

**Item 4b**                      **13/00156/FULMAJ**

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

**Ward**                         **Eccleston And Mawdesley**

**Proposal**                    **Erection of a replacement local centre including associated parking and servicing areas and the erection of 62 residential dwellings**

**Location**                  **The Carrington Centre New Mill Street Eccleston**

**Applicant**                  **Northern Trust Company Ltd And Bloor Homes North West**

**Consultation expiry:** **17 May 2013**

**Application expiry:** **27 May 2013**

**Proposal**

1. The application is a full application for the proposed redevelopment of the Carrington Centre, Eccleston. The proposals incorporate the erection of 62 dwellings, including a proportion of affordable housing, and a new local retail centre.
2. The application is supported by the following statements:
  - Arboricultural Method Statement
  - Energy Statement
  - Planning Statement (Incorporating Affordable Housing Statement, Parking Provision Statement, Financial Viability Assessment and Draft Heads of Terms of Section 106 Agreement)
  - Flood Risk Assessment and Outline Drainage Strategy
  - Detailed Planning Permission for Relocation of the Bradley Lane Pond Biological Heritage Site (BHS): Revised & Finalised Mitigation & Compensation Scheme
  - Ecology Supplementary Report
  - Supplementary Report: Results Of The Daylight And Nocturnal Bat Survey
  - Ecological Survey And Assessment
  - Framework Travel Plan
  - Transport Statement
  - Design and Access Statement: Residential
  - Design and Access Statement
  - Consultation Statement
  - Environmental Noise Study
3. Members will recall that outline planning permission was granted at appeal for the redevelopment of the site involving a large supermarket, local centre and up to 40 dwellings. This is a full application which is markedly different than the scheme envisaged and approved at outline stage. The variations are addressed further below.
4. The development involves the erection of a new local centre retail parade containing 10 new retail units. The units incorporate a café, the relocated post office and library, a flower shop, DIY shop, chemist, hot food takeaway and a convenience store. In total the retail parade occupies 1,253 m<sup>2</sup>.
5. Bloor Homes are working with the land owners, Northern Trust, in respect of the residential elements of the scheme and are proposing the erection of 62 new dwellings.

## **Recommendation**

6. It is recommended that this application is granted conditional planning approval subject to the associated S106 Agreement

## **Description of Site and Surroundings**

7. The application site is located within the centre of Ecclestone and is currently occupied by a relatively large former Mill building, although demolition works have commenced on the Mill. 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.
8. 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. The row of 5 terraced properties formally within the site, which were used as office/ commercial accommodation, have now been demolished.
9. 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**

10. **Ecclestone Parish Council** have made the following comments:
  - The proposed design of the commercial centre is not in keeping with the surrounding area- the Parish Council request the design should altered to match the proposed housing and not have an appearance that would be better situated in a town centre.
  - There are known and on-going problems with foul water drainage in the village normally occurring lower down the village causing effluent to spill onto the road and be carried through the village on car tyres. This development needs to take this into consideration and any impact or worsening of the drainage situation should be addressed by the applicant in the form of a contribution to any required upgrade of the system.
  - The current centre has been run down to the basic minimum and the proposed development will further reduce the number, size and type of facilities available to the village. Though the developer insists that there is no one interested in the shops there has been a steady increase in the number of businesses opening in the area that may have taken up residence in the centre if the opportunity was available.
  - The LDF (2.9) describes Ecclestone as a rural service centre - 'These centres serve their own residents and those in nearby villages with basic services and are well placed to provide for future housing and employment needs. Limited growth and investment will be encouraged'. This application, in fact, seeks to reduce the number of commercial outlets and contains no provision for further development. The proposal is restrictive in comparison to the current and previous opportunities the Carrington centre offered to the village and surround in area.
  - The current parking arrangements are only adequate during the day, in the evenings and at weekends there is insufficient parking, even when parking not owned by the developer is used. Once the commercial development is relocated there would be a risk to pedestrians having to cross to the shopping centre and the parking currently used by shoppers by the kindness of Verdi's may be removed at any time as access would become an issue to their car park.
  - The added vehicle movements at the junction with The Green, which at peak times causes an amount of congestion and obstruction to the shops opposite, would be considerably increased with the addition of 60 dwellings. The Parish Council would request and some sort of traffic management to be introduced at the cost of the developer.
11. **66 letters of objection** have been received raising the following concerns:

## Public Consultation

- Lack of suitable and timely consultation with local residents.

## Previous Scheme

- The scheme has no connection with an already approved application. Houses increased by more than 50%, food store decreased from 2.5 times the size of the present Co-op to less than half the size. Shop parade reduced to less than half the size of the approved application, and a small fraction of the existing, with no business centre provision currently proposed.
- Houses were only allowed on safeguarded land, as a cross-subsidy to the CC redevelopment. Ultimately, the planning inspector agreed with NT and Chorley Council that an improved not reduced 'shopping offer' would be commensurate with the role of Ecclestone as a rural local service centre.

	<b>Existing</b>	<b>2011 Application</b>	<b>2013 Application</b>
<b>Houses, Total (No.)</b>	NA	40 [23DPH] [136 beds=3.1 per house]	63 [26.4 DPH] [233 beds=3.7/house]
<b>Houses, Affordable (No.)</b>	NA	8 = 20%	12 = 19%
<b>Food store (m<sup>2</sup>)</b>	892	2182 (245%)*	372 (42%)* {17%**}
<b>Shop Parade (m<sup>2</sup>)</b>	2045	1082 (53%)*	881 (43%)* {81%**}
<b>Business Centre (m<sup>2</sup>)</b>	6304	467 (7%)*	NONE (0%)* {0%**}
<b>New Mill Street (m<sup>2</sup>)</b>	421	-	-
<b>Total Retail + Business (m<sup>2</sup>)</b>	9670	3910 (40%)*	1253 (12.5%)* {13%**}

Note: \* percentages in brackets ( ) represent proportion of application proposal compared to existing

\*\* percentages in brackets { } represent proportion of application proposal to approved application

- The fact that outline planning permission has already been given for some redevelopment must be given no weight whatsoever as what is being applied for now is wholly different.

## Supermarket and shops

- The current supermarket is adequate -It is vital that the new store is at least as big as the present supermarket and preferably slightly larger, especially given the number of houses on the site and the housing development taking place in other parts of Ecclestone.
- Chorley Council wants Ecclestone to be a rural service centre. This new proposal will not meet that requirement due to the halving in size of the current superstore. I concur with the Planning Inspector's view in 2012, that 'an improved, not reduced shopping 'offer' would be commensurate with the role of Ecclestone as a Rural Local Service Centre'.
- Population statistics confirm Ecclestone's increased housing development status since the 1970's, compared to nearby villages, and this directly relates to its designation as a Rural Local Service Centre. These aspects see Ecclestone take the brunt of housing developments in the locality. On this basis, Chorley Borough Council should act to maintain and enhance where possible Ecclestone's local facilities and services in line with the Local Development Plan.
- The scale of the proposed housing is too large, and shopping centre too small; Northern Trust (NT) have already confirmed that there are no suitable, available, and viable sites within Ecclestone, Croston, Mawdesley, and Heskin, to accommodate a replacement.
- Many of the retailers, having been given no assurances of a long term future at the Carrington Centre, have moved only a short distance to The Green, by conversion of existing housing stock. This situation goes against local planning policy, and if left unchecked will alter the character of Ecclestone without any future option for recourse.
- New shopping development is required to be provided with rear servicing, unless the developer can show that this is not possible or would lead to greater highway problems. This new application has dispensed with rear servicing to the shopping units, without the

developer providing any suitable justification, and chosen to combine pedestrians, deliveries, and general traffic together at an already busy junction. This is not acceptable.

- The number of retail jobs associated with the new application would be expected to be only a fraction of the jobs created as part of the 2011 approval. And more importantly, these are local employment opportunities that will be lost to Ecclestone residents forever.
- The suitability of this development is questioned further, as a current large development in Ecclestone named Knights Wood has not been commenced in its entirety due to poor sales.
- As of 20th July 2013, the village will lose one of its main amenities, with the closure of the local supermarket, with no realistic replacement in place. How can the council support the withdrawal of such an important facility?

### Parking and Highways

- The current parking on the Carrington Centre is not sufficient- more parking would better serve the proposed retail units
- If our shops are to be downgraded, will public transport be upgraded, so that people without cars can get out of the village to shop?
- The use of traffic lights at the junction is not feasible since this would impact on traffic exiting and entering Red House Lane, and on traffic parked outside the One Stop convenience store.
- There needs to be traffic management on The Green, lights or a mini-roundabout.
- The increase in traffic congestion, lack of parking, increased emissions, and reduction in traffic safety, would be devastating for Ecclestone and its residents. It is vitally important, therefore, that the area of retail and parking at the Carrington Centre should not be reduced to below that already defined by the approved 2011 application.
- This new application changes the access to the housing development, from off Bradley Lane to an existing access point on The Green. This dictates that the retail hub and house dwellings would share a combined access, including shop traffic and deliveries, with significant commuter vehicles. The existing access on The Green is already a busy junction, due to a number of factors; the junction has a designated pedestrian crossing point controlled by lights, and has combined retail traffic associated with the existing Carrington Centre, the One-Stop shop immediately opposite, optician, baker, solicitor, bike shop and gun/outdoor shop . Here, traffic including delivery vehicles to the One-Stop shop park and manoeuvre in an uncontrolled manner. For these reasons, therefore, the use of an existing combined access on The Green is not considered appropriate.
- The crossing on The Green should be relocated to a more convenient location.

### Design

- The planned shops are not fit for purpose and are aesthetically not in keeping with the village of Ecclestone and its high standards of upkeep and visual integrity.
- The design of the shops should reflect the heritage of the village and its association with mills, and should be built to a high standard which will enhance the village.
- The steel framed 'glass and tin boxes' forming the proposed new shop parade would be out of keeping with the village's strong historic character, and would be unable to meet the present or future needs of Ecclestone and surrounds, and the addition of a further 23 houses over and above the already approved application should be rejected.

### Planning Policy

- The application fails to meet the criteria of Policy HS6 as the planned road access is inadequate?
- The application is in breach of Policy GN10; it does not incorporate open green space. This is significant because the development removes a section of previously undeveloped open green space.
- The Local Development Framework removed Safeguarded Land to allow up to 40 homes to be built as part of the original application. This has now grown to 63 homes. This will give the village more homes than the 15 year LDF outlines up to 2026. If this is passed does that mean no more new homes in the village for the next 13 years?

- Housing development contravenes Policy DC3.13 of the Local Plan Review 2003, which restricts development on Safeguarded Land between Bradley Lane and Parr Lane. Original application only approved at appeal due to cross-subsidy from housing development on Safeguarded Land.
- Enlarged housing development contravenes Policy SP6 (Local Shopping Centre), as the proposals greatly diminish Eccleston's ability to serve local needs as a 'Village Centre'. NT have not demonstrated that there is no or reduced demand for retail or commercial use, and the proposals adversely impact on the vitality and viability of the 'Centre'.
- Proposals contravene Policy GN3, by changing the character of Eccleston. NT has sought to run down the Carrington Centre for the last 2 years, in an attempt to highlight the Centre's deteriorating condition and reduce the number of core clients, in order to increase the scale of housing development. It has been demonstrated that there is a thriving retail community in Eccleston, and the current shopping 'offer' should not be reduced.
- Policy HS6 dealing with housing windfall sites is contravened in a number of respects, namely: i) the site is not allocated in Policy HS1 and it has not been demonstrated that the overall housing requirement would not be materially exceeded; ii) suitability questioned by poor sales in nearby Knights Wood development; and iii) the development harms the amenities of local residents.
- Housing development contravenes Policy HS1.50 (Housing Site Allocation) of the emerging Chorley Local Plan 2012 - 2026 by exceeding the scale of permitted housing development, comprising a permitted maximum of 40 dwellings. Policy EP8 (Existing Local Shops) of the Plan is also contravened, by the developer giving no suitable justification for scaling back important local facilities.
- It is difficult to see justification for a housing windfall development at this time. Aside from this in any case, priority is required to be given to the development of previously-developed sites in urban areas, in preference to sites in other locations and greenfield sites.
- In addition, the redevelopment of the retail centre contravenes Policy EP8 (Existing Local Shops), by giving no justification for scaling back these important village and local facilities.

