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# **Report to the Secretary of State for Housing, Communities and Local Government and the Secretary of State for Transport**

**by Neil Pope BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government and the Secretary of State for Transport**

**Date: 12 March 2018**

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THE TOWN AND COUNTRY PLANNING ACT 1990, ACQUISITION OF LAND ACT 1981,  
CHESTER CORPORATION ACT 1929 & CHESTER IMPROVEMENT ACT 1845

## **CESHIRE WEST AND CHESTER BOROUGH COUNCIL**

Applications for the confirmation of  
THE CHESHIRE WEST AND CHESTER BOROUGH COUNCIL (CHESTER NORTHGATE)  
COMPULSORY PURCHASE ORDER 2017 and making THE STOPPING UP OF HIGHWAY  
(NORTH WEST) (NO. ) ORDER 201

and

An Application to approve the  
CLOSURE AND RELOCATION OF CHESTER MARKET HALL

Inquiry Held on 7, 8 & 12 February 2018  
Inspections carried out on 6, 7, 8 & 12 February 2018.

File Refs: APP/PCU/CPO/A0655/77888 & DPI/A0655/17/20

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### **The Compulsory Purchase Order (Ref: APP/PCU/CPO/A0655/77888) Cheshire West and Cheshire Borough Council (Chester Northgate) Compulsory Purchase Order 2017**

- The Compulsory Purchase Order (CPO) was made under section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 by Cheshire West and Chester Borough Council on 7 July 2017.
- The purposes of the Order are to facilitate the carrying out of development, redevelopment and improvement of land by part-demolition and part-retention of existing buildings and the construction of comprehensive mixed-use development comprising: retail stores, restaurants, cafes, drinking establishments, offices, cinema and leisure uses, residential units, public toilets, shop-mobility, a hotel and indoor market with associated new public squares, car and cycle parking, provision for buses and associated highway works and infrastructure, landscaping and public realm works.
- The main grounds of objection are: inadequate justification for acquiring the properties; the scheme of redevelopment could not be delivered in a reasonable timescale; no meaningful attempt to acquire properties by agreement; inadequate compensation; development blight; Council unwilling to allow standalone developments to proceed; buildings not required; traders would be contracted out of the Landlord & Tenant Act 1954; concerns over freedom to trade; loss of leaseholds; no compelling case in the public interest; adverse effect on existing businesses; scheme not viable.
- When the Inquiry opened there were twelve remaining objections (excluding some market traders who signed a joint petition in respect of the market hall application). Three objections were withdrawn during the Inquiry.

**Summary of Recommendation: that the Order be confirmed without modification.**

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### **The Stopping Up Order (Ref: DPI/A0655/17/20)**

- This draft order would be made under section 247 of the Town and Country Planning Act 1990 (as amended), and is known as The Stopping Up Of Highway (North West)(No. ) Order 201.
- The Order was published on 20 July 2017, and all five objections had been withdrawn at the commencement of the Inquiry.
- The Order would authorise the stopping up of lengths of: Princess Street; Hunters Walk and the southern part of Hunter Street; Trinity Street, including its junction with Hamilton Place; Hamilton Place; Crook Street; Goss Street and part width; unnamed highway consisting of carriageway to the east of Goss Street; eastern part width of Goss Street comprising footway; an irregular shaped area of highway comprising footway to the west of Northgate Street and; a southern part width of Hunter Street comprising carriageway and footway.

**Summary of Recommendation: that the Oder be made, subject to the deletion of area H (eastern part width of Goss Street).**

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### **Application to Approve the Closure and Relocation of Chester Market Hall**

- The application to close and relocate Chester Market Hall was submitted under section 185 of the Chester Improvement Act 1845 and section 75 of the Chester Corporation Act 1929 on 21 July 2017.
- Thirty-four objections were made and eighteen were withdrawn.

**Summary of Recommendation: that the application be approved.**

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## Preliminary Matters and Statutory Formalities

1. The Order Land (OL) includes 'special kinds of lands' to which sections 16-19 of the Acquisition of Land Act 1981 apply i.e. land involving statutory undertakers<sup>1</sup> and open spaces. All objections by statutory undertakers have been withdrawn and the inclusion of 4m<sup>2</sup> of open space land is the subject of a separate application to the Secretary of State (SoS) for Housing, Communities and Local Government for a certificate under Section 19 of the 1981 Act.
2. The Ministry of Defence (MoD) has a freehold interest in 64 Watergate Street. The car parking spaces to the rear of these premises is also Crown Land. A Crown interest cannot be acquired compulsory under section 226 of the Town and Country Planning Act 1990. This land does not form part of the OL and the MoD has not objected to the CPO. The Council is negotiating with the MoD to provide replacement parking spaces and to agree terms by private treaty.
3. The OL includes a disused Unitarian burial ground<sup>2</sup>. This land is not consecrated and the last internment took place over fifty years ago. Cheshire West and Chester Borough Council (CWaC) intend complying with the requirements of the Disused Burial Grounds (Amendment) Act 1981. In addition, CWaC intend seeking a licence from the Ministry of Justice for exhumation. Previously a licence has been granted for the exploration of this part of the OL.
4. At the Inquiry, CWaC submitted an amendment to the Stopping Up Order (SUO) (AA/22a-c). This related to the deletion of area H (eastern part width of Goss Street). I was informed that this small slither of land had originally been included within the SUO as it was thought that part of a building in the scheme of redevelopment would impinge upon this part of the highway. However, this has subsequently been found to be incorrect. Instead, this slither of land would remain as highway and be improved as part of the scheme of redevelopment.
5. In 2006, the SoS for Communities and Local Government and the SoS for Transport confirmed a CPO, made a Roads Closure Order and approved an application to close and relocate Chester Market Hall (CMH) in association with a previous scheme of redevelopment for the Northgate area of Chester. (Core Document [CD] 55 – The previous Inspector's Report is CD49.)
6. CWaC confirmed at the Inquiry that in making the Orders all statutory formalities had been complied with (ID AA/10). There are no legal submissions / representations concerning the validity of the Orders.
7. The Inquiry was closed in writing on 20 February 2018. None of the objectors chose to appear at the Inquiry and present evidence.
8. As the CPO, SUO and the CMH application are all closely inter-related, and there are no longer any objections to the SUO, the case for CWaC that is set out below relates to all three matters.

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<sup>1</sup> Including Welsh Water (Dŵr Cymru), Dee Valley Water and SP Energy Networks (Manweb plc).

<sup>2</sup> This comprises two grave yards in plots 24, 26 and 30, much of which is under existing development.  
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## The Order Land and Surroundings

9. The OL is within the Northgate redevelopment area<sup>3</sup> of Chester city centre. This comprises 5.8 hectares and includes: retail and business premises; The Forum Shopping Centre (amongst other things, this contains CMH); the Crowne Plaza Hotel; some residential properties; a disused bus station; Chester Town Hall; car parking areas and; sections of various public highways.
10. The OL occupies the central northern part of the city centre and is generally defined by Hunter Street to the north, Market Square to the east, the rear of buildings along the northern side of Watergate Street to the south and St. Martin's Way to the east. Chester Cathedral lies a short distance to the east. The Storyhouse (theatre, library and cinema) is immediately to the north of the OL, whilst to the west and on the opposite side of St. Martin's Way there is a large surface car park. The OL wraps around the Guildhall which is at the corner of Watergate Street and St Martin's Way. An area of public open space (referred to as grassy knoll) adjoins part of the northern boundary of the OL.
11. There are numerous heritage assets within the OL<sup>4</sup>. These include the following listed buildings: the Grade II\* listed mid-19<sup>th</sup> century town hall designed by W H Lynn with its pink and buff sandstone walls, tall helm spire and graded slate roof; the Grade II\* listed early 19<sup>th</sup> century public house at 27 Northgate Street (listed jointly with Nos. 29 and 31); the Grade II\* listed 68 Watergate Street and; the Grade II listed Coach and Horses public house at 39 Northgate Street.
12. The Northgate redevelopment area comprises approximately a quarter of the original Roman city. It and the OL form part of the Chester City Centre Conservation Area and are within an Area of Archaeological Importance<sup>5</sup>.
13. There are very many listed buildings adjacent to the OL. These include: the Grade I listed Cathedral Church of Christ and the Blessed Virgin Mary; the Grade II listed Guildhall and the adjacent Grade II listed Custom House; numerous Grade I and II\* listed buildings along Watergate Street and; the Grade II listed former Odeon Buildings and Cinema (now the Storyhouse) on the corner of Northgate Street and Hunter Street. St. Nicholas' Chapel on the eastern side of Northgate Street and the city walls are Scheduled Monuments.
14. There are approximately 100 plots within the OL.

