

3 February 2011

Dear Councillor

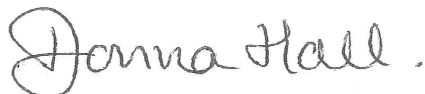
DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 8TH FEBRUARY 2011

Please find enclosed a updated, combined report for planning applications 09/01021/FULMAJ and 09/01022/LBC which relate to Bank Hall, Bank Hall Drive, Bretherton. The applications will be taken together at the above meeting of the Development Control Committee. Please disregard the original reports for item 4a and 4b that were included within your agenda.

I am also able to enclose, for consideration at the above meeting, the report for agenda item 4c that was unavailable when the agenda was printed.

Agenda No	Item
4a)	<u>09/01021/FULMAJ & 09/01022/LBC - Bank Hall, Bank Hall Drive, Bretherton</u> (Pages 31 - 48) Report of Director of Partnerships, Planning and Policy (enclosed).
4c)	<u>10/00176/OUTMAJ - Flat Iron Car Park, Union Street, Chorley</u> (Pages 49 - 104) Report of Director of Partnerships, Planning and Policy (to follow).

Yours sincerely



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Distribution

1. Agenda and reports to all Members of the Development Control Committee.

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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

Application No: 09/01021/FULMAJ & 089/01022/LBC

Case Officer: Paul Whittingham

Ward: Lostock

Proposal: Shell repair and refurbishment of the Grade 2* listed building – Bank Hall, into 12 residential dwellings and associated development comprising of 23 residential dwellings on the former orchard site and Listed Building Consent

Location: Bank Hall, Bank Hall Drive, Bretherton, Lancashire

Applicants: HTNW and Lilford 2005 Ltd

Consultation expiry: 4 January 2011

Application expiry: 16 June 2010 & 12 May 2010 respectively

Proposal

1. This report covers two applications. The first is for planning permission for the shell repair and refurbishment of the grade II* listed building, Bank Hall, into 12 residential dwellings and associated development comprising of 23 residential dwellings in the grounds on the former orchard site (09/01021/FULMAJ). The second associated application is for Listed Building Consent for those elements of the aforementioned works that require Listed Building Consent (09/01022/LBC).

Recommendation

2. It is recommended that planning permission is granted subject to conditions and a S.106 Agreement and that listed building consent is granted, subject to conditions.

Main Issues

3. The main issues for consideration in respect of this application are:
 - Principle of the proposal
 - Design, layout and scale
 - Impact on the Listed Building
 - Access and parking
 - Impact upon the environment
 - Impact on neighbour amenity
4. This report has been written by Chorley Council's Conservation Officer. It was considered that this is the appropriate approach because of the particular circumstances encountered on this site, in particular a designated heritage asset (grade II* listed building) of national, regional and local significance.
5. Within the assessment section reference is made to the Central Lancashire Publication Core Strategy. This document is at a very early stage of initial consultation within the Local Development Framework (LDF) process and as such carries a proportionately little amount of weight in the consideration of development proposals.

History

6. **Ref:** 98/00781/FUL **Decision:** Permitted **Decision Date:** 4 January 1999

Description: Construction of 1.8m high metal mesh security fence

Ref: 01/00261/LBC **Decision:** Permitted **Decision Date:** 5 July 2001
Description: Structural repairs to tower

Ref: 10/00089/FUL **Decision:** Permitted **Decision Date:** 13 May 2010
Description: New vehicular access from Southport Road for use of tractor access to haylage

Ref: 10/00091/TPO **Decision:** Permitted **Decision Date:** 12 April 2010
Description: Works to oak tree covered by TPO7

Representations

7. Three neighbour letters of objection have been received to the planning application. All express concerns about the impact of additional traffic that they feel will be generated by the proposed development both during and after the works have been executed. They also express concerns for their perceived loss of privacy and damage to local wildlife. Their final concern regards the future maintenance of the access drive from the A59.

Consultations

8. **LCC Ecology** – Have concerns about the impact of the development upon protected species, the loss of woodland and the risk that an invasive plant species (Himalayan Balsam) may be spread. Further surveys were requested after the applications were received and these surveys have now been completed to the satisfaction of LCC Ecology. LCC Ecology is in agreement with the proposed mitigation strategy and suggests that a number of conditions be added to any permissions that may subsequently be granted. It is accepted that this development does represent an exceptional case, because surveys that would normally be required before commencement of the development cannot be undertaken because of the very nature of the development, i.e. the unsafe structure of the listed building precludes the completion of a complete survey. Additional surveys to be undertaken at an appropriate point – when the structure is made safe – will be added as a condition.
9. **LCC Planning Contributions** – Requests have been made for contributions to Education (£121,344) and Waste Management (£16,800) plus an as yet undetermined potential contribution for Transport.
10. **LCC Highways** – Raise no objection to the applications. They endorse the proposed highways enhancement measures.
11. **English Heritage** – Rigorously support the applications, which they state will safeguard the future of a grade II* listed building and its removal from their ‘Heritage at Risk’ register (formerly Buildings at Risk). They support the design principles adopted for the development. They have some concerns that the finances, as outlined and independently verified, are sufficiently robust to ensure the completion of the scheme and suggest that additional new residential units may be required to overcome these concerns.
12. **Lancashire Gardens Trust** – Support and welcome the applications.
13. **Bretherton Parish Council** – Have concerns for the design of the new development and consider it to be inappropriate for the local area. They suggest a legal agreement to ensure the repairs to the listed building are secured and that the access needs to

be improved to mitigate against perceived traffic increases as a result of the development.

14. **Natural England** – Broadly supports the applications, and offers advice on the same basis as LCC Ecology.
15. **Chorley Council Contaminated Land Officer** – requests that further investigations be carried out into the potential for land contamination and that such work be a condition to any permissions that may be subsequently granted.
16. **Chorley Council Planning Policy** – Supports the principles of the application and concludes that despite being contrary to policy, which the proposed new residential ‘Enabling Development’ is by definition, any tests for acceptability have been met.
17. **Chorley Council Planning Policy – Sustainable Resources Officer** states that the applications are acceptable in terms of reduction in CO² emissions, reduced water consumption, provision of recycling storage facilities and the use of energy efficient appliances. Conditions are suggested to enable conformity with the requirements of the Code for Sustainable Homes.
18. **Environment Agency** – states that the applications are acceptable to them, subject to conditions to secure the appropriate design of surface and foul water disposal and surface water regulation systems.

Assessment

Principle of Development

19. Bank Hall is a grade II* listed building located on the western fringe on the Parish of Bretherton, just off the A59 Preston to Liverpool highway. It is a large country mansion building set in quite extensive grounds with formal gardens and includes parts that date from 1608, with the majority being from the early Victorian period. The building has for many years been placed of the English Heritage register of ‘Buildings at Risk’.
20. The ‘Bank Hall Action Group’ (BHAG) was set up in 1995 by a group of local people with a shared interest and concern for the conservation of the listed building and the grounds in which it is located. A statement of actions undertaken by this group is included with the applications and this demonstrates the considerable level of interest and support for the group shown by local people. This document states that since 2000 there have been over 20,000 visitors to events organised by the BHAG.
21. In 2003 the building was amongst others included on the BBC2 programme, ‘Restoration’ in which it came in second place in the regional finals (behind Victoria Baths, Manchester) despite having the highest number of votes cast overall (if those cast in the first round were added to those cast in the regional final), further demonstrating the level of interest within the north west (40,000 votes being cast in favour) in saving the building.
22. The application is made by the Heritage Trust for the North West (HTNW) which, has been working collaboratively with the BHAG since 1996, and shares a mutual interest in the conservation of Bank Hall. The HTNW is a charitable Building Preservation Trust with extensive experience in the conservation of historic sites throughout the north west of England. The involvement of the HTNW has in itself enabled input of grant funding from a variety of sources totalling in excess of £150,000 (in terms of emergency repair, stabilisation and the erection of security fencing) and has brought considerable technical expertise in repair works to historic buildings to the project as

a whole. The HTNW have, with input from the BHAG, secured a Stage 1 bid approval from the Heritage Lottery Fund (HLF) to the value of £138,000 towards the cost of further research, surveys and exploratory work and have a further £1.59 million ring fenced by the HLF for the stage 2 application, which is conditional upon the granting of this planning permission and this listed building consent.

23. The site owner, Lilford Estate, has provided support to both the BHAG and the HTNW. In addition to a long (999 year) peppercorn lease for the Hall, the estate has also provided funding towards urgent works on the tower and accommodation for the use of BHAG members on site. Furthermore it has allowed use of part of the site to be used by students in archaeology and historic building conservation from the University of Central Lancashire.
24. The resources of the HTNW and the BHAG together with the total HLF grant funding was insufficient to fund the required repair works to the listed building, so it was decided to engage an experienced development partner. Following a rigorous tendering process, detailed in the application documents, Urban Splash were chosen as the preferred development partner.
25. The application site is within the Green Belt. PPG2 (supported by local plan policy DC1) states that there is a general presumption against inappropriate development in the Green Belt. PPG2 goes on to say that such development should not be approved except in **very special circumstances** and that it is for an applicant to show why permission should be granted. PPG2 suggests that a sequence of tests is applied to determine whether inappropriate development can be seen to demonstrate **very special circumstances** which can outweigh this inappropriateness:
 - a. Is the proposed development inappropriate?
 - b. What harm to the green belt, if any (in addition to the in-principle harm arising from the simple fact of inappropriateness), is caused?
 - c. Are there any material considerations in favour of the development?
 - d. If so are these sufficient to outweigh the combined harm caused to the green belt by reason of inappropriateness and any other harm identified at stage b.?
 - e. And if so do those countervailing material considerations actually amount to **very special circumstances**.
26. Policy HE9 of PPS5 favours the conservation of designated heritage assets (in this case a listed building) and Policy 16 (Heritage) of the emerging Central Lancashire Publication Core Strategy further supports this aim.
27. The reuse and conversion of a building located within the Green Belt is acceptable in terms of local plan policy DC7A. Additionally the proposed development supports the encouragement of visitors to the area by the inclusion of public meeting rooms (albeit available on a limited basis) within the development proposals for the listed building.
28. The applications relate to the refurbishment and conversion of a grade II* listed building, to create twelve residential units plus the erection of twenty three new residential units on the former orchard site. PPS3, Local Plan Policies GN5 and HS4 and the emerging Central Lancashire Core Strategy Policy 17 seek good quality residential design.
29. The applicant has put forward a case for **very special circumstances** in the form of **Enabling Development**, an approach identified in Policy HE11 of PPS5.

30. **Enabling Development** is simply defined as any development that is contrary to policy, either national or local, and which is thus, by definition, unacceptable. The development can be considered to be acceptable by virtue that it results in the conservation of a heritage asset – in this case a grade II* listed building. All other possible routes to this goal must have been demonstrably explored and therefore the proposed route to saving the building proven. In every case the costs of saving the heritage asset outweigh its forecast value on completion. This shortfall is known as the 'Conservation Deficit'. The solution to funding this deficit can be found via number of alternative routes, which may include grant funding (for example from the Heritage Lottery Fund, English Heritage or other sources or a mixture of different sources added together) or, and sometimes in addition to, the profit that can be realised from the construction of appropriately designed additional development elsewhere but most usually within the overall site.
31. As the applicants have taken the Enabling Development approach they have, by necessity, submitted a considerable amount of supporting information.
32. English Heritage guidance on Enabling Development suggests that the **Development Appraisal** is the key piece of information within any Enabling Development based proposal. This includes detailed cost plans, projected values upon completion, evidence of options appraisals and the procurement of a suitable development partner. English Heritage published guidance on Enabling Development gives finely detailed advice upon all aspects of the Enabling Development process including the accepted basis for fees to be included in the appraisal. It furthermore recognises that is acceptable, necessary even, to include a level of developer's profit.
33. The preferred development partner, as stated above in paragraph 23 is Urban Splash, a company with evidence of considerable experience of this type of development. The submitted development appraisal documents, together with the detailed plans have been the subject of independent scrutiny, procured at the request of both the Council and English Heritage.
34. That independent scrutiny report completed by GL Hearn suggests that the Development Appraisal projects a slightly higher rate of return than might possibly be expected in current market conditions. The scrutiny report suggests that this equates to a need for additional extra new residential units, i.e. more enabling development, to ensure the overall financial viability of the proposal as a whole. The Cost Plan document, included with the application, has been also scrutinised by an English Heritage Quantity Surveyor who confirms that the details are within accepted tolerances. The applicants intend to proceed, subject to the appropriate permissions being in place. In accordance with English Heritage guidance on Enabling Development a Section106 agreement will be put in place that includes clauses that will secure the works to the listed building and thereby safeguard it's future.
35. In response to the tests referred to in paragraph 25 and with regard to the points made in paragraphs 26 – 30 the conclusion arrived at is that the development is accepted to be inappropriate development and the openness of the Green Belt will, by definition in PPG2, be harmed by the enabling development. The reuse of the listed building will only have a marginally greater impact upon the openness of the Green Belt than the current situation. The use of Enabling Development as the principle of the proposal here is considered to be a material consideration. Securing the future of a designated heritage asset, a nationally significant Grade II* listed building is another. The harm caused by permitting the proposed, inappropriate, development is far outweighed by the benefits gained in facilitating via the enabling development route, the conservation and return to active and sustainable use a

building that is of national significance and which has the long term support of a local action group, a significant number of people from throughout the north west and English Heritage. Other options have been explored over a significant period of time – since 1996. All have proved unsuccessful in realising the required sources of funding whilst at the same time balancing the specific needs of the heritage asset. The current proposal may be the last opportunity to see the building saved before current HLF funding and leasing options expire and the structure deteriorates to an even greater extent such that it no longer represents a viable prospect.

36. I consider that the case for Enabling Development, which will result in the safeguarding of a designated heritage asset (grade II* listed building), does represent very special circumstances in relation to PPG2 and local plan policy DC1. On balance therefore the principle of development is considered acceptable.

Design, Scale and Layout

37. It is intended that Bank Hall will be repaired and converted to form twelve residential apartments. The repair works will reinstate the 'original' form of the building, including the original roof profile, albeit with a limited number of roof lights on elevations that will not be visible from the ground. The **Conservation Management Plan** that accompanies the application has been completed by consultants that are nationally recognised experts in this field. It gives a high level of detail about the current condition of the building and the repairs required. It also provides a highly detailed analysis of the significance of the building, in line with the requirements and principles of PPS5. Also included is a **Structural Appraisal** and suggested long term management requirements.
38. An **Historic Landscape Report** together with detailed **Ecological Reports** also accompany the applications. These together with the aforementioned reports from paragraph 33 have been used, in the opinion of the Council's Conservation Officer to inform the design process for both the conversion of the Hall and the design of the enabling development.
39. The design, scale and layout of the enabling development (23 new dwellings) have furthermore been informed by a clear and rigorous design process. This process examines the materials and forms of the local vernacular, in particular taking reference from agricultural buildings, and then applies a contemporary flavour. A key and accepted philosophy within the building conservation profession for the design of new buildings in an historic context is the adoption of a contemporary yet sympathetic approach. Both English Heritage and the Commission for Architecture and the Built Environment (CABE) endorse this and advise that architectural design should be of its own time, and should attempt to build tomorrow's heritage today. It further suggests that any form of pastiche – an attempt to copy or mimic the design of an old building - is to be avoided. The Principles of Conservation as enshrined by the International Council on Monuments and Sites (ICOMOS), and endorsed by the Institute of Historic Building Conservation (IHBC), suggest that new building in the historic environment should be both sympathetic yet honest.
40. I suggest that the design of the enabling development achieves this objective. The design utilises a mixture of traditional, local, brick together with contemporary materials in a built form that looks to vernacular farm buildings, barns, built in farmsteads or courtyard settings. They are furthermore separated from the listed building by a distance of 60m, the former walled garden and some tree planting. In my opinion this approach conforms to accepted conservation practice. Precise details will be controlled by condition and will result in an appropriate built solution is developed on site.

41. The use of contemporary materials in the construction of the enabling development has further functions. This choice will allow for sustainable construction and will allow the buildings to be resource efficient, both in terms of construction methods and in post completion use of finite resources – energy and water consumption and in the reduction in CO² emissions. The applicants assert that they will attempt to incorporate as many of the same measures as possible into the works to the listed building, whilst at the same time having regard to the needs of the significance of this designated heritage asset.

Impact on the Listed Building

42. The proposed enabling development is both complimentary to the setting of the listed building and is set at a sufficient distance from it such that it will sustain the significance of the designated heritage asset and its setting and is therefore acceptable in terms of the requirements of PPS5.
43. The information provided with the application clearly demonstrates that the applicant has a clear understanding of the needs of the listed building, and its historic setting. In his opinion the proposed development will secure the future of a building that has long been 'at risk' and will provide it with a secure, sustainable future. The significance of the designated heritage asset has been clearly demonstrated in the Conservation Management Plan and therefore accords with the policies contained within PPS5.
44. Policy HE12 of PPS5 relates to the need for recording of designated heritage assets prior to any works commencing. The Conservation Management Plan and the Historic Landscape Report demonstrate that this requirement has been fulfilled.
45. It should be noted that access to the interior of the listed building is at present severely restricted on Health and Safety grounds. The proposed works to the listed building at this stage only give specific details as to the shell repairs. Whilst the submitted cost plan includes values for internal works, the precise design detail has in many areas still to be determined and will be part of an evolutionary conservation and development process. I suggest that an appropriate level of control can be exercised by a number of conditions attached to any permissions that may subsequently be granted and that to avoid being an overburdening restriction that these be split between those works to the listed building and those to the enabling development. I recognise that it will not be possible to agree precise details of design and finishes for the internal works until the major structural repair works have progressed. The application of appropriate conditions will thus ensure that the works can be controlled and I suggest that the discharge of these can be at a delegated level.
46. As stated in paragraph 40 above the applicants stated objective is to, where possible, enhance the energy efficiency and reduce CO² emissions of the listed building. It is suggested that the final details of how this is achieved cannot be determined at this stage but that such information should be the subject of conditions attached to any permissions that may subsequently granted.

