. Whilst it is appreciated that a full assessment of any proposal can only be made as part of a planning application and comments made at pre-application stage are for general guidance only in this case it is the area which the Highway Engineer cannot agree with the applicants Highway Consultants. As such an assessment of the outstanding matters is addressed below as Chorley Council will be the determining authority.
245. The comments in respect of trip generation are directly linked to the requested highway S106 contributions. The Council has not signed up to Lancashire Planning Contributions Paper and in regards to S106 Contributions the Council are required to ensure, in accordance with the Community Infrastructure Levy Regulations, that the following tests are met:
- (a) necessary to make the development acceptable in planning terms
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
246. The Transport Consultants are happy to accept the following obligations, these will be included within the S106 Agreement:
- Travel Plan
  - Upgrade existing pelican crossing on The Green to puffin
  - Gateway treatment at Bradley lane
  - Upgrade existing bus stops (2no) to DDA compliance
247. However the transport consultants consider that the following requests are not considered to be justified:
- Provide signal pedestrian crossing o/side St Mary's Primary school
  - Pedestrian crossing facility/traffic signals at Doctor's Lane junction
  - Provide new bus stop at lay-by
  - Provide cycle facilities
248. The two main disputed contributions (the other two were only provisional) are the provision of a pedestrian crossing outside St Mary's Primary School and the provision of a zebra crossing at Doctors Lane junction which equates to £75,000. When assessing the three tests above the Highway Engineer has stated that *if it would help in the matter, I would confirm that should either of the proposed crossing facilities prove unachievable, then all under spend of contributions would be returned to the Developer in due course.* As the Highway Authority has not identified that the crossing facilities are actually achievable it is not considered that the crossing facilities are either necessary to make the development acceptable or directly related to the development and as such do not meet the required tests.
249. As such from a highway perspective it is considered that the proposals can be adequately accommodate within the existing highway network, subject to the improvements including upgrading the existing pelican crossing on The Green to a puffin crossing, gateway treatment at Bradley lane, upgrading the existing bus stops (2no) to DDA compliance and the submission of a travel plan, all of which will be secured via the S106 Agreement.
250. In respect of the residential development the highway engineer has made specific comments relating to Manual for Street, parking requirements etc all of which can be dealt with as part of the reserved matters application.
251. Other concerns raised relate to the fact that the deeds plan to no 228 The Green show a right of access to the rear via the existing Side Street in which case vehicle access may need to be maintained. The issue has been forwarded to the agent for the application and the transport consultants have confirmed that *the title plan for plot 228 shows an existing right of way from the site access road that will be maintained as part of the development. This can be achieved by providing a dropped kerb access from the internal service road, with the specific details being determined at full application stage. It is considered that this can be delivered by means of an appropriate planning condition.* The Highway Engineer is happy with this approach
252. Concerns have been raised in respect of the parking arrangements for the existing football pitch. No formal parking is provided however it is considered that new access road will lead to less parking on Bradley Lane which will provide an improvement to the local road network.

### **Part 3 (g) Contamination**



253. The Council's Waste and Contaminated Land Officer have reviewed the proposals and confirmed that there is a potential for ground contamination at this site as it includes a former cotton mill. In this regard appropriately worded conditions are suggested.
254. Following the receipt of these comments the agent for the application submitted A Site Check Report confirming the existing ground conditions. This document was forwarded to the Waste and Contaminated Land Officer who confirmed that as the report identified the need for further investigations his initial comments were still applicable.

**Part 3 (h) Section 106 Agreement**

255. Due to the nature and scale of the development there will be a legal agreement associated with the development. The Section 106 Agreement will include the provision of on site affordable housing (20%), a contribution to health care (£50,000) and transport contributions (£54,000).
256. Lancashire County Council have requested a contribution to waste management. This is based on the calculation within the Planning Contributions Paper which Chorley have not signed up to. It is not considered that this request is justified in respect of the CIL test and as such is not included as a contribution.

