

Application Number:	2020/0363	Application Type:	Full
Proposal:	Full Major: Erection of a food store with new vehicular access/egress to Henrietta Street, new internal vehicular access road, car parking, servicing area, and hard and soft landscaping; alongside road widening works to Henrietta Street.	Location:	Development Site Former Forest Mill Henrietta Street Bacup Lancashire
Report of:	Head of Planning	Status:	For publication
Report to:	Development Control Committee	Date:	11 February 2021
Applicant:	Aldi Stores Limited	Determination Expiry Date:	Extension of time agreed until 26 February 2021
Agent:	Avison Young – Daniel Brown		

Contact Officer:	Lauren Ashworth	Telephone:	01706-238637
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
Other (please state):	Major Application

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That Members resolve that they would be minded to grant planning permission and that the determination of the application hereafter be delegated to the Head of Planning and Chair of Development Control Committee as follows:

(1) To complete a suitable Section 106 Agreement to secure:

- A financial contribution of £37,800 to construct a shared cycle / pedestrian route in a northerly direction from Henrietta Street towards Lee Street, on land between Morrisons and the River Irwell.
- A financial contribution of £4,000 for way marker signs.
- A financial contribution of £7,000 towards the provision of a handrail and 3 x lighting columns and power to the steps located between Henrietta Street and Rochdale Road.
- A car park management plan detailing free car parking for no less than 3 hours and not restricted to Aldi customers.

(2) To carry out drafting amendments to any planning condition including adding any conditions as may be required.

(3) To have discretion to refuse planning permission in the circumstance that the Section 106 Agreement is not completed within four months of the resolution to grant planning permission.

(4) That upon satisfactory completion of the above legal agreement, planning permission be granted subject to the following conditions or as amended by (2) above.

2. SITE

The site comprises the former Forest Mill and its area extends to 0.82ha. It is situated on Henrietta Street in Bacup. The site was cleared of all industrial buildings and is now a relatively flat parcel of land. The site is 'previously developed' or 'brownfield' in planning terms.

Adjoining the site to the east is the River Irwell. Whilst at the south-eastern corner of the site the River takes the form of an open channel, on much of the eastern boundary it is culverted, and a single storey warehouse / depot stands on top of it, which is occupied by the Council's Operations department. Immediately north of this depot and northeast of the site is the Bacup Royal Court Theatre, a three-storey structure which fronts Rochdale Road to the east but is also accessible at a lower level from Henrietta Street. Further east of the site (beyond the depot) is a stepped pedestrian link from Henrietta Street up a relatively steep embankment to Rochdale Road.

To the south of the site is Commerce Street and, beyond that, a number of industrial properties. Market Street is located directly west of the site, which connects the site to Bacup Town Centre (in the north). The wider context is mixed, including industrial, commercial, leisure and residential land uses.

The site is shown on the Adopted Proposals Map (1995) as an 'Employment Site' however this policy was not saved by the adopted Core Strategy (2011). The emerging Local Plan allocates this site (as part of a much larger allocation of 9.9ha), for employment purposes. The site is within the Urban Boundary and is 'brownfield' in planning terms. It is not within a Conservation Area but lies immediately to the south of Bacup Town Centre Conservation Area. The site contains no

listed buildings or Tree Preservation Orders. The majority of the site lies within Flood Zone 2 and partly within Zone 1.

3. PLANNING HISTORY

- 2020/0012/PREAPP – pre application advice for the erection of a food store.
- 2019/0327 – Prior notification for demolition. Approved.

4. PROPOSAL

Full planning permission is sought for the following:

- A single storey food store of 1,856 square metres (gross external area) with a sales area of 1,315 square metres.
- 110 dedicated spaces
- The car park will include 7no. accessible spaces, 7no. parent and child spaces, 7no. staff spaces, 12no. cycle spaces, and electric vehicle charging spaces.
- Pedestrian access routes and servicing.
- Shared pedestrian and cycle route to the south side of Henrietta Street.
- Structured low maintenance landscaping.

The building will be single storey in height and constructed from pitched face stonework. Composite cladding will be used in part, with dark grey glazing frames and doors. The building will have a sawtooth roof / massing fronting Market Street.

The food store will create 40-50 full and part-time jobs.

5. POLICY CONTEXT

National

National Planning Policy Framework (February 2019)

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 6	Building a strong, competitive economy
Section 7	Ensuring the vitality of town centres
Section 8	Promoting healthy and safe communities
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 14	Meeting the Challenges of Climate Change, Flooding, etc
Section 15	Conserving and Enhancing the Natural Environment
Section 16	Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 2	Strategy for Bacup
Policy 1	General Development Locations and Principles
Policy 6	Training and skills
Policy 8	Transport
Policy 9	Accessibility

Policy 11	Retail and Other Town Centre Uses
Policy 16	Preserving and Enhancing Rossendale's Built Environment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

Other material considerations

Emerging Local Plan
 Planning Practice Guidance
 Rossendale Town Centre, Retail, Leisure and Tourism Study (2017)
 Alterations and Extensions to Residential Properties SPD
 RBC Shop Front Design Guide

