



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: WEST CRAVEN COMMITTEE

DATE: 2nd August 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE ON 02 AUG 2016

Application Ref: 16/0320/FUL

Proposal: Full: Change of use of dwelling (C3) to cafe (A3) at ground level, self-contained flat at first floor level and erection of an external staircase to rear.

At: 10 SKIPTON ROAD BARNOLDSWICK LANCASHIRE BB185NB

On behalf of: Mr D Sulley

Date Registered: 09 May 2016

Expiry Date: 04 July 2016

Case Officer: Mubeen Patel

Site Description and Proposal

The application has been brought to committee by the request of a Councillor.

The application site relates to a mid-terrace residential dwelling constructed of stone located within the town centre of Barnoldswick and the Conservation Area. The property is positioned opposite the Holy Trinity Church on Skipton Road.

This change of use application is for the conversion of the residential dwelling (C3) to a café (A3) at ground level and a self-contained flat at first floor level. The external alterations include a first floor rear window converted in to a door and the erection of an external steel staircase from the proposed door to ground level which would be painted black.

Relevant Planning History

The site has no relevant planning history.

Consultee Response

LCC Highways - The Highway Development Control Section does not have any objections regarding the proposed change of use of dwelling (C3) to cafe (A3) at ground level, self-contained flat at first floor and are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

The Highway Development Control Section is of the opinion the site is in an accessible village centre location with good public transport links, available public car parking near the site and adequate waiting restriction to restrict on road parking by visitors to the café.

PBC Environmental Health - A scheme for the sound insulation of odour control equipment shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full accordance with the approval scheme prior to the permitted use being commenced. The approved sound insulation works shall thereafter be maintained in efficient working order.

Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme (which shall incorporate grease and carbon filters and discharge at roof ridge level) to be submitted to and approved in writing by the Local Planning Authority before the use is

commenced. The approved scheme shall be fully implemented before the permitted use is first commenced and shall be maintained in efficient working order thereafter.

Public Response

Four neighbours were notified by letter and a site notice posted on the nearest lamp post, a letter of objection has been received stating the following issues;

- As a Dental Practice directly next door I would like to express my concern regarding cooking smells entering our practice and also the waste bins outside, as you appreciate we work in a clinical environment and these issues could cause disruption to our work.
- Other issues for us would include noise levels and parking, there are only a few spaces outside which could cause issues for our patients that have difficulty walking distances. If these issues can be addressed and appropriate measures put in place to ensure no disruption to our services then I wish them well with their business.

Relevant Planning Policy

Code	Policy
ENV2	Achieving Quality and Design in Conservation
SDP5	Retail Distribution
WRK4	Retailing and Town Centres
RPLP26	Non - Shopping Uses in Town Centres and Local Shopping Areas

Officer Comments

Policy

The property is positioned within the town centre of Barnoldswick and located outside of the restricted defined Primary and Secondary shopping frontages.

Policy 26 of The Replacement Pendle Local Plan (saved policy) defines what uses are acceptable within town centres. Proposals to introduce non-shopping uses in town centres and local shopping centres outside of defined Primary or Secondary shopping frontages will be supported. The introduction of non-shopping uses to a defined shopping frontage in a town centre or local shopping centre or within a defined local shopping frontage will also be approved.

Policy SDP5 (Retail Distribution) states that smaller-scale retail provision should be located within a town or local shopping centre.

Policy WRK4 (Retailing in Town Centres) states that retail uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

Paragraph 23 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.

Policy ENV2 (Achieving Quality and Design in Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

The Design Principles SPD expands on the requirements of Policy ENV2, it requires that rear extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy to the neighbours, or appear unduly dominant to neighbours.

Visual Amenity

The proposed change of use does involve external alterations by way of a door to the rear at first floor level and a black steel staircase providing access to the proposed flat. The external alterations are to the rear of the building and small in nature where they would not be readily seen from public vantage points. The alterations therefore raise no adverse issues of visual amenity and would not impact upon the character and appearance of the Conservation Area.

Residential Amenity

No kitchen extraction system is proposed in this application and the applicant has stated it is not required; it is therefore likely that the food preparation would be predominantly limited to cold food. It would not be appropriate to attach a condition requiring details of an extraction system to be submitted, if one is required at a later date a planning application would be required and its impact assessed at that time.

There is living accommodation at first floor level as existing. The proposed café would be an appropriate use of the property within a town centre location, a café would bring some noise and which would be more than a residential dwelling, however this would be expected given its use and which would be acceptable within a town centre location. Given the details the proposed use would not unacceptably impact upon the amenity of occupants of neighbouring dwellings and is therefore in compliance with policy ENV2.

Highways

The site is in an accessible town centre location with good public transport links, a public car parking is available near the site and adequate waiting restriction to restrict on road parking by visitors of the café is in place. Therefore the development should have negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

Summary

The submitted scheme is acceptable in terms of design, siting and impact on highways safety and neighbouring amenity. Therefore, the application is recommended for approval and would be in accordance with Policies ENV2, SDP5 and WRK4 of the Core Strategy Part , Policy 26 of the Replacement Pendle Local plan and the Councils Design Guidance.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed use is acceptable in terms of policy, amenity and highway safety. The

development therefore complies with the development plan. 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 proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

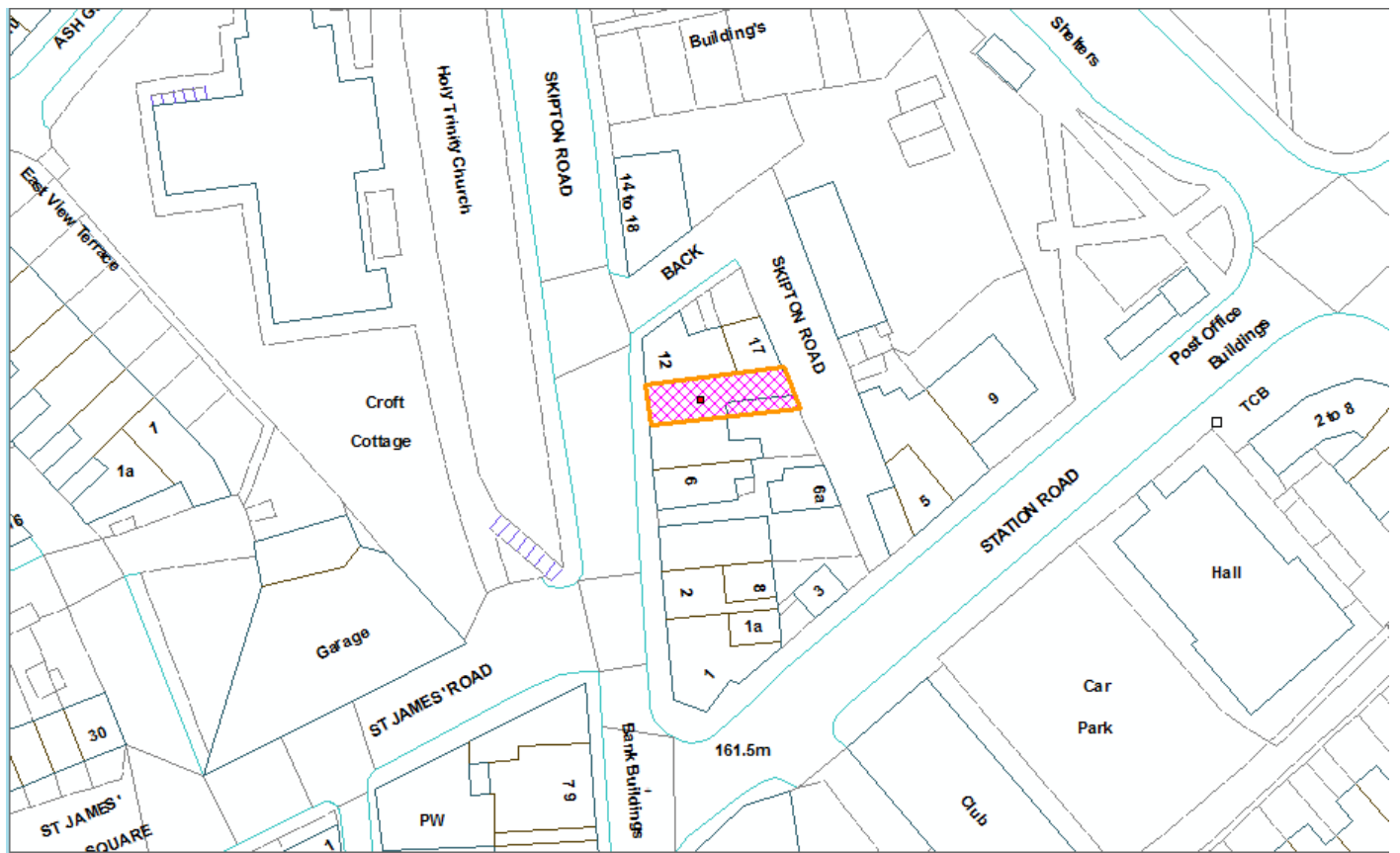
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: ADM/16/10/04, ADM/16/10/03, ADM/16/10/02

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

3. All materials to be used for the proposed development shall be as stated on the approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.



Application Ref: 16/0320/FUL

Proposal: Full: Change of use of dwelling (C3) to cafe (A3) at ground level, self-contained flat at first floor level and erection of an external staircase to rear.

At: 10 SKIPTON ROAD BARNOLDSWICK LANCASHIRE BB185NB

On behalf of: Mr D Sulley

REPORT TO WEST CRAVEN COMMITTEE ON 02 AUGUST 2016

Application Ref: 16/0382/RES

Proposal: Outline: Major: Erection of twenty dwellinghouses and construction of access road (Access, Layout and Scale only).