### Chester Market Hall

15. Chester has a market tradition that dates back to the 12<sup>th</sup> century. The current indoor market hall was constructed in 1967 as part of the Forum Shopping Centre. The market hall provides a rectangular retail area on the ground floor (approximately 2,446m<sup>2</sup>) with storage space in a service bay and on the first floor (overall gross market area of approximately 2,991m<sup>2</sup>). The first floor also houses an administrative office.

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<sup>3</sup> CWaC has acquired ownership of about 85% of the redevelopment area.

<sup>4</sup> Paragraph 6.16 of Ms Gordon's Statement of Evidence (AA/5a) identifies many of these heritage assets

<sup>5</sup> Chester is one of five major towns to be designated under the provisions of the Ancient Monuments and Archaeological Areas Act 1979 (as amended).

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16. The market operates six days per week, selling an extensive range of goods and services. It can accommodate 68 permanent stalls (some of which are let as multiples) and a number of casual stalls. These vary in size (4m<sup>2</sup> – 42m<sup>2</sup>). In April 2017, there were 44 traders operating the permanent stalls with an overall occupancy rate of 71%. Permanent stalls are let on a combination of Landlord and Tenant Act 1954 protected tenancies and agreements contracted out of the Act. The casual stalls are subject to a daily licence. The freehold of the market is owned by CWaC.

### **Highways to be Stopped Up and Improved**

17. In addition to permanently stopping up those highways set out in the banner heading at the top of this report, the SUO would create new highways as part of an overall access strategy for the Northgate redevelopment. These include: realigning part of Hunter Street to connect with St. Martin's Way; constructing a new service road to the north of the Guildhall and 14-20 Watergate Street (to be called Edwards's Street) and; amending the layout of the existing St. Martin's Way /Watergate Street junction.

### **The Case for CWaC as the Acquiring Authority / applicant for the related SUO and the closure and relocation of Chester Market Hall**

18. The case in respect of the CPO is set out within the Statement of Reasons (CD50) and Statement of Case (CD51). The case in respect of the SUO is contained within a separate Supporting Statement (CD7) and Statement of Case (CD59a). There is also a Statement of Case in respect of the application to close and relocate CMH (CD51 – Appendix 2). These matters are elaborated in more detail within the Statements of Evidence of CWaC's witnesses (ID AA/1a-AA/9c). The main points are summarised in the following paragraphs.
19. It is vital that the historic city of Chester secures a sustainable future and arrests current decline. There has been no significant development within the core of this sub regional retail centre for the last twenty-five years and retailers looking to move to the city require modern premises. Chester has fallen in the UK retail hierarchy rankings from 29<sup>th</sup> in 2005 (with a spend in excess of £711m) to 49<sup>th</sup> in 2017 (with a spend of £497m). Development is necessary to allow Chester to compete with other centres and out-of-centre destinations for local spend and to strengthen the City's position as a shopping, leisure and international tourism destination.
20. The Northgate area is a crucial component in the future successful functioning and fortunes of the city. At present, this area fails to contribute its full value to Chester in terms of its use and architectural quality. Many of the buildings are large, outdated, low quality structures that give a dysfunctional and haphazard impression of this part of the city and detract from the rest of the historic core. This area of Chester needs to be redeveloped and regenerated to ensure it fulfils its role and helps the city thrive and prosper in the future.
21. The Council owns the freehold of CMH. This is situated at the back of the Forum Shopping Centre, which is 40% void, badly configured and rarely discovered by visitors. This poor trading position was recognised by the previous Inspector in 2006. Customer circulation in the market is very poor. There are poor sightlines and low permeability within CMH due to high solid walls throughout.

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The market has no area for customers to gather, other than seating areas provided by individual units, and the stalls trade in isolation rather than providing a coherent market experience for shoppers.

22. A redevelopment scheme for the Northgate area dates back to the 1990s. Following various studies and strategies for accommodating growth and change, including the involvement of English Heritage, the area was allocated for retail use and redevelopment within the previous development plan. A scheme, promoted by ING, was granted planning permission in 2005 (CD24). Following a public Inquiry in 2005, the necessary CPO, SUO and market hall application were confirmed/made/approved by the SoS. However, this planning permission was not implemented and following the economic downturn in 2008 the Council terminated its development agreement with ING in 2012. A new theatre, Council offices and bus station have since been delivered by the Council as enabling projects to unlock this area and de-risk a scheme of redevelopment.
23. CWaC has appointed a design team to assist in the preparation of a Concept Scheme and Masterplan for a new scheme of redevelopment. This has been the subject of extensive public and stakeholder consultation and has full unanimous support from Members. It was agreed by the Council in 2013. The area of the proposed redevelopment was further extended in 2015 and the OL is allocated as an opportunity for mixed use redevelopment within the adopted Cheshire West and Chester Local Plan (Part One) Strategic Policies 2015 (LP). This new scheme of redevelopment is a central priority in the One City Plan (CD 43), the Council's overarching strategy for Chester which was adopted in 2012.
24. In 2016 a hybrid planning permission (part outline part detailed) was granted to CWaC for the part demolition and part retention of existing buildings and the construction of a comprehensive mixed-use development within the Northgate area. This permission includes: retail stores; restaurants; cafes; drinking establishments; offices; cinema and leisure uses; 70-120 residential units (of which 30% would comprise affordable dwellings); public toilets; shop-mobility; relocated hotel; indoor market (2,189m<sup>2</sup> retail space) with new public squares; car and cycle parking; provisions for buses; associated highway works and infrastructure; landscaping and public realm works (CD10). There would also be provision for public art. The permission is subject to a Memorandum of Understanding. Amongst other things, this requires financial contributions towards the cost of infrastructure (AA/18).
25. The development would be phased to provide approximately 120,000m<sup>2</sup> (gross) new floor space. Phases 0 and 1 are in detail and Phase 2 is in outline. (Phase 1 includes the relocation of CMH.) It would be led by the Council rather than a private company and would represent a total capital investment of about £300m. To date, the CWaC has spent £83.5m and is committed to a total investment of over £124m in order to bring the scheme to 'construction ready' stage before entering into an agreement with a private sector delivery partner. CWaC is currently undertaking a tender process for a building contractor.
26. The Council does not need to target a predetermined level of 'profit on cost' or provide a return within a specified time period. It also has the resources, including borrowing funds from the Public Works Loan Board if necessary, to fund the regeneration scheme to completion should a private sector partner fail

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to come forward. CWaC is in a strong position to bear the inherent risks associated with initiating a complex, large scale city centre development project and has demonstrated substantial commitment and progress in bringing forward the scheme and other development in the surrounding area. The level of appetite to acquire prime city centre investments from national and international investors is high. The Council has already received an unsolicited interest from the private sector. There is no financial impediment to delivering the scheme.

27. An agreement has been exchanged with the owner of the Crowne Plaza Hotel for its relocation to new premises within the OL. Contracts have also been exchanged with House of Fraser for a new 9,290m<sup>2</sup> anchor department store. In addition, an agreement for a lease has been exchanged with Picturehouse for a new six screen cinema and terms have been agreed for new stores including H&M (1,946m<sup>2</sup>) and Top Shop (1,100m<sup>2</sup>). Contracts have also been exchanged with two restaurants. There is high demand for commercial elements of the scheme and strong interest from market traders in relocating to the new market, with 35 existing traders accepting new terms and conditions.
28. When completed, this mixed use city centre development would deliver substantial economic benefits and support the achievement of national, regional and local ambitions for growth and the future prosperity of Chester and its surrounding hinterland. A recent Economic Impact Assessment (AA/2c, Appendix CS01) shows the scheme would create over 1,100 new additional jobs, as well as support for the construction industry, and net additional GVA of almost £77m per year. There would be a net increase of £4.7m per annum from tax income. In addition, the mix of new dwellings would make an important contribution towards the choice and supply of housing within the Borough and would secure New Homes Bonus payments.
29. The scheme would also deliver substantial social benefits. These include: increased choice for consumers, complimenting independent retailers along the Rows; the availability of a wider range of services and facilities; an attractive, more spacious and convenient market hall with a communal seating area that would form part of a community hub within the new Northgate quarter; an expanded food and beverage offer that would spread onto a new square behind the library; increased city centre living and affordable housing to assist in meeting the needs of the local community and; provision of a new cultural heart for Chester. The vitality and vibrancy of the city centre would be enhanced.
30. The design of the redevelopment scheme includes high quality buildings and an enhanced public realm. The development would have neutral or beneficial effects upon the significance of all but one of the listed buildings<sup>6</sup>. It would better reveal the Grade II\* listed Town Hall, enhance the quality of the townscape and the character of the Conservation Area and preserve other heritage assets. Moreover, the scheme would be unlikely to have any unacceptable impact on important archaeology<sup>7</sup> (CD22, 29a and 29b).

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<sup>6</sup> Grade II listed Cromwell Court, which lies outside the OL, and where a slight harmful impact has been identified through the loss of grassy knoll from within part of its setting (AA/16).

