



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES
MANAGER

TO: DEVELOPMENT MANAGEMENT COMMITTEE

DATE: 24th August 2015

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 24 AUGUST 2015

Application Ref: 13/15/0253P

Ref: 18783

Proposal: Full: Major: Variation of Condition: Removal of condition 8 (delivery hours) of Planning Permission 13/14/0434P.

At: GLEN MILL NORTH VALLEY ROAD COLNE BB8 9DT

On behalf of: Lidl UK GmbH and CityPark Projects Ltd

Date Registered: 28 May 2015

Expiry Date: 23 July 2015

Case Officer: Alex Cameron

Site Description and Proposal

The application site is a former mill located on North Valley Road in Colne situated between Glen Street and Hanover Street now being redeveloped for with a retail / industrial / leisure development. To the north east and west of the site are residential streets, to the south are commercial buildings. A supermarket building is currently being erected on the east side of the site with industrial units and a public house consented on the west side of the site (a separate application has been submitted to erect a second retail unit on the site of the approved industrial units and car parking on the site of the approved public house).

This application seeks consent to remove condition 8 of the planning permission for the current development ref: 13/14/0434P which restricts the hours of deliveries. The applicant believes that the condition is no longer necessary as the supermarket service area has been moved and the submitted noise assessment demonstrates that noise generated by loading and unloading would be within acceptable levels at any time.

Condition 8 - No delivery vehicle movements and associated loading and unloading activities shall take place outside the hours of 0600 and 2200 on any day.

Reason - In order to protect the residential amenity of occupants of the nearby residential units.

Relevant Planning History

13/14/0434P - Full: Major: Variation of Conditions 2 (Retail Area), 16 (Noise Assessment), 24 (Landscaping) and 27 (Approved Plans) and removal of Conditions 15 (Condenser Unit) and 18 (Acoustic Fence) of Planning Permission 13/13/0591P. Approved, 08/12/2014.

13/13/0591P - Full: Major: Demolition of existing buildings and structures, erect retail store (A1 use 1898 sq/m), erect public house/restaurant (A4 use 588sq/m) with managers accommodation and staff changing facilities above, employment units (B1(c), B2 and B8 uses), 131 car parking spaces and associated works - Approved 15/04/2014.

Consultee Response

PBC Environmental Health - The noise assessment indicates that the noise from deliveries and plant will not cause nuisance.

LCC Highways - the proposed removal of condition 8 will not increase traffic movements during the normal morning and evening peak periods and will allow good vehicle movements to be better distributed throughout the day.

Natural England - No comment.

Environment Agency - No comment.

Colne Town Council - Council members resolved to comment 'they would ask that the condition not be considered until the business has been in operation for 3 months, then ask the applicant to resubmit. In this way the impact on neighbouring residents can be assessed'.

Public Response

Four responses have been received raising the following concerns

Delivery hours between 6am-10pm should be acceptable and is more than adequate. Anything in addition to this would disrupt residents.

Concerns relating to the notification process.

Concerns regarding the construction of the development.

Relevant Planning Policy

Code	Policy
LP 8	Contamination and Pollution

Officer Comments

The primary issue to consider is the impact of the proposed removal of condition on residential amenity.

Policy

Policy 8 (Contamination and Pollution) states that proposals for developments where noise or vibration are likely should be accompanied by a statement illustrating the levels of potential noise pollution.

Residential amenity

The original layout of the supermarket approved under planning permission ref: 13/13/0591P showed a service yard and loading doors to the rear (north) of the supermarket building. The amendment approved under planning permission 13/14/0434P removed the proposed service yard and moved the delivery area to the west side of the building with loading doors facing south, away from the housing to the north.

The Council's Environmental Health section have assessed the submitted noise report and are satisfied that it demonstrates that noise from deliveries and plant will not cause nuisance to neighbouring properties. Therefore, the proposed removal of condition 8 is acceptable in terms of residential amenity in accordance with policy 8 and the application is recommended for approval.

Reason for Decision

Section 38 of the Planning & Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate

otherwise. The proposed development would not adversely impact on Colne Town Centre. In this respect the proposal is consistent with national, regional and local policies relating to retail policy. Although the development is not compliant with 25.5 of the Local Plan, overall the policy considerations in the NPPF, the benefits redevelopment of the site will bring to the local area and employment creation outweigh the policy breach.