At: Land at junction of Greenberfield Lane and Gisburn Road, Barnoldswick

On behalf of: A Brooks & E Beezley

Date Registered: 16 May 2016

Expiry Date: 15 August 2016

Case Officer: Lee Greenwood

Site Description and Proposal

This application is brought to Committee as a major development.

The site comprises an area of open, maintained grassland, roughly 0.48 hectares in size. It is located adjacent to, but outside of the settlement boundary in this northernmost part of the town. Access to the site as existing and proposed is via Greenberfield Lane.

Outline consent, including matters of access, layout and scale, is sought for the erection of 20 houses on the site.

Relevant Planning History

None

Consultee Response

LCC Highways; comments awaited

Natural England; no comments to make.

Environment Agency; no comments received at time of writing.

Yorkshire Water; a water supply can be provided – UU should comment on waste water.

United Utilities; have assessed the FRA and proposals are acceptable in principle, subject to implementation of drainage strategy in line with the recommendations in the Assessment. A public sewer crosses the site, applicant must discuss necessary easements or diversions with UU.

PBC Environmental Health; recommend dwellings are provided with electric vehicle charging point; that protective measures against radon are installed; that construction dust is managed.

Lancashire Constabulary; make design recommendations prior to reserved matters application including use of natural surveillance, types of locks/doors/windows, boundary treatments, parking and use of lighting.

Barnoldswick Town Council; no comments received at time of writing.

Public Response

Thirty two neighbours notified, site and press notices also displayed; sixteen responses received, objecting on the following grounds;

- Is not a brownfield site, loss of greenfield land
- Other sites should be developed before this land
- Outside of settlement and within open countryside
- Impact on protected trees
- Poor visibility and dangers to highway safety with existing heavy duty vehicles using area
- Quiet area
- Adjacent lane is a roman road and is of archaeological importance
- Impact on wildlife
- Overdevelopment of site
- Will set a precedent for adjacent fields to be developed
- Site is within a flood plain and has drainage issues, prone to flooding
- Area already congested by residents parking
- Loss of views and privacy
- Devalue the countryside
- Impact on poor water pressure in area
- Conflict between traffic and pedestrians/walkers/runners/horses
- Impact on bus service
- Associated noise impacts
- Lack of supporting infrastructure
- Housing may not be required following EU referendum
- Of no benefit to the community
- Impact on property values
- Loss of agricultural land
- Highway impacts during busy periods including traffic to football club

Policy

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposal's compliance with this policy is addressed in the drainage and flood risk section.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

The following saved policies from the Replacement Pendle Local Plan are also relevant:

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

National Planning Policy Framework

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which is relevant to this proposal.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the publication of the Core Strategy. This is dealt with in detail below.

Paragraph 49 states that where a Council cannot demonstrate a five year supply of land policies that relate to the supply of housing will be considered out of date.

Section 7 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 64 of the Framework states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 56). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 58). It is also proper to seek to promote or reinforce local distinctiveness (para. 60).

Para 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused. There is no balancing exercise to be undertaken with other sections of the Framework as poor design is not sustainable development and the requirement under paragraph 14 is to allow sustainable development to come forward.

Principle of Housing

Proposals for new development should be located within a settlement boundary. These boundaries will be reviewed as part of the site allocations and development policies in order to identify additional sites to meet development needs where necessary. This however is a policy which relates to housing and is a restraint on housing supply. As we cannot demonstrate a five year supply of housing then this policy is out of date and should not be afforded any material weight in making a decision on housing developments.

This site is Greenfield land and whilst it is outside of the settlement boundary, it is immediately adjacent to it.

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

This site would be as sustainable as the surrounding residential housing and would be accessible in terms of local services and facilities in the town.

In this instance the proposed site would be sustainable, the principle of housing is acceptable and accords with policy LIV1.

Officer Comments

Layout, Landscape and Amenity Impact

Three of the proposed units (plots 3, 4 and 5) are intended to face out on to Gisburn Road and provide a frontage to this highly visible area of the site. The remainder of the development takes the form of an inward facing cul-de-sac, centred around the primary access road from Greenberfield Lane and an area of public open space to the eastern boundary of the land.

The scheme provides for a combination of 2 and 3 bedroom properties (inc. bungalows), some within short terraces and others detached or semi-detached. Each would be afforded an acceptable amount of curtilage with parking to be provided by way of spaces and/or garages on or adjacent to each plot. The orientation and layout of the site ensures that adequate separation distances to existing properties are maintained.

The land itself is not prominent in terms of wider public viewpoints, owing to its topography and location immediately adjacent to existing buildings.. The proposed dwellings are set in to the site on the eastern and southern boundaries meaning that a 'soft edge' is provided as the area transitions in to more rural open countryside. Whilst landscaping is reserved at this stage, a suitable scheme which compliments existing foliage on the site would help reduce any visual impacts that the development may have.

In this case the development of the land would not result in an unacceptable loss of open countryside, constituting the rounding off of development in the area, rather than representing an unacceptable or isolation incursion in to the landscape. The proposed layout retains a sense of space and is not overly cramped, being suitable for a site such as this.

Whilst it is acknowledged that the views of adjacent residents will change as a result of the development, it would not be to an unacceptable degree.

In light of the above the proposed development is acceptable in terms of impact on the Open Countryside and accords with policies ENV1, ENV2 and LIV1.

Highway Safety

Access is proposed via the point of an existing field gate on Greenberfield Lane. A new pedestrian footway would be provided around the Gisburn Road elevation and on to the Lane, leading in to the development and beyond to the bus terminal and football club access. No such path currently exists and such an arrangement represents an improvement in terms of pedestrian safety, as walkers, runners etc currently have to stand within the highway at this junction. The path would be located within the application site to ensure that the existing trees on the grass verge are retained.

The internal estate road is to be 5m wide with 2m pavements on either side, with a turning head at the southern end of the site. The current maximum parking standards would require 2 spaces per plot for dwellings of this size. The proposed scheme shows all 3 bedroom properties (14 in total) with 2 on site spaces. All 2 bedroom properties (6 in total) would have a single on site space. Accounting for the accessible location of the site, adjacent to existing bus routes and stops, a reduction in the level of provision would be acceptable.

Of primary concern from third party objectors is the potential for accidents arising from increased traffic at the site entrance and then at the junction with Gisburn Road. LCC information does not show any recorded history of accidents or collisions at this junction or in the immediate vicinity in past 5 years.

Whilst formal comments from LCC are awaited at the time of writing, they have provisionally indicated that with some amendments to the kerb line and radius leading out of the site on to the lane, the access could be safe and suitable to accommodate the development.

Any responses and amendments will be reported to Committee by way of an update.

Drainage and Flood Risk

Whilst not automatically required for a development of this scale, a Flood Risk and Drainage Impact Assessment has been provided to address any potential issues associated with the proposals.

The report advises, having sought pre-application advice from United Utilities (UU), that foul water can be discharged in to the public sewer and that as soakaways are not suitable in this location, surface water will discharge to the adjacent watercourse with restricted rates of flow.

The site lies within Flood Zone 1 and is therefore low risk of fluvial or pluvial flooding. The report advises that a suitably designed drainage scheme should also be able to mitigate and reduce any possible future incidences of both pluvial and fluvial flooding.

UU have confirmed that they are happy with the proposed arrangements subject to the imposition of conditions. The development thereby accords with Policy ENV7.

Affordable Housing

A condition will be added requiring one house to be an affordable unit in accordance with adopted policy LIV 4 to any grant of permission. The applicant has highlighted this point within their supporting statement and Plot 13 on the plans is denoted as being a 2 bedroom affordable property.

Trees

The applicant has provided a tree survey to account for the presence of protected trees adjacent to the site (TPO No.4 1990). The plans show root protection details for all trees to be retained to ensure they are not harmed during development. This can be controlled by condition to ensure that the proposed measures are correctly installed prior to the commencement of development.

Open Space

Policy LIV5 requires all proposals for residential units to provide on-site open space. The development provides a relatively large area adjacent to the eastern boundary which is overlooked by the majority of units.

This combined with the overall layout and the potential for suitable landscaping means that the proposal complies with Policy.

Other Issues

Several objectors have advised that Greenberfield Lane is a Roman road, as such it has archaeological value and should be afforded protection from alterations.

The lane has no formal designation as a scheduled monument and LCC are of the initial view that the lane would be deemed a public highway and therefore controlled under the relevant legislation. However, they have advised that Lancashire County Council Archaeology services may be able to provide more information with regard to this point and a response is awaited. Any update will be provided to Committee at the meeting.

Planning Balance

The Framework gives clear direction on the interpretation of policy in paragraphs 49 and 14 in situations where a five year supply of land cannot be demonstrated. Paragraph 49 indicates that in such circumstances policies on housing need be considered out of date.

Current case law in Hopkins Homes (this is being challenged in the Supreme Court but is currently the precedent case) is that there must be a wide interpretation of what policies relate to the supply of housing. That is the basis that Councils must apply the Framework against.

In the circumstances set out in paragraph 49 where the Local Plan housing policies are out of date paragraph 14 of the Framework applies.

This states for decision making where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- –any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- –specific policies in this Framework indicate development should be restricted.

The policy test is that any harm from a housing development must significantly and demonstrably outweigh the benefits. This is not therefore the normal weighting that would be given to housing schemes balancing the merits and harm of a scheme. Any harm must significantly outweigh the benefits.

Summary

The principle of residential development in this location is acceptable subject to confirmation of the access design/arrangements and any subsequent amendments which may be necessary. The proposed development would not have a detrimental impact on Open Countryside or residential amenity and accords with the adopted policies of the Pendle Local Plan: Part 1. The benefits of the scheme are acceptable using the normal planning consideration of the merits. Under the weighted balance under paragraph 14 of the Framework there would be a significant gap between any harm that could be demonstrated, which would be minimal, set against the benefits of the scheme.