<sup>7</sup> An Archaeology Strategy for delivering the scheme was approved as part of the planning permission.



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31. A street pattern would be created that responds to the rest of the city, reintroducing a number of streets that were lost in the 1960s and 1970s and providing a permeable, legible quarter that is fully integrated with the historic core. Changes in the local highway network would involve the closure of some streets, the construction of a new service road (to be known as Edwards's Street) and enhanced car parking with dedicated residential parking.
  32. The proposed highway works are integral to the success of the scheme and would ensure access to existing properties. There would be no disadvantages to residents or businesses. The re-use of previously developed land within a highly accessible city centre location adds to the environmental benefits and the sustainable credentials of the scheme. The highway works, including the new street layout and car parking arrangements, would assist in providing an efficient transport network that supports sustainable economic growth.
  33. The redevelopment would be fully compliant with the LP, including policies STRAT 3 (CD34c) and ECON 2, and accords with the provisions of the National Planning Policy Framework (the Framework). (AA/17 is a copy of the detailed officer report and section 6 of AA/5a is an analysis of the scheme against the relevant policies.) It would also accord with the provisions of the Council's Local Transport Plan and separate Transport Strategy.
  34. CWaC is progressing Part Two of the LP - Allocations and Detailed Policies. The period for public consultation on this draft Plan ended in January 2018. Nine representations (seven objections) were made in respect of emerging policies that are relevant to the Northgate redevelopment area (AA/20). These are to be considered by the Cabinet in March, prior to Part 2 of the LP being submitted to the SoS. The CPO, SUO and market hall application are all consistent with the provisions of the development plan<sup>8</sup> and the emerging Part Two of the LP.
  35. Since 2016, further detailed permissions and relevant listed building consents relating to the Northgate redevelopment area have been granted (CD11, 13, 14, 15 and AA15). Planning permission was also granted in 2017 for a mixed-use development including retail, residential and food and beverage at 14-20 Watergate Street (CD12). Permissions exist within the OL for a net increase of up to 136 residential units (AA/19). There are no planning impediments to the redevelopment scheme progressing.
  36. All interests in the OL are required to achieve the proposed redevelopment of the Northgate area of the city. The Council has made every effort to acquire all the land and rights by agreement. It has assembled a well-qualified and experienced Land Assembly Team to conduct negotiations. The CPO is the only suitable, viable way of delivering the economic, social and environmental benefits of the scheme. There is no guarantee that individual property owners would deliver those parts of the approved scheme or that the necessary development would be undertaken in a timely manner.

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<sup>8</sup> This includes Part One of the LP, the Cheshire West and Chester Local Plan Proposals Map and the 'saved' policies of the Chester District Local Plan 2006 (CDs 53, 32, 52 and 33a-33c).

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37. The Council has taken into account the provisions of the European Convention on Human Rights (ECHR), in particular, Article 1 of the First Protocol and Article 8. It considers that the correct balance has been struck between the rights of property owners and homeowners affected by the CPO and the public interest in delivering the scheme. All those affected by the CPO, SUO and market application have been given an opportunity of making representations to the SoS and being heard before the Inspector. If the CPO is confirmed compensation would be payable. There is no breach of Article 6 of the ECHR.
  38. The Council has also undertaken a comprehensive Equality Analysis in line with its duties under section 149 of the Equality Act 2010. The proposed shop-mobility service, 24-hour Changing Places facility, disabled parking, materials and street furniture to be used in the public realm, ramp access and designing the scheme to the Designing out Crime standard would benefit those with protected characteristics. The scheme is fully compliant with the 2010 Act.
  39. There is a compelling case in the public interest for the confirmation of the CPO, granting the market application and making the SUO. This would allow the achievement of a comprehensive regeneration scheme for the OL, with wider community benefits that would promote and improve the economic, social and environmental well-being of the area. The CPO should be confirmed as soon as possible, so that important regenerative development can take place, to the great benefit of Chester and the Borough as a whole.

### **The Objections**

40. Objections to the CPO were made by a number of those with freehold and leasehold interests in the OL. These include: Boots UK Limited (leaseholder - Unit 1, The Forum); McDonalds Property Company Limited/McDonalds Europe Inc/McDonalds Restaurants Limited/Jeanette Roe (leaseholder - Unit 2, The Forum); Sainsbury's Supermarkets Ltd (leaseholder - 14-20 Watergate Row); Messrs McKeown, Korff, Wright, Wise and Hillyer (freeholder - 9 Hunter Street); Kuckoo Ops (Chester) Ltd (leaseholder - 58 Watergate Street); Fortlands Limited (freeholder - land to the rear of 58 Watergate Street); Costa Limited (leaseholder - 14 Watergate Street) and; David Richards (freeholder - land to the rear of 60b Watergate Street).
41. Multiple objections were also made to the CPO and the market hall application from leaseholders in Chester Market Hall. These include Mr K Williams (The Cheese Wedge, stalls B25, B26 and 43) and Mr D Haggar (David James Jeweller, stalls 36B-38B).
42. A late objection to the CPO was submitted by Reiss Limited (leaseholder - 14-20 Westgate Street). An objection was also received from Mr T Hartley (non-qualifying objector).

### **Written Representations by Objectors**

#### Summary of the Case for Mr D Haggar (WR3 - including compact disc & WR3a)

43. CWaC does not appear to have the same appreciation for the market hall or the historic core of Chester as the former City Council. Chester is one of the old time market towns and an historic city. The proposed scheme would occupy 25% of the Roman legionary fortress and 15% of the medieval walled city.

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Redevelopment should be sympathetic to the character of the city and its historic plot sizes. The proposal could harm important archaeology.

44. The Council has tried to push through redevelopment and there are concerns over a lack of funding, with a private funding partner yet to be identified. Previous schemes were found not to be viable and a new funding partner is required to provide finance and limit risks to ratepayers' money. The company advising the Council on the process of trader consultation, managing relocation and on-going stakeholder communication has announced uncertainty regarding its financial position and has been unable to publish its half year results.
45. The scheme of redevelopment pays little more than lip service to the requirements of sustainable development. The proposed demolition and relocation of the Crowne Plaza Hotel is being undertaken for purely commercial reasons. The loss of car parking would harm trade in the city and better access to public transport and cycle facilities are required. Moreover, phase 2 of the redevelopment only has outline permission.
46. CWaC should listen to those who desire to continue trading and working and consider the well-being of the occupants of historic buildings. There is a trend towards large multiple retail stores replacing small, independent specialist shops like those along The Rows. The proposal would drag trade away by enticing customers to the proposed department store.
47. The existing market hall makes an important contribution to the range of shopping available within Chester, particularly food shopping. It also performs a valuable function in providing relatively low cost accommodation in a central location for small traders, many of whom would be unable to find alternative accommodation. This can be important for establishing new businesses.
48. The proposed market hall would have two tiers and many steps. It does not appear fit for purpose. It would be smaller in size than the existing market hall, would not have ease of access to customers/good links to other retail activity. This poor trading position would be compounded by the unsatisfactory storage and loading bay facilities. The closure and relocation of the market hall would be contrary to the provisions of the local Improvements Acts (1835 & 1884), and the Corporation Act 1929 which include a requirement to 'enlarge' and provide a 'more spacious and convenient' market hall.
49. The process of consulting market traders on relocation has been unsatisfactory and in breach of the Human Rights Act 1998. Refusal of applications for stalls to existing market traders and offers of enhanced compensation to leave also raises concerns as to the right of freedom to trade. CWaC does not want casual traders in the new market and with its retail partners have contrived a way of refusing some existing traders a place in the proposed market hall. The Council has failed in its duty to secure the livelihoods of traders.
50. In the last ten years traders in the market hall have been asked to contract out of the Landlord and Tenant Act 1954. This Act offers a modicum of security of tenure to traders. The Chester Improvement Act 1845 uses the term 'let' and 'lease to any person' for three years. This was increased to ten years within the Chester Improvement Act 1884. Traders need the security of tenure provided

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by the 1954 Act but are being required to contract out of this. They are being asked to agree leases contrary to the conditions provided by the 1954 Act.

51. No adequate offers of compensation have been made to traders who wish to surrender their rights due to difficulties caused by the proposed redevelopment. There is no obligation on the Council to provide alternative premises and traders are being expected to relocate their businesses to suit CWaC. Traders who are unable to meet the costs of the new market will have to leave and are only being offered compensation in line with the 1954 Act. No offers have been made to help relocate traders elsewhere. Traders who qualify for compensation are not being given the choice of claiming compensation under the CPO Code or the 1954 Act. Moreover, the Council has made no offers of compensation based on extinguishment payments to those aged 60 and over.
52. Traders relocating to the new market hall are being required to agree terms that are not on a like-for-like basis and with huge increases (250-350%) in rent. The public has also not been given the opportunity to have their say over the proposed relocation of the market hall.
53. CWaC is ignoring primary legislation that protects the size of the market hall and is acting in breach of Articles 1 and 14 of the Human Rights Act. The market hall application should be withdrawn until the Council can offer an assurance that they have a competent partner who is able to complete the scheme and ensure it will be as free from restrictions as the existing market.
54. In support of the above, reference is made to numerous court judgements.