**Overall Conclusion**

257. The consideration of this application is a finely balanced decision. The retail elements of the scheme are justified and will result in a modern development within a sustainable location within Ecclestone contributing to the economic and physical regeneration of the area. The residential elements of the scheme however are contrary to Local Plan Policies in respect of the proportion sited on safeguarded land.
258. Although there is no need to release the safeguarded land at this time it is considered that approving the scheme would ensure that commercial development is achievable and can deliver the benefits associated with the development. As such in this case it is considered that the release of the land will secure wider benefits for Ecclestone and is therefore recommended for approval.

**PART 4: OTHER MATTERS**

**Part 4 (a) Public Consultation**

259. In accordance with the Council's Statement of Community Involvement (Adopted March 2006) Northern Trust carried out a public consultation exercise commencing with a public exhibition on the 31st January 2011 prior to the formal submission of this planning application.
260. Following the exhibition the responses received can be summarised as follows:

	Support	Object	Not stated or Made comments
Retail	29	19	11
Residential	24	22	12
Total	53	41	23

261. Following a public meeting in February, organised by EC3, the responses received can be summarised as follows:

Support	3
Object	61
Not stated or Made comments	6
Total	70

262. The concerns received and the agents response to these comments can be summarised as follows:

1. Change in character of Ecclestone from village to small town, especially through amount of development and modern design of the retail scheme. Over dominant multi storey building will be out of keeping  
Response: Although a modern design was shown, this was purely illustrative and at this outline stage the design of the buildings is not being applied for. In terms of massing the overall height of the retail parade has been reduced to two storeys at most and single storey in part, the unattractive and dilapidated mill building will be replaced by a new fit for purpose retail offer, the grocery store and other retail/office units are appropriate for the local market and retail requirements.
2. Doubt if structural problems in existing building are as bad as stated  
Response: A structural survey shows serious defects in the roof and walls of the existing mill complex. Likely costs of refurbishment are unviable.
3. Damage to independent traders from larger supermarket  
Response: NT has consistently worked to ensure that the trade of the existing tenants in the centre will be improved by the development and not harmed. Northern Trust will continue as landlord and therefore it is not in our interest to create an unviable trading environment
4. Loss of employment from closed businesses during construction  
Response: The layout of the retail centre has been amended to enable even more retail units to continue trading during construction. Inevitably there will be some time when the grocery store will have to close but the layout minimises this as much as possible
5. Increased rents  
Response: The rents have not been fixed for the new scheme but they will be higher than at present to reflect the investment in and quality of the new accommodation Existing tenants are aware of this and yet fully support the scheme.
6. Loss of access to shops and services for customers  
Response: See 4 and 5 above
7. Traffic problems at The Green entrance  
Response: The access layout is designed fully in accordance with current standards and will incorporate a pedestrian crossing island within the site entrance to make it easier to cross.
8. Increased noise and disturbance from deliveries  
Response: The layout has been amended to site the delivery access and service yard near the northern boundary. This allows for greater separation to the nearest houses on Draper Avenue than was the case with Middlewood Close and the delivery traffic movements will be in a location where traffic currently and always has moved from the front to the rear of the site. The noise assessment illustrates that the location of the service area will not give rise to significant disturbance to residents.
9. No need for more houses  
Response: Ecclestone is identified as a rural settlement to which a certain level of growth ought to be directed. There is a national shortage of market and affordable homes which this proposal will help to address. The retail scheme is not viable on its own and as demonstrated by the viability assessment the housing is required to cross subsidise the retail improvements. Without the housing the retail scheme will not be delivered.
10. Additional pressure on drains and sewers  
Response: Our drainage experts have fully assessed the existing situation and agreed a run off rate with United Utilities and the Environment Agency to ensure the situation will not be worsened.
11. Additional pollution from traffic  
Response: The transport assessment illustrates that the additional traffic will be negligible compared to that currently in the village. There is no evidence that pollution is an issue.
12. Schools and surgeries are at capacity  
Response: Our understanding is that there are primary school places available in the village. As part of their consideration of the planning application the council will consult with the local health and education authorities on these issues.

