

**Item 4I**                    **13/00721/FULMAJ**

**Case Officer**            **Mr Paul Whittingham**

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

**Proposal**                **Application for the variation of conditions 5 (Bus Stop Improvement), 6 (In store Real Time Information), 8 (Stopping Up Orders), 11 (Design Stage Assessment), 12 (Post Construction Certificate), 18 (Access to Western Boundary), 19 (Landscaping), 23 (Provision of Development Opportunity Sites), 32 (Approved Plans) and 36 (Finished Floor Levels) of Planning Permission 09/00933/FULMAJ under Section 73 of the Town & Country Planning Act.**

**Location**                **Land North Of Duke Street Including QS Fashions And Bounded By Pall Mall And Bolton Street Chorley**

**Applicant**                **ASDA Stores Limited**

**Consultation expiry: 18 November 2013**

**Application expiry: 7 November 2013**

### **Proposal**

1. This application is a section 73 application to vary conditions 5 (Bus Stop Improvement), 6 (In store Real Time Information), 8 (Stopping Up Orders), 11 (Design Stage Assessment), 12 (Post Construction Certificate), 18 (Access to Western Boundary), 19 (Landscaping), 23 (Provision of Development Opportunity Sites), 32 (Approved Plans) and 36 (Finished Floor Levels) of Planning Permission 09/00933/FULMAJ
2. Full planning permission was granted on 21 December 2010 to develop Land North Of Duke Street Including QS Fashions and Bounded By Pall Mall and Bolton Street Chorley for the demolition and redevelopment of existing structures to provide a Class A1 foodstore, petrol filling station, associated car parking, servicing, new accesses public realm and landscaping together with off-site highway works of improvement. The planning consent also incorporated Outline consent for development opportunity sites, one at the big lamp junction for classes A1, A2, A3, A4, A5 and the other site being on Bolton St for B1 & D1 use classes.

### **Recommendation**

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

### **4. Main Issues**

The main issues for consideration in respect of this planning application are:

- Principle of the development
- Conditions proposed to be changed
- Other Conditions

## 5. Representations

4 letters of support have been received which comment as follows:

- Suggest the plans are fully and unconditionally approved and the development is commenced at the earliest opportunity.
- The Council should be positive and support the development of this site and should not adopt threatening tones in newspaper articles.
- It is understood that delays to the development have resulted from discussions over car parking arrangements and the development should be allowed to go ahead without unreasonable demands.
- Wholeheartedly support the development as this end of town is dramatically declining.
- This would be a valuable asset to the community with the benefits being long lasting.

### Consultations

6. **Lancashire County Council (Highways)** – Do not object to the amended scheme that secures pedestrian access from Bolton Street and recommend that informatives are attached highlighting the need for consent from the Highway Authority regarding retaining walls adjacent to the footpaths.
7. **Environment & Neighbourhoods** – Raises no objection to the updated noise report and the mitigation measures proposed, however does wish to query the operational hours for the service yard and the home shopping pod. Asda do indicate that they operate wider hours at selected stores.
8. **Economic Development Service** – Have the following comments to make on the application :
  - The added value in public realm works connecting Pall Mall triangle with the centre of town (pedestrianized areas) are key to the scheme being successful in regenerating the shops / sites along southern Market Street / Pall Mall / Bolton Street.
  - The attraction of a large supermarket at the southern end of Market Street is more likely to bring new customers to the town centre that currently shop at other supermarkets on the periphery such as Morrison's, Tesco (Foxhills), Tesco (Buckshaw) and the existing ASDA at Clayton Brook.
  - The additional jobs created will add wealth to the local economy and recommend using the Employment Charter as a condition on the approval
  - The Chorley economy has been fairly resilient to date in these uncertain economic times. Our town centre retail vacancy rate is currently 5.6%\* which compares with 13.7%\* regionally.
  - There is a need to improve the pedestrian links from the site up Market Street to ensure that this development does not draw convenience shopping out of the Towns independent shops.

## 9. Applicants Case

This Section 73 application is submitted to seek a number of amendments to planning permission reference 09/00933/FULMAJ in order to make a series of improvements to the scheme. The scheme provides the most up to date store layout and design to enable the new store to provide a range of retail opportunities, home deliveries, click and collect and in store purchases with the most up to date servicing and delivery facilities.

## Assessment

### Principle of the development

10. The principle of redeveloping the site was established by the grant of full planning permission. This application purely proposes amendments to the detail of the approval; specifically the approved plans including the layout and design of the store and approved highway layout; and to modify the conditions relevant to these matters the details of which are addressed below.
11. As this is an amendment to the original permission and Government advice is that the proposal will already have been judged to be acceptable in principle at an earlier date, local planning authorities should, in making their decision, focus their attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.
12. The Framework now supersedes PPS1 & PPS4 in terms of National Guidance, the purpose of which is to contribute to the achievement of sustainable development and there are three dimensions to sustainable development: economic, social & environmental. The Framework also highlights the presumption in favour of sustainable development. The original consent being sought to be varied did consider a series of tests set out by PPS4 and considered economic, social and environmental impacts and the conclusion of the assessment was that the proposal was in broad conformity with the Local Plan even though the application site was not within the Town Centre Boundary as defined within the Local Plan and also that the benefits of the proposal are considered to outweigh the conflicts with the Local Plan.
13. With regard to status of the emerging Local Plan (2012-2026), it is relevant to note on 25th October, the Inspector issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
14. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination in April 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan by September 2014, following a supplementary report.
15. Paragraph 18 of the Partial Report states: "For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers."
16. It is therefore considered significant weight should be afforded to the policies and proposals of the submitted Local Plan, as amended by the main modifications.
17. The application site is now identified under Policy EP5.2 as a retail site allocation and the Town Centre Boundary has been amended to reflect the original permission for the foodstore. There have been no representations to the amendment to the Town Centre Boundary or allocation of the site within Policy EP5.2 in objection and therefore significant weight can be attributed to the allocation.

