

APPLICATION REPORT – 22/00719/FUL

Validation Date: 27 June 2022

Ward: Chorley North And Astley

Type of Application: Full Planning

Proposal: Erection of single storey building to accommodate a retail unit/convenience store (Use Class E(a)), associated car parking and creation of new access on to Eaves Lane (following demolition of the existing social club building)

Location: St Peters Parish Club Eaves Lane Chorley PR6 0DX

Case Officer: Chris Smith

Applicant: Mr Paul Maher JP Development Ltd

Agent: Mr Matthew Walton PWA Planning

Consultation expiry: 3 August 2022

Decision due by: 10 February 2023 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions.

SITE DESCRIPTION

2. The application site is located on the eastern side of the B6228 Eaves Lane, within the settlement area of Chorley, as defined by the Chorley Local Plan Policies Map. The site contains a vacant two-storey building which previously accommodated St Peter's Parish and Social Club. There is a bowling green to the rear of the building.
3. The immediate locality is a densely built up urban area comprising a range of uses including residential properties immediately to the south and east of the site, commercial units to the north west and a Primary School directly to the north.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks full planning permission for the erection of a single storey building to accommodate a retail unit/convenience store (Use Class E(a)) along with associated car parking and the creation of a new access on to Eaves Lane, following the demolition of the existing social club building.

REPRESENTATIONS

5. Councillor Adrian Lowe has stated that he objects to the proposed development for the following reasons -
 - Highways, the proposed access is too close to a roundabout and a primary school causing potential traffic issues
 - Inappropriate use of the site
 - Impact on the neighbouring area

6. Thirteen representations have been received citing the following grounds of objection to the proposed development -
- The classrooms and playground at St Peter's Primary School are for the youngest members of the school and consideration should be given to the type of fencing erected along the boundary of the site so that people cannot see into the school grounds.
 - Dustbins should not be kept too close to where the children play.
 - Consideration should be given to noise that could disrupt school lessons.
 - Overlooking of the site through the use of CCTV.
 - Noise.
 - Bad language from builders.
 - Highway safety.
 - Potential for vermin due to bins/waste storage.
 - Concerns regarding delivery times.
 - The building would be close to neighbouring residential properties.
 - Position of bins.
 - Impact on existing retail businesses.
 - Loss of existing on-street car parking.

CONSULTATIONS

7. Greater Manchester Ecology Unit (GMEU) – Have not raised any objections to the proposed development subject to conditions.
8. Lancashire County Council Highway Services (LCC Highway Services) – Have not raised any objections to the proposed development subject to conditions.
9. Chorley Council's Environmental Health Officer – Has not raised any objections to the proposed development, subject to conditions.
10. Chorley Council's Waste & Contaminated Land Officer – Has stated that in this instance he has no comments to make.
11. United Utilities – Have not raised any objections to the proposed development subject to conditions.

PLANNING CONSIDERATIONS

Principle of the development

Development in an out-of-centre location

12. The application site is located approximately 130m to the north of the Eaves Lane Local Centre as defined by Policy EP7 of the Chorley Local Plan. The National Planning Policy Framework 2021 (The Framework) at Annex 2: Glossary provides that an edge of centre location is one that is well connected to, and up to 300 metres from, a primary shopping area which is an area where retail development is concentrated. The application site is, therefore, located within an edge-of-centre location and it proposes a main town centre use.
13. Paragraph 87 of The Framework states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
14. Paragraph 88 of The Framework states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on

issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

15. Core Strategy policy 11 (Retail and Town Centre Uses and Business Tourism) of the Central Lancashire Core Strategy provides, among other things, that retail and other town centre uses of a scale appropriate to the retail hierarchy and in sustainable locations will be supported ; and that retail and main town centre uses will be delivered in a number of ways including maintaining, improving and controlling the mix of uses in the existing District and local centres so as to appropriately serve local needs.

