

**Item 4j**                      **12/01169/FULMAJ**

**Case Officer**              **Nicola Hopkins**

**Ward**                         **Chorley South East**

**Proposal**                    **Full Planning Application for the erection of a new Class A1 retail unit, replacement Shopmobility facility and public toilet, with associated car park and servicing works**

**Location**                  **Flat Iron Car Park, Market Walk, Union Street, Chorley**

**Applicant**                  **Orchard Street UK Special Situations Fund LP c/o OSIM**

**Consultation expiry: 3 January 2013**

**Application expiry: 4 March 2013**

### **Proposal**

1. The proposal relates to the erection of a new Class A1 retail unit, replacement Shopmobility facility and public toilet, with associated car park and servicing works
2. The proposed scheme incorporates:
  - the erection of a 1,642 square metre A1 retail unit for a single retailer (883sqm at ground floor and 758sqm at first floor (mezzanine level)),
  - a new glazed entrance lobby to the existing Iceland unit,
  - new permanent shop mobility accommodation to the rear of the units with adjacent car parking and drop-off spaces,
  - a new public w.c. within the rear of the unit with direct access from the main pedestrian route,
  - a new entrance to the existing centre management facility and
  - a revised surface car parking layout with increased parking to the rear of the unit and rationalised parking layout to the north to minimise loss of spaces resulting from the proposal.

### **Recommendation**

3. It is recommended that this application is granted conditional planning approval

### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development
  - Design
  - Traffic and Transport
  - Sustainability

### **Representations**

5. None received

### **Consultations**

6. **Director People and Places** have no comments to make
7. **Lancashire County Council (Highways)** raises no highway objection.

8. **Chorley's Waste & Contaminated Land Officer** has commented that there is a potential for significant sub-surface ground contamination at this site (former gas works) and has suggested suitable conditions to address this.
9. **Chorley Council's Economic Development Section** have commented that the provision of a large format retail unit is a desirable addition to the town centre stock and would enable multiple retailers not currently represented the opportunity to trade in Chorley. The expansion of Market Walk's existing site forms part of the current Town Centre Strategy document and goes partway to fulfilling the vision it sets out.

## **Policy Background**

### **National Planning Policy:**

The relevant national planning policy guidance/statements are as follows:

### **National Planning Policy Framework (NPPF)**

10. The NPPF states:
 

*'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU and statutory requirements.'*
11. The NPPF confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.
12. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
13. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
  - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
14. At the heart of NPPF is the presumption in favour of sustainable development which is established as the 'golden thread' running through the plan and decision making processes. For decision making this means:
  - Approving development proposals that accord with the development plan without delay; and
  - Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
    - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
    - Specific policies in the NPPF indicate development should be restricted.
15. Paragraph 17 also sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. It states planning should:
  - not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
  - Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country

needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

16. Paragraph 19 stresses the importance of building a strong competitive economy and the importance of the planning system doing everything it can to support sustainable growth.
17. Paragraphs 23/24 of the NPPF relate to ensuring the vitality of town centres. The NPPF states that LPA's should
  - pursue policies to support town centre viability and vitality;
  - promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
  - allocate a range of sites to meet the scale and type of retail need in town centres
  - require applications for main town centre uses to be located in the town centre
  - applicants and local planning authorities should demonstrate flexibility on issues such as format and scale

### **The Planning System General Principles and its supplement Planning and Climate Change**

18. Annex 3 of the NPPF lists the revoked guidance documents. The Planning System: General Principles is not listed as a document which is revoked and as such the Council's view is that the guidance contained within this document is extant.

### **The Development Plan**

19. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Adopted Central Lancashire Core Strategy, the Sustainable Resources Development Plan Document 2008 and the North West of England Regional Spatial Strategy 2008 (RSS).
20. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Regional Spatial Strategy (RSS)**

21. At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.
22. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government indicated that it intended to revoke RSS by April 2012 however at the time of writing this report this had not happened.
23. The relevant policies of the RSS 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 DP9** Reduce Emissions & Adapt to Climate Change.
  - **Policy RT2** 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

### **Adopted Central Lancashire Core Strategy**

24. The relevant policies are as follows:
  - **Policy MP** clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the

Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate taking into account Policy MP a) and b).

- **Policy 11** Retail & Town Centre Uses & Business based Tourism identifies Chorley as a principal town centre, where retail and other town centre uses will be delivered by 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.
- **Policy 17** Design of new buildings
- **Policy 27** Sustainable Resources & New Developments

### **Adopted Chorley Borough Local Plan Review**

25. The NPPF confirms that for 12 months from the day of publication of the NPPF (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The NPPF also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is later in this report.