18. It is considered that the development in principle is in accordance with the Local Plan 2012-2026 and would deliver sustainable development that would support the vitality of the Town Centre as required under the Framework which is supported within the reasoned justification for Policy EP5.

#### Background Information

19. Planning Permission was granted by Chorley Council on 21 December 2010 for the development as described. The 'full' element of the planning consent must be commenced by 21 December 2013 and the requirements of Section 73 applications mean that the life of the planning consent cannot be extended by these means. Reserved matters consent has been granted for the construction of a replacement probation office building to replace the one that exists on site and will be demolished as part of this development. Asda have partially discharged conditions on the original consent and have started the demolition phase of the development by demolishing the former QS Fashions building and the former Kwik Save building that were within the development site boundary. Also material to the consideration of this amended application is that the improvement scheme for Market St has been designed up to contract stage with the Local Highway Authority (LCC).
20. Due to there being a number of conditions that have been proposed to be modified, a condition that is proposed to be deleted and conditions that are required to be added the original conditions and those now proposed are detailed within a table at the end of the report for easy reference and for clarity.

#### Condition 5 & 6

21. These conditions relate to the provision of 'Real Time Information' within the store and on bus stops to indicate the next available bus and expected arrival time. At the time of the original application, LCC were rolling out Real Time Information in association with the bus operators. However the advice from LCC is now that Real Time Information is not supported by the County Council and the previous requirements could not be supported. This will mean that condition 6 that required real time information in store will be deleted and that condition 5 will be amended to remove the requirement for Real Time Information at bus stops, and the bus stops will still be upgraded to ensure an improvement to the facility to access the store by a range of options and to support the sustainability credentials of the proposed store.

#### Condition 8

22. Condition 8 requires that sections of the highway which fall within the development site are "Stopped-up" prior to any development commencing on the application site. The applicants have indicated that the stopping up notice was issued on 28 September 2011 to which there were three objections from National Gas, Cable & Wireless (Vodafone) and the Probation Service. One objection has now been removed and the objection from National Gas is a technical objection that is to be removed once the impact of the development on their apparatus have been agreed. The Probation Service have agreed a contract with the Council to relocate on a temporary basis and a new building is proposed to accommodate the Probation Service long term, this objection is one that can be resolved once a final contract between Asda and the Probation Service is signed and the applicant has indicated this is imminent (supported by the signing of a contract with the Council for temporary offices). It is therefore appropriate to modify the condition to ensure that no works are commenced within the confines of the public highway until those sections have been formerly stopped up as opposed to a condition that required no development to commence.

#### Condition 10

23. This condition has not been sought to be amended however the adoption of the Core Strategy and the inclusion of Policy 27 means that there is no longer a requirement to “achieve 2 credits within Issue Ene 5: Low or Zero Carbon Technologies.” The condition has therefore been amended to conform to Core Strategy policy 27.

#### Condition 11

Condition 11 reads: “*No phase or sub-phase of the development shall begin until details of a ‘Design Stage’ assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing*”.

24. The applicant is seeking some flexibility to submit the information required by the condition and seeks a defined timescale of 3 months from the start of the development to submit the information. Whilst it is acknowledged that securing the paperwork to satisfy this condition is taking significantly longer than was envisaged when the original application was approved, it is considered important to ensure that the information about the design stage assessment is provided before the construction of the store, in order to ensure the condition meets the statutory tests for conditions. As the projected phasing submitted envisages a start on the buildings in February and March, then the amendment to the condition to allow a design stage assessment within 3 months of the commencement of the development condition is considered to be enforceable and reasonable and to accord with the tests for the imposition of conditions and still deliver the aims of Policy 27 of the Core Strategy.

#### Condition 12

25. This condition relates to the Post Construction Certificate and the submission of this prior to the store opening. In a similar way to condition 11, there are difficulties across the construction sector in securing the post construction certificates within a reasonable timescale and to ensure the delivery and timely opening of the store, it is considered reasonable to provide a wider timescale for the submission of this certificate and a longer period of 12 months is considered to be reasonable and will remain enforceable upon the occupier of the store which in this case is Asda.

#### Condition 18

26. This condition (access to the western boundary) stated “Access to the strip of land between the service yard and western site boundary (as defined on approved plan Ref.07035.PL14.RevA) will be controlled by secure gate within the service yard of the foodstore.” Given the proposed changes to the design of the site and the movement of the service yard location there is still a requirement for an access gate to a reduced strip of land however this will not be accessed from the service yard. The amended plan and amended condition seeks to ensure that the area of land is controlled by a secure gate in order to ensure that the area of land cannot be accessed by the public and result in anti-social behaviour that would impact on existing residents.