6. CONSULTATION RESPONSES

Consultee	Summary of Comments received
Growth Lancashire (Heritage Advisor)	No objection
RBC Operations	No objection
Lancashire County Council Local Lead Flood Authority	Response awaited
Environmental Health	No objection
Contaminated Land Officer	No objections are raised subject to a standard contaminated land condition.
LCC (Highways)	No objection subject to conditions and to a Section 278 Agreement for off-site highway works.
Environment Agency	No objection subject to conditions in relation to contaminated land, and advisories in relation to flood risk and EA permits.
Ecology Consultant	No objections raised subject to conditions.
United Utilities	No objections subject to conditions.
Tree Officer	Objection in part
Alyn Nichols (retail advisor)	No objection subject to planning conditions / legal agreement.
LCC Archaeology	No objection subject to conditions.
RBC Economic Development	No objection subject to conditions / section 106 agreement.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published in Rossendale Free Press on 28th August 2020 advertising the proposals as Major Development and as affecting the setting of a Conservation Area. Site notices were posted around the site on 3rd September 2020 and letters were sent to surrounding neighbours on 24th August 2020.

Ten letters of objection have been received in respect of this proposal. The objections are:-

- a) that the development would be located in an ‘out-of-centre’ location where it would be unlikely to lead to ‘linked’ and ‘accessible’ ‘trips’ to the town centre.
- b) there is currently no identified need for additional retail development in Bacup, in fact there is currently an overprovision. The proposals are therefore likely to have an adverse impact upon other retail businesses in the town.
- c) that the submitted Retail Impact Assessment is flawed and does not contain realistic trade assumptions. It does not take into account the likely impact that the existing Aldi Store at New Hall Hey in Rawtenstall will have upon the development; it does not acknowledge that the new store and existing Morrisons store will be of similar size, will sell similar products and will attract similar customers; and it incorrectly takes into account the likely effect that the development will have on Asda in Rawtenstall as this is a larger store with a larger convenience goods product range and a wider range of comparison goods.
- d) that the proposals would lead to the loss of employment land without any justification being given for so doing.
- e) that the application requires a Heritage Statement but none has not been included with the application,
- f) that the development would appear out of keeping with its surroundings and would harm the settings of the Conservation Area and other nearby Heritage buildings.
- g) that the proposals would give rise to undue highway safety concerns. They would lead to an increase in vehicular movements in the locality which could lead to congestion on the surrounding road network and to conflict between traffic using the new store and Morrisons nearby. Additionally the store would not benefit from adequate associated parking and this could lead to ‘on-street’ parking in the area. It would not be possible for vehicles to safely enter or exit the store using the proposed access. Footpath widths in the vicinity are also substandard and the proposals do not make adequate provision for improving them.
- h) that the site is at risk of flooding.

Representations of support

161 letters of support have been received in respect of these proposals. People who are in support of the scheme consider that the development:-

- a) will provide much needed additional employment in the town,
- b) will boost the local economy,
- c) will lead to more competition between retail premises leading to more competitive prices,
- d) will be more convenient for people who live in Bacup giving them the opportunity to walk to the premises. It will also reduce traffic on the main road linking Bacup and Rawtenstall.
- e) will improve the appearance of this site (which is currently described as an ‘eyesore’)
- f) will benefit the health of the local people as Aldi offers fresh produce at reasonable prices. It will also help to tackle child poverty in the area.

Upon the submission of amended plans on 29 January 2021, local residents were notified and invited to make further representations. A further 453 support letters have been supplied via the applicant’s communication’s consultant.

8. ASSESSMENT

The main considerations of the application are:

Principle

Full planning permission is sought for a food store with associated access, car parking, and landscaping. Retail is a 'main town centre use' as defined in the National Planning Policy Framework (the NPPF) Annex 2 Glossary. The site is previously developed and is located within the Urban Boundary of Bacup.

Employment land policy

This land is shown on the Adopted Proposals Map (1995) as being an employment site; this policy was not saved by the adopted Core Strategy (2011).

The Council's Forward Planning Team has provided the following observations:

"Although the site is not within the preferred location for new employment, the A56 Corridor where we are proposing Green Belt release, nevertheless provision needs to be made for new businesses to start up and expand throughout the Borough.

This is a flat, cleared site on the edge of Bacup town centre, with good local road access, albeit with more difficult links to the strategic road network. Marketing of the site has been undertaken using a reputable firm which has a good knowledge of this area, and this marketing has involved colleagues in Economic Development. However, details of the marketing undertaken is lacking and in particular, the more recent exercise associated with the fully cleared site. I would expect there to be more limited interest in converting and re-using the former building, or in a smaller site than there would be for the completely cleared site which is the location for this retail proposal.

Furthermore, in my view this land is contributing towards meeting the Council's employment land requirements for B1, B2 and B8 use classes, as evidenced by the Employment Land Studies undertaken on behalf of the Council, and which form the Evidence Base for the emerging Local Plan. A shortage of suitable land has necessitated the need to identify new employment allocations, and this has involved releasing Green Belt land and identifying greenfield sites for employment. This land though is not of sufficient quantity (at less than 1ha) to affect significantly the overall supply, though undoubtedly, it will diminish it, and more land may well be required elsewhere to remedy this. Impacts that are more significant will of course fall on this part of the Borough. Nevertheless there is still remaining employment land located at Futures Park.

