

Application Number 07/2016/1171/FUL

Address Land At Liverpool Road /
Cop Lane
Penwortham
Lancashire

Applicant Tesco Stores Ltd

Agent Mr Jonathan Burns

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53 Fountain Street
Manchester
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United Kingdom

Development Erection of new foodstore (Class A1), 2no non-food retail units, petrol filling station together with associated car parking, recycling facilities, landscaping and associated works following demolition of existing buildings. Formation of new access off Liverpool Road and service access off Cop Lane

Officer Recommendation **Approval**
Officer Name **Mr Chris Sowerby**

Date application valid 08.02.2017
Target Determination Date 10.05.2017
Extension of Time 07.07.2017



1. REPORT SUMMARY

1.1 The application relates to a 1.98 hectare parcel of land, flat and broadly rectangular in shape, located at the junction between Liverpool Road and Cop Lane in Penwortham. The site comprises of former Government Offices and associated car parking, areas of circulatory hardstanding and soft landscaping. The dilapidated office buildings are arranged in seven single storey blocks of rectangular configuration within an overall footprint of 4,450 square metres (sq m). The buildings account for approximately 22% of the site area. Given the built development present and historic use of the site, the site constitutes previously developed land. The site is adjacent to the Liverpool Road Air Quality Management Area and is within an area of land designated as B1: Existing Built-Up Areas in the South Ribble Local Plan.

1.2 An extant planning permission exists on the site for the erection of a foodstore (including customer café, car parking, service yard, biomass boiler, plant and recycling facilities) with the applicant then being Sainsbury's.

1.3 The proposal is for the erection of a Tesco foodstore (Class A1), 2no. non-food retail units (Class A1) and a petrol filling station (Sui Generis use) together with formation of a new access to Liverpool Road, the formation of a services access to Cop Lane, associated car parking, recycling facilities, landscaping and other associated works following the demolition of existing buildings on the site.

1.4 The proposed development is set in a highly accessible location given its proximity to residential development, other complimentary retail and service sector uses, as well as the ability to walk, cycle and access the site by public transport, for potential customers.

1.5 In accordance with the requirements of the National Planning Policy Framework (NPPF) the submitted Retail and Planning Statement included a Sequential Site Assessment. This identified no sequentially preferable sites for the proposed development as well as there being no evidence to suggest the proposed development would have a significant adverse impact upon existing, planned or committed investment in the catchment area and there also being no scope for the proposal to have a significant adverse impact upon trade in defined centres in the catchment area. The Local Planning Authority and its retail advisor White Young Green (WYG) has assessed the proposal and agrees with these assertions.

1.6 The proposed Tesco foodstore has a gross floor area of 3,220 square metres, with a net sales area of up to 2,183sq metres with the 2no. non-food retail units proposed each having a gross internal floorspace of 465sq metres, with a net sale area of 372 sq metres.

1.7 The proposal is considered to be of satisfactory design (as per paragraph 56 of the NPPF) and the overall site layout has had proper regard to surrounding land uses. The scheme does involve the removal of some existing trees on the site to facilitate road widening works and the formation of access points and car parking. There is however mitigation for this in the form of a new planting scheme in association with the development, which the Local Authority's Arboriculturist has confirmed provides a suitable choice of species.

1.8 It is considered that the small part of the site along its north-western boundary that falls with the Penwortham Conservation Area would not be adversely affected by the development. The character and appearance of the main body of the conservation area is formed by existing buildings on the opposite side of Cop Lane & will be unaffected by the proposal. The development will not result in substantial harm to the significance of the heritage asset or any listed building in the Penwortham Neighbourhood Development Plan.

1.9 Detailed discussions have taken place between the developer, the Environment Agency and the Local Lead Flood Authority (LLFA) regarding the proposed installation of underground fuel storage tanks for the new petrol filling station. Having reviewed documents

in regards to the risk arrangements for the development and technical drawings and specifications for the underground fuel storage, the Environment Agency and the LLFA have raised no objections to the proposal recommending a number of conditions that are detailed within this report.

1.10 A total of 253 car parking spaces are proposed, of which 14 would be disabled spaces and 8 parent and child spaces. The car parking spaces are not to be restricted to customers solely visiting the site, free to use and permit parking for a specific time period (likely 2 hours). This would allow/promote linked trips to Penwortham District Centre. Customer vehicular access is proposed from a new signalised junction to be created on to Liverpool Road. A service vehicular access is proposed from Cop Lane, with pedestrian access to be available from Cop Lane, Liverpool Road and Alcester Avenue. A series of highway improvement measures are proposed in respect of nearby junctions and traffic flows on Liverpool Road. These works would be covered by a Section 278 Agreement which is an agreement under the Highways Act 1980.

1.11 County Highways have fully assessed the proposal and conclude that, provided the mitigation they seek is secured, through a section 278 agreement, they do not raise objection in principle to the development. Given this conclusion, and being mindful of the previously consented development on the site, an objection on highway grounds cannot be substantiated.

1.12 The previously consented Sainsbury's scheme included a significant amount of Section 106 Agreement monies (circa £200k), requested by County Highways, to be spent on various highway improvement and sustainable transport initiatives. The situation regarding the delivery of the Penwortham Bypass route has however progressed significantly since the previous application on the site was submitted in 2011, with the dualling of part of the A582 between the roundabout junctions with Leyland Road & Millbrook Way. Also, the planning application for the construction of the Penwortham Bypass route has been submitted & is due to be considered by Lancashire County Council's Planning Committee for a decision later this year and if approved, work is envisaged to commence in 2018/19.

1.13 In order to provide flexibility, the applicant has applied for 24 hour opening for the Tesco foodstore, petrol filling station and the 2no. non-food retail units. Environmental Health have raised no objection to the proposal, concluding that with control and mitigation through suitably worded conditions: relating to restriction on waste collections; specification of the acoustic service yard gates; restrictions on the night time use of sections of the car park and restrictions on plant and deliveries, there would be no residential amenity issue.

1.14 For these reasons, and those contained within the report, it is recommended that the application be approved subject to the imposition of conditions.