In other respects the proposal is policy compliant. The design is appropriate and acceptable (Policy13). It would be of a sustainable construction and can be accommodated on site without adverse impact on existing infrastructure. The proposal, subject to control by condition and mitigation, would not adversely impact on residential amenity.

The removal of condition would be acceptable.

There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The net retail area of the foodstore shall not at any time exceed 1,286 square metres and the store shall only be used as a Class A1 retail foodstore. This shall be restricted to 'limited product line deep discounting' (which shall be taken to mean the sale of no more than 2000 individual product lines). No increase in the number of product lines shall be permitted without the prior written approval of the local planning authority. Comparison goods (as defined within the Pitney Bowes Retail Expenditure Guide 2013/2014, or any subsequent document which supersedes it) shall not be displayed from more than 15% of the net retail area'.

Reason: In order to protect the vitality and viability of existing centres and to ensure that the store retains its status as a deep discount retail foodstore.

2. No part of the development hereby approved shall be brought into use unless and until the site access and off-site highway improvements as shown on Drawing SCP/13268/SK11 Rev B have been provided and completed in their entirety. This shall include the upgrade of the crossing at Stanley Street from a Pelican to a Puffin and all the improvements numbered 1 - 5 and 7 - 11 inclusive on the plan.

Reason: In order to ensure that the site is served by a safe means of access and that the development does not adversely affect highway conditions on the highway network leading to and from the site and to adverse air quality conditions in the vicinity of the site.

3. None of the buildings hereby approved shall be used unless and until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall thereafter be implemented in strict accordance the approved scheme and in accordance with the timescale set out in the approved plan which will be audited and updated at intervals as approved.

Reason: In order to reduce the number of car trips and encourage sustainable transport movements.

4. No part of the development hereby permitted shall be brought into use unless and until a Car Park Management Strategy/Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out the car park layout, maximum duration of stay, onsite parking enforcement, safety, security, monitoring (of its use) measures to manage

efficient usage and control. The layout to include the appropriate number of spaces for motorised and non-motorised vehicle and user types and the car parking shall be available to customers at all times. The Car Park Management Strategy shall thereafter be undertaken in strict accordance with the approved details.

Reason: To allow for the effective and efficient use of the parking areas.

5. No development, other than demolition, shall be undertaken on site unless and until a Construction Method Statement has been submitted to and be approved in writing by the Local Planning Authority and shall thereafter be adhered to. The Statement shall provide for:
1. the parking of vehicles for site operatives and visitors
 2. loading and unloading of plant and materials
 3. storage of plant and materials used in the construction of the development
 4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing (if appropriate)
 5. wheel-washing facilities
 6. measures to control the emission of dust and dirt during construction
 7. a scheme for re-cycling/disposing of waste resulting from demolition and construction works.
 8. hours of working.

The development shall at all times be carried out in strict accordance with the approved scheme.

Reason: To maintain the operation of local streets and the through routes in the area during construction in the interests of highway safety.

6. The existing redundant accesses on the site to Hanover Street, North Valley Road and Glenn Street shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in their entirety prior to the first use of any of the buildings hereby approved.

Reason: To limit the number of access points to, and to maintain the proper construction of the highway.

7. Deliveries to the supermarket hereby approved shall at all times be undertaken using the entrance to the delivery area shown on plan 1264/03/Revision AG.

Reason: In the interests of highway safety.

8. Heavy Goods Vehicles must only access the site off the main two way access off North Valley Road.

Reason: In the interests of protecting the residential amenity of neighbours on Hanover Street and highway safety.

9. Except for demolition the development hereby permitted shall not commence unless and until such a time as further information in regard to the location, state and decommissioning details of boreholes on site have been submitted to, and approved in writing by the Local Planning Authority. The decommissioning of the boreholes shall thereafter be undertaken in strict accordance with the method and timetable for decommissioning so approved.

Reason: To ensure there are no unacceptable discharges to groundwater.

10. The development shall at all times be carried out in accordance with the recommendations set out in section 5 of the Report of Bat & Bird Survey dated 23rd October 2013 by Martin Prescott Environmental Services. The development shall only commence and be completed in accordance with the agreed details.

Reason: To ensure no net loss of biodiversity as a result of the development and in order not to disturb or deter the nesting of bats, protected by the Wildlife and Countryside Act 1981.

