

Item	09/00933/FULMAJ
Case Officer	Mr Paul Whittingham
Ward	Chorley South East
Proposal	Full application for the demolition and redevelopment of existing structures to provide a Class A1 foodstore, petrol filling station, associated car parking, servicing, new accesses, public realm and landscaping. Outline application for the provision of a retail unit (Use Classes A1, A2, A3, A4, A5) and a business/non-residential institution unit (Use Classes B1 and D1) including details of scale and access.
Location	Land North of Duke Street Including QS Fashions and Bounded by Pall Mall and Bolton Street Chorley Lancashire
Applicant	ASDA Stores Ltd
Consultation expiry: 15 February 2010	
Application expiry: 19 February 2010	

1. INTRODUCTION

1.1. This application involves a significant amount of information, and there are a number of appendices to the report:

- Appendix A – Location Plan
- Appendix B – Site Layout
- Appendix C – Existing Site with key features identified.
- Appendix D – Proposed Market St Improvements & Big Lamp Junction
- Appendix E – Local Plan Extract showing Application Site
- Appendix F – Local Plan – The Allocated sites under Policy SP2
- Appendix G – Local Plan Policies
- Appendix H – PPS4 Policies
- Appendix J – Artist's impression of the view from Bolton Tunit

2. PROPOSAL

2.1. A location plan of the application is shown in appendix A, while appendix B details the site layout. The application is a hybrid application in that it includes both outline and full elements as follows:

Full: Class A1 food store with a gross floorspace of 7,335m² with a total net sales area of 4,088m² comprising 2,289m² (56%) convenience and 1,799m² (44%) comparison floorspace; a Petrol Filling Station (without a kiosk); 437 car parking spaces; and Service Yard (including revised access to existing commercial building currently trading as Tunit)

Outline (access and scale to be determined): a Development Opportunity at the Big Lamp junction for Use Classes A1/A2/A3/A4/A5 with a 511m² gross floor plate and a

maximum height of 7m; a further Development Opportunity on Bolton Street (the site previously occupied by Kwik Save) for Use Classes B1 & D1 with a 2657m² footplate and a similar height to that of the proposed food store at a maximum of 10.5m. For the purposes of this report, these sites are respectively termed as the Big Lamp Development Opportunity Site and the Bolton Street Development Opportunity Site.

As submitted, the outline element of the application scheme reserved all matters save scale and access. The floorspaces detailed for the two development opportunity sites are maximum floorplates and in accordance with DCLG Circular 01/2006 the parameters of any planning consent would be constrained to the parameters detailed within the design and access statement and upon which there has been consultation. However, the applicant has subsequently asked that the application be determined with all matters reserved.

The Bolton Street Development Opportunity Site is proposed as a location to relocate the Probation Service, whose office is currently located within the site. Agreement has been reached between Asda and the Probation Service as to the internal layout and requirements of a replacement office and Asda must relocate the Probation Service because they enjoy crown immunity. No operator or occupant is currently identified for the Big Lamp Development Opportunity Site.

2.2. The application also includes:

- Works/Improvements to Market Street (see appendix D) from the Pall Mall/Bolton Street junction to St Georges Street. This includes replacement paving, street furniture, landscaping and works to provide parking bays and informal crossing areas. These works would be subject to a s278 highways agreement.
- A traffic light junction to replace the current 'Big Lamp' roundabout (see appendix D). This will require the existing Big Lamp to be relocated to an area adjacent to the junction to form part of a public space. These works would also be subject to a s278 highways agreement. A key purpose of the new junction will be to provide for improved connectivity between the site and Market Street.

2.3. The application is supported by the following statements:

- Planning Statement
- Retail Assessment (including PPS4 update)
- Transport Assessment (including appendices)
- Travel Plan
- Environmental Noise Assessment
- Resource Conservation Statement
- Community Consultation Report
- Car Parking Strategy Statement

3. RECOMMENDATION

3.1. By virtue of Section 77 of the Town & Country Planning Act 1990 and Circular 02/09 The Town & Country Planning (Consultation) (England) Direction 2009, this application is subject to referral to the Secretary of State. Members should therefore note that if they are minded to approve the application, the application would be referred to the Secretary of State for his consideration as to whether he wishes to call in the application for his determination. Alternatively, if members are minded to refuse the application, then the matter would not be referred, and a decision notice of refusal would be issued.

3.2. **It is recommended that:**

- 3.3. the Director of Partnerships, Planning & Policy notifies the Secretary of State that the Development Control Committee is MINDED TO APPROVE the application, subject to the conditions listed in this report;
- 3.4. and
- 3.5. IF the Secretary of State is minded NOT to call in the application, then authority be delegated to the Director of Partnerships, Planning & Policy in consultation with the Chair of the Development Control Committee to issue a decision notice of approval for the respective elements of the proposal, subject to the conditions in this report;
- 3.6. and
- 3.7. that the Director of Partnerships, Planning & Policy further advises the Development Control Committee whether the Secretary of State wishes to consider the matter himself.

4. DESCRIPTION OF SITE AND SURROUNDINGS

- 4.1. A location plan is attached to this report at appendix A, together with a layout of the development at appendix B.
- 4.2. The application site is roughly triangular in shape and lies broadly within an area bounded by the Big Lamp roundabout to the north, Pall Mall to the west, Bolton Street to the east, the residential areas of Duke Street to the south east and Shaw Hill Street/Silvester Street to the south west.
- 4.3. The site includes a number of existing properties and their curtilages including the Former Kwik Save; the existing Big W (formerly QS Fashions); the Thermagas showroom and the Europcar building adjoining the building occupied by Tunit. The development site excludes the carpet shop on Bolton Street, the block of properties including a former public house and two takeaways on Bolton Street, as well as the industrial building occupied by Tunit.
- 4.4. Market Street leads into the town centre and forms a secondary retail frontage. The secondary retail frontage continues down Bolton St (the original A6 prior to construction of the ring road) and also down Pall Mall where there is currently a gap in retail frontage where the Eagle and Child pub is located, and this has an extant consent for retail.
- 4.5. Beyond the Eagle and Child pub, there is an identified linear retail parade of mixed shops and service related A2 units. Both Bolton St and Pall Mall comprise mainly commercial and retail properties with limited residential uses above shops. The Ford dealership that fronted Bolton Street is currently vacant.
- 4.6. The main residential elements in proximity to the site are Shaw Hill Street and Duke Street and these areas will be considered in detail later in the report.
- 4.7. Land Levels**
- 4.8. The applicant has provided cross-sections to illustrate changes in land levels. The application site and the proposed finished floor level of the store at 87.5m (AOD) is at a higher level than the properties closest to the store on Shaw Hill Street but lower than the properties on Duke Street closest to the junction with Bolton Street and lower than the Tunit building. The gas showroom is the closest existing building to the properties on Shaw Hill Street that surround the site and is built on the boundary with an eaves height of 5.5m and a ridge height of 6.57m.
- 4.9. The existing Tunit building currently comprises one part of a semi detached industrial building, the other part of which is to be removed as part of the application. Once the part of the building has been removed, the land levels in this area are proposed to be reduced to form the service yard with an access formed to Bolton Street in the

location of the former Kwik Save building that will also serve the Bolton Street Development Opportunity Site (B1 & D1)

5. REPRESENTATIONS

5.1. Residents:

Objection

- The proposal will create 400 jobs, but at the expense of others, the proposal will cause people to lose their jobs.
- There will be a geographical shift which will have an adverse effect on the whole of Chorley's commercial future.
- Children and families often use the nearby areas and should be protected through highway safety measures. Measures should be taken to ensure the proposal does not cause detriment to highway safety. Increased traffic congestion around the Pall Mall roundabout and the increased volume of traffic will cause noise.
- Standish Street car park should not be blocked during construction.
- The impact of the proposal should be considered on the town's market and independent traders.
- Monies from the S106 should be spent on balancing parking issues in the town centre and physical improvements to Market Street. Car park income at other locations will be dramatically reduced.
- The proposal does not adequately assess the issue relating to the Lancashire's Probationary Trust's site and their ability to continue to provide an essential service and therefore recommend the following condition: *"The proposed demolition of the probation office site shall not be commenced until such time as an agreement has been reached that the probation office and their staff have been relocated to a site of the required specifications of the National Offender Management Service"*
- A store such as this should not be positioned in town centres.
- The proposal will cause disruption at anti-social hours through deliveries to the site and will be detrimental to the surrounding residential area.
- People should have a moral right to choose where they shop and the town centre should be 'customer driven'.
- Chorley is a 'market town' and if planning permission is granted, it will affect the future of the market. We should protect the identity and future of the people who live and work here and specialist shops will close as a result of the proposal.

Support

- The proposal will encourage smaller businesses to re-market and also attract other business to the town centre and the proposal will bring healthy competition between shops.
- The development will benefit the whole community and re-develop a site that needs re-developing. The proposal will make this area of Chorley a lot less of an eyesore.
- The proposal will bring many benefits including attracting people and employment to the area
- Asda would be a massive opportunity to re-generate the town centre, gain local jobs and show that Chorley is moving forward rather than backwards.
- Market Street will benefit from the surround improvements associated with the proposal.
- The proposal will be good for people who do not have access to private transport and will provide a 24 hour alternative.

- The proposal will ‘spill over’ into other areas of the town centre and have a positive impact.
- The proposal will create jobs for local people that are needed.
- Residents of Chorley should be encouraged to shop in Chorley and not in other locations; Asda will help to achieve this.
- The proposal will encourage Chorley to become a great place to shop.
- There is a facebook site with the title “Chorley Welcomes Asda” with 1,132 registered members (as at 5th October 2010).

5.2. **Objections by NJL on behalf of Reef UK (Owners of Market Walk)**

Three letters of objection have been received and are summarised as follows:

Letter dated 22 January 2010 notes that there has been on-going consultation with the Council to progress a proposed extension to Market Walk and that they are committed to seek delivery of the extension. In respect of PPS4

- The proposed store should be considered as an “out of centre” location.
- There are barriers identified in PPS4 such as major roads and car parks and in this instance Bolton Street and Pall Mall act as barriers as does the car park.
- Reference to the relevant policies within PPS4 is made - policies EC14, EC15, EC16 and EC17. Attention is drawn to EC17.1, which states that “Applications should be refused where the applicant has not demonstrated compliance with the requirements of the sequential approach, or there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of the impacts in Policy EC10.2 and 16.1 taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.”
- NJL assert that the applicant has failed the Sequential Site Assessment as they have not shown flexibility in disaggregating the store format and the proposal will have significant adverse impacts on vitality and viability and on in centre trade.

5.3. Sequential Site Assessment

- The Council must ensure that in considering alternative sites developers have demonstrated flexibility in terms of scale, format, car parking provision and scope for disaggregation.
- The applicant suggests the foodstore is a single entity and precludes splitting. The PPS4 practice guidance considers there to be a necessity for single retailers to demonstrate flexibility in their business model.
- The applicant fails to demonstrate flexibility and refers to retail consents on the application site totalling some 5,735m², whilst the application floorspace totals 7,335m² (plus outline application).
- There is no evidence of suitability, availability and viability of the Flat Iron site (Market Walk extension).
- The applicant indicates the Flat Iron cannot accommodate the proposed sales area and its approach is not flexible in terms of business model or format.
- Assessment must be made to demonstrate how the applicant has been flexible, why the sale of the proposals has been justified and why the composition of the store is necessary.

5.4. Impact

- NJL highlight they are a key stakeholder and investor in Chorley and the impact the proposed store will have on Market Walk and the town centre is their primary concern.
- Reef do not object to robustly beneficial regeneration in Chorley though development can only be promoted should it be appropriate and any potential impacts mitigated fully.

- Policy EC14.4 – Pertinent tests. The impact of the proposal on existing committed and planned public and private investment in a centre or centres in the catchment area of the proposal.
- The Council must consider the impact of securing investment both by the private and public sector.
- The proposal will undermine retailer confidence within the retail core of Chorley town centre and further investment decisions could be affected.
- Para 7.17 of the practice guide states: where the LPA or private sector have identified town centre development opportunities and is actively progressing them, it will be highly material to assess the effect of proposals on that investment. Investor confidence may have a 'key bearing on the acceptability or otherwise of the proposals'.
- The decision regarding this competing use must be informed by robust and credible evidence that the proposals will not undermine investment confidence.

5.5. Town Centre Vitality & Viability

- No evidence that linked trips would occur and reference to barriers and the site is divorced from the retail core.
- The public realm works do not go far enough to outweigh the adverse impact.
- Two significant barriers: Bolton Street / Pall Mall junction which is insurmountable despite proposed improvements. The provision of free parking will compete with existing car parking for the town centre and will act as a deterrent to town centre shopping.
- Impact on Booths and the negative impact of proposal should be given due weight as it provides cross linkages to the Primary Shopping Area (PSA).
- Asda will create a competing 'One Stop Shop' with free car parking and will negatively impact on vitality and viability.

5.6. In Centre Trade

- Comparison floorspace of 1,799 and turnover of £17m is significant in context of Chorley.
- Applicant highlights £1.47m trade diversion in monetary terms only and this is too simplistic.
- The numbers of shops within the town centre that NJL consider Asda will compete with in terms of comparison sales and there will be a significant overlap.
- The Council cannot view the application positively as the proposals, due to the significance of the replication of comparison goods and the competition it would provide to the PSA.