RECOMMENDATION: Approve

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 2631

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

4. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
 - b) The areas and methods of loading and unloading of plant and materials.
 - c) The areas for the storage of plant and materials.
 - d) Details of wheel-washing facilities including location
 - e) Measures related to construction waste management
 - f) Measures to ensure that vehicle access of adjoining access points are not impeded.
 - g) Location and details of site compounds
 - h) Hoarding details during construction
 - i) Parking area(s) for construction traffic and personnel
 - j) Measures to control the emission of dust and dirt during construction

All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

5. The car parking shown on each plot shall be provided prior to occupation of the dwelling it relates to. This shall include surfacing of the driveway in accordance with the materials to be first agreed in writing by the Local Planning Authority. The spaces shall thereafter be retained at all times for the parking of cars in association with the occupants of the dwelling

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

6. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

7. The dwellings hereby approved shall not be occupied unless and until a scheme for all highway works to facilitate the proposed access to the site from Greenberfield Lane, including the creation of the new pedestrian footway to Gisburn Road and Greenberfield Lane have been submitted to and approved in writing by the Local Planning Authority. The new access and associated works shall be constructed in accordance with the agreed details before any dwelling hereby approved is occupied.

Reason: To ensure that the access can be achieved to a suitable standard to enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.

8. Within two weeks of the commencement of development details of a maintenance plan for the future management and maintenance of the public open space as shown on approved drawing 2631 shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the timescales and work required to be carried out on the site. The open space shall then be provided in its entirety prior to the occupation of any dwelling hereby approved and maintained in accordance with the agreed plan thereafter.

Reason: To ensure that the site is maintained in an appropriate manner.

9. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E, F and G of Part 1 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

A) no extensions shall be erected

B+C) no alterations to the roof of the building shall be carried out

D) no porches shall be erected

E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the building(s)

F) no hard surface shall be provided within the curtilage of the building(s)

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

10. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. The scheme shall include details of the flow attenuation measures for the surface water disposal system including final run off rates. The approved systems shall be installed in their entirety prior to the first occupation of any dwelling and shall thereafter be retained.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding

11. Unless approved in writing by the Local Planning Authority no ground clearance, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including service runs, the deposit of spoil or the storage of materials within the fenced

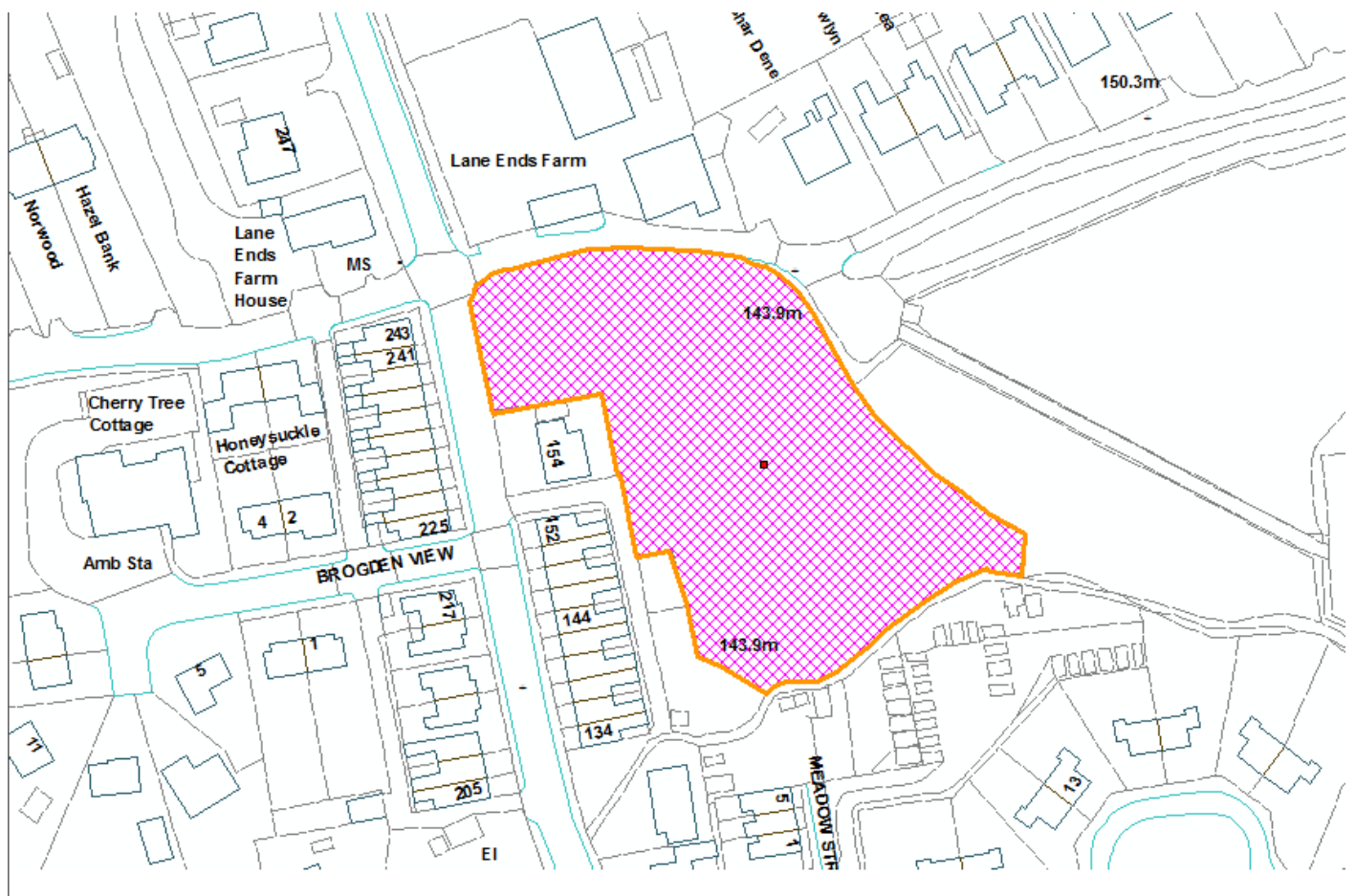
areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, with in the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To ensure that the trees are suitably protected throughout the construction process.

12. As shown on the approved plans, the development shall include the provision of one affordable housing unit. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

Reason: To ensure affordable housing is provided and retained.



Application Ref: 16/0382/RES

Proposal: Outline: Major: Erection of twenty dwellinghouses and construction of access road (Access, Layout and Scale only).

At: Land at junction of Greenberfield Lane and Gisburn Road, Barnoldswick

On behalf of: A Brooks & E Beezley

REPORT TO WEST CRAVEN COMMITTEE ON 2nd AUGUST 2016

Application Ref: 16/0410/FUL

Proposal: Full: Major: Demolition of existing structures; erection of food store (use class A1) (1735 sq.m.) including a new vehicular access, car parking, servicing and landscaping.

At: Crownest Mill Skipton Road Barnoldswick BB18 5RH

On behalf of: R.Soper Ltd (t/a Albert Hartley) and Aldi Stores Ltd

Date Registered: 8th June 2016

Expiry Date: 7th September 2016

Case Officer: Kathryn Hughes

Site Description and Proposal

The site currently contains a number of interlinked industrial buildings which are occupied by Albert Hartley Ltd. The site is bounded to the south by the remainder of the industrial units and the Household Waste Disposal Centre, to the east by Skipton Road, and to the north by Crownest Road. To the west is Stock Beck, a small stream which separates the site from the adjacent Victory Park recreation area. The site area is approximately 1.17 hectares.

The site originally housed the Crownest Mill which was built in the late 1800s, however, a fire removed many of the original parts of the mill. Parts of the site were then developed on an ad hoc basis with industrial buildings. Much of the site is taken up with a large northlight building to the north of the site. Immediately to the north of this is a single storey extension and a delivery area off Crownest Road and to the south are a number of single and two-storey buildings and a delivery area which are accessed off West Close Road.

The proposal is to erect a 1,735m² gross internal foodstore (Use Class A1) with a net sales area of 1,254sq.m.

The unit would measure approximately 64m x 35m x 8.8m high and would be finished in a mixture of Silver and Anthracite coloured cladding and glazing with a canopy extending along two elevations and the entrance.

Permission was granted in 2013 for a mixed use development on this site (13/12/0223P). The development included an industrial unit and a foodstore (3,344 sq.m. gross). This permission has now lapsed.

A sequential assessment has been submitted with this application as the proposal is for a main town centre use on an out of centre site as defined in the National Planning Policy Framework.

The proposed foodstore building is positioned to the north east of the site with the associated car parking located to the front of the site towards West Close Road. Access is from West Close Road. Servicing will also use the same access off Crownest Road.

A total of 120 parking spaces would be provided for the proposed food retail unit, this includes 102 standard spaces, parent and 12 child spaces and 6 disabled spaces. 12 short stay covered cycle stands will also be provided.

A Design & Access Statement, Planning & Retail Statement, Transport Assessment, Noise Assessment, Risk Assessment, Flood Risk Assessment and Ecology Statement have been submitted with this application.

Relevant Planning History

13/02/0649P - Erection of warehouse (2460sq m) including up to 1000 sq m light industrial use – Approved 4th February, 2003.

13/12/0223P – Outline: Major: (Access) Demolition of existing buildings and erection of an industrial unit and a foodstore with associated car parking, access, servicing and landscaping – Approved 1st October, 2012.

13/15/0172P- Demolition Determination: Demolition of works building Approved 5th May, 2015.

Consultee Response

LCC Highways – Comments awaited.

Yorkshire Water - have the following comments:

Water Supply

A water supply can be provided under the terms of the Water Industry Act, 1991.

Company records indicate at least two private water mains entering the site from Skipton Road.

Private pipes are not the responsibility of Yorkshire Water. Additionally, there may be other private pipes within, of which we hold no record.

Coal Authority – No comments.

