

Hyndburn Borough Council

Report for: **Planning Committee**

Application Ref: 11/18/0236

Application Address: Former Grand Club Blackburn Road Great Harwood (A1)

Description of Development: Full: Erection of 2-storey building for commercial use (Class A1)

Date Registered: 31 May 2018

Date for Decision: 28 August 2018

Date Report Written: 1 October 2018

Applicant: Mr S Duxbury

Agent: Peter Hitchin Architects

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.

Site and proposal

Situated in the urban boundary of Great Harwood, this prominent site on Blackburn Road has been vacant for a number of years following the demolition of the Grand Club. Situated on the corner of Blackburn Road and Rishton Street the site is close to Great Harwood Town Centre Conservation area. There is a pedestrian crossing immediately in front of the site.

Planning permission is sought for the erection of a two storey building for which will be for retail use (Class A1). The proposal for a plumber's merchant would include a trade counter, store and show room on the ground floor together with a show room on the first floor. There would be a fire escape to the rear of the property.

Access to the site is from Blackburn Road to a car park that affords 6 parking spaces together with space for cycles and motorcycles.

The design of the front of the property facing Blackburn Road is dominated by four large windows. The northern elevation would include access to the building together with a large roller shutter where bulky goods will be taken through. The design of the southern elevation (Rishton Street) is less detailed although it incorporates a window as a wraparound from the front elevation.

The pitched roof would be constructed of slate while the walls would include coursed smooth dressed stone on the front (Blackburn Road) elevation and render on the north and southern elevations.

Summary of Consultations

Neighbour letters sent and site notice affixed: No representations received

LCC Highways: Object to the proposed application due to the poor access and egress to the site including how HGVs will access the site. There would also be insufficient car parking provision.

Environmental Health: No objection subject to conditions

United Utilities: No objection subject to conditions

HBC Conservation Officer: Comments awaited

Cadent: the applicant is advised to contact Cadent as there may be gas apparatuses on or close to the site that may be affected by the construction work.

Relevant policies

Development Plan

Hyndburn Core Strategy

Policy BD1	The Balanced Development Strategy
Policy Env6	High Quality design
Policy Env7	Environmental Amenity

Development Management DPD

Policy GC1	Presumption in favour of Sustainable Development
Policy DM22	Heritage Assets
Policy DM 26	Design Quality and materials
Policy DM27	Environmental Amenity
Policy DM32	Sustainable Transport Traffic and Highway Safety

Material considerations:

National Planning Policy Framework (NPPF)

Observations

The key issue to be consider when determining this application is the principle of retail use on this edge of town centre location site, the impact the proposed development would have on the amenity of the surrounding land uses, the quality of the design and its proximity to the Great Harwood Town Centre Conservation Area and highway issues including the need for a Section 278 Agreement.

Principle of retail development

The application site is considered to be in an 'edge of centre' location (approximately 110m from the defined town centre boundary of Great Harwood). In line with both local and national policy, the proposal is therefore subject to both a sequential assessment and retail impact assessment (as it falls below the local retail impact assessment thresholds set out in DM DPD Policy DM3).

Sequential test

In the case of the sequential test the applicant has provided a detailed and proportionate assessment of sequentially preferable sites combining a desktop survey of available sites with a street audit of relevant centres within the catchment area (Great Harwood, Rishton and Clayton-le-Moors). It is considered that the sequential test satisfies policy requirements in that it demonstrates that there are no sequentially preferable sites that are suitable and available. The development site is considered to be an accessible location that is well connected to the town centre a short distance along Blackburn Road.