#### Future of the Village

- Not enough thought has gone into the long-term impact of this development on the village and its residents, not only in terms of lack of facilities but also in terms of inadequate parking and additional traffic through and in the village.

#### Local Services

- GP provision, school places and drainage/sewerage & surface water facilities are already overstretched. There is no village hall, and these new houses will place further demands upon limited resources.

#### Other

- The overall outcome is to shoehorn in more houses at the cost of the villages facilities
- The addition of the footpath that bounds the development significantly reduces the security of all the properties both new and old which bound either side.
- The deeds of the houses on Middlewood Close that are adjacent to the pathway show that the boundary of the property is actually the root line of the current hedge and not where the fence currently sits.
- How can this be a benefit to the community, from either an "employment opportunity" or "retail outlet availability" standpoint?
- Local employment will suffer greatly.
- Surely support for local businesses should be a major factor for the Council? Chorley Council has identified, through "its Vision" priority areas including
  - To have a thriving town centre - Improve and develop the town centre, attracting more visitors both during the day and evening.
  - To promote and increase inward investment in Chorley – providing a mix of high and low skilled jobs and attracting well paid employment.

- To provide business support to new and existing businesses
- Surely these priorities should apply to Ecclestone as well
- Affordable 2/ 3 bedroom houses would be more appropriate
- Losing an iconic symbol of the industrial history of the village
- The government say that it should be the local people making the decisions on whether a development should get approval. On such an important scheme like this, that will transform the village, I believe there should be a mini referendum where everyone living in the village should get a vote, a simple yes or NO to the proposed scheme. Let the people decide.
- Creation of the enhanced new pond does have implications with regards to this latest development proposal, which includes 3 new houses on Bradley Lane. The site plan submitted shows neither the replacement pond nor its position relative to the adjacent Bradley Lane site,
- As submitted, the current plans show housing that would be in close proximity to the western edge of the replacement pond.
- Pedestrian access via a stile off Bradley Lane was stopped in October 2012 as a safety measure and to allow the replacement pond to develop. The new plans do not show where and how access to the sports field beyond will be achieved once the replacement pond has been established and presumably protected through the erection of suitable fencing.

12. **1 letter has been received** not raising any objection but requesting the introduction of traffic lights at the junction of the Carrington Centre and The Green.

13. **21 letters of support** have been received setting out the following points:

- Disappointed that the original, forward-thinking scheme was opposed.
- The centre is an essential part of the community and a lifeline to the older residents in the village.
- If people supported their local independent retailers with as much enthusiasm as they oppose the plans, we would all benefit from a much more prosperous community, financially and socially.
- If these facilities were taken away, then not only would there be an increase in traffic due to the number of people driving out of the area to use other amenities, house prices would fall and most importantly community spirit would die.
- The amenities a fantastic asset to the village but they offer essential services, to not only me but a huge number of other people.
- The centre is a vital resource for residents of Ecclestone who cannot easily travel to Chorley etc. It provides food shopping, a chemist (including delivery of prescriptions) post office and the added benefit of a library and opportunities for small businesses to develop without sustaining city centre costs.
- As the condition the building is in shops would not be able to continue trading for much longer.
- The upgrade is needed to improve the facilities for the people that actually use the centre on a daily/weekly basis.
- If this is not passed it will have a major detrimental effect on the village with the loss of all these services of which my Post Office will be one.
- It would have been ideal to have a larger store but longer Sunday trading which convenience stores offer is obviously the driving force in the supermarkets decision, indeed I understand that although the Co-op was prepared to stay it also only wanted a store around half the size as present for precisely those reasons hence the reduced footage.
- The housing development is attractive and will provide some much needed starter homes for families on what was a brownfield site.
- Ecclestone is an important rural service centre and its services and shops must be sustained.
- The retail part of the proposals represents an ideal solution by retaining many independent shops and a convenience store appropriate to the village given the current economic difficulties.

- The housing element will provide much needed affordable homes for local people, provide greater choice of new homes in a very attractive layout and bring in additional customers to help sustain the shops and services
14. **1 letter has been received from Ecclestone Brass Band** raising the following comments:
- Since 1986 we have rehearsed in our band room, which is situated on the playing field at the end of Draper Avenue. This would be approximately 10 metres from the housing development proposed for the Carrington Centre.
  - The band room is available for use whenever we wish and at present our rehearsals take place on Tuesdays 7.30pm-10.00pm, Wednesday 3.30pm – 5.30pm and Fridays 6.30pm - 10.00pm.
  - At various times throughout the year, specifically when we have contests, the band room will be used up to 4/5 times a week, including evenings and weekends.
  - Also, following concerts we return all equipment to the band room generally between 10.30-11.30pm.
  - Our band room is owned by us and is situated on land leased from Ecclestone Parish Council. Our current lease was issued on 1st April 2006 and expires in April 2031.
  - Lease section 2 (5) states: “not to cause or permit any nuisance on the land nor to do anything on the land which may be a nuisance to the Landlord or its tenants or the owners or occupiers of adjoining land”.
  - Despite being in an unsound proofed building, to date we have had no issues with local residents with regards to noise nuisance. However as the proposed development on the Carrington Centre would locate residential properties much nearer to our band room we are extremely concerned that the above clause may be compromised and may result in the termination of our existing lease.
  - We would ask that the planning committee and developers take in to account our location of 27 years when considering this planning application, specifically the effect it may have on our lease should residents of the new properties have any noise disturbance issues.

### Consultations

15. **Lancashire County Council (Planning Obligations)** are seeking no contributions from Education, Children and Young People, Adult and Community Services and Environment
16. **The Environment Agency** have made no comments on the proposals
17. **The Architectural Design and Crime Reduction Advisor** has commented that the current Carrington Centre retail area has been a meeting place for local youths during the evening, resulting in a high incidence of reported anti-social behaviour. The shops have been a target for damage and burglary. This is an excellent opportunity to design out previous build problems that have contributed to the issues I have raised. The agent for the application has been made aware of the suggestions made which are addressed further below.
18. **CTC Working for Cycling** have made the following comments:
- There are some issues which need to be addressed.
- **An extra cycle entrance-** An extra cycle entrance onto Middlewood Close, at the moment this is indicated as a footpath entrance
  - **A traffic refuge at the entrance-** This refuge may appear to be an easily solution to aid pedestrians to cross the road, unfortunately this causes serious issues with cyclists, being squeezed by motorists. A solution is to use a Zebra crossing.
  - **Cycle Parking-** Nowhere in this document indicates where these would be situated, the ideal place would be in front of the shops, so people can see the advantages of sustainable transport
  - **Sustainable development-** Although the development is marketed as sustainable, a travel plan should be given to each resident, at the moment the default mode of travel is the car.

19. **The Council's Urban Design and Policy Manager** has commented on the design of the scheme. This is addressed further within the main report
20. **United Utilities** have commented on the proposals which are addressed below
21. **Lancashire County Council (Highways)** have commented on the scheme which addressed below within the assessment of the proposals.
22. **Chorley's Waste & Contaminated Land Officer** has commented that there is a potential for ground contamination at this site (this location includes a former cotton mill). Due to the scale of development and proposed sensitive end-use (residential housing with gardens) further work will be required in contamination. This can be addressed via condition.
23. **The Council's Housing Manager** has commented on the affordable housing mix which is addressed below
24. **Central Lancashire Primary Care Trust** have commented on health care contributions which is addressed below
25. **Lancashire County Council (Planning Contributions)** have confirmed that no contributions from Education, Children and Young People, Adult and Community Services and Environment have been received.

### **Policy Considerations**

#### **The Development Plan**

26. 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.
27. In this case, the development plan therefore comprises the Adopted Central Lancashire Core Strategy and the saved policies of the Chorley Borough Local Plan Review (adopted August 2003).

#### **Chorley Borough Local Plan**

The Chorley Local Plan Review was adopted in August 2003. It was saved in September 2007

The relevant saved Local Plan policies are:

- GN3: Settlement Policy- Ecclestone
- 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
- TR18: Provision for Pedestrians and Cyclists in New Development
- SP6- District, Neighbourhood and Local Shopping Centres

#### **Central Lancashire Core Strategy (adopted July 2012)**

Policies to be given weight are:

- Policy MP clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no



policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate otherwise taking into account Policy MP a) and b).

- 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 25 Community Facilities
- Policy 22 Biodiversity and Geodiversity
- Policy 17 Design of new buildings
- Policy 27 Sustainable Resources & New Developments

### **National Planning Policy Framework**

The Framework was published in March 2012. Annex 1 of the Framework states that for 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004. For policies adopted before 2004, as is the case for the Chorley Borough Local Plan Review which was adopted in 2003, after this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. This period ended on 27<sup>th</sup> March 2013 and the policies of the Local Plan are now afforded weight according to their degree of consistency with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole; or
  - Specific policies in the NPPF indicate development should be restricted.

Paragraph 17 also sets out 12 core land-use planning principles which should underpin both plan making and decision taking. It states planning should:

- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

### **Emerging Local Plan**

#### **Publication Chorley Local Plan 2012 - 2026 (Submission 21 December 2012)**

Relevant Policies are:

- ST3: Road Schemes and Development Access Points
- ST4: Car Parking Standards
- HS1: Housing Site Allocations
- HS2: Phasing of Housing Development
- HS4A: Open Space Requirements in New Housing Developments
- HS4B: Playing Pitch Requirements in New Housing Developments
- EP7: Development and Change of Use in District and Local Centres
- BNE1: Design Criteria for New Development. Criteria a, b, c, d, f, g and h are relevant to the proposal.

### **Supplementary Planning Guidance**

- The Central Lancashire Supplementary Planning Document Design Guide (adopted October 2012) is relevant as it aims to encourage high quality design of places, buildings

and landscapes in the Borough. This supersedes the Chorley Design Supplementary Planning Guidance (July 2004)

- The Central Lancashire Supplementary Planning Document Affordable Housing (adopted October 2012)

### **Other Material Considerations**

#### ***Community Infrastructure Levy***

The Chorley CIL Draft Infrastructure Charging Schedule was subject to Examination in public in April however it is yet to be adopted.

#### ***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.

The Study identifies that there are 2 defined shopping areas within Ecclestone: 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. Ecclestone 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%).

### **Background Information**

28. The site owners, Northern Trust, applied to the Council in April 2011 (11/00366/OUTMAJ) for the erection of a replacement Local Centre Parade, Supermarket and up to 40 residential dwellings (outline application) and for the relocation of existing pond to provide enhanced new pond (full application). The application was refused at Development Control Committee on 15<sup>th</sup> September 2011. The applicants appealed this decision and the appeal was allowed on 6th March 2012.
29. This current application is a full application which is markedly different than the approved scheme for this site. The differences, set out as existing, approved and proposed uses, including the floor areas, are set out on the attached table.