2. APPLICATION SITE AND SURROUNDING AREA

2.1 The application relates to a 1.98 hectare parcel of land, flat and broadly rectangular in shape, located at the junction between Liverpool Road and Cop Lane in Penwortham. The site, which is vacant and in poor condition, comprises of former Government Offices and associated car parking, areas of circulatory hardstanding and soft landscaping. The dilapidated office buildings are arranged in seven single storey blocks of rectangular configuration within an overall footprint of 4,450sq m. The buildings account for approximately 22% of the site area. Given the built development present and historic use of the site, the site constitutes previously developed land.

2.2 Part of the site is within the Penwortham Conservation Area. This comprises the north-western part of the site fronting Cop Lane and extending up to Liverpool Road, it extends for a maximum depth of 24m into the site for a maximum length of just under 90m along the site frontage.

2.3 The site is bounded to the north by Liverpool Road with both residential and commercial uses on the opposite side; to the west by Cop Lane which has residential properties, a health care centre and a vicarage on the opposite side; Penwortham Girls High School to the south; to the east by the head of cul-de-sacs, known as Greyfriars Drive, Clifton Drive, Alcester Avenue and also a Telephone Exchange.

2.4 The boundary of Penwortham town centre as defined in the Adopted South Ribble Local Plan (SRLP) lies immediately to the north of the site on Liverpool Road, and beyond the western side of Cop Lane.

2.5 The site is adjacent to the Liverpool Road Air Quality Management Area and is within an area of land designated as B1: Existing Built-Up Areas in the South Ribble Local Plan.

3. SITE HISTORY

3.1 The application site was first developed in the mid-1950s as Government offices, and employed approximately 350 people. The site was vacated early in 2010 with the buildings and external hard and soft landscaping and access points being left in situ, although unmanaged, partially overgrown and dilapidated.

3.2 In May 2013, following the completion of a S106 Agreement relating to off-site highway improvements and sustainable transport works, planning permission was granted for the erection of a foodstore (including customer café, car parking, service yard, biomass boiler, plant and recycling facilities) with the applicant then being Sainsbury's. This permission, although not fully implemented, remains extant through the recent undertaking of agreed demolition work.

4. PROPOSAL

4.1 The proposal is for the erection of a Tesco foodstore (Class A1), 2no. non-food retail units (Class A1) and a petrol filling station (Sui Generis use) together with formation of a new access to Liverpool Road, the formation of a services access to Cop Lane, associated car parking, recycling facilities, landscaping and other associated works following the demolition of existing buildings on the site.

4.2 The proposed food and non-food retail units would take the form of one building, positioned towards the southern boundary of the site, that is sub-divided to create 3 separate units all on a single level.

4.3 The proposed Tesco foodstore has a gross floor area of 3,220 sq metres, with a net sales area of up to 2,183sq metres that would focus on the sale of convenience goods/grocery products (1,866sq metres of net floorspace) with a small range of comparison goods products (317sq metres). For information, comparison goods are defined as those that consumers purchase relatively infrequently and so they usually evaluate prices, features and quality levels before making a purchase.

4.4 The 2no. non-food retail units proposed would each have a gross internal floorspace of 465sq metres, with a net sale area of 372sq metres.

4.5 The proposed units are of a contemporary design comprising of extensive areas of glazing, red brickwork and oyster coloured cladding. A canopy is proposed along the front elevation facing Liverpool Road on white steel support columns.

4.6 The proposed 8 pump petrol filling station would have a kiosk with a gross floorspace of 80sq metres. The kiosk is proposed to be clad with red brickwork with the canopy being constructed of white steel support columns with a profile metal sheeting roof with blue aluminium fascia.

4.7 In order to provide flexibility, the applicant has applied for 24 hour opening for the Tesco foodstore, petrol filling station and the 2no. non-food retail units.

4.8 A total of 253 car parking spaces are proposed, of which 14 would be disabled spaces and 8 parent and child spaces. The car parking spaces are not to be restricted to customers solely visiting the site, free to use and permit parking for a specific time period (likely 2 hours). This would allow/promote linked trips to Penwortham District Centre.

4.9 Customer vehicular access is proposed from a new signalised junction to be created on to Liverpool Road. A service vehicular access is proposed from Cop Lane, with pedestrian access to be available from Cop Lane, Liverpool Road and Alcester Avenue.

4.10 A series of highway improvement measures are proposed in respect of nearby junctions and traffic flows on Liverpool Road. These works would be covered by a Section 278 Agreements which is an agreement under the Highways Act 1980.

4.11 The Section 278 works comprise of the following elements:

- ☐ Re-modelling of the signalised junction at Liverpool Road/Cop Lane/Priory Lane to be linked to the new store access
- ☐ MOVA technology at the A59 Liverpool Road/Leyland Road junction to optimise traffic flow where there is variable during the peak period to minimise delay
- ☐ Cop Lane to be widened to provide two 3m approach lanes at the Liverpool Road junction
- ☐ Provision of dedicated right turn into Cop Lane from Liverpool Road
- ☐ Provision of dedicated right turn into Priory Lane from Liverpool Road
- ☐ Provision of dedicated right lane turn into the site from Liverpool Road
- ☐ Incorporation of Toucan crossing facilities for pedestrians and cyclists within the junction arrangement on Liverpool Road to the east and Cop Lane to the west and also across Cop Lane
- ☐ Amending the existing pedestrian crossing on Liverpool Road east of the junction with Cop Lane to shorten the stagger
- ☐ Provision of dropped crossing facility onto shared cycle/footway along Liverpool Road frontage
- ☐ Provision of bus lay-by (westbound) with interchange type bus shelter on Liverpool Road
- ☐ CCTV at the Liverpool Road/Cop Lane junction to provide greater traffic management control

4.12 Residents and businesses located on the Liverpool Road in proximity to the proposed access junction are also to have access to on-call buttons, within their cars, which are capable of initiating an 'all red' stage at the traffic signals.

4.13 The Section 106 works would cover cycle route improvements through Hurst Grange Park.

4.14 The service yard is proposed to be sited along the western boundary which would be enclosed by a 1m high red brick wall with 3m high timber acoustic fence above. Access and egress to the service yard would be through a 3m high sliding gate with close boarded timber panels which will only be opened when required to allow passage of vehicles. Two loading bays are proposed for the Tesco foodstore and one loading to serve the 2no. non-food retail units on the western elevation of the building facing Cop Lane. The proposed service area is of sufficient size to allow HGVs to enter and leave the site in a forward gear.