5.7. A further letter dated 15th February 2010 advises that agents working on behalf of the developer have been in contact with tenants of Market Walk regarding relocating to the development opportunity site near to the existing big lamp roundabout ; that the proposals will not form a complementary function to the retail core of the town centre; they will compete with the Primary Shopping Areas (PSA); that active promotion to weaken the PSA is highly material as an impact consideration; and that the convenience floorspace will replicate and compete directly with the PSA.

5.8. A further letter dated 7 May 2010 refers to the advice provided to the Council by Martin Tonks and raises a number of areas within that advice that NJL consider should be addressed, and whilst the Council have engaged GVA Grimley to provide retail advice that consideration should also be given to the advice given by Martin Tonks.

5.9. Objections from Steven Abbott Associates (SAA) on behalf of Booths

5.10. In their letter dated 1 February 2010, SAA advise that Booths have had a presence in the town centre for 155 years and the company opened its current premises in 2005,

encouraged by the Council on the basis that the Booths store would act as an 'anchor' store for the Primary Shopping Area (PSA). Further comments are summarised as follows:

5.11. Car Parking

- Booths rely on the Flat Iron car park, which is Pay and Display, is consistent with other car parks and is an established pattern accepted by the public. Booths customers are placed at a disadvantage compared to Asda if their car park is free.
- The proposed Asda car park should be subject to the same charging regime as the rest of the town centre. If not, the free public car park will harm the PSA including Market Walk, covered Market and Booths.

5.12. Retail Impact & Scale

- Booths store does act as an 'anchor' store despite what DJD say and the 9% overall impact seems low.
- DJD consider Booths floorspace to be convenience and comparison and Booths do not sell comparison goods to any material extent. The assessment should be reassessed.
- The proposed store (Asda say) will be sufficient to compete with Out of Centre stores, but due to the size of comparison floorspace there is doubt if the Asda store will be able to compete and achieve claw back. Rather it will draw trade from Booths and comparison retailers in the town centre.

5.13. Future Uses - The A1 floorspace proposed in development opportunity building should be assessed. The scale of convenience should be controlled to ensure future impact is assessed.

5.14. Town Centre Regeneration - What contributions will Asda be making to regeneration and Market Street in particular. There is no evidence that the contribution will happen.

5.15. Economic Development - How many full-time equivalent jobs are to be provided?

5.16. Urban Design - The PFS is located between the store and Bolton Street. This is a poor urban design approach and the physical inter-relationship of this design is thus vital.

5.17. Conclusions - Welcomes appropriate inward investment into town centre and need to regenerate Market Street. SAA raises concerns about way that the Asda development respects the town centre and the car park issue is important and the scale of convenience floorspace allowed and controlled.

5.18. In response to the applicant's letter of 10 September, SAA have responded by proposing an alternative wording to that submitted by the applicant that "Booths would be satisfied with".

5.19. **Objections on behalf of the Probation Service** - Whilst the Probation Service support the regeneration of this site and the area and would not seek to block this development, adequate alternative provision should be made to secure the relocation of the Probation Service. An appropriate condition could be imposed on any planning permission to ensure the development is not commenced until these matters have been resolved. The Probation Service has further informed the Council that the details of the relocation in terms of accommodation needs and layout of a replacement facility have been agreed.

5.20. **Objections on behalf of Tunit (Mr Bromley)**

5.21. Concerns are expressed by Mr Bromley, who is the property owner of the Tunit building and the proprietor of the Tunit business. The Tunit building is shown on the

plan at appendix B and will remain as a free standing building after demolition of the adjoining part, with the store service yard at a lower level than his building. Mr Bromley is also concerned about the means of access and how visible his building will remain as the new access will be from Bolton St. This matter can be addressed by a suitable condition to safeguard the access to the Tunit building.

- 5.22. Asda have been in communication with Mr Bromley and are aware that the works would need to be undertaken in accordance with a Party Wall Act agreement. Such an agreement would need Mr Bromley to agree a schedule of works to enable the Asda store to be constructed if planning consent is forthcoming and if agreement is not reached then an independent surveyor will mediate. The artist's impression of the view from Bolton St of Mr Bromley's site is shown at appendix J.

6. CONSULTATIONS

6.1. Lancashire County Council (Highways)

- 6.2. Lancashire County Council, as Highway Authority, do not object to the development providing that all requested conditions are satisfied; an acceptable Car Park Management Strategy is agreed (controlled by condition); the production and implementation of a Travel Plan; and that all s278 measures as indicated on plans are provided. This position follows extensive discussions with the applicant prior to and since the submission of the application.
- 6.3. The following detailed comments are made on the application:
- 6.4. Each element of the development will attract trips by most modes, including the private car and will require deliveries, servicing and waste collection; resulting in new vehicle trips on a number of links in the surrounding area during periods of the weekday and weekend.
- 6.5. It is important that the network can maintain a level of reliability at all times of day for all transport modes, including public transport, and that any increase in congestion can be suitably managed so as not to cause network gridlock.
- 6.6. Hence it is critical, that any development that impacts within this constrained town centre, or on a congested corridor etc, is supported by suitable mitigating measures and sufficient planning obligation in order to minimise their impact on the local and surrounding transport network.
- 6.7. In conclusion on the modelling (and also considering linked MOVA control), LCC believe the developer has demonstrated that there is a solution to the safe access to the store for pedestrians, cyclists and vehicles. During the detail design stage there will be fine tuning the current proposals to provide the best possible level of service to vehicles whilst maximising connectivity to Market Street for pedestrians. At the Big Lamp junction including George Street we will look to manage any queuing that may occur at peak times to within acceptable levels associated with a busy town centre site.
- 6.8. Overall the proposed parking provision is in line with the Regional Spatial Strategy (evidence based Draft Partial Review July 2009) and current Lancashire's Parking Standards. However, I understand that a car parking study by Singleton Clamp & Partners raised concern that the proposed Asda car park will operate at 85-95% capacity. My concerns therefore, relate to the availability of parking for Asda customers and potential highway impacts of uncontrolled on-site parking; while I welcome and would encourage linked town centre trips, I do not wish to encourage use of the Asda car park for long-stay town centre parking. Uncontrolled use of the car park will generate vehicle trips and traffic movements not modelled in the submitted transport assessment and consequently bring into question the traffic modelling conclusions. The overall assessment of the development is based on the assumption of strictly enforced 3 hour maximum parking on the retail store car park.

Hence, in the circumstance of the site location and likely demand for town centre parking a car park management strategy is essential for the Asda store car park to establish operational parameters. Therefore, a car park strategy and a planning condition are required to control the operation of the proposed car parking by means of a developer/management strategy/plan. The strategy/plan needs to include links to the travel plan, parking layouts, allocation of spaces (including disabled, parent and child, motorbikes and bicycle parking), security measures, car park enforcement and where necessary measures to negate misuse by other town centre users. This will allow for safe and efficient operation i.e. to prevent any queuing onto the public highway and vehicle circulation or trips associated with town centre car parking.

- 6.9. The proposed public realm improvement proposals (Drawing No. 07_035/PL_11 REV A) are acceptable in principle to the highway authority subject to an appropriate agreement with the developer for the works in the public highway. During the s278 detail design process the plan may require amendments/revising to satisfy design, safety and any supporting infrastructure such as signs; signal controls etc. However, I stress that the brief would be to minimise street “clutter”.
- 6.10. Further to my observations of 8 April 2010, stating that the County Council would seek contributions from this development to fund measures that support sustainable transport and communities. It is acknowledged that the improvements to Market Street will involve the developer in substantial expenditure and this improvement together with a number of measures provided under the s278 agreement support sustainable developments; in these circumstances I would only insist on very limited s106 funds being requested for the following:
- 6.11. To provide advice and guidance on travel plan development and implementation in line with 2.15.16 of the Planning Obligations in Lancashire Policy (Sept 2008) - a one off payment of £3,000.
- 6.12. Note: This is on the assumption that provision of Real Time Information Displays for bus services within the proposed Asda food store will be subject to a planning condition and the following improvements made to existing bus stops on Bolton Street and Pall Mall will be included in the s278 agreement:
- Introduction of Real Time Information Displays (Bolton Street and Pall Mall)
 - New bus stops, shelters and low floor infrastructure (Bolton Street only)
 - Repainting bus stop markings (Pall Mall only)
- 6.13. To deliver the proposed scheme the developer seeks approval via a s247 stopping-up order to close existing highways within the red edge plan. The planned proposals are acceptable to the highway authority, subject to appropriate stopping-up order for these public highways, and this can be conditioned..
- 6.14. **Chorley's Economic Development Officer** – Overall positive response and investment in the South end of Market Street is a must for the continued growth and vibrancy of the town centre. Main concerns are the impact on independent traders and potential for increased vacancies in the town centre's smaller units. Detailed comments:
- The added value in public realm works connecting Pall Mall triangle with the centre of town (pedestrianised areas) are key to the scheme being successful in regenerating the shops / sites along southern Market Street / Pall Mall / Bolton Street.
 - The attraction of a large supermarket at the southern end of Market Street is more likely to bring new customers to the town centre who currently shop at other supermarkets on the periphery such as Morrisons, Tesco and Asda at Clayton Brook.

- Needs to address accessibility and pedestrian links along Market Street, Pall Mall and Bolton Street as part of highway improvements to ensure uninterrupted flow from the site to the town centre.
 - Needs to address changes to traffic flow up Market St and St Georges St as part of the urban realm works to make it more pedestrian friendly.
 - The additional jobs created will add wealth to the local economy and recommend using the Employment Charter as a condition on the approval
 - Concerns that the car park will attract short stay custom away from existing council car parks and swing the balance of shoppers away from the concentration of individual businesses in the town centre.
 - Concerns that the impact of a large supermarket will draw more convenience shopping out of the town centre's smaller independent shops leading to increased vacancies of small units. However, current vacancy rate of 4.22% is comparatively low to other centres and the national average of 12%, and Chorley seems to be holding up in the face of recession.
- 6.15. Finally, we would be pleased to look at the scheme details for the Market Street public realm when they are available.
- 6.16. **The Environment Agency** - No objection subject to the provision of SUDS systems on the application site and appropriate conditions for contamination.
- 6.17. **The Architectural Design and Crime Reduction Advisor** - Raised some issues in respect of the design of the public area near the Big Lamp roundabout principally around maintaining CCTV coverage of the area and in respect of the works proposed to Market Street again concerned with the improvement works to Market Street and the maintenance of CCTV coverage. The issues raised can be overcome by condition or as part of a 106 contribution towards CCTV.
- 6.18. **Corporate Director (Neighbourhoods)**
- 6.19. Raises concerns about the impact of the car park operation on the properties on Shaw Hill Street and in respect of the operation of the service yard including timing and lighting and the location and operation of plant on the building. These matters have been resolved or conditions can be attached to overcome the issues raised, the matters raised and how they have been resolved will be dealt with in more detail within the main report.
- 6.20. **United Utilities** - No objection to the proposal in principle subject to conditions covering surface water discharge and dealing with existing sewers within the land.
- 6.21. **Chorley's Waste & Contaminated Land Officer** - The consultation response raises no objection however there is a request that a recycling facility is placed within the site for the benefit of customers of the store. This will be discussed in detail within the report. A contaminated land condition would be needed for the redevelopment of the site.
- 6.22. While the Waste Officer's comments are noted, it is not possible to appropriately locate a recycling facility without intruding upon either the residential amenity of neighbours, the character of the public realm, or the operation of vehicles using the site.
- 6.23. **Lancashire County Council (Planning Contributions)** - Contributions have been requested encompassing a number of different funding areas including waste, sustainable transport etc. No justification has been provided for this request. It is considered that the request does not meet the tests in the prescribed regulations for Community Infrastructure Levy in that it cannot be shown that the requested contribution is necessary to make the development acceptable in planning terms; is directly related to the development; and fairly and reasonably related in scale and kind to the development.

7. POLICY CONSIDERATIONS

7.1. The Development Plan

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

7.3. Until this year, the development plan included (in part) Regional Spatial Strategy. However, the Ministerial Statement of 6 July 2010 "Revocation of Regional Spatial Strategy (RSS)" confirmed that RSS no longer forms part of the development plan; that the national policy statement on Regional Strategies is cancelled; that references to RSS in other policy statements are no longer valid; and that all other national planning policy statements will continue to apply until they are replaced by the national planning framework. In determining planning applications, planning authorities must continue to have regard to the development plan which will now only consist of adopted development plan documents, saved policies and any old style plans that have not lapsed.

7.4. Advice from the Chief Planner at DCLG has been received and this advises (inter alia) that the revocation of RSS may be a material consideration; that evidence which informed RSS may be a material consideration, depending on the facts of the case; and that decisions on planning applications in the pipeline may be reviewed in the light of the new freedoms following revocation of RSS. With particular regard to retail matters, local planning authorities are advised to continue to have regard to PPS4.

7.5. In this case, the development plan therefore comprises the saved policies of the Chorley Borough Local Plan Review (adopted August 2003) as per the direction made by the secretary of state in September 2007; together with the Sustainable Resources Development Plan Document adopted September 2008.