13. Encroachment of houses onto playing fields  
This is one of the misconceptions of the proposal. The existing playing field on Bradley Lane is NOT proposed to be developed
14. Opening up further development of green spaces  
Response: The only other green space land owned by Northern Trust adjacent the proposed development is the playing field used by Ecclestone Football Club. Although the plans showed a potential road access onto this land it was purely to serve a community facility IF local people expressed a will to have such a facility here. The plans have been revised to remove this potential access and we are in discussions with the football club to grant a longer term lease for continued use as a football pitch
15. Traffic problems on Bradley Lane and Sagar Street including congestion and an increase in traffic trying to access The Green  
Response: The transport assessment looks in detail at the level of traffic generated by the proposed housing and concludes that this is a minimal increase and not at a level that will cause significant worsening of the current situation. There is no vehicle access between the residential and retail parts of the proposal.
16. Danger to pedestrians on Bradley Lane  
The transport assessment shows that the level of traffic will not give rise to dangers to other road users
17. Traffic problems on Middlewood Close  
The vehicle access to Middlewood Close has been deleted
18. Impact on wildlife  
Full ecological surveys have been carried out either anew or updating previous ones. There are no protected species in the pond on Bradley Lane and never have any been recorded. The pond is a Biological Heritage Site of local importance and as a result the scheme includes for a new pond providing an improved habitat. If approved the development will take into account the existence of any bats or other protected species
19. Not all residents were notified of the public exhibition and exhibition was over crowded  
On the 24th January leaflets were delivered to over 700 addresses in the area surrounding the site
20. Limited time to view the plans and no copies available  
Copies of the plans were not issued because of their indicative status. The intention was to receive and consider comments and suggestions before making revised plans available. Plans were made available to EC3 in order they could be posted on the internet and shown at the public meeting on the 1 April
21. Location of library on 1st floor  
We are in continuing discussions with the Lancashire County Library Service regarding this. A 1st floor library will be fully compliant with regulations covering accessibility and will be fitted with a lift and means of escape for less able bodied and those with prams, trolleys.
22. Grocery store operator should not be Tesco or one of the big four  
No agreement has been made with any retail operator at this stage
23. The library, chemist and Post Office must be retained  
During construction the amended layout allows for these uses to continue. The proposed new development contains sufficient units to accommodate all the existing tenants who wish to remain.

## **Planning History**

**87/00242/COU:** COU of shop unit to office. Approved May 1987

**89/00524/FUL:** Creation of 3 shop units and alteration of internal walkway. Approved August 1989

**89/01151/COU:** Change of use of one conservatory unit inside centre to office use. Approved January 1990

**94/00730/COU:** Change of Use from Shop (Class A1) to Financial and Professional Services Office (Class A2). Approved October 1994

**94/00731/COU:** Change of Use from Shop (Class A1) to Cafe/Hot Food Take Away (Class A3). Approved November 1994

**99/00115/COU:** Change of use from printing factory to gym. Approved April 1999

**00/00661/COU:** Change of use from retail to Internet/Cyber cafe. Approved October 2000

**05/00794/COU:** Change of use from A1 (shop) to A4 (wine bar). Approved September 2005

**Recommendation: Permit (Subject to Legal Agreement)  
Conditions**

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

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

2. Subject to Condition 3 (below) before any Phase of the development hereby permitted is first commenced, full details of all reserved matters relating to that Phase (namely the appearance, layout, scale and landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority. Approval of the reserved matters for all of the commercial phase of the development shall be obtained from the Local Planning Authority in writing for each Phase or Sub-Phase of the commercial development and the first phase of the commercial development shall be commenced before the residential phase of the development (excluding works of demolition, site remediation and archaeological investigation) is commenced.

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

3. Any application for approval of reserved matters of a Phase (or sub-phase of that phase) shall not be submitted for approval pursuant to Condition 2 (above) until there has first been submitted to and approved in writing by the Local Planning Authority a plan showing the extent of the proposed Phases (and/ or sub-phases). For the purposes of this planning permission, all references to a Phase or Sub-Phase shall be to a Phase or Sub-Phase as shown on a plan approved by the Local Planning Authority pursuant to this Condition 3.

