

Item 4b **15/00089/FULMAJ**

Case Officer **Nicola Hopkins**

Ward **Astley And Buckshaw**

Proposal **Erection of foodstore (Use Class A1), community centre (Use Class D2), flexible use divisible unit (Use Classes A2, A4 or A5) with vehicular access, car parking, servicing area, and hard and soft landscaping.**

Location **Land North Of Units A1- A4 Buckshaw Link, Ordnance Road Buckshaw Village**

Applicant **Aldi Stores Limited and Primrose Holdings 1995 Limited**

Consultation expiry: **10th March 2015**

Decision due by: **6th May 2015 (time extension agreed until 29th May)**

Recommendation
Permit full planning permission

Executive Summary

The proposed development results in the loss of employment land. However the assessment in respect of the proposals is whether there are material considerations which outweigh the loss of the employment land. In the case of the foodstore proposal, the development will also secure the provision of an additional community centre on the village where there is an identified capacity issue. This is considered to be a significant material consideration in favour of the proposed foodstore.

Representations

Euxton Parish Council supports this application in principle (of a large store and divisible units) but reserves its position on the Community Centre element as it needs to find out more information on what Euxton needs regarding a community centre.

In total 88 representations have been received which are summarised below

Objection	Support	Not specified
Total No. received: 3	Total No. received: 80	Total No. received:5
<ul style="list-style-type: none"> • Further facilities are needed and hope current issues at the existing community centre can be prevented at the new site. • Residents adjacent to the current community centre report issues with noise nuisance and anti-social behaviour sometimes into the early hours. • The issues can be easily solved by having the car park adjacent to Buckshaw Avenue and the centre moved across towards the commercial side of the land (towards Ordnance Road). • There is no need for footpath access from Buckshaw Avenue. Residents currently walk from the Hardfield close area around into the commercial side which is not an issue. • No current evidence for an additional community centre, no consultation has been provided or conducted. • Anecdotal evidence from a user group (one which has the means to fund and build their own community centre) does not constitute a requirement for an additional building at all. 	<ul style="list-style-type: none"> • Praise this new and growing Buckshaw Scout colony. • The Scouts have visited local groups and supported local businesses (The Cowshed, Tiny Rockers, Residential/Nursing home at Xmas). • Will promote community cohesion and a friendly, neighbourhood community feel to Chorley and its many boroughs • There is no space/waiting list too long currently and there are more young people out there who'd benefit from joining the Scouts and being active • Having no storage at the school is very difficult to have a store for regular popular sports would be fab • Parking is a concern - the community centre/Doctors' surgery/Hub is very busy with one-way traffic at 6.30pm, 7.30pm and 8pm and there are road safety hazards with crossing safely. • There needs to be progression for older Scout/Venture Scout groups - and the current group is already full/limited for places. • An additional community centre is greatly needed in Buckshaw and will benefit both the residents (of BV) and the sounding parishes. • It is urgently needed to support the 	<ul style="list-style-type: none"> • Request that more trees are planted on the side of the road opposite the Stewart Milne Homes development as this would improve the appearance of the area • Disappointed that the drive-thru coffee shop has been removed from the plans-completion would have been good • Concerns about the community centre and potential for raise in service charge for Buckshaw residents if use of the existing hall falls • Would Aldi allow parents to park in their car park when dropping children off at school? • Has the Council considered constructing another primary school? • Concerned about potential traffic • A new community centre in the village without consultation with residents who will have to carry the ongoing financial risk of this building, and the original community centre which all residents pay an annual maintenance charge for. • It would be the Council's intention to transfer the management of this facility into a community management arrangement, as per the Council's policy • This transfer of risk is unacceptable, has not been consulted on with residents and is an

<ul style="list-style-type: none"> • If this additional community centre was built on the village it would have a dramatic financial disadvantage to every resident on Buckshaw Village who pay a management fee. • Does the council understand that approving this application will place the existing management fee funded community centre into potential financial difficulties? • Do not want the management fee to go up because a new community centre is built to pacify £50million bank account scout group • Community Centre: no mention of how the centre would be funded. • Assumed that as the council were putting up 600k, they had conducted some form of needs analysis, business impact analysis, full options appraisal, put together a business case, and they would also run the centre. None of the issues above have been answered by the Council. • Most people when asked if a new community centre would be a good thing would on the face of it say yes, and assume all of the above has been looked at. • They would also assume that if the new community centre would have an impact on the existing centre or the RMG management charge, they would be told- have been misled. • This proposal should be halted until 	<p>development of the community spirit, and meet the needs of the youth and community organisations that are growing in Chorley.</p> <ul style="list-style-type: none"> • Many local organisations are unable to find enough, suitable or indeed any meeting places to offer community based activities which concerns me with the growing number of families in the area. • Support the addition of the supermarket to complement the current offering, and also the included and shops in the plans. • As a resident that moved into the first phases of Buckshaw Village in 2004, I have been waiting for a comprehensive community resource for my family for many years. • The new community building will need to be managed by the community and not a 'for profit' entity. • The new community resource should also not be paid for out of village residents pockets by a stealth 'tax' and the residents should be fully consulted on the proposition and any impact it may or may not have on them. • Any facility should be open to all facets of the community. • We are so fortunate to live in an area where there are a lot of children and adults that have a real zest for life, running an array of activity, sport, leisure and community groups. • An additional community space would allow these groups to grow and also allow additional services be available to the residents of Buckshaw and the surrounding area. • Aldi have listened to the local views and 	<p>attempt to bypass democratic scrutiny.</p> <ul style="list-style-type: none"> • Despite being asked for on numerous occasions, Chorley Council has not made available any feasibility study for expansion of the current community centre nor a detailed impact assessment or building study.
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<p>FULL consultation has taken place on the community centre. A consultation run by Aldi with no Council representative available for comment is not the appropriate vehicle for this major change.</p> <ul style="list-style-type: none"> • The process does not seem transparent at all. • In times of austerity surprised the council can fund a new centre without a solid business plan. How has this budget been approved? • Surely all proposals should have a solid case, not based on a wish list-would like to see this. • Support community activities, but not at the expense of due process and a good business plan. • The Council should call a residents meeting and provide all of the above information to residents BEFORE the meeting to ensure we all fully understand what we are committing to. • Would like to see statistics of usage of the existing community centre. I understand that the current centre could be extended and there are other public facilities that could be utilised. • The planning proposal should either be halted or split to ensure the community centre issues have been resolved to the satisfaction of all residents. 	<p>amended their plans to suit</p> <ul style="list-style-type: none"> • Store will be an asset to the local area • A one way system should be introduced and there shouldn't be loads of disabled/ parents/ toddler parking spaces • Store will reduce the need to travel • A drive-thru facility would have attracted a totally different clientele than the existing facility. • Parking issues need to be addressed • Not sure about the mixed units <p>A representative from the Buckshaw Scout Group has made the following comments:</p> <ul style="list-style-type: none"> • The venues the Buckshaw Scout Group have access to do not meet the public demand for activities in the 6 – 18 age range due to the lack of venues. • There is a need for additional community spaces. • Buckshaw Scout Group has over 100 children attending presently plus around 50 adults, and has offered Scouting to around 200 residents (youth/adults combined) in their 2 years of operation. • Due to lack of space the Buckshaw Scout Group has a waiting list that represents an additional 45% of their current membership size. • The group offer activities to residents of Buckshaw, Euxton, Whittle, Clayton Astley and more but currently have waiting list members from all these areas. • The overflow into our neighbouring Groups which are full often due to our lack of 	
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	<p>capacity.</p> <ul style="list-style-type: none"> We have had offers of volunteers to allow us to take more youth members but have been unable to find any suitable meeting space. Therefore it is our hope that the addition of a community centre in the proposal will meet some of the demand that is currently present locally. 	
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Consultees

