



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: WEST CRAVEN AREA COMMITTEE

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Aldi /R Soper Site, Crownest Mill Site, Skipton Road, Barnoldswick.

PURPOSE OF REPORT

As requested by the Committee with regards to the conditions relating to the proposed supermarket on the site.

RECOMMENDATIONS

- (1) It is recommended that the Council agree not to pursue the Unilateral Undertaking subject to a legally binding contract for the sale of the mill being entered into for its refurbishment.

REASON FOR RECOMMENDATION

- (1) The Section 106 agreement was in place to secure the long term use of the mill and offset the loss of employment land which will now be achieved under a separate process negating the need for the Section 106 agreement.

Relevant Planning History

16/0410/FUL – 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 – Approved 14th November, 2016.

Issues

The site has planning permission for a 1735sq.m. A1 foodstore which was subject to various conditions including highway improvements (provision of pedestrian crossing on Skipton Road), appropriate drainage scheme and a S.106 Agreement requiring investment to be made to the remaining premises.

Pedestrian Crossing

The details and position of the crossing have been agreed and we have been informed by LCC that the Section 278 Agreement is in the process of being signed and works will commence shortly. Any update will be reported to the meeting.

Drainage Scheme

After discussions with PBC Drainage an appropriate scheme has been achieved within the site which sought to alleviate any potential pinch points which could lead to blockages and this has now been implemented. We cannot control the land to either side of the development and therefore this could impact on the effectiveness of the scheme.

The sewer has been diverted as agreed with United Utilities.

The culvert has been replaced and the diversion was agreed and consented by Lead Local Flood Authority.

S.106 Agreement

The section 106 agreement required certain works to be completed prior to the store opening. These included items such as refurbishment of parts of the building, provision of new machinery, repairs to the roof as well as the installation of the substation. Some of these items have been completed and the applicant has indicated that other investment of equal value have been completed such as investment in fire systems. However there are outstanding works that have not been completed.

The whole purpose of the S106 agreement was to ensure investment into the building to seek to ensure that operations and work continued in the site to compensate for the loss of the employment land to the supermarket.

The applicant has come forward to state that they have not invested in all of the items as they wanted to restructure the site. This has been for two reasons in particular. First is that they have gone through a difficult trading period and that has meant alterations to staff numbers. The indication is that business is now improving.

Second is to explore a way of utilizing the whole site as they now only need a portion of it to manufacture goods. The proposal is now that an independent firm will purchase the site, refurbish it and lease out units including approximately 50% back to R Soper.

The purpose of the S106 agreement was to ensure the long term viability of the site through investment into the site's infrastructure. The level of investment required was modest. The proposals now would mean the whole of the building would receive investment and this would be significantly in excess of what was required in the S106 agreement.

We have been asked to consider waiving the requirements of the S106 agreement in lieu of contracts being signed for the purchase of the site. The funders of the deal will not enter into a purchase if the S106 remains in force.

Provided that an appropriately worded legally binding contract is entered and signed then this would result in a significantly enhanced amount of investment over and above what is in the S.106 Agreement. Whilst there would be no S106 agreement with Pendle a contract of sale would tie in a new investor into the development of the site and the benefits of that would be securing the immediate future of the site and provide greater opportunities for jobs on the site than currently exist.

Recommendation

The crossing will be provided in due course by LCC Highways and an update on the timing for this has been requested. The drainage scheme is acceptable and has been implemented. No further action is required for these issues.

It is recommended that no action is taken to enforce the S.106 Agreement on the basis that an appropriate contract is entered into between the two parties which would result in investment within the site.

IMPLICATIONS

Policy: None

Financial: None

Legal: None arising directly from the report.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.