## EXISTING USES

		m2	sq ft
<b>NEW MILL STREET</b>			
1	B1 Office/ Light Industrial	76	820
2	B1 Office/ Light Industrial	82	880
3	B1 Office/ Light Industrial	105	1,130
4	B1 Office/ Light Industrial	70	760
5	B1 Office/ Light Industrial	88	950
<b>TOTAL</b>		<b>421</b>	<b>4,540</b>
<b>SHOPPING CENTRE</b>			
S1	Retail A1	108	1,160
S2	Retail A1	88	940
S3	Retail A1	86	930
S4	Retail A1	90	960
S5	Retail A1	92	990
S6/S10	Retail A1	155	1,670
S7	Café A3	66	710
S8	Retail A1	92	990
S9	Retail A1	60	650
S11	Retail A1	52	560
S12	Pub/ Bar S12	57	610
S13	Bakery/ Takeaway A5	89	960
S14	Retail A1	111	1,200
S15	Retail A1	45	490
S17	Retail A1	21	230
S18	Retail A1	19	200
S19	Retail A1	19	200
	Food Store	892	9,600
	Library	216	2,320
	Common Areas	587	6,320
<b>TOTAL</b>		<b>2,945</b>	<b>31,690</b>
<b>BUSINESS CENTRE</b>			
U1	B1 Office/ Light Industrial	80	870
U2	B1 Office/ Light Industrial	80	860
U3	B1 Office/ Light Industrial	90	960
U4	B1 Office/ Light Industrial	88	940
U5	B1 Office/ Light Industrial	46	490
U6	B1 Office/ Light Industrial	41	440
U7	B1 Office/ Light Industrial	50	540
U9	B8 Storage/ Distribution	1,807	19,450
U10	B8 Storage/ Distribution	1,770	19,060
U12	B1 Office/ Light Industrial	164	1,770
U13	B1 Office/ Light Industrial	67	720
U14	B2 Industrial	674	7,250
U16	B1 Office/ Light Industrial	62	670
U17	B1 Office/ Light Industrial	79	850
U18	B1 Office/ Light Industrial	73	780
U19	B1 Office/ Light Industrial	93	1,000
U20	B1 Office/ Light Industrial	207	2,230
U21	B1 Office/ Light Industrial	49	530
U22	B1 Office/ Light Industrial	54	580
U23	B1 Office/ Light Industrial	45	490
U24	B2 Industrial	323	3,480
	Common Areas	362	3,900
<b>TOTAL</b>		<b>6,304</b>	<b>67,860</b>

## OUTLINE APPROVAL USES

		m2	sq ft
<b>COMMERCIAL/ RETAIL</b>			
S1	Retail A1	107	1,150
S2	Retail A1	142	1,520
S3	Retail A1	70	750
S4	Retail A1	52	560
S5	Bakery/ Takeaway A5	52	560
S6	Retail A1	70	750
S7	Retail A1	106	1,140
S8	Retail A1	106	1,140
S9	Retail A1	142	1,520
S10	Retail A1	70	750
S11	Café A3	71	760
S12	Retail A1	96	1,030
	Library D1	179	1,930
	Food Store A1	2182	23,490
<b>TOTAL</b>		<b>3,445</b>	<b>37,050</b>
<b>BUSINESS</b>			
U1	Office B1	26	770
U2	Office B1	71	770
U3	Office B1	71	770
U4	Office B1	46	500
U5	Office B1	26	280
	Common Areas	227	2,440
<b>TOTAL</b>		<b>467</b>	<b>42,090</b>
<b>HOUSING</b>			
	Residential C3 Units	<b>40</b>	

## FULL APPLICATION USES

		m2	sq ft
<b>COMMERCIAL/ RETAIL</b>			
Unit 1	Café A3	69.3	746
Unit 2	Retail A1	69.3	746
Unit 3	Retail A1	141.5	1,523
Unit 4	Retail A1	69.3	746
Unit 5	Retail A1	69.3	746
Unit 6	Retail A1	141.5	1,523
Unit 7	Retail A1	69.3	746
Unit 8	Bakery/ Takeaway A5	56.6	609
Unit 9	Library D1	194.4	2,093
Unit 10	Food Store A1	372.6	4,011
<b>TOTAL</b>		<b>1,253</b>	<b>13,488</b>
<b>HOUSING</b>			
	Residential C3 Units	<b>63</b>	

Amended to 62 during the application process

## Financial Viability

30. Members may recall that when the previous application was considered the applicant, Northern Trust, stated that the residential element of the proposal was necessary to secure the redevelopment of The Carrington Centre. Northern Trust is not a house builder however it was understood that the land sale of the residential land would cross subsidise the redevelopment of the Centre. In this regard a financial viability assessment was undertaken as part of the previous application.
31. Similarly a financial viability assessment accompanies this planning application. This financial viability assessment was submitted confidentially as it contains commercially sensitive information however Liberata have reviewed the assessment on behalf of the Council. The assessment includes the main headline figures in respect of the financial viability.
32. The following table compares the previous headline figures and the current headline figures:

	<b>2011 outline application</b>	<b>2013 full application</b>
<b>Site Value</b>	£3,000,000	£1,500,000
<b>Estimated Value</b>	£8,100,000	£2,235,914
<b>Costs</b>	£10,860,000	£4,842,502
<b>Capital receipts</b>	£2,682,800	£3,250,000
<b>S106 Contributions</b>	£104,000	£83,682
<b>Affordable housing</b>	10% (increased to 20% before Development Control Committee)	19%

33. It is noted that the above figures differ significantly which reflects the fact that the schemes are significantly different. The agent has sought to explain some of the changes as follows:
- The residential land price has reduced from the previous proposal for a number of reasons. For the last application the land price was assumed but based on evidence. The current land price is similarly within the appropriate range for the locality.
  - The market price for all land fluctuates over sometimes short periods of time and what may have been achievable only months ago may not now be possible. Fluctuations are determined by a host of factors including the national and local economy, local sales, ability of banks to lend and site specific issues. Such a site specific issue relates to the fact the whole development has to be developed in phases starting with the retail. Delay in the house builder being able to commence affects cash flow and as a result discounts on the land purchase price have to be applied.
  - There is less net to gross developable area due to the length of access road required to reach the rear of the site and greater costs in constructing that road. At the same time overall density has reduced.
  - The abnormal development costs are much higher with this proposal due in particular to the requirement for a 1 in 100 year drainage system and increasing costs in constructing houses to code level 4 without a consequential uplift in sales values as a result.
  - The marketability of the housing is also a factor in the price paid. The previous scheme had a rural front entrance off Bradley lane away from the retail centre. This proposal, for reasons of overcoming local objection, proposes a sole access off The Green but this is less attractive to new residents and will affect sales prices, reflected in the purchase price.
34. In response to some of the comments received it is considered that the costs for the drainage system and Code Level 4 should have been taken into account as part of the outline planning application. It is also unclear why properties accessed off the Green will be less marketable than properties accessed off Bradley Lane which is essentially a narrow residential street adjacent to the application site.
35. Liberata have reviewed the amended assessment on behalf of the Council. When the assessment for the outline application was undertaken the residential element was based on a land price as the application was in outline with no house builder identified. In the case of this application full details of the proposed houses are included and as such Liberata have

been able to undertake a Residential Appraisal. The resulting land value calculated by Liberata is £3,475,310, a difference of £225,310. Liberata consider that this additional profit could be used to provide 3 more social rented units, totalling 11 social rented and 4 shared ownerships. It is noted at the time of writing this report that there are some queries with the figures utilised within the assessment however the affordable housing contribution is addressed below.

36. The submitted appraisal includes a separate appraisal for the retail element which has a high land value of £1,500,000 and various additional costs for business relocation and rental incentives which Liberata considers makes the appraisal cost heavy. In this regard the appraisal utilises the receipt from the residential land sale to mitigate the deficit in respect of the retail part of the scheme. The viability assessment submitted in support of this scheme demonstrates an anticipated 11.11% profit return from the development of the whole site, it is noted that the previous scheme secured an anticipated 3.58% return.
37. As set out above Liberata consider a higher residential receipt could be secured from this scheme and taking into consideration the decrease in S106 obligations compared to the previous outline approval (£20,318) this could be utilised from additional onsite affordable housing.
38. The agent for the application has been advised of this and confirmed that they will provide £100,000 within the S106 Agreement for the provision of off-site affordable housing. Obviously the Council's preference is for on-site affordable housing however the provision of additional affordable housing on this site would reduce the amount of market houses which could be achieved further impacting on viability. It is considered that an off-site contribution of £100,000 is a reasonable figure which will ensure the scheme is more in line within Policy 7 of the Core Strategy in terms of the percentage of affordable housing provision whilst considering there are some inconsistencies within the financial assessment.

## **Part 1 Assessment- Proposed Retail Elements**

### Proposed Local Centre

39. The Carrington Centre is currently occupied by a number of different retailers. The development involves the complete demolition of the Carrington Centre and it is proposed to relocate the existing operators, apart from the Co-op, into a new building located along the northern boundary of the application site close to the entrance with The Green.
40. The proposed building will accommodate 10 individual units. Unit 1 is proposed to be a café, units 2-7 are A1 retail units (4 units at 69.3 m<sup>2</sup> and 2 units at 141.5m<sup>2</sup> floor areas), unit 8 is proposed to be a bakery/ takeaway, unit 9 is the relocated Library and unit 10 is the proposed convenience store (372.6m<sup>2</sup>).

### Proposed Retail Stores

41. Part of the existing building is occupied by the Co-op which occupies an 892m<sup>2</sup> size unit. Unit 10 of the proposed development will be occupied by a convenience store, although the end-occupier is yet to be identified, which will have a floor area of 372.6m<sup>2</sup> which is less than half the size of the existing store. As set out above concerns have been raised in respect of the size of store proposed.
42. The supporting information submitted with the application states that the scale of this unit is dictated solely by prospective operators. The application is supported by a letter from Mowbray Gill Property Consultants which states that in May 2008 there was interest in a large store at the site from 3 retailers however this was reduced to one retailer who resisted to fully commit to the scheme. In April 2012 this final retailer withdrew their interest in the approved supermarket scheme and suggested the only appropriate size for them in Ecclestone would be 3/ 4000sqft (278.7/371.6m<sup>2</sup>).
43. In October 2012 rental offers were forthcoming from three national food retailers and heads of terms were agreed with a specific national retailer, based upon a unit of approximately 4,000sqft for a convenience store in late 2012 and respective solicitors were instructed in January 2013. The operator is however not named within the supporting information.

44. It is acknowledged that the size of the proposed convenience store is dictated by the current retail market and potential future occupiers however it is not considered that a store which occupies 372.6 m<sup>2</sup> can be considered an *anchor food retailer* as stated within the supporting information.
45. Paragraph 58 of the Framework confirms that the decision should aim to ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks.
46. When the outline application was considered the scale of the retail provision was key in terms of the consideration, a point which was identified by the Inspector: *I accept that, for Ecclestone to remain a vibrant and reasonably self-supporting community, an enhanced shopping centre, including a larger supermarket, is a reasonable expectation and is likely to be beneficial.* When this application was originally submitted the scheme incorporated a level of retail provision inconsistent with the previous approved amount and incorporated no opportunity to supply a greater level of provision.
47. It was acknowledged that the originally submitted scheme, as designed, accommodated the future tenants' current requirements and was need driven, particularly in respect of the proposed convenience store, however it was not considered that the applicants had incorporated the needs of Ecclestone over the long term within the scheme. The design, siting and construction of the retail scheme created a development which would be forever fixed in terms of size (apart for extension into adjacent units with the use of partition walls which is subject to vacant units of the required size) and did not consider the potential needs over the lifetime of the development in accordance with the Framework.
48. The applicants were made aware of these concerns and the plans have been amended in respect of the convenience store. The store will now be constructed with additional load bearing steel work and foundations which will enable a new (mezzanine) floor to be added at a later date if required. This design solution ensures that the size of unit provided will meet the retailers' current requirements, and as such provide a better opportunity for securing an end retailer, whilst ensuring that the store can be adapted in the future to accommodate either the retailers or Ecclestone's future retail needs. It is considered that this simple construction design change takes into consideration both the short term requirements and the lifetime of the development within Ecclestone along with optimises the potential of the site to accommodate development in accordance with the Framework.
49. Additionally the plans have been amended to incorporate additional parking provision for the retail elements, this is addressed further below, and the amended scheme now includes staff car parking adjacent to the store. This space could allow for expansion of the convenience store in the future, subject to other planning considerations, if required.