Consultee	Summary of Comments received
Council's Environmental Health Regulatory Services Officer (Noise)	No objections
Architectural Liaison Officer	Has commented that the security proposals contained within the DAS illustrate that security and crime reduction have clearly been considered in the planning of this development. The recommendations that the Officer would propose have been included and the Officer is supportive of these measures.
United Utilities	No objection subject to conditions in respect of foul and surface water
Environment Agency	No objections subject to conditions in respect of contamination, surface water and foul drainage
Lead Local Flood Authority	No objection subject to conditions in respect of drainage and the use of SUDs
LCC Highways	No highway objections overall to the proposed development, however approval should be subject to the implementation of the highway improvement measures detailed further within the assessment below.

Assessment

Planning Policies

1. The Development Plan consists of the Chorley Local Plan Review 2003 and the Adopted Central Lancashire Core Strategy 2012. The Chorley Local Plan Review was adopted in August 2003. It was saved in September 2007. The relevant saved Local Plan policies are:
 - GN1: Settlement Policy
 - GN2: Royal Ordnance Site, Euxton
 - GN5: Building Design & Retaining Existing Landscape Features.
 - TR1- Major Development – Tests for Accessibility & Sustainability
 - TR4- Highway Development Control Criteria
 - TR18: Provision for Pedestrians and Cyclists in New Development
2. The Central Lancashire Core Strategy was adopted in July 2012 the relevant policies are:
 - Policy MP - clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework.
 - Policy 1 - Locating Growth
 - Policy 9 - Economic Growth and Employment
 - Policy 10 - Employment Premises and Sites
 - Policy 11 - Retail and Town Centre Uses and Business Based Tourism
 - Policy 17 - Design of new buildings
 - Policy 27 - Sustainable Resources & New Developments
3. The Central Lancashire Design Guide Supplementary Planning Document (adopted October 2012) is relevant as it aims to encourage high quality design of places, buildings and landscapes in the Borough along with the Central Lancashire Controlling Re-use of Employment Premises Supplementary Planning Document (adopted October 2012).
4. In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.
5. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
6. The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
7. Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (08 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.
8. The Policies relevant to this application are as follows:
 - ST3: Road Schemes and Development Access Points
 - ST4: Parking Standards
 - BNE1: Design Criteria for New Development.
 - EP1. Employment Site Allocations

- EP9: Development in Edge of Centre and Out Of Centre Locations

Proposed Development

9. There are three elements to the proposals as follows, each of which will be considered individually:
- Erection of a foodstore
 - Erection of a community centre
 - Erection of a speculative divisible retail unit

Foodstore

10. In accordance with the Framework the proposed A1 retail use falls to be considered a main town centre use which should be located within town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
11. This site is outside of the defined Buckshaw Village local centre and as such is considered to be an edge of centre site and as such any retail proposal at this site will be subject to a sequential test as set out with the Framework. The proposed store is less than 2,500m² (1,802m² Gross External Area (GEA), 1,725m² Gross Internal Area (GIA), and, 1,254m² Net Sales Area (Net)) which ensures that a full impact assessment is not required however the sequential assessment is necessary to demonstrate that there are no more centrally located sites available for this part of the development.
12. In this regard the application is supported by a Planning and Retail Statement. The Statement confirms that the core retail offer within an Aldi store (approximately 80% of the net sales area) seeks to replicate the most regularly purchased items within a family's weekly or 'bulk' food shopping trip. However, Aldi do not stock goods that are normally found in mainstream supermarkets, including tobacco and unwrapped bread/cakes. There is no store butchery, fishmonger, delicatessen or hot food-counter, and Aldi's foodstore format does not accommodate cash dispensers, customer restaurants, or in-store franchises such as pharmacies, dry-cleaning, opticians or photo processing. As such the potential for cross-over with the offer of independent high-street retailers is far less than it is for 'mainstream' food retailers that stock a far wider spectrum of goods.
13. This notwithstanding however, Aldi stores do also stock non-food goods (approximately 20% of the net sales area). The goods stocked mainly mirror seasonal demand such that there is a constant variety in terms of range and choice, with no particular type of comparison goods predominating.
14. National Planning Practice Guidance (NPPG) provides further guidance on the requirements for sequential tests and confirms that the application of the test should be proportionate and appropriate for the given proposal. The NPPG includes the following checklist in respect of sequential tests:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
 - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - If there are no suitable sequentially preferable locations, the sequential test is passed
15. Policy EP9 of the emerging Local Plan reinforces the guidance contained within the Framework and permits such development within accessible locations, which do not harm

the amenity of the area and which do not detract from the function, vitality and viability of the town centre.

16. The application is supported by a sequential assessment which concludes that there are no sequentially preferable development sites within or on the edge of Buckshaw Village District Centre, Runshaw Lane Local Centre and Balshaw Lane Local Centre which could accommodate the proposed Aldi store.
17. The Adopted Local Plan allocates this plot of land under policy GN2 as part of the Royal Ordnance site where high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village. The development of the site will be of mixed uses and include, amongst other uses, retail uses. This policy is supported by Policy 1 of the Core Strategy which identifies Buckshaw Village as a Strategic Site where growth and investment will be focused.
18. Given the stage at which the emerging Local Plan has reached it is considered that significant weight can be afforded to the policies contained therein. The emerging Local Plan allocates this site for employment uses (policy EP1.13). Policy 10 of the adopted Core Strategy seeks to protect employment sites and states:

All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will need to be assessed under the Policy 10 criteria:

- (a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;*
- (b) the provision and need for the proposed use;*
- (c) the relative suitability of the site for employment and for the alternative use;*
- (d) the location of the site and its relationship to other uses;*
- (e) whether the ability to accommodate smaller scale requirements would be compromised;*
- (f) there would be a net improvement in amenity.*

Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:

- (g) convincing evidence of lack of demand through rigorous and active 12 month marketing period for employment re-use and employment redevelopment;*
- (h) an assessment of the viability of employment development including employment re-use and employment redevelopment.*

19. The Central Lancashire Supplementary Planning Document (SPD): Controlling Re-use of Employment Premises, Oct 2012 develops Core Strategy policy 10.
20. The proposals do not fall within the employment definition in Core Strategy Policy 10 which protects sites and premises for B1, B2 and B8 uses. The loss of this site from an employment allocation would render a reduction in the overall employment allocations for Buckshaw Village and in particular in the Southern Commercial area. Whilst a proposed retail store would generate both full time and part time jobs, the proposals are contrary to policy 10 of the Core Strategy and policy EP1 of the emerging Local Plan.
21. The adopted Core Strategy sets the overall employment requirement for Chorley as 112ha to 2026. The Inspector's partial report is accompanied by an appendix containing the main modifications. In respect of employment, the Inspector concluded "*that allocations accord with the quantum and locational strategy of the CS for employment development, and that the range and of site sizes and types provide a flexible portfolio of sites*". The main modifications provide a Chorley employment land supply for the period 2010-2026 as 100.61ha with commitments (MMEC48). This figure does not take into

account vacant stock in the Borough. This figure does include policy EP1 employment site allocations amounting to 88.74ha.