#### Conditions 19, 32 & 36

27. These conditions dealt with landscaping, the approved plans and finished floor levels. The substantive changes to the scheme require these particular conditions to be modified, not

in terms of the wording, but rather in terms of the plans they refer to. The substantive changes to the scheme are addressed below.

### Service Yard

28. The service yard has been moved from the west of the store to the Bolton Street frontage of the store. A number of changes are proposed to the service yard to enable delivery vehicles to manoeuvre more easily and therefore reduce the time periods of vehicles present within the service yard. As a result of the changes the service yard access road which had previously run along the rear elevation of the approved store has been removed. This will provide acoustic benefits to the residents of Shaw Hill Street in that their properties will no longer back onto the ASDA service yard, along with benefits for the residents on Duke Street in the removal of the service yard access road running along the rear of their properties.
29. It is proposed that a single dock-leveller will be in operation within the service yard, rather than two dock-levellers as previously approved. This change is driven by the latest technologies and procedures adopted by ASDA to ensure that deliveries are undertaken as efficiently and safely as possible. The deliveries expected at the Chorley store are able to be adequately accommodated one at a time, with the deliveries often spread throughout the day, within the hours permitted, to keep any impact upon the surrounding neighbourhood and the store itself to a minimum.
30. The service vehicle access to the store, which is via a new priority junction with Bolton Street, is unchanged from the previously approved arrangements. The service / customer access to the existing TUNIT business is also unchanged.
31. A Home Shopping facility has also been introduced at the store and is proposed to be located at the south east corner of the store, close to Bolton Street and to the rear of the relocated ASDA colleague facilities. The Home Shopping vans are positioned under an open sided canopy facing into the service yard area. The relationship of the home shopping facility and the colleague facilities to the store and to Bolton Street is considered to be an acceptable one, as it is set at a lower level than Bolton Street and the proposed Probation building, and car parking will be positioned between the store and Bolton Street, which also assists in blending in the new element to the existing elements of the scheme.
32. Further details of the vehicle movements in relation to Home Shopping are included with the accompanying Transport Statement and Noise Impact Assessment. The Transport Statement concludes that Home Shopping is likely to lead to a reduction in traffic movements to the store and this element has been considered by LCC Highways who agree with the assessment.
33. A Noise Impact Assessment has been prepared by Acoustic Consultancy Partnership Limited and is submitted as part of this Section 73 application. The Noise Assessment identifies that there would be a negligible impact upon the amenity of residents as a result of the proposed changes within the service yard, including the introduction of the Home Shopping pod, during the permitted weekday and Saturday hours. The assessment concludes that no mitigation measures are required as a result of the proposed changes, and this report has been assessed by the Council and on this element the report is considered to be acceptable.

### Removal of refrigeration plant enclosure

34. The amended plans also result in the store refrigeration and other plant being moved from a plant well on the rear of the store to roof mounted plant and an assessment has been

made of the impact of these on existing residents. It has been established through further reports being produced that some mitigation is required and an additional condition is now proposed to control this element (Condition 37).

### Changes to the Layout & Design of the Store

35. A number of changes are proposed to the approved ASDA store in order (in the applicant's view) to provide a more efficient store for customers. As a result of these changes, the gross floorspace of the store has decreased by 506 sq m (from 7,335 sq m to 6,829 sq m). There is no change to the approved net sales area of the ASDA Store. There is no requirement therefore to amend Condition 33 which sets out the floorspace split of the net floorspace between convenience and comparison.
36. The height of the approved store has also decreased as result of the removal of the first floor level. The roof of the store has been amended from a mono pitched roof which was 8.5m high along the north elevation (main entrance elevation), to 10.8m along the south elevation, to a dual pitch roof with a ridge and a parapet set at 7.45m high. It is proposed that the finished floor level of the store is increased marginally from 87.5 metres AOD to 87.775 metres AOD. This is as a result of the proposed rationalisation of levels across the site to enable the operations within the service yard to function safely - this however does not result in the overall height of the store increasing as the first floor is being removed and both elevations are reduced in height. Condition 36 has been modified to reflect the increased finished floor level.
37. The location of the customer entrance to the ASDA store has moved further east along the front elevation of the store. As a result it is better aligned with the tree-lined pedestrian walkway which runs through the car park from Market Street. The ASDA customer café has been relocated within the store, from the mezzanine floor at the rear of the store to the front of the store at ground floor level. The café in this location has the benefit of creating a more active frontage, with the inclusion of glazing in this location. One change in the front elevation is the inclusion of roof mounted signage that has throughout the life of the previous or original application been resisted by the Council due to its poor relationship to the building and not being an integrated element of the scheme as a whole. Whilst the signage is shown on the plans a separate application will be required for this element, Asda have been informed that the signage is unacceptable and that an application for advertisement consent in this form is likely to be refused and Asda have accepted that position and will consider the options before submitting an advert application following the determination of this application.