4.15 The majority of the existing landscaping along the boundaries is to be retained, with new trees to be planted along the east, west and northern boundaries to mitigate those trees that require removal.

4.16 Supporting information submitted by the applicant states that the Tesco store and petrol filling station would create approximately 150 jobs with approximately another 10 jobs being created by the 2no. non-food retail units.

4.17 In order to achieve energy targets, 450sq m of photovoltaic panels are proposed to be mounted on the roof of the building. These would not be visible from ground level.

4.18 The application is accompanied by a Design and Access Statement, a Planning and Retail Statement, Transport Assessment, Arboricultural Method Statement, Ecology Report, Noise Impact Assessment, Flood Risk Assessment and Drainage Design Strategy, Contaminated Land Report, Air Quality Assessment, Construction Method Statement, Energy Statement and a Statement of Community Involvement

4.19 Amended plans have been submitted in response to comments made by County Highways and Environmental Health. Alterations have been made to the service yard access, site permeability, improvement to pedestrian access, provision of electric vehicle recharge points and improvements to proposed landscaping.

4.20 Supporting information submitted by the applicant states:

“An extant planning permission exists on the site for a supermarket which was granted permission in 2013. The Principle of retail use on the site is therefore established and the application proposals have been designed and laid out in a similar way to the approved scheme. The scheme accords with relevant policies in relation to transportation and highways, air quality, impact on heritage assets and residential amenity matters.

The proposed Tesco store is smaller than the previously approved supermarket providing approximately 2,513sq m (gross internal) less floorspace and 1,069sq m less net retail floorspace. Even taking into account the two proposed non-food retail units, the proposed development as a whole still provides a lower level of retail floorspace than the approved scheme.

The proposed foodstore will meet an identified need for a large foodstore capable of providing a main food shopping facility in the area. At present the foodstore provision in the town is relatively limited. It is made up of an out-of-centre Booths and small Sainsbury's store which provides a limited retail offer. This means a lack of choice for local residents, particularly for those wishing to undertake a main food shopping trip at a larger store. This lack of choice in the town means that a significant amount of retail expenditure is lost from the town to out-of-centre facilities such as Morrison's at Riversway Retail Park in Preston and Sainsbury's at Bamber Bridge.

The proposed retail development will not result in a significant adverse impact on any defined centre, with the proposed retail offer being significantly different to that currently available within Penwortham District Centre. The proposed development however will help to support and enhance the district centre by increasing footfall and visitor numbers to the area and promoting linked trips. The sequential assessment confirms that the application site is the most sequentially preferable suitable and available site to accommodate the proposed development.

The proposed development will deliver significant economic benefits for the local area, including the creation of employment opportunities and associated wage generation and the production of business rates. The proposed development will deliver [...] £0.43 million per

annum in business rates payable to the local charging authority, of which, £0.22 million would be retained locally. Overall the proposed development will result in a financial boost of £0.34 million through the construction phase and £1.88 million per annum through the operational phase.”

5. REPRESENTATIONS

5.1 As of the 12th June a total of 147 letters have been received, of which 75 object to the proposal, 70 were in support of the proposal and 2 that neither objected or supported the proposal.

5.2 A summary of the points of objection raised follows:

Policy Considerations

- ☐ Contrary to the Penwortham Neighbourhood Development Plan (NDP)
- ☐ Penwortham NDP encourages retail provision in the District Centre
- ☐ Brownfield site, should be developed as a small housing estate of the affordable variety, too many greenfield sites have already been used for housing;

Retail Impact

- ☐ Site not within the District Centre and would not protect and enhance to maintain its vitality and viability; will draw business away
- ☐ Other sites/premises are sequentially preferable
- ☐ Impact on viability of existing local shops

Character / Appearance

- ☐ Design and appearance of the proposed development would have a detrimental impact on the character and appearance of the area
- ☐ Overdevelopment of the site
- ☐ Detrimental impact on the area and buildings of significant architectural and/historic value
- ☐ Detrimental impact on the nearby Penwortham Conservation Area
- ☐ Retail units will be visually intrusive and incongruous in the street scene
- ☐ Inadequate landscape proposals, better designed landscape required on Liverpool Road and Cop Lane frontages
- ☐ No constraints placed on applicants regarding sustainable infrastructure and landscaping

Highway Issues

- ☐ Traffic and congestion including HGVs
- ☐ Impact on highway, pedestrian and cyclist safety
- ☐ Potential for on street parking on neighbouring streets and obstruction of the highway
- ☐ No provision for staff car parking indicated
- ☐ Concerns regarding service yard access on to Cop Lane
- ☐ Benefits of bypass would be lost as a result of the development
- ☐ Additional road safety precautions required
- ☐ Condition should be imposed that permits for long stay parking be given free of charge for use by staff of the two businesses.
- ☐ Should be a condition that all delivery vehicles to the site arrive and leave via Liverpool Road
- ☐ Disabled parking spaces should be at the front of the store.
- ☐ Proposed stepped pedestrian access to Cop Lane adjacent to the non-food retail units is a design error in a world that is increasingly conscious of requirements of the disabled - need a hairpin ramp or have an adjoining hairpin ramp for wheelchair use
- ☐ HGV will damage road surface on Cop Lane
- ☐ No Travel to Work document to explain how Tesco will deal with their staff's transport arrangements

- ☐ 2 hour parking limit will mean car park not available for people wishing to visit other businesses and shops in the vicinity

Tree Issues / Wildlife

- ☐ Existing hedges, mature trees, shrubbery, lawn area contribute positively to the character and appearance of the area. Site has been left undisturbed for many years, nature has reclaimed the site; all trees should be left undisturbed;
- ☐ Ecological surveys should be undertaken before trees are felled;
- ☐ Needs of bats and equally nesting birds should be taken into account when artificial lighting is being considered
- ☐ Birds on the site and their homes would be destroyed

Noise / Disturbance / Pollution

- ☐ Noise and disturbance through the day to day use of the site including at unsociable hours
- ☐ Light pollution from signs and stands
- ☐ Impact on air quality
- ☐ Hazard from petrol station - spillage, fire or other incidents occurring

Other Issues

- ☐ Not in the interest of Penwortham people
- ☐ More independent stores required
- ☐ Site should be developed for residential use for elderly residents who can free up their larger properties for younger families
- ☐ Local area already well served by foodstores
- ☐ Already a number of longstanding empty commercial premises with little enticement for investment in the area
- ☐ Rental prices are expensive, particularly for start-up businesses
- ☐ Tesco well known for its unethical trading practices; couldn't care less about the community, only care about profits
- ☐ Will have a detrimental impact on property values
- ☐ Will not create additional employment - need houses not another supermarket
- ☐ Lack of detail relating to signage elevations, planting, plans, external lighting, opening hours
- ☐ Penwortham Holme sporting fields should be moved there, Tesco could have taken over the site near the river.
- ☐ Alcester Avenue would become a busy thoroughfare with potential rubbish and trolleys being left on it.