11. The development shall at all times proceed in strict accordance with the noise assessment by WYG Planning and Consulting received in November 2014 and the equipment shall at all times be maintained in good working order and operated in compliance with the assessment. This shall include reverse alarms on delivery vehicles to be broadband noise type and goods only being unloaded from delivery vehicles when they are coupled to the sealed dock loading bay on the foodstore.

Reason: In the interest of residential amenity.

12. There shall be no music played, amplified music or singing in or within the curtilage of the public house after 22:00 on any given day until 10.00hrs the following day.

Reason: In order to control the operation of the building in the interests of the aural amenity of nearby residential properties.

13. The discount foodstore hereby permitted shall not be open to customers or any other persons not employed within the business operating from the site outside the hours of 07:00 and 22:00 on weekdays and Saturdays and 09:00 and 19:00 on Sundays, Bank or Public Holidays.

Reason: In order to safeguard the aural amenity of the occupants of the nearby residential units.

14. There shall be no use of the public house and employment units unless and until details of the operating times have been submitted to and approved in writing by the Local Planning Authority. The units shall thereafter only be open during the times so approved.

Reason: In order to safeguard the aural amenity of the occupants of the nearby residential units.

15. Prior to the commencement of development (other than demolition) a scheme for the lighting of the site shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of the number, location and direction of any lighting proposed to be installed as well as the times that the lighting will be switched on. There shall be no external lighting of the development unless in accordance with the approved details.

Reason: In order to ensure there is no light pollution from the site.

16. The development hereby permitted shall be carried out in strict accordance with the Amended Flood Risk Assessment received with the planning application and the mitigation measures contained within the report. The mitigation measures shall be fully implemented prior to the first occupation of any building in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water.

17. Excluding demolition no development shall take place unless and until plans and particulars showing a scheme of foul sewers and surface water drains, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out concurrently with the rest of the development and in any event shall be finished before any building is first used and thereafter retained.

Reason: In order to ensure that the site is served by adequate foul and surface water effluent disposal in order to avoid pollution and flooding.

18. The site shall be landscaped in accordance with a scheme which shall be submitted to the Local Planning Authority for written approval within two weeks of the commencement of development other than demolition.

The scheme shall be wholly implemented in its finally approved form within the first available planting season following the substantial completion of development. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

19. Within two weeks of the commencement of development (other than demolition) a scheme detailing measures to minimise the risk of crime and to meet the specific security needs of the application site and the development, shall have been submitted to the Local Planning Authority for written approval. The approved measures shall be implemented in full prior to the first opening of the development to customers.

Reason: In order that the development incorporates safety strategies and designing out crime in line with Policy 13 of the Replacement Pendle Local Plan.

20. Representative samples of the external materials of construction to be used on the roof, walls, fencing and internal car parking and circulation space of the development shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of construction. The development shall thereafter at all times be carried out in strict accordance with the approved.

Reason: To ensure a satisfactory appearance to the development.

21. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:1250, Drg Nos. 0008/13/0202, 0008/13/0207, 0008/13/0203 Rev B, 0008/13/0204, 0008/13/0206, AG/CNE-04, A1/WCC/M/NVRC/AL/01, 1264 03 Rev AG, 1264 07 Rev J, 1264 04 Rev N, 1264 06 Rev D, W, Play Unit Spec & SCP-13268-SK11 Rev B.

Reason: For the avoidance of doubt and in the interests of proper planning.

22. No development other than demolition shall take place on site unless and until a scheme to prevent vehicles accessing the site from Hanover Street has been submitted to and approved in writing by the Local Planning Authority. The scheme shall prevent vehicles from gaining access to the site directly from Hanover Street, with customer vehicles only allowed to exit this access turning left only onto Hanover Street. The approved scheme shall be implemented in full prior to the first use of any of the buildings hereby approved and shall thereafter be permanently retained.

Reason: To ensure that the development does not adversely affect highway conditions on Hanover Street.

Note:

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Customer Services at highways@lancashire.gov.uk and on 0845 0530000) and quote the planning application number. The kitchen waste from the proposed restaurant should be fitted with a suitable 'fat' trap to ensure that the discharge does not adversely affect the existing public sewer.



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LIST OF BACKGROUND PAPERS

Planning Applications

NW/CPB

Date: 13th August 2015