

Application Number:	2012/444	Application Type:	Full
Proposal:	Erection of single storey retail unit (372 sqm) with associated car park accessed from Market Street	Location:	Mills Street, Whitworth
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	20 November 2012
Applicant:	Mr M Moss	Determination Expiry Date:	21 November 2012
Agent:	Edge Plan		

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/> Called in by Cllr Neal due to highway safety concerns
3 or more objections received	<input type="checkbox"/> 3 or more objections received
Other (please state):	

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 Permission be granted subject to the Conditions set out in Section 10.

2. SITE

The application site relates to a roughly square plot of land of approximately 0.2ha. Formerly a bakery owned by Lords caterers stood on the site. This building was demolished towards the end of 2011 and the site has been vacant since. The site fronts Market Street with Mills Street to the South and Industrial and Commercial uses to the North and East. There are a mix of uses surrounding the application site including various retail units along Market Street, a restaurant and health centre to the North and Lords Caterers Industrial site to the East.

The site slopes towards Market Street with a large retaining wall along the eastern boundary of the site. All other boundaries are untreated at present with a temporary security fence around the perimeter of the site.

Market Street is a main road through Whitworth which is heavily trafficked with a quality bus route running along it. There are a number of bus stops within short walking distance from the site as well as a zebra crossing approximately 80m north of the site.

The site is within the Urban Boundary of Whitworth in the Primary Shopping Area as defined by Policy 1 and 11 of the adopted Core Strategy DPD.

3. RELEVANT PLANNING HISTORY

No relevant planning history

4. PROPOSAL

The applicant seeks planning permission for the erection of a single storey retail unit (A1) of 372sqm with associated car park accessed from Market Street. The building would be 3.9m at the highest point with a footprint of 14.4m x 26m. Details of the materials have not been provided although the frontage on Market Street is heavily glazed.

The proposed building would be set back from Market Street by approximately 20m with car park between the front elevation and the highway. The car park provides parking for 16 cars including 1 disabled bay. There would also be secure cycle parking and a delivery area along the northern boundary.

The retail unit would open from 7am – 11pm 7 days a week. Employee numbers have not been provided as the end user is not known.

Details of any advertisements will be subject to a separate application for advertisement consent once the end user is known.

The application is accompanied by :

- A Design & Access Statement which states that at this stage no end user has been identified as such the applicant considers the potential use of the retail unit for both convenience and comparison goods. The unit has been designed in such a way that it could appeal to a number of end users for example a household goods store, convenience store or electrical goods store by way of example.

In support of the application it states. The focus for new retail development should be in existing centres. The Government is keen to ensure shopping centres remain vital and viable. The adopted Core strategy also advocates the importance of the centres within the Borough. Whitworth is identified as a local centre in the retail hierarchy where new retail development is considered to be acceptable in principle.

The proposed retail unit extends to 372sqm gross and is to be single storey with a flat roof. The height of the building reflects the single storey units that lie to the east of Market Street, which contrast in character to the rest of Whitworth local centre. The height of the building ensures that it is not overly dominant in the streetscene.

The layout has been designed with the safety of pedestrians and vehicle users in mind with dedicated pedestrian routes clearly defined and the unit's service area demarcated. The service area would be secured by a 2.4m timber gate/fence. Whilst the end user is not known at this stage it is likely that any plant and equipment would be positioned at the building's north elevation, adjacent to the service area.

The application site occupies a prominent location in Whitworth local centre. As such its central location will encourage linked trips with other services and facilities. Lying within and adjoining the centre are swathes of residential properties so the site would benefit from a significant walking catchment. Cycle parking is provided close to the store entrance encouraging customers to utilise these facilities.

The site lies on a bus route between Accrington and Rochdale with bus stops within less than 50m of the application site. Services within the centre operate to nearby towns on a frequent basis.

In terms of deliveries to the site it is expected that the unit will be serviced by small articulated vehicles and/or smaller transit vehicles; although the operator has not yet been confirmed. Deliveries vehicles can enter and leave the site in forward gear. A dedicated service area is provided so as to separate the servicing operation from activity within the car park. A unit of this size is unlikely to generate more than 4-5 deliveries a day (this is the maximum amount that a foodstore would require and a non-food store would receive significantly less). Deliveries could take approximately 20 minutes to unload.