The Employment Land Policy in the Core Strategy seeks to provide employment-generating development rather than solely land for B1, B2 and B8 use classes. This development will, according to the applicants, generate between 40 and 50 additional new full and part-time jobs, although no figure appears to be available in terms of full time equivalent jobs. This is comparable and possibly even greater than the number of jobs created through the B-use classes.

The loss of this land for employment uses would be a concern and this loss needs to be balanced against any benefits of the proposed development."

This is discussed within the 'Planning Balance' section of this report.

Retail policy

The site is located 130m to the south of the Bacup District Centre boundary, and 230m from the Primary Shopping Area boundary, as defined by the Core Strategy. The emerging Local Plan proposes amendments to the Primary Shopping Area to include the Morrisons store and retail units on King Street, Rochdale Road, Irwell Street and the B&M store and car park. The plan also

proposes to amend the District Centre boundary, to extend it southwards to Henrietta Street, and in doing so, incorporate the Morrisons store. Therefore, under the emerging Local Plan, the site is adjacent to (but still outside of) the proposed District Centre boundary, and 130m to the south of the Primary Shopping Area.

Section 7 of the NPPF explains that planning policies and decisions should “...*support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation.*”

In decision-making, paragraph 86 requires Local Planning Authorities (LPAs) to apply a sequential test to applications for main town centre uses, which are neither in an existing centre, nor in accordance with an up-to-date plan. The proposed foodstore is a main town centre use, in an edge of centre location, therefore the sequential test is triggered and the LPA must consider whether the proposal satisfies the sequential approach to site selection.

In addition to the sequential test, the NPPF at paragraph 89 requires an impact assessment for retail development over 2,500sqm of gross floor space, though the Core Strategy has set a lower threshold of 500sqm. The proposed development has a gross floor space of 1,779 sqm (GIA) and therefore the impact test is triggered. The LPA must consider the following:

- the impact of the application on investment within centres; and
- the impact on town centre vitality and viability.

Where an application does not satisfy the sequential test or is considered likely to have significant adverse impacts on existing, committed and planned public and private investment in a centre in the catchment area, the NPPF requires that the application should be refused.

The National Planning Practice Guidance (the PPG) is a web-based resource, which provides guidance on the application and implementation of policies within the NPPF. The section on town centres and retail development was updated in July 2019 and September 2020. It has been taken into account in the determination of this application.

Members will be aware from previous retail applications, that retail planning is a highly specialist area and, consistent with previous schemes, it was necessary to seek an external review of the applicant’s evidence by a retail specialist, at the applicant’s expense. The applicant’s Planning and Retail Statement has been assessed on behalf of the Council by Alyn Nicholls Chartered Town Planner. Bearing in mind that the onus falls on the applicant to demonstrate that their proposal meets the sequential and impact tests, the role of the retail advisor is to assess whether the information, methodology and assumptions are reasonable.

The full Retail Policy Advice report from the retail advisor is available to read in on the planning application file [here](#) (by entering the planning application number 2020/0363) and the main conclusions are provided below.

Sequential assessment

The overall conclusion of the applicant’s report (by Avison Young) with regard to the sequential test is that there are no suitable and available sites in Bacup in a sequentially preferable location to accommodate the application. The Council’s retail advisor concurs with this conclusion.

Impact assessment

The PPG states that the onus falls on the applicant to demonstrate that impact of a proposal is acceptable. It also states that an assessment should be undertaken in a proportionate and locally appropriate way drawing on existing information where possible. The main source of existing information relevant to this application is the WYG Retail Study.

The Council's retail advisor has made the following observations:

“Regarding the first impact tests of NPPF paragraph 89, subject to measures to enhance the route between the application site and the Primary Shopping Area, the application would be complementary and support investment in the Town Centre.

Regarding the impact on vitality and viability, whilst the level of trade diversion from Morrisons is high, Morrisons would continue to trade at a level only slightly below the company benchmark level. Looking at retail spending in the town as a whole, the application would attract new convenience spending in the order of £10 million. It would also attract new comparison spending.

Subject to ensuring the accessibility of the site and measures to ensure the application is functionally part of the centre, I consider that it would contribute to the vitality and viability of the Town Centre. Core Strategy Policy AVP 2: Bacup, Stacksteads, Britannia and Weir, supports new retail development at Bacup which does not affect the vitality and viability of any centre.

My conclusion is that subject to the measures I have identified, the application accords with development plan policies and national policy applicable to retail and town centre uses.”

Due to the advice above, and in accordance with paragraphs 54-56 of the NPPF, officers have negotiated the following financial contributions / obligations to be secured within a Section 106 Agreement:

- £37,800 to construct a shared cycle / pedestrian route in a northerly direction from Henrietta Street towards Lee Street, on land between Morrisons and the River Irwell.
- £4,000 for signs directing pedestrians and cyclists to the shared route to / from the Town Centre.
- £7,000 towards the provision of a handrail and lighting to the steps located between Henrietta Street and Rochdale Road.
- Free car parking for no less than 3 hours and not restricted to Aldi customers.