### Car Park

38. There are a number of amendments proposed to the customer car park layout, to enable better flows of customer traffic around the car park. As part of this, the width of the main vehicular route around the car park has been widened to 7 metres. There has been a slight reduction in the overall car parking spaces provided at the store. It is now proposed that a total of 404 spaces are provided including 22 disabled car parking spaces, which have been moved closer to the customer store entrance. This is within the standard set out by Chorley Council. It is also proposed to provide 4 car parking spaces to accommodate a Click & Collect facility and 2 electric charging points to serve four vehicles. The Click and Collect spaces are located under a canopy in the south eastern corner of the customer car park. The Click and Collect facility enable customers to shop online and pick up their shopping at a convenient time from the store. There are no additional deliveries as a result of the Click and Collect operations, with the produce taken from the ASDA store. An

outdoor covered terrace area for the sale of seasonal goods such as garden furniture is proposed at the front of the ASDA store. This will cover an area of approximately 48 sq m.

39. On the whole, the changes to the front of the store and car park are welcomed and will maintain and contribute to the linkage of the store to the Town Centre with slight increases to the level of the store and to the levels within the car park. The strong tree-lined desire line to the store entrance from the Big Lamp junction will be maintained and the car park has been modified to cater for modern forms of shopping and future proofed with electronic charging points. Condition 32 has been modified to reflect the updated series of plans.

#### Condition 23

40. This condition on the original consent required the development opportunity site to be available for occupation within 1 year of the store opening. Asda have sought to vary this condition to extend the period to within 3 years of the store opening due to the difficulty of securing tenants within the current commercial market. It is considered that it is more appropriate in discharging this condition that a detailed timetable is agreed for the delivery of the development opportunity sites and taking into account all the available information on town centre improvements and the Town Centre Masterplan process that is currently on-going and that this is produced prior to the occupation of the store and that timetable will identify the opportunities and options for delivering the development opportunity sites but more particularly the proposed unit at the Big Lamp junction. This form of wording will allow the delivery of a building at the earliest possible opportunity to support the vitality and viability of the town centre.

#### Impact on the neighbours

41. The main changes as a result of the proposed amendments that will change the impact of the development upon neighbours are linked to the servicing arrangements which have moved from the boundary with the residential properties on Shaw Hill Street to the Bolton Street side of the store. This removes the need for 4 metre or 5 metre high noise barriers and reduces the potential for future complaints about its operation.
42. The changes also are an improvement for the TUNIT business that will remain on the site as the building that is currently attached to the TUNIT building will not now be demolished and will not impact on the use or operation of the existing TUNIT business whilst demolition is taking place, which was a concern in the determination of the original consent. It is understood that following the development of the Asda store that the building that is to remain will be transferred to the owner of the TUNIT building and will be accessed through their site and will provide the opportunity for business expansion.
43. The changes to the building plant and machinery that are referred to above will mean that the plant will not be sited within a plant well, and it will now be sited on the roof. This aspect of the development has been the subject of a noise assessment that identifies mitigation measures to limit the harm to the surrounding residential properties. A new condition is proposed to ensure that the plant is installed in accordance with the recommendations of the acoustic report to limit the potential impact on surrounding properties.

#### **Overall Conclusion**

44. The development in principle remains acceptable taking into account updated planning policy, including the emerging local plan. The details of the modified conditions and associated plans also provide a development that will meet the purposes identified within the Framework of delivering economic, social and environmental benefits to Chorley.



45. The modified and additional conditions make the development acceptable and overcome the potential for harm and ensure the development is controlled and delivered in accordance with those conditions and the policies of the Local Plan and Core Strategy.

## **Planning Policies**

### National Planning Policies:

National Planning Policy Framework (The Framework)

### Adopted Chorley Borough Local Plan Review

Policies:EP5.2, BNE1

Supplementary Planning Guidance: Design Guide

### Joint Core Strategy

Policy 11 & 27

## **Planning History**

**09/00933/FULMAJ** - Full application for the demolition and redevelopment of existing structures to provide a Class A1 foodstore, petrol filling station, associated car parking, servicing, new accesses, public realm and landscaping. Outline application for the provision of a retail unit (Use Classes A1, A2, A3, A4, A5) and a business/non-residential institution unit (Use Classes B1 and D1) including details of scale and access. Permitted: 21.12.2010

**12/00246/FULMAJ** - Reserved Matters Application in relation to planning permission 09/00933/FULMAJ (Appearance, Landscaping & Layout) for the provision of a business/non residential institution unit (use class B1 & D1). Approve Reserved Matters: 15.06.2012

**12/01175/DIS** - Discharge of Conditions 2 (Access & Highways), cond 7 (Travel Plan), cond 9 (Tunit Boundary), Cond 19 (Landscaping) cond 21 (Development Opportunity Sites), Cond 25 (Car Parking Scheme), Cond 28 (Surface Water Drainage), Cond 29 (Big Lamp), Cond 35 (Materials & Samples) in relation to the Full application for the demolition and redevelopment of existing structures to provide a Class A1 food store, petrol filling station, associated car parking, servicing, new accesses, public realm and landscaping. Outline application for the provision of a retail unit (Use Classes A1, A2, A3, A4, A5) and a business/non-residential institution unit (Use Classes B1 and D1) including details of scale and access. Conditions Discharged: 08.02.2013

**13/00721/FULMAJ** - Application for the variation of conditions 5 (Bus Stop Improvement), 6 (In store Real Time Information), 8 (Stopping Up Orders), 11 (Design Stage Assessment), 12 (Post Construction Certificate), 18 (Access to Western Boundary). 19 (Landscaping), 23 (Provision of Development Opportunity Sites), 32 (Approved Plans) and 36 (Finished Floor Levels) of Planning Permission 09/00933/FULMAJ under Section 73 of the Town & Country Planning Act. Awaiting Decision.