5.3 Below is a summary of the points made in support:

- ☐ Proposal makes good use of the site which is currently an eyesore
- ☐ Road network would be improved
- ☐ Tesco and the petrol station are much needed due to lack of competition locally and requires travelling a good distance for these facilities
- ☐ Job creation
- ☐ Development would attract smaller businesses to the area
- ☐ Will be a major asset; community will thrive around this focal point
- ☐ Promote less reliance on personal and public transport, promoting healthier lifestyle; will walk to this store instead of driving to Booths, Morrisons etc.
- ☐ Will encourage locals to shop in Penwortham rather than Leyland or Bamber Bridge, giving people a place to integrate, a housing development wouldn't
- ☐ Car parking provision for town centre visitors is welcomed and will increase town centre footfall
- ☐ When the Government Buildings were previously used there was traffic using the Cop Lane entrances all day and every day.

- ☐ Widening of the road would accommodate increased traffic

5.4 **Penwortham Town Council** have raised concerns and objections to the proposal specifically relating to highway issues, the assumption that the bypass is going to be delivered, road and pedestrian safety concerns, the proposed parking provision, noise and disturbance at unsociable hours, pollution and impact on the setting of the Water Tower (which appears on the Penwortham List within the Penwortham NDP).

5.5 **Penwortham Nature Conservation Group** have made observations which relate solely to the lack of opportunities for wildlife and would seeks conditions to improve biodiversity enhancement and nature habitat enhancement. Comment are also made in relation to the impact external sources of lighting has on wildlife.

6. COMMUNITY ENGAGEMENT

6.1 Prior to the submission of the application the applicant undertook a community consultation exercise for the proposed development which included the delivery of 10,422 leaflets to nearby residents and business properties in addition to a public exhibition held in March 2016 (attended by over 250 people) and the setting up of a community information telephone line number.

6.2 In total 850 responses were received to the consultation, which confirmed the following key information:

- ☐ 54% of respondents in favour to the scheme
- ☐ Regeneration of the site was welcomed, with a number of people suggesting new homes as an alternative use for the site
- ☐ Concern that a new supermarket would take trade away from local businesses
- ☐ Increased shopping choice, site accessibility, creation of new jobs, increased footfall to Penwortham and provision of free parking all seen as positives of the scheme

6.3 In response to concerns raised by local business in relation to loss of trade, the applicant has reiterated that it has been shown that when a new supermarket is developed on the edge of a district centre it can have a beneficial impact on the town centre due to increase footfall.

7. CONSULTATION REPLIES

County Highways have raised no objections in principle to the proposed development, with a highway improvement plan provided by the developer at the request of County Highways itemising the improvements to be delivered under the S278 Agreement. County Highways have confirmed that the proposed new development accords in principle with the previously consented access layout, with proposed site access and highway improvement works being acceptable.

In one of their responses County Highways state:

“As retail use is currently consented on the site, and the Tesco application retains the principle of the extant highway scheme, in general LCC are satisfied that the access proposal will reduce/limit the impact of the development in terms of queuing and congestion and the principle of the development and site access submitted are supported by LCC.

The introduction of traffic associated with the proposed development will provide a positive impact in operational capacity terms at the A59 (Liverpool Road) / Priory Lane / Cop Lane from the consented baseline traffic conditions. The introduction of the proposed site access junction on A59 (Liverpool Road) will continue to operate with reserve capacity, in line with the consented road conditions. Furthermore, it is expected that the introduction of the

potential Penwortham Bypass will reduce strategic traffic movement's within the town centre in turn enhancing the operation of all junctions along the A59 (Liverpool Road) and the future site access proposals".

No objections have been raised to the number of car parking spaces proposed or the internal layout of the site. In one of their responses County Highways confirm that *"Although this Tesco site is within the built environment and has a good level of sustainable accessibility, the car park is expected to be well utilised (by Tesco, staff and Penwortham shoppers, visitors to the library, school, health centre, telephone exchange etc). The extant permission included spaces allocated to Penwortham Town centre use, this is not mentioned in the TA [Transport Assessment], what is the developer's intention".* In response the applicant has confirmed that the car parking spaces are not to be restricted to customers solely visiting the site and would be free to use, permitting parking for a specific time period (likely 2 hours). County Highways have no objections to this, confirming that this would need to be regulated through the agreement of a Car Park Management Plan/Strategy to be secured by a suitably worded condition.

It is highlighted that the service yard gates have been set back to allow a HGV to sit off the carriageway without blocking the footway whilst the gates are opened. The need for existing bus stops to be upgraded, as per the previously consented foodstore development on the site, is also highlighted.

The need for a fully secure, cycle storage scheme for employees, together with changing facilities and lockers for cycle gear, is stated. This can be secured by a suitably worded condition.

Conditions are recommended in relation to the agreement of detailed schemes for the construction of site access and the off-site highway improvement works, agreement of a method for construction, the agreement of a Car Park Management Plan/Strategy, restrictions on external lighting, the provision of cycle/motorcycle/mobility/parent and child parking facilities, permanent closure of the existing site accesses, the agreement of a Servicing and Delivery Strategy and the agreement of a Travel Plan.

Environmental Health have raised no objections to the proposal, recommending a number of conditions to safeguard surrounding land uses during the construction and operational phases. The recommended conditions specifically relate to the agreement of a Travel Plan, cycle storage and incentives for future employees to cycle to work (to be incorporated within the Travel Plan), provision of electric vehicle recharge points, restrictions on use of the car park, restrictions on waste collection, specification for the service yard gate, restrictions on the plant to be installed and restrictions on deliveries. Amended plans have since been submitted providing details of the requested information.