#### Summary of the Case for Mr K Williams (WR1)

55. A reduction in the size of the new market and the amount of parking spaces would reduce the number of customers. In addition, the absence of a loading bay would affect the efficient operation of businesses. There are also concerns regarding market accessibility. The proposed redevelopment is causing significant levels of anxiety for many market traders and their families.

#### Summary of the Case for Mr Hartley (WR2)

56. The market should be refurbished instead of being allowed to decline. More buses are required to assist people travelling between the new bus station and the market. Demolition of The Forum Shopping Centre, Crowne Plaza Hotel and multi-storey car park should be avoided.

#### Summary of Other Objections

57. Detailed permission or reserved matters do not exist for the entire scheme. There is no indication of the nature of agreements with the operators of the hotel and anchor retail store. Details are vague on the number and size of retail units. Funding is not in place for the construction phase. The scheme is unviable for a private investor. The proposals are contrary to Government guidance. No suitable alternative premises have been identified. There is no compelling case in the public interest to justify interfering with rights under the ECHR. No offer made to purchase leaseholds. Concerns over access. Adverse social, economic and environmental impacts. Uncertainty over delivery of the scheme. Insufficient evidence of attempts made to acquire interests by

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agreement. Inadequate landscaping. Lack of detail over noise and dust. Impact on drains/sewerage. Oversupply of shops. No justification for acquiring legal interest. Removal of tenant's entitlement to remain in occupation.

**Response by the Council to the objections and the Inspector's questions**

*(AA/11, is a written response to some of the Inspector's questions.)*

58. No objector decided to give evidence at the Inquiry and no one seriously disputes that the scheme proposals are appropriate and necessary.
59. A detailed Note (AA/12a) addresses the legal matters raised by Mr Haggar. Whichever party is correct, objectors will receive the compensation they are entitled to in law. This is irrelevant to confirming the CPO.
60. The new market hall would be 'more spacious' by using its space more efficiently. This includes placing traders into zones by offer type, increasing circulation areas, improving sight lines and providing a communal seating area. The new back of house area (760m<sup>2</sup>) would be greater than at present (545m<sup>2</sup>).
61. The new market would be smaller than the existing hall but the overall gross market area would be broadly the same. 'More spacious' does not necessarily mean larger and the new market would be more 'roomy' and commodious. Customers and traders would not be impacted by any reduction in floor area as the modern layout would avoid waste and unused spaces, and have increased permeability. The location of the new market and the improved sight lines would also provide a more convenient market. The application to close and relocate CMH accords with the relevant legislation.
62. The legislation does not contain any provision that would allow or prevent the SoS from attaching conditions to any approval for CMH. Whilst CWaC does not consider it necessary to attach any conditions, AA/23 is a suggested condition if the SoS considers one to be appropriate and necessary.
63. The MoD is co-operating with the Council in an effort to reach agreement. However, even if this cannot be achieved the property occupies only a small and peripheral part of the scheme and this would not be a 'showstopper'.
64. Businesses/occupiers would continue to have access, including during the construction phase. A Construction Method Statement would be prepared to comply with the terms of the planning permission and limit disturbance and inconvenience to residents and businesses.
65. The existing market hall is tired and does not suit the city centre offering. It is not sustainable in the longer term and a new, modern and flexible market space is required to fit with current demand and provide a more accessible location.
66. It is necessary to acquire 14-20 Watergate Street, including the rear yard, as these properties provide a crucial link into the city centre and would allow for the creation of improved pedestrian access and the new service road.
67. Very considerable efforts have been undertaken by the Land Assembly Team to liaise with all affected parties and resolve land acquisition related issues. This has included: contact with key party interests since November 2014; bespoke discussions/negotiations throughout in an attempt to reach agreement,

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including some offers to relocate and; CWaC underwriting to pay compensation for all 'compensation code' losses incurred. Some parties have also been provided with copies of Method Statements to demonstrate how access would be maintained during and after construction works.

68. The proposed service/parking bay to serve the new market hall would be a similar size to other market halls elsewhere. If, following further discussions with traders, this was deemed to be inadequate, it could be altered without compromising the overall design and would not frustrate the redevelopment.
69. The area known as grassy knoll was formed following the construction of the now disused bus station. This rather windswept and low quality public open space is not well used and the loss of this space would be compensated as part of the approved scheme of redevelopment.
70. The scheme of redevelopment would increase the amount of off-street car parking within this part of the city centre. Parking studies also reveal that even at peak times there is spare capacity within the city centre.
71. The SUO would not prevent any statutory undertaker, person or business from accessing or maintaining their property. The new highways would provide suitable access for those using the city centre. There would also be convenient access from the new bus station to the scheme of redevelopment.

### **Inspector's Conclusions**

*[The figures in square brackets refer to earlier paragraphs in this Report]*

#### **Preliminary Matters**

72. The amendment to the SUO is minor. It reduces the area of highway to be stopped up. There are no outstanding objections to this Order and it is very unlikely that the amendment would prejudice the interests of any party. [4, 8]
73. I am not a lawyer and I am unable to advise on the legal matters raised within Mr Haggard's representations and the Council's response/Note. However, the Council's Note is prepared by a senior member of the Planning & Environment Bar Association. [54, 59]

#### **The Main Considerations**

74. Having regard to the objections, Government guidance on the compulsory purchase process (CD47) and the local Acts, the main considerations are:
  - the extent to which the OL would assist in promoting or improving the economic, social or environmental well-being of the area;
  - the implications of excluding Objectors' lands from the CPO;
  - the 'deliverability' of the scheme for which the land is being acquired;
  - whether compulsory purchase is justified as a last resort and whether the Council has taken reasonable steps to acquire the OL by agreement;

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- whether the SUO is necessary to secure the approved scheme of redevelopment or would prevent convenient access for businesses, residents and visitors to Chester city centre;
  - whether the closure and relocation of CMH accords with the relevant provisions of the local Acts and would provide a suitable new market hall;
  - whether any interference with rights under the ECHR would be justified and any implications arising from the Public Sector Equality Duty under the provisions of Section 149 of the Equality Act 2010.

#### Economic, Social or Environmental Well-Being of the Area

75. Many buildings within the Northgate area of Chester are of post-war construction and contrast awkwardly with the architectural and historic qualities of the much older properties that surround the OL. The pattern of streets also has little in common with the medieval layout of the rest of the city centre. The area has few, if any, distinctive attributes. In recent decades there has been no significant new retail development. There are numerous empty premises and The Forum Shopping Centre lacks the footfall and vibrancy that are evident in other parts of the city centre. Whilst the market is embedded in the character and history of Chester, the tucked away location of CMH and its enclosed environment, with solid walls and a largely impermeable and outdated layout, is uninviting. The tired appearance and somewhat inward looking nature of the Northgate area does little to support Chester's role as a sub-regional retail centre and tourist destination. Action is urgently required to reverse the fortunes of this part of the city, secure growth in the local economy and to better reveal the significance of some of Chester's heritage assets. [15, 19, 20, 21, 56, 65]
76. The approved scheme of redevelopment reflects CWaC's priorities for the city centre and accords with the provisions of the development plan. This mixed use scheme has been thoughtfully designed to accommodate the needs of retailers and other businesses whilst enhancing the quality of the townscape and the public realm. It would also better reveal the significance of heritage assets such as the Grade II\* listed Town Hall. The proposed layout of roads and streets would allow the scheme to successfully function and integrate with the rest of the city centre. The new housing would avoid the need to develop greenfield land and with the new food and beverage offer it would enliven the city centre during the evening and provide a more welcoming environment for visitors. The scheme for which the OL is being acquired would enhance/promote the environmental well-being of the Northgate area of Chester. [20, 23, 24, 30, 31, 32, 33, 34, 43, 45, 56, 69]
77. The new retail units would meet the requirements of businesses looking to locate in Chester and/or existing retailers who are seeking more suitable purpose-built retail premises. There is already much interest in occupying the site, including agreements with a number of national retailers. The development for which the OL is required would create a considerable number of new jobs, as well as employment during the demolition and construction phases, and would increase consumer spending in Chester city centre. This would considerably benefit the local economy and would be likely to arrest Chester's decline in the national retail rankings. Additional tax revenue would

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also be generated and there would be a New Homes Bonus payment. The scheme for which the OL is being acquired would enhance/promote the economic well-being of the area. [19, 20, 27, 28, 46]