Subject to the contributions and obligations, the proposed development would complement and support new investment within Bacup Town Centre, and would contribute towards its viability and viability. Accordingly, the proposed development is compliant with the relevant retail planning policy within the NPPF and Core Strategy.

Design and heritage impacts

The design of any new building on this site, which occupies an important gateway location into Bacup Town Centre, adjacent to the conservation area, needs to be sensitive to and in keeping with the character of Bacup. It must be of the highest standard of design that respects and responds to local context, distinctiveness, and local identity, as required by Policy 23 of the Core Strategy.

The applicant engaged in pre-application discussions with the LPA 2020. At pre-application stage, the building was designed with a mono-pitch roof as per the standard Aldi design, and was to be constructed in stone, timber cladding and render. Officers made the following observations, with reference to the CGI below:

“Whilst it is positive to see that the building incorporates natural stone and timber cladding, the latter taking cues from the nearby Morrison’s store (thereby having some regard to its context), overall the design of the building as shown on the CGI and Proposed Elevation drawings does not yet achieve what is required by Policy 23.

This is due to the design not having regard to the site’s history, or the historic character of Bacup. Forest Mill, which previously occupied this site from the mid-1800s, was a cotton-spinning mill, and it played a significant part in Bacup’s prestigious textile history. Although the building and chimney have been fully demolished, any redevelopment of this site should be responsive to its local history.

In revisiting the design, I would ask that you also consider two specific elements:

- *The appearance of the Market Street elevation which is too bland. Render is not appropriate and more glazing is needed. This is the most prominent viewpoint when entering Bacup from the west.*
- *Secondly, I am also not convinced that the roof shape is appropriate for this site and would request that this is reconsidered when the design of the building in general is under review.”*



Building as submitted at pre-application stage in 2020.

During the pre-application discussions, and during the course of the application, the applicant has been willing to accommodate the recommended changes and further recommendations from consultees including ecology and landscaping, and has taken positive steps to make alterations to the design. Overall the scheme is now considered to be successful, fitting in well with its surroundings.



The Council's Heritage Advisor has assessed the application in light of the Planning (Listed Building and Conservation Areas) Act 1990. The following conclusion has been reached:

"NPPF Paragraph 193 states that great weight should be given to the conservation of heritage assets regardless of the level of harm. High Court decisions have been clear that lower levels of harm does not equate to a lesser objection given the principle duty under the Act is to preserve. On the evidence provided and from my own site visit I conclude that the proposal will not cause harm to the setting and the character and appearance of the Bacup CA will remain unaffected. The scheme meets the Statutory test to preserve and would conform with Chapter 16 of the NPPF and Policy 16 of the Rossendale Local Plan."

Subject to conditions controlling the use of materials and provision of sample panels on the site, officers are satisfied that the design is in accordance with Policy 16 and 23 of the Core Strategy and Sections 12 and 16 of the NPPF.

Ecology and Landscaping

The application is accompanied by an Ecological Walkover Survey, and detailed landscaping plans which have been reviewed by the Council's Ecological advisors, Greater Manchester Ecology Unit (GMEU) and the Council's Tree Advisor.

GMEU commented on the originally submitted application as follows:

- The developer's ecological consultant identified no significant ecological issues.
- Issues relating to nesting birds, invasive species, proximity to the River Irwell and biodiversity enhancement measures can be resolved via condition.
- The ecological consultant's assessment that the site has negligible potential for protected species is accepted and no further information or measures are required.
- The site provides potential bird nesting habitat therefore a planning condition is required to restrict the times when works to trees / shrubs can be undertaken.
- Either further information is provided prior to determination or by a condition in relation to invasive species on derelict sites adjacent to watercourses.
- Conditions are necessary in relation to the site's proximity to the River Irwell regarding protecting the river from spillages, dust etc, and to ensure there are no negative impacts on the ecological status/potential of the River Irwell resulting from the disposal of foul water and/or surface water post-development.
- Section 170 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. More should be done to maximise the enhancement of the ecological potential of the River Irwell. This could include more native trees and shrub planting along the Irwell boundary, inclusion of bird and bat boxes on the new building and or bird boxes along the river channel wall for species such as dipper and grey wagtail.

- A more detailed plan shall be provided, this could be via condition that demonstrates more clearly how the site will benefit biodiversity and enhance the ecological potential of the River Irwell.

The Tree Officer was satisfied that the majority of points raised at pre-application stage had been addressed within the planning application, and raised no objection, however did note that some issues remained in relation to the provision of a knee rail .

Officers have attached planning conditions in in relation to nesting birds, invasive species, and proximity to the River Irwell during construction. In relation to biodiversity enhancements and Tree Officer comments, amended plans have been submitted showing the following:

- Four further trees and additional landscaping now provided to the riverbank.
- One further tree now provided to the Henrietta Street frontage.
- Four trees have now been added to the car park.
- Species to include native planting and native trees alongside the riverbank and 2 bird boxes to be placed on the river channel wall.