The Local Authority's **Arboriculturist** has raised no objections to the submitted planting scheme (as amended) confirming a suitable choice of species has been provided and recommending conditions relating to protective fencing for trees and landscaping.

It is requested that a suitable tree pit specification be submitted for some trees within the car park. This can be secured by a suitable worded condition.

Ecology have raised no objections to the proposal, confirming that the inclusion of some native species in the planting mix is welcome as a biodiversity enhancement measure.

The **Environment Agency** have raised no objections to the proposed development having reviewed documents in regards to the risk arrangements for the development and technical drawings and specifications for the underground fuel storage. Conditions are recommended in relation to the agreement of a remediation strategy to deal with the risks associated with

contamination of the site and a verification report demonstrating the completion of works set out in the approved remediation strategy.

The **Local Lead Flood Authority** (LCC) has raised no objections to the proposed development, recommending conditions relating to a surface water drainage scheme, a lifetime Management & Maintenance Plan and the provision of an attenuation system.

United Utilities have raised no objections to the proposal subject to the imposition of conditions relating to foul and surface water drainage details.

The **Crime Prevention Officer** (Lancashire Constabulary) have raised no objections to the proposal, making a number of crime prevention recommendations which have been forwarded on to the applicant.

Preston City Council have raised no objections to the proposal.

The **Lancashire Fire and Rescue Service** have raised no objections to the proposal, making number of recommendation which will have to be satisfied on a subsequent Building Regulation application.

8. MATERIAL CONSIDERATIONS

8.1 The principle for the redevelopment of the site with a foodstore has previously been established by the granting of the extant planning permission 07/2011/0380/FUL. The fall-back position on the site as a result of this extant permission is outlined in full later in this report.

Policy Considerations

8.2 i) NPPF

8.2.1 The NPPF is a material planning consideration to which weight needs to be attached. The NPPF promotes a presumption in favour of sustainable development and supports sustainable economic development, stating *“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”*

8.2.2 The NPPF (para. 27) indicates that planning applications for main town centre uses which are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where it fails to satisfy the requirements of the sequential approach or is likely to result in a significant adverse impact.

8.2.3 The NPPF (para. 32) indicates that all development that would generate significant amount of movements should be supported by a Transport Statement or Transport Assessment, and continues to state:

“Plans and decisions should take account of whether:

- ☐ the opportunities for sustainable transport modes have been taken up depending on the nature of location of the site, to reduce the need for major transport infrastructure;*
- ☐ 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 limit the significant impacts of the developments. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

8.3 ii) Core Strategy Policy Considerations

8.3.1 Policy 1 of the Core Strategy is entitled 'Locating Growth' and encourages the focussing of growth and investment in the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble.

8.3.2 Policy 10 of the Core Strategy is entitled 'Employment Premises and Sites' and highlights the need to protect sites last used and allocated for employment for future employments use.

8.3.3 Policy 17 of the Core Strategy is entitled 'Design of New Buildings' and requires new buildings to take account of the character and appearance of the local area.

8.4 iii) South Ribble Local Plan 2012-2026

8.4.1 The site is within an area of land designed as B1: Existing Built-Up Area in the South Ribble Local Plan 2012-2026. Policy B1 permits the re-use of land and buildings provided that:

- i) the development complies with the requirements for access parking and services, as set out elsewhere in the Plan;
- ii) is in keeping with the character and appearance of the area; and
- iii) will not adversely affect the amenities of nearby residents.

8.4.2 This will be assessed in the following sections of this report.

8.5 iv) Penwortham Neighbourhood Development Plan (NDP)

8.5.1 The site is within the area covered by the Penwortham NDP, which was formally adopted in March 2017. Although there is now policy contained within the document that relates specifically to the application site, Policy 1 requires any development affecting property included in the Penwortham List to be designed sympathetically, relate appropriately to the property and for applicants to demonstrate they have taken into account its significance. In relative close proximity to the site, Penwortham Library, the Water Tower on Cop Lane and Numbers 6 and 8 Liverpool Road all appear on the Penwortham List.

8.5.2 The impact that the development has on the character and appearance of the area is given full consideration later in this report.

8.6 CIL

8.6.1 As extant permission exists on the site (which predated the adoption of the Community Infrastructure Levy charging schedule) with a greater floor area than that currently proposed the proposed development would not be CIL liable.

8.6.2 The previously approved scheme submitted by Sainsbury's included improvements to cycle routes through Hurst Grange Park however the adoption of CIL, which includes the provision of cycle links around the Penwortham area within the Council's Regulation 123 List, means that a separate requirement for the cycle routes through Hurst Grange Park cannot be made. This would instead need to be funded by other CIL liable developments.

8.7 Retail Impact Assessment

8.7.1 The Planning and Retail Statement which accompanies the application has been considered by WYG, an independent company specialising in retail impact assessments appointed by the Local Planning Authority to assess the retail impact aspect of the application.

8.7.2 The Planning and Retail Statement identified no sequentially preferable sites for the proposed development, with WYG agreeing with this assertion stating "*We believe that Penwortham district centre represents the appropriate focus for the sequential test and are*

unaware of any sequentially superior sites in this location that are both available and suitable to accommodate the application proposal. As such, the proposal conforms to the requirements of the sequential test as articulated by paragraph 24 of the NPPF”.

8.7.3 In terms of impact, the largest amount of trade is predicted to be diverted from the existing out-of-centre foodstores in the local area, Morrisons at Riversway Retail Park - £6.8m trade diversion; Tesco at Leyland - £3.8m trade diversion; Booths at Millbrook Way - £2.6m trade diversion; Sainsbury’s at Bamber Bridge - £1.1m trade diversion and Sainsbury’s at Penwortham - £0.7m trade diversion.