78. The provision of an element of affordable housing, in line with the provisions of the development plan, and the increase in the choice of market housing would perform a valuable role in supporting a strong, vibrant and healthy community. The creation of a new cultural hub within Chester city centre and the provision of public toilets, shop-mobility, ramp access and disabled parking would also benefit the social well-being of the local community. [24, 29, 35]
79. The approved scheme of redevelopment for the OL would comply with the provisions of the Framework that are aimed at achieving sustainable development. Acquisition of the OL would facilitate this redevelopment and would assist in improving the economic, social and environmental well-being of the area. [33, 39, 45]

#### Implications of Excluding Objectors' Lands

80. There appears to be general support for the principle of redeveloping the Northgate area. Whilst noting the objections made by some of those with freehold or leasehold interests in the OL, none of these parties appeared at the Inquiry to present their evidence or to answer any questions regarding their respective arguments. [7, 58]
81. CMH is an integral part of The Forum Shopping Centre, which occupies a pivotal part of the OL. Retaining the market hall within a building that is no longer fit for purpose would prevent the Council from undertaking the approved scheme of redevelopment and frustrate its attempts to improve the social, economic and environmental well-being of the Northgate area. [21, 24, 25, 28, 47, 56]
82. Acquisition of all of the OL is necessary to secure the comprehensive redevelopment of this part of the city centre. If some small plots were excluded from the OL there would be no guarantee that parties would be able to agree access rights for undertaking the approved scheme of redevelopment or carrying out the approved works (including the new pedestrian and vehicular routes) in a timely manner. This would be likely to thwart the Council's strategy and plans for this part of Chester. [32, 36]
83. Excluding the objectors' lands would be likely to have a significant adverse effect on the attempts to improve the economic, social and environmental well-being of the area.

#### 'Deliverability'

84. Having abandoned an earlier scheme to redevelop this part of the city centre and terminated an agreement with ING, the proposed redevelopment is now being led by CWaC. Considerable resources have been made available to producing a revised scheme and in 'de-risking' the redevelopment. Further significant resources have also been committed by the Council to bring the scheme up to 'construction ready' stage. The private sector is starting to show an interest in taking the scheme forward but if a partner could not be found CWaC is willing to progress the scheme on its own. The Council appears to be



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in a sound financial position to do this and would be able to borrow funds from the Public Works Loan Board if necessary. [22, 26, 27, 44, 57]

85. Much of the OL is already owned by CWaC and all of the necessary planning permissions and listed building consents are in place for phases 0 and 1 of the scheme of redevelopment. Outline consent exists for phase 2 and the redevelopment is supported within the development plan and other documents published by the Council. The Council is also at an advanced stage in negotiations with the MoD and intends applying for another licence in respect of the disused burial grounds. There is no reason to doubt that the scheme for which the OL is required would not be delivered. [2, 3, 9, 24, 25, 26, 35, 57, 63]

#### Acquisition by Agreement or Compulsory Purchase

86. A dedicated and experienced team has been assembled to by the Council in an attempt to reach agreement with the numerous freeholders and leaseholders in the OL, including statutory undertakers. Discussions and negotiations between those acting for CWaC and those with legal interests in the OL since 2014 have resulted in agreement being reached in many instances. Negotiations continued during the Inquiry and further agreement was reached resulting in several objectors withdrawing from the process. [36, 57, 67]
87. I have sympathy for those businesses, traders and residents that would be displaced or inconvenienced by the Council's acquisition of the OL. However, the law provides for compensation in such circumstances and serious efforts have been made by those acting on behalf of CWaC to acquire the remainder of the OL by agreement. Compulsory purchase is justified as a last resort. [40, 42, 46, 50, 51, 57, 59, 67]

#### Necessity for the SUO / Convenience of Access

88. The SUO is an integral part of the scheme of redevelopment for the Northgate area of the city centre. It is necessary for the delivery of the scheme and would enable the provision of safe and convenient access for pedestrians, cyclists and the drivers of motor vehicles. The proposed stopping up and improvements to sections of the local highway network accords with the hybrid planning permission for this part of the city centre. Access would be maintained to properties during the demolition and construction phases and there is unlikely to be any significant inconvenience to those requiring access to this part of the city centre. The SUO would be consistent with the Council's transport objectives. It is necessary to secure the approved scheme of redevelopment and would not prevent convenient access for businesses, residents and visitors to Chester city centre. [17, 24, 31, 32, 33, 55, 57, 64, 66, 68, 70, 71]

#### Chester Market Hall

89. Interpretation of the 1845 and 1929 Acts is a matter of law. [54, 59]
90. I have noted above that the existing market hall is no longer fit for purpose and benefits would be derived from relocating to a new facility within the approved scheme of redevelopment. The retail area of the new market hall would be smaller than at present. However, the back of house area would be larger, the new retail space would be arranged more efficiently with space 'freed-up' for the

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display of goods/items, there would be improved sightlines for customers and greater permeability throughout the market, and the new market space would be designed to a high quality and would appear more 'roomy' and inviting to customers. I concur with CWaC that 'more spacious' in the context of Section 185 of the 1845 Act does not necessarily mean larger. A similar conclusion was reached by the previous Inspector and accepted by the SoS in 2006. [5, 21, 29, 41, 43, 47, 48, 55, 56, 57, 60, 61, 65]

91. The location of the existing market hall, its outdated design and poor layout is no longer convenient or attractive to many shoppers and visitors to the city centre. In contrast, the new market hall, which has been subject to extensive public and stakeholder consultation, would provide a much-improved trading position with a mix of surrounding uses and would be in close proximity to the new community hub with easy access for visitors and shoppers. The proposal is integral to the scheme of redevelopment and would be an improvement upon the existing market hall. There would also be space to enlarge the proposed service bay if necessary. In the context of Section 185 of the 1845 Act the new market hall would be more 'convenient'. [21, 29, 34, 47, 52, 55, 60, 61, 65, 67, 68]
92. If CMH was to close without suitable alternative provision being made available it would harm some local businesses/traders, reduce the city centre retail offer and erode part of the historic character of Chester. The scheme of redevelopment is phased to allow the market to continue operating and there is no suggestion that CWaC would not want the market to remain throughout the demolition and construction phases. However, circumstances could change and if, for whatever reason, the existing market hall was to close and there was a delay in providing a replacement facility then some harm could arise to local businesses and to the character of the city. The Council's suggested condition would be necessary to avoid this and would not be unreasonable. [15, 25, 62]
93. The closure and relocation of CMH accords with the relevant provisions of the local Acts and would provide a suitable new market hall.

#### Human Rights and the Public Sector Equality Duty

94. Acquisition of the OL would interfere with the rights of freeholders and leaseholders as conveyed under Article 1 of the First Protocol (protection of property) and Article 8 (right for respect of private and family life). However, when these rights are balanced against the interests of the general population, in particular, the benefits to be derived from the redevelopment of this part of Chester, this interference would be proportionate and would strike a fair balance in compliance with the requirements of the ECHR. [37, 39, 49, 53, 57]
95. The evidence suggests that the scheme of redevelopment would benefit those with protected characteristics. There is nothing of substance to support fears that the CPO, SUO or CMH application would result in discrimination and violate rights under Article 14 of the ECHR, or conflict with the Public Sector Equality Duty under Section 149 of the Equality Act 2010. [38]

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## Overall Conclusion

96. For the above reasons, I conclude that: the compulsory acquisition of the OL accords with the provisions of Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended), there is a compelling case in the public interest to confirm the Order and there are no obvious impediments to prevent the scheme proceeding; the SUO accords with the provisions of Section 247 of the Town and Country Planning Act 1990 (as amended) and; the application to close and relocate CMH satisfies the provisions of section 185 of the Chester Improvement Act 1845 and section 75 of the Chester Corporation Act 1929.

## Recommendations

97. I recommend that:

the Cheshire West and Cheshire Borough Council (Chester Northgate) Compulsory Purchase Order 2017 be confirmed;

the Stopping Up Of Highway (North West)(No. ) Order 201, subject to the deletion of area H (eastern part width of Goss Street), be made and;

the application to close and relocate Chester Market Hall be approved subject to the following condition: The use of the existing Chester Market Hall shall not be discontinued until the replacement market permitted by the hybrid planning permission ref. 16/02282/OUT or any amendment thereto has been constructed and is available for occupation.

98. If the SoS disagrees with my conclusion in respect of the amended SUO, I recommend that the Order be made as originally published in July 2017.