### Design

50. Design is key to the objectives of the Framework with securing high quality design as one of the 12 core land-use planning principles. The Framework supports economic growth in rural areas by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and by promoting the retention and development of local services and community facilities in villages, such as local shops.
51. The Council's Policy and Design Team Leader assessed the original submitted scheme and raised some concerns in respect of the design and layout of the proposed retail parade.
52. The concerns raised in respect of the originally submitted scheme focused on the fact that a local centre should be a focal point and designed to function as such however the positioning within the site hindered the ability for this centre to be a focal point, particularly as it will not

be readily visible from the main view of the site from The Green. The standard elevational treatments and lack of detailing also reduced the legibility of the scheme.

53. It was noted by the Inspector at the appeal that the site currently presents a reasonably open frontage to The Green, with views across the car park towards the Carrington Centre and the old mill buildings. The outline planning approval at the site incorporated replacing the existing buildings with a scheme which would have been visible from The Green as detailed within the Design and Access Statement which accompanied the outline application: *The main vista from the road now glances along the retail parade frontage with the floor store as a visual end stop and as a by-product this to a large extent conceals the main area of car parking.*
54. The Framework states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.
55. Legibility is considered to be important for this scheme, particularly taking into account the positioning of the local centre within the site, and the applicants were advised that opportunities to reconsider the design of the scheme, by taking into consideration the needs of the end users, should be addressed.
56. In this regard the plans have been amended and the various suggested options have been considered by the applicants. It is understood that the intention is to keep existing shops trading during construction which reduces the ability to relocate the retail elements of the scheme (due to the lack of available space between unit 8/arcade area, the gable wall of the convenience store and the route of the high voltage electric cable which has been relocated).
57. In respect of the design of the proposed retail units the plans have been amended to incorporate an external seating area in front of the café, the external treatments of the Local Centre units have been made more individual, with some units having central doors within their units and with the library having a sliding door feature. These features assist in providing differentiation between the units.
58. It is also noted that the individual shops will be enhanced by shop signage and shop window displays and there will be signage at the site entrance which will, amongst other things, advertise the library.

#### Traffic and Transport

59. Vehicle access to both retail and residential elements of the redevelopment are proposed to be taken from the existing Carrington Centre access from The Green (B5250). The application has been assessed by the Highway Engineer at Lancashire County Council who has made the following comments. From plans and tracking information provided by the applicant, the proposed modification to the access has been designed based on the largest vehicles likely to use the site, which is essential given that the access will be used by a mixture of residential and commercial traffic. Although all traffic would enter the site from The Green, the separation of the proposed service yards from the main access soon after entering the site is in the interest of road safety and will minimise any adverse environmental impacts. The reduced scale of the retail development as compared to the scale approved in the outline application would result in reduction in vehicle trips to be generated by the site
60. The Highway Engineer at Lancashire County Council has concluded that he has no objections to the proposed redeveloped Local Centre and the residential developments being accessed from The Green. The Highway Engineer considers that as the current development would result in reduction in the volume of vehicular trips when compared to the approved outline application during all peak hours, due to the reduced scale of the retail development, he considers that the level of traffic impact identified and agreed within the outline application is sufficiently robust for the current 'scaled down' proposal.

## Parking

61. The proposed development incorporates the erection of 932.8 m<sup>2</sup> of A1 retail floor space, 69.3 m<sup>2</sup> of A3 cafe floor space, 56.6 m<sup>2</sup> of A5 floor space and 194.4 m<sup>2</sup> of D1 library floor space.
62. This generates the need for between 78 and 91 parking spaces, in accordance with the emerging Local Plan Policy ST4, the figure varies dependent upon the amount of public floor space within both the proposed café and takeaway. The originally submitted scheme incorporated 67 parking spaces which is below the standard set out within the emerging local plan and as set out above concerns have been raised about the level of parking proposed.
63. Policy ST4 states that locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision. Proposals for provision above or below this standard will be supported by evidence detailing the local circumstances that justify deviation from the standard.
64. The local circumstances that will be taken into account include:
  - a) The quality of provision for pedestrians - width of footways, quality of surfaces, access points to the site, provision and quality of street furniture and lighting;
  - b) The quality of provision for cyclists - cycle parking, dedicated cycling facilities, access points to site, quality of design and provision, any restrictions on cycle movement;
  - c) The distance to and quality of bus stops, the frequency of services, quality of footways and lighting to stops, and the distance to the nearest interchange;
  - d) The number of train stations within 1,200m walking distance, quality of station, and frequency of services; and
  - e) Evidence of local parking congestion.
65. In this regard the supporting information asserts that as the proposed Local Centre sits centrally within Ecclestone it is therefore highly accessible by foot and other non-car modes of transport. The supporting information considers that the existing centre does not currently draw trade from a wide area, benefits from the same number of parking spaces and does not suffer from any notable parking difficulties in terms of capacity. It is asserted that as the scale of the new centre is in keeping with the existing offer and it is not anticipated that it will generate significant additional traffic movements.
66. The supporting information also states that there are an additional 19 spaces which serve the existing neighbouring restaurant, which is owned by Northern Trust. It is not proposed to restrict the opening hours of the proposed smaller retail units and the convenience store will open to 11pm during the evening which will directly co-inside with the opening hours of the restaurant. As such the parking provision at the restaurant cannot be used to mitigate the lack of parking within the application site. It is also noted that a recent application (13/00367/FUL) has been submitted at the restaurant which proposed to reduce the number of parking spaces to 17 and the customers of the restaurant can also use the parking at the existing centre.
67. The Highway Engineer considers that a total of 90 parking spaces will be required and it is essential that parking associated with the development is contained within the site. The applicants were advised of this and the plans have been amended to accommodate 81 parking spaces. Although this is below the 90 spaces requested by the Highway Engineer the number of spaces proposed is within the range of parking spaces required in accordance with the emerging policy and as such is considered to be sufficient for this site.

## Sustainability

68. The retail building will be required to achieve BREEAM rating 'Very Good' in accordance with Policy 27 of the Core Strategy. This will be secured via condition.
69. Policy 27 also includes the following requirements:

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



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

Or

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

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

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

70. This part of the policy relates to a reduction in carbon emissions and can be secured via the submission of a Carbon Reduction Statement as part of a planning condition.

### **Retail Conclusion**

71. Ecclestone is identified as a rural local service centre within the Adopted Central Lancashire Core Strategy (Policy 1) where limited growth and investment will be encouraged. The preamble to Policy 1 confirms that these centres serve their own residents and those in nearby villages with basic services and are well placed to provide for future local housing and employment needs.
72. A number of concerns have been raised that the level of retail provision provided is not sufficient for Ecclestone, which has seen a rise in the population over recent years, and no account is taken of the future needs of the Village. One suggestion is to delete a number of the proposed houses within the retail allocation for future retail development.
73. It must be noted that ensuring that the most efficient use of land is secured is advocated by the Framework and leaving an area of undeveloped land for potential future development needs is not the most efficient use of this brownfield site. The site has permission for a large supermarket which the Inspector considered would be beneficial to the Village however if an end operator cannot be secured then this type of facility will not be constructed at the site. The needs of Ecclestone as a Village have been taken into account in respect of the amended scheme by designing in potential expansion space for the convenience store.
74. Part of the application site is allocated as a local centre within the current Local Plan (which is carried over and extended within the emerging local plan to coincide with the approved outline application at this site) which is defined within the Core Strategy as a centre which includes a range of small shops of local nature, serving a small catchment, typically local centres might include, amongst other shops a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include a hot food takeaway and laundrette.
75. It is considered that the proposed local centre will continue to serve the residents of Ecclestone, will ensure the 'important' services (such as the post office) which benefit Ecclestone are retained within the centre of the Village (and is in accordance with the above definition for this type of centre) and incorporates design features which takes into account the potential future needs of the village.
76. The proposals accord with the Development Plan (in accordance with s.38 (6) Planning and Compulsory Purchase Act (2004)) and there is no evidence before the Council that an alternative scheme will come forward for this site. In terms of planning policy (both current and emerging) and guidance contained within the Framework it is considered that the proposed retail parade is acceptable and will benefit the residents of Ecclestone as a whole.

## **Part 2 Assessment- Proposed Residential Development**

### Principal of Housing Development

77. The application incorporates the erection of 62 new dwellings on the site. The house builders will be Bloor Homes. The proposals incorporate a mixture of 3 five bedroom properties, 44 four bedroom properties, 11 three bedroom properties and 4 two bedroom properties provided in a combination of detached, semi-detached and terraced properties. Access to the residential dwellings will be via The Green, past the proposed retail unit.
78. Members will recall that when the outline planning permission was granted at this site the scheme included the erection of up to 40 residential dwellings on the eastern portion of the site. As such the principle of erecting houses on part of this site has been established. It is noted however that this application proposes additional dwellings extending further in a westerly direction within the application site.
79. The site is currently allocated within the Local Plan 2003 as partly retail land (under Policy SP6) and partly safeguarded land (under Policy DC3). The Framework was published on 27<sup>th</sup> March 2012 and for a 12 month period following the date of publication the Council afforded full weight to the Local Plan policies according to their degree of consistency with the Framework. As this 12 month period has now ended the consideration is whether the Local Plan policies are consistent with the Framework.
80. Policy SP6 states:  
Within District, Neighbourhood and Local Shopping Centres; proposals other than for retail or commercial use on the ground floor will be refused unless it can be shown that there is no demand for retail or commercial use for the property concerned, or the property was last occupied by a non-retail/non-commercial use. Retail and commercial use proposals outside these Centres will not be permitted if they:  
a) would adversely impact on the vitality and viability of a nearby Centre; or  
b) harm the amenity of an adjacent residential area; or  
c) are not accessible by a choice of means of transport other than the private car
81. Approximately 6 of the proposed dwellings (and 8 proposed gardens) are located within the 2003 local centre allocation and as such are contrary to the first part of policy SP6. The Framework seeks to promote the retention and development of local services and community facilities in villages, such as local shops, and as such restricting alternative uses of local centres as set out within the above policy is considered to be consistent with the Framework.
82. It is noted that Chorley's emerging Local Plan has been submitted to the Inspector and was be subject to examination in April 2013. Within the Local Plan part of the site is allocated as a District and Local Centre under Policy EP7 and part of the site is allocated for housing under Policy HS1.50. Paragraph 216 of the Framework states:  
'From the day of publication, decision-takers may also give weight [unless other material considerations indicate otherwise] to relevant policies in emerging plans according to:  
a) the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);  
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and  
c) the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)'.
83. As the Local Plan has been subject to examination it is considered that, in accordance with the Framework, a degree of weight can be afforded to the policies which are non-controversial. In this case one objection and one representation of support have been received in respect of Policy EP7. However the objection is site specific and has little relevance to the issues relating to this site. The Council has had no comments in relation to the housing allocation HS1.50. As such it is not considered that the policies are controversial and limited weight can be afforded to these policies when considering the proposals.
84. The western half of the site is allocated under Policy EP7 which states:

The boundaries of the District and Local Centres are defined on the Policies Map. The following criteria apply for change of use and development in District and Local Centres:

- a) Planning permission will be granted for A1, A2, A3, and A4 uses which support the role and function of District and Local Centres.
- b) A5 uses (hot food takeaways) will only be permitted if the District or Local Centre falls outside of the 400 metre exclusion zone (identified in the Access to Healthy Food SPD) and where the proposal would not adversely impact, either individually or cumulatively, on the function, vitality and viability of the centre.
- c) Planning permission will not be granted for non-retail uses (including the loss of A1 use) unless it can be shown that there is no demand for retail or commercial use or the property was last occupied by a non-retail/non-commercial use. This will need to be demonstrated through an active 12 month marketing process showing that the property has been offered for sale on the open market at a realistic price and that no reasonable offers have been refused.

The provision of flats on the upper floors of the building will be encouraged but this will not apply where the applicant can demonstrate that the whole building will be fully utilised for retail/commercial purposes.