16. Policy EP9 of the Chorley Local Plan 2012 - 2026 specifically relates to development in Edge-of-Centre and Out-of-Centre Locations and reflects the thrust of the Framework. This states that:

Outside the town, district and local centres, change of use and development for small scale local shopping and town centre uses (either as part of mixed use developments or in isolation) will be permitted where:

- a) The proposal meets a local need and can be accessed in its catchment by walking, cycling and public transport; and*
- b) Does not harm the amenity of an adjacent area; and*
- c) The Sequential Test and Impact Assessment are satisfied setting out how proposals do not detract from the function, vitality and viability of the borough's hierarchy of centres.*

17. In relation to criteria a), the application has been supported by the provision of a Planning Statement prepared by PWA planning. This states that the proposed development would make use of a previously developed site comprising a former social club and ancillary bowling green and the proposed development would regenerate the site by providing a shop for local residents. It also states that there is little chance that the site would otherwise perform a community function.

18. It is accepted that the site suffers from a sense of abandonment with the social club building currently vacant and the bowling green too overgrown to serve its recreational purpose. The site, therefore, appears unsightly and detracts from the character of the area and there is a clear and obvious local need for it to be brought back into some form of active use. It is considered that the provision of a retail unit would serve the local needs of nearby residents who would benefit from the goods and amenities that can be provided by a small local store which is aimed at convenience and shorter shopping trips to be carried out between less frequent often weekly or fortnightly visits to a full-sized supermarket. The Planning Statement explains that there is a lack of provision for this type of retail unit in the immediate locality of the site with the closest small retail unit being approximately 0.7 miles (1.6 kilometres) away at Preston Road. It is accepted that many residents within the immediate locality of the site would be unlikely to travel this far for the purposes of a short shopping trip and consequently it is accepted that there is likely to be a demand and, therefore, a local need for the type of development that is proposed.

19. The site is located adjacent to the B6228 Eaves Lane and is approximately 400m away from the Leeds and Liverpool Canal and it is, therefore, accessible to cyclists and pedestrians. There are several bus stops located along Eaves Lane and Harpers Lane to the west of the site offering services to Chorley Town Centre, Wheelton, Abbey Village and Blackburn Town Centre. In consideration of the above matters, it is accepted that the site is both highly accessible to a large number of people and is likely to meet a demand that already exists.

20. Turning to criteria c) paragraph 6.26 of the Chorley Local Plan states that - *To maintain the balance between the role and function of Chorley Town Centre, the District Centres and Local Centres, Chorley Council will apply the sequential test and impact assessment to new retail development and main town centre uses, as set out in the Framework and Planning Practice Guidance. The Sequential Test requires major retail, cultural and service development to be located on the most central sites in town centres before considering less central sites. A sequential test will apply to planning applications for main town centre uses that are not in an existing centre. The aim is to minimise the need to travel, provide a diverse*

range of services in the one central location and make facilities accessible to all. This approach is intended to sustain and focus growth and investment in the Town Centre.

21. Paragraph 6.27 of the Chorley Local Plan goes on to state that - *The Impact assessment is required for planning applications for retail, leisure and office development outside of town centres where the development is 2,500sq m and over, to ensure they would not detrimentally impact the function, vitality and viability of the borough's hierarchy of centres. The Impact assessment will be particularly relevant to edge-of-centre and out-of-centre proposals. In assessing vitality and viability consideration will be given to pedestrian flows, vacancy rates, numbers and range of facilities, quality of the urban environment and the general performance of the centre.*
22. The proposal does not require an Impact Assessment as it falls well beneath the threshold. The Sequential test must, however, be satisfied. Retail development is defined in Annex 2 of the Framework as a main town centre use. A sequential test has been provided in line with EP9 c).
23. The applicant has considered potential alternative sites in Chorley Town Centre, as well as those on the edge of Chorley Town Centre and the defined District and Local Centres. The applicant explains that there are no suitable alternative sites within these areas i.e. of sufficient size for the development that is proposed which requires not only land to accommodate the retail building but also sufficient space for the logistics required to support the development.
24. It is considered that the applicant has addressed policy EP9 criteria a) and c) of the Chorley Local Plan 2012 - 2026. The proposal has been designed to respond to a particular type of need, that of the passing motorist, yet it can also be readily accessed from a dense catchment by walking, cycling or public transport. Given the relatively small scale of the proposed development, it would not detract from the function, vitality and viability of Chorley Town Centre or any nearby district centres. The impact of the proposal on the amenity of an adjacent area – criterion EP9 b) is addressed later in the report.