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

4. Each and every application for approval of Reserved Matters pursuant to Condition 2 shall detail the on-site measures to be installed and implemented so as to reduce carbon emissions, by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each phase/ sub-phase, by means of low carbon sources has been submitted to and approved in writing by the Local Planning Authority for that Phase or Sub-Phase. The submitted scheme shall also include full details of the predicted energy use of the development expressed in terms of carbon emissions (If no data specific to the application is available benchmark data will be acceptable) and how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. The approved details shall be fully implemented and retained in perpetuity.

*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

5. Each and every application for approval of Reserved Matters pursuant to Condition 2 shall demonstrate and provide full details of how the design and layout of the buildings will withstand climate change. All dwellings commenced after 1st January 2010 will be required to meet Code Level 3, all dwellings commenced after 1st January 2013 will be required to meet Code Level 4 and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Codes for Sustainable Homes. Each non-residential building hereby permitted which provides more than 500sqm gross floorspace shall be

constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good'. No Phase or Sub-Phase of the development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and retained in perpetuity.

*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

6. Each application for approval of reserved matters pursuant to Condition 2 shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. Each Phase or Sub-Phase of the development shall only be carried out in conformity with the approved level details.

*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review*

7. The application for approval of Reserved Matters pursuant to Condition 2 which incorporates the commercial car park shall include details of the access to Number 228 The Green, which has a right of access immediately adjacent to the existing access to the Carrington Centre. The development thereafter shall be carried out in accordance with the approved details.

*Reason: To ensure that adequate access is maintained to the adjacent property.*

8. The submission of the first reserved matters application for the supermarket and/or local centre parade shall be accompanied by full details of the vehicular access with The Green. The development thereafter shall be completed in accordance with the approved details.

*Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*

9. The submission of the first reserved matters application for the residential development shall be accompanied by full details of the vehicular access with Bradley Lane. The development thereafter shall be completed in accordance with the approved details.

*Reason: in the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review*

10. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*

11. Each application for approval of Reserved Matters for the commercial premises shall be accompanied by full details of any fixed mechanical plant being used on the premises. The plant noise levels (total noise level (LAeq)) shall be limited to 5dB or more below the existing minimum background noise level (LA90) and the plant shall have no discrete tonal qualities. The development thereafter shall be completed in accordance with the approved details.

*Reason: To ensure that noise generation is minimised on the site, to protect the amenities of the future and existing residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.*

12. The submission of the reserved matters application(s) for the supermarket and local centre parade shall be accompanied by a detailed analysis of the noise impact arising from vehicle movements along the access road. The details shall include expected vehicle flows, details of a noise barrier along the northern site boundary, details of the proposed boundary treatment along the southern site boundary and any further identified mitigation measures. The development thereafter shall be completed in accordance with the approved measures.

*Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP20*

13. Before the development of any Phase or Sub-Phase hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected for that Phase or Sub-Phase (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building/ dwelling for that Phase or Sub-Phase 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.

*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy Nos. GN5, HS4 and EM2 of the Adopted Chorley Borough Local Plan Review*

14. Samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) for each Phase or Sub-Phase shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of that Phase or Sub-Phase. The development of each Phase or Sub-Phase shall only be carried out using the external facing materials for that Phase or Sub-Phase approved pursuant to this Condition, unless otherwise agreed in writing by the Local Planning Authority

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review*

15. Full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) for each Phase or Sub-Phase shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that Phase or Sub-Phase of development. The development of that Phase or Sub-Phase shall only be carried out using the approved materials. The development shall only be carried out in conformity with the approved details.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

16. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been 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: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS4*

17. Within 6 months of occupation of each dwelling/ non-residential building a 'Post Construction Stage' assessment shall be carried out and a Final Certificate, certifying that a BREEAM standard of 'very good' and/or the relevant Code for Sustainable Homes Level has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS4*

18. A scheme of landscaping (including habitat creation, enhancement and management) for each Phase or Sub-Phase shall be submitted and agreed in writing prior to the commencement of that Phase or Sub-Phase of development. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, paved or hard landscaped, detail any changes of ground level and shall be in accordance with the approved landscape strategy pursuant to conditions four and five. The scheme shall demonstrate retention/replacement of hedgerows and trees to maintain the extent of Habitat of Principal Importance, and bat foraging and commuting habitat, and bird nesting opportunities. The scheme shall also include details of long-term management of features including hedgerows and ponds. Landscaping and restoration schemes should aim to protect, enhance, expand and connect existing habitats. Landscaping and restoration schemes should also aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