There are no residents immediately adjacent to the unit's service area. It is therefore, not envisaged that the servicing operation at the store would result in any adverse impact on residential amenity, particularly as the site occupies a central location on a main arterial route into Rochdale where there is already a degree of background noise associated with traffic and visitors to the centre.

- A Retail Impact Assessment which has been submitted to determine whether proposals over 200sqm are appropriate in terms of their scale in relation to the centre and whether such proposals would alter the established retail hierarchy. The net sales area would not exceed 280sqm. The catchment area for a store of this scale is anticipated to serve no more than the residents of Whitworth itself. The entire site is within the Primary Shopping Area of Whitworth.

The dispersed nature of the commercial uses within the vicinity of the centre has lead the LPA to adopt its policy of consolidation for Whitworth Centre where its efforts will be concentrated on a much smaller commercial area.

At present the only element to detract from the overall quality of the centre is the application site which is vacant, derelict and unattractive.

Convenience goods retailing

In support of the application it states. For a centre of this size Whitworth offers a wide range of services but its retail offer is limited, particularly in relation to food retailing. The Co-op is less than 280sqm and as such provides only a limited range of goods, serving mainly as a 'top-up' store. The LPA's 2009 Retail Study states that when respondents were asked about potential improvements to the centre to most popular response to encourage more frequent use was 'a better choice of food shops'. The proposed store would perform a 'top-up' function appropriate for the local centre.

A convenience store of this size would most likely complement and compete with the Co-op store. However, it is not the role of the planning system to prevent competition. If a convenience goods retailer acquired the unit it would be likely to offer greater choice and diversity for local residents and lead to qualitative improvements which can only be of benefit to residents and the overall attractiveness of the local centre, enhancing its vitality and viability.

Other existing retailers within the centre are unlikely to be adversely affected if the unit were to be occupied by a food operator as the likes of Tesco Express, Sainsbury's Local or Spar tend to focus on their food offer rather than comparison goods. The amount of floorspace given over to comparison goods retailing is negligible and is unlikely to draw any significant level of trade from the pet shop, florist and gift shop or pharmacy. Indeed, encouraging residents to remain in the village to meet more of their needs is likely to be of benefit to other retailers. The proposal would not impact upon the Borough's retail hierarchy.

Comparison goods retailing

In support of the application the proposed unit has been designed in such a way as to appeal to potential comparison goods retailers. The building's front elevation is almost fully glazed, which would not only provide an active frontage to Market Street but would also provide good quality display space for any comparison goods retailer. In addition, 15 car parking spaces are provided adjacent to the store entrance which allows customers to collect heavy goods if necessary.

The site's position within a local centre is also appealing to retail operators as the store would attract a significant amount of passing trade as local residents already visit the local centre to use other services and facilities making this an ideal retail location for a new or established retail venture.

The unit could be occupied by a wide range of retailers including use for household goods, soft furnishings/fabric store or electrical store. Given the wide range of potential end users it is difficult to consider the impact of a comparison goods store with any degree of accuracy, suffice to say that its catchment area is again unlikely to extend to Bacup. Bacup is almost equidistant between Whitworth and Rawtenstall with a drivetime of approximately 10 minutes to each centre. However, residents of Bacup are more likely to either shop within Bacup itself or to travel to Rawtenstall (a defined town centre) which provides the Borough's largest concentration of comparison goods retailing. For this reason a unit of this size in Whitworth is unlikely to draw trade from Bacup and consequently would not harm the centre or impact on the Borough's retail hierarchy.

It is clear that the NPPF considers that retail uses should be developed within existing centres. Furthermore, the NPPF encourages LPAs to adopt a presumption in favour of sustainable development. The Core Strategy prioritises the use of vacant and derelict land and the site is located within an existing centre with an established footfall. The development of this underused site would enhance the overall vitality and viability of the centre and add to its attractiveness, encouraging residents to shop there. The site is accessible on foot and by modes of transport other than the car. It is therefore considered to be a sustainable location for retailing.

- A Ground Condition Report with the following recommendations;

RSK recommend either samples collected from site to determine asbestos content and the results feeding into the site development health and safety provisions or details of asbestos survey and removal from the demolition works being made available.

RSK recommend that the presence, nature and thickness of Glacial Till be determined on site in at least two locations (east and west part of the site). Geotechnical data collected from these locations will also be used to inform development proposals.