Access and Parking

47. The applicant has proposed improvements to the principal access (from the A59) within the Design and Access Statement. The applicant is also proposing parking for both prospective residents and visitors for both the listed building and the enabling development. The former includes limited visitor parking for the 'Propsect Tower' rooms that are to be made available on limited, specific, occasions throughout the year to the BHAG and members of the public (which is also a condition to the offer of

HLF Grant funding). As stated in paragraph 11, LCC Highways officers support the application on this basis.

48. Chorley Council's Design Guidance Supplementary Planning Document (SPD) details current parking requirements. The applications propose an acceptable number of parking spaces for the proposed number of dwellings.

The Environment

49. The application submission includes detailed ecological surveys that in the opinion of Lancashire County Council (Ecology) offer acceptable mitigation measures to safeguard all protected species and any local (unprotected) populations. A number of conditions are suggested by the LCC Ecology Officer to ensure compliance with the applicable statutory regulations.
50. The application submission also includes a flood risk assessment. This concludes that the site whilst being within Flood Zone 3A represents a minimal risk. The applicants suggest a system of rainwater attenuation be included within the development and this will be included as a condition to any permission that may be granted.
51. The application also includes information on how energy consumption will be reduced, how (as stated in paragraph 46 above) rainwater discharge will be minimised, and how CO² emissions will be reduced both during and after construction and to achieve the required standards for the Code for Sustainable Homes. Conditions have been suggested by Chorley Council's Sustainable Resources Officer to ensure the development meets the highest possible standards.

Neighbour Amenity

52. The location of the proposed development site is within open countryside but with considerable screening by established trees. Nevertheless there are a number of neighbouring properties, located at the former Bank Hall Farm Barn, now known as Bank Hall Barns, where residents have expressed concerns about, in their opinion, the potential for loss of their privacy. The proposed development is situated at least 250m (at the nearest point) to these properties and is surrounded by trees which to a large extent screen the two sites from one another. The required separation distance between neighbouring properties, as defined in local plan policy HS4 and the Design Guidance Supplementary Planning Document has been achieved.

53. Referral to Government Office North West (GONW)

Under the Communities and Local Government Circular 02/2009 planning applications within the Green Belt which consists of or includes any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt may be referred to the Secretary of State for a decision as to whether he or she wishes to call in the application.

In this instance having regard to the above report and the scale of development as a whole, whilst the principle of development within the Green Belt is inappropriate, this principle is outweighed by very special circumstances as detailed above. The consideration in this instance of referral to the Secretary of State is that the inappropriate element of the development would not have a significant impact on the openness of the Green Belt. This conclusion also takes into account the decision of the Secretary of State on the application at Golden Acres for approximately 10,000 m² of additional floorspace that was determined to be "of no more than local significance".

351(P)07	09/02/2010	South elevation
351(P)08	09/02/2010	South Returns elevation
351(P)09	09/02/2010	West Wing elevation
351(P)10	09/02/2010	North elevation
023/P200	09/02/2010	Ground Floor plan
023/P201	09/02/2010	Mezzanine, 3 rd & 4 th floor Tower plan
023/P202	09/02/2010	First Floor plan
023/P203	09/02/2010	Second Floor plan
023/P204	09/02/2010	Roof plan
023/P205	09/02/2010	Sections
023/P206	09/02/2010	Sections
023/P207	09/02/2010	Sections
023/P208	09/02/2010	Sections

Enabling development

Plan Ref.	Received On:	Title:
023/P100	09/02/2010	Ground Floor plan Court 1 House Type A & B
023/P101	09/02/2010	1 st Floor plan Court 1 House Type A & B
023/P102	09/02/2010	Ground Floor plan Court 2 house Type C
023/P103	09/02/2010	1 st Floor plan Court 2 House Type C
023/P104	09/02/2010	1 st Floor plan Court 2 House Type C
023/P105	09/02/2010	Courts 1 & 2 Roof plan
023/P106	09/02/2010	Court 1 units 1 – 4 elevations
023/P107	09/02/2010	Court 1 units 5 – 8 elevations
023/P108	09/02/2010	Court 1 units 9 – 12 elevations
023/P109	09/02/2010	Court 1 units 13 – 15 elevations
023/P110	09/02/2010	Court 2 units 16 – 17 elevations
023/P111	09/02/2010	Court 2 units 18 – 19 elevations
023/P112	09/02/2010	Court 2 units 20 – 21 elevations
023/P113	09/02/2010	Court 2 units 22 – 23 elevations

Overall

Plan Ref.	Received On:	Title:
023/P001	09/02/2010	Location Plan
023/P002	09/02/2010	Site and Landscape plan
023/P003	09/02/2010	Site Sections

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

3. Prior to the commencement of the development, full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.

Reason: To ensure the satisfactory management of the private driveway, resident's parking spaces and refuse storage/collection at the site and in accordance with Policy TR4 of the Adpoted Chorley Borough Local Plan Review

4. Before the development hereby permitted commences the mitigation measures outlined in the ecological surveys entitled:
 - Proposed Restoration and Redevelopment of bank Hall, Bretherton, Lancashire: Ecological Survey and Evaluation (Pennine Ecological, 2009);
 - Great Crested Newt Survey (Pennine Ecological 2010);
 - Bank Hall, Bretherton: Dawn/Dusk Surveys in Relation to Bats and Barn Owls, The Tyrer Partnership, August 2010 and;

- Bank Hall Bretherton: Dawn/Dusk Surveys in Relation to Bats and Barn Owls, The Tyrer Partnership, Revision 1, 23 September 2010.

Shall be implemented, subject to any amendments required by Natural England at the licensing stage, and shall have been agreed in writing by the local planning authority.

Reason: To safeguard Ecology including protected species in accordance with PPS25.

5. The development hereby permitted shall not commence until the mitigation measures indicated within the Design and Access Statement , page 34, shall have been implemented and approved in writing by the Local Planning Authority:
 - The access road shall be widened to 5.5m for the first 20m from the A59 and shall be realigned at 90°. The 5.5m is to have 0.5m clearance to any trees/hedge.
 - The Junction with the A59 is to have a minimum of 10m radii.
 - A 2m wide footpath is to be provided on both sides of the access up to a point 2m past the tangent points to the site access road.
 - Dropped kerbs are to provided on both sides of the footpath adjacent to the junction and shall extend for 2m back from the edge of the main carriageway.
 - A passing place is to included to give a minimum 5.5m plus 0.5m clearance for a length of 15m to include 5m splays at either end.

Reason: To ensure safe access and egress to/from the development and to comply with policies within PPG13.

6. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level as required by Policy SR1 of the Sustainable Resources Development Plan Document and achieve 1 credit within Issue Ene7: Low or Zero Carbon Technologies.

Reason: To ensure the development is in accordance with Government advice contained in PPS1 and in Policy SR1 of the Chorley Borough Council adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

7. No phase or sub phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing.

Reason: To ensure the development is in accordance with Government advice contained in PPS1 and in Policy SR1 of the Chorley Borough Council adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

8. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a Final Code Certificate has been issued certifying that the required Code Level and 1 credit under Issue Ene7 has been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is in accordance with Government advice contained in PPS1 and in Policy SR1 of the Chorley Borough Council adopted

Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

9. No development hereby permitted shall commence until a scheme for the disposal of fowls and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
Reason: To ensure a satisfactory means of drainage and that the development meets the requirements of PPS25.
10. No development hereby permitted shall commence until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
Reason: To reduce the increased risk of flooding and ensure the development meets the requirements of PPS25.
11. The development hereby permitted shall not commence until samples of all external facing materials (including pre-painted cladding) to the proposed buildings (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with PPG2, PPS3, PPS5, Policy Nos. GN5, DC1 and HS4 of the Adopted Chorley Borough Local Plan Review, and Policy 17 of the emerging Central Lancashire Publication Core Strategy, December 2010..
12. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.
Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.
13. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.
Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.
14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be

replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

15. The permission hereby granted does not imply or grant consent for the demolition and rebuilding of any external walls of the building to be converted, except as may be delineated on the approved plans or specifically approved in writing by the Local Planning Authority before the works of conversion are first commenced.

Reason: To define the permission and to prevent inappropriate rebuilding or new build within an area subject to policies of development restraint and in accordance with PPS5.

16. Before the use of the premises hereby permitted is first commenced, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

17. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with PPS9 and Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

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

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5, HS4 of the Adopted Chorley Borough Local Plan Review.

19. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

20. Before the development commences, full details of the treatment of all the proposed windows and doors shall have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include the proposed method of construction, the materials to be used, fixing details (including cross sections) and their external finish including any surrounds, sills or lintels.

Reason: In the interests of the character and appearance of the buildings and in accordance with PPS5 and Policy HS4 of the Adopted Chorley Borough Local Plan Review.

21. Before the development commences, full details of the proposed rainwater goods, including the eaves detail, to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the building and in accordance with PPS5 and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A and Schedule 2, Part 2, Class C) or any Order revoking and re-enacting the Order, no external wall of the building to which this permission relates shall be painted, rendered or otherwise surface treated (other than as may expressly be authorised by this permission).

Reason: To protect the character and appearance of the building and in accordance with Policy Nos. GN4 and HS4 of the Adopted Chorley Borough Local Plan Review.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows/rooflights other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time in any elevation or roof of the dwellings hereby permitted.

Reason: To protect the amenities and privacy of the adjoining property and in accordance with policy HS9 of the Adopted Chorley Borough Local Plan Review.

26. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the former orchard site and, where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with PPS23.

27. Prior to the commencement of the development hereby permitted (including initial site preparation, tree felling, vegetation clearance works, demolition etc.) precautionary surveys for the presence of badgers shall be submitted to and approved in writing by the Local Planning Authority. The surveys shall include full mitigation measures to ensure that the development does not disturb badgers and/or their setts in the event that badgers are identified on site. The development thereafter shall be carried out in accordance with the approved mitigation measures.

Reason: to ensure the continued protection of badgers on the site. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and the Protection of Badgers Act 1992

28. Himalayan Balsam is present within the application area. Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause Himalayan Balsam to grow in the wild. Therefore a programme of control/eradication of this species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure the eradication of Himalayan Balsam of in accordance with the Wildlife and Countryside Act 1981 (as amended).

29. Prior to the commencement of the development a habitat creation/enhancement and management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of mitigation/compensation measures for impacts upon protected and priority species and woodland assets. Thereafter the approved management plan shall be implemented in full.

Reason: To ensure that the protected and priority species and the woodland assets are protected and enhanced as part of the development.. In accordance with Policy EM1 of the North West Regional Spatial Strategy.

Informatives:

It is the applicant's responsibility to properly address contaminated land issues, to ensure safe development and secure occupancy.

Desk Study Report – The report should include a desk study and site reconnaissance (walk over) in accordance with the recommendations in planning Policy Statement 23: Planning and Pollution Control 2004. Further guidance and advice on producing the report can be obtained from the Council's Contaminated Land Officers on 01257 515737/515661.

Under the terms of the Environment Permitting Regulations 2010, an Environmental Permit is required from the Environment Agency for any proposed sewage or trade effluent discharge to any inland freshwaters, coastal waters or relevant territorial waters. Domestic effluent discharges from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic meters or less to surface water in any 24 hour period may be registered as an exempt activity provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

The final geometrical layout of the proposed highway junction with the A59 is to be agreed in writing by both the Local Planning Authority and Lancashire County Council Highways.

Only the Highway Authority, or its approved contractors, or contractors approved to act on its behalf may undertake works to the public highway (A59).

**Recommendation: Permit listed building consent is granted
Conditions for 09/01022/LBC**

1. The approved plans are:

Bank Hall

Plan Ref:	Received On:	Title:
351(P)06	09/02/2010	East Wing elevation
351(P)07	09/02/2010	South elevation
351(P)08	09/02/2010	South Returns elevation
351(P)09	09/02/2010	West Wing elevation
351(P)10	09/02/2010	North elevation
023/P200	09/02/2010	Ground Floor plan
023/P201	09/02/2010	Mezzanine, 3 rd & 4 th floor Tower plan
023/P202	09/02/2010	First Floor plan
023/P203	09/02/2010	Second Floor plan
023/P204	09/02/2010	Roof plan
023/P205	09/02/2010	Sections
023/P206	09/02/2010	Sections
023/P207	09/02/2010	Sections
023/P208	09/02/2010	Sections

Enabling development

Plan Ref.	Received On:	Title:
023/P100	09/02/2010	Ground Floor plan Court 1 House Type A & B
023/P101	09/02/2010	1 st Floor plan Court 1 House Type A & B
023/P102	09/02/2010	Ground Floor plan Court 2 house Type C
023/P103	09/02/2010	1 st Floor plan Court 2 House Type C
023/P104	09/02/2010	1 st Floor plan Court 2 House Type C
023/P105	09/02/2010	Courts 1 & 2 Roof plan
023/P106	09/02/2010	Court 1 units 1 – 4 elevations
023/P107	09/02/2010	Court 1 units 5 – 8 elevations
023/P108	09/02/2010	Court 1 units 9 – 12 elevations
023/P109	09/02/2010	Court 1 units 13 – 15 elevations
023/P110	09/02/2010	Court 2 units 16 – 17 elevations
023/P111	09/02/2010	Court 2 units 18 – 19 elevations
023/P112	09/02/2010	Court 2 units 20 – 21 elevations
023/P113	09/02/2010	Court 2 units 22 – 23 elevations

Overall

Plan Ref.	Received On:	Title:
023/P001	09/02/2010	Location Plan
023/P002	09/02/2010	Site and Landscape plan
023/P003	09/02/2010	Site Sections

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

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

Reason: Required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Before the commencement of the conversion works to the listed building commence the applicant shall have submitted to and received approval in writing from the Local Planning Authority full details of the interior design scheme. These details shall include the following information:

- A room by room schedule to show the proposed treatment of the following, both existing and proposed, items:
 - Walls
 - Ceilings
 - Floors
 - Doors (including ironmongery)
 - Windows
 - Other extent architectural details not included in the above.

Reason: To ensure the safeguarding of the significance of the listed building and its contents and to ensure appropriate treatment of both existing and replacement materials in line with PPS5.

4. Before the works to the listed building commences, full details of the treatment of all the proposed windows and doors shall have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include the proposed method of construction, the materials to be used, fixing details (including cross sections) and their external finish including any surrounds, cills or lintels. Sample elevations shall be supplied at a scale of 1:5 with sections at a scale of 1:1.

Reason : In the interests of the character and appearance of the building and in accordance with PPS5.

5. Before the works to the listed building commences, full details of the proposed rainwater goods and external waste water and soil pipes to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority.

Reason : In the interests of the character and appearance of the building and in accordance with PPS5.

6. Notwithstanding the details already submitted, this consent relates to the use of 'flush' fitting 'conservation' roof lights, only in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The details shall include the model/make, exact dimensions and the fixing detail (including a cross section) of the roof light(s) to be used.

Reason : To protect the character and appearance of the building and in accordance with PPS5.

7. The development hereby permitted shall not commence until samples of all materials for the repairs to the listed building (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved materials. The materials shall include:

- Bricks
- Roof slates
- Stone

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with PPS5 and Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

8. Before work commences, full details shall be submitted to and approved in writing by the Local Planning Authority in relation to the type of mortar to be used on the building. The required details shall include the ratio of the materials to be used in the mortar, its colour and the proposed finished profile of the pointing. A sample panel of both rebuilding and repointing of no less than one square metre shall be prepared for examination by the Local Planning Authority.

Reason : In the interests of the character and appearance of the Listed Building and in accordance with PPS5.

9. Before the development commences the applicant shall submit and have approved in writing the details of how and where any materials removed during the course of the repair works shall be safely and securely stored to safeguard their appropriate future reuse/ reinstatement in the listed building.

Reason: To safeguard the significance of the designated heritage asset as defined by PPS5.

Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds should be avoided between March and July inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections.

Application No: 10/00176/OUTMAJ

Case Officer: Paul Whittingham

Proposal: Class A1 retail development with ancillary works and associated infrastructure – in outline

Location: Flat Iron Car Park, Union Street, Chorley

Applicant: Rreef UK Ltd

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 / Parameters
- Appendix C – Local Plan Extract showing Application Site
- Appendix D – Local Plan Policies / LDF Core Strategy Policies
- Appendix E – PPS4 Policies
- Appendix F – Visuals of the proposed site
- Appendix G – Highway Authority Comments

2. Proposal

2.1 A location plan of the application is shown in appendix A whilst appendix B details the site layout. This application is an Outline application with all matters reserved for consideration at a later stage. The application seeks approval for the principle of 7600sq metres of retail floor space together with 481 car parking spaces on 1.2 hectares. The proposal covers half of the Flat Iron car park and site is bounded by Union St, Clifford St, the existing Market Walk development and current access route within the Flat Iron car park. The applicant is seeking a flexible permission in order to be able to respond to the needs of the retail development industry and provide an opportunity to attract household name retailers to the Town.