Natural England

Environment Agency – We have reviewed the Albert Hartley Redevelopment Preliminary Risk Assessment (May 2012) report with respect to potential risks to controlled waters from land contamination.

Based on the information provided the site appears to have been utilized for a number of potentially contaminative land uses. Controlled water receptors potentially at risk include Stock Beck, nearby licensed abstractions and the underlying Secondary A aquifer.

We agree with the recommendations that an intrusive investigation is undertaken. We would also advise the Good practice for decommissioning redundant boreholes and wells is followed when decommissioning a well.

Given that the former land use was potentially contaminative which could potentially impact controlled waters we require further works prior to the development of the site to ensure that any unacceptable risks from contamination are adequately assessed and mitigated. Condition 1 has already been satisfied.

Environment Agency Position

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment.

Note condition 1 has already been satisfied.

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

Condition

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To prevent pollution of the water environment and comply with the National Planning Policy Framework.

Environment Agency position

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons

Advice to LPA

This condition has been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

The Local Planning Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the local planning authority decide to obtain the necessary information under condition we would request that this condition is applied.

Environment Agency position

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

National Planning Policy Framework (FRAMEWORK) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (FRAMEWORK, paragraph 121).

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

National Planning Policy Framework (FRAMEWORK) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (FRAMEWORK, paragraph 121).

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6478_8cbe6f.pdf

The Environment Agency wishes to make the following comments regarding the proposed development:-

Stock Beck is a designated Main River. As such, any proposed structures in or within 8m from the top of the riverbank requires an Environmental Permit.

The Environment Agency has a right of entry to Stock Beck by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact Colin Worswick on 02030 251256 to discuss our access requirements or apply for an Environmental Permit.

The proposed surface water discharge rate has been incorrectly estimated. The existing drainage

pipes will be designed to accommodate the 30 year rainfall event (which is industry standard), not the 100 year event as stated. To propose to discharge to 80% of the 100 year event is incorrect: the proposed discharge rate should be 80% of the existing 30 year discharge rate.

It is imperative that this new development is not positioned over the existing culverted watercourse called Crownest Syke. Building over culverts is considered bad practice and will restrict future access or replacement. A scheme to divert the existing culvert must be proposed before development proceeds.

United Utilities

Lancashire Constabulary - **The Crime Impact Statement is formed based on local crime figures and trends, incidents reported to the police and community knowledge gathered from local policing teams. It is with this knowledge and policing experience that the recommendations made are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.**

Crime Risks

Crime figures in this area are generally low however there have been burglaries and criminal damage offences reported in the area around this site in the last 12 months. Crimes types mainly reported at this type of development are across Lancashire are; theft (shoplifting), assault, theft of pedal cycles, and criminal damage.

Security has clearly been considered within the design of this proposal and measures are outlined in the DAS. These measures are supported.

I advise the following measures should be considered to further reduce crime and anti-social behaviour risks affecting the development and urge that the development is built to Secured by Design standards in line with the Pendle Core Strategy;

- Access into the service dock should be restricted during hours of closure by a 2m high (minimum) lockable metal gate or similar that would deter climbing but allow natural surveillance of the area from outside. Security lighting should also be installed in this area. It is concealed from the main circulation areas and natural surveillance from Skipton Road due to being positioned on the North West area of the site and therefore would be more vulnerable to burglary and anti-social behaviour if unrestricted access is available.

- Internal security measures should also be implemented to restrict access into staff only areas and also to slow down movement within the building should a burglary be committed, this would restrict the intruder access into areas within the building and also allow more time for police attendance should there be a confirmed intruder alarm activation.

- Internal CCTV should be installed to cover the entrance, general shop floor, payment areas and offices to deter attempts at theft and capture evidence of identification and behaviour should a crime or other incident occur. The system should be infrared to capture clear images in all lighting conditions and data should be stored for a 30 day period before being destroyed if not required.

Reason - To reduce crime and the fear of crime and create safe environments in accordance with;

Pendle Local plan Part 1: Core Strategy , Achieving Quality in Design and Conservation

Security

8.63 Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

8.68 Developments should be planned to be safe and secure for all users; 'designing out' crime and 'designing in' community safety, should be central to the planning and delivery of new development. Guidance on Crime Prevention through Environmental Design (CPTED) bases the attributes of safer, sustainable communities on seven key principles:

1. Access and Movement: Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.
2. Structure: Places where different uses do not cause conflict.
3. Surveillance: Places where all publicly accessible spaces are overlooked.
4. Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community.
5. Physical Protection: Places that include necessary, well-designed security features.
6. Activity: Places where the level of human activity is appropriate to the location and creates a sense of safety at all times.
7. Management and maintenance: Places that are designed with management and maintenance in mind, to discourage crime in the present and future.

8.69 Schemes such as Secured by Design, a police initiative to encourage the building industry to adopt crime prevention measures in the design of new developments, are a valuable tool in helping to improve the security of developments. They also help to reduce the opportunity for crime and the fear of crime, creating a safer and more secure environment. This sense of freedom from crime is a fundamental element in enjoying a good quality of life. Good practice guides such as By Design, Safer Places: The planning system and crime prevention and Safer Places A Counter Terrorism Supplement offer guidance on issues such as natural surveillance and development layouts.

Policy ENV 2

Developments should be safe and secure for occupants and passers-by, reducing crime or the fear of crime. The Council will encourage buildings to obtain Secured by Design or similar standards.

National Planning Policy Framework, Paragraph 58

“Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion”

Section 17 Crime and Disorder Act 1998

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

The above recommendations should be incorporated into the design, prior to achieving planning permission, in order to reduce the risk of crime affecting the future business, customers, staff and local community thereby promoting safer Pendle communities and reducing avoidable demand on policing resources.

Lead Local Flood Authority - **Insufficient information regarding the disposal of surface water:** It is evident from the application form that the applicant intends to dispose of surface water via an existing watercourse, however the applicant does not appear to have provided robust evidence of why higher priority discharge points, namely into the ground (infiltration), are not reasonably practicable in line with Planning Practice Guidance. The absence of this evidence is contrary to policy and would normally result in an objection from the LLFA. It is noted however, that reference is made to the potential use of infiltration within Section 6 of the Flood Risk Assessment (FRA) (Ref: 'PM4645', Dated: 'May 2016') and that a recommendation has been made for the ground conditions on site to be investigated in order to establish what sustainable methods of surface water disposal are feasible for the site. With this in

mind, the LLFA intends to give the applicant the opportunity to submit the required evidence prior to us providing a substantive response to the Local Planning Authority (LPA). Should it not be possible to provide the required evidence, then it is likely to result in an objection from the LLFA.

Should it be considered acceptable to dispose of surface water via an existing watercourse, then the LLFA would also require clarification over the intended outfall location. The reason for this is that the watercourse located along the eastern boundary of the site (Stock Beck) is classified as a main river, whereas the culverted watercourse that traverses the site (Crownest Syke) is classified as an ordinary watercourse. Should the applicant intend to discharge to the main river, then the Environment Agency would need to be consulted regarding the post development surface water run-off rates. Should the applicant intend to discharge to the ordinary watercourse however, then consultation regarding this would be with the LLFA. Until this has been clarified the LLFA would be unable to comment on the post development surface water run-off rates for the site.

Insufficient information regarding the culverted watercourse that traverses the site: It is evident from FRA that the existing mill was built over an ordinary watercourse (known as Crownest Syke) which has apparently been culverted through the site. Whilst it is noted that the intention is for this to be investigated to confirm its exact route, it is not clear what the applicant intends to do with the culvert should it be found to run under the area allocated for the new development. The LLFA is concerned by this as building over culverts is considered bad practice as it can restrict future access or replacement. The LLFA would therefore expect for the applicant to clarify/demonstrate that any new development will not be positioned over the existing culvert and should it be necessary, then a scheme to divert the culvert around the new development would be achievable. The LLFA intends to give the applicant the opportunity to address this prior to us providing a substantive response to the LPA. Should this not be possible, then it is likely to result in an objection from the LLFA. It should be noted that works to divert an ordinary watercourse would require land drainage consent and therefore, we would encourage the applicant to discuss this with the Flood Risk Management Team prior to submitting any further information. This is to ensure that any proposed scheme would be considered acceptable from a land drainage consent perspective. Further information on this can be found via the following link:

<http://www.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterationsto-a-watercourse.aspx>

PBC Environmental Health – Requires a contamination land condition to be attached to any grant of permission.

Public Response

Five comments received objecting to the proposal on the following grounds:

- Close to adjoining properties
- General dislike of proposal
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Noise nuisance
- Not enough info given on application
- Out of keeping with character of area
- Traffic or Highways - object the proposed plan to use Crownest Road as the entrance and exit to the Aldi store as this will increase on the volume of traffic which will cause traffic congestion, fume, noise and danger to public. Crownest Road already have traffic in and out from Rolls Royce workers and deliveries, the local park and residents. I also object the

proposed entrance facing Crownest Road as I am concerned with the volume of noise from shoppers, car doors banging, sound of trolleys, children etc 7 days a week from early hours to late at night.