### **26. The relevant policies of the Local Plan are as follows:**

- **GN1-** Settlement Policy. Within the areas of Chorley Town there is a presumption in favour of appropriate development, subject to normal planning considerations and the other policies and proposals of the plan
- **GN5-** Building Design & Retaining Existing Landscape Features. This policy 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.
- **SP1-** Locations for Major Retail Development. This policy essentially seeks to permit in centre developments, subject to no adverse environmental or highway impacts; and details a criterion based approach to edge of centre and out of centre developments. The application site is within the Chorley Town Shopping Centre boundary
- **SP2-** Retail Allocations. This allocates sites for retail development in the Town Centre Inset boundary. The application site is not allocated and is predominantly covered by Policy GN1 – Settlement Policy.
- **SP4-** Primary Shopping Area. A small part of the application site is within this boundary, the remainder within Policy GN1
- **TR1-** Major Development —Tests for Accessibility and Sustainability
- **TR4-** Highway Development Control Criteria
- **TR18-** Provision for Pedestrians and Cyclists in New Development

### **Sustainable Resources DPD:**

27. Policy SR1 – Incorporating Sustainable Resources into New Development

### **Emerging Policy Considerations**

#### ***Publication Chorley Local Plan 2012 - 2026 (Submission 21 December 2012)***

28. Relevant Policies are:

- **Policy ST3** Road Schemes and Development Access Points
- **Policy ST4** Car Parking Standards
- **Policy BNE1** Design Criteria for New Development. Criteria a), b), c, d, g and h are relevant to the proposal. The Central Lancashire Supplementary Planning Document Design Guide adopted Oct 2012 is relevant as it aims to encourage high quality design of places, buildings and landscapes in the borough. This supersedes the Chorley Design Supplementary Planning Guidance (July 2004)

- **Policy EP5** Retail Site Allocations in Chorley town – EP5.1 retail development is proposed at the Flat Iron Car Park. The application site is within the town centre boundary and is within the EP5.1 allocation. The proposal forms a one unit extension to the existing Market Walk Shopping Centre.
- **Policy EP6** Primary Shopping Area. The proposal is adjacent to the primary shopping area and would form an extension of this area.

### **Other Material Considerations**

#### ***Community Infrastructure Levy (consultation Oct 2012)***

29. The Chorley CIL Draft Infrastructure Charging Schedule does not provide a specific amount for comparison retailing or town centre retail. However the “all other uses” £10sqm will apply. The CIL will be submitted to the Secretary of State by the end of Jan 2013 and the Examination – March/April 2013. A CIL contribution on the retail unit including mezzanine would amount to a total £16,420 (1,642 sm x £10sqm)

#### ***Chorley Corporate Strategy 20012/13-2015/16***

30. This strategy seeks to ensure a vibrant town centre and a strong and expanding business sector. A key priority project is to develop a town centre masterplan. 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.

#### ***Chorley's Economic Development Strategy 2012***

31. This strategy identifies further economic development in Chorley as the key to improving the quality of life in the borough and is Chorley Council's top priority..

#### ***Chorley Town Centre Strategy 2006***

32. 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. In particular, the strategy identifies the application site as a priority site to extend the popular contemporary shopping area of Market Walk. The Council recognises the town centre need to offer as much choice as possible including broadening the mix of shops. .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.

#### ***Chorley Retail Study 2005 (White Young Green)***

33. 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

#### ***Central Lancashire Retail Study 2010 (GVA Grimley)***

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

35. Comparison – including forward projections of population and expenditure and commitments the capacity table is below:

Year	2015	2018	2021	2026
CAPACITY	14,886msq	18,062msq	22,015msq	29,479msq
	(gross)	(gross)	(gross)	(gross)

36. 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."*
37. *"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."*
38. 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. It also identifies a logical extension to the primary shopping core and this application covers part of this extension area. The scale of development proposed is within this up to date review. Is consistent with the Core strategy policy and Town Centre Policy aims of broadening the range and choice of retailing

***Sustainability Appraisal Report for Retail Allocation- Land at Union Street/New Market Street, Chorley -Chorley Local Plan September 2012***

39. This site has good access to public transport (bus station, train station and taxi rank), therefore has excellent public transport links and provides the opportunity to extend Market Walk. Its size and proximity to Market Walk shopping centre would increase the retail offer of the town centre significantly, especially if national chain stores locate in the new extension, and would encourage more residents to shop in the town centre rather than travel elsewhere. The development would also create a significant number of jobs.

***Statement of Community Involvement 2006***

40. The applicant has complied with the Chorley Statement of Community Involvement in respect of the requirements of informing the community and recording the community involvement.