**Recommendation: Permit Full Planning Permission**

**Conditions**

For clarity the table below shows the Original Conditions and the Proposed Conditions under this Application.

<b>Original Condition</b>	<b>Proposed Condition</b>
<p>1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission. Reason: To define the permission and in the interests of the proper development of the site.</p>	<p>No change to condition</p>
<p>2. No part of the development hereby approved shall commence until a scheme for the construction of all site access by vehicles, pedestrians and cyclists and the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The scheme shall include the timing of the delivery of all such works, including the Market Street improvements, together with contingency arrangements. Reason: In the interests of highway safety and to ensure appropriate pedestrian connectivity between Chorley Town Centre and the Class A1 foodstore before it commences trading, and in order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site</p>	<p>No change to condition</p>
<p>3. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in condition 1 has been constructed and completed in accordance with the scheme details. Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.</p>	<p>No part of the development hereby approved shall be occupied or opened for trading until the approved scheme and programme referred to in condition 2 has either been constructed and completed in accordance with the scheme details or its implementation is secured by a contract.</p> <p>Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.</p>
<p>4. The proposed scheme improvement works to Market Street shown on approved plan Ref. PL-11/RevB shall be implemented in general conformity with that plan before the store commences trading unless otherwise agreed in writing with the Local Planning Authority. Reason: To ensure appropriate pedestrian connectivity between Chorley Town Centre and the Class A1 foodstore, to</p>	<p>No change to condition</p>

<p>mitigate against the potential impacts of the development and to accord with the requirements of PPS4 and PPG 13</p>	
<p>5. Before occupation of the development hereby permitted, the following improvements will be made to existing bus stops on Bolton Street and Pall Mall:</p> <ul style="list-style-type: none"> <li>- Introduction of Real Time Information Displays to bus stops on Bolton Street and Pall Mall identified in the approved highways plan</li> <li>- New bus stops, shelters and low floor infrastructure (Bolton Street only)</li> <li>- Repainting bus stop markings (Pall Mall only)</li> </ul> <p>Full details of the works shall be submitted to the Local Planning Authority and written approval to the details obtained from the Local Planning Authority prior to the commencement of development. Such works to be retained thereafter.</p> <p>Reason: In order to ensure that the development is accessible by a choice of means of transport including public transport in accordance with PPS4 and Policy TR1 of the Chorley Borough Local Plan</p>	<p>5. Before occupation of the development hereby permitted, the following improvements will be made to existing bus stops on Bolton Street and Pall Mall:</p> <ul style="list-style-type: none"> <li>- New bus stops, shelters and low floor infrastructure (Bolton Street only)</li> <li>- Repainting bus stop markings (Pall Mall only)</li> </ul> <p>Full details of the works shall be submitted to the Local Planning Authority and written approval to the details obtained from the Local Planning Authority prior to the commencement of development. Such works to be retained thereafter.</p> <p>Reason: In order to ensure that the development is accessible by a choice of means of transport including public transport.</p>
<p>6. Before occupation of the development hereby permitted, Real Time Information Displays for bus services shall be installed within the proposed foodstore and retained thereafter. Full details of the works shall be submitted to the Local Planning Authority and written approval to the details obtained from the Local Planning Authority prior to the commencement of development.</p> <p>Reason: In order to ensure that the development is accessible by a choice of means of transport including public transport in accordance with PPS4 and Policy TR1 of the Chorley Borough Local Plan</p>	<p>Delete condition as agreed with LCC</p>
<p>7. The development shall not be occupied or brought into use until details of a Travel Plan (Broadly in accordance with the draft Travel Plan submitted as part of this application) have been submitted to and approved in writing by the Local Planning Authority, such Travel Plan to include:</p> <ol style="list-style-type: none"> <li>a. the form and timing of travel surveys</li> <li>b. interim targets pending the results of travel surveys</li> <li>c. actual targets based on the results of travel surveys</li> <li>d. measures proposed to achieve the targets</li> </ol>	<p>No change to condition</p>