- As a local resident we want to minimise the noise as we already have constant noise from Rolls Royce and petrol station.
- Welcome the development of the factory site, but have concerns regarding parking and access for residents such as myself and my neighbours.
- The bus stop partly outside my house is to be upgraded, which will make parking even more of a problem than it already is. The limited parking at the front and rear of Bankfield Terrace is already causing friction amongst residents, and losing more space will only make the situation worse.
- If the bus stop is to be upgraded to provide access to the new store, would it be possible to move it to the proposed pedestrian access link outside the store itself, which would be more convenient for both residents and passengers, this would also reduce the risk of accidents from the heavy traffic entering and leaving Rolls-Royce main entrance and the Spar petrol station.
- I am unable to park at the rear of my home due to the narrowness of the backstreet as are my neighbours in the higher numbered residences without parking access will not be able to keep a car and will not be able to get to work.
- Rolls-Royce own the adjacent Bankfield site, which has been in the company's ownership since the 1940s. The site manufactures fan blades for aircraft engines and employs over 700 staff. The factory along with its sister Ghyll Brow operates on a 24/7 basis. Employee parking is located at the end of Crownest Road which provides over 400 parking spaces.
- Rolls-Royce support the principle of retail development on the site, and believe a new food store would be of benefit to Barnoldswick; however, Rolls-Royce have concerns with parking, servicing, visibility, and the impact on the Skipton Road-Crownest Road Junction.
- Crownest Road is the sole access used by Rolls-Royce employees to access the staff car park for the Bankfield site. The Aldi application proposes to use the same road to provide access to the food store. Rolls-Royce's concern is that, at busier times, Aldi customers may park in the Bankfield site staff parking area or along Crownest Road.
- The proposal includes 120 spaces, which are based on the maximum standards in the Pendle Replacement Local Plan; these were developed in line with the maximum standards required in PPG2, which was national policy at the time of the Replacement Local Plan. Maximum standards are now no longer part of national policy, and local planning authorities should only impose local parking standards for non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.
- It is important that the proposal provides sufficient parking to ensure that customers do not park outside of the store area. The plans include an area to the west of the proposed Aldi store – named Area B – for temporary car parking / development opportunity; this area could provide an additional parking area for situations where customers cannot park in the Aldi store car park.
- Of further concern is a lack of nearby public car parking which may lead to on street parking on Crownest Road and other nearby residential streets.

- The proposal would use servicing access from Crownest Road, using the same vehicular access point as provided for customer traffic. The Retail Planning Statement notes that a maximum of approximately three to four articulated lorry deliveries would take place each day plus a single delivery from a local milk supplier, and that deliveries would take no longer than an hour. The method of delivery shown on the submitted plans indicates that vehicles will have to reverse manoeuvre from Crownest Road over the food store car park in order to access the loading bay. There are major concerns over whether this is safe. When the loading bay is in use, there are no other spaces available for lorries to wait other than on local roads.
- Rolls-Royce's concern is that Crownest Road may become, at certain times of the day, over-loaded with vehicular traffic as the road would be used by Aldi customers, Aldi HGV vehicles, and Rolls-Royce staff who use the Bankfield staff car park. The timing of service deliveries, therefore, will need to be carefully managed to ensure that they are spread throughout the working day. We suggest that deliveries only take place outside of peak hours (8-9am and 5- 6pm) to avoid the use of Crownest Road when Rolls-Royce staff are arriving and leaving.
- Based on junction capacity assessments, the Transport Assessment concludes that the proposed development will not have a material impact on the performance of the Skipton Road- Crownest Road. However, the short distance between the junction and the Aldi store entrance could lead to traffic backing up at the junction of Skipton Road and Crownest Road, and impact on traffic flow along Skipton Road, particularly at delivery times.
- The Design and Access Statement notes that the existing junction between Crownest Road and Skipton Road would be improved with a greater radius, as well as lowering the perimeter wall along Skipton Road for better visibility for egress to and from Crownest Road. Rolls-Royce support these measures, but recommend that these are scrutinised to ensure they provide the best possible solution and do not constrain vehicular movement.
- Please note that we will shortly be submitting planning applications for extensions to a manufacturing facility in the Bankfield site on behalf of Rolls-Royce; these may need to be taken into account for the Aldi application.
- The applicant's Planning and Retail Statement recognises that this application proposed an out-of-centre food store in a Protected Employment Area and that it should be determined in accordance with policies of the Pendle Core Strategy, saved policies of the Replacement Pendle Local Plan (2006) and policies of the National Planning Policy Framework.
- The PRS seeks to show that these conflicts in policy are mitigated by the previous lapsed permission on this site for a different kind of supermarket; because there is no sequentially preferable site for a discount foodstore within or on the edge of the town centre; and because there will be no significant adverse impact on the town centre.
- The Co-operative Group does not agree with the applicant's assessment of retail impacts on the town centre because it believes that forecasts in the PRS of the turnover and pattern of trade draw of the proposed food store are not reliable.
- In any event, the PRS does not demonstrate that there are significant, material planning considerations to outweigh policies SDP5, WRK 2 and WRK 4b of the Core Strategy.
- Accordingly, the Co-operative calls on Pendle Borough Council to refuse this application as it is contrary to local and national planning policies.

Officer Comments

The main issues to consider are policy issues, Impact of the proposed deep discount retail use on shopping patterns and the vitality and viability of Barnoldswick Town Centre, impact on amenity, design and materials, landscaping and highway safety/parking issues.

The application site represents an area of previously developed (Brownfield) land. The Replacement Pendle Local Plan and its Proposals Map identifies the site as situated within the:

- Settlement Boundary for Barnoldswick (Policy 1/Policy SDP2)
- Bankfield /Crow Nest /Long Ing Protected Employment Area (Policy 22/Policy WRK2)

The site is adjacent to the Corn Mill and Valley Gardens Conservation Area (Policy 10/Policy ENV1)

The principle of retail use on the site was established following the approval of planning application 13/12/0223P.

Policy Implications

The following Core Strategy Policies are relevant to this application:

Policy SDP1 – sets out the presumption in favour of sustainable development.

Policy SDP2 – sets out the Key Service Centres and Local Service Centre for the borough

Policy ENV1 Protecting and Enhancing Our Natural and Historic Environments requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy ENV4 – seeks to support strategic transport scheme and accessible developments.

Policy ENV5 – sets out requirements for development and pollution and unstable land.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposal's compliance with this policy is addressed in the flooding and drainage section.

Policy WRK1 – seeks to strengthen the local economy and facilitate expansion and growth within the Borough.

Policy WRK2 – set out the requirement for employment land supply for the Borough.

Policy WRK4 – supports the spatial development strategy for the Borough and states where retail applications should be located and sets out positive contributions to the Town Centres and Local Shopping Centres. It seeks to promote vitality and maintain viability. The approach for site selections is as set out within the Framework.

Policy WRK6 – encourages the provision of well-designed workplaces that meet the needs of businesses and their employees.

The following saved policies of the Replacement Pendle Local Plan (2001-2016) are relevant to this application:

Policy 8 'Contamination and Pollution' - refers to proposals where odours, noise or vibration are likely, should be accompanied by a statement illustrating the levels of potential pollution and any remedial action to be undertaken. A land contamination report and noise assessment has been submitted with the application.

Policy 10 (Areas of Special Architectural or Historic interest) seeks to conserve areas of identified historic or architectural interest. It requires high standards of design in developments that may affect the character and appearance of a Conservation Area, or its setting.

The application site is close to the Corn Mill and Valley Gardens Conservation Area. Issues relating to appropriateness to and impact on the character and setting of the Conservation Area are dealt with in the Design section below.

Policy 16 (Landscaping in New Development) states that all development proposals, which involve new build, should include a scheme of landscaping sympathetic to the site's character and vicinity.

An assessment of the appropriateness of the landscaping of the development is set out in the Design section below.

Policy 22 (Protected Employment Areas) has been replaced by policy WRK 2 of the Part 1 Plan. The areas allocated for employment protection have not however altered. This policy has now been replaced by Policy WRK2.

Policy 25 (Location of Service and Retail Development) paragraph 25.10 outlines a retail hierarchy for Pendle indicating that Nelson, Colne and Barnoldswick are defined as town centres, whilst Brierfield, Barrowford and Earby are defined as local shopping centres.

Priority should be given to locating major developments (those serving more than the local town) in Nelson or Colne (Para 25.2). Any major development should not compromise the adjoining centres in terms of their vitality and viability.

In order of priority, new retail and service development should be located:

1. Within a defined town centre, local shopping centre or local frontage
2. On an edge-of-centre allocated site (subject to Policy 27)
3. On the edge of a defined town centre
4. Elsewhere outside of a defined town centre or local shopping centre, with preference given to sites which are, or will be, well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.

Development in an out-of-centre location (Category 4 above) will be restricted to non-food retail A1, D2 or specified Sui Generis uses (Para 25.5). The Framework sets out a structured way of dealing with the location of new retail (and other) development which is not consistent with the approach taken in Policy 25.5.

A primary shopping area has not been defined for Barnoldswick. However the Framework sets out the definitions for terms used to define the different types of retail location. It states that a primary shopping area is defined as "generally comprising the primary and those secondary frontages which are contiguous and closely related to the primary shopping frontage.

The entrance to the store would be 450m from the boundary of the Primary Shopping Area (PSA). As such the site is in an out-of-centre location, bringing it within the ambit of Criterion 4.

An area of terraced housing separates the proposed store from the town centre and the most direct pedestrian route between the two – along Wellhouse Road – requires the crossing of three highways:

(1) Wellhouse Road, which represents the main vehicular access to the Crow Nest Industrial Estate.

(2) The entrance to the busy Fernlea Avenue car park, off Wellhouse Road.

(3) Fernlea Avenue (B6383).

The town centre is also elevated above the height of the site which means people walking to it would need to walk up hill.

The development would not form strong linkages with the town centre. This has been tested on a previous appeal for two other retail sites closer to the town centre than the application site.

Policy 31 (Car Parking) promotes the use of maximum parking standards (Appendix 2) to encourage the use of sustainable modes of transport, including walking and cycling.

The new development would have 120 car parking spaces, of which 12 will be easily accessible and reserved for mobility impaired users.

Developments for A1 food retailing, with a gross floor area in excess of 500m², in a medium accessibility location (i.e. scoring between 16 and 23 points) (Appendix 2, Table C), should provide car parking spaces at a ratio of 1:15-1:16. This would indicate a car parking requirement of between 97 and 104 spaces, based on the assumption that the baseline is reduced by 10%. As such the proposed level of car parking provision is above the guidelines set out in Policy 31. In addition covered stands for 12 cycles are to be provided, which is acceptable.