2.2 The application is supported by the following documents :-

- Design and Access Statement
- Parameter Plans
- Visual Representation / Perspectives
- Highways Assessment's / Technical notes
- Travel Plan

2.2 As this is an Outline application the applicant must demonstrate that the development applied for can be achieved within the parameters set by the details submitted within the application and supported by the various documents, including a design and access statement and transport assessment.

2.3 This application has evolved throughout the application process which reflects its location within the town centre of Chorley, covering half of a main town centre car park and having its access point in close proximity to the bus station

and one of the Market Walk service yards. The parameters set within the application include a maximum height of 21.5 metres (with parts of the building limited to 18 metres) and a minimum height of 10 metres. The other parameters are set by the floor space applied for and parking spaces applied for as a maximum size for the building, however limited information has been provided regarding the minimum size for the building.

- 2.4 The transport assessment (TA) undertaken must demonstrate that the site can be adequately and safely accessed having regard to the scale of development applied for, the mix of uses specified and the constraints of the site and surrounding roads (including surrounding existing users). The flexibility sought in this application means that there are no limits to the amount of convenience or comparison floor space within the overall limit of 7600sqm. To undertake an assessment of this flexible application without limitations, the TA should have explored a range and permutations of floor space mixes that will inevitably have different impacts upon the ability of the site to manage the highways impact of the development without unacceptable harm to the highways network outside the site.
- 2.5 The highways assessment completed does not consider a range or mix of floor space but instead assesses one level of convenience floor space (1000m² GIA) and uses this as a maximum. This approach will be discussed in detail later in the report.

3. Recommendation

- 3.1 It is recommended that this application is granted conditional outline planning approval subject to the associated Section 106 Agreement

4. Description of site and Surroundings

- 4.1 A location plan is attached to this report at appendix A, together with details of the parameters of the development at appendix B.
- 4.2 The application site occupies roughly half of the Flat Iron car park and is bounded by Union Street and Clifford Street and the existing Market Walk shopping centre including the existing service yard adjacent to B&M Bargains. The main entrance to the car park from Union St will form the remaining boundary to the development and is indicated to be modified slightly and the circulation within the remaining Flat Iron car park is also shown to be changing.
- 4.3 The existing Iceland Store is shown to be within the red edge of the application but is proposed to remain as part of this application although the new building will possibly be attached to this building in some way and the building therefore needs to be within the red edge of the application.
- 4.4 There are currently 200 parking spaces within the existing car park that would be lost as part of the development of this site and 125 spaces that would remain. The existing car park operates a pay and display system with a limited stay of 3 hours.
- 4.5 There is currently formal pedestrian access from Union St at the car park entrance and from Clifford St both from the bus station and pedestrian crossing that gives access to the train station and the overflow car park/underpass to the long stay car park. There is also pedestrian access to the Market Walk

shopping centre and to the Town Centre including the Booths supermarket across the remaining half of the Flat Iron car park.

- 4.6 Currently on a Tuesday half of the Flat Iron car park is used as a temporary market with stalls erected on a Monday afternoon & evening and taken down on a Tues evening and access to that part of the car park restricted both on a Monday afternoon/evening but also all day Tuesday.
- 4.7 Also within the boundary of the application site is the current Shop Mobility portacabin and parking spaces and also a storage compound for the market stalls which avoids the need to go onto the public highway when erecting and dismantling the market stalls.

5. Representations

- 5.1 5 letters of objection have been received that have regard to the following points:

- Am appalled it could ever be considered. It would destroy the character of the market area completely.
- The views of the hills that visitors experience will be blocked by the development
- The height of the building would not be in keeping with the historic market town of Chorley.
- There is significant additional parking spaces and no identifiable improvements that will support pedestrians and cyclists. Speed reductions or more pedestrian crossings would be needed to support movement.

- 5.2 **Edmund Kirby – On behalf of Iceland** objects on the following grounds:

- Concerns re detail submitted and due to outline nature of the application there are difficulties in assessing the impact
- There is potential for one large unit to accommodate a single supermarket and the applicant fails to consider the potential impact of this. A single unit would discourage people from visiting the rest of chorley.
- The Iceland Unit has been included in the red edge though no details are shown of the changes.
- The impact of the smaller service yard has not been assessed in relation to existing businesses.
- The proposed walkway will result in a poor environment.
- The creation of a significant number of parking spaces in one location could damage retailers elsewhere who are reliant upon footfall from all the Chorley car parks.

- 5.3 An additional comment reinforcing the earlier comments has been received following consultation on the amended plans from Edmund Kirby as follows:

“The proposed changes to the service yard access to my client's store present a conflict with the access and egress to and from the proposed car park. The access and egress from Iceland's service yard is immediately adjacent to the access for the proposed car park and is located on the car park access itself. This arrangement is clearly dangerous and would provide difficulty for service vehicles exiting the yard with cars entering the car park particularly at busy periods. My client is currently able to service their store without impediment and it is imperative that this continues. My client is

concerned that the proposed changes to the servicing arrangements for their store will result in restrictions on times at which the store can be serviced. This is wholly unacceptable and my client would be unable to operate at this location under such a restriction.”

5.4 Steven Abbott Associates – on behalf of Booths

In response to the latest consultation, Booths representative requested that the consideration of the application be deferred pending discussions regarding conditions or a legal agreement to ensure that the development does not undermine the position of Booths within the Town Centre. Booths also raise the legal agreement that the Council has with Booths over the car park that requires inter alia the provision of 130 spaces (except on Market Day) and the half of the Flat Iron car park is identified and a restriction included that requires the Council not to sell or dispose of the free hold interest without simultaneously procuring the same form of covenant. Booths also raise concerns over the car park arrangements during any construction period.

- 5.5 It is accepted that conditions that could be attached to a planning consent could overcome some of the issues that are of concern to Booths and in addition a legal agreement can be entered into to place restrictions on the half of the Flat Iron car park nearest Booths due to this being outside the application site boundary and this would allow car park control measures to be imposed that would reflect those imposed on the development. The final detail of the legal agreement can be agreed following consideration of the application and conditions that are suitable to Booths could be submitted prior to the Committee meeting. There is no overriding reason to defer or remove the application from the agenda or prevent a decision being made.

6. Consultations

- 6.1 **Lancashire County Council (Highways)** : The full response from LCC Highways can be seen at Appendix H and the summary is as follows:

“Traffic models can be a useful tool to give an indication of the likely operation of the network and individual junctions, at best indicating comparative network operation that may be expected between scenarios. But it is reliant on replicating existing conditions and it is acknowledged that modelling congested town/city centre networks accurately can be extremely difficult (as in this case), and can only ever be at best, a good approximation of likely outcomes. Therefore, the interpretation and level of confidence applied to the modelling results is a matter of engineering judgement that should reflect the complexity of the models involved. The applicant accepts that with the proposed development vehicle movements in the area will increase, this will inevitably lead to additional delays on the network as the developer is not proposing additional road space to provide increased capacity, (which is not a route LCC would support given National constraint on private motor vehicle use).

In reality there is probably a degree more queuing at times and locations than the models suggest, but they do show that overall there is still a level of spare capacity over the network to deal with the extra development traffic. In conclusion it is likely that the development/network is going to operate like a typical busy town centre network with the development in place, and sometimes there will be queuing at peak times. In this case LCC believe the developer has demonstrated that there is a workable solution for access to site with an acceptable level of delay; subject to the highway works/improvements indicated

in the Transport Statement Technical Note 4 (i.e. the limit to 100sqm food retail, access proposals, VMS, A6 Toucan), combined with the use of a strong Travel Plan, (to reduce development dependence on the private car) and the Car Park Management Strategy together with a Service Yard Management Strategy/Plan to minimise congestion on the network at the site access points”

6.2 Policy & Design Team Leader (Urban Design) -

Policy Context - Design

Planning Policy Statement 4 – Planning for Sustainable Economic Growth puts the onus on developers to demonstrate, amongst other things that the development:

- ‘has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change’ (page 17, Para EC10.2 (a))
- ‘secures high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions’ (page 17, Para EC10.2 (c))

Chorley Local Plan saved Policy GN5 requires the design of proposed developments to be well related to their surroundings, including public spaces, and with landscaping fully integrated into their overall scheme. The appearance, layout and spacing of new buildings, which may include innovative and original design forms, should respect the local distinctiveness of the area.

Chorley Town Centre Audit and Urban Design Strategy – endorsed by Exec Committee on 13th Nov 2008 identifies the important historical role Flat Iron has fulfilled within Chorley, and potential for it to become the primary public place in Chorley. Flat Iron is also be an important focus for future development activity in the town centre, and therefore must reflect Chorley’s aspiration for an attractive pedestrian environment and a fitting entry point from the by pass.

The revised Design and Access Statement is much more successful and accurate than that originally submitted. I support the key design principles and parameters identified including the idea of a pedestrian route through the development that links directly to the existing crossing across the A6.

The applicant has submitted sections, photographs and perspectives which have allowed officers to thoroughly assess this proposal.

Design issues previously highlighted have been considered and the principles and parameters have been amended accordingly. For the scheme to be successful within this setting and satisfy the policy context it must be of high design quality. The applicant has demonstrated that working within their parameters they can achieve a high quality gateway

and anchor for the town centre, that will be appropriate in terms of scale and massing. Adequate consideration can be given to pedestrians working within the design parameters identified and a highways and public realm solution can be arrived at that will ensure that the development integrates successfully with the existing urban grain, linking with key public and vehicular routes/desire lines and transport hubs.

The Design Principles detail maximum building heights, maximum build zones, primary retail frontage etc. The detailed design solution will be considered at reserved matters stage when the applicant will have to demonstrate the high quality and acceptability of any proposal. In relation to height, the applicant has provided some visuals of examples of successful schemes built at Ashford and Newcastle of comparable heights. Discussions with the applicant resulted in a reduction in the maximum height parameter of the proposed building by way of stepping back of the top floor of the building and the provision of a generous footpath width in order to alleviate officer concerns over the potential overbearing impact of the building on pedestrians and properties along Union Street. In addition, because of the nature of the building ie retail units and car parking above, it will not appear as a solid mass. The glazing to the retail units will have the affect of making the building appear 'lighter', (allowing views into the shops) and the car parking offers the opportunity to punctuate the building with openings. Accordingly, the building can be designed in order to achieve an acceptable perceived scale and massing and high quality end result.

- 6.2 **The Environment Agency** – No objection subject to the imposition of conditions covering ground contamination and sustainable drainage
- 6.3 **The Architectural Design and Crime Reduction Advisor** – Raised concerns regarding the earlier amendments to the scheme that created areas that pedestrians would not want to go into due to fear of crime. These matters have now been addressed and the pedestrian routes are now acceptable.
- 6.4 **Corporate Director (Neighbourhoods)** – No objection subject to the imposition of a condition in respect of ground contamination
- 6.5 **United Utilities** – No objection subject to conditions covering surface water drainage and to deal with the water supply crossing the site.
- 6.6 **Network Rail** –No objections subject to no impact upon the land between the rail station and bus station
- 6.7 **Sustrans** – No objection subject to improved provision for cyclists and pedestrians in the vicinity of the site and that secure cycle parking is provided within the site.
- 6.8 **Regional Office 4NW** – Do not consider this site to be a regionally significant application having regard to its size and location within the Town Centre
- 6.9 **Highways Agency** – Do not wish to raise an objection to the application having regard to the distance of the application to the motorway network

7. Policy Considerations

7.1 The Development Plan

7.2 In accordance with s38(6) Planning & Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.3 The development plan comprises the Adopted Chorley Borough Local Plan Review (saved Policies), North West Regional Spatial Strategy (RSS) and the DPD on Sustainable Resources. The emerging Central Lancashire LDF Core Strategy (publication version) has recently been published and does not form part of the statutory development plan and emerging policies will have little weight however the Retail Policies are supported by an up to date study by GVA Grimley which carries greater weight.

7.4 Chorley Borough Local Plan

7.5 The relevant saved Local Plan policies are as follows (and for information are detailed in appendix E):

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

7.6 Sustainable Resources DPD

- Policy SR1 – Incorporating Sustainable Resources into New Development

7.7 Regional Spatial Strategy

7.8 The Regional Spatial Strategy is the subject of challenge at present and within the Localism Bill that is currently progressing through Parliament the RSS is proposed to be abolished. The position currently in respect of the RSS is summarised in a statement from the Planning Inspectorate as follows: “the determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State’s statements and to the letter of the Chief Planner”.

7.9 The policies within the RSS that must be considered and weight attached are as follows:

- Policy W5 Retail Development – This policy provides that “Investment of an appropriate scale, in centres not identified above will be encouraged in order to maintain and enhance their Vitality and Viability”.
- Policy DP 9 Reduce Emissions & Adapt to Climate Change.
- Policy RT 2 Managing Travel Demand – This policy seeks to promote developments with good access to public transport and seek to reduce the reliance on the private car

7.10 Central Lancs LDF Core Strategy (Publication Version).

7.11 The Central Lancashire LDF Core Strategy, jointly prepared by the South Ribble, Preston and Chorley Councils, reached the statutory 'Publication' stage on 9th December 2010. The document was placed on deposit until 31st January 2011 and is due to be submitted to the Government in March 2011.

7.12 As this document has reached Publication stage but has not yet been adopted, the Policies within this document are a material planning consideration and this application will have regard to the following Core Strategy Policies:

- Policy 11 Retail & Town Centre Uses & Business based Tourism
- Policy 17 Design of new buildings
- Policy 27 Sustainable Resources & New Developments

7.13 Policy 11 of the Central Lancashire Core Strategy (CLCS) identifies Chorley as a principal town centre and encourages retail development of an appropriate scale to maintain and improve the vitality and viability of the town centre by building on the success of the Market Walk shopping centre and by investing in further retail development, supporting a range of other retailers and services, as well as improving the centre's appearance and accessibility.

7.14 The proposed development with the indicative larger units would seek to attract larger multiples in accordance with the Town Centre Strategy and the retail studies by both White Young Green and GVA Grimley. The potential to subdivide and create much smaller units has the potential to undermine the aim of attracting a different offer from the existing Market Walk units except those of Boots and B&M Bargains.

7.15 National Planning Policy

7.16 The relevant planning policy statements are as follows:

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

7.17 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.

7.18 Other Material Considerations

7.19 Chorley Corporate Strategy 2009/10 – 2010/11

7.20 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.

7.21 Chorley Town Centre Strategy 2006

7.22 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%.

7.23 In particular, the strategy identifies the Application site as a priority site to extend the popular contemporary shopping area of Market Walk. 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 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.

7.24 Chorley Retail Study 2005 (White Young Green)

7.25 This 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 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 scope to improve the operation of car parking

7.26 Central Lancashire Retail Study 2010 (GVA Grimley)

7.27 This study was commissioned to inform the LDF. This is the most up to date evidence base on retail matters and significant weight can be attached to the study.

7.28 Comparison

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)

7.29 The conclusion to the report highlights that for Comparison floorspace :

“Whilst the town centre retains just under half of all comparison expenditure arising within the Chorley catchment, the survey-based exercise finds that it secures only 35% of clothing and fashion spend. A qualitative review of the town centre fashion offer indicates that the existing provision, with the exception of two mainstream fashion multiples is orientated towards the value end of the market.”

“There is a quantitative and qualitative need to plan for new comparison retail provision within the town centre through the emerging LDF process. The north eastern area of the town centre around the Market Walk shopping centre, which includes surface car parks, would provide a logical extension to the town centre primary shopping core.”

7.30 The GVA health check and recommendations supports development within the Town Centre for Comparison retailing and identifies a quantitative and qualitative need for new comparison retailing and also identifies that the application site is a logical extension to the primary shopping core. The scale of development proposed is supported by this up to date review and would support the Core strategy and Town Centre Policy aims of broadening the range and choice of retailing

7.31 Convenience

7.32 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	2,240m ²	2,624m ²	3,280m ²

7.33 The conclusion to the study highlights that for Convenience floorspace :
 “On the basis of the quantitative assessment, there is limited scope for significant market enhancement within the Chorley catchment. The existing out-of-centre Morrison’s store in Chorley is however significantly overtrading to the extent that there is a material need for a new sequentially compliant foodstore in the town centre. A new mainstream foodstore, of comparable scale to the existing Morrison’s store, would enhance choice and provide effective competition for local residents on a like-for-like basis. The emerging LDF should therefore identify the need for a sequentially preferable site.”

7.34 Since the study, a planning consent has been granted to Asda that will meet the need for a large retailer within Chorley (the consideration of which was detailed within the report on that application presented to this Committee in October 2010). The study highlights that it will be important that the emerging Core Strategy / LDF policy builds in sufficient flexibility in capacity terms so as to enable commercially responsive proposals to come forward on a sequentially compliant site which can genuinely facilitate linked shopping trips with the town centre. The Asda consent takes up the capacity for a large retailer that achieves claw back and achieves linked trips.