22. The proposed Aldi store is contrary to policy 10 of the Core Strategy which forms part of the Development Plan. Additionally the proposals are contrary to emerging policies which are afforded significant weight in decision making. As such in accordance with s.38 (6) of The Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.
23. The benefits of the scheme put forward by the agent for the application in respect of this element of the proposals are as follows:
 - It offers the guarantee of deliverable economic development on a site close to Buckshaw Village District Centre within a short-term timescale which will help boost the local economy and will assist Buckshaw Village in attracting further investment;
 - It will create in the order of 50 full and part-time quality retail jobs, delivering indirect jobs through services supporting the new store, divisible unit, and providing temporary construction jobs;
 - It will enhance consumer choice in Buckshaw's convenience goods retail sector and take pressure off Aldi's existing Chorley store;
 - It will improve competition between the catchment's national mainstream food retailers in terms of pricing and offer, to the benefit of consumers;
 - It will result in the redevelopment of a vacant and under-utilised site to provide a high-quality retail development in a prominent location; and,
 - It will offer the provision of free car parking which will enhance the prospects of linked trips between the retail development and surrounding existing businesses.
24. The above points are all material considerations in support of the proposed foodstore. Additionally, the scheme includes a proposed community centre which has been provided by the applicants as a material consideration in support of the proposed foodstore. It has been identified within Buckshaw Village that there are capacity issues within the current community centre and as such part of the Council's 2015/16 budget funding has been allocated to ensure the delivery of a new community centre on the Village. As such the provision of the community centre is considered to be a significant community benefit in favour of the proposals. The community centre is considered further below.
25. The proposed foodstore and community centre are proposed to be located adjacent to the existing industrial units to the southern boundary and will act as a transition in scale from the industrial units to the south to the public house and residential properties to the north of the site. The store entrance is located on the northern elevation and its shop front located along Ordnance Road.
26. The Aldi foodstore will be clad in a mix of light and dark grey cladding panels and terracotta tiles. The store will have large elements of shop front glazing, together with a contemporary glazed entrance canopy. From a design perspective this is considered to be an appropriate treatment reflecting the character of the surrounding area and providing a modern design solution.
27. Policy ST4 of the emerging Local Plan sets out the Council's Parking Standards. For the proposed store there is a requirement to provide 121 parking spaces plus 7 disabled bays and 12 cycle bays. The proposed scheme includes 114 parking spaces, 9 parent and toddler spaces, 7 disabled spaces which equates to 130 spaces in total (including 12 staff parking spaces). This provision is considered to be acceptable and 14 customer cycle stands are located between Aldi and Ordnance Road where they are visible from the public highway.
28. Although the proposed Aldi foodstore on this site will result in a reduction in the Council's employment land supply, it is considered that the benefits listed above, including the delivery of a community centre, along with the fact that there are no sequentially

preferable sites for the store and the fact that the store will generate employment opportunities are material considerations in favour of the proposals.

Proposed Community Centre

29. The scheme involves the erection of a community centre which will be single storey and provide 298m² of floorspace. As with the proposed Aldi foodstore a community centre is contrary to the same employment policies (set out above) and as such there is a requirement to consider whether any other material considerations exist in accordance with section 38 (6).
30. It is understood that there is an identified capacity issue at the current community centre on Buckshaw Village. The Council's Community and Neighbourhood Team undertook a Community Facilities Capacity Audit at the Village which identified that the existing community facilities are well used at the times that community groups want to use them (e.g. the Community Centre, Trinity Buckshaw School and The Hub). The audit also identified that groups are struggling to develop their activities given the pressure on community space and also ancillary storage space that many groups require. This pressure will only continue to grow as the population at Buckshaw Village increases.
31. It is noted that concerns have been raised by residents about the proposed community centre and in particular the potential impact on the existing centre which is funded by the estate rent charge that all the residents of the village pay. It is important to note however that the proposed community centre is only related to addressing the identified capacity issues within the existing community centre and will be operated in the first instance by Chorley Council (with future potential to be passed on for community management), the estate rent charge residents at the village currently pay will not be used in respect of the proposed centre. The existing community centre is managed by RMG however the management arrangements for all of the open space and community facilities on the village, including the existing community centre, are set out within a Management Plan for the Village which was agreed by the Council on 14th January 2011. The agreed plan provides confirmation that Redrow/Barratt, as the owners, elect to maintain the existing community centre and this document includes details of the funding for the future maintenance and management (derived from the estate rent charge). However this document requires the centre to be managed, including any fee charged, in line with the Council run centres. As such the operation of the proposed community centre will match that of the existing centre and enable space for community groups to meet addressing the capacity issues.
32. The provision of a community centre is considered to a material consideration in favour of the proposed foodstore and as such these 2 elements are intrinsically linked. Given the fact that the community centre is considered to be a benefit in respect of the proposed foodstore (and the fact that such a proposal is contrary to current and emerging planning policies) a suitable method of control is necessary to ensure the delivery of the community centre. This will be controlled by the following condition:
- The foodstore shall not open to the general public until the legal contract for the construction of the community centre has been entered into by all parties and a copy submitted to and approved in writing by the Local Planning Authority.
- Reason: The erection of a foodstore on this site is contrary to Policy 10 of the Adopted Central Lancashire Core Strategy 2012 however the provision of a community centre on the site is considered to be a material consideration in favour of the proposed foodstore. As the provision of the community centre is a material consideration in respect of the provision of the foodstore a restriction on the opening is considered necessary to ensure the community centre can be delivered.*
33. For a community centre there is a requirement to provide 1 parking space per 22m². The community centre has a floor area of 294m² which requires 14 parking spaces. 38 spaces are provided – this is in excess of the requirement; however it is noted that there are parking issues at the current community centre and as such it is not considered that overprovision for a use of this nature is unacceptable within this location.

34. In terms of design, the relationship with Buckshaw Avenue is particularly important given the prominence of this site within the surrounding area. As such the design of the building is a key consideration. The building as designed is very modern with the use of glazing, tiles, render and red brick. The building reflects the design of the adjacent industrial units albeit to a higher specification with a mix of treatments on all visible elevations. This is considered to be a high quality solution which reflects the surrounding area and ensures that the elevations that are visible within the surrounding area are designed to provide interest and reflect the high quality of design already secured on the Village.
35. The provision of a community centre on this site will result in a reduction in the Council's employment land supply however it is considered that the benefits of the proposed centre which include assisting in addressing the capacity concerns at the current centre and ensuring that more community groups have available space outweigh the small loss of employment land.