National Planning Policy Framework

The National Planning Policy Framework sets out the presumption in favour of sustainable development; that planning should proactively drive and support development and; that efforts should be made to identify and meet housing, business and other development needs. In addition, the Framework states that Local Authorities should approve applications where practical to do so and attach significant weight to the benefits of economic and housing growth.

The Framework also states "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

Pendle has an up-date Local Plan in the Pendle Local Plan Core Strategy: Part 1, adopted December, 2015.

The Framework states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of town centres. The Framework states that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their vitality and viability

Local planning authorities should promote competitive town centres that provide customer choice and a diverse retail offer. They should also allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites

are not available. If sufficient edge of centre sites cannot be identified, they should set policies for meeting the identified needs in other accessible locations that are well connected to the town centre.

The Framework retains the sequential approach to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Annex 2 of the Framework sets out the definitions for terms used to define the different types of retail location. As noted previously, the application site lies outside the town centre boundary. To be considered an edge-of-centre site, for retail purposes, a location should be well connected and up to 300 metres from the primary shopping area (N.B. A primary shopping area for Barnoldswick is not defined on the Replacement Pendle Local Plan (2001-2016) Proposals Map). In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

The application site is more than 300 metres from the 'primary shopping area' (see comments under Policy 25 above) in Barnoldswick town centre and is therefore considered to occupy an out-of-centre location, in accordance with the definitions set out in Annex 2 of the Framework.

Section 4 (paragraphs 29 to 41) of the Framework deals with promoting sustainable transport. This recognises that transport policies have an important role in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (paragraph 34). Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities (paragraph 37).

Section 12 of the Framework (paragraphs 126 to 141) is applicable and regard must be had to the relevant guidance within. Paragraph 128 requires applicants to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance and an assessment of the impact of the proposal. Paragraph 129 requires that local planning authorities identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Pendle Retail Capacity Study

The Pendle Retail Capacity Study (RCS), prepared by Nathaniel Lichfield & Partners, was adopted by Pendle Borough Council in May 2007 and was updated in 2012. It is a material consideration, which must be applied alongside local planning policy. The PCRS was subsequently updated to take account of population change and the effects of the post 2007 downturn. The revised PRCS was adopted by Pendle Borough Council in August 2012. The figures below refer to the update unless otherwise stated.

The PCRS identified that there was potential for a further 551m² of convenience goods sales floorspace in Pendle up to 2023 increasing to 1, 262 m² by 2033.

Pendle Retail Survey 2016

The Pendle Retail Survey 2016 (PRS) has a base date of July 2016. This survey recorded just six vacant units in Barnoldswick town centre, equivalent to 3.9% of all premises occupied by town centre uses (209 units). This is significantly lower than the Borough average of 14.7% and the national average for small-sized shopping centres, which in 2015 stood at 9.2% (H2 Report 2014, Local Data Company, February 2015).

There are no significant concentrations of vacant units in Barnoldswick town centre. Of the six vacant units:

- One has been continuously vacant since 2008 (office), one since 2010 (shop), one since 2013 (shop) and two since 2015 (shop and physiotherapy).
- None of the vacant units are within a Primary Shopping Frontage (41 units in total)
- Five of the vacant units are within a Secondary Shopping Frontage (73 units in total)

Employment Land Review

The Pendle Employment Land Review (ELR) was adopted by Pendle Borough Council in September 2014. The primary purpose of this document is to provide baseline information for the employment policies included in the Council's Local Plan.

The ELR indicates that almost 11% of all employment land take-up since 2003/04 has been in Barnoldswick (Table 5.2).

Out of the current employment land portfolio six sites are situated in Barnoldswick, accounting for 6.75ha or almost 16% of the total employment land available in Pendle (7.4). This would suggest a slight surplus of land when compared to past take-up.

However, the site at Barnsey Shed (1.68ha) is currently the subject of a planning application for housing. The site at Silentnight in nearby Salterforth (1.89ha) has already been lost to housing. Should Barnsey Shed be lost to housing just 15% of the available employment land will be in West Craven, below the past take-up rate of 15.3% (Table 5.2).

The applicant advances the argument in the supporting planning statement that the development conforms to policy WRK 2.

The policy allows for B1, B2 and B8 developments in protected employment areas. It also indicates there is a small allowance for the provision of, amongst other things, shops to serve the immediate area.

The application is a major development. It would not fit within any realistic definition of a small allowance for retail developments.

Policy WRK 2 also has the requirement that any retail use would serve the immediate needs of the area. Reference to the area refers to the employment area. The applicant argues that reference to the immediate area relates to the wider area of Barnoldswick. It clearly does not. The purpose of the exception is to allow for example a sandwich shop to serve the needs of workers in the employment area.

The development is contrary to the provisions of policy WRK 2.

It is accepted that the development would bring direct economic benefits through employing staff. Although any retailer would be able to occupy the site the current applicant has graduate and apprenticeship programmes.

Design

The Framework para 131 requires LPA's to take account of the desirability of new development making a positive contribution to local character and distinctiveness. In addition, para 137 encourages new development within the setting of conservation areas to enhance or better reveal their significance. Development incorporating well designed new buildings and landscaping, whilst retaining key elements of character, could contribute to this.

Taking this into account, the partial loss of the buildings on the site this is acceptable.

There would be no negative impact on the setting of the conservation area. The proposal would preserve the character and appearance of the adjacent conservation area. Although the proposal would result in the partial loss of buildings on the site, taking into account their condition and contribution to townscape, it is concluded that, even if they are accepted as non-designated heritage asset, which is not accepted, that loss would be outweighed by the clear benefits from the redevelopment of the site.

The impact of any lighting, the proposed landscaping and boundary treatments can be controlled by appropriate conditions.

In general terms the design of the development is acceptable and complies with policy.

Sequential Assessment

Paragraph 24 of the Framework requires the submission of a sequential site assessment for planning applications for main town centre uses that are not located within an existing centre and are not in accordance with an up-to-date Local Plan, in order to determine whether there are any suitable alternative sites located within or on the edge of the town centre. In accordance with paragraph 27 of the Framework, where an application fails to satisfy the requirements of the sequential test it should be refused.

The current application seeks permission for a main town centre use (Class A1 retail) in an out-of-centre location, and is therefore subject to the requirements of the sequential test.

Section 7 of the Planning and Retail Statement sets out a sequential assessment which, based on the size and trading characteristics of the proposed store, considers sites within or on the edge of Barnoldswick town centre.

The sequential assessment concludes that:

- There are no sequentially preferable sites within or on the edge of Barnoldswick town centre which could accommodate the proposed development, and:
- The town centre offers limited opportunity to accommodate additional retail development

There are no vacant units in the town centre that could accommodate that scale of floor space.

It is accepted that a store of this size would be better located in Barnoldswick than the smaller settlements nearby. It is also accepted that there are no vacant units in Barnoldswick Town Centre that could accommodate a store of the size established in the site selection criteria.

The overall impact of the development on the town centre, its economic impact and the policies of the Framework need to be weighed in overall terms.

Policy 25.2 of the Local Plan gives priority to major new retail development that serve more than the local town to go to Nelson or Colne. The development proposed would not serve a wider than local need and complies with 25.2.

The sequential assessment considers a range of sites that are commensurate with the size of site required for the development. This includes Rainhall Road car Park, Wellhouse Road Car Park and open space. An objection has been received which criticises the assessment for missing the Carlson Filtration site. This site however is in use by a manufacturer and there is nothing to suggest that the site may be made available, particularly as the company has invested in the site since a retail application was pursued on it.

I am satisfied that there are no suitable or available sites located within or on the edge of existing defined centres within the catchment area that could accommodate the proposed development that would be sequentially preferable.

Impact on Economy and Town Centres

In planning policy terms, the proposed development is a main town centre use proposed to be located in an out of centre location. Local Plan Policy 25 states that new retail development should be located (in order of priority), in a town centre; on an edge of centre allocated site; on the edge of a defined centre; and lastly outside of a defined town or local shopping centre (with preference where sites will be well served by a choice of means of transport, which are close to the centre and have a high likelihood of forming links with the centre).

The site of the proposed store is in the lowest priority out of centre location. In this case, it is accepted that the site is served by a choice of means of transport, albeit limited, with bus stops located in close proximity to the site.

An area of terraced housing separates the proposed store from the town centre and the most direct pedestrian route between the two, along Skipton Road, requires the crossing of highways. The distance from the store front to the edge of the Primary Shopping Area (agreed definition) is 450m. The site is also at a lower elevation than the town centre so people would walk up hill to it. As such, it is unlikely that the new store will form strong linkages with the established town centre.

The Framework retains the sequential approach when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre (para 24). Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Vitality and Viability of Barnoldswick Town Centre

The application has been accompanied by a retail impact basement. This has been independently assessed by retail consultants employed by Pendle. The retail impacts have also been criticised by the Co-op who have submitted a comprehensive objection to the development.

The following comments relate to the merits of the retail information submitted on the application.

The retail assessment is accompanied by a health check of Barnoldswick Town Centre (April 2016). The Health Check, which updates a previous assessment, concludes that the town centre '*shows strong signs of vitality and viability and can be regarded as extremely healthy at the present time*'.

It is noted, however, that whilst the centre exhibits a very low vacancy rate it has a below average number of both convenience and comparison retail units but a significantly higher than average

number of service/miscellaneous units (46%). Significant impact on the existing retail units from out of centre retail provision could further skew the overall balance of town centre uses and this, in turn, could affect the long term vitality and viability of the centre.

Catchment Area

The applicant has utilised the same catchment area as that previously adopted for the retail impact assessment which accompanied the 2013 food store proposal. The catchment is considered acceptable based on the scale and trading characteristics of the current proposal.