85. Similar to Policy SP6, although the area of land covered under Policy EP7 is larger than that allocated under Policy SP6 (approximately 29 of the proposed dwellings are located within the emerging local centre allocation), the erection of dwellinghouses within the Local Centre is contrary to criteria a and b of the above policy.
86. The agent for the application considers that the scale of Local Centre proposed for allocation through the emerging plan was reflective of that approved at the previous appeal, including a supermarket. The scale of Local Centre proposed for allocation is not reflective of market demand and to retain this area for commercial uses only would see large areas of unused space, set aside for tenants or operators that simply do not exist, or have no desire to locate within a settlement the size of Ecclestone.
87. The Framework confirms that planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. It is noted that locating housing on land which is allocated for retail provision will only be considered, in accordance with existing and emerging planning policy, if it can be demonstrated that there is no demand for retail or commercial use
88. The agent argues that to make the best and most efficient use of the site, housing is proposed on part of the allocated and emerging Local Centre, to make the best use of the site and maximise its benefit and usability.
89. Following the outline planning approval at this site the applicant attempted to secure a retailer for the supermarket. The site has been actively marketed by Whittle Jones for a period in excess of 12 months however the supporting information confirms that the only parties who have expressed an interest in locating within the centre are the transferring and new tenants. It is considered that the amended scheme reflects the current retail requirements at the site and as such in this case it is considered that the supporting information adequately demonstrates that there is no demand for retail or commercial use currently on the whole of the existing or proposed local plan allocation.
90. Part of the site is allocated as safeguarded land within the current Local Plan. Policy DC3 states that development other than that permissible in the countryside under Policies DC1 or DC2 will not be permitted on Safeguarded Land. However planning permission has been granted at appeal for housing on this land and as such the principle of developing the safeguarded land for housing has been established.

### Affordable Housing

91. Policy 7 of the Core Strategy requires 35% affordable housing in rural areas and as such the proposed residential elements of the scheme are required to incorporate 35% (or 22 dwellinghouses) on site affordable housing.
92. The submitted scheme details 12 affordable houses (which equates to 19%) which is directly linked to the financial viability of the scheme. Policy 7 does reference financial viability as a material consideration and it may be that a reduced percentage of affordable housing could be considered on this site.
93. The Council's Housing Manager (Strategy) has made the following comments:
- In accordance with policy the developer should provide 35% affordable homes i.e. 22 homes as the site is in a rural area, split in terms of tenure 70% (15 homes ) Social rent and 30% (7 homes) Intermediate sale.
  - In terms of type for rent the preference is for majority 2 bed houses as follows:
    - Social rent – 11 x 2bed houses and 4 x 3bed houses
    - Intermediate sale – 7 x 3bed houses
  - If we agree ,on viability grounds, to accept what the developer is proposing then we would be looking for the following mix:
    - Social rent 8 x 2bed houses
    - Intermediate sale 4 x 3bed houses
  - As with all section 106 sites the developer should be advised to negotiate with Registered Providers who have a presence in the borough and are members of the Select Move choice based lettings scheme, e.g. – Adactus and New Progress.
94. The originally submitted plans detailed that plots 1-6 (2 bedroom houses), plots 7-10 (3 bedroom houses) and plots 11-12 ( 2 bedroom houses) would be the affordable units which accords with the Housing Managers requirements, based on the reduced proportion of units, set out above.
95. However following the receipt of amended plans the affordable housing was amended as follows: plots 1-4 (2 bedroom houses) and plots 5-12 (3 bedroom houses). This conflicts with the Housing Managers request for a majority of 2 bedroom houses. The agent for the application was advised that the greatest need within the Borough is 2 bedroom affordable houses and the mix has been amended back to 8 two bedroom and 4 three bedroom properties.
96. In respect of viability Liberata, on behalf of the Council, has assessed the submitted assessment as set out above. Liberata considered that a higher residential land value should be applied to the scheme which could be used to provide additional onsite affordable housing. In this regard it is acknowledged that further on-site provision will result in the loss of market housing and as such the viability of the scheme however the S106 Agreement secures £100,000 for off-site affordable housing which ensures the scheme is more in line with Policy 7.

### Density

97. The developable area of the proposed residential part of the site covers 2.47 hectares. The erection of 62 dwellings equates to a density of approximately 25 dwellings per hectare. Policy 5 of the Core Strategy relates to housing densities and states that the authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.
98. The previous approval equated to approximately 23 dwellings per hectare and it is considered that a density of 25 dwellings per hectare is appropriate for this rural location.

### Impact on the neighbours

99. The immediate neighbours to the site are the residential dwellings on Drapers Avenue and Middlewood Close. All of the proposed dwellings which border the common boundary with

existing residential dwellings meet the Council's standard spacing distances and as such no loss of amenity will be created for the existing or future residents.

100. The side gable of plots 8, 29, 49, 53, 54 and 59 are immediately adjacent to existing private garden areas. These gables however do not include windows/ the windows do not serve habitable rooms/ the windows are a secondary window to a habitable room. As such the first floor windows can be obscurely glazed to protect the neighbours' amenities.
101. The garden areas of plots 9-12 are 9 metres long which is slightly below the Council's standard of 10 metres however the proposed properties do not back onto private residential land and as such will not create any overlooking to the detriment of neighbours amenities. The garden space provided does adequately provide private garden space for the future residents of these properties.
102. Internally within the site a number of the properties did not meet the required spacing standards however plots have been relocated to ensure the amenities of the future residents are protected. Where the proposed dwellings back onto proposed/ existing dwellings permitted development rights will be removed to ensure that the amenities of the residents can be protected in the future.
103. As noted above Eccleston Brass Band has contacted the Council concerning their use of an adjacent building. The nature and hours of use has the potential to detrimentally impact on the future residents' amenities and may result in the band being in breach of their lease. Eccleston Parish Council has the lease with the band and their comments are sought in this regard. Bloor Homes have also been advised of this use in respect of considering additional noise measures in respect of the properties adjacent to the building and the requirement for a noise assessment in respect of the properties affected has been secured by condition.

#### Open Space

104. 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.
105. In accordance with the Framework planning obligations should only be sought where they meet all of the following tests:
  - necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
106. The agent for the application has stated that as part of the application proposals, Northern Trust has granted a 25 year lease of the adjoining playing pitches to Eccleston Parish Council to retain use of the land for sport and recreation. The intention is for the Parish Council to sublet the pitch to Eccleston and Heskin Football Club, the current user. This delivers and protects a substantial green space resource to the village and ensures a sufficient provision is maintained in the local area negating the need for an s106 contribution.
107. The agent notes that it was agreed during consideration of the last application that the existence of the well-equipped and well maintained children's play areas to the north at the end of Drapers Avenue and on Middlewood Close were sufficient to serve the new development as well as existing residents and therefore no s106 contribution was required. The agent queries how this situation has changed and how a request that meets the standard tests is justified.
108. It was noted as part of the previous application that, taking into account the proximity of the site to existing open space, it was not considered necessary, reasonable or justified in that case to require contributions for open space. However it was noted that new housing development raises the local population, and consequently places additional pressure on existing publicly accessible sport and recreation facilities. At the time of the previous application the playing pitch strategy was being undertaken to identify any open space

needs. However without this evidence base at the time of the previous application it was not considered that contributions to open space met the relevant tests.

109. This strategy and the Central Lancashire Open Space Study have now been published and the following requirements have been identified:

#### Amenity greenspace

Local Plan Policy HS21 sets a standard of 0.45 hectares per 1,000 population. There is currently a deficit of provision in Ecclestone in relation to this standard; a contribution towards new provision is therefore required from this development. The amount required is £85 per dwelling if the provision is to be off-site.

#### Provision for children/young people (equipped play area)

Local Plan Policy HS21 sets a standard of 0.25 hectares per 1,000 population. There is currently a deficit of provision in Ecclestone in relation to this standard; a contribution towards new provision is therefore required from this development. The amount required is £426 per dwelling if the provision is to be off-site.

#### Playing Pitches

A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The financial contribution required is £868 per dwelling.

110. It is acknowledged that there is a playing pitch immediately adjacent to the site which is within the applicants' ownership and is being leased to the Parish Council for continued pitch use. Any contribution secured from this scheme would seek to improve existing provision which is already being addressed at this site. As such a contribution in respect of playing pitches, notwithstanding the Borough wide deficit, would not be justified in this case.
111. The scheme however does not include provision for either amenity or equipped play space and as noted above the up to date evidence demonstrates that there is a deficit of both provisions within Ecclestone. As the proposals will increase the number of family dwellings in Ecclestone by 62, which will have additional pressure on the existing facilities, it is considered that a contribution to these two elements is justified.

#### Traffic and Transport

112. As set out above the Highway Engineer at Lancashire County Council has concluded that he has no objections to the proposed redeveloped Local Centre and the residential developments being accessed from The Green.

#### Parking

113. The scheme incorporates a mixture of 2, 3, 4 and 5 bedroom properties. Policy ST4 of the emerging Local Plan (which is derived from the former RSS parking standards and as such is considered to be a suitable standard to use) states that proposals for development will need to make parking provision in accordance with the standards set out in Appendix D of the emerging Local Plan.
114. Within this rural settlement there is a requirement for 2 off road parking spaces for 2/3 bedroom dwellings and 3 off road parking spaces for larger dwellings. The scheme incorporates a mixture of driveway and garage parking provision. The majority of the scheme accords with these standards and all of the detached garages accord with the Manual for Streets dimensions (6x3 metres single garage) to 'count' as a parking space.
115. There are a couple of areas where the standards are, however, not meet as follows:
- Plots 21 and 22 are four bedroom dwellings which only accommodate 2 off road parking spaces.

- The affordable housing incorporates 18 parking spaces for 12 dwellings (which equates to 1.5 spaces per dwelling).
116. Plot 22 incorporates a 9 metre long driveway and single garage and plot 21 incorporates a 6 metre long driveway and single garage which is only sufficient to accommodate 2 cars off the highway. In this part of the site the presence of the protected trees along the boundary and their associated root protection zones hinders the ability for the garage accommodation to be relocated further back into the site to provide more driveway space. These properties are located close to the end of a cul de sac and away from the proposed retail section of the site and it is considered in this situation, whereas bedroom 4 is a very small room, that a lower number of off road parking spaces will not create any highway safety issues.
117. The parking provision for the affordable housing was amended during the application process to accommodate additional parking for the retail units. The proposed affordable units are located next to the proposed retail elements of the scheme and as such are within a relatively sustainable location for this scheme. Having experience with other affordable properties in the borough the Council's Housing Manager considered that 1.5 spaces per property is sufficient in respect of this site particularly taking into account the fact that there will be no restrictions on the use of the retail parking which will be available when the units are closed.
118. Although the scheme is deficient in parking on parts of the scheme it is not considered that in the specific parts of the site affected this will have a detrimental effect. It is acknowledged that the properties on plots 21 and 22 could be replaced with 3 bedroom dwellings which only require 2 off road parking spaces however a reduction in the number of 4 bedroom dwellings proposed would directly impact on the viability of the scheme, which is addressed elsewhere.

#### Sustainability

119. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 (this increases to Level 6 on 1st January 2016).
120. Policy 27 also includes the following requirements:  
 Criteria (a) - Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;  
 Criteria (b) - Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures,  
 Or  
 appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%;  
 Criteria (c) - Appropriate storage space is to be provided for recyclable waste materials and composting;  
 Criteria (d)- If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.
121. This part of the policy relates to a reduction in carbon emissions and can be secured via the submission of a Carbon Reduction Statement as part of a planning condition.

#### Local Services

122. 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 NHS Property Services and the Education Authority have been consulted on the application.