Protection of existing recreational facilities

25. The application site contains a bowling green which is a sport and recreational facility. Policy HW2 of the Local Plan seeks to protect land currently or last used as sports and recreational facilities unless alternative provision is made under criteria a) or all of criteria b) to e) are satisfied.
26. Policy HW2 of the Chorley Local Plan 2021 – 2026 states that land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless:
 - a) *Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or*
 - b) *It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and*
 - c) *The site is not identified as being of high quality and/or high value in the Open Space Study; and*
 - d) *It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and*
 - e) *The site does not make a significant contribution to the character of an area in terms of visual amenity.*
27. In this case no alternative facilities of an of an equivalent or enhanced standard are to be provided near to the site before the existing bowling green ceases to be available for use. Consequently, the applicant needs to demonstrate the all of criteria b) to e) are satisfied.
28. In relation to criteria b) and d), the applicant has provided a list of existing nearby similar bowling green facilities all within 2 miles of the application site, including those at Erskine Road/Harpers Lane, St Joseph's Catholic Club, East Ward Conservative Club, Tatton

Recreational Centre, Coronation Recreational Grounds, St Mary's Bowling Green, Chorley Subscription Bowling Green and St George's Club. A desk-based analysis of these sites indicates that they are still in operation and it is, therefore, considered that there is an adequate degree of provision of this type of similar facilities in the local area both in terms of quantity and accessibility. Furthermore, the applicant explains that the bowling green and club has been closed for over two years and this has not harmed the provision of such facilities in the area. It is, therefore, accepted that the current facility is not required to satisfy a recreational need in the local area and its loss can be adequately mitigated by the abundance of similar facilities which are located within relative close proximity to the site.

29. Criteria c) is satisfied because the site has not been identified as being of high quality or high value in the Open Space Study.
30. Turning to criteria e), it is noted that the existing building on site, which is a vacant former social club, is of relatively dated design appearing somewhat tired and dilapidated whilst its curtilage and the bowling green to the rear is overgrown with dense vegetation. The site in its current state, therefore, is unsightly and suffers a sense of abandonment as the existing building is not currently occupied or being used and this detracts from the character of the area. The proposed development would introduce an active use by way of the proposed retail unit, which would subsequently rejuvenate the site.
31. It is considered, therefore, that the proposed development would satisfy the requirements of criteria b) to e) as there is an adequate degree of alternative provision in the local area and the site does not make a significant contribution to the character of an area in terms of visual amenity. The proposal therefore complies with policy HW2 of the Chorley Local Plan 2012-2026.

Loss of community facilities

32. The application site contains a social club which is a community facility. Policy HW6 of the Local Plan states that development proposing the change of use or loss of any premises or land currently or last used as a community facility (including community centres, village and church halls, places of worship, public houses, children's centres, libraries, cultural facilities and health facilities) will be permitted where it can be demonstrated that:
 - a) *The facility no longer serves the local needs of the community in which it is located; and*
 - b) *Adequate alternative provision has been made, or is already available, in the settlement or local area; and*
 - c) *The use is no longer financially viable; and*
 - d) *The facility is in an isolated location remote from public transport routes; or*
 - e) *There is an amenity or environmental reason why the facility is no longer acceptable.*
33. In relation to criteria a) and b) the applicant has stated that the function room within the social club building ceased operations on the 6th of April 2020 due to low attendance numbers and, therefore, it no longer served a local need for this type of facility and a number of other comparable social clubs and pubs as well as community facilities are located within close proximity to the site. It is acknowledged that there are several similar facilities in the local area such as public houses including the Masons Arms to the west of the site at Harpers Lane and the Derby Arms to the south of the site on Eaves Lane.
34. With regards to criteria c), the applicant has explained that the current lawful use of the site is no longer financially viable and that the social club closed down on the 6th of April 2020 and ceased trading due to low attendance numbers and financial struggle with the continuation of the business becoming economically unviable. The bowling club disbanded at the same time, with members joining other local clubs in the area. To demonstrate that it has not been possible to attract interest from buyers looking to continue the use of the site as a social club, the applicant has provided a letter from Eckersley Property (Appendix 1 of the Planning Statement) who were approached to market the site in March 2020. The letter confirms that the vast majority of enquires received regarding the property related to the redevelopment of the site including its demolition thus illustrating that the continued usage of the site was not viable.