Trade Draw

The assessment assumes that 90% of the store trade will be drawn from within the catchment area with the remaining 10% coming from outside of the catchment. This trade draw % split is consistent with that considered appropriate and approved during consideration of the previous consent on the site. However it must be noted that the size of the development is different to the retail development previously proposed and hence the trade draw will be potentially different. The assumptions however made on trade draw are robust.

Based on the findings of the household study, the assessment identifies 68% of total convenience expenditure from the catchment is being spent in foodstores within Colne, Skipton and elsewhere.

There is potential to claw back a significant degree of this expenditure and in order to achieve this, the convenience provision within the town requires qualitative improvement. This requirement is supported by the Council Retail Study which states that the retention of convenience good expenditure in Barnoldswick would lead to an increase in scope for additional convenience goods floor space.

The use of Mintel retail rankings data is considered to be acceptable.

The use, by the applicant, of bespoke Experian data reports to determine population and expenditure is considered to be acceptable.

Trading Impact

The applicant's assessment (Table 6) identifies a trading impact of -10.26% on Barnoldswick town centre and impact of -12.66% on the Co-Op, Rainfall Road. It also identifies a trading impact of -21.23 % and -11.81% on Aldi stores in Cole and Skipton respectively.

The assessment indicates that it will continue to operate above the benchmark turnover. It is not anticipated that it will suffer significant adverse harm from the proposed development.

As indicated in the Planning Practice Guidance, a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact. This is not the case in Barnoldswick where the health check has identified an active, vibrant and well used town centre albeit with a large proportion of service/leisure uses compared to the national average. It also needs to be noted that 68% of convenience expenditure leaks out of the town presently so the town does not currently benefit from that expenditure. The development is projected to capture a significant amount of that already leaking expenditure.

It is acknowledged that trading impact is broadly experienced on a 'like for like' basis and the level of trade diversion anticipated from Aldi and Lidl stores in Colne and Skipton is accepted.

It is widely accepted that comparison trade within a deep discounter such as that proposed is ancillary to the main convenience role. Based on the small scale of the comparison floorspace the RIA findings that there will be limited impact on existing comparison retail within the catchment area is accepted.

Summary of retail impact

The Planning and Retail Statement includes a sequential assessment which concludes that there are no suitable sites available to accommodate the proposed development within or on the edge of Barnoldswick Town Centre.

Whilst the floorspace proposed as part of the application is below the threshold for the requirement of a retail impact assessment as set out in the FRAMEWORK, the applicant has undertaken a quantitative and qualitative retail impact.

The retail impact assessment concludes that only a modest amount of expenditure would be diverted from existing in centre retail provision within the catchment and that the proposal would not result in '*significant adverse impact*'.

The development of the site for a food retail unit would not result in a significant adverse impact and it would serve to retain expenditure which is currently being lost to other foodstore provision in the catchment.

The findings of the RIA are accepted and the proposed development would not result in a significant adverse impact on the vitality and viability of the town centre.

Notwithstanding the above, should planning permission be granted for a foodstore at this location conditions should be attached which limit the sale of goods to predominantly convenience with only limited comparison sales floorspace. The applicant has indicated that they are willing to accept such a condition. A condition which limits the use to 'deep discount' retail operations should also be attached as the impact assessment has been prepared on this basis.

Furthermore it is suggested that a condition is imposed which prevented the future subdivision of the unit

There are concerns relating to the potential impact of a standalone deep discount store. These concerns would be of more significance if the store operated at a higher level of sales density than predicted by the applicant or if predicted levels of expenditure and clawback are not achieved. Set against this, account needs to be given to the fact that the most significant impact would be on the existing Co-op store which is currently overtrading and would not be likely to close even if the anticipated diversion occurs. Weighing all these factors together it is concluded that there are insufficient grounds to conclude otherwise than that there would be likely to be sufficient capacity in the catchment area to accommodate a deep discount store of the scale proposed on its own without undue adverse impact on the vitality and viability of the existing centre.

The submitted Retail Assessment and health check on Barnoldswick Town Centre have been independently assessed as detailed above and the conclusions are found to be valid and acceptable.

Impact on existing, committed and planned public and private investment

There are no other similar developments within existing centres within the catchment area which are under construction. There are no other permissions or developments which would militate against the determination of this application.

The Framework requires that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. As noted above the application site is not well related to the town centre in terms of physical distance and the physical barriers between them. However, bus stops are located within a reasonable distance of the application site with regular services passing through Barnoldswick town centre and Earby, Kelbrook, Foulridge and Thornton-in-Craven. The site is therefore in an accessible location. Provision would be made for cycle parking at the site. No sequentially preferable sites are however available. The proposal is therefore considered to be compliant, in this respect, with the Framework.

Where no significant adverse impact has been identified and no sequentially preferable site is available, consideration needs to be given to the acceptability of the proposal in relation to the wider economic, social and environmental themes set out in the Framework and the Development Plan. This is dealt with in the final section of this report.

Issues relating to the loss of employment land and impact on employment are dealt with in the next section.

There are no other permissions or developments which would militate against the determination of this application.

Loss of Employment Land

As detailed in the Policy section above, within a protected employment area proposals for development other than for business or general industry (B1, B2 and B8) will be resisted unless they meet the requirements of other policies as set out in the Local Plan.

The applicant has already sought and received consent in May, 2015 to demolish the north light shed element of the site and cites the following factors:-

- The buildings to be demolished no longer form part of Albert Hartley's operation;
- The previous application accepted that the structures were not fit for purpose and accepted demolition;
- An Aldi foodstore of this size proposed would employ 40 staff at above average industry pay;
- Aldi apprenticeships , industrial placements and graduate programmes and was ranked 4th in The Times top 100 Graduate Employers 2014 and 1st in the retail sector.

The Employment Land Review (ELR) has identified an adequate supply of employment land in West Craven. The issue relevant to the determination of this application is whether the loss of this protected employment land would harm the objectives of Policy WRK2.

Although consent has been granted for demolition this does not mean the site is no longer protected for employment uses.

As the proposal is clearly not ancillary to the main use of the site, it is necessary for the applicant to demonstrate that the proposed development represents a significant benefit to the local economy.

The development of a food store on this site would represent a significant private investment in the Borough. It would ensure that expenditure which currently flows out of the West Craven area, including outside Pendle (to Craven) would be retained, to the benefit of the local economy.

Pendle requires further land to be allocated for employment use across the Borough as set out in its Employment Land Review and the Core Strategy. The loss of this land needs to be balanced with the overall supply of land in the Borough and Barnoldswick and the significance the development could have in terms of benefiting the local economy.

The policy position is that the development would be contrary to WRK 2. In order to be supported the development would need to demonstrate that there would be other economic benefits that would outweigh the loss of employment land.

The application indicates that this part of the Albert Hartley's site is no longer used for by Albert Hartley's. There has not however been any analysis of the potential redevelopment of that land for B1, B2 or B8 uses, in line with policy WRK 2, would be possible. There is evidence from the buildings opposite, which have been bought for redevelopment that there is some demand for industrial uses in that location.

The development would bring economic benefits through the provision of local jobs. There would also be business rates produced and there would be jobs associated with the construction of the building.

The supporting documents accompanying the application argue that the development is in line with policy. It clearly is not and would be a departure from WRK 2.

In pre-application discussions it was indicated that the development would result in investment in the remaining Albert Hartley site. Without this investment there is no certainty of the longer term future of that site and this could result in the development having a significant overall adverse economic impact. Without a positive impact on the existing business the development would not be acceptable.

Discussions on this are ongoing with the applicant to secure investment in the existing business. This is similar to the approach taken on the previous application for retail development on the site. The recommendation to approve below is predicated on the applicant agreeing to that investment. If that does not happen the recommendation will be changed to that of refusal.

Transport and impact on Highway Network

The access to the development would be via Albert road. A safe access can be provided that would accommodate the delivery and customers using the site. The vehicular access into the store and service area is acceptable subject to appropriate conditions.

Whilst formal comments from LCC Highways are expected shortly is not anticipated that there will be any formal objection on highway grounds and that any technical issues that may arise can be addressed by condition or requirements for s.106 contributions. Additional conditions to those detailed below may be requested by LCC and an update to Committee will be made if necessary.

Impact on Residential Amenity

There are residential properties in close proximity to the site. There are residential properties on the north of the site, across Crownest Road, which front directly onto Skipton Road the proposed service yard. There are also residential properties on the far side of Skipton Road in Vicarage Road, (the nearest being approximately 65m from the site boundary).

The impact on residential amenity could potentially occur in four main ways. These are the effect from noise and disturbance, direct effect from building work (including fencing), impact on outlook from residential properties and light pollution.

In terms of the latter issue external lighting can be adequately controlled by condition.

A noise assessment has been submitted as part of the application. This is currently being assessed by Environmental Health and any update on this will be provided to the meeting.

Access to the site is from Skipton Road onto Albert Road. The access into the site is half way along Albert Road.

Servicing is proposed for the west section of the store at the farthest point of the site away from residential developments.

The servicing would involve up to vehicles a day, four articulated lorries and a milk delivery. The main delivery would be via a vehicle that would dock with the service doors

The proposed opening times are 08:00 hours to 22:00 hours – Mondays to Saturdays and 09:00 hours to 17:00 hours – Sundays. Servicing times are proposed to be 06:00 hours to 23:00 hours – Mondays to Saturdays and 08:00 hours to 18:00 hours – Sundays

The use of the site by customers during the opening times proposed would not result in any loss of amenity.

Early morning deliveries pose the largest potential noise impact. These would however be undertaken in a controlled manner as set out in the supporting document. There would be a dedicated internal storage area, delivery ramp, sheltered canopy and dock leveller system. This will enable the delivery of products without any external activity such as forklift trucks or the movement of cages across tarmac. This should be conditioned.