This application seeks a maximum of 1000m² of convenience retailing which would provide a flexible consent to be commercially responsive to the market and meet

some of the demand for additional medium retailing that is consistent with an anchor store that would have a mix of comparison and convenience retailing that would in turn support the conclusions of this report. Any new scheme within this area of the town centre provides a significant opportunity to provide new modern retail accommodation attractive to mainstream national multiple retailers

7.35 In terms of the performance of the Town Centre the report concludes :

“The 2005 Retail Study identified that Chorley was 243rd in the 2003/2004 Venue Score centre ranking; the overall trend over the past five years has however been an incremental decline in retail ranking with the town’s position declining to 298th in 2009. Given that there has been no change in the scoring criteria in the intervening period, this decrease in hierarchy ranking may be in part attributable to the loss of a key town centre comparison retailer (i.e. Woolworth’s) or quantitative and qualitative improvements in the other comparable centres which has impacted on Chorley’s ranking position. The overall ranking assessment suggests that there is scope for improvement in Chorley’s retail offer through the attraction of more national fashion-orientated multiples in particular. In terms of the wider sub-regional hierarchy, Chorley is again comparable with Accrington.”

8. Chorley Local Plan Review

- 8.1 Appendix E details the relevant local plan policies. Appendix D details the proposals map for the site and its context.
- 8.2 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.
- 8.3 **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. PPS4 has updated retail policy however for this application within a town centre there is weight that can be attached to the Town Centre first element of this policy.
- 8.4 **SP2 – Retail Allocations:** this policy identifies a number of sites for retail development, again in the context of the now superseded PPS6.
- 8.5 **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 also at appendix G, and has concluded that there is no objection to the development subject to certain conditions. 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.
- 8.6 **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.

8.7 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

9. PPS4 – Planning for Sustainable Economic Growth

9.1 The position of the application site in relation to the Town Centre and the Local Plan allocations can be seen at appendix C. It can be seen from this plan that the remaining part of the Flat Iron and the block that is now Booths is allocated as a development site within the Town Centre. The application site is immediately adjacent to the existing Market Walk shopping centre and the allocated site. The consideration of the application site in respect of the local plan and PPS4 would be as a seamless extension to the existing Market Walk shopping centre and this is referred to within PPS4 practice guidance and an assessment under policies EC10 and EC16.1e is required. The application is to be assessed against Policy EC10 .2 (Impact Tests) and Policy EC16.1e appropriate scale.

9.2 The limited assessment required by PPS4 has been undertaken in respect of Policy EC16.1e that of appropriate scale. Policy EC 16.1e states that “if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floor space) in relation to the size of the centre and its role in the hierarchy of centres

9.3 Policy EC16.1e

9.4 This policy requires consideration of appropriate scale in relation to the gross floorspace of the proposed development and the size of the centre and its role in the hierarchy of centres. In relation to the hierarchy of centres, this is referred to in Policy W5 of the RSS although Chorley is not referred to and investement is limited to appropriate scale. Whilst limited weight is to be attached to the Central Lancashire LDF Core Strategy Publication Version this does identify Chorley as a second tier centre and the GVAG study identifies the operation of Chorley within the Central Lancashire hierarchy and also the

forward capacity that in turn justifies that this scale of development is appropriate to Chorley and will support both the quantitative and qualitative aims of the Local Plan (Policy SP1) the Town Centre Strategy and the Central Lancashire LDF Core Strategy publication version.

9.4 Policy EC10.2 – Impact Considerations

9.5 All applications for economic development should be assessed against the following impact considerations:

9.6 Policy EC10.2a – Climate Change

9.7 This is an outline application and the applicant has 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.

9.8 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, together with the imposition of suitable conditions in accordance with the Council's DPD.

9.9 Policy EC10.2b – Accessibility

9.10 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 application site is close to both bus and train services and improvements have been secured during the application process to improve accessibility and permeability from these locations. It is not considered that there will be an adverse impact on accessibility as a result of this development. The detailed highways considerations are considered at 10.1 to 10.9 below.

9.11 Policy EC10.2c – Design, Character & Function

9.12 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.

9.13 The application is an outline application with all matters reserved for later consideration, however the applicant is required to provide parameters within which the development will be built and these must be minimum and maximum parameters. In essence the developer must demonstrate that he can fit the scale of development applied for on the site but also show how that scale of development will relate to surrounding existing buildings and public spaces.

9.14 In terms of this application the applicant must demonstrate that he can accommodate the 7600 square metres of retail floor space plus 481 parking

spaces and the servicing space within the site boundary of the site and adequately integrate the scale of development into a town centre location.

9.15 Initially the proposed building applied for was to be 23.5 metres tall and was to be that height across the whole of the application site. The scale of the building has been amended a number of times in response to officers concerns about its scale but also responding to concerns expressed to officers by members. The height of the building now applied for has two different heights, the taller elements of the scheme are the highest levels of the car park and the stair/lift well at 21.5 metres with the lower level being at 18 metres. The upper level of the car park does not cover the whole of the Union Street/Flat Iron/Clifford Street element of the scheme as there will be a step back of 10 metres to the Flat iron car park and a step back of between 12 and 21 metres to the Union Street frontage which includes the corner to Clifford Street.

9.16 The indicative or illustrative plans submitted show the proposed building at a height that could potentially be achieved within a reserved matters scheme which is at a lower height than the max parameters. The illustrative plans show the highest level being at 19.5 metres and the lower level being at 16.5 metres. The illustrative plans should not therefore be considered to be the final design or that this scale of development could be achieved and the development might end up, when finally designed to be higher, up to the max of 21.5 metres and 18 metres.

9.17 PPS4 seeks for the development to secure a high quality and inclusive design but there is little detail in the document about how this is to be assessed and the practice guidance is also limited, however the PPS6 Planning for Town Centres: Guidance on Design & Implementation Tools (still extant) sets out a number of tools and design principles that should be considered. These are :

- Normally be oriented so that it fronts the street;
- Respect building lines of the existing urban environment and where appropriate, build up to the edge of the curtilage;
- Maximise the amount of active street frontage;
- Avoid designs which are inward looking and which present blank frontages;
- Provide level access from the public realm; and
- In the case of development in edge of centre locations, provide good pedestrian access to the centre.

9.18 Policy 17 of the LDF Core strategy also includes a policy for the design of new buildings however this is not specific to economic development or town centres.

9.19 The frontages to Clifford Street would be termed main frontages and will include activity frontages that will also extend around onto Union Street and the Flat Iron car park. The applicant has expanded on this definition with the following statement:

“To expand upon this principle. The proposal intends to ensure that frontage along the Clifford Street and Union Street is attractive and welcoming for future pedestrians. This design feature will encourage movement around the entire building not just the retail frontages. The future public realm improvements will integrate with the building and improve the character and quality of the area.

The relevant parameter plan(s) demarcate an area which will promote activity, whether this be secondary access points, window displays or glazed areas

providing views into shopfloors. This principle ensures that during daylight hours, the development fits into the public realm strategy to foster pedestrian movements. Furthermore, from a visual perspective, the principle will ensure that interest is created through light and movement particularly at ground floor levels. The area does not extend up to the proposed service yard entrance/exit as the final design of the development must consider the relationship between an anchor retailer (anticipated for the corner space) and the other retail units within a scheme. Though clearly it will be important for the Council to ensure that the fenestration, illumination and material composition of this frontage work in harmony and this will form a key discussion area at the reserved matters stage. At this time, the parameters indicate a design intention to create visual interest, break up massing of key frontages and add activity to the development which is a positive step to creating a character of development in this instance.”

- 9.20 The parameters have demonstrated that the scale of development can be fitted in to the maximum sizes provided and that the resultant building considered at reserved matters could be smaller. The determination on this application must reflect a decision on the scale of development, both floor space and parking / servicing and the resultant building and its effect upon the Town Centre. The Town Centre Strategy envisaged and promoted development on this site of a similar/larger scale of floor space together with parking. However this scheme has provided more options for how the scheme could be designed. The building will be taller than all the surrounding buildings including Market Walk and Booths and the Union Street offices and would therefore be viewed as a stand alone building.
- 9.21 The design of the building could respond to the criteria at para 9.18 when the final scheme is submitted at reserved matters stage and there is the potential to create a positive contribution to the Flat Iron improvement scheme but this would require the development to fund improvement works to this area, such works would need to be secured via a section 106 contribution due to the remainder of the site not being within the application site boundary. The potential for improvements to Clifford Street and Union Street would make a positive contribution to the Town Centre and the latest illustrative options for the car park entrance area do open up this part of the site and provide legibility for pedestrians and cyclists when approaching the town centre from the main public transport hubs.
- 9.22 A large building that is much higher than its surroundings can work if the development is of an exceptional standard of design that does not have to fit in with other buildings in terms of size and design and be of a form and quality that will contribute to the Town Centre built fabric into the future and not result in a building “of its time”. On the basis that any reserved matters scheme for the site must be of the highest quality of design, including the public space surrounding it and that this development will contribute towards those public spaces then it can be concluded that the development has the potential to positively contribute to the Town Centre albeit not consistent with the scale of development that has gone before and supports the aims of the Town Centre Strategy and the Local Plan in addition to the Joint Core Strategy in terms of maintaining the position of Chorley within the retail hierarchy.
- 9.23 The scale of the building could be reduced to make it more consistent with Market Walk or Booths but this would not achieve the scale of development proposed and may not be a viable scheme to implement if the critical mass of

units and floor space to attract the right tenants is not secured. Considerations of design therefore impact on the principle of the development as a whole, if the building is considered to be excessively large for the site then the whole development must be considered to be unacceptable and that then has the potential to delay or even frustrate the future development of the site.

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

9.25 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.

9.26 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.

9.27 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.

9.28 In terms of social inclusion, the proposal includes access provision for those with disabilities, and provides an attractive form that provides legibility.

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

9.30 There are no specific details regarding the potential for securing employment because the typical employment generation would reflect the end users of the scheme who are not known at present. Any reserved matters application would have to provide this information.

10. Highways & Accessibility

10.1 A highways assessment has been carried out for the development however the description of development in this instance covers a wide scope as the applicant has applied for an open A1 permission with a maximum floor space of 7600 m² gross floor space. For a transport assessment to correctly and adequately assess the potential impact of the development then such an assessment must cover the full range of potential floor space divisions between convenience and comparison floor space as advised within the PPS4 practice guide. Before considering the detailed comments in respect of highways the position of the applicant and what they have put forward will be explained as there have been a number of changes and amendments made to the application during the course of the application being with the Council.

10.2 The applicants, within an updated technical note on highways have chosen to limit the range of the highways assessment particularly in respect of convenience floor space and in correspondence, have referred to food floor

space rather than convenience, a term that is defined within PPS4 and the term that will be used in the consideration of this application) which would be likely to generate a significant numbers of trips. A figure of 1000 m² (Gross Internal Area) has been used as the upper limit of convenience floor space within the transport assessment and it is this limit that has been considered in the LCC highways response.

- 10.3 The applicants position has been that whilst 1000m² of convenience floor space has been tested that some degree of flexibility is needed when it comes to the reserved matters application. NJL contend that the flexibility on floor space linked to convenience floor space should be allowed to be changed or varied if further modelling shows or demonstrates that the highway layout can accommodate a higher level of convenience floor space. NJL also agree to the imposition of a condition limiting the convenience (food) floor space but wished to include flexibility within the condition however following discussions about the wording proposed to be used then a different wording was proposed (*a maximum of 1,000sq.m (GIA)* is to be used for the purpose of sale of food goods).
- 10.4 The position of LCC highways has been that an unrestricted A1 permission has not been fully tested and is likely to cause harm to the movement of people within and around the site and specifically to the operation of the bus services from the adjacent bus station. There remains concern about how the application could be restricted and if a condition would be a suitable mechanism. Further conditions have been put forward by the applicant and amended during discussions and these are detailed at the end of the report. However they cover the scope of the floor space split, travel plan requirements and a car park management plan for the site in addition to the provision of detailed drawings of car park ramp arrangements.
- 10.5 The potential for impact to the highways network is limited to two areas or locations, the first is the proposed car park entrance to serve a 481 space car park which is also the entrance to one of the existing service yards. This has the potential to conflict with the exit for the bus station and concern has been expressed regarding delays to the bus services and this junction arrangement has been remodelled and two different models used. Different options have been considered and discounted as a means of giving the bus station and exiting buses priority and it is therefore accepted that there will be some degree of delay to the buses and a greater degree of queuing on the surrounding road network however the main Clifford St/Shepherds Way roundabout is likely to operate more efficiently if the development is in place due there being greater right turn movements travelling south from Clifford Street towards the car park. There are minor improvements that can be made to the junction however the potential for delays and harm to the efficient operation of the highway network and bus operation may have to be accepted if the development is approved.
- 10.6 Additional real time highways signage could be implemented that would avoid the car parks being used efficiently and shoppers being directed to the correct car park. Such signage would also avoid wasted trips to the proposed car park that would add to the congestion. There is also proposed to be a travel plan condition attached to any planning consent that would promote sustainable forms of travel for workers and visitors to the development, in order for this to be delivered the County Council are seeking a travel plan contribution that would have to be secured as part of a section 106 agreement.

- 10.7 A second area for potential harm to the operation of the highway network is the service yard access on Clifford Street, the location of this access has been changed during the application consideration, at first it was proposed to position the service access next to the car park access and that this would need to cross over the main footpath connection from the Train Station and Clifford Street crossing point. The arrangement for the service yard access will require HGV and other service vehicles to approach from the south along Clifford Street and then pull into a wide covered service yard that would act as the exit for vehicles as well. A vehicle could not enter and exit at the same time and vehicles using the service access will have to take up more than one lane to enter and exit. The arrangements are not ideal for servicing a large new retail footprint but there is no real alternative to providing a service yard without significantly reducing the scheme and scale of development and that would have a knock on effect on the attractiveness and marketability of the scheme and the draw it will have. Conditions can be imposed to cover a service yard management plan to prevent storage within the yard and to manage the deliveries to times outside of the peak congestion times i.e. evening and night time deliveries.
- 10.8 It is the conclusion of the highway authority that conditions that could be imposed which would limit the harm caused and make the development acceptable. There is an acceptance in the LCC response that there will be queuing within the vicinity of the site and an acknowledgement that the A6 Clifford St roundabout where buses would come out does not currently operate effectively as a roundabout due to the main desire line for traffic being along the A6. With the development in place there will be a significant volume of traffic turning into the site and this would allow the roundabout to operate more efficiently and this is a likely outcome of the development.
- 10.9 With the limitations proposed by the applicant to limit the permission both in terms of the limit of convenience retail floor space and the restrictions to the numbers and floor space of the units proposed together with a strong Travel Plan, Car Park Management Plan and Service Yard Management Plan, the development is acceptable from a highway safety and reliability position.

11. Iceland Objection

- 11.1 Edmund Kirby have objected/raised concerns on behalf of Iceland particularly in relation to the service yard and Edmund Kirby have updated and reinforced their concerns in their latest comments. Several areas of concern have been clarified or overcome and the concerns of Iceland regarding the service yard must be balanced against the need to improve connectivity, to secure the access to the development site and to provide continued access to the existing service yard. In planning terms the need to improve the accessibility of the site and its links to the town centre would outweigh the negative impact of the alterations to the service yard and this conclusion has regard to the view of LCC Highways who have not raised an objection to the alteration of the service yard in connection with highway safety. The applicant will be required to enter into separate discussions with Iceland as landowner and tenant.

12. Section 106 Agreement

- 12.1 A Legal agreement is proposed for this development to cover the following aspects:

- Contribution towards Travel Plan Monitoring
- Contribution towards hard and soft landscaping outside of the application site boundary
- Provision of a car parking control mechanism within the existing Flat Iron car park which is outside the application site boundary to be consistent with the proposed car parking control condition.