Proposed speculative divisible retail unit

36. The proposed development also includes the erection of a divisible retail unit which is submitted speculatively with no end retailer identified. The retail unit will be single storey and provide 334m² of floorspace. This element of the scheme is also contrary to Policy 10 of the Core Strategy as although it would generate some employment, it would result in the loss of land for B1, B2 and B8 uses. This element of the scheme is also a main town centre use which is subject to the requirements for a sequential assessment as with the proposed foodstore.
37. Within the supporting statements, the applicants are relying on the disaggregation test in respect of all three elements of the scheme, in that all three elements need to be considered as a whole and there are no sequentially preferable sites for all three elements.
38. The applicants cite the Supreme Court's Judgement of 21st March 2012 in relation to the case of Tesco Stores v Dundee City Council. With regards the assessment of a site's 'suitability' for retail development, the Judgement made by Lord Hope was that: *"It is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre"*. He went on to explain that, *"the issue of suitability is directed at the developer's proposals, not some alternative scheme which might be suggested....these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so"*.
39. The agents for the application assert that the relevance here is that to 'disaggregate' the divisible retail unit would result in development that the applicant would not realistically pursue.
40. The agents for the application have also cited the Secretary of State call-in decision relating to Northampton Road, Rushden (APP/G2815/V/12/2190) which dealt with whether there remains a requirement to consider 'disaggregation' when demonstrating flexibility as part of the sequential test outlined in the Framework. The Inspector states at Paragraph 8.47 of his report that *"there is no longer any such requirement stated in the NPPF"* and that *"had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF"*.
41. The agent has stated that the removal of the divisible retail unit would render the delivery of the community centre unviable given the need to release the land for the community centre is an intrinsic part of the scheme. However no evidence in respect of viability has been provided to support this assertion.
42. The NPPG is clear that there is a requirement to demonstrate flexibility and it is considered the divisible retail unit which covers 334m² is not an essential constituent part

of the application; and this could easily be accommodated within the western retail block of Buckshaw local centre (this is the block opposite the already constructed retail parade which has yet to be constructed but has consent and includes 370m² of A1 floor space, 155m² of A2 floorspace, 287m² of A3 floorspace and 92m² of A5 floorspace). Also it is considered that Aldi would still pursue this site without the flexible retail units as it meets their commercial requirements (i.e. location, size, visibility etc.).

43. Concerns were raised with the agent for the application that the divisible retail unit will negatively impact on the vitality and viability of both the existing small shops and the western retail block and as such it was considered that there are more sequentially preferable sites for the small retail units proposed as part of this planning application.
44. In response to this concern, the agent for the application considers that the proposed divisible units will not prejudice the delivery of the second phase of the local centre and there is no evidence that there would be an impact on existing, committed and planned public and private investment in one of the centres. The agents for the application consider that the nature and configuration of the application proposal is different to the second phase of the local centre and the applicants for the current proposals are not competing for the same market opportunity or retailers/ occupiers.
45. This assertion was queried however, as the western part of the local centre incorporates 8 small/ medium retail units similar to what is proposed as part of this application and as such there is the potential that the proposed units would be competing for the same market opportunities, notwithstanding the fact that no objections have been received on the grounds of impact on the vitality and viability of the local centre.
46. In response to this, the agent for the application has confirmed that the applicant is willing to remove A1 and A3 use classes out of the proposed mix and restrict the subdivision of the units to a maximum of 2 units. This would ensure that the vitality of the local centre is protected by ensuring that uses which create daytime footfall are located within an appropriate location to compliment the mix of existing uses. By restricting the uses to A2, A4 and A5; this would enable choice for such occupiers who may prefer to be located on a high street or on a site such as the application site and provides further choice in respect of unit size, given that the majority of the units within the village centre, which are allocated for A2/A5 uses, are small units.
47. The end occupiers and use of these units are unknown, however in accordance with policy ST4 of the emerging Local Plan, A4/ A5 uses require 1 parking space per 6m² of public floor space and A2 uses require 1 parking space per 32m². This equates to a requirement of between 10 and 56 parking spaces. 30 parking spaces are proposed which is within the range required and as such is considered appropriate having regard to the scale of parking across the wider application site and the good accessibility within Buckshaw Village by both foot and cycle.
48. In design terms, the proposals reflect both the community centre and the proposed foodstore and as such are considered appropriate on this site and in accordance with Policy 17 of the Adopted Central Lancashire Core Strategy.
49. It is considered that the amendment made to the scheme during the consideration of the planning application to remove Use Classes A1 and A3 results in a scheme which can be considered favourably on this site. The amendment ensures that the retail uses which will benefit Buckshaw local centre (A1: retail and A3: cafes and restaurants) will not be adversely impacted upon as part of the proposals but also ensures further choice for other potential occupiers (such as A2: financial and professional services and A5: hot food takeaways).
50. The provision of retail units on this site will result in a reduction in the Council's employment land supply. However it is considered that the benefits of the proposed units (which include an element of job creation) and further choice for retailers at the village outweigh the loss of employment land.

Other Considerations

Highways

51. In terms of the highway implications of the proposed development the application is accompanied by a Transport Assessment (TA) and a Travel Plan (TP).
52. As part of the TA, the applicant has carried out a study of the existing highway network including the junctions of the Ordnance Road and the site access and the Buckshaw Avenue / Village Way / Ordnance Road roundabout. The study includes a traffic survey to establish peak hour traffic flows, a review of traffic accidents in the area, trips to be generated by the proposed development taking into account trips associated with the approved adjacent public house/restaurant, how the trips will be distributed on the existing highway network, and an estimate of traffic growth 5 years on from year of the planning application.
53. The conclusion of the assessment undertaken as part of the TA is that the total trips associated with the development can be accommodated by the existing highway network without adverse impacts. The site layout shows separate pedestrian walkways and crossing points which should ensure pedestrian safety due to the potential reduction in pedestrian/vehicular conflicts. There is also permeability within the site and through the site from surrounding public highways that is a positive contribution to reducing reliance on car trips.
54. The Highway Engineer has assessed the proposals and identified the following issues with the proposals although overall the Highway Authority raise no objection to the scheme:
 1. Provision of motorcycle parking within the site;
 2. Informal crossing provision on Buckshaw Avenue to the east of the development site;
 3. Provision of a 3.0 metre access from Buckshaw Avenue along the eastern boundary of the site to facilitate pedestrian and cycle access;
 4. Removal of two spaces located within the centre of the Flexible Divisible Unit car park;
 5. Relocation of the northern most splitter island on Ordnance Road further from the proposed vehicular access / egress;
 6. Installation of a pedestrian refuge to the north of the proposed vehicular access / egress as part of the above splitter island relocation works;
 7. Financial contribution for the delivery of additional bus stops; and
 8. Travel Plan monitoring contribution of £12,000.
55. In respect of points 1-4, a plan has been provided which addresses these issues. Additionally, the parking spaces within the car park to the flexible divisible unit have been adjusted to a standard 2.4m x 4.8m size to enable their retention.
56. In respect of point 5, the applicants appointed Highway Consultants have commented that the relocation of the splitter island may not be necessary. The track plot analysis has to date been undertaken on OS Base mapping, which does not give an absolutely accurate representation of the highway. Accordingly, at the appropriate time following the grant of planning permission the foodstore operator will attend site with an articulated vehicle and undertake the right turn out manoeuvre. This will determine whether or not a 16.5 metre articulated vehicle can turn without striking the splitter island. Therefore resolution of this matter should be left to the detailed design stage. This can therefore be secured via necessary legal agreement with the Highway Authority.
57. In respect of point 6, the Highway Consultants consider that the proposed pedestrian refuge to the south combined with the existing pedestrian refuge at the roundabout splitter island, provides sufficient crossing facilities for future customers.
58. The Highway Engineer has been forwarded these comments and in response he has confirmed that points 1-4 above are acceptable.