*Neil Pope*

Inspector

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## APPEARANCES

### FOR CHESHIRE WEST AND CHESTER COUNCIL (CWaC):

Mr T Corner QC He called	Instructed by D L Piper UK LLP
Mr C Seward BSc (Hons)	Deputy Chief Executive, CWaC
Mr F Ludewig DipArch (Hons)	Director, ACME Limited
Mr P Marshall BA (Hons), MSc	International Director, Jones Lang Lasalle
Mr D Lewis BSc (Hons), MRICS	Chief Executive, Rivington Land Ltd
Mr M Wynn MCIPFA	Chief Operating Officer and S151 Officer, CWaC
Mr A Sparrow	Chief Executive, WMC Retail Partners PLC
Mr P Whitaker BSc (Hons), MSc, MICTHT, MTPS	Associate, Vectos (North) Ltd
Mr M King FRICS	Senior Director, GVA Consultant Surveyors
Ms J Gordon BA (Hons), MSc, MRTPI	Principal Planning Officer, CWaC

### OBJECTORS:

Mr M Westmoreland Smith of counsel	Instructed by Ms E O' Gorman of Pinsent Masons on behalf of Britten Properties LLP <i>Britten Properties LLP withdrew its objection on the second day of the Inquiry.</i>
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## INQUIRY DOCUMENTS LIST

*[Documents submitted at the Inquiry are in italics]*

<b>Procedural Documents</b>	
<b>INQ1</b>	Pre Inquiry Note, 14 December 2017
<b>Cheshire West and Chester Borough Council</b>	
<u>AA/1a</u>	Proof of Evidence of Andrew Sparrow, Market
<u>AA/1b</u>	Summary Proof of Evidence of Andrew Sparrow, Market
<u>AA/1c</u>	Appendices to Proof of Evidence of Andrew Sparrow, Market
<u>AA/2a</u>	Proof of Evidence of Charles Seward, Council's role and commitment to the Scheme
<u>AA/2b</u>	Summary Proof of Evidence of Charles Seward, Council's role and commitment to the Scheme
<u>AA/2c</u>	Appendices to Proof of Evidence of Charles Seward, Council's role and commitment to the Scheme
<u>AA/3a</u>	Proof of Evidence of David Lewis, Delivery
<u>AA/3b</u>	Summary Proof of Evidence of David Lewis, Delivery
<u>AA/4a</u>	Proof of Evidence of Friedrich Ludewig, Scheme architect and design, including open space
<u>AA/4b</u>	Summary Proof of Evidence of Friedrich Ludewig, Scheme architect and design, including open space
<u>AA/4c</u>	Appendices to Proof of Evidence of Friedrich Ludewig, Scheme architect and design, including open space
<u>AA/5a</u>	Proof of Evidence of Judith Gordon, Planning and overview
<u>AA/5b</u>	Summary Proof of Evidence of Judith Gordon, Planning and overview
<u>AA/5c</u>	Appendices to Proof of Evidence of Judith Gordon, Planning and overview
<u>AA/6a</u>	Proof of Evidence of Michael King, Negotiations with affected parties
<u>AA/6b</u>	Summary Proof of Evidence of Michael King, Negotiations with affected parties
<u>AA/6c</u>	Appendices to Proof of Evidence of Michael King, Negotiations with affected parties
<u>AA/7a</u>	Proof of Evidence of Mark Wynn, Funding
<u>AA/7b</u>	Summary Proof of Evidence of Mark Wynn, Funding
<u>AA/8a</u>	Proof of Evidence of Paul Marshall, Retail and lettings
<u>AA/8b</u>	Summary Proof of Evidence of Paul Marshall, Retail and lettings
<u>AA/8c</u>	Appendices to Proof of Evidence of Paul Marshall, Retail and lettings
<u>AA/9a</u>	Proof of Evidence of Paul Whittaker, Highways
<u>AA/9b</u>	Summary Proof of Evidence of Paul Whittaker, Highways
<u>AA/9c</u>	Appendices to Proof of Evidence of Paul Whittaker, Highways
<u>AA/10</u>	Evidence of Compliance with Statutory Formalities in Relation to the Compulsory Purchase Order and Highways Stopping Up Order
<u>AA/11</u>	Council's response to Inspector's Pre-Inquiry Note, Section 8
<u>AA/12</u>	<i>Opening Submission for the Council</i>
<u>AA/12a</u>	<i>Council's Legal Note</i>
<u>AA/13</u>	<i>Compliance Pack</i>
<u>AA/14</u>	<i>Undertaking given by the Council to Britten Properties LLP in respect of 14-20 Watergate Street</i>
<u>AA/15</u>	<i>Listed Building Consent, 64 Watergate Street, 23 January 2018</i>
<u>AA/16</u>	<i>Matrix method – Cromwell Court</i>
<u>AA/17</u>	<i>Committee report, 15 September 2016</i>
<u>AA/18</u>	<i>Summary of financial obligations contained within Memorandum of Understanding</i>

<https://www.gov.uk/planning-inspectorate>

AA/19	<i>Note on net residential unit increase within the site</i>
AA/20	<i>Update on representations received during public consultation of the Cheshire West and Chester District Local Plan (Part 2) in respect of policies CH2 and DM14</i>
AA/21	<i>Council's response to Mr Hagggar's written questions</i>
AA/22a	<i>Amended s.247 draft SUO</i>
AA/22b	<i>Amended s.247 Plan – Highway to be Stopped Up</i>
AA/22c	<i>Amended s.247 Plan – Highway to be Improved</i>
AA/23	<i>Suggested wording for possible condition to be attached to the Ministerial Consent for the Market Application</i>
AA/24a	<i>Closing Submissions for the Council (tracked change)</i>
AA/24b	<i>Closing Submissions for the Council (clean)</i>

<b>Written Representations</b>	
<u>WR1</u>	Written representation by Kevin Williams
<u>WR2</u>	Written representation by Thomas Hartley
<u>WR3</u>	Written representation and CD by David Hagggar
<u>WR3a</u>	Appendices to written representation by David Hagggar

### **CORE DOCUMENTS LIST**

<u>CD1</u>	Cheshire West and Chester Borough Council (Chester Northgate) Compulsory Purchase Order 2017
<u>CD1a</u>	Cheshire West and Chester Borough Council (Chester Northgate) Compulsory Purchase Order 2017 Order Map
<u>CD2</u>	Draft Stopping Up of Highway (North West) (No xx) Order 2017
<u>CD2a</u>	Draft Stopping Up of Highway (North West) (No xx) Order 2017 Plan 1
<u>CD2b</u>	Draft Stopping Up of Highway (North West) (No xx) Order 2017 Plan 2
<u>CD3</u>	Report of the Cabinet dated 30 November 2016
<u>CD3a</u>	Appendix 1 to Report of the Cabinet dated 30 November 2016
<u>CD3b</u>	Appendix 2 to Report of the Cabinet dated 30 November 2016
<u>CD3c</u>	Appendix 3 to Report of the Cabinet dated 30 November 2016
<u>CD4</u>	Minutes of the Council dated 15 December 2016
<u>CD5</u>	Delegated Report dated 28 June 2017
<u>CD6</u>	Report of the Council dated 26 October 2017
<u>CD7</u>	Statement in support of the SUO
<u>CD8</u>	Statement in support of the s.19 certificate
<u>CD8a</u>	Appendix 1 to Statement in support of the s.19 certificate
<u>CD9</u>	Equalities Analysis Assessment
<u>CD10</u>	Hybrid Planning permission 16/02282/OUT
<u>CD11</u>	Planning permission 16/02285/FUL
<u>CD12</u>	Planning permission 16/00580/FUL
<u>CD13</u>	Listed Building Consent Town Hall 16/02283/LBC
<u>CD14</u>	Listed Building Consent 58-68 Watergate Street 16/02284/LBC
<u>CD15</u>	Listed Building Consent 39 Northgate Street 16/03190/LBC
<u>CD16</u>	Photos of Buildings to be Demolished
<u>CD17</u>	Design and Access Statement for Hybrid permission, Volume 1
<u>CD17a</u>	Design and Access Statement for Hybrid permission, Volume 2
<u>CD17b</u>	Design and Access Statement for Hybrid permission, Volume 3