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

19. All planting, seeding or turfing comprised in the approved details of landscaping pursuant to Condition 18 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 or Sub-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, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review*

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

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

21. Prior to the commencement of the development mitigation proposals for impacts on common toads (informed by specific surveys for common toads) and their habitats shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full details of habitat connectivity (i.e. toad migration routes) which demonstrates the conservation of the existing toad population. The mitigation measures shall thereafter be implemented in full.

*Reason: To ensure the continued protection of a Species of Principal Importance (common toads) in accordance with Government guidance contained in PPS9: Biodiversity and Geological Conservation, Circular 06/05: Biodiversity and Geological Conservation and the Natural Environment and Rural Communities Act 2006*

22. Prior to the commencement of the development full details of high quality terrestrial habitat linkages between terrestrial habitat and the pond shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an extension of the hedgerow planting along the edges of the playing fields (both adjacent to the new road and Bradley Lane). The layout of development thereafter shall incorporate and maintain the habitat linkages.

*Reason: To ensure the continued protection of a Species of Principal Importance (common toads), to ensure that the replacement pond is not isolated and in order that habitat connectivity is maintained and enhanced. In accordance with Government guidance contained in PPS9: Biodiversity and Geological Conservation, Circular 06/05: Biodiversity and Geological Conservation and the Natural Environment and Rural Communities Act 2006*

23. Prior to the commencement of the development the supplementary report '*Detailed Appraisal of Bradley Lane Pond Biological Heritage Site (BHS), with supplementary mitigation and compensation details for its proposed relocation and specification of hedgerow compensation measures*' (ERAP, July 2011) shall be amended, in accordance with the advice received from Lancashire County Council dated 22nd August 2011, submitted to and approved in writing by the Local Planning Authority. The revisions shall include the deletion of floating water plantain (*Luronium natans*) and green figwort. The agreed mitigation and approved plant species shall thereafter be implemented in accordance with the amended report.

*Reason: To ensure that appropriate species are introduced into the relocated pond and in accordance with Government guidance contained in PPS9: Biodiversity and Geological Conservation*

24. The proposed replacement pond shall be constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of the housing development. The preparation, translocation, mitigation, enhancement, monitoring and management responsibilities as detailed in the amended Supplementary Report (condition 24) shall be included within the scheme. The replacement pond shall be constructed in accordance with the approved scheme.

*Reason: To ensure that the development does not contribute to a loss of BAP habitat and in accordance with Government guidance contained in PPS9: Biodiversity and Geological Conservation*

25. Prior to the commencement of the housing development full details of the trans-location of fishes from the extant Bradley Lane Pond Local Wildlife Site to the established undesignated pond to the west of the site shall be submitted to and approved in writing by the Local Planning Authority. The translocation thereafter shall be completed in accordance with the agreed measures.

*Reason: In the interests of maintaining the fish species in accordance with Government guidance contained in PPS9: Biodiversity and Geological Conservation*

26. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. The details shall include a full drainage survey of the existing network to clarify the surface water discharge rates for the site, which will also determine the amount of attenuation required on-site and details of how the scheme shall be maintained and managed after completion. Such a scheme shall be constructed and completed in accordance with the approved plans.

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

27. No development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system has been approved by the Local Planning Authority. The details shall include a full drainage survey of the existing network to clarify the surface water discharge rates for the site, which will also determine the amount of attenuation required on-site and details of how the scheme shall be maintained and managed after completion. The scheme shall be completed in accordance with the approved details.

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

28. No development shall take place until:

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

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

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with PPS23.*

29. Prior to the commencement of the commercial development full details of the CCTV to be incorporated in the car park shall be submitted to and approved in writing by the Local Planning Authority. The details shall include with day night capability and shall be recorded in a room allocated to the onsite security staff. The system shall be retained in perpetuity thereafter.