123. 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.
124. When the previous application was considered it was confirmed that space within the existing GP practice was severely limited. It was considered that the proposed residential element of the scheme would put additional pressure on health care provision within Ecclestone by virtue of the fact that there will be an associated increase in population which could not be supported by the existing services and a contribution of £50,000 was secured for improving health care facilities in the Village. However as the previous proposals have not been implemented this contribution has not been provided.
125. In the intervening period alterations to Ecclestone Health Centre, incorporating single storey front, side and rear extensions and a two storey front extension, have been approved (11/00819/FUL) and undertaken. The PCT have been consulted on the current proposals and confirmed that work is on-going on the Ecclestone site. Due to the expansion of the building the Centre now has the physical capacity to cope with the increase placed upon the GP Practice and community services. As such it is not considered that the proposals will adversely impact on health care provision in Ecclestone.
126. The on-going works relate to diverting some of the drains which had to be built over when the extension was being constructed and have an associated additional cost. In this regard the PCT have requested whether a financial contribution towards these costs could be secured from this scheme as the PCT did not benefit from the S106 monies originally earmarked to assist with the construction costs.
127. The planning obligations tests are set out above. As noted by the PCT there is sufficient capacity within the GP surgery to accommodate the increase in population generated by the proposed development and as such it is not considered that a contribution to health care would accord with the above tests. The additional drainage costs are noted however it is not considered that it would be reasonable to request a S106 contribution for building work which will have already been completed when the development commences.

### **Residential Conclusion**

128. It is noted that approximately half of the site already has planning permission for residential properties and as such the principle on this part of the site has already been established.
129. The proposed residential units on the retail allocation (both current and emerging) conflicts with the allocations and planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
130. In the case of the Carrington Centre it is considered that there is no demand for retail or commercial use for the property concerned and as such in accordance with both the current and emerging policy proposals, uses other than for retail or commercial use on the ground floor, can be considered. It does not necessarily commute that the alternative uses should be residential however in this case the capital receipt secured on the sale of the residential land will be utilised to secure the development of the local retail centre.
131. It is not considered that retaining part of the site for future retail/ commercial use represents the most efficient use of the site and it is clear that this land is unlikely to be developed for purposes other than residential within the foreseeable future.
132. The financial viability assessment submitted in support of the application demonstrates that the revenue Northern Trust generates from the residential land sale will be utilised to mitigate the loss generated from the relocation of the retail parade. If the residential numbers were decreased then an adequate level of revenue would not be generated from the land sale which could result in Northern Trust withdrawing from the retail elements of the scheme. Although consideration by Members is for the proposals before them it should be noted that



the loss of the retail units altogether is a threat for this site which would have a negative impact on the amenities of the Ecclestone residents.

133. The eastern half of the site is proposed to be allocated within the emerging local plan for residential development (Policy HS1.50). The Policy indicates that the site will provide up to 40 dwellings and although limited weight is afforded to this proposed policy, in accordance with the Framework, the Inspector did not close the examination and the housing figures may be subject to change. This notwithstanding however, for the reasons set out above, it is considered that alternative uses in accordance with the relevant planning policy can be considered on the parts of the site allocated for retail which would increase the number of houses over and above that included within the emerging policy.
134. The site, which is part greenfield and part brownfield, is proposed to be developed for a mix of retail and residential purposes, this accords with the mix of uses established as part of the outline planning approval. The level of retail proposed, as previously detailed, is the maximum deliverable within the current climate. Although some of the residential properties will be located on land which is allocated for retail it is considered that this is a suitable and appropriate use of previously developed land.

### **Part 3 Assessment- Other Site Considerations**

#### Employment Land

135. Policy 10 of the Central Lancashire Core Strategy states:
- All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:
- a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;
  - b) the provision and need for the proposed use;
  - c) the relative suitability of the site for employment and for the alternative use;
  - d) the location of the site and its relationship to other uses;
  - e) whether the ability to accommodate smaller scale requirements would be compromised;
  - f) there would be a net improvement in amenity.
  - g) any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:
    - convincing evidence of lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;
    - an assessment of the viability of employment development including employment re-use and employment redevelopment.
136. This policy is applicable as there were several businesses (Use Class B) on the site and they will not be retained as part of the proposed redevelopment of the site.
137. The previous scheme was considered to be in accordance with the Policy (which was Policy EM4 of the Local Plan at that time) as the proposals incorporated an element of office accommodation (Use Class B1) and would provide economic and physical regeneration of the site. As part of the previous outline application the applicant stated that the redevelopment would provide up to 70 additional jobs and that there would be a net increase in jobs locally which was an issue that the Inspector took into consideration when allowing the appeal.
138. The originally submitted application did not assess the proposal against the criteria policy 10. The supporting information states that all the previous tenants have now relocated and that the jobs and amenity offered by the replacement development offset this loss. However, given the significant reduction in the size of the retail offer, compared to the previous scheme, the number of new jobs that will now be created will be a lot less and as such the applicant was requested to demonstrate how the proposals meet the requirements of Core Strategy Policy 10. The application currently before the Council has the potential to support

around 70 full and part time jobs although it should be noted that this does not represent an increase in job creation at the site.

139. In this regard the agent for the application has stated that the site's industrial legacy is long-standing. However, given the condition of the buildings and shifts in economic and industrial processes, prior to this application being submitted, the level of B Use Class employment at the site was zero. All of the previous industrial tenants had been relocated locally, but away from the site.
140. On the basis of the above and the industrial suitability and attraction of the site declining over a long period, it is the applicants view that the industrial use of the buildings was obsolete prior to this application's submission, with no prospect of any B Class operators returning to the site.
141. At the time of the previous application being determined by the Council, the existing employment levels for the site – the Local Centre and limited B Class elements – was confirmed at around 80 full and part time positions. This number has since declined. With the proposed supermarket and other elements, it was estimated that the scheme subsequently approved at appeal would create around 150 full and part time jobs, an increase of around 70 positions.
142. Following a detailed period of marketing and lease renewals/transfers, it is the view of the applicants and their marketing agents that the optimal occupancy level for the commercial elements of the site has been secured. There has been no demand from additional tenants seeking more units at the site and no party has sought to occupy B Class Uses above the retail parade, or elsewhere in the site. A letter from Whittle Jones Chartered Surveyors in support of the application confirms: *Limited interest has been received regarding the office space located above the approved Local Centre Parade. I find this unsurprising given the character of Ecclestone, which does not appeal to many B1 operators. This is evidenced by the level of occupancy at the former mill buildings on site prior to their vacancy. I would advise against the inclusion of B1 office space within any subsequent applications at this site. I see little prospect for the space being occupied.*
143. Alongside the above, in response to the criteria of Core Strategy Policy 10, the following points have been forwarded by the agent for the application:
  - (a) The application will not lead to a reduction in the type, quality or quantity of jobs in the local area. It will instead lead to an increase in the number and range of jobs currently available on site;
  - (b) There is a distinct need for the proposed replacement use. The centre's physical condition and appearance are such that the delivery of new and enhanced facilities is essential. This will increase the patronage of the site and the benefits offered to the local community;
  - (c) The site is no longer suitable for B Class employment uses. This position is demonstrated through the applicant's longstanding marketing of the site, advice from local agents and the lack of any parties expressing a desire to operate B Class uses on-site. This position is also reflected in the Council's well-advanced proposed allocation of the site;
  - (d) The site is ideally located in relation to its proposed use. An attractive and viable Local Centre can be delivered to serve the surrounding community, including the new residents to be housed on site. This range of uses is more compatible with the surrounding uses and will create no amenity conflicts;
  - (e) The proposal will not compromise the ability to accommodate small scale employment requirements. No such requirements exist locally. The Local Centre scheme is wholly adaptable by virtue of the variety of internal configurations achievable and the varied leasing terms;
  - (f) The proposals will deliver a net improvement in relation to amenity by removing the previous industrial uses and having a lesser scale of trip generation;
  - (g) Evidence regarding the lack of market interest for B Class uses has been submitted as part of the application information; and

(h) There is not scope to reuse the previous B Class elements of the site. There is no demand for these uses on site and the physical condition of the building prevented the reuse of these units in any regard.

144. In this case it is considered, in accordance with Policy 10, that the supporting information submitted with the application confirms that an employment re-use is not viable on this site and as such alternative uses can be considered. It is also acknowledged that the emerging Local Plan includes a site-specific allocation for this site wholly for housing and retail uses. The emerging Local Plan does not advocate the re-use of this site/ part of this site for employment purposes and as such the possibility is that any requirement for employment uses on this site will be removed in the future.

### Ecology

145. The application is supported by an Revised & Finalised Mitigation & Compensation Scheme for the Relocation of the Bradley Lane Pond Biological Heritage Site (Ribble Ecology September 2012), Detailed Appraisal of Bradley Lane Pond Biological Heritage Site Supplementary Report (ERAP July 2011), Results of the Daylight and Nocturnal Bat Survey supplementary Report (ERAP June 2011), Ecological Survey and Assessment (ERAP April 2011) and a masterplan in respect of the relocation of the pond.

146. A number of these documents supported the previous application at the site as the proposals included full planning permission for the relocation of the pond. In this regard the planning approval included the following conditions:

43) Prior to the commencement of 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. The revised report shall be submitted to the Local Planning Authority for approval in writing. 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 approved amended report.

44) The replacement pond hereby approved shall be constructed in accordance with the pond specification appended to the Detailed Appraisal of Bradley Lane Pond Biological Heritage Site (BHS) dated July 2011 (ERAP ref. 2011/033).

45) 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 43) shall be included within the scheme. The replacement pond shall be constructed in accordance with the approved scheme.

46) Prior to the commencement of the housing development full details of the translocation of fish 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.

147. In this regard the applicants applied to discharge conditions 43 and 45, via application 12/00927/DIS, in September 2012. In respect of condition 43 the Ribble Ecology report was submitted and it was determined that this report was considered acceptable in terms of the first part of condition 43 to inform the proposed pond translocation. However as the condition is in two parts it cannot be fully discharged in full until the approved mitigation has been implemented.

148. In respect of condition 45 the discharge of condition application included proposals for the creation of the replacement pond which were considered appropriate and therefore satisfied

the first parts of the condition although it was noted that the condition cannot be fully discharged until the replacement pond has been created.

149. The relocation of the pond has already been undertaken on site. It is noted that one resident has commented that the creation of the enhanced new pond has implications with regards to this latest development proposal, which includes 3 new houses on Bradley Lane, however the site plan submitted shows neither the replacement pond nor its position relative to the adjacent Bradley Lane site. The plans have been amended to detail this feature.
150. Comments have also been made that the pedestrian access via a stile off Bradley Lane was stopped in October 2012 as a safety measure and to allow the replacement pond to develop. The new plans do not show where and how access to the sports field beyond will be achieved once the replacement pond has been established and presumably protected through the erection of suitable fencing.
151. The agent for the application has confirmed that the playing field access is achievable via a new footpath link from the proposed new residential development, linked to Middlewood Close. Access can also be achieved via the sports ground to the north and via the gate on Bradley Lane. It is considered that there may be scope for a new stile/fencing to be provided along the eastern boundary of the new pond but until the Biological Heritage Site establishes itself, in line with the agreed management strategy, it is not possible to define the precise location or means of this. It is also noted that by the time this is known the intention to give the pond and surrounding demised area to the Parish Council in perpetuity should have been realised and hence will be outside the applicants' control.
152. Following the supreme court ruling (*Morge vs. Hampshire County Council – Supreme Court ruling Jan 2011*) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
  - Is the proposal likely to result in a breach of the Habitats Regulations?
  - If so, is Natural England likely to grant a licence?
153. Natural England's commented on the previous application at this site and confirmed *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*. It is not considered that anything has changed on site since the original application which would alter these comments.
154. Following the high court decision (*R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009*) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
  - (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
  - (b) there must be no satisfactory alternative and
  - (c) favourable conservation status of the species must be maintained.
155. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive
156. In this regard the following conditions were attached to the previous approval at the site:
  - 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 the Local Planning Authority for approval in writing. The details shall include full details of habitat connectivity (i.e. toad migration routes) which would support the conservation of the existing toad population. The mitigation measures shall thereafter be implemented in full.

- 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 Local Planning Authority for approval in writing. 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 retain the habitat linkages.
- 23) 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 in accordance with the timetable included in the survey.
157. The discharge of condition application (ref: 12/00927/DIS) also sought to deal with the requirements of condition 22 however the condition was not discharged as details about the size of the common toad population and the migration routes used were not known. This will not be known until surveys have been carried out during toad migration in the spring (which is Spring 2013 and as such will be being undertaken currently). The results of the surveys are required to inform the detailed design of the habitat linkages. This condition can be attached to a positive recommendation in respect of this application.
158. It is considered that 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.