7.6. Chorley Local Plan

7.7. The relevant saved Local Plan Policies are as follows (and for information are detailed in appendix F):

- SP1 – Locations for Major Retail Development
- SP2 – Retail Allocations
- SP4 – Primary Shopping Area
- SP5 – Secondary Shopping Areas
- LT2 – Leisure Allocations
- TR1 – Major Development – Tests for Accessibility & Sustainability
- GN5 – Building Design & Retaining Existing Landscape Features

7.8. Sustainable Resources DPD

- Policy SR1 – Incorporating Sustainable Resources into New Development

7.9. National Planning Policy

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

- PPS1 Delivering Sustainable Development
- PPS4 Planning for Sustainable Economic Growth (detailed in appendix H)
- PPS6 Planning for Town Centres: Guidance on Design & Implementation Tools (still extant following publication of PPS4)
- PPS12 Local Development Frameworks
- PPG13 Transport

7.11. The Chorley Local Plan Review was adopted in August 2003. It was saved in September 2007 and (applying principles contained in PPS12, especially section 9), in deciding to "save" policies, the Secretary of State would have had regard to

consistency with extant national policy (including PPS 6). Since that date, PPS6 has been superseded by PPS4. It is considered that PPS4 is a material consideration which post-dates the adoption of the Local Plan Review. Accordingly, where there are inconsistencies between the two policy documents, it is considered that greater weight should attach to PPS4.

7.12. Other Material Considerations

7.13. Partial Review of Regional Spatial Strategy (RSS)

7.14. The Partial Review of the RSS included a review of Parking Standards and set maximum standards in line with PPS4. The Partial Review was at an advanced stage and whilst regard must be taken of the revocation on RSS, the evidence base that supported the Partial Review is still a material consideration.

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

7.16. Central Lancashire Joint Core Strategy

7.17. A joint core strategy is being prepared as part of the LDF for Preston, Chorley and South Ribble Councils. The strategy is scheduled for publication later this year and therefore has little weight at this time. Emerging policies on retail matters are supported by an evidence base that includes the Chorley Retail Study 2005 and the 2010 Central Lancashire Study. Both these documents are considered below.

7.18. Chorley Corporate Strategy 2009/10 – 2010/11

7.19. This strategy seeks to ensure a vibrant local economy and a thriving town centre and a key project to achieve this outcome is to secure the redevelopment of the Pall Mall Triangle and Market Street.. Although not a planning policy, the Council's strategy recognises that the application site is a regeneration opportunity and it is therefore considered that substantial weight should be attached to its beneficial redevelopment.

7.20. Chorley Town Centre Strategy 2006

7.21. This strategy sets out a vision for the town centre and details the objectives and priorities. As it is not a statutory planning document, it has limited weight. However, it was prepared with the benefit of public consultation in April 2006 and is based upon the findings of the Chorley Retail Study 2005. (see below). The Town Centre Strategy identifies a positive picture that arises from studies and surveys about the town centre. It highlights a strong comparison offer 7th highest for non-food in the country and a turnover of £80 million (2003). The town had a low vacancy rate (2005) of 4.5%.

7.22. In particular, the strategy identifies the QS site as a key site that if developed properly will make a real difference. A main focus is to improve the fabric of the town centre, to concentrate on gateway sites that give people their first impression of the town centre (including Bolton Street and Pall Mall) with improvements to Market Street also a key priority. The strategy seeks to encourage people to come into Chorley and stay longer and a key to that is to improve accessibility.

7.23. Chorley Retail Study 2005 (White Young Green)

7.24. This is the most recent fully published Borough wide retail assessment for Chorley, and whilst it is at the end of its design life its basis is still relevant. The study was prepared in the context of the Booths store being under construction, and the Kwik Save store was still operating on Bolton Street. The relevant key messages of the study were:

- Chorley is a vibrant and vital town centre, however it cannot afford to stay still;
- There is a strong loyal catchment;

- There is surplus convenience expenditure available within the Borough totalling £39.2m and although the new Booths store will absorb a significant proportion of the projected capacity the residual is sufficient to support additional convenience floorspace (food grocery) in Chorley;
- There is a requirement for approximately 9,400m² gross of additional non-food floorspace within Chorley town centre;
- There is a need to broaden the range and choice of retailing;
- There are areas of poor quality of public realm and need for environmental improvements;
- There is a need for new leisure /evening facilities. Growth in the evening economy would be stimulated by improvements to the cultural facilities, quality restaurants, cafes, pubs and the attraction of more tourists;
- There is scope to improve the operation of car parking.

7.25. The study recommended 4 priorities for the town centre:

- Town Centre Environment - Ensure that the physical fabric of the town maximises its contribution to future competitiveness of the centre through significant enhancement and general maintenance;
- Town Centre Diversification - Address the underlying need to broaden Chorley Town Centre's economic base particularly in relation to stimulating the expansion of the evening economy, increasing the clothing and footwear offer and encouraging new small independent specialist retailers;
- Business Promotion and Support - Provide greater opportunities for the strengthening of the town centre's role through stronger links with the business community and a greater level of support. This should be through the establishment of a town centre management structure.
- Accessibility and Movement - Build upon the current high levels of accessibility and address specific deficiencies such as the current car parking system and pedestrian linkages within the town centre.

7.26. The study also provided information on the future need for retail floorspace to 2015. In 2005, a surplus of £39.2m, was available for convenience goods, but Booths was estimated to take £11.3m of that, and the residual £27.9m in 2005 was estimated to rise to £29.8m by 2015. The study also found significant overtrading at Morrisons, significant spending at out of centre locations, and a significant deficiency in convenience floorspace in Chorley. The study concluded that there was a clear quantitative need existed for a major supermarket in the town centre if a suitable site could be assembled.

7.27. In terms of comparison floorspace, the study forecast that by 2015, an additional £70.1m was available for comparison floorspace, equivalent to 9,355m² gross, assuming a constant market share..

7.28. The study looked at where there might be opportunities for additional retail and leisure development in Chorley. The following locations were identified:

1. Off Gillibrand Street and 5-9 Market Street possibly incorporating part of Fleet Street car park;
2. QS fashions, Corner of Pall Mall/Bolton Street
3. Redevelopment of part of Union Street Car Park
4. Redevelopment of Market Place (the covered market)

- 7.29. The study concluded that the Council should consider the potential to accommodate a new medium sized foodstore within or on the edge of the town centre to help generate increased footfall and wider spin off benefits to the town; that such a development would serve as another key anchor to the town centre and be a catalyst to further investment mainly in non-food retailing. It must be noted that the study did consider the QS site as a potential location for further retail development, including a medium foodstore, and considered the existing site to be a missed opportunity given its gateway location. The study also recommended improvements to Market Street and other initiatives to improve pedestrian movement to the southern part of the town.
- 7.30. The study made no recommendations to modify the primary and secondary shopping areas.
- 7.31. The study can still be regarded as materially relevant in that it is the most recent study which has been fully published and is based on robust evidence; and it was prepared after the adoption of the Chorley Local Plan Review. However, the study was not prepared in the light of the new PPS4, but it is considered that the approach to the study is broadly in line with the advice within PPS4. At the time of the study, the Booths store was not yet trading as it was under construction, but account was taken of its turnover and impact.
- 7.32. The applicant has placed some reliance on the study as a baseline for their own assessment, and indeed GVA Grimley rely upon it as a baseline upon which to assess the performance of the town centre since 2005.
- 7.33. The key findings of the study remain relevant, in that similar findings have been made in the draft Central Lancashire Retail Study, by the applicant and by GVA Grimley in their consideration of this application e.g. Morrisons is still significantly over trading; there has been no significant change in the quantitative provision in the town centre since 2005. While the applicant has presented an interim update to this position, no other more up to date evidence has been submitted by any other party.
- 7.34. Draft Central Lancashire Retail Study 2010 (GVA Grimley)
- 7.35. This study was commissioned to inform the LDF Core Strategy prepared jointly by Chorley, Preston & South Ribble Councils. The study has not been formally published, but extracts pertaining to Chorley have been released to assist in the consideration of this application. Accordingly, only limited weight can be attached to it as a planning policy document because there has not been a formal process through which detailed objections have been made and resolved. However, it is the most up to date information on retail matters for Chorley, and the extracts have been made available to the applicant and the public. Weight has therefore been attached to the evidence which has underpinned the study.
- 7.36. The capacity assessment identifies an overall convenience expenditure pot in the Chorley catchment (Zone 16) of £128.5 million in 2010, rising to £163.5 million in 2026; this is an increase of £35 million over the Core Strategy period.
- 7.37. There is a total of £96.4 million of main food expenditure arising within the Chorley catchment; this is projected to rise to £122.6 million in 2026. The household survey results indicate that convenience provision within Chorley town centre presently only retains 4% (£3.9 million) of main food expenditure arising within its defined catchment.

Market Share

The E H Booth and Iceland stores each secure 1% (£1 million) main food market share. Other market shares are as follows:

Morrisons	35.4% (out of centre)
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Tesco Extra	31.3% (out of centre)
Asda (Clayton Green)	6.1%
Netto	5.1%

- 7.38. The main food retention within Chorley catchment is 83.9%. This is a relatively strong market share performance.

7.39. Convenience

- 7.40. Including forward projections of population and expenditure and commitments plus claw back from the stores above, the forward capacity table is below:

YEAR	2015	2018	2021	2026
Medium Retailer	3,723m ² (gross)	4,704m ² (gross)	5,511m ² (gross)	6,889m ² (gross)
Large Retailer	1,773m ² (gross)	2,240m ² (gross)	2,624m ² (gross)	3,280m ² (gross)

7.41. Comparison

- 7.42. Including forward projections of population and expenditure and commitments the capacity table is below:

YEAR	2015	2018	2021	2026
CAPACITY	14,886m ² (gross)	18,062m ² (gross)	22,015m ² (gross)	29,479m ² (gross)

- 7.43. The study notes that the quantitative capacity identified through the modelling exercise should not be viewed as a restrictive position, and that if sequentially preferable developer-led proposals for new comparison retail development emerge outside of the LDF process, which would complement and qualitatively enhance the retail offer within Chorley, then additional comparison retail provision could be supported in quantitative terms.

- 7.44. The study notes that independent provision in Chorley town centre is performing strongly. The strong independent trading should not be used to justify any quantitative need for new convenience provision, given that it is based on a hypothetical sales density figure.

- 7.45. The study notes that Morrisons is significantly overtrading, to the extent that there are qualitative and quantitative concerns in terms of consumer choice and competition within the town centre. The study notes that the re-assignment of the Morrisons overtrading surplus to a sequentially compliant location which encourages linked shopping trips with the town centre will deliver significant PPS4 benefits. The claw back of the Morrisons overtrading surplus will however only be realised through the provision of a new main stream foodstore which is of a comparable scale (full range convenience offer. The study also notes that there is no realistic prospect of a medium retailer genuinely clawing back from Morrisons. A new foodstore for Chorley therefore needs to be of sufficient critical mass so that a sufficiently broad offer can be made to the extent that it will be a genuine competitor and influence the behaviour of shoppers. The applicant has placed a high degree of reliance upon these findings and no objection has been received to this application from Morrisons.

8. ASSESSMENT

- 8.1. Applying s.38(6) of the Planning & Compulsory Purchase Act 2004, the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.2. Consultants were appointed to advise the local planning authority on retail matters, (initially Martin Tonks and later GVA Grimley); and also on highway matters There

has been considerable debate over the retail and transport assessments provided by the applicant and that of the Council's own advisors. Members may wish to note that the assessments undertaken by different experts are often based on different datasets and different methods may be used in their preparation. Such assessments do require an amount of interpretation and estimation. It is therefore normal for experts to reach the same conclusions whilst differing in approach, and for different conclusions to be reached.

8.3. Chorley Local Plan Review

- 8.4. Appendix G details the relevant local plan policies. Appendix F details the proposals map for the site and its context.
- 8.5. While the local plan was adopted in 2003, many of its policies, including those on retail matters were saved by the Secretary of State in 2007.
- 8.6. SP1 – Locations for Major Retail Development: this policy follows the approach advocated in the now superseded PPS6 (1996), based on the needs test and the sequential approach. The policy essentially seeks to permit in-centre developments, subject to no adverse environmental or highway impacts; and details a criteria based approach to edge of centre and out of centre developments. This policy has been superseded by PPS4.
- 8.7. SP2 – Retail Allocations: this policy identifies a number of sites for retail development, again in the context of the now superseded PPS6.
- 8.8. Primary and secondary shopping frontage is defined on the proposals map. No challenge has been made by the applicant nor any objector to challenge the definition of the primary and secondary frontages. They are considered to be reasonably robust for the purposes of this application, in the light of all extant planning policy.
- 8.9. Policy LT2 allocates sites for leisure development, again based on the now superseded PPS6, followed a sequential approach and detailed criteria to prevent adverse impacts. LT2.1 details an allocation for Pall Mall/Bolton Street.
- 8.10. The proposed foodstore and the Bolton Street Development Opportunity Site are located outside the Chorley town centre boundary, while the car park and the Big Lamp Development Opportunity Site are located within the boundary.
- 8.11. The application site is partly allocated for retail development under policy SP2.2 and also partly allocated for leisure development under policy LT2.1, in that the site could be for either retail or leisure development. This part of the application site would include the petrol filling station, car parking and the Big Lamp Development Opportunity Site. However the proposed store is clearly outside the existing allocation, and does not benefit from any retail allocation.
- 8.12. Policy TR1 seeks to support the aims of PPG13 in seeking to reduce the need to travel. By influencing the location of development and infrastructure which encourage alternatives to the car then this will reduce congestion and promote a more sustainable form of development. It must be noted that matters in relation to transport and congestion also form part of the consideration within PPS4. The LCC highways officer has considered these matters and these are reported earlier in this report, and has concluded that there is no objection to the development. In assessing compliance with policy TR1, it is considered that the scope of highway improvements, mitigation measures and proposed conditions detailed within this report satisfy this policy.
- 8.13. Policy GN5 seeks to ensure that the design of new development is well related to its surroundings etc, and the policy requires the applicant to demonstrate a particular approach in relation to these matters. However, since the plan was adopted, PPS1

has been revised, and this prescribes a design led approach to development. Applicants are now required to submit a Design & Access Statement under circular 01/2006, and PPS4 requires proposals for economic growth to be assessed against design ,character and functionality under policy EC10.2. Accordingly, this aspect of the proposal is assessed later in this report.