<p>e. the means and funding for the monitoring of the travel plan  f. enforcement and sanctions  g. timing of submission of the final travel plan</p> <p>Together with a timetable for the implementation of each such element. The development shall not be occupied prior to implementation of those parts of the approved Travel Plan that are capable of being implemented prior to occupation. Those parts of the approved Travel Plan that are identified therein as only being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the development is occupied. Reason: In order to ensure that the development is accessible by a choice of means of transport including public transport in accordance with PPS4 and Policy TR1 of the Chorley Borough Local Plan</p>	
<p>8. No development shall take place until the sections of the public highway that fall within the development site (unless otherwise agreed to remain as Public Highway) have been stopped up in accordance with an Order made under the provisions of Section 247 of the Town and Country Planning Act 1990. Reason: In order to ensure the proper development of the application site and as the grant of planning approval does not override other legislation</p>	<p>No development shall take place within the confines of the existing public highway until those sections of the public highway (unless otherwise agreed to remain as Public Highway) have been stopped up in accordance with an Order made under the provisions of Section 247 of the Town and Country Planning Act 1990</p> <p>Reason: In order to ensure the proper development of the application site and as the grant of planning approval does not override other legislation</p>
<p>9. The construction of the foodstore shall not be commenced until detailed plans of the works proposed to the boundary with Tunit (building defined on plan LE-07), details of access to that building and a development phasing plan have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in full in accordance with the approved plans and shall be retained thereafter. Reason: To safeguard the operation and amenity of this nearby business and to ensure that access to the existing business is maintained during and upon completion of the development</p>	<p>No Change to Condition</p>
<p>10. Each building hereby permitted which provides more than 500sqm gross floorspace 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.</p>	<p>Each building hereby permitted which provides more than 500sqm gross floorspace shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good'.</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>

<p>Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS4</p>	
<p>11. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing. Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS4</p>	<p>Details of a 'Design Stage' assessment shall be submitted to and approved in writing by the Local Planning Authority within three months of the commencement of each phase or sub-phase of development. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing.</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
<p>12. No building unit shall 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.</p> <p>Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS</p>	<p>Within 12 months of the occupation of any of the buildings hereby approved 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' has been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
	<p>Additional Condition</p> <p>Prior to the construction of any of the buildings authorised by this consent a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant [Code Level/BREEAM] rating.</p>
<p>13. Deliveries, servicing and collections to and from the Class A1 Foodstore, including waste collections, shall not take place outside the following hours:  07:00 to 22:00 – Monday to Friday  08.00 to 20.00 – Saturday  09:00 to 19:00 – Sundays and Bank Holidays  Where exceptional circumstances require deliveries/servicing/collections to take place</p>	<p>No change to condition</p>

<p>outside these stated hours, full written permission will firstly be sought from Chorley Council.</p> <p>Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP20</p>	
<p>14. The Class A1 Foodstore's waste compactor shall not operate outside the following hours:  07:00 to 22:00 – Monday to Friday  08.00 to 20.00 – Saturday  09:00 to 19:00 – Sundays and Bank Holidays</p> <p>Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP20</p>	<p>No change to condition</p>
<p>15. No temporary refrigeration units are to be used in the outdoor areas of the Class A1 Foodstore's service yard except in exceptional circumstances (such as the failure of the Class A1 Foodstore's internal refrigeration units).</p> <p>In such exceptional circumstances full written permission will be sought from Chorley Council prior to or within 24 hours of the temporary refrigeration units being used in the outdoor areas of the Class A1 Foodstore's service yard. Written permission will not be unreasonably withheld. Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP20</p>	<p>No change to condition</p>
<p>16. Service Yard lighting will be reduced to minimum safe illumination levels (20 Lux) outside the Class A1 Foodstore's hours of servicing:  07:00 to 22:00 – Monday to Friday  08.00 to 20.00 – Saturday  09:00 to 19:00 – Sundays and Bank Holidays</p> <p>Where exceptional circumstances require that Service Yard lighting is not reduced to minimum safe illumination levels (20 Lux) outside the Class A1 Foodstore's hours of servicing, full written permission will firstly be sought from Chorley Council.</p> <p>Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP21A</p>	<p>No change to condition</p>
<p>17. The approved lighting scheme shall be implemented in full prior to first use of the development hereby approved. All lighting should be designed to reduce spillage out</p>	<p>No change to condition</p>

<p>with the site. Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in</p>	
<p>18. Access to the strip of land between the service yard and western site boundary (as defined on approved plan Ref.07035.PL14.RevA) will be controlled by secure gate within the service yard of the foodstore. Reason: In the interests of security, to prohibit anti-social behaviour and to safeguard amenities of the occupiers of nearby residential accommodation</p>	<p>Access to the strip of land between the approved building and western site boundary (as defined on approved plan Ref. PL14F) will be controlled by a secure gate.</p> <p>Reason: In the interests of security, to prohibit anti-social behaviour and to safeguard amenities of the occupiers of nearby residential accommodation</p>
<p>19. Development shall not begin until full details of both hard and soft landscape works (both temporary and permanent) have been 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 in accordance with PPS4</p>	<p>No change to condition</p>
<p>20. The development of the Class A1 foodstore hereby permitted shall begin not later than three years from the date of this permission. Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning &amp; Compulsory Purchase Act 2004</p>	<p>The development of the Class A1 foodstore hereby permitted shall begin not later than 21 December 2013.</p> <p>Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning &amp; Compulsory Purchase Act 2004</p>
<p>21. Approval of the details of the scale, access, appearance, landscaping and layout of the free-standing buildings proposed for each of the development opportunity sites, hereafter called the reserved matters, shall be obtained from the Local Planning Authority before any development of the development opportunity sites is commenced. Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning &amp; Compulsory Purchase Act 2004</p>	<p>No change to condition</p>
<p>22. Application for the approval of the</p>	<p>Application for the approval of the Reserved</p>