<u>CD17c</u>	Design and Access Statement for Hybrid permission, Volume 4
<u>CD17d</u>	Design and Access Statement for Hybrid permission, Volume 2, Part 1
<u>CD17e</u>	Design & Access Statement, Outline Buildings Design Volume 2, Part 2
<u>CD17f</u>	Design & Access Statement, Outline Buildings Design Volume 2, Part 3
<b>CD18 Approved Drawings</b>	
<u>CD18/1</u>	Planning Application Site Boundary - 091-ACME-ST2-00-2001 PP1 (Rev N)
<u>CD18/2</u>	Demolition Plan - 091-ACME-ST2-00-2002 PP2 (Rev T)
<u>CD18/3</u>	Construction Phasing Plan - 091-ACME-ST2-00-2003 PP3 (Rev Q)
<u>CD18/4</u>	Planning Application Submissions/Detail - 091-ACME-ST2-00-2004 PP4 (Rev Q)
<u>CD18/5</u>	Building Land Uses - 091-ACME-ST2-00-2005 PP5 (Rev S)
<u>CD18/6</u>	Horizontal Limits of Deviation - 091-ACME-ST2-00-2006 PP6 (Rev Q)
<u>CD18/7</u>	Vertical Limits of Deviation - 091-ACME-ST2-00-2007 PP7 (Rev S)
<u>CD18/8</u>	Excavation and Archaeology - 091-ACME-ST2-00-2008 PP8 (Rev P)
<u>CD18/9</u>	Pedestrian Routes and spaces - 091-ACME-ST2-00-2009 PP9 (Rev Q)
<u>CD18/10</u>	Means of Vehicular Access - 091-ACME-ST2-00-2010 PP10 (Rev Q)
<u>CD18/11</u>	Parameter Section AA - 091-ACME-GA4-AA-2151 (Rev F)
<u>CD18/12</u>	Parameter Section BB - 091-ACME-GA4-BB-2152 (Rev F)
<u>CD18/13</u>	Parameter Section CC - 091-ACME-GA4-CC-2153 (Rev E)
<u>CD18/14</u>	Parameter Section DD - 091-ACME-GA4-DD-2154 (Rev E)
<u>CD18/15</u>	Parameter Section EE - 091-ACME-GA4-EE-2155 (Rev E)
<u>CD18/16</u>	Parameter Section FF - 091-ACME-GA4-FF-2156 (Rev E)
<u>CD18/17</u>	Parameter Section GG - 091-ACME-GA4-GG-2157 (Rev E)
<u>CD18/18</u>	Parameter Section HH - 091-ACME-GA4-HH-2158 (Rev F)
<u>CD18/19</u>	Town Hall Square Parameter Elevation - 091-ACME-GA5-XX-2251 (Rev D)
<u>CD18/20</u>	Goss Street Parameter Elevations - 091-ACME-GA5-XX-2252 (Rev F)
<u>CD18/21</u>	Trinity Street Parameter Elevations - 091-ACME-GA5-XX-2253 (Rev E)
<u>CD18/22</u>	St Martin's Way Parameter Elevation - 091-ACME-GA5-XX-2254 (Rev E)
<u>CD18/23</u>	Hunter Street Parameter Elevation - 091-ACME-GA5-XX-2255 (Rev D)
<u>CD18/24</u>	Hunters Walk Parameter Elevations - 091-ACME-GA5-XX-2256 (Rev D)
<u>CD18/25</u>	Princess Street Parameter Elevations - 091-ACME-GA5-XX-2257 (Rev E)
<u>CD18/26</u>	Stone Street Parameter Elevations - 091-ACME-GA5-XX-2258 (Rev E)
<u>CD18/27</u>	Hamilton Place Parameter Elevations - 091-ACME-GA5-XX-2259 (Rev G)
<u>CD18/28</u>	Edwards's Street Parameter Elevation - 091-ACME-GA5-XX-2260 (Rev F)
<u>CD18/29</u>	Crook Street Parameter Elevations - 091-ACME-GA5-XX-2261 (Rev E)
<u>CD18/30</u>	Market Square Parameter Elevations - 091-ACME-GA5-XX-2262 (Rev E)
<u>CD18/31</u>	Peacock's Court Parameter Elevations - 091-ACME-GA5-XX-2263 (Rev F)
<u>CD18/32</u>	Lion Yard Parameter Elevations - 091-ACME-GA5-XX-2264 (Rev E)
<u>CD18/33</u>	Location Plan - 091-ACME-ST1-00-1002 (Rev D)
<u>CD18/34</u>	Site Plan - 091-ACME-ST1-00-1003 (Rev D)
<u>CD18/35</u>	Existing Plan B1 - 091-ACME-ST1-00-1010 (Rev C)
<u>CD18/36</u>	Existing Plan B2 - 091-ACME-ST1-00-1011 (Rev C)
<u>CD18/37</u>	Existing Section AA - 091-ACME-ST1-00-1012 (Rev C)
See CD16	091-ACME-ST1-XX-1014 (Rev A) - Photos of the Existing site, Buildings to be demolished
<u>CD18/38</u>	Proposed Level B2 - 091-ACME-GA1-B2-1051 Hotel (Rev F)
<u>CD18/39</u>	Proposed Level B1 - 091-ACME-GA1-B1-1052 Hotel (Rev F)
<u>CD18/40</u>	Proposed Level - 00091-ACME-GA1-00-1053 Hotel (Rev F)
<u>CD18/41</u>	Proposed Level 01 - 091-ACME-GA1-01-1054 Hotel (Rev E)
<u>CD18/42</u>	Proposed Level 02 - 091-ACME-GA1-02-1055 Hotel (Rev E)
<u>CD18/43</u>	Proposed Level 03 - 091-ACME-GA1-03-1056 Hotel (Rev E)
<u>CD18/44</u>	Proposed Level 04 - 091-ACME-GA1-04-1057 Hotel (Rev E)
<u>CD18/45</u>	Proposed Level 05 - 091-ACME-GA1-05-1058 Hotel (Rev E)

<a href="#"><u>CD18/46</u></a>	Proposed Roof Level - 091-ACME-GA1-RP-1059 Hotel (Rev E)
<a href="#"><u>CD18/47</u></a>	Proposed Level B2 - 091-ACME-GA1-B2-1060 Market, Cinema, Hunters Walk (Rev F)
<a href="#"><u>CD18/48</u></a>	Proposed Level B1 - 091-ACME-GA1-B1-1061 Market, Cinema, Hunters Walk (Rev H)
<a href="#"><u>CD18/49</u></a>	Proposed Level 00- 091-ACME-GA1-00-1062 Market, Cinema, Hunters Walk (Rev H)
<a href="#"><u>CD18/50</u></a>	Proposed Level 01 - 091-ACME-GA1-01-1063 Market, Cinema, Hunters Walk (Rev H)
<a href="#"><u>CD18/51</u></a>	Proposed Level 02 - 091-ACME-GA1-02-1064 Market, Cinema, Hunters Walk (Rev I)
<a href="#"><u>CD18/52</u></a>	Proposed Level 03 - 091-ACME-GA1-03-1065 Market, Cinema, Hunters Walk (Rev I)
<a href="#"><u>CD18/53</u></a>	Proposed Level 04 - 091-ACME-GA1-04-1066 Market, Cinema, Hunters Walk (Rev H)
<a href="#"><u>CD18/54</u></a>	Proposed Roof Level - 091-ACME-GA1-RP-1067 Market, Cinema, Hunters Walk (Rev H)
<a href="#"><u>CD18/55</u></a>	Section AA - 091-ACME-GA2-AA-1151 (Rev G) - Hotel, Market, Cinema
<a href="#"><u>CD18/56</u></a>	Hotel - Section BB - 091-ACME-GA2-BB-1152 (Rev E)
<a href="#"><u>CD18/57</u></a>	Market and Cinema - Section CC - 091-ACME-GA2-CC-1153 (Rev F)
<a href="#"><u>CD18/58</u></a>	Hunters Walk - Section DD - 091-ACME-GA2-DD-1154 (Rev G)
<a href="#"><u>CD18/59</u></a>	Hotel, Market and Cinema - North and South Elevation - 091-ACME-GA3-NS-1251 (Rev G)
<a href="#"><u>CD18.60</u></a>	Hotel - North Elevation GA - 091-ACME-GA3-N-1252 (Rev F)
<a href="#"><u>CD18.61</u></a>	Hotel -West Elevation GA - 091-ACME-GA3-W-1253 (Rev G)
<a href="#"><u>CD18.62</u></a>	Hotel - South Elevation GA - 091-ACME-GA3-S-1254 (Rev F)
<a href="#"><u>CD18.63</u></a>	Market and Cinema - North Elevation - 091-ACME-GA3-N-1255 (Rev G)
<a href="#"><u>CD18.64</u></a>	Market and Cinema - South Elevation - 091-ACME-GA3-S-1256 (Rev G)
<a href="#"><u>CD18.65</u></a>	Market and Cinema - East Elevation - 091-ACME-GA3-E-1257 (Rev G)
<a href="#"><u>CD18.66</u></a>	Hunters Walk - West Elevation - 091-ACME-GA3-W-1258 (Rev F)
<a href="#"><u>CD18.67</u></a>	Hunters Walk - East Elevation - 091-ACME-GA3-E-1259 (Rev G)
<a href="#"><u>CD18.68</u></a>	14-20 Watergate - Existing Level B1- 091-ACME-GA1-B1-1070 (Rev C)
<a href="#"><u>CD18.69</u></a>	14-20 Watergate - Existing Level 00 - 091-ACME-GA1-00-1071 (Rev C)
<a href="#"><u>CD18.70</u></a>	14-20 Watergate - Existing Level 01 - 091-ACME-GA1-01-1072 (Rev C)
<a href="#"><u>CD18.71</u></a>	14-20 Watergate - Existing Level 02 - 091-ACME-GA1-02-1073 (Rev C)
<a href="#"><u>CD18.72</u></a>	14-20 Watergate - Existing Roof Level - 091-ACME-GA1-RP-1074 (Rev C)
<a href="#"><u>CD18.73</u></a>	14-20 Watergate - Proposed Level B1 - 091-ACME-GA1-B1-1075 (Rev C)
<a href="#"><u>CD18.74</u></a>	14-20 Watergate - Proposed Level 00 - 091-ACME-GA1-00-1076 (Rev D)
<a href="#"><u>CD18.75</u></a>	14-20 Watergate - Proposed Level 01 - 091-ACME-GA1-01-1077 (Rev C)
<a href="#"><u>CD18.76</u></a>	14-20 Watergate - Proposed Level 02 - 091-ACME-GA1-02-1078 (Rev C)
<a href="#"><u>CD18.77</u></a>	14-20 Watergate - Proposed Level 03 - 091-ACME-GA1-03-1079 (Rev C)
<a href="#"><u>CD18.78</u></a>	14-20 Watergate - Proposed Roof Level - 091-ACME-GA1-RP-1080 (Rev D)
<a href="#"><u>CD18.79</u></a>	14-20 Watergate - Existing Section AA - 091-ACME-GA2-AA-1170 (Rev C)
<a href="#"><u>CD18.80</u></a>	14-20 Watergate - Proposed Section AA - 091-ACME-GA2-AA-1171 (Rev C)
<a href="#"><u>CD18.81</u></a>	14-20 Watergate - Existing West and South Elevation - 091-ACME-GA3-XX-1272 (Rev C)
<a href="#"><u>CD18.82</u></a>	14-20 Watergate - Existing North and East Elevation - 091-ACME-GA3-XX-1273 (Rev C)
<a href="#"><u>CD18.83</u></a>	14-20 Watergate - Proposed West and South Elevation - 091-ACME-GA3-XX-1274 (Rev C)
<a href="#"><u>CD18.84</u></a>	14-20 Watergate - Proposed North and East Elevation - 091-ACME-GA3-XX-1275 (Rev D)