8.14. In terms of the local plan as a whole, the fundamental guiding principle was to achieve sustainable development, and this remains a key principle of the plan making system today. The plan's objectives also remain relevant, in particular:

- to direct development to settlements and sites well served by public transport and where people are able to move safely on foot or cycle
- To encourage investment in public transport and other non-car modes of travel, and seek to reduce the impact of road traffic;
- To aim for good design and retain local distinctiveness;
- To assist the regeneration of rundown areas.
- To assist in improving the vitality and viability of Chorley town centre.
- To avoid overloading local services and infrastructure by restricting development or requiring developers to contribute financially to improvements

8.15. It must be noted that the proposal also is considered to offer a range of benefits and these may be considered to be in keeping with the plan as a whole. This matter will be addressed later in the report.

8.16. In so far as the proposed store lies outside the town centre, the proposal is not considered to be in keeping with the local plan. However, notwithstanding that non-compliance with the local plan, for the reasons set out above, the application also needs to be assessed in accordance with PPS4 and other material considerations.

8.17. Sustainable Resources Development Plan Document

8.18. The Sustainable Resources DPD and its companion guide SPD sets out the key principles associated with all forms of development with the priority being to reduce CO² emissions. The store has been designed to make a significant contribution to reducing CO² emissions. The applicant has also agreed to comply with the Council's DPD on Sustainable Resources, in that the building will be required to reach the BREEAM standard of 'very good' and renewable energy will be installed. The store and the two development opportunity sites can also be appropriately conditioned.

8.19. PPS4 – Planning for Sustainable Economic Growth

8.20. The current PPS4 was published after the adoption of the Chorley Local Plan Review, the direction on saved policies, and the Sustainable Resources Development Plan Document. The recent advice following the ministerial statement of July 2010 advises that regard should be made to PPS4 for retail proposals. Compliance with PPS4 is therefore of key importance in determining this application. Appendix H details the key policies of PPS4.

8.21. PPS4 Overview

8.22. This is an application for economic growth for the purposes of PPS4. PPS4 requires an approach to assessment based on whether the proposal is for a main town centre use, whether it is within a centre and also whether it is in accordance with an up to date development plan.

8.23. Retail development is a main town centre use; and, for the reasons set out above the proposal is not regarded as being within Chorley town centre. Compliance with the local plan is addressed above. With regard to the mechanism of assessment of a retail proposal, the local plan is considered out of date as PPS4 requires a different approach. No objection or evidence has been provided to challenge the boundary of

the town centre shopping area, nor that of the primary and secondary frontage, and therefore in these matters the local plan is considered to be up to date.

- 8.24. For the reasons set out above, it is considered that this application falls to be assessed under PPS4 as a proposal not within an existing centre and not in accordance with an up to date development plan.
- 8.25. Under policy EC10.1, local authorities should adopt a positive and constructive approach towards applications for economic development, and applications to secure economic growth should be treated favourably. Under policy EC10.2, the proposal should be considered against five impact considerations.
- 8.26. In this case, where the proposal lies outside the town centre and is not in accordance with the development plan, then under policy EC16.1, the proposal must be assessed against the six impact considerations upon town centres, and under policy EC17.1, consideration must be made in terms of whether the applicant has demonstrated compliance with the sequential approach as per policy EC15, and whether the proposal leads to any significant adverse impacts under policy EC10.2 and EC16.1.
- 8.27. If no significant adverse impacts have been identified, then under policy EC17.2, the application should be determined by taking account of the positive and negative impacts of the proposal and any other material considerations, together with the likely cumulative effects of recent permissions, developments under construction and completed developments. Any judgements about any impacts should be informed by the development plan, recent local assessments of the health of town centres which take account of vitality and viability indicators (in this instance the Chorley Retail Study 2005 and the Draft Central Lancashire Retail Study 2010); and any other published local information such as a town centre or retail strategy (in this instance the Chorley Town Centre Strategy and Chorley Corporate Strategy).
- 8.28. **Policy EC10.2 – Impact Considerations**
- 8.29. All applications for economic development should be assessed against the following impact considerations:

8.30. *Policy EC10.2a – Climate Change*

- 8.31. As previously explained in this report, the store has been designed to make a significant contribution to reducing CO² emissions. The applicant has also agreed to comply with the Council's DPD on Sustainable Resources, in that the building will be required to reach the BREEAM standard of 'very good' and renewable energy will be installed. The policy is up to date with current guidance and assessment and therefore the proposal complies with those elements of EC10.2.a. A reviewable Travel Plan will also help to ensure that the store can respond to climate change and limit associated CO² over the lifetime of the store. These matters can also be conditioned for the development opportunity sites.
- 8.32. It is not considered that the development would result in significant adverse impacts having regard to the information already presented in the applicant's design & access statement and resource conservation statement, together with the imposition of suitable conditions in accordance with the Council's DPD.

8.33. *Policy EC10.2b – Accessibility*

- 8.34. This policy seeks to deliver accessibility by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion after public transport and traffic management measures have been secured. The County Highways officer has no objection to the proposal subject to various matters. The local planning authority have received specialist advice from

Singleton Clamp on whether the accessibility of the proposed development is acceptable.

- 8.35. The initial submitted solution of a modified roundabout at the Big Lamp junction and a roundabout at the store entrance, together with subsequent modifications did not improve the current poor connectivity between Market Street and the site. The physical barriers of Pall Mall, George Street and Bolton Street were not overcome. Such barriers would result in little connectivity, little potential for linked trips, lack of regeneration and create the potential for an adverse impact on the southern end of Market Street in that it had the potential to draw visitors and shoppers to the town centre away from established patterns of movement and parking that may in turn impact on vitality and viability.
- 8.36. Following discussions with LCC Highways and the Council's own advisors (Singleton Clamp), the proposal has been significantly modified by the applicant to improve the existing arrangements for pedestrians and cyclists, and to encourage linked trips between the store and the town centre and to improve accessibility to the bus station, the train station and local residential areas.
- 8.37. The technical information has been amended several times, and LCC Highways and Singleton Clamp hold the view that there remain errors in the information and assessments submitted.
- 8.38. The significant modifications to the initial submission include a signalled control solution to the Big Lamp junction with closer crossing points – an innovative solution not yet seen in Lancashire; a signalled controlled junction to the store entrance, improved provision for cyclists and a pedestrian first focus to the design and layout of the site. The store will include a real time passenger information system, and the applicant has agreed to provide real time passenger information displays on Bolton St and Pall Mall, and to improve the provision and location of bus stops and floorscape of Bolton St, and repainting of bus stop markings on Pall Mall. Such improvements are considered to improve access to sustainable forms of travel.
- 8.39. The comments of LCC highways are recorded earlier in this report and no objection is made subject to certain matters. Singleton Clamp take the view that that the revised arrangements 'offer a significant improvement for pedestrians and cyclists' and the ability to link the signal timings will maximise car movement'.
- 8.40. The new Big Lamp junction whilst a significant improvement raises some concerns about the detailed design of the junction and that there are some weaknesses with the modelling and layout. LCC Highways have considered the modelling and the layout of the junction and it is their view that despite there being some errors, once the errors have been corrected and with potential design changes that can be implemented during the design work linked to the s278 highways agreement, that the junction is acceptable and the best possible solution to improving connectivity.
- 8.41. The treatment of the Big Lamp junction is critical to improving accessibility to the town centre. The proposed junction offers a significant improvement for pedestrians and cyclists in terms of its physical operation and its attractiveness for linked trips. During the detail design stage there will be fine tuning of the current proposals to provide the best possible level of service to vehicles whilst maximising connectivity to Market Street for pedestrians.
- 8.42. In particular, Singleton Clamp acknowledge that the applicant has admitted that there is likely to be linked trips to the town centre but take the view that these trips have not been taken into account. Singleton Clamp also advise that the car park will operate at a capacity of 85-90% without taking into account the attractiveness of the car park for linked trips and this has the potential to result in over demand for spaces, with visitors searching for spaces and the potential for Asda shoppers and visitors to Chorley to abandon their intended visit. While the applicant's car parking strategy

included a control for long stay parking (over 3 ours), no controls were initially submitted for control of parking for less than 3 hours. This was considered to effectively draw trade from other car parks in the town centre which do operate a pay and display control, leading to further demand for spaces. When set against the 85%-90% capacity referred to above, it was concluded that the applicant's position on car parking strategy would result in an adverse impact on the highway in the form of congestion on the highway and reduce the potential for linked trips.

- 8.43. While other impacts of the applicant's initial car parking strategy will also be addressed later in the report, in essence, for the purpose of addressing this test, it should be noted that the impact includes congestion, reduced connectivity and the potential for shoppers to abandon visits. The applicant has recently amended their approach to car parking by agreeing to a pay and display mechanism consistent with other car parks in the town centre to effectively address this issue.
- 8.44. Policy EC10.2b envisages that traffic management measures should be taken into consideration before the impact test for congestion and local traffic levels is considered. Whilst improvements to junctions will assist in improving capacity around the application site, there is a need to maintain a balance of accessibility for pedestrians and ensure congestion and local traffic levels are at acceptable levels.
- 8.45. Overall, and with all improvements appropriately secured, including an appropriate car parking strategy, it is considered that the impact of the development will not be significantly adverse.

8.46. *Policy EC10.2c – Design, Character & Function*

- 8.47. This impact consideration reflects PPS1 paragraph 34. There are essentially 2 considerations. Firstly, whether the proposal secures a high quality and inclusive design, which is appropriate in its context; and secondly whether the proposal takes the opportunity available for improving the character and quality of the area and the way it functions.
- 8.48. The positive aspects of the character of the area are not reflected in the QS fashions building which appears dated, reflective of 1980s style retail architecture and sits rather uncomfortably in an area more characterised by smaller scale retail units of Victorian origin which still largely display their original scale and massing. Accordingly, this application offers an opportunity to introduce a high quality appropriately scaled modern building at this location which forms a focal point of interest yet still allows views into the site, opening it up and thereby bringing an isolated site back into the main shopping area of Chorley. The Asda store is set back at a distance so as to appear at an appropriate scale in the streetscene.
- 8.49. The proposed enhancements to the public realm will create opportunities for public enjoyment of a significantly improved, safe and attractively landscaped environment. Market Street is currently suffering decline, and this is reflected in the quality of the public realm. Improvements along this Street will enhance the main route in and out of the town centre, creating a pedestrian priority route along which the needs of the car are subservient to those of pedestrians and cyclists. Footpaths will be widened and raised crossing points introduced which will allow a greater diversity of uses along Market Street such as cafes and restaurants with outdoor sitting areas as people will be more inclined to linger and enjoy this enhanced environment. This should re-establish Market Street as a key destination in Chorley town centre.
- 8.50. The existing QS fashions building fails in terms of the streetscene as it turns its back on the street. There are no active frontages. This proposal offers an opportunity to redress this and create an attractive visual stop to Market Street by way of the Big Lamp Development Opportunity Site, whilst still affording views to the Asda store and car park to the rear, thus improving the legibility and therefore connectivity to the town centre. The car park includes a walkway which will be enhanced with tree

planting and link as directly as practicable to the store entrance, thereby promoting pedestrian movements.

- 8.51. A standard format Asda store has been successfully adapted to respond to its context. Brick has been introduced to reflect local materials, the entrance has been better articulated and a strong overhang has been introduced to create design interest.
- 8.52. In conclusion, the proposal delivers high quality design, in a contextually appropriate fashion and takes the opportunity available to deliver a significant improvement to the character, appearance and function of the local area; and will serve to establish a high quality distinctive built environment at the southern gateway to the town centre.