<p>Reserved Matters relating to the development opportunity sites shall be made to the Local Planning Authority before the expiration of three years from the date of the outline permission. Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning &amp; Compulsory Purchase Act 2004</p>	<p>Matters relating to the development opportunity sites shall be made to the Local Planning Authority before the 21 December 2013.</p> <p>Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning &amp; Compulsory Purchase Act 2004</p>
<p>23. Each of the units proposed to be developed on the development opportunity sites should be available for occupation within 1 year of the date of the opening of the store. Reason: in order to secure the implementation of the Development Opportunity building that has been considered within the assessment of this application to be an essential element of the scheme as a whole and supports the conclusion that the development as a whole is acceptable in accordance with PPS4</p>	<p>The development of the “Development Opportunity” sites shall be commenced, completed and made available for occupation within a detailed timescale that is first agreed with the Local Planning Authority prior to the occupation of the store and thereafter the development opportunity sites shall be delivered in accordance with that timescale.</p> <p>Reason: in order to secure the implementation of the Development Opportunity buildings at the earliest opportunity and to ensure the Development opportunity sites contribute to the connectivity of the store to the Town Centre.</p>
<p>24. Before any demolition, construction or contaminated land remediation works commence in connection with each identified phase, 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:</p> <p>a) 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;</p> <p>b) Noise and vibration: To demonstrate compliance with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites; including the proposed measurement methodology, the location of monitoring locations and noise-sensitive premises, the maximum permitted facade noise levels. No piling, blasting, dynamic compaction or use of vibrating rollers shall occur without the written approval of the Local Planning Authority;</p> <p>c) Dust/Particulate emissions: To include the prevention of dust/particulates being blown off-site, the sheeting of vehicles and preventing the deposition of dust and mud on</p>	<p>No change to condition</p>



<p>the highway. At such times as the prevention of dust/particulate nuisance by the agreed means is not possible, the movement of vehicles, soils or dusty materials must temporarily cease until such time as weather conditions improve;</p> <p>d) 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;</p> <p>e) Lighting: To include a site plan showing the proposed types, locations and heights of the lamps, vertical illuminance levels (Lux) to the facades of agreed light-sensitive premises and operating times. All works shall be fully implemented in accordance with the approved CEMP.</p> <p>The CEMP shall include:</p> <p>f) Arrangements for the frequency and criteria for review of the CEMP and its consequential approval by the local planning authority;</p> <p>g) Arrangements for liaison to be undertaken with affected residents and town centre stakeholders</p> <p>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</p>	
<p>25. No development shall take place until a scheme for car park management, car park charges and charging review mechanism for the class A1 foodstore and retail development opportunity site for use classes A1/A2/A3/A4/A5 has been submitted to and approved in writing by the local planning authority. The charging mechanism will be consistent with the main town centre car parks within Chorley town centre. The charging review mechanism shall include:</p> <p>a) Frequency / criteria for review</p> <p>b) Process of review</p> <p>c) dispute resolution mechanism</p> <p>The car parking spaces shown on the approved plan shall be made available at all times in connection with the use of the class A1 foodstore and the retail development opportunity site (use classes A1/A2/A3/A4/A5).</p> <p>Reason: To ensure that the management of the car park is consistent with other car parks which serve Chorley Town Centre which is necessary to ensure the vitality and viability of the town centre; and in accordance with PPS4 and PPS13</p>	<p>No change to condition</p>

<p>26. The retail store and retail development opportunity site 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 plan ref: 07_035/PL_01 RevV. Reason: To ensure the proper planning of the development, and in accordance with policy TR4 and DCLG "Manual for Streets".</p>	<p>The retail store and retail development opportunity site 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 plan ref: 07_035/PL_01 RevAC.</p> <p>Reason: To ensure the proper planning of the development.</p>
<p>27. No development approved by this planning permission shall be commenced until:</p> <p>a) a strategy for investigating contamination present on the site has been submitted to and approved in writing by the Local Planning Authority;</p> <p>b) an investigation has been carried out in accordance with the approved strategy; and,</p> <p>c) a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority;</p> <p>Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified in the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the Local Planning Authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.</p> <p>Reason: To ensure that the presence of or the potential for any contaminated land is detected and appropriate remedial action is taken in the interests of public safety and in accordance with PPS25.</p>	<p>No change to condition</p>
<p>28. No development approved by this permission shall be commenced until a surface water drainage strategy and phased delivery programme 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.</p> <p>Reason: To reduce the increased risk of flooding and in accordance with PPS25</p>	<p>No change to condition</p>
<p>29. Development shall not be commenced until a scheme for the retention of the 'Big Lamp' and its incorporation within the development have been submitted to and approved in writing by the Local Planning</p>	<p>No change to condition.</p>