59. The Engineer is concerned that points 5, 7 and 8 are not being taken forward. In respect of point 5 the Engineer comments that the auto-track plans are substantive documents forming part of the planning application submission and clearly demonstrate that the island cannot be safely negotiated by large goods vehicles in its present location. The Engineer considers that safety needs to be considered fully prior to determination and that if the traffic island is proposed to remain in-situ, then LCC would require a safety audit, at the applicant's expense to confirm that the present location has no inherent safety implications. In terms of point 6 the Highway Engineer comments that should the traffic island be relocated but not converted to a pedestrian refuge or should the safety audit confirm that the current location poses no safety risks, it is highly likely that some pedestrians would attempt to cross the road at the traffic island. Therefore, the merits of relocating the island away from the access and converting it to pedestrian refuge should be given careful consideration. Although it is noted that this information is requested prior to commencement it is considered that this can adequately be conditioned as any works to the highway need separate consent from the Highway Authority.
60. The nearest bus stop to the site is approximately 400m away on Village Way which is within the recommended walking distance to a bus stop as per Manual for Streets. Whilst the Highways Engineer has commented that shoppers who travel to the site by bus may be returning with heavy loads and may find the 400m walk distance arduous; and has requested a financial contribution towards provision of at least a bus stop each on Ordnance Road and Buckshaw Avenue within close proximity of the site; it is not considered that such a request would meet the requisite s106 tests given that there are bus stops in the vicinity of the site. As such a contribution to bus stops is not required as part of the proposals.
61. The Highway Engineer has queried the need for the proposed 'No Entry' carriageway marking at the entrance to the staff car park, given that staff and delivery vehicles have to enter to park. More appropriate signage will be subject to separate advertisement consent.
62. The Framework Travel Plan submitted meets the Highway Authority's submission criteria for an acceptable Framework Travel Plan. The Highway Engineer has requested a Full Travel Plan building on the initiatives outlined in the Framework Travel Plan which can be secured by condition. Whilst the Engineer has requested a contribution of £12,000 for the travel plan to enable the Lancashire County Council Travel Planning Team to provide a range of services, a condition is considered to be sufficient. This is particularly relevant as Aldi Stores have a standard approach to the production of travel plans for their stores throughout the region.
63. In respect of highways and traffic the proposals are considered to be acceptable subject to conditions.

Sustainable Resources

64. The proposed buildings on this site in excess of 500m² will be required to achieve BREEAM rating 'Very Good'. Policy 27 also includes the following requirements in respect of the proposed buildings:
- Criteria (a) - Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;*
- Criteria (b) - Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures,*
- Or*
- appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%;*
- Criteria (c) - Appropriate storage space is to be provided for recyclable waste materials and composting;*

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

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

Landscaping

66. In accordance with the original outline planning permission at Buckshaw Village (02/00748/OUTMAJ), a Design Code was published for the Southern Commercial Area. Although the outline consent is no longer extant the design principles established as part of this Design Code are still relevant to ensuring a high quality design and layout is secured across the whole of the Village. In terms of landscaping, the frontage to both Buckshaw Avenue and Ordnance Road are very important focal points within the Village and as such the scheme has been designed with structural landscaping around the edges of the site and internally between the proposed buildings to screen the parking, to respect the landscaping already secured on the Village, and to provide a visually attractive scheme.

Community Infrastructure Levy (CIL)

67. The Chorley CIL Charging Schedule provides a specific amount for convenience retail floorspace (Aldi) - £160m². The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013.
68. The original outline planning approval for across the whole of the Village pre-dates the levy and as such was not subject to CIL. However the outline consent has expired and there was no detailed permission on this part of the Village which could be considered to be a deliverable fallback permission, as such the retail elements of the proposal are liable for CIL.
69. The proposed Aldi store has a net sales area of 1,254m² which will generate a CIL levy of £200,640.
70. The divisible retail units would not be CIL liable as the use of the units would be restricted to A2, A4 and A5 uses and as such do not fall within the definition of a retail warehouse, retail park or neighbourhood convenience store that is the only other related CIL chargeable development.

Noise

71. The application is supported by a Noise Impact Assessment which concludes that subject to implementation of the recommendations for noise mitigation, the proposed commercial development would not result in any unacceptable harm to residential amenity by reason of noise.
72. The proposed service yard will be located at the eastern end of the building and approximately 90 metres from the nearest dwelling. As such, there is potential for noise impact associated with service yard activities. However the submitted report confirms that service yard noise levels outside the nearest dwellings will be low. It is however recommended that there should not be any use of a PA system in the service yard area, apart from in emergencies.
73. Refrigeration units on HGVs are located at height and as such the assessment recommends that:
- Refrigeration units on HGVs are turned off when at the site; and,
 - Engines of HGVs are turned off upon arrival and when unloading.