The Council’s Ecological Advisor is satisfied with the amendments and raises no objection. The Council’s Tree Officer is largely satisfied with the changes, but remains of the opinion that the proposed knee rail will attract pedestrians to climb over to take a short cut. This is disputed by the applicant who considers it unlikely that people will choose to attempt to get over the knee rail as an alternative as it will be at least 450mm high, and does not provide a short cut.

Officers are satisfied that the fundamental ecological and landscape matters have been addressed by the submission of amended plans. Subject to conditions, overall officers are now satisfied that the proposed landscaping scheme is acceptable and is compliant with the NPPF and Core Strategy Policies 18, 23 and 24.

Residential amenity

Core Strategy Policy 24 requires new developments to be designed to protect the amenity of the area, including residential amenity in terms of light, outlook, landscaping, and mitigating noise and light pollution. One of the 12 core planning principles within the NPPF states that planning should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”* Specific guidance in relation to assessing noise impact is provided in the PPG.

The application is accompanied by a Noise Impact Assessment, which has been assessed by the Council’s Environmental Health Officer (EHO). The EHO is satisfied that the development will not give rise to unacceptable impacts on nearby neighbours either during construction or during operation, subject to planning conditions controlling the hours of construction, hours of deliveries, and hours of operation.

Subject to the use of the conditions described above, the proposal is compliant with the NPPF and Policy 24 of the Core Strategy with regards to neighbour amenity.

Litter

Litter has been an important consideration for Members in recent applications including McDonald’s in Rawtenstall (2015/0438) and Aldi in Rawtenstall at the New Hall Hey Retail Park.

It has been held in the courts that dropping of litter is a material consideration even though it is also controllable by other legislation. In the interests of protecting the character and appearance of the area, officers recommend a planning condition that requires the management of litter picking within the site, the provision of bins within the site, and arrangements for regular emptying.

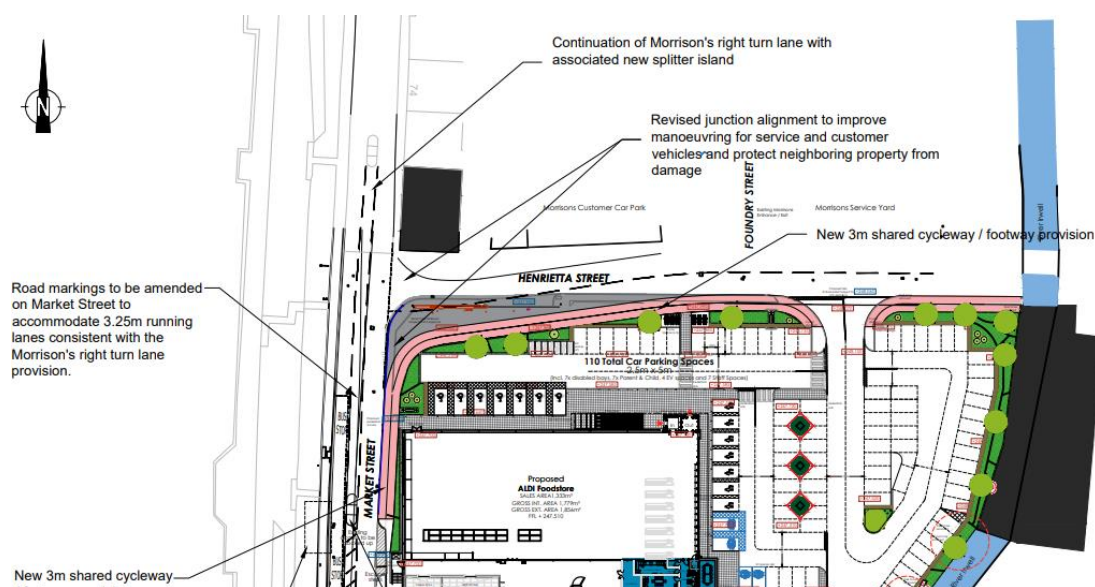
Subject to this condition, officers are satisfied the proposal is acceptable with regards to litter.

Access / Parking / Highway Safety

Section 4 (paragraph 32) of the NPPF states that all developments generating significant amounts of movement should be supported by a Transport Statement, and in terms of decision making, the following key issues should be considered:

- The opportunities for sustainable transport modes have been taken up;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

As originally submitted, Lancashire County Council (LCC) Highways raised no objection to the proposed development, but requested further information and minor amendments including in relation to the position of cycle parking. Members will note that amended plans were submitted in January this year to show a 3m shared cycleway / footway along the full length of the south side of Henrietta Street, at the request of the case officer, to improve the links from the application site to the proposed cycleway which will be located at the rear of the Morrison's store. LCC Highways have reviewed the amended plan, and requested that the 3m shared cycleway be extended onto Market Street, rather than ending on Henrietta Street. The applicant has shared a draft plan showing this arrangement (shown in pink on the plan below) however, formal amended plans are awaited and will be provided to Members in the Update Report, along with final comments from LCC Highways.



Subject to no objection from LCC Highways towards the upcoming amended plans, and subject to planning conditions and a Section 278 Agreement to cover off-site highway works, officers are satisfied that the proposal will go some way to improving pedestrian and cyclist connectivity with

the Town Centre, and will not result in severe cumulative impacts on the highway network in accordance with the NPPF and Core Strategy Policy 8.