8.53. *EC10.2d – Impact on Regeneration*

- 8.54. It is acknowledged in the Council's corporate strategy, town centre strategy and recent retail studies that the site and the surrounding area are in need of physical and economic regeneration. The proposal itself will involve a comprehensive redevelopment of the site and remove poorly maintained and vacant buildings and provide a modern high quality development well integrated with its surroundings. The proposal provides the best possible access by all available modes of transport and gives a high priority to pedestrian access. The improvements to Market Street, Bolton St and Pall Mall will enhance the permeability, accessibility and attractiveness of the area, and promote linked trips with the town centre.
- 8.55. The proposal represents a significant investment in Chorley and this will enhance and profile of the town in attracting other investment, and help stimulate further economic activity in terms of jobs and shopping behaviour that will result in spin off benefits for the wider town centre. There are other sites close to the application site that have stalled and have not been developed. The proposal is considered likely to positively influence the attractiveness of these sites for redevelopment.
- 8.56. The Council's Economic Development Officer has provided a favourable response to the proposal and views the scheme as essential to the continued growth and vibrancy of the town centre. In particular, the employment generated and the applicant's willingness to comply with the employment chart is welcomed, together with the added value to public realm, the works to Market Street and improved connectivity. In addition, she recognises that the proposal will claw back trade from out of centre stores. She reflects the concerns for local traders as expressed by objectors, but also notes the relatively low vacancy rate, and is concerned about the applicant's initial car parking strategy proposals in that they may undermine the balance of the town centre.
- 8.57. In terms of social inclusion, the proposal includes access provision for those with disabilities, and provides an attractive form that provides legibility. The applicant's approach to recruitment will provide training and employment opportunities for all sectors of the community, and the provision of the foodstore will widen consumer choice, especially important since Chorley is considered to be under represented in convenience provision.
- 8.58. Overall, the impact upon regeneration is positive and certainly not considered to be 'significantly adverse'.

8.59. *EC10.2e – Impact on Local Employment*

- 8.60. The applicant estimates that the proposed Asda store will generate 400 jobs. However, no further breakdown of this number of 400 jobs is provided. GVA Grimley indicate that a more realistic figure for full time equivalent is 215 jobs. GVA Grimley also indicate that the trade diversion from existing stores is unlikely to lead to any loss of jobs because those stores would need to respond; and that there is a likelihood that there could be some employment displacement from the town centre.

Conversely, the Asda store is likely to support regeneration and retention of shops at the southern end of Market Street. Asda have indicated a commitment to sign up to the Council's Employment Charter, to identify local unemployed people suitable to be employed and they have also submitted evidence of other stores where this has happened. Employment will also be generated during the construction phase, and indirect employment would also be generated from the suppliers of goods and services. So, on balance, it is considered that the impact upon employment will be a positive one in relation to job creation and local employment considerations and is not considered to be 'significantly adverse'. This view is also supported by the comments of the Council's Economic Development Officer.

- 8.61. Considering the 5 impact considerations of EC 10.2 (both individually and as a whole), it is not considered that there will be any significant adverse impacts for the purposes of EC 17.1 and 17.2 PPS 4.

8.62. EC15 – Sequential Test

- 8.63. A key consideration in assessing whether a sequential assessment is required is whether the proposal is classed as "out of centre" or "edge of centre", and the proximity to the Primary Shopping Area (PSA) is a key consideration in this regard. A proposal is considered to be "edge of centre" if it is well connected to, and within easy walking distance (i.e. up to 300m) of the PSA and account should also be taken of local circumstances, and must have regard to crossing points etc. Distance is measured from the PSA to the store entrance, and PPS4 seeks to assess a walking distance that must have regard to the crossing points etc. The proximity to the PSA has been subject to debate between various parties including the applicant, objectors and advisors.
- 8.64. The Primary Shopping Area (PSA) is defined within the Chorley Borough Local Plan and stretches south along Market Street to its corner with St Georges Street. The appropriateness of the boundary of the PSA is not challenged by the applicant; and is confirmed as appropriate by GVA Grimley and Singleton Clamp. Accordingly, this proposition is accepted for the purpose of this assessment.
- 8.65. The current QS store is at the edge of the application site facing the Big Lamp roundabout, and is 315m from the PSA. There are entrance doors facing onto the Big Lamp roundabout and this would meet the PPS4 test, but the doors are not currently in operation, and access is currently gained at the rear of the store.
- 8.66. The entrance to the proposed store is situated further to the rear of the site towards Duke Street. The Council's advisors hold the view that the straight line distance from the PSA to the proposed store is 260m, and the walking distance from the PSA to the store entrance is 440m and 315m to the edge of the site. NJL suggest the distance to the store entrance is 350m, while SAA do not take a view on distance.
- 8.67. On the basis of all the information supplied and the evidence from the GVAG/Singleton Clamp, the distance of 315m to the edge of the site and 440m to the store entrance is considered accurate for the purpose of this assessment. This would lead to a conclusion that the store is "out of centre".
- 8.68. In their letter of 24th May, the applicant acknowledges that the relationship to the PSA is complex, accepts the food store is out of centre, but considers this to be too simplistic an approach as the proposal as a whole offers the potential for improved linkages and spin off benefits. The resulting development would result in the store operating effectively as an edge of centre store. This position is accepted. Physical distances are just one (important) input into the judgment, but this does not change the position that the proposed store falls to be considered as a proposal outside the town centre for the purposes of PPS4.

8.69. Accordingly, it is considered that the development is not in a centre and not in accordance with an up to date development plan. A sequential assessment is therefore required under policy EC15 of PPS4 and this has been undertaken by the applicant.

8.70. Sequential Assessment

8.71. Applying EC 15.1 PPS4, all “in-centre” sites should be assessed in terms of availability, suitability and viability before less central sites are considered. Where it can be demonstrated that there are no ‘in centre’ sites which can accommodate a proposed development, preference should be given to edge of centre locations which are well connected to the centre by means of easy pedestrian access. Developers are required to demonstrate flexibility in terms of scale (reducing the floorspace of their development), format (more innovative site layouts such as multi-storey developments with smaller footprints), reduced car parking provision or reconfiguration, and the scope for disaggregation.

8.72. In terms of flexibility, PPS4 advocates high density and multi storey design as one option. However, PPS4 guidance also highlights that it is not the purpose of national policy to require development to be split into separate sites where flexibility and the scope for disaggregation have been demonstrated. The requirement for consumer choice and the promotion of competitive town centres is also a consideration.

8.73. The applicant's position on flexibility is that is that the foodstore needs to be of this scale in order to ensure successful claw back from existing out of centre provision; and that the inclusion of an element of comparison goods is also required to provide a full offer for the same purpose.

8.74. In terms of the Big Lamp Development Opportunity Site, it has been argued that this element of the scheme could be located on a more sequentially preferable site. However, this would remove the possibility of enhancing the design and character of the site, and to create a focal point at the gateway to the southern part of the town centre. The disaggregation of this element would not, therefore, on balance be considered to be appropriate.

8.75. In terms of scale, GVA Grimley advise that the proposed store is of an appropriate scale relative to existing foodstore provision in the borough and the wider retail hierarchy. They do raise concerns about the amount of non-food floorspace, in that they take the view that the applicant has not robustly addressed the matter. They also acknowledge an existing fall back position.

8.76. Fallback Position - The site currently includes the Big W and Kwik Save buildings to be used for food retailing. These two units have established unrestricted class A1 retail use with the former Kwik Save building having a floor space of 2,073m² gross and the Big W (former QS) having 3,662 m² gross. Asda indicate that the uplift in retail floor space will only be 688m² net from the redevelopment of this site.

8.77. The weight that can be attached to the fallback position depends on whether the prospects of the fallback occurring are "real" and not merely "theoretical". GVA Grimley consider, on balance, the weight to be attached to the fallback to be limited and may constitute a hypothetical situation. There is no reference to the fallback position expressed in the comments of the objectors.

8.78. In respect of the Kwik Save building, it has not been occupied for convenience retailing since 2007, and the prospect of this being used in its current form is considered theoretical and so limited weight can be attached to the presence of the retail unit within the application site.

8.79. In respect of the Big W store, it is currently occupied. The property is now owned by Asda, and the existing tenant has indicated an intention to relocate. If it were not for the proposal, it is considered reasonable that the occupier would remain on site. The

store is located close to the town centre and has realistic prospects of attracting a tenant. Greater weight can therefore be attached to this element of the fallback position.

- 8.80. Therefore, the fallback position asserted by the applicant is considered to be overstated. The net fall back position is for comparison floorspace only, for 2,200m², which is some 400m² more than the comparison element of the proposed store of 1,799 m².
- 8.81. GVA Grimley take the view that the proposed store needs to be of a comparable non-food offer in order to effectively compete on both qualitative and quantitative terms in order to materially change existing shopping patterns and draw residents back into Chorley. They conclude that whilst the applicant fails to robustly address their main points of concern regarding the scale of non-food provision within the store, they do concede that the scale of such provision may be appropriate in this instance. It is therefore considered that flexibility must be balanced against the need for a large operator to support more sustainable patterns of shopping behaviour; and that it is appropriate for the sequential assessment to be undertaken on the basis of the Asda floorspace and footprint. Accordingly, it is considered that the scale of the development is appropriate and that the floorspace of the development should not be reduced.
- 8.82. It is considered that all relevant sites have been assessed by the applicant. In particular, all in-centre options have been thoroughly assessed before the application site has been considered.
- 8.83. **Sequentially Preferable Sites**
- 8.84. The “saved” policy SP2 of the Chorley Local Plan identifies several Major Retail Sites and these are detailed below:

SITE	CURRENT POSITION
2.1 - High Street / Cleveland Street / Union Street including the bus station site / New Market Street and the Flat Iron	Booths / Pub on half the site and the remaining part of the Flat Iron is still operating as a car park.
2.2 - Bolton Street / Pall Mall	Currently occupied by QS Fashions / Big W and Car Park
2.3 - Corner of Gillibrand Street and Market Street	Now built with shops and flats above.
2.4 - 5-13 Fazakerley Street	Now built.
2.5 - 5-9 Gillibrand Street	Land rear of former McDonalds site remains vacant as does McDonalds building.
2.6 - Clifford Street / Portland Street	Retail Development now built.
2.7 - George Street / Lyons Lane	Retail Development now built.

- 8.85. Members will be aware that an application for an extension to Market Walk has been submitted, and that a previous scheme was abandoned prior to submission. This site comprises part of the Flat Iron Car Park, and is unallocated in the local plan, but abuts the boundary of the town centre and that of the PSA. The applicant for the Market Walk Extension scheme has objected to this application, taking the view that the Market Walk Extension site is a sequentially preferable site. SAA (on behalf of Booths) do not refer to the sequential assessment or identify any alternative sites.
- 8.86. It is considered that only two allocated sites (2.1 Bolton Street/Pall Mall and also 2.5: 5-9 Gillibrand Street) under policy SP2 need to be examined for the purpose of the sequential test, as they are of a sufficient size to accommodate the proposed development, together with the site for the proposed Market Walk Extension. The plan at appendix F highlights the sites for consideration. Site 2.1 has in part been

developed by the construction of the Booths store (site A on the plan), while the western portion of the Flat Iron Car Park remains allocated but unimplemented and is marked as site B on the plan. The proposed Market Walk Extension is marked as site C, and the site at Gillibrand Street is also illustrated.

8.87. Site 2.1. High Street / Cleveland Street / Union Street (Site A & B)

8.88. *Availability* - The site has been partly developed leaving the western half of the Flat Iron car park allocated site for retail development. The whole of the Flat Iron car park is owned by the Council. It is therefore considered that the site would meet the definition of 'Availability' within PPS4 Practice Guidance at paragraph 6.37).

8.89. *Suitability* – The site is currently used as a location for an open market each Tuesday. Any development would require the permanent relocation of the market. Following consultation and the preparation of a town centre strategy, the Council has identified the Flat Iron Car Park as a key project within the current corporate strategy. The scope of the study and initial designs identify the need to enhance Clifford Street and Market Street and provide landscaped buffer areas. Such requirements will constrain the potential developable area of this potential site.

8.90. The western half of the Flat Iron Car Park would have 4 active frontages, no identified location for servicing and the size of the site means that the development would require a multi storey solution and would therefore not support the aims of PPS1 in responding to the local context or reinforcing local distinctiveness. This site due to its constraints and the potential for harm is not considered to be a suitable site.

8.91. *Viability* – Having regard to the constraints associated with suitability if the site is not 'suitable' then the viability cannot be robustly tested for Site B.

8.92. Site of Proposed Market Walk Extension (Site C)

8.93. *Availability* – The site forms the eastern part of the Flat Iron Car Park, and is owned by the Council. Members may recall that discussions on the sale of land to facilitate the previous scheme reached an advanced stage prior to abandonment. The owner has contacted the Council to commence discussions about the sale of the land for the new scheme. It is therefore considered that the site would meet the definition of 'Availability' within PPS4 Practice Guidance (paragraph 6.37).

8.94. *Suitability* - There have been discussions regarding the Market Walk extension for approximately 3 years, with public consultation undertaken on the first scheme in 2007. The scheme was abandoned before an application was submitted. An application has recently been submitted (5 March 2010) but has yet to be determined for a 7,600m² open A1 retail development with 451 parking spaces over 5 floors with a max height of 21.5m. This application was submitted following the submission of this application by Asda (submitted 20 November 2009), without any further public consultation and the scheme is much different to the previous scheme.

8.95. Whilst there has not yet been any formal consideration of this Market Walk extension application, nor have any formal comments been received on the recently submitted amendments to this scheme at the time of writing this report, Planning Officers have significant concerns about the impact of this proposed development on connectivity and in highway terms, especially upon the access to the bus station, together with the location and method of servicing. These matters are the subject of ongoing discussions which have resulted in a greater proportion of the land owned by Rreef being included in the application site and making its use and development for a single 3rd party operator more complicated. Whilst GVA Grimley (on behalf of the Council) acknowledge that there are major technical constraints which may preclude the proposed scheme coming forward and whilst they also conclude that the current Rreef proposal may not be deliverable, they rightly consider it will be for the local

planning authority to consider this latest application through the development control process.

