

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.