Noise from plant can be controlled via an appropriate condition which would require a further assessment from sources such as condensing units and other associated plant.

The potential for noise and disturbance during the construction period can be controlled via an appropriate condition.

The building itself, taking into account its height and relationship to residential properties, would not have a direct adverse impact on those properties in terms of loss of light, overshadowing or an overbearing appearance.

Ecology

A Phase One Habitat Survey has been undertaken which included an assessment of the habitat to determine whether it is suitable for protected species.

No evidence of any protected species was found and the vegetation has low ecological value.

Other Issues

The application includes a Flood Risk Assessment (FRA). The FRA indicates that, development of the site should be possible with careful consideration of the surface water and foul drainage, as well as other possible flooding issues. The proposals should balance the flood storage volumes and should not impede overland flows or in channel flows in regard to the proposed footbridge. The proposed footbridge soffit level should be designed to be above the 1 in 100 year climate change level so the footbridge does not impede on flood flows. Infiltration, if suitable, would be the preferred method of discharge of surface water, with all flows in excess of the infiltration rate being attenuated on site.

The LLFA has requested further information from the applicant to clarify/demonstrate that any new development will not be positioned over the existing culvert and should it be necessary, then a scheme to divert the culvert around the new development would be achievable. The agent has been made aware of this and further information to satisfactorily address this issue is expected.

A Contaminated Land Desk Study and Preliminary Ground Investigation report has been submitted which demonstrates that any potential risks and constraints associated with contaminated land can be adequately mitigated. This can be subject of a condition.

S106 Contributions

The Community Infrastructure Levy Regulations 2010 require that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

At the time of writing this report formal comments from LCC Highways have not been received. Negotiations on the investment discussed at pre-application stage have also not been concluded which would inform the requirement for a section 106 agreement.

Conclusion

The proposed development would be significant for the town of Barnoldswick and the wider West Craven area. There is understandable concern about the potential impact on the viability and vitality of Barnoldswick Town Centre.

The applicant has provided information that the proposal would address a qualitative deficiency in convenience provision within Barnoldswick and West Craven. The proposed store would enable this deficiency to be met locally without the need to travel out of the area. The proposed store would not adversely impact on existing centres. In this respect the proposal is consistent with national, regional and local policies relating to retail policy.

The development would have some economic benefits which is critical to the planning merits of the development as it is contrary to policy WRK 2 resulting in the loss of protected employment land. Further discussions are needed on this as the application as it currently stands is not on balance acceptable. It is anticipated that this matter can however be resolved and as such a recommendation of approval is being made.

The design is appropriate and acceptable. It would preserve the character and appearance of the Corn Mill and Valley Gardens It 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.

Further information has been requested to clarify/demonstrate that any new development will not be positioned over the existing culvert and should it be necessary, then a scheme to divert the culvert around the new development would be achievable. The agent has been made aware of this and further information to satisfactorily address this issue is expected. Other matters can be controlled by appropriate conditions.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

1523MID-99, 1523MID-100, 1523MID-101, 1523MID-102 & 1523MID-103.

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

3. The net retail area shall not exceed 1,254 square metres and shall 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.

4. Prior to the first use of the building hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with a timescale set out in the approved plan and will be audited and updated at intervals as approved.

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

5. Prior to the first use of the development hereby approved a Car Park Management Strategy/Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented. 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.

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

6. The proposed development shall not be brought into use unless and until the car park shown on the approved plan has been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In the interest of amenity.

7. A minimum of 12 cycle racks with appropriate signage shall be provided within the site prior to the proposed development being first brought into use, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce dependence on car-borne travel.

8. Before development commences a Construction Method Statement shall be 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.

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

9. No processing or storage of materials, goods, machinery or plant shall take place in the service yard servicing the supermarket at any time that would preclude the use of the yard for delivery vehicles.

Reason: In the interests of highway safety.

10. No delivery vehicle movements and associated loading and unloading activities shall take place outside the hours of 06:00 and 23:00 on Mondays- Saturdays and 08:00 hours to 18:00 hours on Sundays.

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

11. No construction hereby approved shall commence unless or until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the phasing of provision of the said works. Before commencement of any demolition works details of the construction traffic access for the demolition phase of the development shall have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme(s) shall then be implemented in strict accordance with the agreed scheme(s) and phasing.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

12 Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of new development and/or in order to prevent contamination of the controlled waters and the surrounding environment.

13. The development shall be carried out in accordance with the recommendations set out in the submitted – Ecological Appraisal, Crownest Mill, Skipton Road, Barnoldswick dated 24th May, 2016.

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.

14. Full details of the details and positioning for plant, ventilation grilles, ducts and pipework, rainwater goods on the building, including the colour thereof 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 strictly conform to the details so approved.

Reason: In order to ensure the design of the features of the building are acceptable.

15. This development shall proceed in strict accordance with the noise assessment received on 6th June, 2016 and the equipment shall at all times be maintained in good working order and operated in compliance with the assessment. .

Reason: In the interest of residential amenity.

16. 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 08:00 and 22:00 on Mondays to Saturdays and 09:00 and 17:00 on Sundays.

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

17. 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. Any lighting so installed shall at all times strictly comply with the approved details.

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

18. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced (excluding demolition) before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out concurrently with the rest of the development and in any event shall be finished before any building is first used.

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.

19. The site shall be landscaped in accordance with a scheme of hard and soft landscaping which shall be submitted to the Local Planning Authority for written approval within two weeks of the commencement of development.

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.

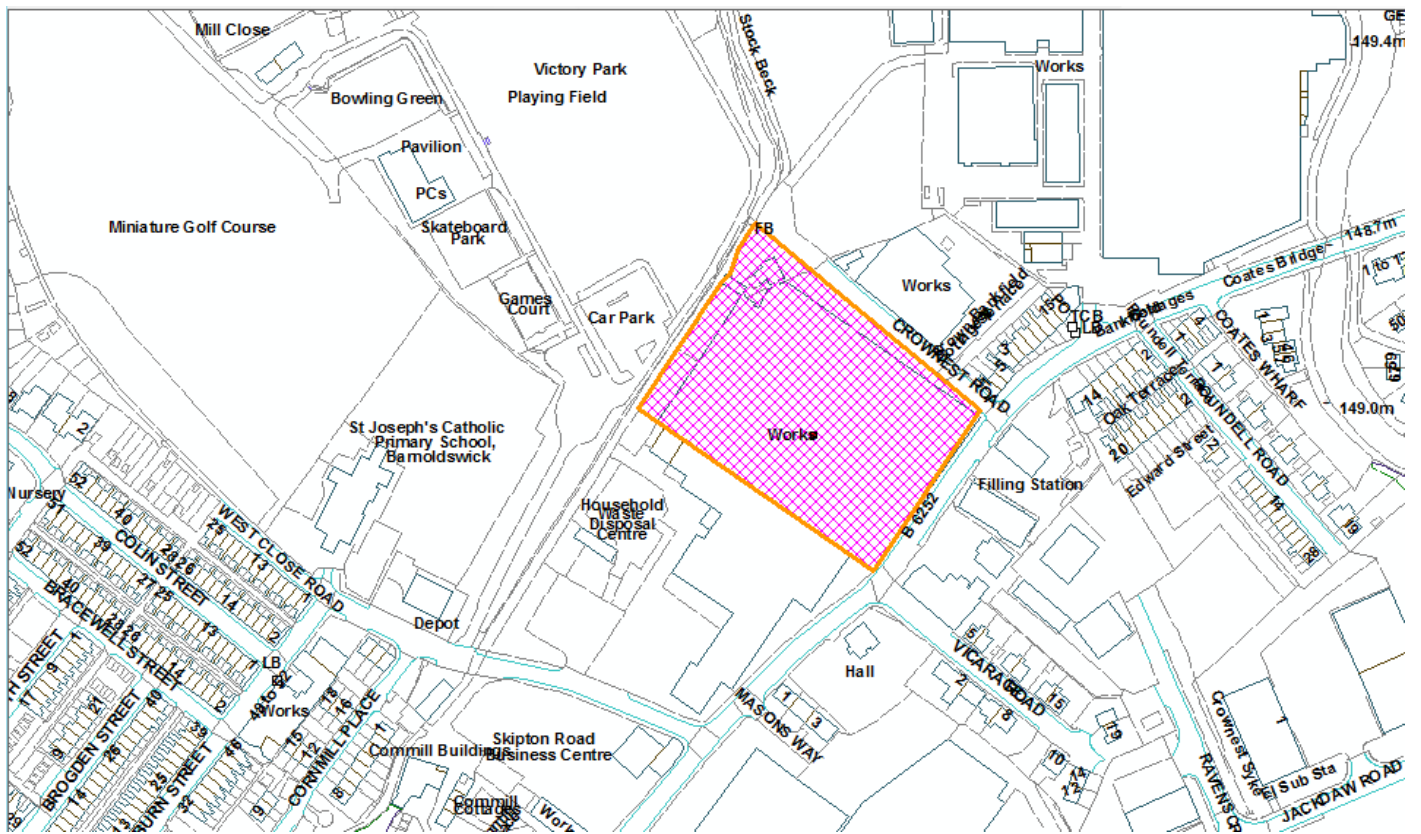
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

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 store, hereby approved, shall not at any time be subdivided into smaller units without the prior consent of the Local Planning Authority.

Reason: The scheme has been assessed on detail submitted and any subdivision may adversely impact on the vitality and viability of the Town Centre.



Application Ref: 16/0410/FUL

Proposal: Full: Major: Demolition of existing structures; erection of food store (use class A1) (1735 sq.m.) including a new vehicular access, car parking, servicing and landscaping.

At: Crownest Mill Skipton Road Barnoldswick BB18 5RH

On behalf of: R.Soper Ltd (t/a Albert Hartley) and Aldi Stores Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 18th July 2016