RSK recommend that shallow soil samples be collected for chemical analysis (samples can be collected from the two locations proposed above) and that if groundwater is encountered during drilling, that groundwater monitoring wells be installed and samples collected to determine water quality 'entering' and 'leaving' the site. The results will be compared against generic assessment criteria to identify if the site represents a potential impact on groundwater or the River Spodden.

RSK recommend that two shallow (<1.5m deep) ground gas monitoring wells are installed on site so to confirm the nature and thickness of infill materials and to allow the potential risks from the ground gas regime to be assessed over a period of weekly visits.

RSK recommend that an excavator with breaker be used on site to allow the nature and extent of the foundations to be determined and a solution for their removal to be made. Two boreholes drilled on site will also allow the collection of geotechnical data that is required to design the foundations for the proposed store.

RSK recommend that additional data be collected from the utility company (United Utilities), the local authority and the Environment Agency in relation to the culvert.

In response to LCC Highways comments the applicant submitted a trip generation analysis on 30/10/2012 to satisfy LCC Highways concerns with parking shortfall.

5. **POLICY CONTEXT**

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 4 Promoting Sustainable Transport
- Section 7 Requiring Good Design
- Section 10 Meeting the challenge of climate change, flooding & coastal change
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Regional Spatial Strategy for the NW (2008)

- DP1-9 Spatial Principles
- RDF1 Spatial Priorities
- W1 Strengthening the Regional Economy
- W3 Supply of Employment Land
- RT2 Managing Travel Demand
- RT4 Management of the Highway Network
- RT9 Walking and Cycling
- EM1 Environmental Assets
- EM2 Remediating Contaminated Land
- EM3 Green Infrastructure

Rossendale Core Strategy DPD (2011)

AVP1	Whitworth, Facit, Shawforth
Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 11	Retail and Other Town Centre Uses
Policy 13	Protecting Key Local Retail and other Services
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

LCC Parking Standards (2006)

High Streets at the Heart of our Communities: The Governments response to the Mary Portas Review (March 2012)

6. CONSULTATION RESPONSES

LCC (Highways)

I would raise no objection to the above planning application on highway grounds.

For an A1 Food retail store LCC parking standards require 23 spaces, A1 Non-Food requires 16 spaces and A3 Food and drink requires 39 spaces, all have a 15% reduction included for a medium accessibility site.

Disabled parking spaces and cycle racks are required at a ratio of 1:10 spaces and these have been shown on the plan.

The applicant should demonstrate on the plan that a HGV can enter, turn unload and exit the site in forward gear.

The proposed car park access is close to the adjacent car park access which is a concern, although there is an existing access into the site and it is preferable to locate it as per the plan rather than closer to Mills Street.

Due to the layout of the existing site there is opportunity to park on Mills Street and still allow traffic to pass along Mill Street over the site car park. The proposed layout will mean that parking on Mills Street will be displaced further up the street or onto the opposite side of Market Street.

Any boundary walls/fences along Market Street, Mills Street and bounding the adjacent car park from (Market Street for a distance of minimum 5) should be a maximum height of 900mm to ensure that sightlines are maximised at the access points onto Market Street.

The footway is narrow along the frontage of the development and I would seek to widen the footway to 1.8m (recommended minimum). This would mean that the landowner would have to agree to dedicate a narrow strip of land adjacent to the footway. There is scope within the car park to lose a narrow strip of land without compromising the distance between the spaces (6m minimum).

The plan does seem to show this however it needs clarification.

LCC Archaeology

The 1st Edition Ordnance Survey (Lancashire Sheet 80), surveyed 1844-5, shows the proposal site to be occupied by an H-shaped block, probably indicative of a group of tenements. A group of listed buildings immediately to the south of the proposal site are known to date to the 18th century. The date of construction of the buildings within the proposal site is not known but they may also date from the 18th century.

The CBA North-West's *An Archaeological Research Framework for North West England* has identified cleared slum dwellings of the 18th & 19th centuries as being an area of archaeological interest that has been previously not been studied in depth, and one that has a potential to contain both structural evidence and assemblages of material worthy of recording.