- 8.96. Regardless of the merits of the latest proposal, the merits of the site must nonetheless be considered in the sequential assessment. The site is constrained by the Flat Iron improvement scheme and the presence of the Shopmobility office and associated parking. In addition to which the servicing of the site is constrained due to the dual carriageway arrangement of Clifford Street and the presence of the Bus Station and pedestrian access to the train station. There are significant constraints to developing the Asda scheme on this site and as such the site is not considered suitable or acceptable for the Asda scheme. In reaching this conclusion the advice in the companion guide to PPS4 regarding multi storey stores has been taken into account but there is no robust evidence to support the case that this site is suitable for this form of development. Indeed, the absence of an acceptable scheme emerging in the last 2-3 years further supports this conclusion.
- 8.97. GVA Grimley have raised the possibility that “the Reef proposal is a commercially motivated response to ‘block’ the Asda scheme; PPS4 specifically raises caution when such applications are received and the Council must determine whether the Reef scheme is a ‘blocking’ proposal with little realistic prospects of implementation”.
- 8.98. Having considered the various schemes submitted on this site and the various amendments to the current scheme, including one submitted on the 28th September 2010, it is considered that the view previously expressed that this site is not suitable remains as there is insufficient evidence before the Council that a scheme can be designed that meets the requirements of PPS1 in terms of design and PPS4 policies that would be applied to this site, together with concerns about connectivity and highway safety.
- 8.99. The development of this scheme has been going on for a significant length of time and the recent application is considered to be a response to the Asda proposal. It is considered not to be in the public interest to delay the consideration of this application pending ever further amendments that will attempt to demonstrate that a scheme can be delivered on this site. Ultimately, it is considered that the site is not suitable for a scheme of this scale and (for the reasons set out above) the scale of the Asda scheme is deemed to be appropriate.
- 8.100. *Viability* - There are no significant viability constraints to establishing a store of the scale of Asda on this site. However, having regard to the constraints associated with suitability if the site is not ‘suitable’ then the viability cannot be robustly tested.
- 8.101. Conclusion - It is concluded therefore that the Flat Iron site, whilst in location terms a preferred location, it will not meet the ‘need’ and has significant constraints that would rule out the site in terms of the sequential assessment.
- 8.102. Site 5 to 9 Gillibrand Street
- 8.103. In terms of other sites within the town centre, the only other site of an appropriate size would be the Market Street/Gillibrand Street site that has a small (short stay) Council car park adjoining. Significant work to identify a design solution for a smaller scale of retail has been undertaken for this site and there are significant constraints associated with levels, access for servicing and the proximity of adjoining residential properties and existing businesses. In the light of this work, it is not considered that this site meets the PPS4 tests and is not considered a sequentially preferable site because it is not suitable.
- 8.104. Overall Conclusion on the Sequential Assessment:
- 8.105. Sequential Assessment Conclusion: - The proposal is out of centre, but with the associated improvements, it will operate as an edge of centre store. Whilst walking distances are one element of this judgement, ultimately a balanced planning

judgement is required on this issue. The development plan is not up to date in regard to the mechanism for assessing applications for development, and a sequential assessment is required. All relevant sites for that assessment have been identified. On balance, a store of this scale is required to effectively claw back leakage to other out of centre locations. In applying the requirement to demonstrate flexibility, this has to be set in the context of other national planning policy objectives and local circumstances. There are no sequentially preferable sites, which are suitable, viable and available, and therefore the application passes the sequential test and is in accordance with policy EC15.

- 8.106. **Development Opportunity Sites** - It has been suggested the sequential test is also required for the two development opportunity sites. This issue has been carefully considered by the local planning authority and discussed with the applicant and the Council's advisors.
- 8.107. Paragraphs 6.9 – 6.10 of the PPS4 good practice guide considers the approach to different town centre uses, and notes that the sequential approach applies to all main town centre uses. This would therefore be considered to apply to the open A class and the B1 class, but not the D1 class at the Bolton Street Development Opportunity Site.
- 8.108. The Big Lamp Development Opportunity Site lies wholly within the existing allocation under policy SP2.2 and would therefore fall to be considered as in keeping with the local plan (notwithstanding the position on whether the local plan can be regarded as up to date). The existing QS site also benefits from an open class A consent.
- 8.109. The guide also requires local authorities to consider the relative priorities and needs of different main town centre uses, particularly recognising their differing operational and market requirements; to make the best possible use of scarce town and city centre sites, and promoting mixed uses wherever appropriate resources. Acknowledgement should also be made of the role of key retail anchors in generating pedestrian flows and reinforcing a compact well-defined retail area.
- 8.110. Annex B of PPS4 concerns definitions, and the footnote to the definition of edge of centre sites notes that for office development, locations outside the town centre but within 500m of a public transport interchange (including railway and bus stations) should be regarded as edge of centre locations for the purposes of the sequential approach. In this regard, the Bolton Street Opportunity Site (B1 class) is over 600m from the bus station, lies within the town centre inset boundary and outside the boundary of the town centre shopping area as defined on the local plan proposals map, and could therefore be considered to require a sequential assessment. It is also noted that the intention is for the Probation Service to relocate from within the existing site.
- 8.111. It is therefore accepted that the intended open A and B1 uses could be sited in another perhaps more sequentially preferable site within or (in the case of the Bolton Street site) on the edge of the town centre.
- 8.112. However, it is also important to note that the two development opportunity sites arise out of the fact that the development is proposed to meet the retail needs of Chorley town centre. In this regard, they can be regarded as subordinate to the principle land use of the development site as a whole, and to include them in a sequential assessment would be disproportionate.
- 8.113. In addition, the role of the proposed foodstore as an anchor store for the southern end of the town centre is significant, and the comprehensive scheme proposal will allow the best possible use of land.
- 8.114. It is therefore concluded on balance that a sequential assessment for the two development opportunity sites is not required. It is further concluded that even if an

alternative view is taken, it is considered likely that the potential benefits of the scheme as a whole (as detailed elsewhere in this report) would outweigh the harm that may arise from not locating these uses in more sequentially preferable locations.

- 8.115. Accordingly, for the above reasons, the applicant has not been requested to include the two development opportunity sites in a sequential assessment.

8.116. EC16.1 – Impact Assessment

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

8.118. EC16.1a – Impact on Investment

- 8.119. PPS4 requires the impact to be considered on existing, committed and planned public and private investment in a centre or centres within the catchment area of the proposal. GVA Grimley advise that the main impact is considered to be upon existing out of centre stores including Morrisons in Chorley, Asda at Clayton Green and Tesco at Foxhole. Such impact would claw back expenditure to the town centre. However, the principal concern is the impact on the more centrally located Booths store. GVA Grimley take the view that the applicant proposes a relatively low trade diversion from Booths and that the applicant accepts the proposition of the 2010 draft study that Booths may be undertrading. GVA Grimley have also taken the view that Booths position may be under estimated in that study as trips to Booths may have been recorded as town centre trips rather than the actual store; that the increase in convenience trading for the town centre since 2005 is attributed to the Booths store.
- 8.120. GVA Grimley estimate the impact of the proposed Asda upon Booths at 2013 is to be 7% and they take the view that Booths can accommodate the impact; that the potential trading impact upon Booths must be balanced against the wider quantitative and qualitative benefits arising from the new store, which would provide effective competition and choice for local residents. While PPS4 guidance is clear in that the impact should not fall on one particular retailer but on the centre as a whole; and that on balance, the positive benefits arising from the Asda store may outweigh the harm identified to Booths.
- 8.121. In terms of comparison trading, GVA Grimley advise that the applicant has understated the impact from the non-food element of the store, and that the town centre while relatively healthy and capable of accommodating the forecast expenditure, has an offer which is not particularly different to that of an Asda store. The applicant accepts that the new store is unlikely to alter comparison shopping patterns. I
- 8.122. GVA Grimley advise that the impact is difficult to estimate. Their assessment is based on the draw across the town centre and a 21.6% trade draw is identified at 2013 across the town centre with that being shared amongst all the shops. GVA Grimley hold the view that the potential non-food impact would not be significantly adverse given the fallback position and the comparison expenditure capacity within the Chorley catchment.
- 8.123. In terms of proposed investment, the key scheme is the proposed Market Walk extension. Whilst there is an emerging scheme which could be realised, it must be noted that the scheme has been in the pipeline for about 3 years with amendments still being submitted. There are significant doubts about an acceptable scheme being able to be designed and approved for the level of floor space proposed. As GVA Grimley advise, no operator is identified for the scheme, the scheme does not benefit from an allocation in the local plan, it is based on a previous scheme which was considered unviable prior to any formal submission, and it utilises technical work associated with a previous scheme. GVA Grimley take the view that it is not a

proposal which has been actively planned or promoted prior to the Asda scheme coming forward, and conclude that it is possible that the scheme is a commercially motivated response to block the Asda scheme with little prospect of implementation.

- 8.124. NJL argue that existing operators have been approached in relation to the Big Lamp Development Opportunity Site, but no substantive evidence has been submitted. GVA Grimley advise that there is no evidence to suggest that the two schemes are competing for the same market opportunity, given that the extension scheme seeks an unrestricted class A1 consent and this suggests that the extension scheme is not specifically targeting a foodstore operator. GVA Grimley note NJL's responses express concerns as to the potential negative impact of the non-food element of the Asda scheme, but find nothing in their submitted objections that the Asda scheme would ultimately undermine the deliverability and viability of their own scheme.
- 8.125. For the reasons above, it is concluded that limited weight can therefore be attached to the likelihood of the extension scheme being developed within 5 years and if developed it is considered (at this time) more likely to be for a smaller convenience floorspace anchor store and/or complementary comparison provision to support the existing Market Walk as NJL state in their responses. The evidence therefore suggests that the impact cannot be regarded as significantly adverse.
- 8.126. While a Tesco store at Buckshaw is currently under construction, account has been taken of this in the relevant assessments. The store is not within a centre, and impact assessments identify no adverse impacts upon the scheme.
- 8.127. In terms of the impact upon investor confidence, it is considered by the applicant that the proposal will act as a catalyst for further investment, especially on Market Street, and this position is considered reasonable. It is also considered that the NJL's submissions are evidence of Rreef's reduced confidence in Market Walk (the existing centre and their proposed scheme), but on balance, the reduction in confidence in Market Walk against increased confidence on Market Street is considered to be positive.
- 8.128. It is therefore concluded that there is no robust evidence of 'significant adverse' impacts with regard to investment within the town centre. On the contrary, on balance, the impact is considered to be positive.

8.129. *EC16.1b – Impact on Vitality & Viability*

- 8.130. In assessing the impact of a proposal on town centre vitality & viability. PPS4 directs local planning authorities to balance the desirability of maintaining and enhancing the turnover of existing facilities with the benefits of improved consumer choice, competition and access to new retail facilities. PPS4 practice guidance acknowledges that impacts are inter-related and judging their significance requires an understanding of the centre and its vulnerability.
- 8.131. PPS4 acknowledges that trade diversion from a centre can seriously undermine vitality and viability, resulting in reduced footfall, increased vacancies and a more 'down market' offer. The PPS4 practice guide does highlight that there are no meaningful benchmarks of what constitutes an acceptable level of trade diversion and that a judgement about the positive and negative effects needs to be taken.
- 8.132. There has been considerable debate from stakeholders within the town centre about the degree of impact. As referred to and considered above in the assessment against EC16.1a and elsewhere in this report, the main impact will be on existing out of centre stores (this will serve to claw back trade) and the impact upon Booths (the potential impact may be offset by other benefits).
- 8.133. Whilst SAA and NJL highlight the impact of trade draw upon vitality & viability, town centre traders and other parties are concerned about the impact on independent and smaller businesses. Others feel that additional footfall generated on Market Street

will assist in maintaining and improving the offer at the southern end of Market Street, and prevent further vacancies, and promote further investment.