35. Turning to criteria d) and e), it is not considered that d) is relevant given that the site is located within a densely built up urban area and can be accessed from a dense catchment by pedestrians and cyclist and also by public transport. Regarding criteria e) it is also considered that there are clear amenity reasons as to why the current facility is no longer acceptable. As already discussed the existing building is empty and in a poor state of repair and the bowling green is heavily overgrown and, therefore, the rejuvenation and reuse of the site would make a positive contribution to the character of the local area with regards to visual amenity.
36. In light of the above considerations, the proposal complies with policy HW6 of the Chorley Local Plan 2012-2026.

Design and impact on the character of the area

37. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012-2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.
38. The application site is located to the east of Eaves Lane which is a busy main highway which carries significant volumes of traffic linking the northern and southern parts of Chorley. The site, therefore, occupies a visually prominent roadside location and it is easy to discern from public vantage points located along Eaves Lane that the site suffers from a sense of abandonment and makes little contribution in terms of visual amenity to the character of the immediate locality. The bowling green to the rear of the building can also be seen from public vantage points located along Smithills Close and due to its overgrown state and a general lack of maintenance, it detracts from the character of the area.
39. The proposal would result in the development of a building of simple modern design with a sloping mono pitched roof and it would be relatively modest with regards to size and scale. The building would be set well back within the site approximately 50m away from Eaves Lane and it would not, therefore, appear as an unduly prominent feature when viewed from any public vantage points located there. It is noted that Eaves Lane lacks any overall prevailing architectural context with a variety of building types evident including terraced properties of traditional brick design to the south of the site, a primary school with functionally designed buildings immediately to the north and several modern retail and industrial units to the north west on the corner of Harpers Lane and Eaves Lane. The proposed building would not, therefore, appear at odds with this prevailing context.
40. Whilst, the roof structure of the proposed building would be visible from the residential cul de sac to the east of the site at Smithills Close, the building would be set back from the eastern site boundary by approximately 6.5m and it is considered that this along with the relatively low single storey height of the building ensures that it would not appear as a visually discordant feature within the streetscene at Smithills Close.
41. A customer car park would be located to the side (west) and front (north) of the building, however, some peripheral landscaping to the front of the site and along the boundary with 332 Eaves Lane would help to frame the development and soften its visual impact. Overall, the proposed development would result in a visual improvement of the site and would introduce an active use to the benefit of the site which currently suffers from a sense of abandonment and visual decay.
42. Given the range of building types in the locality and mixed scale, it is considered that the design and layout of the proposed development would be compatible with the appearance of the site and character of the area. The development is, therefore, considered to be in accordance with policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of design.

Impact on neighbour amenity

43. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012-2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
44. There would be a service yard to the north side of the development, which is where deliveries would be directed. Activity would increase within the application site as a result of the proposed development and, therefore, there would be some potential for noise disturbance in relation to the existing dwellings. In order to address this, it is recommended that appropriate boundary treatment is secured through the imposition of a condition requiring the submission of details regarding boundary fencing. This would ensure an adequate degree of privacy, security, and acoustic screening.
45. The application is accompanied by a Noise Assessment. Existing background noise levels (Background Sound Level) are provided in the noise assessment which advises that to assess the noise impact, the Background Sound Level is arithmetically subtracted from the potential noise impact. It advises that where an assessment of noise impact is undertaken, a difference of more than 10db is likely to be an indication of a significant adverse impact depending on the context and a difference of more than 5db is likely to be an indication of an adverse impact, again depending on context. The report advises that noise levels below existing background levels would be an indication of low impact.
46. Noise surveys were undertaken between 25th and 28th March 2022 at five locations – to the southern boundary, the eastern boundary at Smithills Close and to the north of the parish club building at no. 334 Eaves Lane. In relation to noise impacts as a result of HGV deliveries and the use of the car park, assessments using BS 4142: 2014 methodology were undertaken in order to predict the potential impact of the proposed development.
47. The initial daytime assessment indicated that noise impact would be low at four of the noise sensitive receptors (NSR), however, it identified that there would be a significant adverse effect at NSR5 (+14db) which is located at no. 334 Eaves Lane an auto-parts shop located to the north of the site. However, the report considers the contextual factors surrounding this NSR and states that the assessment is based on a worst case scenario of a delivery taking a full hour during the day to unload and with background daytime sound levels taken from a Saturday and Sunday at a location furthest from Eaves Lane and, therefore, the likely background sound level at NSR5 is likely to be higher and, consequently, it is likely that the development would only lead to a 4db increase over background levels which is adverse rather than significantly adverse. It is also noted that the site is located adjacent to primary school which emits noise during the daytime as a result of children playing in the school yard.
48. A further noise assessment relating to all noise sources between 06:00am and 07:00am was also undertaken. The initial assessment at NSRs 2 and 3 was low, however, the assessment for NSRs 1, 4 and 5 was adverse. Again, the report considers the context and states that the background sound level was measured at the furthest location from Eaves Lane and consequently the background sound level is likely to be higher than that measured which would have the effect of reducing the significance of the impact. Conditions controlling hours of operation are to be attached to any grant of planning permission and the timings of deliveries would also be restricted by an appropriate condition to safeguard the amenity of affected residential properties.
49. Details of noise levels from proposed plant are not yet available, however, the report also makes recommendations in relation to noise levels of proposed plant and advises that it should not exceed the existing background noise levels, which based on the survey data are 45 dB LA90T during the daytime period (0700 – 2300 hrs) and 41 dB LA90,T during the night time period (2300 – 0700 hrs). This could be secured by an appropriate condition.