Consequently LCAS would recommend that should the local planning authority be minded to grant planning permission to this, or any similar scheme, that the applicants be required to undertake a programme of archaeological works, and that such work is secured by means of the following condition:

Condition: No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

This is in accordance with NPPF paragraph 141 and Rossendale Borough Council Core Strategy Development Plan Document, Policy 16. Specifications and a list of professionally qualified archaeological organisations that could carry out appropriate archaeological works can be obtained from the Lancashire Archaeology Service

RBC Environmental Health

There is the potential for an increase in noise levels and other nuisance, affecting the local neighbourhood associated particularly with the construction phase and deliveries to site, both in the construction phase and once developed.

Having considered the proposal, I would recommend the following conditions to any consent in order to protect residential amenity.

Construction works should not be permitted outside the following hours-

Monday to Friday 07:00 to 19:00

Saturday 08:00 to 13:00

Construction hours shall not be permitted on Sundays or Bank or Public Holidays.

Deliveries to site should be restricted to day time only, [avoiding early morning](#) and not during busy shopping periods/or at times with high demand on parking facilities. There should be no deliveries taking place on Saturday afternoon, Sundays and Public/Bank holidays.

If illuminated signs and outdoor lights are to be installed they must be so designed, installed and positioned to prevent glare/light nuisance to residential properties.

Contaminated Land

Having discussed the application with Rebecca Lawlor. The following condition is considered appropriate.

- a. Based on the recommendation of the submitted Phase 1 report a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to and approved in writing by the LPA.
- b. Should the Phase II investigation indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with approved details.
- c. Should remediation be required a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to and approved in writing by the LPA prior to the first use or occupation of that part of the development hereby approved.

United Utilities

This response is based on the details submitted on the planning application form. I will have no objection to the proposal provided that the following conditions are met: -

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

The applicant must discuss full details of the site drainage proposals with Neil O'Brien via planning.liaison@uuplc.co.uk

United Utilities offer a fully supported mapping service at a modest cost for our water mains and sewerage assets. This is a service, which is constantly updated by our Property Searches Team (Tel No: 0870 7510101). It is the applicant's responsibility to demonstrate the exact relationship between any assets that may cross the site and any proposed development.

Please note, due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction, please contact a Building Control Body to discuss the matter further.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order site notices were posted on 27/09/2012 and letters were sent to the relevant neighbours on 26/09/2012.

15 letters of objections have been received raising the following concerns. The letters of objection include a letter from the Co-operative store, Whitworth.

- The layout and design is not sympathetic to its surroundings
- The bright neon signs will shine directly into houses
- The volume of traffic will generate unacceptable levels of noise

- The access onto the main highway is of serious concern, increasing potential for road traffic accidents and diminishing pedestrian safety
- The daily delivery of rigid caged vehicles, which I understand will take place will introduce a noise nuisance to local residents, which will be to unacceptable levels
- Smell
- The extent of vehicular movements on the site will increase the noise level to an unacceptable level, which will take place for up to 17 hours a day
- Headlights shining into residential properties when leaving the car park
- The proposal has inadequate car parking spaces and people using the premises will probably park on the main road or pavement
- Lack of maneuvering space for lorries, additional access next to existing access creating highway safety concern, cumulative impact of large vehicles causing safety concerns
- Cars using alternative and less suitable routes such as Cowm Park Way past primary schools
- Negative implications to local businesses contrary to RBC's Economic Development Strategy
- The use would duplicate a retail offer already available, alternative uses should be considered
- It would increase the emergency services response times.
- A Tesco on the outskirts of Rochdale is used as an example of congestion and traffic related issues.
- Mills Street is unadopted and is already congested with residents parking and is too narrow for articulated lorries

Co-op Response (summary)

In summary there are in our view significant deficiencies in terms of the proposed access and servicing arrangements proposed as part of the scheme in its current form. The applicant has not provided any evidence to demonstrate in particular that the site could be accessed and serviced in a safe and appropriate manner. The scheme would therefore have the potential for not only significant implications for wider highway safety but also the ability of deliveries and customers to gain access to our existing store car park and delivery yard further to the north of the site.

