

**Item 4h**                      **12/00350/OUTMAJ**

**Case Officer**              **Nicola Hopkins**

**Ward**                         **Chorley South East**

**Proposal**                    **Application to extend the time limit for implementation of extant outline planning permission 09/00044/OUTMAJ for the demolition and clearance of existing warehouse and outbuildings and erection of proposed 2 storey primary health care centre (Use Class D1) including ancillary office accommodation**

**Location**                   **Friday Street Depot Friday Street Chorley Lancashire**

**Applicant**                  **Mrs Debra Coyle**

**Consultation expiry:** **16 May 2012**

**Application expiry:** **28 June 2012**

### **Proposal**

1. The application relates to an extension to the time limit for the implementation of extant outline planning permission 09/00044/OUTMAJ for the demolition and clearance of existing warehouse and outbuildings and erection of proposed 2 storey primary health care centre (Use Class D1) including ancillary office accommodation.
2. Outline planning permission was granted for the development on 30th March 2009 and the applicants had until 30th March 2012 to submit reserved matters. An application for reserved matters has not been submitted however in October 2009 legislation was introduced, subsequent to the 2008 Planning Act, which allows applicants to extend the time period for implementation of extant planning approvals.
3. This legislation was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. A new planning permission is applied for to replace the existing permission.

### **Recommendation**

4. It is recommended that this application is granted conditional outline planning approval subject to the associated supplemental Section 106 Agreement

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Guidance
  - Background of the development
  - Material considerations
  - Neighbour concerns
  - S106 Agreement
  - Sustainability

## **Representations**

6. 1 letter of objection has been received raising the following points:
  - Negative impact on highway safety and parking
  - Parking problems will increase within a short period of time

## **Consultations**

7. **United Utilities** have no objection

## **Assessment**

### Guidance

8. Guidance issued by the Department of Communities and Local Government states that when determining applications for extensions to time limits the development will by definition have been judged to be acceptable in principle at an earlier date (in this case by permitting application 09/00044/OUTMAJ). While such applications must be decided in accordance with the plan, unless material considerations indicate otherwise, Local Planning Authorities should in making their decision focus their attention on development plan policies and other material consideration which may have changed significantly since the original grant of planning permission.
9. In this case there has not been any physical change to the site however there have been changes to policy that the proposal should be assessed against. Most notably is the publication of the National Planning Policy Framework which cancels specified previous Government guidance.
10. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted and is a material planning consideration in respect of this application.

### Background of the development

11. A planning application for a health care facility at the site was submitted in February 2006 (06/00133/FUL). This application was considered at Development Control Committee on 27 March 2006 and the resolution was to approve subject to the Section 106 Agreement. The Section 106 Agreement was never signed, however, and the Council withdrew the application.
12. Taking into account the Committee members' resolution the principle of redeveloping the site for health care facilities was established in 2006.
13. A subsequent outline application was submitted at the site which dealt with the principle of redeveloping the site, access and scale (scale was addressed as part of the submitted Design and Access Statement however it was not secured by condition- this has been included as part of this recommendation). This application was approved at DC Committee in March 2009 and the decision was issued following the completion of the associated S106 Agreement on 30 March 2009.
14. The site falls to be considered as brownfield land which is the preferred option for redevelopment. The site was agricultural land until the late 19th Century when, with the expansion of the textile industry, the Lancashire and Yorkshire Railway company constructed a railway goods warehouse with rail connections to the north of Chorley Station. The original building was completed circa 1895 and comprised of a rectangular goods warehouse. A coal storage yard and a small weighbridge were established on the south western part of the site in the early 19th century. The Chorley- Blackburn line closed in the 1960s and the old rail

connections to the site were removed but the coal storage use was dormant up to the 1980s until the land to the west of the original warehouse was purchased for the construction of a new highway, Friday Street.

15. It is considered that the principle of redeveloping the site for healthcare facilities has been established by original grant of outline planning permission, the fact that the site falls to be considered brownfield land and the sustainable location of the site, in close proximity to Chorley Town Centre.

#### Material Considerations

16. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Paragraph 17 of the NPPF sets out the 12 core land-use planning principles which includes encouraging *the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value and take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.*
17. The development proposes the erection of a new health care facility to serve Chorley on previously developed land within a sustainable location which is in accordance with the NPPF.