8.7.4 In assessing the retail impact of the proposed development, WYG confirm that the proposal would principally affect three centres, namely Penwortham, Longton and Leyland. The trading performances of these centres (and foodstores contained within them) have been considered. WYG confirm *“we do not believe that there is any evidence to suggest that these three centres (or any other centre) will be the subject of any significant adverse trade diversion impact”.*

8.7.5 In the case of Penwortham and Longton, WYG confirm that the existing facilities either appear to be trading relatively strongly or are qualitatively different from the proposed food store. In Leyland, trade is predicted to be diverted from a number of retailers, but WYG are of the opinion that the viability would likely not be impacted by the proposal and there would be *“no significant adverse impact on town centre vitality and viability arising from the proposal”.*

8.7.6 WYG conclude by confirming *“we find that the application proposal accords with the requirements of the impact test as articulated by paragraph 26 of the NPPF”.* It is therefore considered that the proposal accords with the guidance within the NPPF in that it is a sustainable site, well related to residential and other associated uses within the district centre, and is readily accessible by public and sustainable modes of transport. Furthermore, it is clear from the independent assessment work undertaken that sequential and impact tests have been robustly carried out with the conclusion that there are not any retail grounds on which to raise objection to the proposal.

8.7.7 Objectors have commented that proposal is not policy compliant as the Penwortham NDP directs retail uses with within the district centre. Notwithstanding the outcome of the sequential test outlined above, the draft report of the Retail and Leisure Study (May 2017) commissioned by the Council confirms in regards to Penwortham District Centre *“Should the Tesco foodstore proposal be granted planning permission and come forward, consideration could be given in the future as to whether the site would function as part of the centre”* (i.e. extend the area covered by district centre to include the site).

8.8 Character and Design

8.8.1 Policy G17 of the South Ribble Local Plan, amongst other things, requires development to be well related to neighbouring buildings and the locality in terms of its size, scale and intensity (plot coverage) and Policy 17 of the Core Strategy expects new buildings to *“take account of the character and appearance of the local area”.*

8.8.2 In consideration of the above, the local distinctiveness and character of the local area have been assessed. The surrounding area comprises of a mixture of uses with a variety of residential property types in the locality, a health centre, Penwortham Girls High School which has developed incrementally in various designs, the telephone exchange building, commercial development on the opposite side of Liverpool Road as well as the water tower building in a prominent corner position at the junction of Cop Lane and Liverpool Road. These buildings are all of differing design. With there being no particular style of development in terms of use of materials, design or scale of building and therefore this is no need for the proposal to replicate or mimic any particular style or detail.

8.8.3 The proposed Tesco store and two retail units are of a contemporary design, which have been designed to be a free standing building. This is of good quality design in its own right, in a free standing position in a relatively extensive site. Elements of brickwork are included within the design of the building to reflect upon the predominant material in the area.

8.8.4 As a result of the building's position on the site and the boundary landscaping it is the northern and western elevations that will be most widely visible from the public realm. The building has been designed so that the western elevation of the building, facing Cop Lane, sees a greater use of brick. The front elevation would be subject to more distant views from Liverpool Road and this elevation sees the greater use of more modern materials in terms of glazing, with elements of Oyster coloured panelling, in order to maximise natural light within the building.

8.8.5 The petrol station has been designed with the form very much following the function. The kiosk is proposed to be clad with red brickwork to tie in with the appearance of the main proposed building.

8.8.6 For the above reasons the proposed development is considered to be of an acceptable design in a location that is of diverse character, complying with Core Strategy Policy 17 and Policy G17 of the South Ribble Local Plan 2012-2026.

8.9 Relationship To Neighbours

8.9.1 Penwortham Girls High School abuts the southern boundary of the site and is set in extensive grounds. There is a substantial screen along the southern boundary which is, on average, between 3-4m in height. This boundary treatment is proposed to be retained for both security and visual amenity purposes. The high school buildings are set distances varying between a minimum of 4m to a maximum of 30m in from the boundary and face in the direction of Cop Lane. The proposed main building on the site, which is predominantly blank on this rear elevation, is set a distance of 8m in from this boundary. The blank elevation is acceptable in design terms given the fact that this elevation is substantially screened and overlooks the school grounds. Given these spatial separation distances, the screen landscaping and lack of openings on this elevation, it is considered this relationship is acceptable.

8.9.2 To the north a separation distance of approximately 100m would be present between the front elevation of the main building and the Liverpool Road carriageway, with development on the opposite northern side of Liverpool Road being another 30m beyond that. These properties will have views of the petrol filling station proposed on the site and over the car park but, given Liverpool Road dissects this inter-relationship, it is not considered that the resultant visual amenity or levels of activity will be unacceptable. This is particularly the case given the boundary landscaping to be retained and enhanced along the northern boundary of the site.

8.9.3 The eastern gable of the proposed main building, which was an area of parking beyond it, faces the heads of residential cul-de-sacs (Alcester Avenue and Clifton Drive, with Greyfriars Drive further to the north). These cul-de-sacs run at right angles to the site boundary. Numbers 20 Alcester Avenue and 17 and 18 Clifton Drive are gable on to the site facing the side gable of the main proposed building. The spatial separation distance between the gable of the nearest house (17 Clifton Drive) and the nearest point of the store is 42m, which is 14m greater than the previously approved inter-relationship with the Sainsbury's store.

8.9.4 The property at 17 Clifton Drive, although gable on to the application site, is slightly different from other properties along the eastern boundary of the site in that it has a bedroom window into the gable that overlooks the site and also a conservatory that opens out from a

lounge. The conservatory being at ground level abuts the proposed 2.5m boundary fence and tree planting within the site. At first floor the bedroom window will have views over the carpark, however this is currently the relationship the property experiences overlooking the existing car parking associated with the former offices on the site. A condition has been recommended by Environmental Health to restrict the night use of the area of the car park closest to residential properties beyond the eastern boundary. The only windows proposed on the eastern elevation of the building are towards the rear and on the ground floor. The gable of 20 Alcester Avenue is approximately 58m away from the building with existing mature landscaping on the boundary which will be retained.

8.9.5 In view of the existing and proposed landscaping, the screen fencing, the separation distances, the fact that this area of the site has always been used for car parking and the recommended condition to restrict the night time use of this area of car parking then it is considered that there will be no undue privacy loss, or undue massing relative to the properties beyond this section of the eastern boundary.

8.9.6 Further north along the eastern boundary of the site, numbers 18 Clifton Drive and 15 Greyfriars Drive are also gable on to the site. The boundary treatment into this stretch of the boundary is as described above, and again vehicular activity has taken place into this part of the site historically in association with the previous use. Given that these properties have an angled relationship to the proposed main building, with minimum separation distances of 43m it is considered there will be no privacy or massing issues.