<p>Authority. The scheme shall include the timing of removal, location and method of storage and the timing of installation together with its protection during any construction phase. Development shall be carried out in accordance with the approved scheme. Reason: In the interests of preserving an existing feature of local interest in the interests of the proper planning of the site and to achieve a high quality development.</p>																									
<p>30. Prior to or within one month of completion of the landscaping scheme defined in Condition 7, details of the location and design of CCTV to cover the development site and Market Street shall be submitted to and approved by the Local Planning Authority. Reason: In the interests of safety and security</p>	<p>No change to condition</p>																								
<p>31. Any building(s) constructed on the proposed development opportunity sites shall fall within the maximum and minimum scale parameters as set out below: Retail Development Opportunity Site: Max Height 7m, Max Width 20m, Max Length 40m Min Height 4m, Min Width 10m, Min Length 15m B1/D1 Development Opportunity Site: Max Height 11m, Max Width 16.5m, Max Length 55m Min Height 5m, Min Width 8m, Min Length 18m Reason: in order to secure the implementation of the Development Opportunity buildings that have been considered within the assessment of this application to be an essential element of the scheme as a whole and supports the conclusion that the development as a whole is acceptable in accordance with PPS4</p>	<p>No change to condition</p>																								
<p>32. The development hereby permitted shall be carried out in accordance with drawing numbers:</p> <table border="0" data-bbox="148 1619 748 2085"> <thead> <tr> <th>Description</th> <th>Drawing Number</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>EX01A</td> </tr> <tr> <td>Existing Site Plan</td> <td>EX02A</td> </tr> <tr> <td>Demolitions</td> <td>DE01A</td> </tr> <tr> <td>Proposed Site Plan</td> <td>PL01V</td> </tr> <tr> <td>Proposed Store Plan</td> <td>PL02A</td> </tr> <tr> <td>Proposed First Floor Plan</td> <td>PL03A</td> </tr> <tr> <td>Proposed Roof Plan</td> <td>PL04A</td> </tr> <tr> <td>Proposed Levels Plan</td> <td>PL05C</td> </tr> <tr> <td>Proposed Elevational Sections and Streetscapes</td> <td>PL06B</td> </tr> <tr> <td>Proposed Site Sections</td> <td>PL07C</td> </tr> <tr> <td>Proposed PFS</td> <td>PL08B</td> </tr> </tbody> </table>	Description	Drawing Number	Location Plan	EX01A	Existing Site Plan	EX02A	Demolitions	DE01A	Proposed Site Plan	PL01V	Proposed Store Plan	PL02A	Proposed First Floor Plan	PL03A	Proposed Roof Plan	PL04A	Proposed Levels Plan	PL05C	Proposed Elevational Sections and Streetscapes	PL06B	Proposed Site Sections	PL07C	Proposed PFS	PL08B	<p>Location Plan - EX01A Existing Site Plan - EX02A Demolitions - DE01A Proposed Site Plan - PL01AC Proposed Store Plan - PL02D Proposed Roof Plan - PL04E Proposed Levels Plan - PL05C Proposed Elevational Sections and Streetscapes - PL06G Proposed Site Sections - PL07H Proposed PFS - PL08D Proposed Landscape Masterplan - PL09E Proposed Trolley Bays - PL10B Proposed Market Street Works Plan - PL11D Proposed Public Realm Plan - PL12A Proposed Fenceline Plan and Elevations -</p>
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<p>Proposed Landscape Masterplan PL09B  Proposed Trolley Bays PL10 A  Proposed Market Street Works Plan PL11B  Proposed Public Realm Plan PL12A  Proposed Fenceline Plan and Elevations PL14F  Landscape Proposals A1043-02E  Proposed Traffic Signal Controlled Junction 0740/69</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans.</p>	<p>PL14F  Landscape Proposals - A1043-02K  Proposed Traffic Signal Controlled Junction 0740/69</p> <p>Site Furniture PL_22B  Tree Pit &amp; Grille Detail PL_24B  Access &amp; Egress Plan PL_25B  Hard Landscaping Plan PL_26B  Site Boundary Details PL_27D</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans.</p>
<p>33. The net sales area of the Class A1 foodstore shall not exceed 4,088sqm, comprising 2,289sqm maximum for the display and sale of convenience goods and 1,799sqm maximum for the display and sale of comparison goods. Reason: In order to protect the vitality and viability of Chorley Town Centre and in accordance with PPS4</p>	<p>No change to condition</p>
<p>34. The Class A1 foodstore shall not be subdivided into smaller retail units. Reason: In order to protect the vitality and viability of Chorley Town Centre and in accordance with PPS4</p>	<p>No change to condition</p>
<p>35. No development shall commence until details and samples of the materials to be used in the construction fo the external surfaces of the class A1 foodstore have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved. Reason: To secure a high quality design in accordance with PPS1, PPS4, policy GN5 of the Chorley Local Plan Review</p>	<p>No change to condition</p>
<p>36. The finished floor level of the class A1 foodstore shall be constructed at a height not exceeding 87.5m AOD. Reason: To secure a high quality design in accordance with PPS1, PPS4, policy GN5 of the Chorley Local Plan Review, and to control the impact to surrounding residential properties</p>	<p>The finished floor level of the class A1 foodstore shall be constructed at a height not exceeding 87.775m AOD.</p> <p>Reason: To secure a high quality design and to control the impact to surrounding residential properties.</p>
	<p>Additional Condition</p> <p>37. The plant to be constructed on the roof of the store shall only be implemented in accordance Noise Impact Assessment for Fixed Plant dated 5 September 2013 including the specified individual plant size and specification and the installation shall be in accordance with the recommendations of that document.</p> <p>Reason: to ensure that the plant proposed</p>

	for the store does not have an unacceptable impact on nearby residential properties.