

Our Ref: Cuerden Hybrid/AM  
Your Ref: 07/2017/0211/ORM  
Date: 25/08/2017

Town Hall  
Market Street  
Chorley  
PR7 1DP

South Ribble Borough Council  
Civic Offices  
West Paddock  
Leyland PR25 1DH

Dear Mr Atherton

**"07/2017/0211/ORM: Hybrid planning application comprising: Detailed (Full) submission for retail floorspace (Use Classes A1 and A3) and associated car parking, site access, highway works, drainage and strategic landscaping. Outline submission for employment floorspace (Use Classes B1, B2 and B8), hotel (Use Class C1), health and fitness and leisure (Use Class D2), crèche/nursery (Use Class D1), retail (Use Classes A1, A2, A3, A4 and A5), car showrooms (Use Class Sui Generis), residential (Use Classes C2/C3) and provision of associated car parking, access, public open space, landscaping and drainage."**

Thank you for consulting Chorley Council on the above application. Chorley Council recognises the importance of the Cuerden Strategic site in regional terms.

Regrettably Chorley Council cannot support the proposal because the applicant's evidence underestimates:

- the impact of the scheme on Chorley's existing highway infrastructure,
- the retail impact of the scheme on Chorley Town Centre and the Market Walk extension and
- the lack of a planning viability case for employment uses which does not provide for long term economic benefits.

The evidence provided does not correspond with the evidence gathered by independent consultants commissioned by Chorley Council. The transport assessment in the Council's view was too limited in scope and based on a narrow set of assumptions that do not adequately consider the impact on Chorley, in particular on already very busy junctions within the Council area. The retail assessment significantly underplays the impact on Chorley Town Centre and the Council are firmly of the view that Chorley Town Centre will be significantly adversely affected by the application. The viability case for departing from policy is not in the Council's opinion adequately supported by the evidence provided. Where such a significant departure from planning policy is sought, we would have expected to see robust and transparent supporting evidence. Therefore, the Council firmly oppose the development.

If South Ribble Borough Council are minded to approve this application then the impacts on Chorley Town centre and the Market Walk extension in particular must be considered. We have provided evidence on mitigation measures that would be required outlined below:

## 1. Mitigation Measures Required by Chorley Council



01257 515151



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1.1 Chorley Council requires the applicant to provide a financial contribution to mitigate the impacts of the Cuerden development. These include:

- Improvements to the B5256 Leyland Way/B5256 Lancaster Lane/A49 Wigan Lane junctions to mitigate any impacts of the Cuerden development;
- Improvements to the A674 Millennium Way; A6 Preston Road (north) and Hartwood roundabout; and Preston Road A6 (south)/B5252 Euxton Lane.

1.2 Chorley Council requires the applicant to provide a financial contribution of **£11,520,121.00** to mitigate the impact of the Cuerden development on Chorley Town Centre and the Market Walk extension in particular. These include (as shown in detail at **Appendix 1**):

- Chorley Town centre improvements:
  - 1a Hollinshead Car Park
  - 1b Stanley St and Bryon Place and Civic Steps
  - 6 St Thomas Road
  - 7 Park Road up to Astley Park
  - 8 Hollinshead Street, Fellery Street
  - 9 Union Street Booths to Town Hall
  - 10 Civic Square
  - 11 High Street (west)/Cleveland St (north)
  - 12 High Street (east)
  - 13 Fleet Street and Cheapside
  - 14 Market Street (north)
  - 15 Relocation of tenants to create new town centre space including car parking
  - 16 Facilitation of Free Car Parking in Chorley Town Centre or Conditioning of a suitable car parking scheme in line with Chorley Town Centre.

## **2 Impact of the Cuerden Development**

2.1 Chorley Council has concerns about the impact of the development on:

### **Chorley's Highway Infrastructure within the borough**

2.2 We have concerns about the impact of the proposed development on the surrounding road network especially in relation to the secondary and delivery accesses at Wigan Road and traffic from the south through Chorley Borough. From the information provided so far we are not convinced that adequate mitigation measures are proposed.

2.3 The Motts Transport Assessment assumes localised traffic will not result in delays on the network. Chorley Council do not think the evidence relied upon is robust and underestimates the impact of the development on a number of junctions and the network within Chorley Borough.

2.4 **Appendix 2 (2.1)** summarises the Motts Transport Assessment findings and clarifies Chorley Council's concerns.