<u>CD18.85</u>	Town Hall Square Block - Proposed Level 00 - 091-ACME-GA1-00-1081 (Rev E)
<u>CD18.86</u>	Town Hall Square Block - Proposed Level 01 - 091-ACME-GA1-01-1082 (Rev E)
<u>CD18.87</u>	Town Hall Square Block - Proposed Level 02 - 091-ACME-GA1-02-1083 (Rev E)
<u>CD18.88</u>	Town Hall Square Block - Proposed Roof Level - 091-ACME-GA1-RP-1084 (Rev E)
<u>CD18.89</u>	Town Hall Square Block - Proposed Section AA - 091-ACME-GA2-AA-1180 (Rev E)
<u>CD19</u>	Flood Risk Assessment
<u>CD20</u>	Drainage Strategy
<u>CD21</u>	Transport Assessment
<u>CD22</u>	Environmental Statement - Townscape Heritage Chapter
<u>CD23</u>	Environmental Statement - Air Quality Chapter
<u>CD24</u>	ING planning permission June 2005
<u>CD25</u>	ING s.106 agreement June 2005
<u>CD26</u>	ING s.73 planning permission 2007
<u>CD27</u>	ING renewal permission 2011
<u>CD28</u>	White Young Green Cheshire Retail Study, April 2016
<u>CD29a</u>	Letters of support for planning permission: Historic England
<u>CD29b</u>	Letters of support for planning permission: Historic England
<u>CD29c</u>	Letters of support for planning permission: Historic England
<u>CD30</u>	Letters of support for planning permission: Chester Civic Trust
<u>CD31</u>	Conservation Area Advisory Panel
<u>CD32</u>	Cheshire West and Chester Local Plan Policies Allocation Map
<u>CD33a</u>	Chester District Local Plan 2006 (saved policies) extracts: SR5
<u>CD33b</u>	Chester District Local Plan 2006 (saved policies) extracts: SR7
<u>CD33c</u>	Chester District Local Plan 2006 (saved policies) extracts: ENV37-ENV43
<u>CD34a</u>	Cheshire West and Chester Local Plan (Part 1) 2015 extracts: Paragraph 6.11
<u>CD34b</u>	Cheshire West and Chester Local Plan (Part 1) 2015 extracts: STRAT1
<u>CD34c</u>	Cheshire West and Chester Local Plan (Part 1) 2015 extracts: STRAT3 (Chester)
<u>CD34d</u>	Cheshire West and Chester Local Plan (Part 1) 2015 extracts: STRAT10
<u>CD34e</u>	Cheshire West and Chester Local Plan (Part 1) 2015 extracts: ECON1 & ECON2
<u>CD34f</u>	Cheshire West and Chester Local Plan (Part 1) 2015 extracts: SOC1
<u>CD34g</u>	Cheshire West and Chester Local Plan (Part 1) 2015 extracts: SOC3
<u>CD34h</u>	Cheshire West and Chester Local Plan (Part 1) 2015 extracts: SOC5 & SOC6
<u>CD34i</u>	Cheshire West and Chester Local Plan (Part 1) 2015 extracts: ENV5 – ENV8
<u>CD35</u>	Draft Cheshire West and Chester Local Plan (Part 2) extracts: CH2 and DM14
<u>CD36</u>	Public Art SPD dated July 2004
<u>CD37</u>	Open Space in Housing SPD dated October 1999
<u>CD38</u>	Affordable Housing SPD dated July 2007
<u>CD38a</u>	Appendices to Affordable Housing SPD dated July 2007
<u>CD39</u>	Residential Design SPD dated July 2007, Principle 13 (extract)
<u>CD40</u>	Sustainable Development SPD dated July 2008
<u>CD41</u>	Parking SPD dated May 2017
<u>CD42</u>	Chester Characterisation Study 2010 - Area A8 (extract)
<u>CD43</u>	Chester One City Plan 2012
<u>CD44</u>	Chester - the Future of an Historic City dated June 1994
<u>CD45</u>	Chester City Council Deposit Draft District Local Plan (September 1997), allocating land between Hunter Street and Princess Street (extract)
<u>CD46</u>	National Planning Policy Framework
<u>CD47</u>	Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion
<u>CD48a</u>	PPG extracts - Conserving and Enhancing the Historic Environment

<u>CD48b</u>	PPG extracts - Design
<u>CD48c</u>	PPG extracts - Ensuring the Vitality of Town Centres
<u>CD49</u>	Inspector's report into the Chester City Council (Northgate Development) Compulsory Purchase Order 2004 and related Road Closure Order and approval of an application under Section 75 of the Chester Corporation Act 1929 to close and relocate Chester Market, February 2006
<u>CD50</u>	Statement of Reasons of Cheshire West and Chester Borough Council
<u>CD51</u>	Statement of Case of Cheshire West and Chester Borough Council
<u>CD52</u>	Chester District Local Plan 2006 (full)
<u>CD53</u>	Cheshire West and Chester Local Plan (Part 1) 2015 (full)
<u>CD54</u>	Cheshire West and Chester Local Plan (Part 2) publication draft Nov 2017 (full)
<u>CD55</u>	Secretary of State's Decision Letter 25 September 2006 (in relation to the Chester City Council (Northgate Development) Compulsory Purchase Order 2004 and related Road Closure Order and approval of an application under Section 75 of the Chester Corporation Act 1929 to close and relocate Chester Market)
<u>CD56</u>	Chester Characterisation Study: Final Report (2010) (extract)
<u>CD57</u>	Cheshire West and Chester Borough Council Corporate Plan 2016-2020
<u>CD58.1</u>	Environmental Statement (various extracts)
<u>CD58.2</u>	Environmental Statement (various extracts)
<u>CD58.3</u>	Environmental Statement (various extracts)
<u>CD58.4</u>	Environmental Statement (various extracts)
<u>CD58.5</u>	Environmental Statement (various extracts)
<u>CD58.6</u>	Environmental Statement (various extracts)
<u>CD59a</u>	Statement of Case of Cheshire West and Chester Borough Council for the SUO
<u>CD59b</u>	Certificate of Posting
<u>CD59c</u>	Newspaper Advert

### **LIST OF ABBREVIATIONS USED WITHIN THIS REPORT**

CD – Core Document

CMH – Chester Market Hall

CPO – Compulsory Purchase Order

CWaC – Cheshire West and Chester Borough Council

ECHR – European Convention on Human Rights

ID – Inquiry Document

LP – Local Plan

MoD – Ministry of Defence

SoS – Secretary of State

SUO – Stopping Up Order