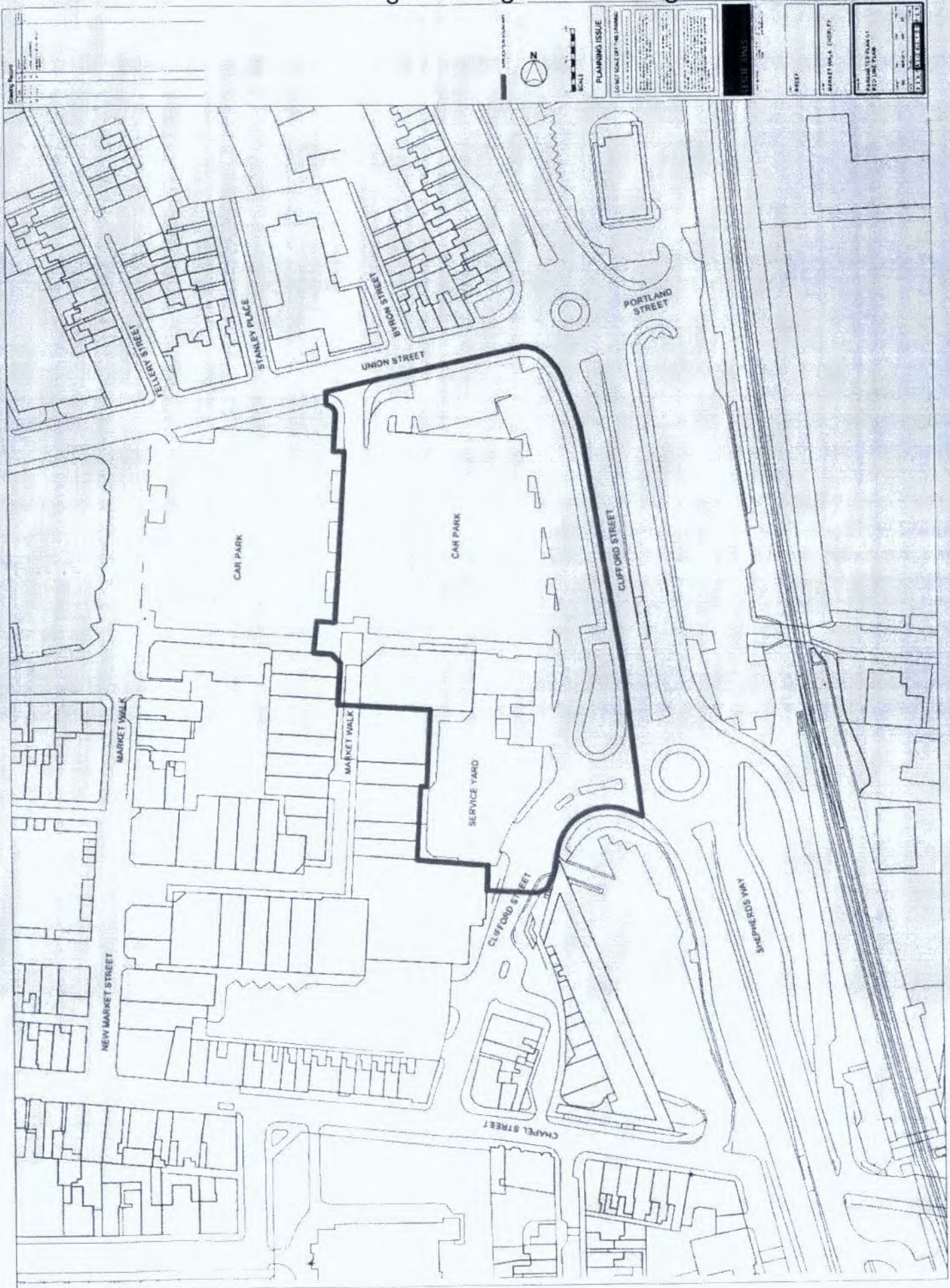
13. Overall Conclusion

- 13.1 The proposed development is located within the Town Centre and is considered to be a seamless extension of the existing Market Walk development and supports the findings of the earlier White Young Green and GVA studies in that additional comparison floor space is required to attract national multiples with a larger footprint to extend choice and develop the retail offer within Chorley. The Town Centre Strategy also supports the development of more choice and attraction within the Town Centre.
- 13.2 The highways considerations are matters that can be overcome by the imposition of conditions as agreed with LCC together with a section 106 agreement to cover works outside the application site.
- 13.3 The design considerations on a parameter application such as this are the more complex matters to reach a conclusion on because those matters are not being applied for in this application but the applicant must demonstrate that design has been considered sufficiently. The design, that may come forward must be one of high quality in order to justify its size in a prominent location and failure to achieve a high quality solution is likely to harm the character of the town centre rather than support the regeneration of this part of Chorley. However with a high quality, individual building that creates a sense of place and imposes a standard of design that others must follow such a building would be acceptable in this location and it would be for the applicant in any reserved matters application to present the Council with evidence of the quality that this site needs.
- 13.4 The proposal is therefore acceptable subject to conditions and a legal agreement seeking to control and guide any subsequent reserved matters application.

14. Planning History

- 14.1 There is no relevant planning history in relation to the application site however there was pre application planning consultation undertaken on a previous scheme on the application site but this did not result in a formal planning application.

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'MARKET WALK EXTENSION'

For RREEF UK Retail Property Fund

Market Walk, Chorley
Parameter Plans

Agenda Page 7

Appendix B

1.0 | Contents

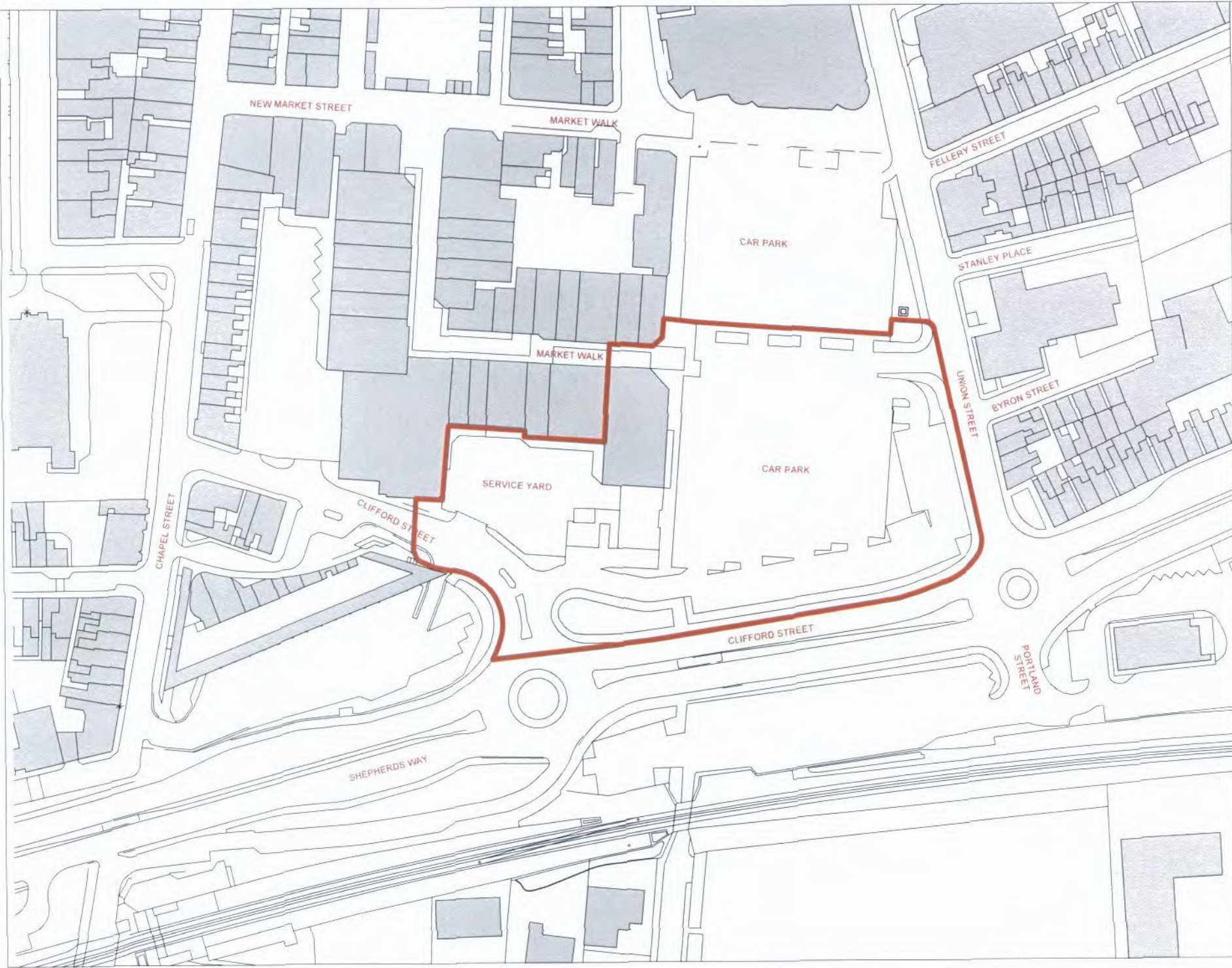
Parameter Plan 1. Red Line Plan

Parameter Plan 2. Maximum Build Zone

Parameter Plan 3. Activity/Frontages, Built Form Principles and
Feature Zones

Parameter Plan 4. Vehicular Access Plan

Parameter Plan 5. Pedestrian Priority Plan



Drawing Record

No.	Date	Description
1	10/10/18	Issue for comment
2	15/11/18	Issue for comment
3	15/11/18	Issue for comment
4	15/11/18	Issue for comment
5	15/11/18	Issue for comment
6	15/11/18	Issue for comment
7	15/11/18	Issue for comment
8	15/11/18	Issue for comment
9	15/11/18	Issue for comment
10	15/11/18	Issue for comment
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13	15/11/18	Issue for comment
14	15/11/18	Issue for comment
15	15/11/18	Issue for comment
16	15/11/18	Issue for comment
17	15/11/18	Issue for comment
18	15/11/18	Issue for comment
19	15/11/18	Issue for comment
20	15/11/18	Issue for comment

APPLICATION BOUNDARY

SCALE

PLANNING ISSUE

DO NOT SCALE OFF THIS DRAWING

LESLIE JONES

MARKET WALK, CHORLEY

PARAMETER PLAN 01
RED LINE PLAN

3.3.6



Drawing Record

No.	Date	By	Check	Description
1	12/11/2020	LESLIE JONES		ISSUED FOR PERMIT
2	12/11/2020	LESLIE JONES		ISSUED FOR PERMIT
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- MAXIMUM BUILD ZONE UP TO 3.2m
- MAXIMUM BUILD ZONE UP TO 2.5m
- MINIMUM GROUND FLOOR BUILD ZONE

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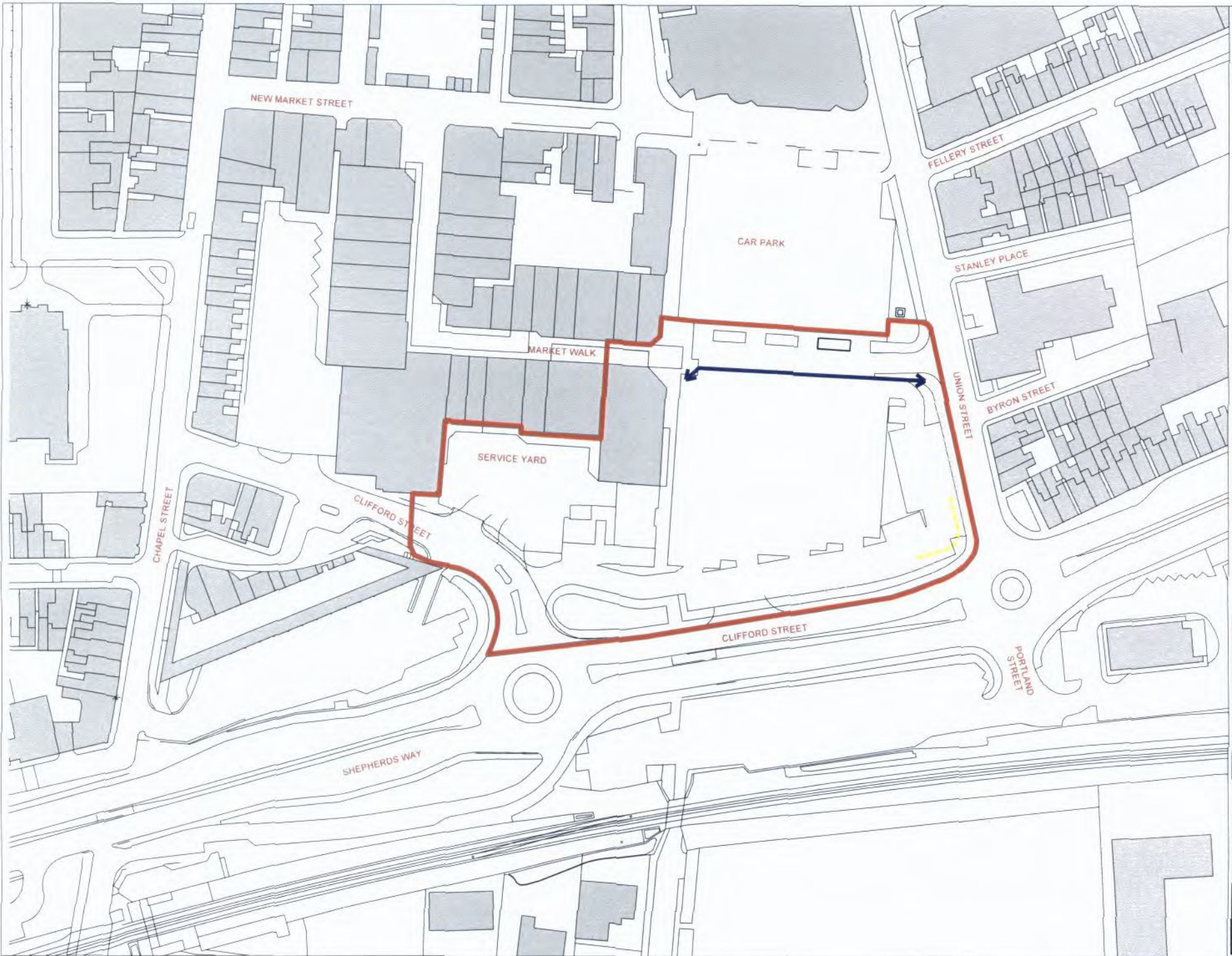
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- ACTIVITY FRONTAGE OR GATEWAY FEATURE
- PRIMARY RETAIL FRONTAGE
- PEDESTRIAN LEVEL ACTIVITY INTEREST
- APPLICATION BOUNDARY



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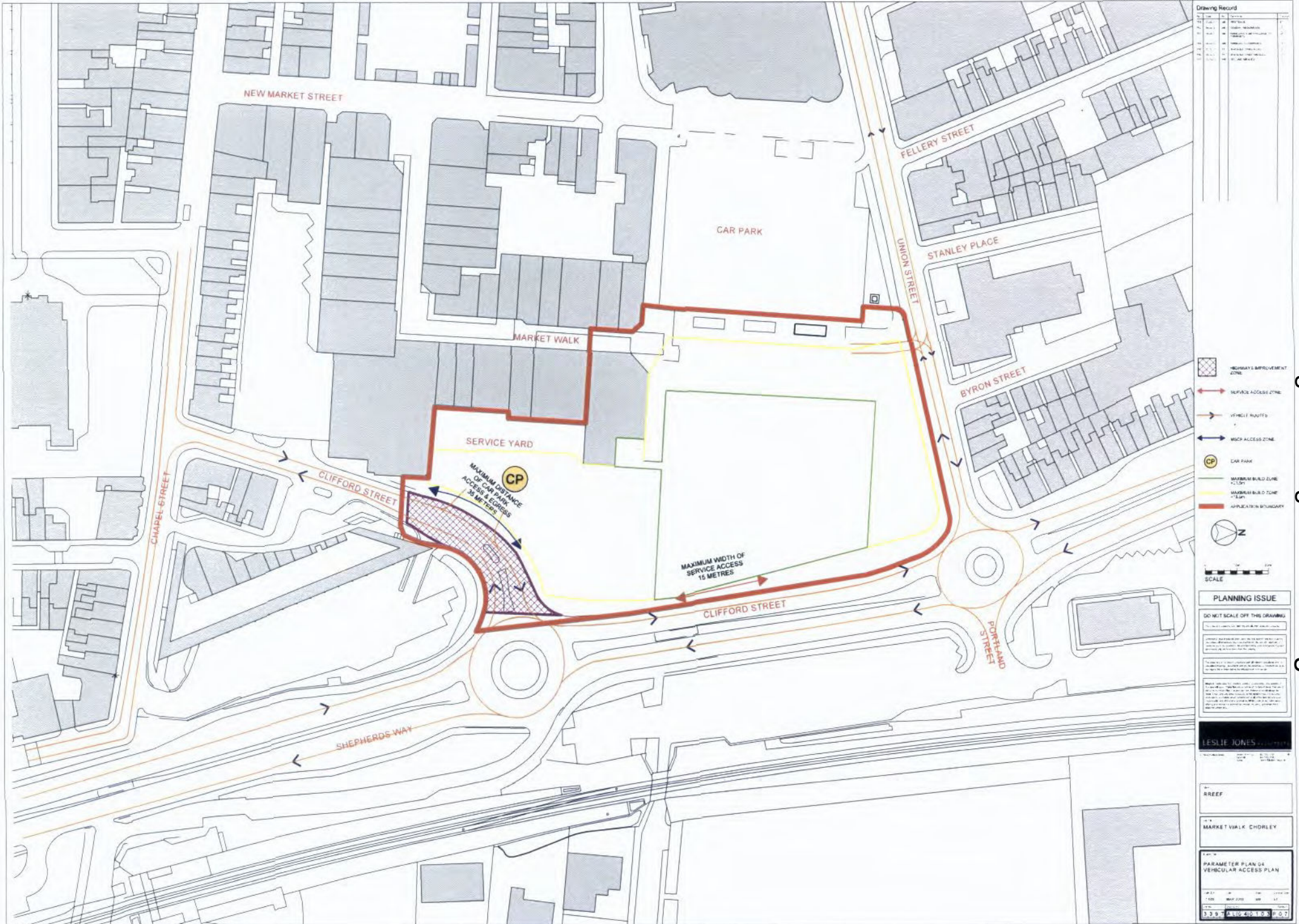
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MARKET WALK CHORLEY