Drainage and Flood Risk

Drainage

United Utilities have reviewed the proposed drainage arrangements and have no objections subject to conditions, which are listed in Section 10 of the report.

Flood risk

The majority of the site is located within Flood Zone 2, with a small portion in Zone 1. The Environment Agency has raised no objection, subject to minimum finished floor levels and a flood action plan. Both points are capable of being addressed with planning conditions.

Comments from the Lead Local Flood Authority are awaited and will be reported to Members within the Update Report.

The proposal is acceptable with having regard to relevant flood risk and drainage policies within the Core Strategy and NPPF.

Sustainability

Achieving sustainable development goes to the heart of the purpose of the planning system, as set out in the NPPF. In determining applications, LPAs should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Subject to a planning condition requiring the incorporation of the sustainability measures identified within Section 8 of the applicant's statement, officers are satisfied that the proposal is compliant with Policy 19 of the Core Strategy, and the NPPF.

Planning Balance and Conclusion

The proposed development involves the erection of a food store on land last used for employment purposes, and as such, must be assessed against Policy 10 of the Core Strategy. This policy serves to prevent the loss of such sites to non-employment generating uses. The emerging Local Plan proposes to allocate it (as part of a wider site) for B1 / B2 / B8 uses, which reinforces the importance this site has for employment uses in this part of the Borough.

The loss of a large, flat, cleared site from B uses is a concern, and this is highlighted by the Forward Planning Team in their response. However, this development will generate between 40 and 50 additional new full and part-time jobs, therefore perhaps should be regarded as employment generating, and following the spirit of what Policy 10 is seeking to achieve. That notwithstanding, Policy 10 allows the loss of land / sites to non-employment generating uses if certain criteria are met, including where 12 months of marketing has been carried out. The site has been marketed since 2011 and since 2015 as a cleared, vacant site. On that basis, officers are of the view that the site is unlikely to be used for employment purposes.

The development stands to deliver important benefits to Bacup, including:

- the redevelopment of a vacant, previously developed, prominent, gateway site, with a modern yet sensitive building constructed with high quality materials;
- improved pedestrian and cycle connectivity to the Town Centre;
- assisting in strengthening the Town Centre due to linked and spin-off trips;
- it will attract new customers and additional spending; and
- the creation of up to 50 jobs and 110 free car parking spaces.

The application has resulted in no objections from statutory consultees, and significant support has been given from the local community, and minimal opposition. Subject to planning conditions and legal agreements, officers consider this development to be compliant with relevant local and national planning policies.

9. RECOMMENDATION

That Members resolve that they would be minded to grant planning permission and that the determination of the application hereafter be delegated to the Head of Planning and Chair of Development Control Committee as follows:

(1) To complete a suitable Section 106 Agreement to secure:

- A financial contribution of £37,800 to construct a shared cycle / pedestrian route in a northerly direction from Henrietta Street towards Lee Street, on land between Morrisons and the River Irwell.
- A financial contribution of £4,000 for way marker signs.
- A financial contribution of £7,000 towards the provision of a handrail and 3 x lighting columns and power to the steps located between Henrietta Street and Rochdale Road.
- A car park management plan detailing free car parking for no less than 3 hours and not restricted to Aldi customers.

(2) To carry out drafting amendments to any planning condition including adding any conditions as may be required.

(3) To have discretion to refuse planning permission in the circumstance that the Section 106 Agreement is not completed within four months of the resolution to grant planning permission.

(4) That upon satisfactory completion of the above legal agreement, planning permission be granted subject to the following conditions or as amended by (2) above.

10. SUMMARY REASON FOR APPROVAL

The proposed development will bring back into use a large, vacant and previously developed site which occupies a prominent position on the approach into Bacup, within the Urban Boundary. The site is 'edge of centre' however, the applicant has demonstrated through a Retail Impact Assessment and sequential assessment that the proposed development does not conflict with the National Planning Policy Framework or Core Strategy in this regard. Subject to the use of planning conditions, and a Section 106 Agreement, the proposal is acceptable with regards to design, residential amenity, highway safety, landscaping and flood risk. The development is in accordance with Policies AVP4, 1, 8, 9, 11, 16, 17, 18, 19, 22, 23 and 24 of the Adopted Core Strategy DPD and the National Planning Policy Framework.

11. CONDITIONS

1. The 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 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:

Title	Drawing Reference	Received date
Proposed Site Plan	102 Rev G	29/01/2021
Proposed Roof Plan	105 Rev A	07/08/2020
Proposed GA Plan	103 Rev C	29/01/2021
Proposed Elevations	104 Rev B	29/01/2021
Proposed Roller Shutter Details	107 Rev C	29/01/2021
Tree Pit Detail	D01	29/01/2021
Tree Pit Detail Hard	D02	29/01/2021
Landscape Plan	L01 Rev D	29/01/2021
Site Location Plan	100 Rev A	07/08/2020
Design and Access Statement	Issue 2 – January 2021	29/01/2021
Flood Risk Assessment		07/08/2020
Ecological Walkover Survey		07/08/2020
Noise Impact Assessment		07/08/2020
Transport Assessment and Travel Plan		27/08/2020
Planning and Retail Statement		27/08/2020

Reason: To define the permission and in the interests of the proper development of the site.