74. Some external refrigeration equipment will be required for the proposed Aldi foodstore. The mechanical services plant will be located on the eastern side of the building (approximately 100m from the nearest dwellings) and will comprise of the following equipment;
- 1 Fridge Pack and Condenser;
 - 2 Cold Room Condenser units.
75. The assessment concludes however that there will be no adverse impact from the operation of the equipment. The recommendations in terms of noise will be secured by condition.
76. There is no proposed service yard for the flexible use unit. Due to the size of this unit deliveries are likely to be infrequent and carried out using small vans rather than larger HGVs. Therefore there is unlikely to be any significant noise impact from these activities.
77. The Council's Environmental Health Officer has no comments to make in respect of the proposed foodstore and community centre however he has visited the site in respect of the proposed divisible retail units and commented that it is reasonable to have separate conditions for the different potential uses of the divisible retail units. The Officer has recommended that conditions are considered on the A4 and A5 uses only and it would be reasonable and consistent to attach the same conditions as with the existing adjacent public house to any future A4 use of the premises.
78. The Officer does however have concerns if the units were occupied by an A5 use regarding the potential for noise disturbance at nearby noise sensitive dwellings from the vehicles (slamming doors and moving off) and potential anti-social behaviour, especially in the early hours. The Officer has commented that it is difficult to determine the extent of this potential disturbance due to the unknown type of occupants in the divisible retail units. There are 30 parking spaces proposed and it must be considered that these will be used to the full potential.
79. In order to safeguard the amenities of the local residents, the Environmental Health Officer has made the following recommendations:
- A new acoustic report which explores the potential for noise disturbance at sensitive dwellings from potential activities associated with the use of the car park of the divisible retail units and until at least 03.00hours.
 - Redesign the layout of the proposed development so that the actual units are in between the nearest sensitive properties and the car park.
 - Install a close boarded fence along the perimeter of the carpark for the divisible retail units.
 - Restrictions of hours of operation until 01.00hours on any day in line with other premises nearby
80. The installation of a fence is not considered appropriate along this prominent visual frontage and the agents for the application have confirmed that their clients are willing to accept hour's conditions specific to both A4 and A5 uses. These are set out below within the conditions section.

Community Consultation

81. Prior to the submission of this application Aldi undertook a public consultation event. The responses were reported as positive in general which is evidenced by the level of support submitted in respect of this application. Concerns were raised by the inclusion of a drive-thru coffee shop on the pre-application plans in respect of the impact on the existing coffee shop. This element of the proposals has however been removed from the application proposals. It is noted that when the divisible retail units were originally submitted all A use classes were applied for which could have included a coffee shop use however Use Class A3 (restaurants and cafes) has been removed from the proposals along with Use Class A1.

Drainage

82. In respect of drainage the application is supported by a Flood Risk Assessment and comments have been received from the Environment Agency, United Utilities and LCC as the Lead Local Flood Authority. All of the comments include suggested drainage conditions. Given that United Utilities will be responsible for any drainage; their suggested conditions will be on the basis of the drainage conditions attached to the recommendation.
83. Plans have been provided in respect of both the foul and surface water drainage arrangements for the site. United Utilities have confirmed that if the proposed drainage design drawing is extended to show the extent of the whole development with clear boundaries for each parcel of development, so that the allocation and rate of discharge for each parcel is clear, then suitable compliance conditions can be attached to the recommendation.

Overall Conclusion

84. In conclusion, the proposed development involves the loss of land which is allocated for employment purposes within the emerging Local Plan. However in accordance with section 38 (6) of The Planning and Compulsory Purchase Act (2004), it is considered that the material considerations outweigh the loss of the land by providing more retail choice in the Village, in the form of an Aldi foodstore and more choice in respect of A2/A5 units, and by providing additional meeting space for the community as a whole. As such subject to a condition ensuring the delivery of the community centre, the application is recommended for approval.

Planning History

Reference	Description	Decision	Date
97/00509/OUT	Outline application for mixed-use development	Approved	August 1999
02/00748/OUT	Modification of conditions on outline permission for mixed use development	Approved	December 2002
Adjacent plot (Plot 4400):			
07/01420/REM	Reserved matters application under outline ref 9/02/00748 for a proposed spur road	Approved	January 2008
08/00396/REMMAJ	Reserved Matters application for the erection of a public house on plot 4400, Buckshaw Village	Approved	July 2008
10/00975/REM	Application to extend the time limit for implementation of extant planning permission 07/01420/REM for the construction of a spur road at Buckshaw Link, Buckshaw Village.	Approved	December 2010
11/00554/REMMAJ	Application to extend the time limit for implementation of extant planning permission 08/00396/REMMAJ for the erection of a public house on plot 4400, Buckshaw Village.	Approved	August 2011
14/00278/REM	Reserved matters application (pursuant to outline planning approval 02/00748/OUTMAJ) for a proposed spur road	Approved	May 2014
14/00514/REMMAJ	Reserved matters application (pursuant to outline planning	Approved	August 2014

	approval 02/00748/OUTMAJ) for the erection of a public house/ restaurant on plot 4400, Buckshaw Village		
14/01037/REM	Section 73 application to vary condition 8 (opening hours) attached to reserved matters approval 14/00514/REMMAJ to extend the opening hours for the approved public house	Approved	November 2014
14/01176/DIS	Application to discharge conditions 3 (street lighting), 4 (drainage) and 5 (ground levels) attached to reserved matters approval ref: 14/00278/REM	Discharged	January 2015
15/00010/MNMA	Minor non-material amendments to approved public house (reserved matters approval 14/01037/REM) including deleting the first floor managers accommodation, reducing the height of the roof and a reduction in the footprint of the approved scheme	Approved	January 2015
15/00081/FUL	Erection of a pergola, outside children's play area and external terrace area	Approved	March 2015