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

30. No development in respect of the construction of any of the buildings shall take place until a programme of archaeological work has been implemented in accordance with a scheme of investigation, which has previously been submitted to and approved in writing by the Local Planning Authority. Once agreed an archaeological watching brief should be undertaken during any groundworks which might encounter the remains of former demolished mill structures.

*Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately recorded in accordance with Policy HE12 of PPS5.*

31. The approved plans are:

Plan Ref.	Received On:	Title:
S08/339 Rev A	12 May 2011	Topographical Survey
1805-108-A	12 May 2011	Proposed Site Plan (indicative)
1805-107-A	12 May 2011	Proposed Area Plan
1805-115	12 May 2011	Outline Massing Elevations
1805-106-A	26 April 2011	Existing Area Plan
1056/SK/02 Rev A	12 May 2011	Bradley Lane Residential Site Access
1056/SK/01 Rev A	12 May 2011	B5250- The Green Retail Site Access

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

33. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.



*Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*

34. The construction works associated with the development hereby permitted shall not take place except between the hours of:

0800 hrs to 1800 hrs Monday to Friday

0800 hrs to 1300 hrs on Saturdays.

No construction activities shall take place on Sundays or Bank Holidays. These construction hours shall be adhered to during the development of the whole site unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To safeguard the amenities of local residents, to protect nearby noise sensitive buildings and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.*

35. The principal use of the food store shall be for the sale of convenience goods and no more than 15% of the net floor space of the building shall be used for the display and sale of comparison goods. Notwithstanding this no part of the food store shall be used as a Post Office. (Convenience goods are defined as food, non-alcoholic drinks, tobacco, alcohol, newspapers and periodicals; and 90% of non-durable household goods. Comparison goods are defined as all other retail goods. Both definitions are in accordance with the Experian's Retail Planner Briefing Note 6.0, Paragraph 1.5 October 2008)

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

36. The buildings hereby permitted shall fall within the maximum and minimum scale parameters as set out below:

*Supermarket:*

Max Height 13m, Max Width 37.5m, Max Length 54m

Min Height 8m

*Local Centre Parade:*

Max Height 13.5m, Max Width 12m, Max Length 90m

Min Height 5m

*Reason: in order to secure the implementation of the buildings that have been considered within the assessment of this application to be an essential element of the scheme as a whole and supports the conclusion that the development as a whole is acceptable in accordance with PPS4*

37. The floor space of the Class A1 foodstore shall not exceed 2,182 sq m gross, comprising 1,145 sqm maximum for the display and sale of convenience goods and 202 sqm maximum for the display and sale of comparison goods.

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

38. The floor space of the Local Centre Parade shall not exceed 1,728 sq m.

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

39. The Local Centre Parade hereby permitted shall be used for Use Classes A1, A3, D1 (the relocated Library) and Use Class B1 (Offices at first floor level).

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

40. No temporary refrigeration units are to be used in the outdoor areas of the Foodstore's service yard except in exceptional circumstances (such as the failure of the Foodstore's internal refrigeration units).

In such exceptional circumstances full written permission will be sought from Chorley Council prior to or within 24 hours of the temporary refrigeration units being used in the outdoor areas of the Foodstore's service yard. Written permission will not be unreasonably withheld.

*Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP20*

41. Deliveries, servicing and collections to and from the supermarket and local centre parade, including waste collections, shall not take place outside the following hours:

07:00 to 22:00 – Monday to Friday

08.00 to 20.00 – Saturday

09:00 to 19:00 – Sundays and Bank Holidays

Where exceptional circumstances require deliveries/servicing/collections to take place outside these stated hours, full written permission will firstly be sought from Chorley Council.

*Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP20*

41. The outline planning permission hereby approved relates to the erection of up to 40 residential units. The application for reserved matters shall not exceed 40 residential units.

*Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area. In accordance with Government advice contained in PPS3: Housing and Policy HS4 of the Adopted Chorley Borough Local Plan Review*

42. The recommendations for the precautionary protection of bats (section 5.0 of the bat survey undertaken by ERAP Ltd dated May – June 2011) shall be implemented in full.

*Reason: to ensure the continued protection of bats in accordance with Government advice contained in PPS9: Biodiversity and Geological Conservation*