- 8.134. As noted earlier in this report and by the applicant and GVA Grimley, and in retail studies, Chorley town centre performs comparatively well for example in terms of vacancies and independent retailing. GVA Grimley conclude that Booths can withstand the impact identified and that it has failed to reverse the dominance of out of centre mainstream stores in the Chorley catchment.
- 8.135. SAA consider the impact of a 400+ space car park being freely available to be significant to Booths, and whilst as a store Booths has the potential to compete to some degree, without some controls on car parking the position of Booths is weakened. This is an important consideration for the Booths / Market Walk end of the town centre and is considered to be a potentially significantly adverse impact upon the town centre.
- 8.136. In response, the applicant has agreed to the imposition of a more suitable car park management strategy (letter of the 10th September 2010) and this is considered to address the Booths position and mitigate concerns expressed by NJL. The commitment from the applicant to a more appropriate car parking strategy in the form of a pay and display/ticketing control for short stay visitors together with the initial proposals to control parking over three hours will mitigate against the negative impact of the development by maintaining the “level playing field” within the town centre and minimising congestion.
- 8.137. The applicant (in their letter of the 10th September) whilst criticising some of the work undertaken and raising concerns have accepted that parking controls in the form of pay and display will be introduced and this provides the “level playing field” raised by NJL as a concern and requested by Booths to overcome or limit the impact on their store. This is a positive step and overcomes a great many of the concerns and objections that have been raised by individuals and agents on behalf of their clients.
- 8.138. Singleton Clamp who have provided advice on highways matters particularly around car park impact have provided a robust rebuttal letter to the applicant’s position with regard to the soundness of their advice. Singleton Clamp have also provided further information to support the need for pay and display parking and assessed it against the tests in Circular 11/95.
- 8.139. Without the parking controls now accepted by the applicant, the negative impact resulting from a free park for up to three hours would outweigh the positive impacts outlined. The applicant has agreed that a condition can be imposed and their view is that a condition would meet the tests of circular 11/95 (Use of Conditions in Planning Permissions). With such a suitable control, the impact is considered not to be significantly adverse.
- 8.140. In respect of comparison goods, the applicant makes reference to the fallback position and this has been addressed earlier in this report. The existing comparison floorspace on site is greater than the proposed Asda store by approximately 400m². It is considered that significant weight should be placed on this position.
- 8.141. It is important to acknowledge the positive contribution to vitality & viability of the other aspects of the proposal, and these are referred to earlier in the report under the tests concerning EC10., and will be addressed in the later section of this report as part of the assessment against EC17.
- 8.142. Given the advice of GVA Grimley and Singleton Clamp referred to above, it is therefore concluded that there is no robust evidence of ‘significant adverse’ impacts with regard to the vitality and viability of the town centre. On the contrary, on balance, the impact is considered to be positive.

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

- 8.144. There are no sites outside the town centre that are presently subject to an allocation and therefore it is considered that there will be no 'significant adverse' impact.

8.145. *EC16.1d – Impact on turnover and trade*

- 8.146. The applicant undertook their own retail assessment and took account of the 2005 WYG retail study. GVA Grimley have prepared the draft 2010 study for Central Lancashire and provided advice upon this application to the local planning authority. Extracts from the 2010 study have been published for the purpose of determining this application; they have been made available to objectors and the general public, and are summarised within this report. It is considered that the assessment of this application has had the benefit of up to date information upon which to assess the impact on turnover and trade. These impacts are detailed earlier within this report.
- 8.147. With regard to the impact upon Booths, it is accepted that the ability to withstand an impact does not necessarily mean that this impact is acceptable. However, it is also acknowledged that Booths appear not to have stemmed the leakage to out of centre stores, and that a large mainstream foodstore within or on the edge of the town centre is needed to address this. It is also relevant that the proposed car parking controls offered by the applicant will mitigate against this impact.
- 8.148. While the respective positions of the applicant and GVA Grimley rely on judgment, from the information provided and assessed, and taking into account the objections from third parties, together with the fact that there is no meaningful benchmark of an acceptable level of trade diversion, and the particular local circumstances it is concluded that the impact upon trade and turnover is unlikely to be significantly adverse, especially when set against the benefits of improved customer choice, competition and access to new facilities, and the benefits arising from improved connectivity within the proposed scheme. It is therefore concluded that there is no robust evidence of 'significant adverse' impacts with regard to impact on trade and turnover, and on the contrary, on balance, the impact is considered to be positive.

8.149. *EC16.1e – Appropriateness of Scale*

- 8.150. As noted earlier in this report, GVA Grimley hold the view that the applicant has not robustly addressed the issue of scale in relation to the comparison element of the proposed store. However, on balance, they accept that the scale of the store including its comparison element is considered to be appropriate in order to effectively compete on both quantitative and qualitative terms in order to materially change existing shopping patterns and draw residents back into Chorley. Such a scale is also required to enable the Asda store to act as an anchor to the Southern end of the town centre, resulting in increased footfall between the site and the town centre and securing the occupation of the Big Lamp Development Opportunity Site.
- 8.151. The proposals will also be accessible to the catchment by virtue of their accessibility to alternative means of transport. The scheme includes proposals to provide real time passenger information and to improve the number and location of bus stops, disabled parking for example.
- 8.152. It is therefore concluded that the scale of the store will not result in 'significant adverse' impact, and on the contrary, on balance, the impact is considered to be strongly positive. In reaching this conclusion, the views of all objectors, the applicant and the GVA Grimley have been taken into account.

8.153. *EC16.1f – Locally Important Impacts*

- 8.154. Such tests would emerge from the joint Core Strategy and whilst there are no definitive tests, the Council's Corporate Strategy identifies some key projects, one of which is Market Street improvements, towards which this proposal contributes, and the other is the regeneration of the Bolton Street / Pall Mall Triangle. For the reasons previously outlined in this report in respect of the impacts upon regeneration, the

proposal makes a significant contribution. The impact is not therefore considered to be 'significant adverse'.

8.155. Overall, GVA Grimley conclude that the impact of the proposed store is unlikely to be significantly adverse as there is significant growth arising within the Chorley catchment and the provision of the new store in close proximity to the town centre will deliver positive benefits in terms of consumer choice, competition and potentially supporting linked trips.

8.156. It is therefore concluded that there will be no adverse local impact and on the contrary, on balance, the impact is considered to be strongly positive.

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

8.158. Policy EC17 requires that planning permission should be refused for sites not in accordance with an up to date development plan if the applicant has not satisfied the sequential assessment or if there is a significant adverse impact in respect of the impact considerations under policy EC10 and EC16. The preceding paragraphs have undertaken the required assessments and concluded that there are no sequentially preferable sites and also that the test of significant adverse has not been met for any of the impact considerations.

8.159. Policy EC17 then requires a balancing exercise of the positive and negative impacts assessed under policy EC10.2 and EC16, and any other material considerations; and the likely cumulative effect of recent permissions, developments under construction and completed developments.

8.160. The balancing exercise for the impact areas under policy EC16 have been addressed in the preceding paragraphs dealing with EC16 in this report, the balancing exercise in respect of the impact areas under EC10 follow.

8.161. It is not intended to repeat the information already provided and assessed. However similar headings will be used to balance those negative and positive impacts. Members should have regard to what has been presented previously in the report in addition to the following:

8.162. Climate Change

8.163. It has been concluded above that the impact of the development will not be significantly adverse. The Council's policy on climate change is seeking a significant reduction of CO² emissions over and above the current legislation in the form of the Building Regulations. The development, encompassing a large retail unit, small retail unit and potential office block would all have to meet and comply with the Councils DPD and SPD on climate change. Achieving development on the ground that complies with the strict guidance in those documents will be a positive step for this development site as all the existing buildings are outdated and are likely to be highly inefficient, but also for signalling a commitment towards achieving national targets and local targets (Corporate Priority) for CO² emission reduction. On the basis of the imposition of a condition in line with the Councils DPD this development represents a positive contribution towards Chorley's planning and corporate objectives.

8.164. Accessibility

8.165. The assessment under EC10 and EC16, together with the comments of the LCC Highways Officer and the advice of Singleton Clamp are extensively considered earlier in the report. The improvements to connectivity (notably the Big Lamp junction), the improvements to Market Street and an appropriate car parking strategy which includes effective short stay parking controls are particularly significant benefits

arising from the proposal that assist in mitigating any potential negative impacts, which may have previously been regarded as adverse.

8.166. Economic & Physical Regeneration

- 8.167. *Physical Regeneration* - The fact that the Pall Mall triangle and Market St are key projects in the Corporate Strategy 2010-11 is a material consideration in the determination of this application. NJL state that they do not object to robustly beneficial regeneration but feel that the impacts must be mitigated fully and also that the works to Market St do not go far enough to outweigh the adverse impact. Booths have commented on the position of the petrol filling station (PFS) on the site and question the implementation of the Market St works, whilst welcoming the potential for inward investment.
- 8.168. The elements of the scheme including the external works to Market St, the Big Lamp signalled controlled junction, the public open space; the development opportunity site, the design and presence of the store within a landscaped site and the removal of visual blockages and over dominant buildings like the QS store all contribute positively to the regeneration of the site which has had a mixed and very much ancillary status in the past. The Town Centre Strategy refers to a missed opportunity for the Pall Mall triangle site and this development represents the significant investment required to achieve the regeneration of a site such as this with multiple land uses and owners. The replacement of the Probation Service building also represents a significant indication of investment in securing the retention of an important resource and opportunity for new office development on the site. The position of this new office base is considered appropriate having regard to the existing location of the offices, access by clients in a more accessible location to the previous offices and the individual requirements of the service that limits choice as to other locations in the town centre (Crown Exemption).
- 8.169. *Investment benefit (upward spiral)* - All contributors to this application welcome inward investment that supports the town centre and its regeneration. The current situation on a number of sites is that investment is not possible due to lack of demand but also lack of confidence in the wider Market. Chorley has fared better than some in retaining shops and maintaining low vacancy rates. There are sites such as the old McDonalds site, the Eagle and Child and the former Ford showroom that have failed to secure a scheme or have been delayed in their implementation.
- 8.170. Investment and activity can bring with it confidence and during a period when there is little active construction elsewhere then such investment can assist and support in kick-starting other sites or provide evidence both physically on the ground but also in national reports on where money is being invested. This is a positive outcome associated with the redevelopment of this site. It does not justify the development in its own right but carries some weight in the consideration of the application. The most likely positive impact would be the Eagle and Child where shops and flats will replace the rundown pub and shops, the McDonalds site may come forward following the implementation of the Market St works. The creation of an upward spiral of investment will also support the existing Market Walk and also the potential Market Walk extension application by identifying that investment is taking place in Chorley.
- 8.171. There is therefore potential for this site to contribute to an upward spiral and to support wider regeneration. In this instance the positive effects of the development outweigh the potential negative effects of the development.
- 8.172. *Employment* - This has been assessed previously in this report, and the scale of employment stated by Asda and queried by individuals and NJL/SA has been assessed by GVA Grimley to be 215 full time equivalent jobs. This nonetheless represents a significant investment in jobs within Chorley and is a material consideration of significant weight in the determination of the application. Asda have

also agreed to sign up to the Council's Employment Charter and there is evidence that large employers working with the Councils Employment Charter can create significant benefits for local employment and securing work for the longer term unemployed.

- 8.173. This aspect of the scheme is a positive outcome if the scheme goes ahead, including construction jobs and other indirect employment and trade.

8.174. Impact of proposal on centre trade/turnover and current/future consumer expenditure capacity in the catchment for up to 5 years

- 8.175. The most recent tables on population projections and expenditure capacity identify that there will be significant additional expenditure that will be delivered close to the design date of the store. The existing housing completions are bucking the trend for house building and Chorley is in a strong position to resist recession (as it has done) and to deliver housing and future expenditure increases. This evidence shows a strong 5 year supply of deliverable housing and demand for housing even in the current market.

- 8.176. The potential expenditure levels and the lower rates for vacancies within the town centre would indicate a strength in existing trade that has the potential to increase and develop and for increased numbers of town centre shoppers that would support both the town centre and Asda. Asda may be concerned about the parking charge and the impact that will bring to their store however the potential to claw back trade and the proximity to the town centre with the associated improvements, is likely to support combined growth.

8.177. Layout and Design

- 8.178. Applications do evolve throughout the consideration of the application and in this instance a significant amount of design work was undertaken at pre-application stage. The standard designs used by Asda have been avoided and the visibility of the store from Market Street has been designed into the scheme. This improves legibility and encourages pedestrian access and linked trips. The majority of the building uses brick with elements of timber and this is considered to be an appropriate solution following comparison to a significant number of other Asda stores in the North West. The single storey element and canopy to the front has been used at the Bootle store and this represents a good example of reducing the prominence of the front of the store.

- 8.179. One design option that could be considered is that a replacement store could be located at the same point as the QS store and have a front entrance onto the Big Lamp junction and be deemed within tolerance to be an edge of centre store. Whilst the QS store was erected as a convenience store with the emphasis upon locating the store close to the town centre boundary with the parking to the rear, the store did not operate for long and it did not work effectively either in securing linked trips to the town centre or in urban design terms due to its position, the position of the parking and the degree to which it wraps around the junction. For those reasons it is considered that a replacement store in this location would not achieve the desired outcomes of Chorley for this site and Market Street nor meet the main aims of securing sustainable economic growth as set out in PPS4. Whilst the QS store could be considered a recent addition, the site is identified within the Corporate Strategy as a key site for redevelopment identifying the failings of the current format. Any replacement of QS must acknowledge the failings of the past and secure a scheme that links the site to the town centre, provides for linked trips, has visual linkages to parts of the town centre and as a whole positively contributes to this end of Market Street.

- 8.180. The landscaping proposals for the site aim to mitigate the impact of various elements of the scheme. The service yard has a 4 metre high acoustic fence near to

neighbouring properties, however a landscaping scheme is designed to mitigate the fence and this is now considered acceptable. The other main area of landscaping is at the site entrance and there are significant proportions of landscaping that will enable the site and the proposed petrol station to be mitigated in landscape terms. The scale and maturity of this landscaping is critical to the decision and critical to how well the site can be mitigated and at what stage in the development. The landscaping must be mature and be implemented prior to the opening of the store. This is a matter that is appropriate to be conditioned

- 8.181. The position of the development opportunity site has been chosen so that there is the legibility and a visual link from Market St to the development opportunity and then onto the store. The indicative plans for the site demonstrate that a contemporary solution would be appropriate for this site and would combine effectively with the public space to be created. This area creates a visual focal point without being a visual or actual barrier to connectivity, the site draws the visitor or shopper in and through towards the store even more effectively with the new highway layout proposed.
- 8.182. The remaining development opportunity site that is likely in part to be the site for relocating the Probation Service can introduce a quality of design and set a standard for other development in the vicinity where older buildings exist that do not contribute effectively to a quality environment. A scheme for this site will be forthcoming if permission is granted, the Probation Service have all but agreed the details of the required replacement building.