Retail conditions

3. The sales area as shown on the approved Proposed GA Plan as listed at Condition 2 shall not exceed 1,315 square metres. The sales area shall be used primarily for the sale of convenience goods, with a maximum of 300 square metres used for the sale of comparison goods.

Reason: A greater area used for the sale of comparison goods has not been assessed. There is the potential for a retail use of the development with a different character to that assessed to harm investment in Bacup Town Centre and/or to harm the vitality and viability of the Town Centre.

Contaminated Land

4. Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- 1) A Preliminary Risk Assessment report (phase 1), including a conceptual model and a site walk over survey;

- 2) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and
- 3) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy prior to commencement of development.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of mitigating any hazards posed by contaminated land, and in the interests of reducing pollution.

5. Pursuant to condition 4 and prior to first use or occupation a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating any hazards posed by contaminated land, and in the interests of reducing pollution.

6. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority who shall respond within 21 days from receipt. The development shall be undertaken in accordance with the agreed mitigation scheme.

Reason: In the interests of mitigating any hazards posed by contaminated land, and in the interests of reducing pollution.

Materials

7. No above ground construction shall take place until full details, including physical samples displayed on the site, of the following have been submitted to and approved in writing by the Local Planning Authority:
 - Natural pitched dark stone (1m x 1m panel)
 - Natural pitched light stone (1m x 1m panel)
 - Powder coated aluminium sheeting in RAL 7016
 - Kingspan cladding in RAL 7012
 - Composite cladding laid vertically in RAL 7012
 - Service doors and fire escapes and shelter in RAL 7016
 - Ribbon glazing and aluminium frame in RAL 7016

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: In the interests of securing a high quality finish to the development.

8. Notwithstanding the details shown on Proposed Elevations Plan (as listed at Condition 2), prior to installation, full details of all boundary treatment, plant enclosures, and railings, shall be submitted to and approved in writing by the Local Planning Authority. All railings, cycle loops and trolley bay rails shall have a black finish. The development shall then be constructed in accordance with approved details and they shall be retained or replaced with the same materials thereafter.

Reason: Insufficient details have been provided, and to ensure that the development will be of a satisfactory appearance in this gateway location.

Ecology and landscaping

9. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present, which has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting nesting birds.

10. Prior to any earthworks taking place, a survey for invasive plant species including japanese knotweed and himalayan balsam shall be undertaken, and the findings submitted to and approved in writing by the Local Planning Authority. If any invasive species are present, a method statement detailing avoidance, control and eradication measures shall also be supplied to and agreed in writing by the Local Planning Authority, prior to any earthworks taking place. The development shall then be carried out in accordance with the method statement.

Reason: Derelict sites adjacent to watercourses are high risk for such species. No mention is made of the presence of either species in the ecological report, but photographs in the ecological report, appear to show that himalayan balsam at least is present.

11. No development, site clearance or earth moving shall take place or material or machinery brought on site until a method statement to protect the River Irwell from accidental spillages, dust and debris has been submitted to and agreed in writing by the Local Planning Authority. All approved measures will be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason: In the interests of protecting the nearby watercourse from pollution.

12. No development shall take place until it has been demonstrated that there will be no negative impacts on the ecological status / potential of the River Irwell resulting from the disposal of foul water and surface water post-development, through the submission of an appropriate report and its subsequent agreement in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the ecological potential of the nearby watercourse.

13. During the first planting season following the commencement of development, the approved Landscaping Plan and Tree Pit Plans listed at Condition 2, shall be carried out to the satisfaction of the Local Planning Authority, in so far as they relate to the soft landscaping / planting and ecological features (bird nesting boxes).

Any trees, plants or shrubs so planted which die or are felled, uprooted, wilfully damaged or destroyed within ten years of the date of planting shall be replaced by the applicants or their successors in title.

Reason: The soft landscaping / planting details are approved, however the hard landscaping details e.g. paving materials, are not. To ensure a satisfactory form of development and to enhance the visual amenities of the locality.

14. Notwithstanding the submitted details, full details of all materials for external hard-surfaces across the site, including the proposed shared pedestrian / cycle route on Henrietta Street, shall be submitted to (including physical samples displayed on the site) and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with approved details, which shall be complete prior to opening, and shall be retained or replaced with the same materials thereafter.

Reason: Insufficient details have been submitted, and to ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in the interests of improving accessibility to the site for pedestrians and cyclists.

Sustainability

15. Prior to first opening, confirmation that the 'Measures for Sustainability' identified within the Design and Access Statement paragraph 7.7 have been incorporated into the development, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising energy consumption and achieving sustainable development.

Noise

16. No construction works shall take place outside of the hours of Monday to Friday 08:00 to 18:00 and Saturday 08:00 to 13:00. There shall be no working on Sundays or Bank or Public Holidays.