**Assessment**

Background Information

41. Members will recall that outline planning permission was granted in principle (subject to the S106 Agreement) to RREEF (UK) Ltd in 2011 for the erection of 7600sq metres of A1 retail floor space together with 481 car parking spaces. However the associated S106 Agreement was never signed and as such the decision was never issued. RREEF subsequently sold the Market Walk site to Orchard Street UK who have submitted this application. It is understood that the previous, larger scheme on this site is not viable within the current economic climate and as such the owners are seeking approval for a reduced scheme.

Principle of the development

42. The application site is located within Chorley town centre within the identified Shopping Centre adjacent to the primary shopping area. The proposed retail unit will form a seamless extension of the existing Market Walk development. The NPPF includes a presumption in favour of sustainable development and as the application site is located within the Chorley Town Shopping Centre boundary the proposals will contribute to the objectives of the NPPF including *ensuring the vitality of town centres*.
43. The unit will be occupied by a single comparison retailer and the scheme has been designed to enable flexibility, with the inclusion of the mezzanine floor, to accommodate a range of comparison retailers. The proposed scheme will create up to 50 new full time and part time jobs.
44. The proposed development incorporates the erection of a large retail unit. Within Chorley town centre only Booths and B&M Bargains occupy large retail floor spaces. The other two units (QS Discount Outlet and an empty unit) form part of the ASDA development site. As

such the development will enable choice to accommodate national multiple retailers in the town centre.

45. It is considered that the proposals accord with Policy 11 of the Adopted Central Lancashire Core Strategy, which identifies Chorley as a principal town centre, where retail and other town centre uses will be delivered, and Policy SP1 of the Adopted Local Plan which directs major retail proposals to Chorley Town Shopping Centre.
46. Both the Chorley Retail Study 2005 and the Central Lancashire Retail Study 2010 studies identified that there is a quantitative and qualitative need to plan for new comparison retail provision within the town centre. The provision of retail floor space within Chorley Town Centre is also supported by the Town Centre Strategy in respect of more choice and attraction within the Town Centre.
47. It is also noted that this site is allocated under Policy EP5.1 within the Chorley Local Plan 2012-2026 Publication version as a site for retail development although only limited weight can currently be attached to this Policy prior to the adoption of the document as a whole.
48. The proposal will provide sustainable additional comparison floor space within Chorley Town Centre which will seek to attract national multiples to extend choice and develop the retail offer within Chorley. It is considered that the proposals comply with both national and local planning policy and as such are considered to be acceptable.

#### Design

49. The proposed building forms an extension to the northeast of the existing Market Walk shopping centre. The proposal will be sited on the existing pavement and car parking area. A new lobby will be provided to the existing Iceland unit. The retail unit incorporates both ground and first floor (in the form of a mezzanine) retail floorspace to allow for flexibility for future retailers.
50. The building has been designed essentially as a 'box' with red Cedar timber screen treatments to the north, south and east elevations with glazing in the west elevation. It has always been intended that a gateway building of exceptional design quality would be erected on this site to contribute to the Flat Iron enhancement scheme however it is not considered that the scheme as proposed secures a high quality design.
51. It is noted however that the scheme has been submitted speculatively with no end operator identified and the design of the cladding, in respect of the shape, number of openings and location of future signage, can be varied to provide some interest and variation to the elevations. As such the application is recommended for approval however the following condition is proposed:

Notwithstanding the submitted details and prior to the commencement of the development the design of the cladding to the north, south and east elevations of the building shall be submitted to and approved in writing by the Local Planning Authority. The design information shall include detailing to provide variation to the different elevations, details on the number of openings and details of the siting of signage. Consideration of the final design and the decision will be made by Members of Development Control Committee. The cladding will thereafter be provided in accordance with the approved details.

*Reason: To secure a high quality design at this gateway location in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
52. The condition will ensure that approval for a retail unit is secured on the site and enable the applicants to progress discussions with retailers but also ensures that a more innovative and higher quality design for the building is considered and finalised when an end operator is identified and their specific requirements, including signage, can be taken into consideration.
53. In respect of the proposed site layout there are concerns about the proposed build out of the pavement to the front of the proposed retail unit and the impact this may have on vehicle movements in the car park. Concerns have also been raised in respect of the impact of this

build out on the Flat Iron market stalls. However the plans have been amended removing this build out to ensure that the scheme does not impact on vehicle movements.