**PARAMETER PLAN 03
ACTIVITY FRONTAGES,
BUILT FORM PRINCIPLES
AND FEATURE ZONES**

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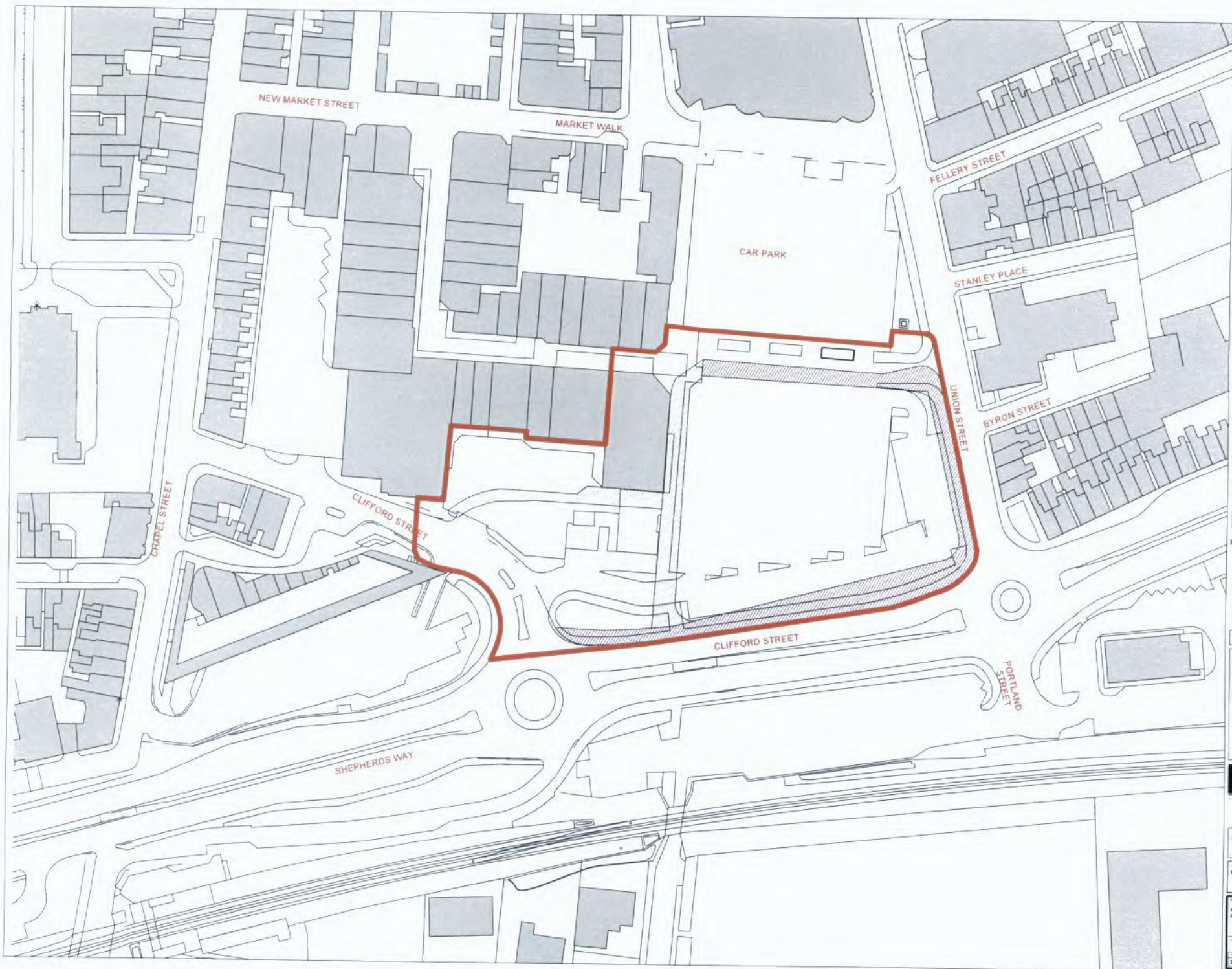
MARKET WALK CHORLEY

PARAMETER PLAN 04 VEHICULAR ACCESS PLAN

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- PEDESTRIAN PRIORITY ZONE 2 - ROUTES THROUGH THE DEVELOPMENT
- PEDESTRIAN PRIORITY ZONE 1 - ROUTES AROUND THE DEVELOPMENT
- APPLICATION BOUNDARY

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100% RESPONSIBLE

REF

MARKET WALK, CHORLEY

PARAMETER PLAN 05
PEDESTRIAN PRIORITY PLAN

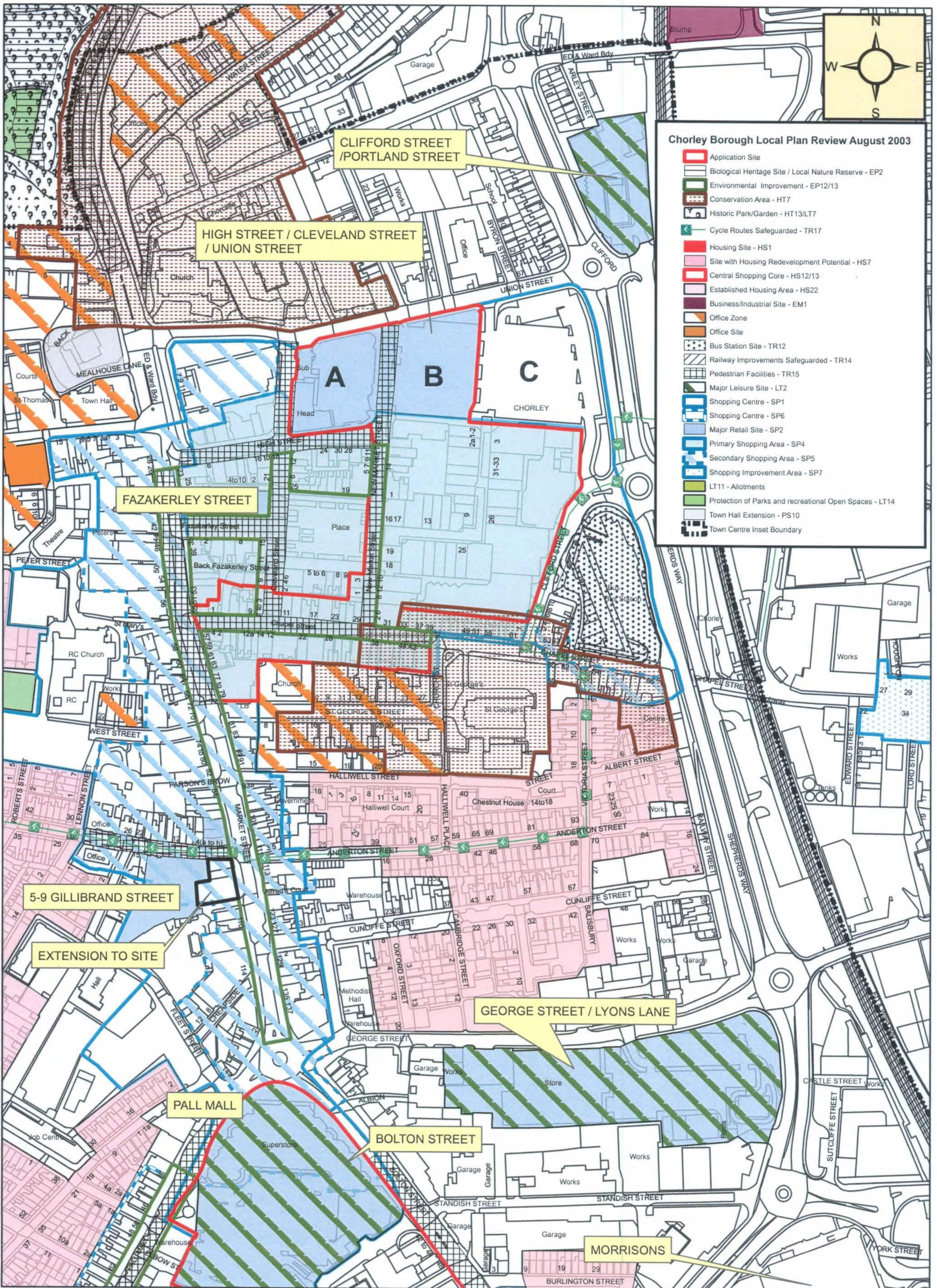
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APPENDIX C



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Appendix D

Written Statement

Adopted Edition

2003



Chorley



attractions. At the same time the market town character of Chorley needs to be preserved and local specialist shops encouraged to remain in the town centre. The Borough Council has also embarked on environmental improvements in the main shopping streets and this Plan endorses that commitment into the future, coupled with traffic management measures wherever necessary (Policies EP12 in Chapter 4 and TR15 in Chapter 8). Chorley has to fulfil its retail potential if only to retain, rather than improve, its position as a shopping centre. Anything less could well see a further loss of trade and employment to elsewhere.

LOCATIONS FOR MAJOR RETAIL DEVELOPMENT

- 9.15 Major retail development is that which is intended to serve a wide shopping catchment area. The sequential approach to selecting sites for retail (and other uses) set out in PPG6 means that first preference should be given to locations in town centres, then other centres, with locations away from such centres only being acceptable if there are no suitable more central sites and there would not be an adverse impact on the vitality and viability of nearby town, district, or local centres. Chorley is the only main shopping town centre in the Borough but account must be taken of nearby town centres in neighbouring local authority areas. Clayton Green is considered to be the only district centre in the Borough.

SP1 Subject to the full provisions of this Policy, major retail development proposals will be permitted in Chorley Town Shopping Centre, as shown on the Proposals Map. If no suitable site exists here preference will next be given to sites on the edge of the centre and then, providing the proposal is consistent with their scale and function, to District and then Local Centres, as shown on the Proposals Map.

Major retail development proposals will not be permitted:

- (a) if there is an unacceptable environmental impact; or
- (b) the road network, with any suitable improvements proposed, is unable to accommodate predicted traffic levels; or
- (c) on sites outside the above mentioned Centres unless there is no suitable site available within the Centres. If this is the case appropriate proposals may be permitted on sites on the edge of these Centres provided that the applicant can demonstrate a need for the proposal.

If there is no suitable site available in or on the edge of the above Centres appropriate proposals may be permitted in out-of-centre locations provided that the applicant can demonstrate a need for the proposal and subject to the provisions below.

On all sites outside Chorley Town Shopping Centre, the following criteria must also be satisfied:

- (i) that the applicant can demonstrate that the impact likely to result from the development, including impact from other recent and proposed developments in the locality would not undermine the vitality and viability of a nearby Town, District or Local Centre as a whole including those outside the Borough; and
- (ii) the site is well served by public transport and is readily accessible by foot and cycle.

In assessing whether sites and locations are suitable, account will also be taken of whether, from a functional point of view, the use genuinely requires a substantial adjacent customer car park, a large single floor area or a large external use and storage area.

The suitability of the sites listed in Policy SP2 for major retail development has been assessed against the above criteria.

In addition retail use will not be permitted on sites allocated for other uses unless the applicant can demonstrate that the proposal would not reduce the range and quality of sites available for such uses.

RETAIL ALLOCATIONS

- 9.16 Taking account of Chorley town's new bus interchange coupled with the move of the Royal Mail sorting office and the prospect of being able to retain the Post Office in some form, the opportunity to redevelop the block of property bounded by High Street/Cleveland Street/Union Street/New Market Street arises. The most successful way to introduce further retail development into a town centre is to extend around the most popular part of the shopping area. Market Walk has become the shopping focus of the town centre attracting high flows of shoppers. It is logical therefore to link any development in the vicinity with Market Walk; this could mean building over the Flat Iron half of the car park. Such a scheme would need to include replacement car parking provision (see paragraph 8.40) and relocation of the Tuesday market. However, in view of the planning permissions that have now been granted for a retail food store and public house this is now unlikely.
- 9.17 It is also appropriate to encourage the re-use of vacant buildings and the implementation of redevelopment schemes, some of which have been granted planning permission. Following the decision by the Co-operative Retail Society to cease non-food retailing a shopping occupier was found for the former Homeworld store. However, should the building become vacant again in the Plan period, the site would be suitable for a retail re-use or leisure; in the past the building, with a proposed extension, had planning permission for a range of entertainment uses.
- 9.18 Two sites in Gillibrand Street – the site of the former Graham's store and land on the corner of Market Street were cleared of buildings following the grant of planning permission for ground floor retail uses. The Market Street corner site will have upper floor residential use, as part of the newly constructed building. The former Graham's store site remains vacant. The site of 5-13 Fazakerly Street has been redeveloped for unit stores.
- 9.19 The retail study referred to in paragraph 9.14, in addition to finding a quantitative need for additional town centre comparison floorspace, also found that additional retail warehousing (in appropriate product areas) could be supported. The assessment concluded that within the limitations of market potential there is a corresponding requirement for site allocation in one or more locations that relate directly to the town centre. The two remaining sites in Policy SP2 below are, in sequential terms, edge of centre sites but relate well to the town centre and are well placed to cater for the need for more retail warehousing. The LAC vehicle hire premises at Clifford Street/Portland Street has been redeveloped for a food and drink use plus a retail store, and is also allocated for leisure purposes (Policy LT2). The former Vimto bottling plant site at George Street/Lyons Lane has been redeveloped recently for a Do-it –Yourself store plus a range of smaller units.

SP2 The following sites have been allocated for retail development taking account of the provisions of Policy SP1:

1. High Street/Cleveland Street/Union Street including the bus station site/New Market Street and the Flat Iron;
2. Bolton Street/Pall Mall, Chorley +
3. Corner of Gillibrand Street and Market Street, Chorley +
4. 5-13 Fazakerley Street, Chorley +
5. 5-9 Gillibrand Street, Chorley

or, if there are no other suitable sites for the use proposed in a Centre:

6. Clifford Street/Portland Street, Chorley +
7. George street/Lyons Lane, Chorley +

+ These sites had been redeveloped, or were in use, for retail purposes as of August 2003.

PEDESTRIANISED DEVELOPMENTS

9.20 Pedestrian priority in shopping streets can greatly add to their retail attractiveness. For its part the Borough Council is proposing to extend such measures (Proposal TR15 in Chapter 8) and improve the environment of the existing pedestrianised areas (Proposal EP12 in Chapter 4). It is appropriate to ensure that new shopping developments link to and complement these schemes.

SP3 In Chorley town shopping centre pedestrianised thoroughfares should be incorporated within new shopping developments where practical and these should link into existing pedestrianised areas whenever possible including proposals for Market Street, Chorley in Proposal TR15.

PRIMARY SHOPPING AREA

9.21 A major attraction to shoppers in Chorley town centre is the Primary Shopping Area where there is a compact concentration of predominantly shopping frontages at street level. To break up this area with numerous non-retail uses such as banks, building societies, estate agents, betting offices or amusement arcades would significantly reduce its attractiveness to shoppers.

However, if carefully controlled such uses can support the retail attractiveness of the area. Greater provision for non-retail uses is made in Policy SP5 below. Cafes and restaurants can make a positive contribution to the street scene, to the vitality and viability of shopping areas and to the continued use of town centres outside normal shopping hours. They are therefore uses which should be allowed in the Primary Shopping Area.

SP4 Within the Primary Shopping Area of Chorley town shopping centre, as shown on the Proposals Map, the only uses which will be permitted at ground floor level are: Class A1 (shop) or A3 (food and drink) and, with the exception of properties in Market Walk, Class A2 (financial and professional services); provided that the proposal will not have a detrimental effect either individually or cumulatively, on the shopping character of the Primary Shopping Area, and will contribute to its vitality and viability.

LANCASHIRE STRUCTURE PLAN

- 8.13 This takes into account how to manage the demand for movement through increases in personal mobility and the demand for transport effectively, especially in urban areas. One of the objectives is to constrain peak hour traffic volumes in the towns by 2006 to, or below, those of 1991. It contains a number of policies to secure improvements to the transportation network, seeks to improve public transport facilities and proposes no further increases in town centre parking with a shift to short stay parking in town centres. It resists the provision of additional long stay commuter parking.

MAJOR DEVELOPMENT – TESTS FOR ACCESSIBILITY AND SUSTAINABILITY

- 8.14 The primary mechanism for achieving the aims of PPG13 for land use and transport planning is to reduce the need to travel. By influencing the location of different types of development relative to *transport provision*, fostering forms of development and public infrastructure which encourage walking, cycling and public transport use, the Council will seek to promote a more sustainable form of development. In turn this will reduce congestion and therefore the environmental impact of private transport. It will also ensure that where new development is proposed any increase in traffic will not result in a loss of amenity in adjacent areas by virtue of increased noise, poor highway safety etc.

TR1 Development in accordance with other Policies in the Plan which is likely to generate a significant number of trips will only be granted planning permission where:

- (a) it can be served by existing public transport provision or appropriate provision can be made for public transport services;
- (b) appropriate measures are included to enable access by foot;
- (c) appropriate measures are included to enable access by bicycle;
- (d) it will not result in an unacceptable increase in traffic flows through residential or other environmentally sensitive areas;
- (e) it is situated adjacent to primary routes or other main roads or is close to and can be linked adequately to appropriate roads.

ROAD HIERARCHY

- 8.15 Lancashire County Council is the authority responsible for most roads in the Plan area. The Borough Council is not a Highway Authority in its own right although for the central urban area of the District it acts as the County Council's partner in respect of many highway matters. The Highway Authority for the M6, M61 and M65 Motorways and all purpose trunk roads is the Highways Agency.
- 8.16 To assist with justifying road schemes and improvements and to help make best use of the existing highway network particularly in terms of influencing the location of large development sites a hierarchy of traffic routes has been defined for the Plan area this is shown on Map 3.

TR2 A hierarchy of traffic routes is proposed. All new major development will be expected to be sited close to the main road network or be linked adequately to this by the secondary road network. Planning permission will not be granted for development involving access to the main road network which would result in unacceptable interference with the free and safe flow of traffic.