Construction deliveries shall not take place outside of the hours of 09:30 to 14:30 Monday to Friday.

Reason: To protect neighbouring residents from loss of amenity and to avoid peak traffic on the surrounding highway network in the interests of highway safety.

17. The food store hereby permitted shall only open for use by customers between 07:00 and 23:00 hours Monday to Saturday and 09:00 and 17:00 hours on Sunday.

Reason: To protect the residential amenity of neighbouring properties.

18. Once operational, no deliveries (including waste collections) shall be taken at or despatched from the site outside the hours of Monday to Saturday 06.30 to 23.00 hours and Sundays 08.00 to 17.00 hours.

Reason: To protect the residential amenity of neighbouring properties.

19. Prior to installation, full details for the arrangements for any external lighting on the rear of the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed in accordance with the approved details.

Reason: To protect the residential amenity of neighbouring properties and in the interests of the visual amenities of the area.

Highways

20. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to a scale of 1:1000 showing the location of all defects identified; and
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

Any damage to the adopted highway shall be made good to the satisfaction of the Highway Authority prior to first opening of the food store.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

21. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the Local Planning Authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number;
- Details of the parking of vehicles of site operatives and visitors;
- Details of loading and unloading of plant and materials;
- Arrangements for turning of vehicles within the site;
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;

- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Construction vehicle routing;
- Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases, and residential amenity.

22. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means shall be available as required, and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

23. No development shall commence until the area of existing adopted highway at the junction of Commerce Street and Market Street as detailed on plan ref 190-01/SUO-03 shall be stopped up under the appropriate legal process (Section 247 of the Town & Country Planning Act) in consultation with the Local Planning Authority and the Highway Authority.

Reason: To prevent the adopted highway from being subsumed into the development.

24. Prior to first use of the food store, the footway (and/or verge) shall be reinstated to full kerb height, where any vehicle crossover(s) are redundant, in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety.

25. Prior to occupation, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a scheme for the construction of the site access; and
 - full details of the off-site highway works, subject to detailed design.

The development shall not be open for trade until the works have been completed in accordance with the approved details.

Reason: For reasons of highway safety in relation to construction traffic and customer traffic.

26. Prior to first occupation of the food store, the cycle parking (which shall be finished in black) shall be installed as detailed on the approved Site Layout Plan. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

27. Prior to first trading, the car park shall be surfaced / paved and marked out, and the cycling, motorbike facilities and EV charging points shall be provided in accordance with approved plans listed in Condition 2.

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

28. Prior to first trading, and pursuant to Condition 14, the proposed pedestrian / cycle link as shown on the approved plans, shall be implemented and thereafter retained as such.

Reason: In the interests of improving accessibility to the site for pedestrians and cyclists.

Drainage and flood risk

29. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk and Surface Water Drainage Assessment, Ref: No.: 3148-FRA, Rev: A, Dated: July 2020, By: Integra Consulting.

No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

30. The finished floor level of the building hereby approved shall be greater than +247.700.

Reason: To reduce the risk of flooding.

31. Prior to occupation, a requisite Flood Action Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Flood Action Plan must include details of flood evacuation procedures including emergency vehicular and pedestrian routes. Thereafter, the approved Flood Action Plan shall be implemented in accordance with the approved details.

Reason: To provide details of access/egress and how users of the development would remain safe during a flood.

32. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

33. Prior to first use, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Litter

34. Prior to the first opening, a regime to include, but not limited to, the management of litter picking, provision of waste bins in suitable locations close to pedestrian / cyclist access and egress points, and arrangements for emptying the bins on a regular basis, for that unit shall be submitted to and approved in writing by the Local Planning Authority. The approved regime shall be adhered to at all times whilst the unit is in operation.

Reason: In the interests of the character and appearance of the area.

11. **INFORMATIVES**

1. Lancashire Constabulary recommends that the proposed security measures identified in the Design and Access Statement (section 7.11 page 25) accord with the requirements of Secured By Design and should be implemented.
2. If, during any works on site, contamination is suspected or found, or contamination is caused, the LPA shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the LPA. Please refer to the Contaminated Land Officer's letter dated 31 May 2016.
3. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.
4. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the developer's expense.
5. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number. For the avoidance of doubt the agreement shall provide for the following a) Ghost island and pedestrian refuge on Market Street b) Localised carriageway widening on Market Street c) Junction realignment Henrietta Street junction Market Street d) Formation of site access off Henrietta Street e) Reinstatement of redundant access points (Condition 6 above).

6. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

7. Elements of the land required as referred to in Condition 7 above, to be identified by the highway authority in the s278 agreement, shall be the subject of a dedication agreement with the Highway Authority under the provision of Section 38 of the Highways Act or other appropriate agreement.

8. Construction Management Plan:
 - There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear, and turn around in the site before exiting in a forward gear onto the operational public highway.
 - There must be no storage of materials in the public highway at any time.
 - There must be no standing or waiting of machinery or vehicles in the public highway at any time.
 - Vehicles must only access the site using a designated vehicular access point.
 - There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
 - A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing lhsstreetworks@lancashire.gov.uk
 - All references to public highway include footway, carriageway and verge.