Whitworth Town Council

- There are concerns for the potentially significant increase in customer vehicles which will park on the road. The road is not wide at this point and already accommodates vehicles on the northbound side of the carriage way, which are crucial to the existence of the businesses on that side of the road. Any extra parking would cause significant congestion in this area
- Insufficient parking on site leading people to park on the road in front of businesses jeopardizing their businesses
- Not enough space for delivery vehicles to turn on site. There is no obvious boundary between the delivery area and the car park which could be a risk to pedestrians who would be likely to cross the maneuvering area when entering the site from the north. We would ask a condition is attached ensuring vehicles enter and exit in a forward gear.
- Concern with light pollution into neighbouring properties particularly by advertisements and the unit itself. Also concern with noise created by the development, especially the deliveries.
- A Tesco on the outskirts of Rochdale is used as an example of congestion and traffic related issues.

8. ASSESSMENT

The main considerations of the application are :

1) Principle; 2) Contaminated Land/Flood Risk; 3) Visual Amenity/heritage Impact; 4) Neighbour Amenity; 5) Access/Parking.

Principle

The site is located within the Urban Boundary in the Primary Shopping Area (PSA) of Whitworth, wherein the Council seeks to locate most new retail development. Furthermore, the site constitutes previously-developed land is not far from a main road along which runs a 'quality' bus service. As the site is situated within the PSA of Whitworth and on a quality bus route it is considered to be in a sustainable location.

Policy 11 of the adopted Core Strategy DPD states that retail development, together with other town centre uses, including offices, leisure, arts, culture and tourist facilities, will be focused within the defined town and local centres. Whitworth is considered to be a Local Centre as set out in the retail hierarchy for Rossendale which is where this site is situated. It goes on to say that retail proposals will be directed to the Primary Shopping Areas. Proposals for new retail floorspace will be resisted outside of the defined PSA boundary.

The proposal is for a retail unit of 372sqm and 380sqm of sales space. As the end user has not been identified the type of items on sale are not known. The Retail Impact Assessment details existing retail offer within Whitworth and how the proposed unit whether used for sale of comparison or convenience goods would be appropriate in Whitworth. Due to the size of the unit it is not likely that people will travel from neighbouring towns to visit the store and therefore it is considered the retail unit would not impact upon the retail hierarchy of the Borough as supported in paragraph 5.18 of the Design and Access Statement.

The borough has a strong representation of independent retailers, which is to be supported and encouraged. This is recognised in the Council's Core Strategy DPD. Concentrating town centre uses within the defined PSA is a policy designed to ensure and retain the vitality of our town/district and local centres. The proposed development would create a new retail opportunity with the potential to attract people to the PSA.

The proposed unit is within the PSA of Whitworth in sustainable location and would be use (A1) suitable for a Local Centre. Accordingly, the proposal is considered appropriate in principle in line with local and national guidelines.

Contaminated Land/Flood Risk

The Council's Environmental Health Unit has no objection to the application on the grounds that the site is incapable of being developed in the manner proposed without risk to public health, subject to a relevant condition in relation to remediation.

United Utilities has no objection to the proposal provided that the following conditions are met:

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

In line with the recommendations of the Phase 1 geotechnical and environmental survey a condition for remediation will be imposed. This includes further investigation relating to the culvert that is known to run under the site.

Visual Amenity/Heritage Impact

The building would be set back from Market Street with car parking in front as is the case with the health centre and Ashoka restaurant. The building would be single storey and be set against the backdrop of the existing stone wall. As the site is in a prominent location in Whitworth PSA it will be visible in the street scene. However, it would be screened from longer range views down Market Street due to the existing buildings in the area, the scale of the proposed building and the set back of the property.

It is of a design appropriate for the intended use. The materials have not been specified although the frontage facing Market Street is heavily glazed. The design of the building is contemporary in style with large panels to all elevations consisting of a large number of glazed panels offering display areas for the proposed retail unit. The building would have a flat roof which is consistent with the neighbouring Ashoka restaurant and the Co-op on Thorneylea. The flat roof is considered appropriate considering the modern appearance of the building. The large retaining wall behind the property is constructed of stone as are properties further up the hillside and opposite the site. Although the Ashoka restaurant has now an exposed brick side elevation facing the site the previous building on site screened this as the proposed building would. Stone is considered to be an appropriate material to ensure high quality and in-keeping design. The overall quality of the design finish can be controlled when materials/samples are requested to ensure that the building does not unduly detract from the street scene. Therefore it will be necessary to condition that samples of the facing materials are submitted.