54. Comments have been received relating to ensuring that the pavement from Shopmobility to the town centre is sufficiently wide to accommodate the potential users. The pavement is 2.5 metres wide which is considered to be sufficient

#### Traffic and Transport

55. The proposals result in a surface car park at the Flat Iron car park with a total of 224 car parking spaces including 6 disabled, 4 parent and child and 6 dedicated shopmobility spaces. This results in a total loss of 14 parking spaces.
56. The expanded car parking to the rear of the unit is facilitated by re-locating the existing sub-station and alteration the service yard arrangements
57. The Highway Engineer has confirmed that his comments relate mainly to the impact on existing parking on the site. The development will result in the loss of 14 existing parking spaces and the type of development proposed, an increase in retail floor space, usually generates the requirement for additional parking spaces.
58. However taking into account the town centre location of the proposals and the existing town centre parking arrangements the loss of parking is considered to be marginal. It is not considered that the proposals will have a material impact on visitor/customer parking arrangements at the Shopping Centre and as such are considered to be acceptable.
59. The agents for the application have confirmed that 151 car parking spaces are retained within the western part of the car park adjacent to Booths.

#### Sustainability

60. In accordance with Policy 27 of the Central Lancashire Core Strategy and the Council's Sustainable Resources DPD the minimum energy efficiency standards for the proposed building is required to achieve a rating of 'Very Good' of the Building Research Establishment's Environmental Assessment Method (BREEAM). Additionally the scheme is required to demonstrate how carbon dioxide emissions will be reduced in respect of the predicted energy use. The supporting statement confirms that the scheme will achieve BREEAM very good. The requirements of these Policies can be secured via condition.

#### **Overall Conclusion**

61. The proposal will provide sustainable additional comparison retail floor space within Chorley Town Centre which will seek to attract national multiples to extend choice and develop the retail offer within Chorley.
62. Although there are still concerns in respect of the design of the cladding on the building it is considered that this can be addressed following the identification of an end operator which ensures that discussions can commence and the design will be 'lead' by the retailers specifications.

#### **Other Matters**

##### Public Consultation

63. In accordance with the NPPF and the Council's Statement of Community Involvement the applicants entered into pre-application discussions with the Local Authority and undertook a public exhibition in the Market Walk shopping centre in October 2012.
64. Over 120 people attended the exhibition and 63 questionnaires were completed. Following the exhibition and consultation with relevant stakeholders the scheme was amended prior to formal submission. The amendments include enlarging the shopmobility unit, inclusion of additional car parking space for the less able-bodied, the provision of a drop off space adjacent to the shopmobility unit, change the external facing material colour, a new access to the centre management suite and improvement to the appearance of the side elevation.



### Non- material planning considerations

65. Concerns have been raised in respect of parking which are summarised as follows:
- Concerns over the safety of users of the parent and child spaces
  - A potential bottleneck at the exit onto Clifford Street
  - There will be an impact to parking during construction and a temporary decking solution for Portland St should be considered.
  - The positioning of the 3 Pay & Display machines needs to be considered so that they are accessible to all spaces.
66. The Highway Engineer has however assessed the proposals and not raised concerns in respect of the points raised. As such it is not considered that these points are material to the consideration of this application.

### **Planning History**

**10/00176/OUTMAJ**- Class A1 retail development with ancillary works and associated infrastructure - in Outline. Approved February 2011 subject to S106- Agreement never signed.

### **Recommendation: Permit Full Planning Permission Conditions**

- 1. The proposed development must be begun not later than three years from the date of this permission.**  
*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*
- | <b>Title</b>                     | <b>Drawing Reference</b> | <b>Received date</b> |
|----------------------------------|--------------------------|----------------------|
| Site Location Plan               | AL(04)0100 Rev P02       | 3 December 2012      |
| Existing Site Plan               | AL(04)0110 Rev P02       | 3 December 2012      |
| Site Plan Proposed               | AL(04)0111 Rev P03       | 22 January 2013      |
| Proposed Ground Floor Plan       | AL(04)0200 Rev P04       | 22 January 2013      |
| Proposed First Floor Plan        | AL(04)0201 Rev P05       | 22 January 2013      |
| Roof Plan                        | AL(04)0202 Rev P04       | 22 January 2013      |
| Proposed and existing elevations | AL(05)1605 Rev P03       | 3 December 2012      |
| Existing Elevations              | AL(05)1606 Rev P02       | 3 December 2012      |
| Proposed Sections                | AL(06)1701 Rev P03       | 3 December 2012      |