#### Neighbour concerns

18. Concerns have been raised in respect of the highway safety and parking implications of the proposals. Although the application is outline access is fixed at this stage. It is proposed that the main vehicular entrance to the site will be via Friday Street utilising the existing entrance to the site. This will be utilised by emergency vehicles, patients, staff and small delivery vehicles.
19. In addition there will be a service road accessed via Friday Street behind the building. This junction will be for access only and will be utilised by delivery, collection vehicles and staff. This will incorporate a new access off Friday Street at the southern end of the site. Access via this service road will be controlled by a security gate. This service road will also incorporate staff parking.
20. The Highway Engineer at Lancashire County Council previously confirmed, as part of the previous application, that the submitted information was sufficient for outline purposes. Full details of the layout and traffic movements will be agreed as part of the reserved matters application.
21. Although layout will be dealt with at reserved matters stage the applicants have indicated that 53 car parking spaces will be provided in the main car park including disabled spaces. Motor cycle and cycle parking will also be provided in the main car park. 33 car parking spaces will be provided to the rear of the building for staff.
22. In respect of the previous application the Highways Engineer raised concerns that the amount of parking proposed was not sufficient for the size of scheme proposed. In accordance with the draft RSS Parking Standards 1 car parking space per 2 staff and 4 spaces per consulting room will be required. 3 disabled bays will be required and 2 cycle parking spaces per consulting room.

23. It is not possible to calculate the required amount of parking particularly in respect of staff parking due to the outline nature of the application however when the previous application was considered the location of the application site, within a sustainable location in walking distance to the bus station and train station, was taken into consideration by way of offering alternative travel choices. The requirement for a travel plan, to reduce reliance on the car, was attached via condition and a S106 contribution was secured for to the improvement of public transport in the area. As such at the time of the previous application the level of parking proposed is considered to be acceptable in this location.
24. In the absence of locally set parking standards the RSS Parking Standards are considered to be an appropriate mechanism for assessing parking. It is not considered that the situation at this site has changed since the original grant of planning permission in respect of parking or highway safety and as such would not constitute a reason for refusal now.

#### Section 106 Agreement

25. The outline planning approval had an associated S106 Agreement. As this application would result in the issuing of a new planning permission there is a requirement to tie this application into the obligations of the S106 Agreement. The obligations of the original S106 Agreement was for a contribution of £20,000 towards sustainable transport improvements which was defined as *£20,000 towards Chorley Kickstart for "improvements for public transport in the Borough and to improve accessibility to and from the site."*
26. This obligation was considered necessary as the application site is not located on a bus route although the bus station is within walking distance. Diverting an existing bus service via the site was considered however this option was discounted and as such a contribution to Kickstart to improve public transport was secured through a Section 106 Agreement.
27. It is understood that the Kickstart scheme no longer exists however it is still considered appropriate to secure sustainable transport improvements from this scheme. Lancashire County Council have been contacted in this regard and details of the suggested sustainable transport improvements will be reported on the addendum and included within the S106 Agreement.

#### Sustainability

28. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. Policy SR1 of the Council's Adopted Sustainable Resources DPD requires minimum energy efficiency standards for new buildings to be 'very good' of the Building Research Establishment's Environmental Assessment Method (BREEAM). This requirement was not addressed as part of the previous application.
29. Although this application is only outline in nature the building on site will exceed 500sqm. The second part of the Policy requires planning permission for non-residential units of 500 sq metres or more floor space to meet certain renewable energy criteria. This can be addressed by condition.

#### **Overall Conclusion**

30. The development involves the erection of a new health care facility within Chorley which will facilitate the redevelopment of a brownfield site within a sustainable location. The proposals are in accordance with Government advice contained within the NPPF along with existing and emerging Planning Policy, in particular Policy 23 of the Core Strategy which seeks to support health care infrastructure and improve primary care access and facilities. It is not

considered that there has been a material change in circumstances since the original grant of planning permission which would warrant refusal now.