#### Trees and Landscape

159. 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 an Arboricultural Method Statement.
160. A full tree assessment was undertaken as part of the original outline application which assessed 56 individual trees. 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.
161. The Council's Arboricultural Officer 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. This includes 18 Oak trees, 2 Sycamores and 1 Ash tree.
162. A number of the trees which have been protected will be removed in order to accommodate the proposed development. By protecting these trees adequate replacements can be secured via condition to mitigate for their loss in the event that planning permission is granted.
163. The outline permission included the following condition:
- No existing tree on the site shall be uprooted, felled, pruned, trimmed, topped or lopped until a survey to plot all trees (including species, number, stature and location) has been carried out and submitted to the Local Planning Authority. The survey shall identify which trees are to be retained during the course of development and which are to be replaced and when. The replacement tree planting shall be carried out in accordance with details which will have been approved in writing by the Local Planning Authority.
164. The applicants sought to discharge this condition, via application 13/00068/DIS earlier this year, and submitted a Tree Survey and Implications Assessment dated December 2012. The works to trees involved the removal of a number trees and works to some of the trees covered by TPO 3 (Eccleston 2011). In respect of the trees to be removed these trees were not considered worthy of retention. In respect of the works to the TPO trees this included dead wooding the trees and the removal of boughs which was identified as part of the Tree Survey submitted with the original outline permission and as such were considered to be acceptable.

165. The originally submitted tree survey included an area outside the application site, on the adjacent properties, which consists of mainly good quality mature Oaks. The report identified that the crown of these trees should be raised to avoid damage during the construction phase and the removal of the southern bough of one of the trees was identified. It has subsequently been identified that this tree is within the applicant's ownership. The works to the tree identified within the original report have been undertaken however it is considered prudent to protect this tree in the future and as such TPO 1 (Eccleston) 2013 has been placed on this individual tree. This tree is detailed on the proposed layout plan for retention. The tree has grown with the existing car park constraining its roots in that direction and there is a single larger root affected by the proposed shops. This tree has been taken into consideration by designing a foundation for the row of shops that will bridge this root.

#### Flood Risk and Drainage

166. The application is supported by a Flood Risk Assessment and Outline Drainage Strategy (undertaken by WSP February 2013). United Utilities have reviewed this document and confirmed that this site must be drained on a separate system, with foul & surface water combine at the last manhole and both drain into the public combined sewer. As agreed with the developer's agent, surface water must be restricted to a maximum pass forward flow of 75 l/s.
167. United Utilities have confirmed that a public sewer abuts this site, they will not permit building over it and they will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer.
168. United Utilities have confirmed that they have no objection to the proposals subject to a condition relating to drainage.
169. United Utilities have also confirmed that a water main also abuts the site. As we need access for operating and maintaining it, we will not permit development in close proximity to the main.

#### Contamination and Coal Mines

170. The Council's Waste and Contaminated Land Officer has confirmed that there is the potential for ground contamination at this site as this location includes a former cotton mill. Due to the scale of development and proposed sensitive end-use (residential housing with gardens) contamination needs to be appropriately dealt with. This can be adequately addressed by condition.

#### Travel Plan

171. This application falls under LCC's Travel plan submission threshold however a Travel Plan has been submitted and the Highway Engineer has received the following comments from the LCC Sustainable Travel Advisor which the applicant should take into consideration.
172. The Travel Plan submitted with this application does not meet Lancashire County Council's submission criteria for a Framework Travel Plan. To meet the criteria the following would need to be included:
- A commitment to appoint a Travel Plan Co-ordinator and LCC's Travel Plan team informed of contact details at least 1 month prior to first occupation.
  - A commitment to complete a residents' travel survey within 3 months of 40% occupation.
  - A commitment to complete a staff travel survey once the retail units are occupied.
  - A commitment to submit a Full Travel Plan(s) to the Planning Authority within 3 months of the first travel survey.
173. The Full Travel Plan(s) once developed would need to include the following as a minimum:
- Appointment of a named Travel Plan Co-ordinator
  - Travel surveys
  - Details of cycling/pedestrian/public transport links to and through the site
  - Provision of secure, covered cycle parking for those properties where suitable storage space is not available.

- SMART Targets for non-car modes of travel
- Action plan of measures to be introduced, and appropriate funding
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years

174. This can be addressed via condition.

Provision of mini-roundabout at The Green/New Mill Street.

175. A number of requests have been received to accommodate a mini roundabout at The Green/New Mill Street due to concerns about traffic speeds on The Green. The Highway Engineer has considered this request in his response and confirmed. This issue was discussed at pre-application stage of the outline application, but later ruled out for the following reasons.

- From the traffic impact assessments carried out, the existing priority controlled junction is predicted to operate well within capacity in the future assessment year of 2019.
- Likely to cause delay to traffic on The Green and those leaving the site due to the average width of the carriageway.
- Existence of signalised controlled crossing near the access which would allow pedestrians to safely cross over the road.
- There is no record of an accident pattern at the access to suggest that the access is unsafe.

176. The Highway Engineer agrees with the above reasons and added further that mini-roundabouts at the access would create difficulties for the properties opposite the access when accessing and egressing their driveways. As such a mini roundabout solution is not considered appropriate within this location.

Section 106 Agreement

177. In respect of open space requirements the total financial contribution required from this development is as follows:

- Amenity greenspace = £5,270
- Equipped play area = £26,412
- **TOTAL = £31,682**

178. The Highway Engineer has requested planning obligations from this scheme in respect of the highway implications of the development. The outline approval at this site secured:

- a) Travel plan - £18,000
- b) Upgrade to existing pelican crossing on the Green - £20,000
- c) Gateway treatment Bradley Lane - £2,000
- d) Upgrade to existing bus stops (2no.) to DDA standard - £24,000.

179. The Highway Engineer considers that given the increased scale of residential development, all 4 bus stops will now need to be upgraded to DDA standard instead of the 2 previously agreed which equates to £48,000. The Engineer has confirmed that the gateway treatment to Bradley Lane is no longer necessary.

180. WSP, the applicant's highway consultants, have commented on these requests. In respect of the request to upgrade 4 bus stops the highway consultants consider that there is no justification to upgrade bus stops that are further away from the site as these will not be used by users of the site. It is not considered that a reduction in the amount of retail space and an increase in residential units by 22 units generates a requirement to improve 2 more bus stops than original secured and as such does not meet the required tests. As such this request will not be included within the S106 Agreement for this site.

181. The Highway Engineer has also made the following requests, these were requested when the outline application was considered but ruled out in respect of the relevant tests:

- e) £50,000 – to provide pedestrian crossing outside St Mary's Primary School

- f) £70,000 – to provide pedestrian crossing facility/signals (or zebra crossing if the signal is found not to be feasible) at The Green and Doctors Lane junction
- g) £75,000 – to improve pedestrian crossing facilities on The Green

182. The Highway Engineer, in respect of the above requests (points e-g) has commented that *if provision of the crossing facilities outside St Mary's Primary and at The Green and Doctors Lane junction are found not to be feasible then these contributions would be returned to the developer*. As such it is not considered that these requests are necessary to make the development acceptable in planning terms and as such do not meet the required tests
183. The Travel Plan contribution stated above is to enable Lancashire County Council Travel Planning team to provide a range of services which include:
- Provision of leaflets and maps for staff and residents welcome packs
  - Design travel survey and analyse results
  - Advice and Guidance on Travel Plan development
  - Support meetings
  - Access to Lancashire's Car sharing website
  - Monitoring the development of the Plan
184. In respect of highway contributions the S106 Agreement will therefore include:
- Travel plan - £18,000
  - Upgrade to existing pelican crossing on the Green - £20,000
  - Upgrade to existing bus stops (2no.) to DDA standard - £24,000.

### **Overall Conclusion**

185. The proposals will secure the redevelopment of a sustainable site within the centre of Ecclestone. The application site is located within a rural local service centre which is identified within Policy 1 of the Core Strategy as an area for limited growth and investment.
186. The framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and it is considered that the development of this site has the ability to meet the sustainable principles embodied in the Core Strategy.
187. The siting of residential properties on both the existing and emerging retail allocation reduces the space available for retail development within Ecclestone however for the reasons set out within the above assessment that this represents the most efficient and effective use of brownfield land which will secure the development of the retail parade which is a valuable resource for the residents of Ecclestone.
188. The financial viability submitted in support of the proposals demonstrates that the residential elements of the scheme are required to cross subsidise the retail elements, which on their own create a financial deficit, and it is considered that the supporting letters from Whittle Jones Chartered Surveyors demonstrate that there is unlikely to be additional retail interest at this site within the foreseeable future. Therefore the current proposals are the most efficient use of this land.
189. The redevelopment of the site will be phased as the retail parade needs to be constructed and fitted out to enable the retailers to be relocated before the remaining parts of the former mill building can be demolished. This will delay the construction of the residential properties.
190. It is considered that the proposed retail parade will secure the important local services for the residents of Ecclestone and has been designed to accommodate the future needs of the Village. As such the proposals are recommended for approval subject to the associated S106 Agreement.



## **Other Matters**

### Public Consultation

191. The application is supported by a Consultation Statement which seeks to set out how Bloor Homes North West and Northern Trust Company Limited have engaged with the local community and other key stakeholders in relation to the scheme.
192. Concerns have been raised by local residents that since overturning the original application at appeal on 6th March 2012, Northern Trust have neglected to consult with the local community, until presenting the new application scheme at the Carrington Centre on 7th February 2013 between 3 and 7.30pm. A leaflet received by a few residents on 29th January 2013 resulted in an attendance of only 112, representing about 1-1.5% of the village population. With the new application received by Chorley Council soon after on 19th February 2013, very little consultation has been offered by Northern Trust.
193. The agent for the application considers that the applicants have undertaken a full and detailed consultation exercise. The statement concludes that the submitted scheme has taken account of a number of comments made during the two consultation exercises regarding this site. These changes include:
- The Local Centre being to the north of the site, with servicing in front of the units;
  - No vehicular access being taken via Middlewood Close or Bradley Lane
  - The inclusion of a Crossing Island at the site entrance off the green; and
  - The Local Centre being single storey with the library at ground level and no flats or offices above
194. An exhibition was carried out on 7<sup>th</sup> February and residents had until 15<sup>th</sup> February to make comments, via the provided comments sheet. The application was formally submitted on 19<sup>th</sup> February which does appear to be a relatively short period of time between the deadline for comments and submission. However currently there is not a formal requirement for applicants to undertake public consultation and it is clear in this case that a degree of consultation did occur. A full consultation exercise was undertaken as part of the planning application.

### Relationship with Middlewood Close

195. As noted above a resident has commented that the deeds of the houses on Middlewood Close, that are adjacent to the pathway, show that the boundary of the property is actually the root line of the current hedge and not where the fence currently sits. In this regard the agent for the application has confirmed that they have investigated the suggested title boundary breach in relation to Middlewood Close with the joint applicants and their solicitors and have found nothing to substantiate this allegation.

## **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

**11/00366/OUTMAJ:** 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. Refused September 2011. Allowed on appeal March 2012.