Retail impact assessment

As for the impact assessment, required by DM DPD Policy DM3 para 5, the latest health check of Great Harwood was undertaken in the Council's Retail Study of 2016. It concluded that the '*comparison retail offer is limited and the town centre suffers from above average levels of vacant property*'. The applicant has however demonstrated through the sequential test that no suitable or available vacant units exist at the present time. The proposal involves moving an existing business established in the town to a new location. As such, not all turnover of the proposed store would comprise new turnover. The move involves vacating an out of centre location (existing unit on St. Hubert's Road) to larger premises in an edge of centre location (sequentially preferable site). As set out above, whilst the proposed store is edge of centre, it is considered to be well connected to the town centre and therefore offer the increased potential for linked trips over the existing retail unit on St Hubert's Road.

Although some trading impacts of an increased retail unit size would be expected, for the reasons set out above these are not considered to be 'significantly adverse' in line with the policy test in Policy DM3 and NPPF. The applicant is considered to have provided a proportionate retail impact assessment in support of the application.

In light of the above it is considered that the proposal is compliant with policy in terms of principle on the sequential and retail impact tests. If planning permission were to be granted it is recommended that a condition restricting the sales of goods from the unit to those set out in the application. This would ensure that any future changes to the type or scale of retailing proposed on the site could be appropriately assessed (in line with paragraph 8 of DM3).

Design and impact on the conservation area

Policy Env6 of the Hyndburn Core Strategy seeks to ensure that the character and quality of Hyndburn's urban and rural environments will be conserved and enhanced through high quality design. Policy DM26 of the DM DPD has similar aims. In addition because of its proximity to the Great Harwood Town Centre Conservation Area, Policy DM22 of the Development Management DPD is also considered relevant in this particular case.

In light of its proximity to the conservation area and because of its prominent location on a principle route to and from Great Harwood, the Council's Conservation Officer has been consulted. The initial design of the building paid little respect to its location, its surroundings or the conservation area. The building was too tall and jarred with the surrounding properties, the north and south elevations both of which would be seen from Blackburn Road were bland and uninteresting and the materials to be used did not relate well to the its surroundings.

The applicant was invited to look again at the proposed design of the building given its prominent location, proximity to the town centre conservation area and taking account of its surroundings. A revised design has been submitted which reduces the buildings size and scale removing the second storey which would have been used for storage. The reduction in its height means that the building now relates better to the houses on the opposite side of Blackburn Road. The applicant has also inserted windows close to the corners of the end elevations in order to improve their bland appearance. The use of coursed stone for the front elevation and render elsewhere together with slate for the roof again ties the proposed building into its surroundings.

The amendments that the applicant has made to the appearance of the building are a considerable improvement from the original design; the building relates better to its surroundings and to the conservation area. it is considered that the proposal now complies with DM22 and DM 26 of the DM DPD and Env6 of the Hyndburn Core Strategy.

Environmental amenity

Policy Env7 of the Hyndburn Core Strategy states that proposals for new development will only be permitted if it does not result in unacceptable adverse impacts through (amongst other things), overlooking and loss of light. Policy DM29 of the Development Management DPD has similar aims.

Although this is predominantly residential in character with housing on the opposite side of Blackburn Road and on either side of the development in the former Lomax Public House and police station, given the busy nature of Blackburn Road and the site being close to Great Harwood Town Centre it is unlikely that the proposed development will have a detrimental impact on the amenity of the surrounding land uses by virtue of noise.

The fact that there is a bowling green to the rear of the site and the orientation of the windows which are predominantly on the front and side elevations means that it is unlikely that there will be any loss of privacy to adjacent land uses. In light of this, it is considered that the proposed development complies with Env7 of the Hyndburn Core Strategy and DM29 of the DM DPD.

Highway Issues

Policy Env7 of the Hyndburn Core Strategy also states that proposals for new development will only be permitted if it does not result in unacceptable adverse impacts on the highway network. Policy DM29 of the Development Management DPD has similar aims as does Policy DM32 of the DM DPD which states that all developments shall ensure the safety of highway users is properly taken into consideration and any development will not have an adverse impact on highway safety. Finally, paragraph 109 of the NPPF states that developments can be refused on highway grounds if it would have an unacceptable impact on highway safety.