50. There are several neighbouring residential properties to the south of the site including Bennett House (no. 332 Eaves Lane) and no. 332A Eaves Lane. There are also neighbouring properties immediately to the east of the site at Smithills Close. However, the proposed building would be located approximately 35m to the north east of no. 332 Eaves Lane and the car park would be approximately 13m to the north of this neighbouring property. It is considered the due to this degree of separation and the orientation of the development relative to the property, that there would be no unacceptable adverse impacts on the levels of amenity currently enjoyed by the occupiers of no. 332 Eaves Lane. Furthermore, it is not considered that the proposed development would have a significantly greater or more adverse impact on the amenity of the occupiers of this neighbouring property given that the existing social club building would be removed which would result in an improvement to the levels of outlook enjoyed from the 3no. first floor windows located within the side (north) elevation of this property.
51. It is acknowledged that the proposed building would be located adjacent to the neighbouring property to the south at no. 332A Eaves Lane. However, it would be approximately 12m to the north of the side elevation of this neighbouring property and the roof of the proposed building would slope up and away from the boundary with the property. Whilst the side (northern) elevation of this property does contain a first floor level balcony, the land to the side of the property is a parking area and driveway and its main garden/amenity areas are located to the west which is away from the site of the proposed building. It is not considered, therefore, that there would be any unacceptable adverse impacts on the amenity occupiers of this property as a result of light loss, overbearing or a loss of outlook.
52. The proposed building would be approximately 18m to the north west of no. 19 Smithills Close and due to this orientation and the degree of separation there would be no unacceptable adverse impacts on the amenity of the occupiers of this property. Whilst the building would be located 8.3m to the south west of no. 14 Smithills Close, the side elevation of this property which faces the site contains 2no. ground level windows which already suffer from a degree of light loss due to their proximity to the hedging which forms the eastern boundary of the site. Windows within the front elevation of the property face towards Smithills Close rather than the site itself. Consequently, it is not considered that there would be any unacceptable adverse impacts on the amenity of the occupiers of this property as a result of light loss, overbearing or a loss of outlook.
53. There are 2no. neighbouring residential properties located to the north of the site at nos. 334 and 336 Eaves Lane, however, the planning history of no. 334 Eaves Lane indicates that the lawful use of the building is a retail use and the building does currently accommodate an auto-parts shop. Direct intervisibility between the rear elevation windows at the residential property no. 336 Eaves Lane and the site would be interrupted by a two storey outrigger and an elongated single storey projection located to the rear of the two properties. The property itself would be approximately 25m away from the customer car park and approximately 35m away from the proposed building itself.
54. Several representations of objection have been received raising concerns about the position of refuse bins to the rear of the proposed building adjacent to the site boundary with Smithills Close and the potential for disturbance as a result of odours and rodents. However, it is considered that the bin area would be sufficiently distanced from neighbouring properties so as not to have any unacceptable adverse impacts on amenity and it would be screened from properties by boundary treatments. Furthermore, the Council has powers of enforcement, under the Environmental Protection Act 1990, to deal with smells that cause a statutory nuisance and pest infestations that may cause a statutory nuisance.
55. On the basis of the above assessment, and mitigation measures, it is considered that the proposed development would not result in any unacceptable harm to the amenity and living conditions of nearby residents, and the development complies with criterion b) of policy EP9 and policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of amenity.