As stated by LCC Planning Officer (Archaeology); The 1st Edition Ordnance Survey (Lancashire Sheet 80), surveyed 1844-5, shows the proposal site to be occupied by an H-shaped block, probably indicative of a group of tenements. A group of listed buildings immediately to the south of the proposal site are known to date to the 18th century. The date of construction of the buildings within the proposal site is not known but they may also date from the 18th century.

The CBA North-West's *An Archaeological Research Framework for North West England* has identified cleared slum dwellings of the 18th & 19th centuries as being an area of archaeological interest that has been previously not been studied in depth, and one that has a potential to contain both structural evidence and assemblages of material worthy of recording.

Consequently LCAS would recommend that should the local planning authority be minded to grant planning permission to this, or any similar scheme, that the applicants be required to undertake a programme of archaeological works, and that such work is secured by means of condition.

LCC Archaeology has provided evidence to suggest there would be structural evidence and assemblages of material worthy of recording. Therefore the condition is considered reasonable in line with Policy 16 of the adopted Core Strategy and Section 12 of the NPPF.

Neighbour Amenity

The site is within the PSA where there is a mix of commercial and residential properties as well as commercial and residential premises that bound the PSA. A number of neighbours have raised concern with noise nuisance and light pollution that this development may cause and the impact this may have on the enjoyment of their homes, particularly. The movement of traffic in and out of the site is inevitable with any use that provides off street parking. The site is on a heavily trafficked main road with other uses in the vicinity open into

the night. Although I acknowledge the new development would attract additional traffic and therefore people it is a PSA site where the Council aims to locate night time economy and other forms of commercial development such as this. In addition deliveries will be restricted so that neighbours would not be disturbed in the evening or before 7am.

The development would not unduly impact upon neighbour privacy due to the position of the development set back into the site with the delivery/services area away from most residential properties. The site is opposite residential properties on Market Street who would look out onto the site across Market Street. The site is approximately 13m away and the proposed building would be 32m away. The development would not block light to neighbouring properties. Outlook would be impacted but considering the designation of the site and the single storey nature of the development the development would not result in significant harm.

Advertisement consent will be subject to a separate application. Therefore the impact of the signage on the building is not considered as part of this application. The position and design of the advertisements will then be considered in terms of public amenity and highway safety.

Access / Parking

For an A1 Food retail store LCC parking standards require 23 spaces, A1 Non-Food requires 16 spaces and A3 Food and drink requires 39 spaces, all have a 15% reduction included for a medium accessibility site. These requirements are based on the submitted proposal taking into consideration the location of the site. Adequate cycle spaces and disabled parking are shown on the submitted drawing.

There is a shortfall in parking by 4 spaces for food retail and as the applicant has not specified the end user this needs to be addressed. It has been recommended by LCC Highways that a trip generation analysis is provided to demonstrate that the number of spaces is sufficient to accommodate a food store of this type and size. It is acknowledged and I concur with Highways that a store of this kind/size operates a high turnover of vehicles so a shortfall may not cause significant concern. The applicant has submitted a trip generation analysis that satisfies LCC Highways concerns.

LCC require that it is possible for a HGV to enter, turn unload and exit the site in forward gear. The application includes an autotrack of delivery vehicles. Although LCC are satisfied that this enables vehicles to enter and exit in forward gear the manoeuvre would block 4 parking spaces whilst carried out. It is therefore recommended and considered necessary to restrict deliveries when demand for parking is at its lowest by way of condition. It is acknowledged that a convenience store may require an early morning delivery of fresh produce such as milk. The condition will be worded to allow for one delivery between 7am – 8am which continues to avoid deliveries at peak times.

Although LCC highways has slight concerns with the proximity of the access to the existing access to the adjacent car park it is preferred in this location rather than closer to Mills Street. To ensure visibility is acceptable it will be conditioned that any boundary walls/fences along Market Street, Mills Street and bounding the adjacent car park from (Market Street for a distance of minimum 5m) should be a maximum height of 900mm.

The footway is narrow along the frontage of the development and I would seek to widen the footway to 1.8m. The applicant has submitted an amended drawing to confirm the footway will be a minimum of 1.8m in width.

Highway issues including parking, access, visibility, deliveries/servicing and sight lines have been raised by a number of individuals including the Co-op and Whitworth Town Council. It is considered that the issues raised have been addressed within the above assessment.