The site occupies a corner site at the junction of Blackburn Road and Rishton Street. Blackburn Road is heavily trafficked being a principle route between Great Harwood and Rishton. There is a pedestrian crossing directly in front of the site. Access to the proposed development would be from Blackburn Road and would be some 8m from the pedestrian crossing. The application affords provision for six car parking spaces and a cycle and bike parking area.

The Highway Authority object to the proposed development. They advise that the proposed access close to an existing pedestrian crossing, an existing private access to the former Lomax Public House which was recently converted to a number of apartments, and it being close to two junctions onto Blackburn Road, would have a severe impact on road safety in the area.

Furthermore, the applicant failed to provide sufficient space within the development to allow HGVs to unload stock clear of the highway. Given its close proximity to two

junctions that emerge onto Blackburn Road close to the site as well as the pedestrian crossing, the unsatisfactory arrangements to effectively service the site would also have a sever impact on highway safety.

It is important that developments provide sufficient car parking within the site in order to avoid cars parking on the highway and therefore having a detrimental impact on highway safety. Guidance Note GN8 in the DM DPD provides the council's car parking standards. It states that for retail (A1) uses such as that proposed in this instance, non-food retail uses require 1 space for every 20 sq. m. Based on the council's car parking standards and with a proposed floor area of some 470m², the car parking requirement for the proposed development would be some 24 car parking spaces. In this particular case, the applicant is proposing some six spaces of which a proportion is likely to be occupied by the firm's employees.

Given the poor access arrangements to the site, its close proximity to a pedestrian crossing and an access to the former Lomax public house, as well as there being a lack of parking provision within the site and the fact that it would encourage on street parking, all this would contribute to an adverse impact on highway safety and be contrary to Policy Env7 of the Core Strategy and DM29, DM32 and GN8 of the DM DPD.

In response to the comments of the Highway Authority and following further negotiations with the highway authority, an amended plan has been submitted which includes revisions to the access to the site. The plan has been accompanied with a further access statement in which the applicant has states that he would preclude any vehicle greater than 3.5 tonnes from accessing the site. Members are reminded that while this may be the case the local planning authority has no power to prevent large lorries from parking on the highway and loading and unloading their contents.

The highway authority has again been consulted on the revised scheme but its comments have yet to be received. An update on the highway authority's comments will be provided to Members at committee.

Section 278 Agreement

It is understood that some of the access works the applicant was proposing would have been in the within the highway, including the realignment of the kerb in front of and to the access of the former Lomax public house. This being the case, the applicant will require a Section 278 Agreement with the highway authority to undertake the works. Given the initial objection that the highway authority has with the proposed development, the council has been informed that the highway authority would not allow such works to be carried out on the highway and consequently the proposal development even if approved by committee will not be able to be implemented in its current form.

Conclusion

This is a prominent site on one of the important routes into Great Harwood. The proposal for use as a plumber merchant (A1 use) is acceptable in principle given its close proximity to the town centre. The highway authority however objected to the original scheme given the poor access arrangement to and from the site, the accesses close proximity to a pedestrian crossing as well as there being a lack of space within the site to provide adequate parking and for the unloading of HGVs means that that the it will have a sever adverse impact on highway safety.

The applicant was informed of the objection by the highway authority and has submitted a revised plan on which the highway authority has yet to comment. Its comments will be reported to Members at the committee meeting.

Members are reminded that the application may include works within the highway for which a section 278 Agreement with the highway authority is required. If this is the case such an agreement to carry out the works may be withheld due to the highway authority's objection and as such the application will not be able to be implemented.

Recommendation

Refuse for the following reason:

1. The proposed development would give rise to unacceptable access arrangements to and from the site detrimental to highway safety and would be contrary to Policy Env7 of the Hyndburn Core Strategy, Policies DM29 and DM32 of the Development Management DPD and the National Planning Policy Framework.