8.183. Impact on Surrounding Land Uses

- 8.184. There are concerns about the impact of the store upon residential properties and this will be considered as two areas firstly Shaw Hill Street and then the impact on Duke Street. In respect of Shaw Hill Street, visualisations have been completed to assess how large the store would appear when looking from Pall Mall. The scale of the store having regard to the scale of the adjacent gas showroom has been considered and whilst Asda represents a taller building it is situated further away from residential properties and set at an angle. The scheme will also open up the area within the site adjacent to Shaw Hill Street which will be a positive contribution to the design of the area. It is not considered that the position of the store will harm materially or at all the amenities of those properties nearest to the store by reason of its size.
- 8.185. Duke Street will be situated at a higher level than the floor of the store and significantly higher than the level of the service yard. The Tunit building is situated between the store and the majority of properties on Duke Street. The impact on these properties with this intervening use between them is therefore limited. The properties on Duke St closer to the junction with Bolton St will be closer to the service access and as a result may well be impacted upon to a greater degree. The hours of servicing will be limited to daytime hours and this will mitigate and limit the harm to those properties to an acceptable degree.
- 8.186. The service yard in most stores is the cause of most complaints. In this instance there will be no movement of goods by forklift within the yard as lorries will have to back up to loading bays with seals around the unit. The design means there is a lot more storage and servicing space than say Clayton Green. The plant has been designed to minimise noise related impact and there will be limits placed on the service yard to prevent its use overnight, prevent the compactor running and prevent temporary units from being placed in the yard at peak periods.
- 8.187. The creation of the service yard will result in the need to demolish half an industrial unit, leaving the Tunit building still standing. Asda have been in communication with the owner of that building as there will be a need to enter into a Party Wall Agreement that would seek to protect the owner of the building but not seek to prevent the

development. In terms of dealing with the application, conditions can be imposed to protect the owner and his business and the Council is satisfied that the development can be constructed and still leave the owner with his business in place.

8.188. Accordingly, the impact on surrounding land uses is considered to be acceptable.

8.189. Delivery of the Big Lamp Development Opportunity Site

8.190. The Big Lamp Development Opportunity Site is an essential element of the scheme and its delivery would require an appropriate condition that secures the delivery of the building within a reasonable period of time.. Given its location within the site, and its close proximity to the town centre, the prospects for delivery and subsequent occupation are reasonable.

8.191. Overall Conclusion under EC17

8.192. In regard to policy EC17, it is concluded that the applicant has demonstrated compliance with the sequential approach (EC15), and that there is no clear evidence that the proposal (subject to the provisions detailed within this report) will lead to significantly adverse impacts in terms of any of the impacts set out in policy EC10.2 and EC16.1.

8.193. It also concluded that the positive benefits of the proposal outlined above (including the previous paragraphs concerning the assessment under policies EC10.2 and EC16.1), and the other material considerations are considered to positively outweigh the potential negative impacts of the proposal.

8.194. PPS 4 – Overall Conclusion

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

8.196. PPG13: Transport

8.197. The main objective of PPG13 is to promote more sustainable transport choices for both people and moving freight. It aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, particularly by car. For retail and leisure developments, policies should seek to promote the vitality and viability of town centres, which should be the preferred location for new retail and leisure developments. Preferences should be given first to town centres then edge of centre and then on out of centre sites in locations which are (or will be) well served by public transport.

8.198. It should be noted that PPS4 does replace PPG13 in respect of Parking Standards and there is a requirement within PPS4 to set local maximum standards as part of the development plan.

8.199. The comments of the LCC Highways Officer and the assessment of accessibility under PPS4 detailed earlier in this report are significant in terms of compliance with PPG13 and no objection is made subject to appropriate conditions and s278 agreements. Accordingly, the proposal is considered to comply with PPS13.

8.200. PPS1: Delivering Sustainable Development

8.201. PPS1 states that sustainable development is the core principle underpinning planning. Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by : making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; contributing to sustainable economic development; protecting and enhancing the natural and historic environment, the quality of the countryside and the existing communities; ensuring high quality development; and supporting existing communities and contributing to the creation of safe, liveable and mixed communities

with good access to jobs and services for all. On sustainable economic development, local authorities should recognise that economic development can deliver environmental and social benefits; that they should also recognise the wider sub regional economic benefits and that these should be considered alongside any adverse local impacts.

- 8.202. From the information provided by the applicant, and from the Council's own advisors and third parties, and for the reasons detailed previously in this report, it is considered that the proposal is considered to positively contribute to sustainable development by promoting more sustainable patterns of shopping and travel behaviour, by contributing to sustainable economic development; by ensuring a high quality redevelopment to an otherwise poor quality site, by providing jobs and services to all, and by delivering a range of environmental and social benefits. Wider benefits have been considered alongside any adverse impacts.
- 8.203. Paragraph 28 of PPS1 advises that planning decisions should be taken in accordance with the development plan unless other material considerations indicate otherwise. The assessment of the application is considered to be in conformity with this paragraph.
- 8.204. Paragraph 29 of PPS1 acknowledges that in some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case the reason for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated or compensated for. As detailed in this report, weight has been applied to such factors together with reasons, and the consideration of consequences. Where possible adverse impacts are considered to have been avoided, mitigated or compensated for, and as such the proposal and consideration of this application is considered to comply with this aspect of PPS1.

9. USE OF CONDITIONS

- 9.1. Policy EC19.1 of PPS4 regarding effective use of conditions for Main Town Centre uses encourages planning authorities to productively manage the impacts of development by imposing conditions.
- 9.2. A number of options are open to the local planning authority to control the development and its impacts. The report considers the need for conditions in respect of a number of matters and in response to consultee requests. The conditions to be appended to this report do proactively manage the impacts identified within the report.

10. OVERALL CONCLUSION

- 10.1. The proposal has been assessed against the development plan, national planning guidance and other material considerations.
- 10.2. In so far as the proposed store lies outside the town centre and is not wholly within an allocated site for retail development, the proposal is not considered to be in keeping with the local plan, and as such the proposal should be treated as such in terms of compliance with PPS4.
- 10.3. The proposal also complies with the policies of the Sustainable Resources DPD and satisfies other material considerations including the Council's corporate and town centre strategies.
- 10.4. The proposal is considered to comply with PPS4. It should therefore be treated favourably, subject to appropriate conditions and s278 agreement(s). The proposal is also considered to comply with PPS1 and PPS13.

- 10.5. It must be noted that the proposal also will redevelop previously developed land in a reasonably accessible location and will lead to the beneficial redevelopment of an identified regeneration site, improve the character and appearance of the area and will ultimately relate well to the town centre. The proposal will increase expenditure within the town centre both directly and as a result of linked trips and create jobs.
- 10.6. Therefore, while the proposal may not strictly comply with the local plan and therefore may have some conflict with that plan, these matters identified above would lead to the conclusion that it is in broad conformity with the local plan. Given the matters outlined in this report, then on balance, the potential benefits of the proposal are considered to outweigh the conflicts with the local plan. Consequently, it is considered that further weight can be added to this conclusion in the light of the PPS4 assessment.
- 10.7. Subject to the appropriate conditions detailed in section 9, the application should therefore be positively referred to the secretary of state as per the recommendation in section 3 of this report.

11. PLANNING HISTORY

11.1.

12. Planning Policies

National Planning Policies:

Planning Policy Guidance - PPG13 Transport

Planning Policy Guidance - PPS1 Delivering Sustainable Development

Planning Policy Guidance - PPS4 Planning for Sustainable Economic Growth

Planning Policy Statement - PPS12 Local Development Frameworks

North West Regional Spatial Strategy

Policies:

Adopted Chorley Borough Local Plan Review

Policies:

Supplementary Planning Guidance:

Statement of Community Involvement

Design Guide

Chorley's Local Development Framework

Policy SR1: Incorporating Sustainable Resources into New Development

Sustainable Resources Development Plan Document

Sustainable Resources Supplementary Planning Document

DocRef: T:\Asda Final Draft Report V0.13.1.doc

Authors: Paul Whittingham –Development Control Team Leader, Jennifer Moore – Head of Planning Services

- **National Planning Policy**
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- ***PPS4: Planning for Sustainable Economic Growth***
- PPS4 was published 29 December 2009 and provides new national guidance in respect of all economic activity by amalgamating policies concerning employment and town centre uses in one document, and supersedes PPS6.
- Members are reminded that the main retail changes in PPS4 relate to the treatment of retail need and capacity. The assessment of *convenience* and comparison retail need is a matter for the development plan process that is in turn guided by retail assessments such as the White Young Green and GVA work. The retail need test for the determination of planning applications for retail development is no longer required, but greater emphasis is placed on retail impact and the sequential test is strongly re-affirmed.
- The principle aims of PPS4 are to encourage sustainable economic development based upon:
 - Building prosperous communities by improving economic performance;
 - Reducing the disparities in regional economic growth rates, promoting regeneration and tackling deprivation;
 - Delivering sustainable patterns of development, reducing the need to travel and responding to climate change; and
 - Protecting the vitality and viability of town centres. (paragraphs 9/10).
 - PPS4 provides a number of “Development Management Policies” to be considered in respect of planning applications involving economic development including retail. The following policies are particularly relevant to this application: The full text of the policies can be seen at Appendix F
 - Policy EC10 Determining Planning for Economic Development - Policy E10.1 requires local planning authorities to adopt a positive and constructive approach towards planning applications for economic development; and advises that planning applications that secure sustainable economic growth should be treated favourably. Policy EC10.2 requires applications to be assessed against the following impact considerations:
 - whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change
 - the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured
 - whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
 - the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
 - the impact on local employment

- Policy EC14 deals with Supporting Evidence –applications for main town centre uses that are not in an existing centre and are not in accordance with the development plan require a sequential assessment (EC14.3) and an Impact Assessment if over 2,500m² (EC14.4).
- Policy EC15 deals with the Sequential Assessment. For a site to be sequentially preferable the sites must be assessed for their availability, suitability and viability.
- Available is defined as: Whether sites are available now or are likely to become available for development within a reasonable period of time.
- Suitability is defined as: With due regard to the requirements to demonstrate flexibility, whether sites are suitable to accommodate the need or demand which the proposal is intended to meet. Relevant factors in assessment are:
- Policy Restrictions – such as designations, protected areas, existing planning policy and corporate or community strategy policy.
- Physical problems or limitations
- Potential Impacts – including effects on landscape features and conservation.
 - Viability is defined as : Whether there is a reasonable prospect that the development will occur on a site at a particular point in time. Again the importance of demonstrating the viability of alternatives depends in part on the nature of the need and the timescale over which it is to be met.
 - Policy EC16 the Impact Assessment. Developments should be assessed against the following impacts on centres:
 - Impact on existing, committed and planned public and private investment.
 - Impact on town centre vitality and viability, including local consumer choice.
 - Impact on in-centre trade/turnover (taking account of current and future consumer expenditure capacity in the catchment area up to 5 years from when the application is made)
 - If located on the edge of a town centre, whether the proposal is of an appropriate scale.
 - Policy EC17 deals with the consideration of applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan.
 - Policy E17.1 prescribes that applications should be refused where:
- the applicant has not demonstrated compliance with the requirements the sequential approach (policy EC15); or
- there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments
 - Under policy EC17.2, where no significant adverse impacts have been identified under policy EC10.2 and EC16.1, planning applications should be determined by taking account of:
- the positive and negative impacts of the proposal in terms of policies EC10.2 and 16.1 and any other material considerations; and
- the likely cumulative effect of recent permissions, developments under construction and completed developments.

- Under policy EC17.3, judgements about the extent and significance of any impacts should be informed by the development plan (where this is up to date), recent local assessments of the health of town centres which take account of vitality and viability indicators and any other published local information (such as a town centre or retail strategy), will also be relevant.
- Policy EC18 deals with the application of car parking standards for non-residential development, and policy 18. states that local parking standards should apply to individual planning applications unless:
 - the applicant has demonstrated (where appropriate through a transport assessment) that a higher level of parking provision is needed and shown the measures proposed to be taken (for instance in the design, location and operation of the scheme) to minimise the need for parking.
 - for retail and leisure developments located in a town centre, or on an edge of centre site, the local planning authority is satisfied that:
 - the parking provision is consistent with any town centre parking strategy and the facilities will genuinely serve the town centre as a whole and this has been secured before planning permission is granted
 - the scale of parking is proportionate to the size of the centre
 - Policy EC19 deals with the effective use of conditions for main town centre uses

Recommendation:

the Director of Partnerships, Planning & Policy notifies the Secretary of State that the Development Control Committee is MINDED TO APPROVE the application

Conditions

Conditions to follow