Suggested Conditions

No.	Condition																																																						
1.	<p>The proposed development must be begun not later than three years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>																																																						
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 501 1302 1290"> <thead> <tr> <th data-bbox="320 501 644 530">Title</th> <th data-bbox="644 501 1011 530">Drawing Reference</th> <th data-bbox="1011 501 1302 530">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 530 644 560">Location Plan</td> <td data-bbox="644 530 1011 560">1279 MIDW 100</td> <td data-bbox="1011 530 1302 560">31st January 2015</td> </tr> <tr> <td data-bbox="320 560 644 589">Proposed Site Plan</td> <td data-bbox="644 560 1011 589">1279 MIDW 101 Rev F</td> <td data-bbox="1011 560 1302 589">31st January 2015</td> </tr> <tr> <td data-bbox="320 589 644 658">Aldi- Proposed GA Floor Plan</td> <td data-bbox="644 589 1011 658">1279 MIDW 102</td> <td data-bbox="1011 589 1302 658">31st January 2015</td> </tr> <tr> <td data-bbox="320 658 644 728">Aldi- Proposed Elevations</td> <td data-bbox="644 658 1011 728">1279 MIDW 103</td> <td data-bbox="1011 658 1302 728">31st January 2015</td> </tr> <tr> <td data-bbox="320 728 644 797">Community Centre Plans and Elevations</td> <td data-bbox="644 728 1011 797">1279 MIDW 104 Rev C</td> <td data-bbox="1011 728 1302 797">13th May 2015</td> </tr> <tr> <td data-bbox="320 797 644 866">Proposed Boundary Treatments</td> <td data-bbox="644 797 1011 866">1279 MIDW 107</td> <td data-bbox="1011 797 1302 866">31st January 2015</td> </tr> <tr> <td data-bbox="320 866 644 896">Landscape Plan</td> <td data-bbox="644 866 1011 896">V1279 L01</td> <td data-bbox="1011 866 1302 896">31st January 2015</td> </tr> <tr> <td data-bbox="320 896 644 965">Proposed Site Elevations</td> <td data-bbox="644 896 1011 965">1279 MIDW 106 Rev A</td> <td data-bbox="1011 896 1302 965">31st January 2015</td> </tr> <tr> <td data-bbox="320 965 644 994">Divisible Retail Units</td> <td data-bbox="644 965 1011 994">1279 MIDW 105 Rev A</td> <td data-bbox="1011 965 1302 994">13th May 2015</td> </tr> <tr> <td data-bbox="320 994 644 1023">Off site highway works</td> <td data-bbox="644 994 1011 1023">186-01/GA-01 Rev A</td> <td data-bbox="1011 994 1302 1023">1st April 2015</td> </tr> <tr> <td data-bbox="320 1023 644 1052">Existing Drainage</td> <td data-bbox="644 1023 1011 1052">8306/D/101 Rev A1</td> <td data-bbox="1011 1023 1302 1052">13th May 2015</td> </tr> <tr> <td data-bbox="320 1052 644 1081">Proposed Drainage</td> <td data-bbox="644 1052 1011 1081">8306/D/102 Rev T2</td> <td data-bbox="1011 1052 1302 1081">13th May 2015</td> </tr> <tr> <td data-bbox="320 1081 644 1111">Typical Manhole Details</td> <td data-bbox="644 1081 1011 1111">8306/D/401 Rev T1</td> <td data-bbox="1011 1081 1302 1111">13th May 2015</td> </tr> <tr> <td data-bbox="320 1111 644 1140">Typical Drainage Details</td> <td data-bbox="644 1111 1011 1140">8306/D/402 Rev T1</td> <td data-bbox="1011 1111 1302 1140">13th May 2015</td> </tr> <tr> <td data-bbox="320 1140 644 1209">Attenuation Tank and Oil Separator Details</td> <td data-bbox="644 1140 1011 1209">8306/D/403 Rev T2</td> <td data-bbox="1011 1140 1302 1209">13th May 2015</td> </tr> <tr> <td data-bbox="320 1209 644 1238">Manhole Schedule</td> <td data-bbox="644 1209 1011 1238">8306/D/404 Rev T2</td> <td data-bbox="1011 1209 1302 1238">13th May 2015</td> </tr> <tr> <td data-bbox="320 1238 644 1290">Proposed Site Plan- drainage</td> <td data-bbox="644 1238 1011 1290">1279 MIDW 201 Rev T</td> <td data-bbox="1011 1238 1302 1290">13th May 2015</td> </tr> </tbody> </table> <p data-bbox="320 1290 1302 1323">Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Location Plan	1279 MIDW 100	31st January 2015	Proposed Site Plan	1279 MIDW 101 Rev F	31st January 2015	Aldi- Proposed GA Floor Plan	1279 MIDW 102	31st January 2015	Aldi- Proposed Elevations	1279 MIDW 103	31st January 2015	Community Centre Plans and Elevations	1279 MIDW 104 Rev C	13th May 2015	Proposed Boundary Treatments	1279 MIDW 107	31st January 2015	Landscape Plan	V1279 L01	31st January 2015	Proposed Site Elevations	1279 MIDW 106 Rev A	31st January 2015	Divisible Retail Units	1279 MIDW 105 Rev A	13th May 2015	Off site highway works	186-01/GA-01 Rev A	1st April 2015	Existing Drainage	8306/D/101 Rev A1	13th May 2015	Proposed Drainage	8306/D/102 Rev T2	13th May 2015	Typical Manhole Details	8306/D/401 Rev T1	13th May 2015	Typical Drainage Details	8306/D/402 Rev T1	13th May 2015	Attenuation Tank and Oil Separator Details	8306/D/403 Rev T2	13th May 2015	Manhole Schedule	8306/D/404 Rev T2	13th May 2015	Proposed Site Plan- drainage	1279 MIDW 201 Rev T	13th May 2015
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3.	<p>Before each phase of the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</p>																																																						
4.	<p>Prior to the commencement of each phase of the development (excluding the foodstore) a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> <li data-bbox="347 1666 1011 1695">i. the parking of vehicles of site operatives and visitors <li data-bbox="347 1695 1075 1724">ii. hours of operation (including deliveries) during construction <li data-bbox="347 1724 916 1753">iii. loading and unloading of plant and materials <li data-bbox="347 1753 1203 1783">iv. storage of plant and materials used in constructing the development <li data-bbox="347 1783 676 1812">v. wheel washing facilities <li data-bbox="347 1812 1203 1841">vi. measures to control the emission of dust and dirt during construction <li data-bbox="347 1841 1299 1870">vii. a scheme for recycling/disposing of waste resulting from construction works <p data-bbox="320 1870 1318 2027">Reason: The development hereby approved incorporates 3 different elements which could result in 3 different developers on the site at the same time. As such in the interests of highway safety and to protect the amenities of the nearby residents the above information is required prior to the commencement of each individual part of the development to ensure that works will not disrupt the surrounding area</p>																																																						

5.	<p>Prior to the commencement of each phase of the development full engineering, drainage, street lighting and constructional details of the access roads to be constructed shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details and made available for use prior to the first use of the foodstore, community centre and/or divisible retail unit.</p> <p>Reason: This information is required in the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway and is required prior to commencement to ensure that an acceptable highway arrangement will be secured for each phase of the development</p>
6.	<p>Within three months of the occupation of the foodstore a Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be generally in accordance with document submitted with the application entitled Framework Travel Plan. The development thereafter shall be carried out in accordance with the approved details.</p> <p>Reason: The application was supported by a Framework Travel Plan which seeks to reduce the number of car borne trips and to encourage the use of public transport. The final Travel Plan is required once the foodstore is open and staff appointed.</p>
7.	<p>Prior to the commencement of the development the recommendations of the Phase 1 desk study (undertaken by Earth Environmental (Report No. A0703/14 December 2014)), which includes intrusive investigations to determine the presence of residual soil and groundwater contamination, shall be undertaken. If any significant contamination risks are identified then a report setting out the necessary remediation measures shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority for approval.</p> <p>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012). This information is required prior to commencement to ensure that any necessary remediation measures can be undertaken at an appropriate time.</p>
8.	<p>No building shall be occupied pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.</p> <p>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</p>
9.	<p>The foodstore 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.</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
10.	<p>Prior to the commencement of the foodstore, 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.</p> <p>Reason: The foodstore will be constructed to BREEAM 'Very Good' standards in the interests of minimising the environmental impact of the development. The Design Stage Assessment is required prior to commencement to ensure the required standard is met</p>
11.	<p>Prior to the occupation of the foodstore hereby permitted, a letter of assurance</p>