In considering this scheme and the raised concerns I am mindful of paragraph 32 of the NPPF which states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is a main public transport corridor where Policy 9 explicitly references development should be concentrated. Overall I am satisfied that the scheme would not cause significant highway safety issues.

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle for a site located within the Urban Boundary of Whitworth and within the Primary Shopping Area and on a 'quality' bus route. Subject to the Conditions, the scheme will not detract to an unacceptable extent from visual and neighbour amenity or highway safety or unduly affect flood risk or public health. The development has been considered most particularly in light of the National Planning Policy Framework (2012), Policies RDF1/W1/RT2/RT4/EM1/EM2/EM5 of the Regional Spatial Strategy (2008) and Policies AVP1/1/8/9/11/17/23/24 of the Rossendale Core Strategy DPD (2011).

10. RECOMMENDATION

That Permission be granted, subject to the following Conditions.

CONDITIONS/REASONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the drawings numbered (P)503 Rev A and (P) 203 Rev A dated stamped 26/09/2012.
Reason: For the avoidance of doubt.
3. Prior to the commencement of construction :
 - a. Details of the Phase II investigation to be carried out shall be agreed with Local Planning Authority and the results submitted and approved in writing by the LPA in line with the recommendations in the RSK Phase 1 geotechnical and environmental study.
 - b. Should the Phase II investigations indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the LPA.
 - c. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with approved details; if during any works on site other contamination is found or suspected the Local Planning Authority shall be notified immediately and, where required, a suitable risk assessment and remediation works carried out in accordance with a scheme and timetable agreed with the Local Planning Authority.
 - d. Should remediation be required a Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to and approved in writing by the LPA prior to the first occupation of the building hereby approved.

Reason : To ensure the site is properly remediated and any risk to human health and controlled waters is minimised, in accordance with the recommendations of the submitted Phase 1 geotechnical and environmental survey, RBC Environmental Health comments and Policy 24 of the RBC Core Strategy DPD (2011).

4. Notwithstanding what is shown on the submitted drawings prior to the commencement of construction samples of facing materials to be used in the elevations and roofs of the proposed building which shall include natural stone, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved materials.

Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

5. Prior to first occupation of the building hereby permitted the areas for parking/manoeuvring of cars shall hard-surfaced, drained and delineated and thereafter kept freely available for use as such and any boundary walls/fences along Market Street, Mills Street and bounding the adjacent car park from (Market Street for a distance of minimum 5m) should be a maximum height of 900mm.

Reason : In the interests of highway safety, in accordance with Policy EM2 of the Regional Spatial Strategy (2008) and Policy 24 of the RBC Core Strategy DPD (2011).

6. Any demolition works, ground remediation works or construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To minimise noise disturbance to neighbouring residents in accordance with Policy 24 of the adopted Core Strategy DPD

7. The use hereby permitted shall only be conducted between 07:00 – 23:00 Monday to Sunday.

Reason: In line with the requested hours of opening being applied for.

8. No deliveries shall be taken at or despatched from the site outside the hours of 09:30 – 15:30 Monday – Saturday, and a single delivery 07:00 – 08:00, and at no time on Sundays, Bank or Public Holidays.

Reason: To minimise noise disturbance to neighbouring residents and in the interests of highway safety in accordance with Policies 8 and 24 of the adopted Core Strategy DPD

9. No works shall take place until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work, comprising both building recording & analysis and below-ground archaeological investigation. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason To ensure and safeguard the recording and inspection of matters of archaeological/historic importance associated with the building/site, in accordance with comments from LCC Archaeology, Section 12 of the National Planning Policy Framework, Policy EM1 of the Regional Spatial Strategy and Policy 16 of the Council's Core Strategy DPD.

10. No development shall take place until details of the proposed foul and surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide for surface-water to drain separate

from the foul and for surface-water regulation. No part of the development shall be occupied until the approved systems of water drainage have been fully implemented.

Reason: To reduce the flood risk to occupants of the proposed building, in accordance with Section 10 of the NPPF, Policy EM5 of the Regional Spatial Strategy and Policy 24 of the Council's Core Strategy DPD.

11. Notwithstanding details provided on the approved drawings details/system of external lighting that is to be installed on the site shall be first submitted to and agreed in writing by the LPA.

Reason: To minimise disturbance to neighbouring residents in accordance with Policy 24 of the adopted Core Strategy DPD