However, all development proposals need to be appropriately designed in terms of their external appearance and respect the character of the areas in which they are located.

- 2.20 The Council applies spacing standards to ensure that new dwellings are not too close to each other and nearby buildings in terms of amenity and privacy. It has also produced guidelines on the size, design and positioning of house extensions. However, all too often designers produce scheme proposals which use standard building types, external materials that are alien to the local area and estate layouts which take little account of the individual features of the site and its surroundings.
- 2.21 The development must also be sensitive to the character and local distinctiveness of the wider area around the site, which is the result of a series of natural and human processes and events over many hundreds, sometimes thousands of years. Attention needs to be paid therefore not only to creating a new development which both works well as an environment for those that are going to use it, but also fits well on the site, incorporating existing landscape and wildlife features. Very often retaining vegetation and water areas, boundary and other landscape features currently present on a site can help the new development appear less stark and blend in with its surroundings.
- 2.22 To ensure that proper account is taken of the characteristics of the site, designers are required to adopt a thorough and systematic approach to planning a new development. The Borough Council will expect designers to have surveyed the site and its surroundings, identified key features worthy of retention and prepared a design proposal which incorporates these and is in keeping with the character of the area. The Council will expect designers to take full account of any development brief and other guidance produced or adopted by the Authority including Village Design Statements and the Lancashire-wide assessment of landscape character which provides guidance on respecting local distinctiveness. However, this does not mean that the designs for new buildings should just be copies of period styles, as modern interpretations of locally characteristic architectural features could be appropriate. The layout and spacing of new development is similarly an important aspect of ensuring that the character of the surrounding area is respected. In terms of housing these sentiments are set out in paragraphs 54 to 56 in Planning Policy Guidance Note 3. The Council is preparing Supplementary Planning Guidance on design in order to raise design standards within the Borough.

GN5 The design of proposed developments will be expected to be well related to their surroundings, including public spaces, and with landscaping fully integrated into the overall scheme. The appearance, layout and spacing of new buildings, which may include innovative and original design forms, should respect the local distinctiveness of the area.

Applicants for planning permission will be expected to demonstrate that they have followed a methodology which sets out the design principles adopted, and have carried out a full survey of the site and its surroundings, the likely impact of the development and how this is to be mitigated, and propose a design which is specific to the site. The following design features will also be considered:

- (a) building height, bulk and roof shape;
- (b) external construction materials;
- (c) proposed landscaping and incorporating existing important and characteristic landscape features;
- (d) layout, levels and spacing of buildings;
- (e) retaining important natural habitats and historical landscape features; and
- (f) measures which help to prevent crime and promote community safety.

During construction works developers will be required to suitably protect those wildlife, landscape and other important features which are to be retained.

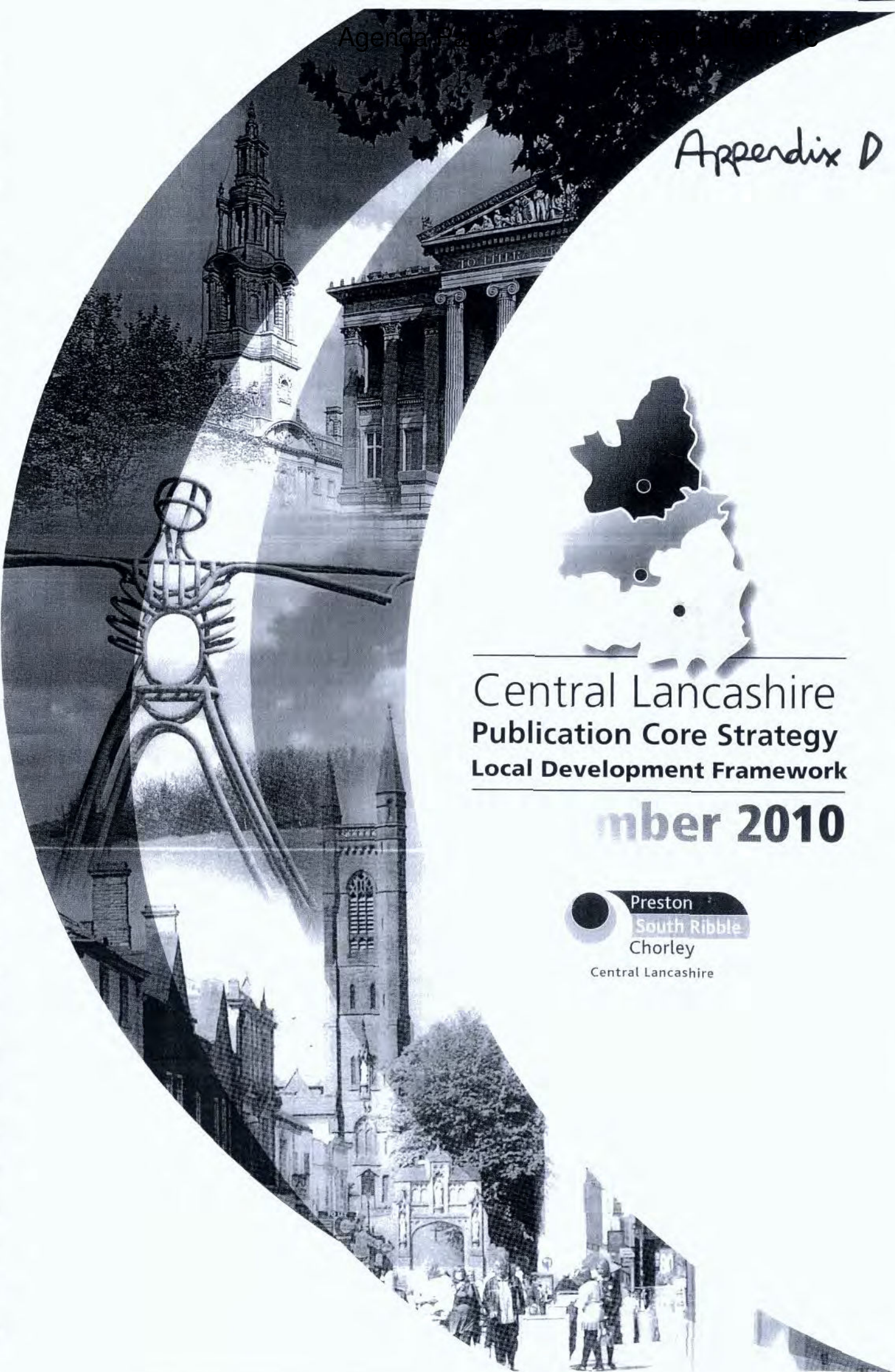
Appendix D



Central Lancashire Publication Core Strategy Local Development Framework

September 2010

Preston
South Ribble
Chorley
Central Lancashire



Policy 11: Retail and Town Centre Uses and Business Based Tourism

Retail and other town centre uses of a scale appropriate to the retail hierarchy and in sustainable locations will be supported, provided that the development respects the character of the centre, including its special architectural and historic interest and assists in maintaining its existing retail function.

The key elements of the hierarchy are:

- **City Centre: Preston**
- **Principal Town Centres: Leyland and Chorley**
- **District Centres: Bamber Bridge, Clayton Green, Longton, Penwortham and Tardy Gate, and those proposed at Buckshaw Village and Cottam**

Retail and town centre uses will be delivered in the following ways:

- (a) Delivering a mixed-use scheme to facilitate the regeneration of the Tithebarn Regeneration Area of Preston.**
- (b) Encouraging other retail, office and leisure investment of an appropriate scale in Preston city centre, so as to retain its role as the main retail, commercial and service centre in Lancashire as a whole.**
- (c) Maintaining and improving the vitality and viability of Chorley town centre by building on the success of the Market Walk shopping centre, through investing in further retail development, supporting a range of other retailers and services, as well as improving the centre's appearance and accessibility.**
- (d) Maintaining and improving the vitality and viability of Leyland town centre, in particular the accessibility, design and environmental improvements put forward in the Leyland Town Centre Masterplan.**
- (e) Maintaining, improving and controlling the mix of uses in the existing District and Local Centres and proposed centres at strategic sites and locations, so as to appropriately serve local needs.**
- (f) Resisting further expansion of out-of-centre retail parks, including the Deepdale Shopping Park, Capitol Centre and Riversway Retail Park.**
- (g) Supporting city and town centre development providing for tourists and visitors, particularly business based tourism.**

Policy 17: Design of New Buildings

The design of new buildings will be expected to take account of the character and appearance of the local area, including the following:

- (a) siting, layout, massing, scale, design, materials, building to plot ratio and landscaping.
- (b) safeguarding and enhancing the built and historic environment.
- (c) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.
- (d) ensuring that the *amenities of occupiers of the new development* will not be adversely affected by neighbouring uses and vice versa.
- (e) linking in with surrounding movement patterns and not prejudicing the development of neighbouring land, including the creation of landlocked sites.
- (f) minimising opportunity for crime, and maximising natural surveillance.
- (g) providing landscaping as an integral part of the development, protecting existing landscape features and natural assets, providing open space and enhancing the public realm.
- (h) including public art in appropriate circumstances.
- (i) demonstrating, through the Design and Access Statement, the appropriateness of the proposal.
- (j) making provision for the needs of special groups in the community such as the elderly and those with disabilities.
- (k) promoting designs that will be adaptable to climate change, and adopt principles of sustainable construction including Sustainable Drainage Systems (SuDS); and
- (l) achieving Building for Life rating of 'Good' or 'Very Good'.

Policy 27: Sustainable Resources and New Developments

Incorporate sustainable resources into new development through the following measures:

All new dwellings will be required to meet Level 3 (or where economically viable, Level 4) of the Code for Sustainable Homes. This minimum requirement will increase to Level 4 from January 2013 and Level 6 from January 2016. Minimum energy efficiency standards for all other new buildings will be 'Very Good' (or where possible, in urban areas, 'Excellent') according to the Building Research Establishment's Environmental Assessment Method (BREEAM).

Subject to other planning policies, planning permission for new built development will only be granted on proposals for 5 or more dwellings or non-residential units of 500 sq metres or more floorspace where all of the following criteria are satisfied:

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

(b) Appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon emissions of predicted energy use by at least 15% (this minimum figure is to increase to 20% from January 2015 onwards);

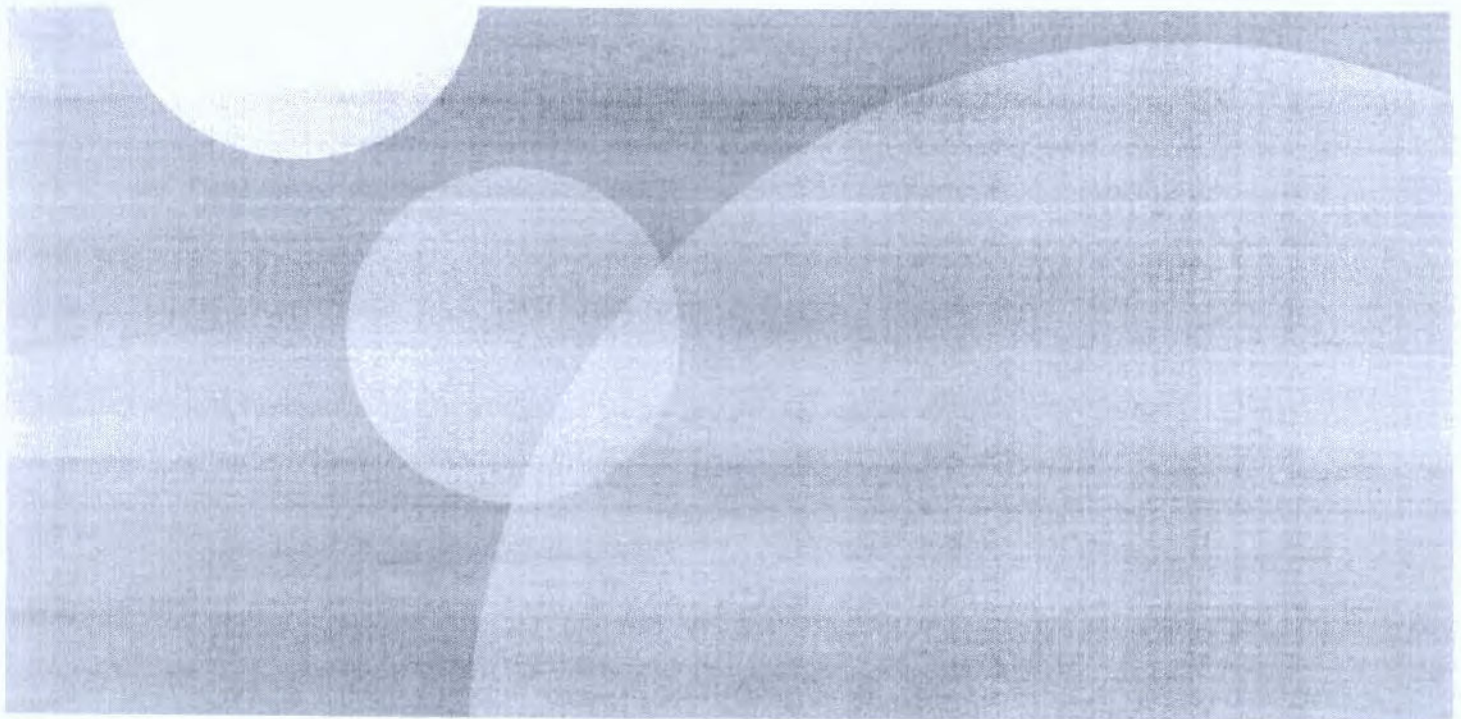
(c) Appropriate storage space is to be provided for recyclable waste materials and composting;

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

The integration of the principles above into other types of development will also be encouraged.



Planning shapes the places where people live and work, and the context we live in. It plays a key role in supporting the Government's wider social, environmental and economic objectives and for sustainable communities.



PLANNING

Planning Policy Statement 4:
Planning for Sustainable Economic Growth

DEVELOPMENT MANAGEMENT POLICIES

POLICY EC10: DETERMINING PLANNING APPLICATIONS FOR ECONOMIC DEVELOPMENT

- EC10.1 Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.
- EC10.2 All planning applications for economic development should be assessed against the following impact considerations:
- a. 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 change¹⁴
 - b. 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 secured¹⁵
 - c. 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
 - d. the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
 - e. the impact on local employment

POLICY EC11: DETERMINING PLANNING APPLICATIONS FOR ECONOMIC DEVELOPMENT (OTHER THAN MAIN TOWN CENTRE USES) NOT IN ACCORDANCE WITH AN UP TO DATE DEVELOPMENT PLAN

- EC11.1 In determining planning applications for economic development other than for main town centre uses which are not in accordance with the development plan, local planning authorities should:
- a. weigh market and other economic information alongside environmental and social information
 - b. take full account of any longer term benefits, as well as the costs, of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and
 - c. consider whether those proposals help to meet the wider objectives of the development plan

¹⁴ See Paragraph 9 and 42 of *Planning and Climate Change: Supplement to Planning Policy Statement 1* (CLG, 2007).

¹⁵ Advice on assessing transport impacts is set out in *Guidance on Transport Assessments* (DfT and CLG, 2007).

- ii. format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;
- iii. car parking provision; reduced or reconfigured car parking areas; and
- iv. the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals

EC15.2 In considering whether flexibility has been demonstrated under policy EC15.1.d above, local planning authorities should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site, for example where a retailer would be limited to selling a significantly reduced range of products. However, evidence which claims that the class of goods proposed to be sold cannot be sold from the town centre should not be accepted.