8.9.7 The western boundary of the site abuts Cop Lane. For the greater part of this boundary, for a distance of approximately 100m in from the Liverpool Road frontage, the residential properties on the opposite western side of Cop Lane will overlook the proposed car park and/or the proposed petrol filling station which is set 35m into the site. In view of the boundary landscaping and the fact that these properties historically have faced a commercial site and buildings then it is considered that views over, or the use of the car park and more distant views of the petrol filling station, will not unduly impact on the residential amenity of these properties. This conclusion is reinforced by the fact that Cop Lane, with the activity it attracts, currently passes directly in front of these properties.

8.9.8 Further to south along the Cop Lane frontage, a residential property, a Health Care Centre with car park to the front and a vicarage overlap the depth of the proposed main building and service yard.

8.9.9 In respect of visual amenity, the vicarage is set back from the Cop Lane frontage by 21m which gives a separate distance of 33m between the property and the nearest corner of the site. The site is landscaped on its frontage at this point with the nearest point of the unloading bay being set 48m into the site and the service yard wall/fence 6m into the site. The Health Care Centre has a site width of approximately 37m with the building being set 31m back into the site behind a car park. This 37m width overlaps with the access/egress into the service yard, with the gates set 15m into the site.

8.9.10 The residential property at 10 Cop Lane, which is set approximately 8m back from the Cop Lane footway, faces the western side elevation of the proposed building with a separate distance of 25m. The existing landscape screen is proposed to be retained and enhanced.

8.9.11 In assessing the acceptability of the relationships that would be created the current and consented relationships should be considered as starting points. There are currently three access/egress points in the site along the Cop Lane frontage. The southern most access which is in a position that roughly equates to where the access previously used by delivery vehicles is present with buildings as a backdrop. Therefore the properties on the opposite side of Cop Lane would have historically experienced vision of commercial buildings and activity and vehicles access and egressing the site via hardsurfaced access points. The

previously consented Sainsbury's store also proposed a service yard with access/egress on to Cop Lane in a similar position. In this circumstance it is not considered an objection could be substantiated on visual amenity grounds.

8.9.12 The previous consented development for Sainsbury's proposed, and was subject to, a condition restricting the hours of opening to between 7am to 10.30pm. In order to provide flexibility, the applicant has applied for 24 hour opening for the Tesco foodstore, petrol filling station and the 2no. non-food retail units. Given the spatial separation distances to neighbouring properties and landscape screening proposed, Environmental Health have raised no objections to this. Environmental Health however have requested a condition to restrict hours of deliveries, in addition to restricting the use of eastern section of the car park previously detailed, which they feel has the potential to impact on the amenity of neighbouring residents if not controlled appropriately.

8.10 Relationship To Conservation Area

8.10.1 The north-western corner of the site falls within the Penwortham Conservation Area. It comprises of a strip of land, which is a maximum of 24m deep, the runs along the Cop Lane site frontage from opposite 6 Cop Lane up to the junction with Liverpool Road. The Conservation Area appraisal document provides the following explanation for the inclusion of the land within the designation:

"The grounds of the Government Buildings on the east side of Cop Lane have mature trees, lawn and shrubbery behind hedges, all of which contribute positively to the character and appearance of the area".

8.10.2 Currently this strip of land comprises of a hedgerow along the site frontage with mature trees set within it and two vehicular access points passing through it.

8.10.3 The proposal indicates retention of existing trees and hedgerow, coupled with supplementary tree and shrubbery planting centred around where the two existing vehicular access points are to be removed.

8.10.4 Therefore in assessing the before and after situation in respect of the part of the site within the Conservation Area, the starting point is the boundary hedgerow, mature trees and grassed areas dissected by two vehicular access with the former office buildings as a backdrop. The post development situation is very similar to that consented on the previous Sainsbury's scheme, with the retention of mature trees and hedgerows along the boundary, supplementary landscape planting and landscaped bed/grass extending into the site. Although limited parts of the areas that are currently grassed will become car parking, this was as previously consented and will be a ground level treatment, resulting in the improvement the currently rather unattractive backdrop of offices.

8.10.5 The proposals have no impact on any buildings or built structures within the Conservation Area.

8.10.6 It is therefore considered that, on balance, the proposal, overall, preserves the character and appearance of the Conservation Area within the site and there is no substantial harm to the Conservation Area designated heritage asset.

8.11 Highway Issues

8.11.1 The NPPF advises that all developments that generate significant amounts of movements should be supported by a Transport Assessment and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development at "severe".

8.11.2 County Highways have fully assessed the application and supporting documentation, as well as undertaking their own observations, and acknowledge that the existing local highway network suffers a degree of congestion at peak times and are therefore concerned to ensure that development related increases in movement can be accommodated within the highway and suitable measures are put in place to mitigate against the development.

8.11.3 The previously consented Sainsbury's scheme included a significant amount of Section 106 Agreement monies (circa £200k), requested by County Highways, to be spent on various highway improvement and sustainable transport initiatives. The situation regarding the delivery of the Penwortham Bypass route has however progressed significantly since the previous application on the site was submitted in 2011, with the application for the construction of the Penwortham Bypass route due to go before Lancashire County Council's Planning Committee for a decision later this year and work envisaged to commence 2018/19.

8.11.4 In assessing the current proposal and highway improvement works previously detailed in this report, County Highways state:

“As retail use is currently consented on the site, and the Tesco application retains the principle of the extant highway scheme, in general LCC are satisfied that the access proposal will reduce/limit the impact of the development in terms of queuing and congestion and the principle of the development and site access submitted are supported by LCC.

The introduction of traffic associated with the proposed development will provide a positive impact in operational capacity terms at the A59 (Liverpool Road) / Priory Lane / Cop Lane from the consented baseline traffic conditions. The introduction of the proposed site access junction on A59 (Liverpool Road) will continue to operate with reserve capacity, in line with the consented road conditions. Furthermore, it is expected that the introduction of the potential Penwortham Bypass will reduce strategic traffic movement's within the town centre in turn enhancing the operation of all junctions along the A59 (Liverpool Road) and the future site access proposals”.

8.11.5 The same degree of highway improvement works and sustainable transport initiatives within the S106 Agreement associated with the previous Sainsbury's consent are therefore no longer necessary.