  
*Reason: To define the permission and in the interests of the proper development of the site.*
- 3. Notwithstanding the submitted details and prior to the commencement of the development the design of the cladding to the north, south and east elevations of the building shall be submitted to and approved in writing by the Local Planning Authority. The design information shall include detailing to provide variation to the different elevations, details on the number of openings and details of the siting of signage. Consideration of the final design and the decision will be made by Members of Development Control Committee. The cladding will thereafter be provided in accordance with the approved details.**  
*Reason: To secure a high quality design at this gateway location in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
- 4. There is a potential for significant sub-surface ground contamination at this site (former gas works), therefore no development shall take place until:**
  - a. a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination**

present to the site, risks to receptors and potential for migration within and beyond the site boundary;

- b. all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c. the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

*Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).*

5. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).*

6. Prior to the commencement of the development details of the provision of a replacement compound (having regard to the need for a compound) for the storage of market stalls shall be submitted to, including its location, size, access, security and the programme for its implementation, and approved in writing by the Local Planning Authority. The approved compound shall be implemented in accordance with the approved programme.

*Reason: The development site currently includes provision for storage of market stalls for the Flat Iron market. The provision of the Flat Iron market is a corporate priority and also a key element of the Town Centre Strategy and the loss of provision would have a significant impact upon the delivery of the Market*

7. The building hereby permitted shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good' and achieve 2 credits within Issue Ene 5: Low or Zero Carbon Technologies.

*Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy 27 of the Adopted Central Lancashire Core Strategy and Policy SR1 of the Sustainable Resources DPD.*

8. Prior to the commencement of the development details of a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.

*Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy 27 of the Adopted Central Lancashire Core Strategy and Policy SR1 of the Sustainable Resources DPD.*

9. The retail unit shall not be occupied until a 'Post Construction Stage' assessment has been carried out and a Final Certificate has been issued for it certifying that a BREEAM standard of 'very good' and 2 credits under Issue Ene 5 have been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.

***Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy 27 of the Adopted Central Lancashire Core Strategy and Policy SR1 of the Sustainable Resources DPD.***

10. A scheme for the landscaping of the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, means of enclosure, pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (such as furniture and signs and ticket machines) and planting plans. All hard and soft landscape works shall be carried out in accordance with the approved details and shall be carried out prior to the occupation of any part of the development or in accordance with a programme first submitted to and approved in writing by the Local Planning Authority.

***Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design particularly in accordance with Policy 17 of the Adopted Central Lancashire Core Strategy and advice contained within the NPPF.***

11. Before any demolition, construction or contaminated land remediation works commence, a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority detailing the provisions to be made for the monitoring and control of:
- **Operating hours:** No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than between the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences;
  - **Waste:** To include suitable and sufficient provisions for the collection, storage and disposal of waste materials. No unwanted materials shall be disposed of on site by burning without the prior written approval of the Local Planning Authority;
  - **Access by foot and cycle:** Details of the phasing of construction to provide for and maintain access to the existing Market Walk development from Cleveland Street / Bus Station outside of normal opening hours.
  - **Provision of signage** prior to and during construction to inform visitors to the Town Centre about alternative car park arrangements

***Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to ensure that the impacts of the construction phases of the development are appropriately mitigated against.***

12. The retail development shall not be open for trade until the car park circulatory aisles, and spaces have been provided, surfaced and marked out in accordance with the approved details.

***Reason: To ensure the proper planning of the development and in accordance with policy TR4 and to ensure compliance with advice contained within the NPPF to ensure that the development does not adversely impact on the vitality and viability of the town centre.***

13. No development approved by this permission shall be commenced until a surface water drainage strategy has been submitted to and approved by the Local Planning Authority. The surface water drainage scheme shall be completed in accordance with the approved strategy and programme.

***Reason: To reduce the increased risk of flooding and in accordance with the NPPF.***

14. The use of the retail unit, hereby approved, shall be for the sale of comparison goods only. (Convenience goods are defined as food, non-alcoholic drinks, tobacco, alcohol, newspapers and periodicals; and 90% of non-durable household goods. Comparison goods are defined as all other retail goods. Both definitions are in accordance with the Experian Retail Planner Briefing Note 9 (September 2011)).

***Reason: In the interests of the vitality and viability of the Town Centre Shopping Centre and in accordance with the National Planning Policy Framework.***

15. The development hereby permitted shall not commence until samples of all external facing materials 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 Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*
16. 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 the building or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, 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 and Policy 17 of the Adopted Central Lancashire Core Strategy*
17. Notwithstanding the submitted details and prior to the commencement of the development details of the provision of a replacement toilet shall be submitted to (including its location, size, access, opening hours and maintenance arrangements) and approved in writing by the Local Planning Authority. The approved toilet shall be implemented in accordance with the approved details.  
*Reason: In the interests of the proper development of the site.*