Highway safety

56. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
57. During the course of the application, amended drawings have been received in order to address an objection raised by LCC Highways and to provide necessary improvements as requested by them. The application site has a wide section of adopted footway adjacent to Eaves Lane which has bollards and allows for off street parking. A new access to the site including dropped kerbs and the provision of tactile paving is proposed here.
58. LCC Highways have confirmed that they do not have any objections to the proposed development and are of the opinion that it would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They have reviewed the site plan (plan ref: 1060/SPC/SCP Rev H) and have stated that the proposed tactile paving and pedestrian area marked on the plan would encourage pedestrian movements which are clearly defined and would reduce the potential for conflict with the moving vehicles parking on the frontage of the existing dwellings and neighbouring shop.
59. Policy ST4 of the Chorley Local Plan 2012-2026 requires that proposals for development need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development as the provision of 27no. spaces for a proposal of this size i.e. a retail establishment with approximately 375 square metres of floorspace (1 per 14sqm of public floorspace and 3no. disabled parking bays). The applicant has provided evidence to demonstrate that a total of 29no. car parking spaces would be provided and 3no. disabled car parking space. The proposal is considered to comply with Policy ST4 of the Local Plan.
60. LCC Highways have also advised that they are satisfied that the level of parking provision would be acceptable and that the swept path for a delivery vehicle turning within the site and entering and exiting onto Eaves Lane is acceptable. They do, however, require the off-site highways works to be carried out under a section 278 agreement of the Highways Act.
61. Having regard to the comments of Lancashire County Council Highways, the proposed development is considered to be acceptable in highway safety terms.

Ecology

62. Policy BNE9 of the Chorley Local Plan 2012-2026 of the Local Plan sets out how development should safeguard biodiversity. Any adverse impacts on biodiversity should be avoided, and if unavoidable should be reduced or appropriately mitigated and/or compensated.
63. Policy BNE11 of the Chorley Local Plan 2012-2026 states that planning permission will not be granted for development which would have an adverse effect on a priority species, unless the benefits of the development outweigh the need to maintain the population of the species in situ.
64. The application is accompanied by a preliminary ecological appraisal and a bat emergence survey. The Greater Manchester Ecology Unit (GMEU), the council's ecology advisor, stated that the bat activity surveys found no evidence of bats emerging from the building and concluded that the building is not currently being used as a roost. However, GMEU advised that bats are highly mobile creatures we would advise that an informative note be attached to any permission, reminding the applicant of their obligations under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, should a bat be found.

65. Furthermore, the original preliminary ecological appraisal found no evidence of nesting birds on the site, however, GMEU recommended that works should not be undertaken in the bird breeding season (March-September inclusive), unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
66. Taking into consideration the advice of GMEU, it is considered that the applicant has demonstrated that the proposed development would safeguard biodiversity and that habitats close to the site would not be adversely affected by the proposal, subject to the imposition of conditions.

Flood risk and drainage

67. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
68. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
69. It is recommended that the applicant implements a scheme in accordance with the surface water drainage hierarchy outlined above and this can be controlled by planning condition.

Contaminated land

70. A Phase 1 ground contamination survey has been undertaken on the site by BEKEnviro to assess the ground for contamination. The report concludes that contaminants may be present on the site, and a phase 2 ground investigation is to be undertaken prior to demolition and construction work on the site. This work can be controlled by planning condition.

Community infrastructure levy

71. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

72. The proposed development would have the benefit of improving the appearance of a vacant plot of land in a prominent location, whilst providing some employment opportunities and supporting economic growth in a sustainable location. There would be no harmful impact on the vitality and viability of Chorley Town Centre. The proposal would have no unacceptable detrimental impact on the amenity of residential occupiers and would result in an overall improvement in the appearance of the site and character of the area. In addition, there would be no unacceptable impact on highway safety or ecology. On the basis of the above, it is recommended that planning permission be granted subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 74/00036/FUL **Decision:** PERFPP **Decision Date:** 29 May 1974
Description: Rear Extension And Minor Alterations

Ref: 85/00231/FUL **Decision:** PERFPP **Decision Date:** 9 July 1985

Description: First floor extension and alterations to provide new lounge and toilet accommodation

Ref: 96/00736/FUL **Decision:** PERFPP **Decision Date:** 22 January 1997

Description: Provision of floodlighting to bowling green by means of 4 columns

Ref: 97/00638/FUL **Decision:** PERFPP **Decision Date:** 5 November 1997

Description: Variation to Condition No 5 of planning permission 9/96/00736 for one additional 1500 watt lamp to each of 4 lighting columns

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of development, other than demolition and enabling works, samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) 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 that the materials used are visually appropriate to the locality.

3. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan	1060/SPC/LP	27 June 2022
General Arrangement and Elevations	1060/SPC/BD1 Rev A	27 June 2022
Proposed Site Plan	1060/SPC/SLP Rev H	12 December 2022

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

4. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution

6. Prior to the erection of the superstructure of the building hereby approved, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No part of the building hereby approved shall be occupied before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby properties.

7. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development, other than demolition and enabling works. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

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

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high-quality design.

8. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the local planning authority.

Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.

9. Prior to the commencement of the development, other than enabling works, details of a scheme for the mitigation and biodiversity enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be carried out prior to the occupation of either dwelling.

Reason: To secure biodiversity enhancements.

10. No temporary refrigeration units are to be used in the outdoor areas of the service yard other than in exceptional circumstances (such as the failure of 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.

11. Deliveries, servicing, and collections to and from the unit hereby permitted, including waste collections, shall not take place outside the following hours:
07:00 to 20:00 - Monday to Saturday
08:00 to 18:00 – Sundays and Bank Holidays
Where exceptional circumstances require deliveries/servicing/collections to take place outside these stated hours, full written permission will firstly be sought from the Local Planning Authority.

Reason: Based upon the submitted information and to safeguard the amenities of the occupiers of nearby residential accommodation.

12. The retail unit hereby permitted shall only operate between 07:00 and 22:00 on Mondays to Sundays.

Reason: In the interests of the amenity of the area and adjoining and nearby residential properties.

13. Prior to the occupation of any part of the commercial unit hereby permitted, full details of any condenser units and air conditioning units to be installed at the premises (notwithstanding any such details previously submitted) shall have been submitted to and approved in writing by the Local Planning Authority. The condenser units and air conditioning units shall be installed in accordance with the approved details prior to the commencement of the use of the neighbourhood convenience store hereby permitted and shall thereafter be retained and maintained in accordance with the approved details at all times.

Reason: To protect the amenities of occupiers of nearby property.

14. Before the development hereby permitted is first commenced, other than demolition and enabling works, 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 plan(s). 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 residents.

15. No development shall take place including any works of demolition, until a Construction Method Statement has been 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:

- i. the parking of vehicles of site operatives and visitors
- ii. hours of operation (including deliveries) during construction
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: in the interests of highway safety and to protect the amenities of the nearby residents.

16. Facilities shall be provided for the cleaning of the wheels of vehicles leaving the site, before the development hereby permitted is first commenced and thereafter retained at all times during construction of the development.

Reason: To prevent the tracking of mud and/or the deposit of loose material on to the highway, in the interests of highway safety.

17. Prior to the erection of the superstructure of the commercial unit hereby approved details of facilities to be provided for the storage and removal of commercial refuse and waste from the premises shall be submitted to and approved by the Local Planning Authority, and then implemented strictly in accordance with those agreed details before the building is first occupied and thereafter retained.

Reason: In the interests of amenity.

18. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

Reasons: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

19. A private car park and manoeuvring scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.

Reasons: To allow for the effective use of the parking areas.

20. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

21. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme for the construction of the site access and off-site works of highway improvement has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.

Reason: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.

22. Prior to the commencement of development, a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMP shall include and specify the provisions to be made for the following: -

- o The parking of vehicles of site operatives and visitors;
- o Loading and unloading of plant and materials used in the construction of the development;
- o Storage of such plant and materials;
- o Wheel washing facilities;
- o Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)

- o Routes to be used by vehicles carrying plant and materials to and from the site;
- o Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reasons: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

23. Prior to any development commencing on the site a phase 2 ground investigation is to be undertaken and the report shall be submitted to and approved by the Local Planning Authority to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and preliminary risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: To protect the environment and prevent harm to human health by ensuring the site is suitable for the proposed end-use.