## **Planning Policies**

### National Planning Policies:

National Planning Policy Framework

### North West Regional Spatial Strategy:

**Policy DP1:** Spatial Principles

**Policy DP2:** Promote Sustainable Communities

**Policy DP4:** Make the best use of Existing Resources and Infrastructure

**Policy DP7:** Promote Environmental Quality

**Policy RDF1:** Spatial Priorities

**Policy L1:** Health, Sport, Recreation, Cultural and Education Service Provision

**Policy RT9:** Walking and Cycling

**Policy EM2:** Remediating Contaminated Land

### Adopted Chorley Borough Local Plan Review 2003:

**GN1-** Settlement Policy- Main Settlements

**GN5-** Building Design and Retaining Existing Landscape Features and Natural Habitats

**EM9-** Redevelopment of Existing Employment Sites for Non-Employment Uses

**EP12-** Environmental Improvements

**EP13-** Underused, Derelict and Unsightly Land

**SP6-** District, Neighbourhood and Local Shopping Centres

**TR2-** Road Hierarchy

**TR4-** Highway Development Control Criteria

**TR7-** Rear Servicing

**TR11-** Bus Services

**TR16-** Cycle Facilities

**TR20-** Provision for the Mobility Impaired in Public Buildings

**TR21-** Provision for the Mobility Impaired in New Developments

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

### Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

### Joint Core Strategy

Policy 17: Design of New Buildings

Policy 23: Health

Policy 27: Sustainable Resources and New Development

## **Planning History**

**83/00380-** Construction of highway. Land between Stump Lane and Friday Street. Approved August 1983

**84/00775-** Use of land and buildings as garages/ stores/ offices. Approved December 1984

**06/00133/FULMAJ-** Demolition and clearance of existing warehouse and outbuildings and erection of proposed healthcare facilities development. Withdrawn August 2008.

**09/00044/OUTMAJ-** Outline application for the demolition and clearance of existing warehouse and outbuildings and erection of proposed 2 storey primary health care centre (Use Class D1) including ancillary office accommodation. Approved March 2009

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

**Conditions**

1. An application for approval of the reserved matters (namely layout, external appearance of the buildings and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved 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. The application for approval of reserved matters 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. The development shall only be carried out in conformity with the approved 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 of the Adopted Chorley Borough Local Plan Review.*

3. 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 the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

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

*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 Government advice contained in the National Planning Policy Framework*

4. No part of the development hereby permitted shall be occupied or used until the two vehicular accesses have been constructed in accordance with plans, which have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved plans.

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

5. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

***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.***

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, 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.***

7. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building (notwithstanding any details shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials 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 of the Adopted Chorley Borough Local Plan Review.***

8. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

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

9. Before any development hereby permitted is first commenced, full details of the surfacing, drainage and marking out of all car park and vehicle manoeuvring areas shall have been submitted to and approved in writing by the Local Planning Authority. The car park and vehicle manoeuvring areas shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

***Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy RT2 of the North West Regional Spatial Strategy 2008.***

10. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.  
*Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby properties and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*
11. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all vehicular barriers to be erected to the vehicular access and egress points (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 shall be occupied or land used pursuant to this permission before all barriers have been erected in accordance with the approved details. The barriers shall thereafter be retained in accordance with the approved details at all times.  
*Reason: To ensure a visually satisfactory form of development and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.*
12. Before the development hereby permitted is first commenced, full details of the work required to the existing retaining wall (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of required repair and rebuild in respect of this wall and the methodology for undertaking this work. No building shall be occupied or land used pursuant to this permission until the works have been completed in accordance with the approved details. The retaining wall shall thereafter be retained in accordance with the approved details at all times.  
*Reason: To ensure a visually satisfactory form of development, the protect the neighbours amenities and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*
13. Before the development hereby permitted is first occupied, provision for cycle parking provision, in accordance with details to be first agreed in writing with the Local Planning Authority, shall have been made.  
*Reason : To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.*
14. If 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 Government advice contained in the National Planning Policy Framework*
15. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.



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

16. The use hereby permitted shall be restricted to the hours between 8am and 10pm on weekdays, between 8am and 8pm on Saturdays and there shall be no operation on Sundays or Bank Holidays.

***Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EM2 and EP20 of the Adopted Chorley Borough Local Plan Review.***

17. Prior to the first use of the development hereby permitted, a Green Travel Plan shall be submitted to and approved in writing by, the Local Planning Authority. The measures in the agreed Travel Plan shall then thereafter be complied.

***Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review.***

18. The approved plans are:

Plan Ref.	Received On:	Title:
	23 January 2009	Site Location Plan
063153-2.001	23 January 2009	Access Arrangements Site Plan
LK11/2009	5 February 2009	Topographical Survey

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

19. Prior to the commencement of the development details of a 'Design Stage' assessment, in respect of BREEAM, and related certification shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.

***Reason: 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***

20. Within 6 months of the completion of the development hereby approved a 'Post Construction Stage' assessment shall be carried out and a Final Certificate, certifying that a BREEAM standard of minimum 'very good' 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***

21. Prior to the commencement of the development full details of the on-site measures to reduce the carbon emissions of the development (related to predicted energy use) by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.

***Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.***

22. The building hereby permitted shall be built in accordance with the design principles set out within the Design and Access Statement dated January 2009 (submitted as part of application 09/00044/OUTMAJ). In particular the scale of the building which shall be a maximum 2 stories high.

***Reason: Scale is fixed as part of this outline submission and in order to secure the implementation of the building that have been considered within the assessment of this application to be an essential element of the scheme as a whole.***