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

1. The proposed residential development must be begun not later than three years from the date of this permission.  
*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004*
  
2. The proposed retail development must be begun not later than one year from the date of this permission.  
*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004*
  
3. The hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Planning Layout	TG/E_PL01 Rev D	9 May 2103
Local Centre Site Layout and Floor Plan	1805-131-L	3 May 2013
Local Centre Elevations	1805-141-D	3 May 2013
Non-food Units Section and part Elevation	1805-142-D	3 May 2013
Location Plan	TG/E_LP01	20 February 2013
Local Centre Convenience Store Section and part Elevations	1805-143-C	20 February 2013
Section 38 Layout	TG/E_S3801	20 February 2013
Floor Plans and Elevations Cottage Brick	301.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Brick	400.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Brick	401.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Render	401.C-CPL02	20 February 2013
Floor Plans and Elevations Cottage Brick	403.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Render	403.C-CPL02	20 February 2013
Floor Plans and Elevations Cottage Brick	408.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Brick	410.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Render	410.C-CPL02	20 February 2013
Floor Plans and Elevations Cottage Brick	411.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Render	411.C-CPL02	20 February 2013
Floor Plans and Elevations Cottage Brick	413.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Render	413.C-CPL02	20 February 2013
Floor Plans and Elevations Cottage Brick	414.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Brick	415.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Render	415.C-CPL02	20 February 2013
Floor Plans and Elevations Cottage Brick	419.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Brick	420.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Render	420.C-CPL02	20 February 2013
Floor Plans Cottage	421.C-CPL01	20 February 2013
Elevations Cottage Render	421.C-CPL02	20 February 2013
Elevations Cottage Brick	422.C-CPL01	20 February 2013
Floor Plans Cottage	422.C-CPL01	20 February 2013
Elevations Cottage Brick	423.C-CPL01	20 February 2013
Floor Plans Cottage	423.C-CPL01	20 February 2013

Floor Plans and Elevations Cottage Brick	425.C-CPL01	20 February 2013
Elevations	2B40-PL01 Rev A	20 February 2013
Elevations	3B59-PL01	20 February 2013
Proposed Plans and Elevations	12/014/P02	20 February 2013
Double Garage (SP) Side Gable Version	G02[SG]01	20 February 2013
Single Garage (SP) Side Gable Version	G01[SG]01_SP	20 February 2013
Street Scene (Plots 11-18)	TG/E_SS01	20 February 2013

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

4. All windows in the first floor of the south elevation of plots 49, 53 and 59 hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.  
*Reason: In the interests of the privacy of occupiers of neighbouring property. In accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.*
5. Prior to the commencement of the development a plan setting out a development strategy and any phasing of construction for the entire application site shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved strategy.  
*Reason: The scale of the development and mixed-use format will result in the sequence of construction being linked to the provision of the new retail parade. The Local Planning Authority in granting consent must ensure that the development and its implementation is effective from a highways and public use perspective and creates a sense of place throughout the development.*
6. The first phase of the local centre parade development shall be commenced before the residential phase of the development (excluding works of demolition, site remediation and archaeological investigation) is commenced.  
*Reason: In the interests in the proper development of the site, to ensure the retail parade is provided in a timely manner and in accordance with the special circumstances forwarded in support of this application.*
7. All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.  
*Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Central Lancashire Core Strategy 2012.*
8. Prior to the commencement of each phase of the residential development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.  
*Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Central Lancashire Core Strategy 2012.*
9. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.  
*Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Central Lancashire Core Strategy 2012.*
10. The retail building hereby permitted shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good'. Within 6 months

of occupation a 'Post Construction Stage' assessment and a Final Certificate shall be submitted to the Local Planning Authority certifying that a BREEAM standard of 'very good' has been achieved.

*Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Central Lancashire Core Strategy 2012.*

11. Prior to the commencement of the retail development a 'Design Stage' assessment 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. In accordance with Policy 27 of the Central Lancashire Core Strategy 2012.*
12. Prior to the occupation of the retail building hereby permitted a letter of assurance; detailing how the building has achieved BREEAM has been issued by a licensed BREEAM Assessor/Auditor and approved in writing by the Local Planning Authority  
*Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Central Lancashire Core Strategy 2012.*
13. Prior to the commencement of each phase of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level/BREEAM rating.  
*Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Central Lancashire Core Strategy 2012.*
14. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall be carried out strictly in conformity with the approved details.  
*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents. In accordance with Policy 17 of the Central Lancashire Core Strategy 2012 and Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003.*
15. Prior to the commencement of the development full details of the access to No.228 The Green, which has a right of access immediately adjacent to the existing access to the Carrington Centre, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
*Reason: In the interests of the proper development of the site.*
16. 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 the approved plans.  
*Reason: In accordance with Policy TR4 of the Chorley Borough Local Plan Review 2003*
17. A scheme of landscaping (including habitat creation, enhancement and management) for each phase or sub-phase shall be submitted the Local Planning Authority for approval in writing prior to the commencement of that phase or sub-phase of development. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, paved or hard landscaped and details of any changes of ground level. The scheme shall include the 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 area.

*Reason: In accordance with guidance contained within the National Planning Policy Framework, Policies 17 and 22 of the Central Lancashire Core Strategy 2012 and Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003*

18. All planting, seeding or turfing comprised in the approved details of landscaping 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.  
*Reason: In the interest of the appearance of the locality. In accordance with Policies 17 and 22 of the Central Lancashire Core Strategy 2012 and Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003]*
19. No existing tree on the site shall be uprooted, felled, pruned, trimmed, topped or lopped until a survey to plot all trees (including species, number, stature and location) has been carried out and submitted to the Local Planning Authority. The survey shall identify which trees are to be retained during the course of development and which are to be replaced and when. The replacement tree planting shall be carried out in accordance with details which will have been approved in writing by the Local Planning Authority.  
*Reason: In the interests of the visual amenities of the site. In accordance with Policies 17 and 22 of the Central Lancashire Core Strategy 2012 and Policies GN5 and EP9 of the Chorley Borough Local Plan Review 2003*
19. Before the development of any phase hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.  
*Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents. In accordance with Policy 17 of the Central Lancashire Core Strategy 2012 and Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003*
20. Prior to the commencement of each phase of the development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.  
*Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents. In accordance with Policy 17 of the Central Lancashire Core Strategy 2012 and Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003*
21. Prior to the commencement of each phase of the development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) for that phase shall have been submitted to and approved in writing by

the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.

*Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents. In accordance with Policy 17 of the Central Lancashire Core Strategy 2012 and Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003*

22. 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 the Local Planning Authority for approval in writing. The details shall include full details of habitat connectivity (i.e. toad migration routes) which would support 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 the National Planning Policy Framework*

23. 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 Local Planning Authority for approval in writing. 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 retain 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 the National Planning Policy Framework*

24. 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 in accordance with the timetable included in the survey.

*Reason: to ensure the continued protection of bats in accordance with Government advice contained in the National Planning Policy Framework*

25. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. Surface water must drain separate from the foul which must combine at the last manhole. Any surface water draining to the public sewer must be restricted to a maximum pass forward flow of 75 l/s. The development shall be completed, maintained and managed in accordance with the approved details.

*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding. In accordance with Government guidance contained within the National Planning Policy Framework*

26. No building shall be erected within 3 metres of any public sewer.

*Reason: To protect existing service infrastructure. In accordance with Government guidance contained within the National Planning Policy Framework*

27. There is potential for ground contamination at this site. There is a potential for ground contamination at this site (this location includes a former cotton mill). Due to the scale of development and proposed sensitive end-use (residential housing with gardens), 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 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination

present to the site, risks to receptors and potential for migration within and beyond the site boundary;

- 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.

*Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).*

28. 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 the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).*

30. 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 BS5837:2012 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk). 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. In accordance with Policy 17 of the Central Lancashire Core Strategy 2012 and Policies GN5 and EP9 of the Chorley Borough Local Plan Review 2003.*

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

- 0800 to 1800 Monday to Friday
- 0800 to 1300 on Saturdays.

No demolition or construction activities shall take place on Sundays or Public and Bank Holidays.

*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.*

31. No temporary refrigeration units are to be used in the outdoor areas of the supermarket service yard other than in exceptional circumstances (such as the failure of the supermarket's internal refrigeration units). In such exceptional circumstances full written permission will be sought from the Local Planning Authority prior to, or within 24 hours of, the temporary refrigeration units being used in the outdoor areas of the service yard.

*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*

32. The local centre parade hereby permitted shall be used for Use Classes A1, A3, A5 (limited to a maximum floor area of 56.6 sq. m for the A5 unit), Use Class D1 (the relocated Library) and the beauty parlour (unit 5).

*Reason: In the interests of the proper development of the site.*

33. Prior to the commencement of the housing development full details of the translocation of fish 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 the National Planning Policy Framework*

34. The garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.

*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking. In accordance with Policy 17 of the Adopted Central Lancashire Core Strategy and Policy TR4 of the Adopted Chorley Local Plan 2003.*

35. Before the retail development hereby permitted is first occupied, provision for cycle parking, in accordance with the approved details, shall have been provided in all respects and made available for use, and shall thereafter be retained.

*Reason: To ensure adequate on site provision for cycle parking. In accordance with Policy 3 of the Adopted Central Lancashire Core Strategy and TR18 of the Adopted Chorley Borough Local Plan Review*

36. Deliveries, servicing and collections to and from the retail units, including waste collections, shall not take place outside the following hours:

- 06:00 to 12:00 – Monday to Sunday (with newspaper deliveries permitted between 04:00-06:00 Monday to Sunday).

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. In accordance with Policy 17 of the Adopted Central Lancashire Core Strategy and Policy EP20 of the Adopted Chorley Borough Local Plan Review*

37. Prior to the occupation of the retail part of the development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be generally in accordance with document submitted with the application entitled *Proposed Redevelopment of the Carrington Centre, Eccleston Framework Travel Plan*. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To reduce the number of car borne trips and to encourage the use of public transport. In accordance with Policy 3 of the Adopted Central Lancashire Core Strategy*

38. Prior to the first use of the residential development hereby permitted, a Residential Travel Plan shall be submitted to and approved in writing by, the local planning authority. The Plan shall be generally in accordance with document submitted with the application entitled *Proposed Redevelopment of the Carrington Centre, Eccleston Framework Travel Plan*. The measures in the agreed Travel Plan shall then thereafter be complied with unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To reduce the number of car borne trips and to encourage the use of public transport. In accordance with Policy 3 of the Adopted Central Lancashire Core Strategy*



39. The convenience store (unit 10) hereby permitted shall only operate between 07:00 and 23:00 Mondays to Sunday. The hot food takeaway (unit 8) and the cafe (unit 1) hereby permitted shall only operate between 07:00 and 23:00 Mondays to Saturday and between 09:00 and 22:00 on Sundays and Bank Holidays.  
*Reason: In the interests of the amenity of the area and adjoining and nearby residential properties. In accordance with Policy 17 of the Adopted Central Lancashire Core Strategy and Policy EP20 of the Adopted Chorley Borough Local Plan Review*
40. Prior to the occupation of the first dwellinghouse, full details of the Management Company to deal with the future management and maintenance of the residential part of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.  
*Reason: To ensure the satisfactory management of the private driveways, resident's parking spaces and refuse storage/collection at the site*
41. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwellings on plots 18, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, and 60 porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.  
*Reason: In the interests of amenities of the existing and future residents. In accordance with Policy 17 of the Adopted Central Lancashire Core Strategy and Policy HS4 of the Adopted Chorley Borough Local Plan Review.*
42. Prior to the commencement of plots 14-17 a noise survey, in relation to the use of the adjacent building by Eccleston Brass Band, shall be submitted to and approved in writing by the Local Planning Authority. The survey shall detail any necessary mitigation measures for these plots to protect the amenities of the future residents. The mitigation measures thereafter shall be fully implemented in accordance with the approved details.  
*Reason: to safeguard the amenities of the future residents in accordance with Policy 17 of the Adopted Central Lancashire Core Strategy and Policy EP20 of the Adopted Chorley Borough Local Plan Review.*
43. Prior to the first occupation of any dwellings hereby approved an Estate Street Phasing and Completion Plan, in accordance with the approved S38 Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards to each estate streets serving each phase of the development will be completed.  
*Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.*
44. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site highway improvement works have been submitted to and approved by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.  
*Reason: In order to ensure that the final details of the highway scheme/works are acceptable. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*
45. No part of the development hereby approved shall be occupied or open for trading until the approved scheme referred to in the previous condition has been constructed and completed in accordance with the scheme details.

***Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.***

- 46. The parking and associated manoeuvring facilities for the new local centre parade, shown on the plans hereby approved, shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the retail buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).**

***Reason: To ensure provision of adequate off-street parking facilities within the site. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.***