### **The Impact on Chorley Town Centre and the Market Walk Extension**

2.5 We have concerns about the impact of the proposed Cuerden development on Chorley Town Centre and the Market Walk Extension in particular. We are concerned that the scheme will harm the Market walk extension either by inhibiting delivery; affecting the ability to attract non-food retailers and attract the necessary tenant mix that would otherwise invest in Chorley Town centre;

or resulting in the Market Walk development failing to trade successfully. This would harm the vitality and viability of the town centre by reducing choice that would otherwise materialise bearing in mind the extension to Market Walk is a response to identified quantitative and qualitative shortfalls in the town centre.

- 2.6 It is considered the effect of Cuerden effectively nullifies the benefits of the Market Walk extension because the town centre would be no better off because of the application.
- 2.7 The impact test arising from NPPF paragraph 26 is whether the proposal would harm investment in, or the vitality and viability of, a centre. The extension to Market Walk in Chorley Town Centre is an important investment. The need for the development arose from a retail study (WYG Central Lancashire Retail and Leisure Study 2010) and the scheme was subsequently incorporated and promoted in the Development Plan. The scheme is important to address identified deficiencies in the Town Centre, to support and maintain the centre's vitality and viability and improve the retail offer and attract new expenditure to the town centre. The Market Walk development is under construction. However, after completion paragraph 26 of the NPPF provides protection as an existing investment.
- 2.8 It is concluded that the proposal is likely to have a significant adverse impact on planned and existing investment in Chorley Town Centre. The impact on town centre vitality and viability is inextricably linked to the impact on the Market Walk extension. This development is of critical importance to the Town Centre. If there is a risk to the delivery of the extension to Market Walk as planned, or it fails to attract non-food retailers which improve the quality of town centre shopping, it is considered the adverse impact would be significantly adverse to justify refusing planning permission in terms of NPPF paragraph 27.
- 2.9 **Appendix 2 (2.2)** summarises the Barton Wilmore Retail and Leisure Assessment findings and further response (7/07/17) and clarifies Chorley Council's concerns.

### **Policy Compliance**

- 2.10 Chorley Council has taken independent advice on the planning viability case made by Ridge Property and construction consultants.
- 2.11 The Cuerden Strategic Site (CSS) is a strategic employment site. Policy C4 requires that a robust case be made for the addition of higher value uses to facilitate employment development. There is a lack of a convincing case on policy grounds for the abandonment of the existing Local Plan requirement C4. There has been no attempt to satisfy the requirements of Policy C4. No evidence is proffered to demonstrate CSS's lack of viability as an employment development site.
- 2.12 **Appendix 2 (2.3)** summarises the Ridge Property and Construction Consultants findings and clarifies Chorley Council's concerns.

### **The Viability Case**

- 2.13 There are too many areas of the viability case offered for the site where evidence for critical assumptions is not made available for scrutiny.
- 2.14 There is insufficient supporting commentary on why it should be that costs, prices and returns should be pared to the bone for such a critical site especially since this order of marginality might call into question the deliverability of the proposed scheme as a commercial proposition;

- 2.15 In the absence of the appraisal-based evidence needed for the proposer to make a case for the relaxation of planning gain entitlements, it can be argued the case has not been made; this is combined with the lack of a convincing case on policy grounds for the abandonment of the existing Local Plan requirement C4.
- 2.16 **Appendix 2 (2.4)** summarises the Ridge and Partners Property and Construction Consultants findings and clarifies Chorley Council's concerns on the methodology, issues and fundamental flaws identified in the viability of the application.

### 3. **Planning Conditions**

- 3.1 In the event that South Ribble Council resolve to grant planning permission, planning conditions are necessary to ensure that the character of retail development does not change.
- 3.2 Chorley Council note the conditions discussed at paragraphs 4.82 to 4.91 of the WYG Final Appraisal dated August 2017. It is considered that all of the matters set out in paragraph 4.83 would be necessary if the development is to be allowed. However, it is especially important that controls should be put in place to ensure that Class D2 floorspace cannot be used as a cinema, bearing in mind that such a use is an anchor to the Market Walk extension within Chorley Town Centre. Chorley Council note the discussion about a "no poaching" condition that is designed to prevent retailers presently located within specified town centres relocating to the scheme. We agree with the observations of WYG. However this of course does not address concerns about retailers which might choose the application scheme rather than invest in Chorley Town Centre.
- 3.3 It is noted that the WYG Final Appraisal refers to further discussion on conditions. Chorley Council would like to be consulted prior to any conditions being finalised in the event that South Ribble resolve to approve the application.

### 4. **Conclusion**

In conclusion it is the view of Chorley Council that for the reasons and evidence stated above and in the attached Appendices, that mitigation measures are justified and appropriate in order to make this application acceptable in planning terms.

Yours sincerely



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