	<p>detailing how the building has achieved BREEAM has been issued by a licensed BREEAM Assessor/Auditor and approved in writing by the Local Planning Authority</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
12.	<p>Prior to the commencement of the foodstore, a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant BREEAM rating.</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
13.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, 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..</p> <p>Reason: In the interest of the appearance of the locality</p>
14.	<p>The external facing materials detailed on the approved plans and the submitted Design and Access Statement (reference MIDW DAS01 Issue 1 27.01.15), shall be used and no others substituted.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality</p>
15.	<p>The foodstore hereby permitted shall be restricted to opening hours of between:</p> <ul style="list-style-type: none"> • 08:00 to 22:00 Monday to Saturday and • 09:00 to 18:00 on Sundays. <p>Reason: To safeguard the amenities of local residents and in accordance with the submitted information</p>
16.	<p>Deliveries, servicing and collections to and from the retail units hereby permitted, including waste collections, shall not take place outside the following hours: 06:00 to 23:00 – Monday to Saturday 08:00 to 18:00 – Sundays</p> <p>Where exceptional circumstances require deliveries/servicing/collections to take place outside these stated hours, full written permission will firstly be sought from the Local Planning Authority.</p> <p>Reason: Based upon the submitted information and to safeguard the amenities of the occupiers of nearby residential accommodation</p>
17.	<p>Before the foodstore 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.</p> <p>Reason: To ensure adequate on site provision for cycle parking.</p>
18.	<p>The development hereby permitted shall accord with the recommendations contained within the Noise Impact Assessment. In particular there should not be any use of a PA system in the service yard area, apart from in emergencies .The recommendations shall be fully implemented in accordance with the approved details and retained in perpetuity.</p> <p>Reason: to safeguard the amenities of the neighbouring residents</p>
19.	<p>The divisible retail unit hereby approved shall be used for Use Classes A2, A4 or A5 and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).</p> <p>Reason: To protect the vitality and viability of the nearby local centre and in accordance with the submitted supporting information</p>

20.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order, no internal alterations involving the erection of internal dividing walls which would result in the creation of more than 2 units shall be carried out in respect of the divisible retail unit to which this permission relates without the prior submission to and approval in writing by the Local Planning Authority.</p> <p>Reason : To restrict the number of retail units which can be provided on the site in the interests of the vitality and viability of the nearby local retail centre</p>
21.	<p>Prior to the use of any of the buildings hereby permitted the off-site highway works detailed on the approved plans (ref: 186-01/GA-01 Rev A) shall be completed in accordance with the approved details.</p> <p>Reason: In the interest of highway safety</p>
22.	<p>The surface water drainage scheme for the foodstore hereby permitted shall incorporate surface water discharge to the public sewerage system at run-off rates not exceeding those set out in the agreed Partington and Associates Limited drainage strategy drawing 2377-14 and shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: In the interests of the proper drainage of the site</p>
23.	<p>In the event that any of the divisible retail units hereby permitted are occupied by an A4 occupier the unit(s) shall be restricted to the following hours:</p> <ul style="list-style-type: none"> ⌈ between 8am and 12am (midnight) on Monday to Thursday, ⌈ between 8am and 1am Friday and Saturday and ⌈ between 9am and 12am (midnight) on Sundays. <p>On the following dates the use hereby permitted shall be restricted to the hours between 8am and 1am: New Year's Day; Valentine's night; Burns night; St David's Day; St Patrick's Day; Good Friday; Easter Sunday; Easter Monday; Boxing Day, Halloween and Bank Holiday Mondays.</p> <p>On the following dates the use hereby permitted shall be restricted to the hours between 8am and 2am: Christmas Eve and New Year's Eve.</p> <p>On the following dates the use hereby permitted shall be restricted to the hours between 9am and 1am: the three Sundays of the year prior to the two bank holidays in May and the one bank holiday in August.</p> <p>The use hereby permitted shall be restricted to the hours listed.</p> <p>Reason: To safeguard the amenities of local residents and in accordance with the submitted information</p>
24.	<p>In the event that any of the divisible retail units hereby permitted are occupied by an A5 occupier the unit(s) shall be restricted to the following hours:</p> <ul style="list-style-type: none"> · between 8am and 12am (midnight) on Monday to Thursday, · between 8am and 1am Friday and Saturday and · between 9am and 12am (midnight) on Sundays. <p>Reason: To safeguard the amenities of local residents and in accordance with the submitted information</p>
25.	<p>The foodstore shall not open to the general public until the legal contract for the</p>

	<p>construction of the community centre has been entered into by all parties and a copy submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: The erection of a foodstore on this site is contrary to Policy 10 of the Adopted Central Lancashire Core Strategy 2012 however the provision of a community centre on the site is considered to be a material consideration in favour of the proposed foodstore. As the provision of the community centre is a material consideration in respect of the provision of the foodstore a restriction on the opening is considered necessary to ensure the community centre can be delivered.</p>
26.	<p>Within two months of this planning consent the foodstore operator shall attend the site with an articulated vehicle and undertake the right turn out manoeuvre to determine whether or not a 16.5metre articulated vehicle can turn without striking the existing splitter island.</p> <p>In the event that a vehicle cannot manoeuvre without striking the splitter island then full plans of the relocation of the island shall be submitted to and approved in writing by the Local Planning Authority within three months of this planning approval. Consideration should also be given the converting the splitter island into a pedestrian refuge. The highway works thereafter shall be completed in accordance with the approved plans prior to the opening of the foodstore.</p> <p>In the event that an articulated vehicle can manoeuvre out of the site without striking the splitter island and as such the splitter island will remain in situ then a full safety audit shall be undertaken , submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety and to ensure that the types of vehicles which will use the site can safely negotiate the road network.</p>
27.	<p>Foul sewerage shall be drained on a separate system. The foodstore hereby permitted shall not be occupied until the approved foul drainage scheme has been completed to serve the foodstore, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.</p> <p>Reason: In the interests of the proper drainage of the site</p>
28.	<p>Prior to the commencement of the community centre a surface water drainage scheme and means of disposal shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme shall incorporate surface water discharge to the public sewerage system at run-off rates not exceeding those set out in the agreed Partington and Associates Limited drainage strategy drawing 2377-14</p> <p>The development shall be completed, maintained and managed in accordance with the approved details</p> <p>Reason: In the interest of the proper drainage of the site</p>
29.	<p>to the commencement of the community centre details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Foul sewerage shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.</p> <p>This development shall be completed maintained and managed in accordance with the approved details</p> <p>Reason: In the interests of the proper drainage of the site</p>
30.	<p>Prior to the commencement of the divisible retail units a surface water drainage scheme and means of disposal shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme shall incorporate surface water discharge to the public sewerage system at run-off rates not exceeding those set out in the agreed Partington and Associates Limited drainage strategy drawing 2377-14</p>

	<p>The development shall be completed, maintained and managed in accordance with the approved details Reason: In the interests of the proper drainage of the site</p>
31.	<p>Prior to the commencement of the divisible retail units details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul sewerage shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details Reason: In the interests of the proper drainage of the site</p>
32.	<p>The construction of the foodstore hereby permitted shall be carried out in accordance with the submitted Construction and Environmental Management Plan, received 13th May 2015 and the following hours of operation (including deliveries):</p> <ul style="list-style-type: none"> • Monday to Friday – 07:00 hours to 18:00 hours. • Saturdays – 08:30 hours to 14:00 hours. • Sundays and Public Holidays – No work will occur unless approval has been given by the Local Authority. <p>The plan shall be adhered to throughout the construction period. Reason: In the interests of highway safety and to protect the amenities of the nearby residents a plan is required to ensure the development does not disrupt the surrounding area</p>