POLICY EC16: THE IMPACT ASSESSMENT FOR PLANNING APPLICATIONS FOR MAIN TOWN CENTRE USES THAT ARE NOT IN A CENTRE AND NOT IN ACCORDANCE WITH AN UP TO DATE DEVELOPMENT PLAN

- EC16.1 Planning applications for main town centres uses that are not in a centre (unless EC16.1.e applies) and not in accordance with an up to date development plan should be assessed against the following impacts on centres:
- a. 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
 - b. the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer
 - c. the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan
 - d. in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy
 - e. if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres
 - f. any locally important impacts on centres under policy EC3.1.e

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CHORLEY Market Walk
NOVEMBER 2010 EAST ELEVATION PERSPECTIVE

LESLIE JONES

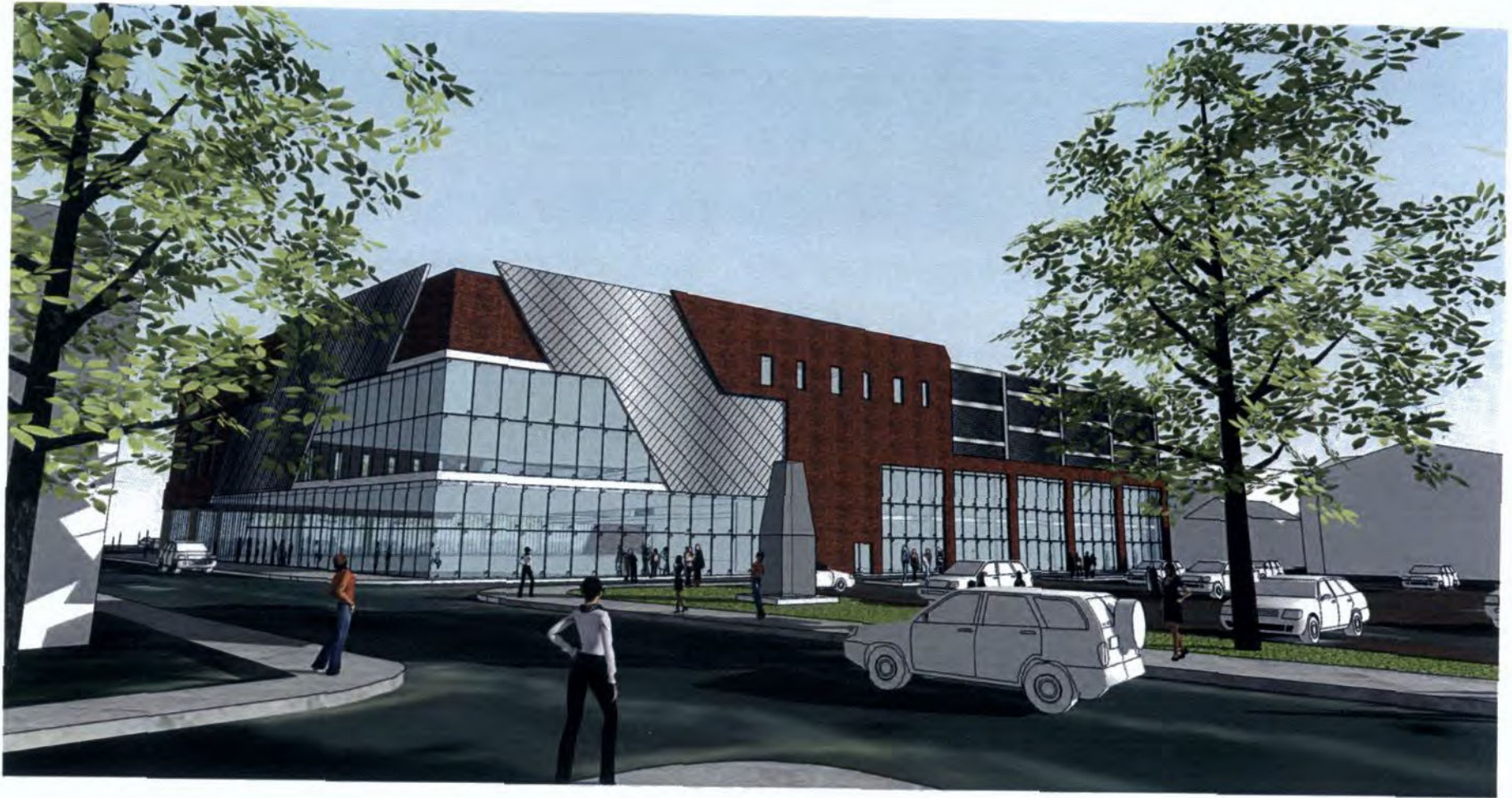


CHORLEY Market Walk

NOVEMBER 2010

VIEW THROUGH WALKWAY

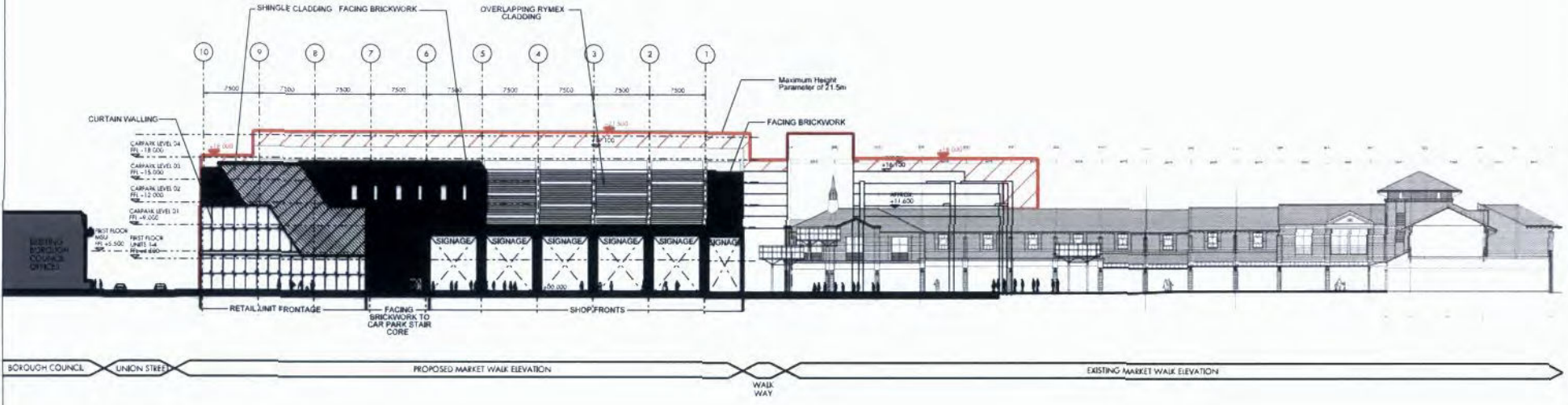
LESLIE JONES



CHORLEY Market Walk
NOVEMBER 2010 WEST ELEVATION PERSPECTIVE

LESLIE JONES

Drawing Record			
No.	Date	By	Check



WEST ELEVATION

PERMITTED SIDE

DO NOT SCALE OFF THIS DRAWING

LESLIE JONES

PREP

MARKET WALK CHORLEY

PROPOSED AND EXISTING WEST ELEVATION

1:200 NOV 19 LDP BT

3.3.3.3

**Environment Directorate****County Council**

Lesley-Ann Fenton
 Director of Partnerships, Planning and Policy
 Chorley Borough Council
 Civic Offices
 Union Street
 Chorley
 Lancashire
 PR7 1AL

Phone: (01772) 533855
 Fax:
 Email: david.allen@lancashire.gov.uk
 Your ref: 09/2010/0176
 Our ref: 09/10/0176/SHP/NJS
 Date: 01 February 2011

Dear Madam

Application by Rreef Ltd, for Market Walk Extensions, Flat Iron Car Park, Union Street, Chorley. Application No. 10/0176

I refer to the Rreef development at the Market Walk Chorley and would like to thank you for the opportunity to discuss the analysis and the supporting highway changes over recent months with your Councils officers, the developer and his representatives. These comments follow on from those provided on 15 June 2010 and 22 October 2010 and extensive work progressed since by all parties.

Lancashire County Council (LCC) as the Highway Authority is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed highway systems have been considered to highlight areas of concern that potentially could cause significant problems for the public, cyclists, public transport, motorists and other vehicles in and around the area.

Development

The development is to be located to the east of the Flat Iron Car Park adjacent to the existing building. The Transport Assessment (TA) considered a proposal for 7,600m² Gross Floor Area of A1 Retail. The development includes a supporting level of car parking, removing part the existing Flat Iron Car Park (237 spaces) and providing a new multi storey car park with 481 spaces. The development will increase the level of attraction to Chorley town centre and Market Walk and will have an impact on network operation, movement and reliability. It is important that the development does not exceed the size as per the application and that the RFA be capped, or conditioned as per the application as not to generate further trips.

Transport Assessment

The highways and transportation implications of these proposals were originally considered within a Transport Assessment (TA) produced by Waterman Boreham (WB) in March 2010.

Within that TA WB presented traffic forecasts and also developed a real time PARAMICS Simulation model which showed the traffic movements on a real time basis. The traffic modelling was based on traffic survey and conditions recorded in 2007, updated using traffic growth figures to the development year.

While the Highway Authority endeavour to support development within Chorley town centre, the proposed development and analysis raised concerns with regard to pedestrian access and safety issues in addition to the suitability of the proposed vehicular access point on Clifford Street; notwithstanding, any traffic issues that may arise from the traffic generation.

The TA emphasise has been on consideration to vehicular access and there was little regard to pedestrian movements, or measures to encourage public transport use. There was no direct pedestrian route from the new store extensions to the bus station, or improved pedestrian, cycle linkages to the adjoining network. The proposed vehicular and service access arrangements submitted at that stage were not acceptable and there were critically questions regarding the WB traffic generation assumptions. The TA suggested that food retail would be restricted to 1000 m², but the other application details submitted appeared to be for an open A1 use.

In terms of traffic impact on the highway network, the effect of the development traffic on bus service reliability is a decisive factor in the assessment of the scheme and recommendations regarding the determination of the development proposals. Chorley has a relatively new bus station and the principal of maintaining the reliability of public transport operation is of paramount importance with the proposed development (and any other major development in this town centre location). It is essential that new development be designed to ensure that the current high quality public transport service can be maintained and the development will not further disadvantage bus operations while encouraging private car use. The initial access scheme failed to address LCC concerns regarding traffic queuing on the network at the car park access and subsequent negative impacts (delays) on bus services and bus station operation.

Following discussions with the developer a Technical Note (TN01) was submitted in June 2010. This report includes updated traffic survey data and a review of the original transport model (incorporating the current ASDA development), and a second Technical Note (TN02) was submitted in July 2010 which contained further details on the site access arrangement, potential servicing scenarios, parking provision and operational issues, and the trip generation calculation. The service and access proposals suggested were acceptable subject to verification of the traffic generation assumptions made by MB.

A further Technical Note (TN03) was submitted in September 2010 to provide detail of the calibration of the PARAMICS model used for assessing the impact of the proposals. This Technical Note confirmed that the modelling undertaken to assess

the traffic impact of the proposals accurately reflects the traffic conditions recorded in 2007. The note also concluded that the traffic model submitted in the TA was a robust reflection of the latest traffic conditions, as a sample traffic count at the Shepherds Way/Clifford Street junction in 2010 was lower than the flows submitted. However LCC still had concern regarding the suitability of trip rates used for analysis, given the scale of development and accuracy of the PARAMICS model to replicate a very limited network assessment (3 junctions). Additional information was requested to support the trip generation assessments and floor areas they are based on together with the provision of ARCADY (traffic model) assessments for the effected roundabout junctions. Details were requested to clarify the car park operation.

Subsequently, Waterman Boreham submitted a final Technical Note (TN04) in November 2010 which provided the additional information and clarification to the above outstanding issues. It confirmed the following:

- That the trip generation assessments and that the floor areas they are based on the assumption that any food retailing is no more than 1000 m² of the total development floor area.
- Provided options as to how the car park can be operate, while noting that there is a need to maintain flexibility. A key element in the design choices are to ensure that traffic does not block back onto the highway and obstruct bus services to/from Chorley Bus station.
- ARCADY traffic modelling to complement the understanding of highway operation and the previous real time simulation PARAMICS model. The traffic assessment assumptions are acceptable based on the 1000 m² restriction to food retail.
- The provision of Variable Message Signs (VMS) as part of the car park operational strategy to inform drivers in advance of the availability of spaces in the town centre car parks.
- The upgrade to the current pelican crossing of the A6 to a toucan crossing to enhance cycle accessibility, the signal control should also provide improved efficiency in operation of the adjacent roundabout.
- Servicing, the level of activity expected and how that it can be managed to minimise impact.

Trip Attractions and Floor Area (Clarity for your Council)

Waterman Boreham have developed trip attraction forecasts using two different methods. In the TA submitted in March, the trip forecasts were based upon the trips attracted to the Flat Iron Car Park and then factored up to the future number of parking spaces. Following discussions with LCC a further trip forecast was made in Technical Note TN02. In this analysis, the forecasts were based upon the TRICS database of similar developments. The analysis assumes that the majority of the development floor-space would be non food with just 1000 m² allocated for a possible food store/hall and the trip generation forecasts were based upon that premise.

Food retail is considered a worst case scenario; as this normally bases the trip generation on food retail acting as a single destination, by car mode to transport heavy shopping bags and perishable goods. As the trip attractions for food retail use are higher than for non food it is appropriate that the development is limited to reflect the 1000 m² food floor-space as used in the traffic assessments.

The developer suggests this maximum level of food retail floor-space is proposed to be controlled within an appropriately worded condition in order to ensure that this floor-space allowance is not exceeded as part of this outline planning permission. This approach is acceptable to the highway authority, by restricting the level of food retail use on the site to 1000 m² it gives greater confidence that trip attractions will not be exceeded by those modelled.

Summary of Transport Analysis

Traffic models can be a useful tool to give an indication of the likely operation of the network and individual junctions, at best indicating comparative network operation that may be expected between scenarios. But it is reliant on replicating existing conditions and it is acknowledged that modelling congested town/city centre networks accurately can be extremely difficult (as in this case), and can only ever be at best, a good approximation of likely outcomes. Therefore, the interpretation and level of confidence applied to the modelling results is a matter of engineering judgement that should reflect the complexity of the models involved. The applicant accepts that with the proposed development vehicle movements in the area will increase, this will inevitably lead to additional delays on the network as the developer is not proposing additional road space to provide increased capacity, (which is not a route LCC would support given National constraint on private motor vehicle use).

In reality there is probably a degree more queuing at times and locations than the models suggest, but they do show that overall there is still a level of spare capacity over the network to deal with the extra development traffic. In conclusion it is likely that the development/network is going to operate like a typical busy town centre network with the development in place, and sometimes there will be queuing at peak times. In this case LCC believe the developer has demonstrated that there is a workable solution for access to site with an acceptable level of delay; subject to the highway works/improvements indicated in the Transport Statement Technical Note 4 (i.e. the limit to 100sqm food retail, access proposals, VMS, A6 Toucan), combined with the use of a strong Travel Plan, (to reduce development dependence on the private car) and the Car Park Management Strategy together with a Service Yard Management Strategy/Plan to minimise congestion on the network at the site access points,

The following elements need strong conditions/developer commitment and I have included suggestions for draft conditions which I will be happy to work with you on the fine tuning.

Travel plan

A draft Travel Plan has been submitted with this application; it is important that the final implemented and maintained Travel Plan also includes journeys and targets by customers. The Travel Plan to reduce any expected traffic generation by both staff and customers. A developer contribution a sum of £24,000 is requested to provide advice and guidance on Travel Plan development and implementation in line with 2.1.5.16 of the Planning Obligations in Lancashire Policy (September 2008).

The final travel plan to include Network Background, Baseline Data, Agreed Plan Objectives, Travel Audit (existing infrastructure), Agreed Targets for staff and visitors (all non car modes), Actions (measures), Monitor Impacts of Travel Plan, Promotion of Travel Plan and include senior manager support and site owner support and named TP coordinator needs to be submitted to the Council and agreed in writing prior to occupation of the building. The plan to include all travel plan measures to be funded and implemented for both staff and customers and to include measures. The plan must be adhered to and kept up to date for an agreed period after first opening. The Travel Plan to have direct links to the Car Park Management Strategy. The Travel Plan and appropriate funding should be secured through the S.106 agreement and needs to include journeys to the store by customers and staff.

Operation of the car park

A condition is required to control the operation of the site car park by means of a management plan/strategy. This will allow for safe and efficient operation i.e. to prevent any queuing onto the public highway. The car park plan/strategy should specify maximum duration of stay for all users (staff should be prohibited to park within public car parks), car park enforcement, safety, internal signing, security, monitoring, measures (including real time information relating car park space availability within the different car parks, via VMS) and techniques to maximise car park efficiency and its management. The final details of the development car park MUST incorporate provision for two entry lanes at the ticket dispensers/entry barriers, such control barriers to be at the first deck level, or at a minimum distance of 120m from the public highway. There must also appropriate vehicular interconnection (both up and down) between the car park deck levels.

Delivery, servicing and routing strategy

To minimise the impacts of this development on the network (A6), times of delivery and servicing require a suitable level of management, with all servicing and deliveries to the new service yard (of A6) being undertaken outside peak periods. A suitably worded condition will be required I have included a very general one.

Draft conditions

The following DRAFT conditions may therefore be appropriate for any permission granted.

1. No part of the development hereby approved shall commence until a scheme for the construction of all site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority, with all necessary legal agreements in place to deliver and maintain the measures. The access scheme to be in accordance with the general design and layout of plan, Drg.210220/012/D (this plan is indicative of the scale of works for the site access and Toucan Crossing improvement on A6). Off-site works to include the upgrade of VMS in connection with the car park management as per the

indicative plan Drg.210220/015 contained in Transport Statement Technical Note 4. Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable and can be fully delivered before work commences on site.

2. No part of the development hereby approved shall commence until the approved scheme referred to in condition 1 has been constructed and completed in accordance with the scheme details. Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
3. Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals as approved and the approved plan be carried out.
4. Prior to the first use of the development hereby approved a Car Park Management Strategy/Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented. The Plan to set out the layout (including ramps and entry barriers), maximum duration of stay, onsite parking enforcement, safety, security, monitoring (of its use) measures to manage efficient usage and control, to include VMS. The layout to include the appropriate number of spaces for motorised and non motorised vehicle and user types. Reason: To allow for the effective and efficient use of the parking areas.
5. Prior to construction a Construction Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan to include method and details of construction, including the proposed temporary closing of any roads or streets. Such a Construction Plan to be implemented and adhered to during the construction of the development. Reason: To maintain the operation of local streets and the through routes in the area during construction.
6. Deliveries, collections and servicing of all elements of the development shall not take place between 7am to 9am and 4pm to 6pm (weekday) and 10am to 6pm (weekend). Reason: In order to maintain flow of traffic on local roads when the development is operational.

I hope the above is of assistance.

Yours faithfully

David Allen
Strategic Highways Planning