8.11.6 The site is located within the built environment and has good access to public transport and the highway network. The development will also likely reduce over mileage travelled when the location of other competing major food retailers is taken into account.

8.11.7 The supporting analysis and supplementary surveys has shown that when the development with the supporting measures, such as extra length of lanes on the A59 and Cop Lane, integration of signals to existing, proposed pedestrian and cycle provision, influence of the traffic management control, is added to the base flows, then the peak impact would not be significantly different to the 'without development' scenario. The future delivery of the Penwortham Bypass would then likely significantly reduce traffic flows in the immediate vicinity of the site.

8.11.8 A significant number of the objections received from neighbouring/local residents raise a wide range of highway matters including the extent of the supporting information and what has been taken into account, highway capacity detailed design, congestion, cyclist and pedestrian provision etc. County Highways have been aware of the concerns expressed throughout the process and deliberated on the proposal with due diligence. They have taken into account all of these concerns in their deliberations however they conclude that, provided the mitigation they seek is secured, they do not raise objection in principle to the development. Given this conclusion, and being mindful of the previously consented

development on the site, an objection on highway ground cannot be substantiated either with or without the delivery of the by-pass.

8.12 Car Parking

8.12.1 A total of 253 car parking spaces are proposed within the site, of which 14 will be marked disabled spaces and 8 parent and child spaces. In response to comments received from Environmental Health, amended plans have been submitted which detail the provision of electric vehicle recharging facilities being provided on 8 of the parking spaces. The car parking spaces are not to be restricted to customers solely visiting the site, free to use and permit parking for a specific time period (likely 2 hours) and would be controlled through a condition requiring the agreement of a Car Park Management Plan/Strategy. This would allow/promote linked trips to Penwortham District Centre and also use by those visiting the library and dropping off/picking up children at Penwortham Girls High School.

8.12.2 The applicants are a large national retailer with experience of a multitude of their own stores throughout the country. In proposing the size of car park that they are, they have fully analysed the car park usage envisaged with the store operations and use by others as proposed and have concluded that the car park can operate satisfactorily. Notwithstanding this, County Highways have considered the proposed car parking provision and have raised no objections, subject to the imposition of a condition requiring the agreement of a Car Park Management Plan/Strategy. The Car Park Management Plan/Strategy would also cover restricting the night time use of the eastern section of the car park adjacent to residential properties, as requested by Environmental Health, and management of staff car parking

8.13 Air Quality / Noise Impact

8.13.1 Environmental Health have assessed the application both in terms of the air quality relative to the Air Quality Control Area and also the noise impact from activity associated with the use and operation of plant within the site and dust issues.

8.13.2 The response concludes that with suitable control and mitigation through suitably worded conditions, relating to restriction on waste collections, specification of the acoustic service yard gates, restrictions on the night time use of sections of the car park and restrictions on plant and deliveries, no objections are raised.

8.13.3 It should also be noted that the future delivery of the Penwortham Bypass would significantly improve air quality in the immediate vicinity of the site.

8.14 Pollution / Ground Contamination

8.14.1 In depth discussions have taken place between the developer, the Environment Agency and the Local Lead Flood Authority (LLFA) regarding the potential contamination risks associated with the installation of underground fuel storage tanks for the proposed petrol filling station. Documents have been supplied by the applicant which specifically detail the technical specification of the proposed tanks and measures to minimise the potential for ground contamination. The Environment Agency and the LLFA, having reviewed documents in regards to the risk arrangements for the development and technical drawings and specifications for the underground fuel storage, have raised no objections to the proposal recommending a number of conditions in relation to the agreement of a remediation strategy to deal with the risks associated with contamination of the site and a verification report demonstrating the completion of works set out in the approved remediation strategy.

8.15 Tree Issues / Wildlife

8.15.1 As with the previously consented Sainsbury's scheme, the proposed highway improvement works at the junction between Liverpool Road and Cop Lane will require the removal of a mature Sycamore tree which is located in the north-west corner of the site. Whilst this is regrettable, this removal has been weighed with the fact that the removal is necessary to facilitate the road widening works on Cop Lane and improved crossing points,

which are for the wider benefit of users of the highway and pedestrians. In terms of the form of the tree, although the canopy is significant the actual trunk is multi-stemmed so it is not regarded as an exceptional quality tree in its own right. It should also be noted that in time the extent of proposed planting, both within this section of site and throughout the site, will present a significant replacement amenity for those trees that require removal.

8.15.2 The Local Authority's Arboriculturist has raised no objections to the submitted planting scheme (as amended) confirming a suitable choice of species has been provided and recommending conditions relating to protective fencing for trees and landscaping.

8.15.3 The submitted Ecology Statement concludes that the site is generally of low wildlife value with no evidence of any protected species detected. The Ecology consultants appointed by the Local Planning Authority have raised no objections to the proposal, confirming that the inclusion of some native species in the planting mix is welcome as a biodiversity enhancement measure.

8.16 Impact on Businesses in Town Centre

8.16.1 Issues are raised concerning the impact of the proposal upon existing retail businesses in the locality given a similar retail offer from Tesco's store and potentially the two other proposed retail units which currently have no end-user identified. Notwithstanding the conclusions formed by the Council's appointed independent retail advisor that there are no outstanding retail impact issues and the fact that competition is not a material planning consideration, it is considered that there are benefits to be derived from the development for existing businesses in the district centre.

8.16.2 The proposal allows for parking provision for uses of the town centre, with enhanced pedestrian connectivity. Landscape improvement works would enhance the visual amenity of the area as well as the considerable investment of a Tesco's store acting potentially acting as a magnet to attract new businesses to move into the area. Experience from other local authorities in the country indicates that when a significant new store opens in an area, it prevents trade leakage from going outside of the existing local centre and can act as a catalyst for linked trips, which benefits other retailers in the town centre.

8.17 Fall-Back Position

8.17.1 Whilst the extant planning permission on the site does not appear to meet Tesco's preferred requirements, it does remain as a 'fall-back' position which has the potential to be fully implemented. As such, it is a material consideration in respect of the determination of the current application.

8.17.2 The fall-back position provides for an overall greater quantum of retail floorspace (3251sq m consented compared to 2927sq m currently proposed), albeit there is more comparison goods floorspace associated with the current proposal.

8.17.3 Should permission be refused then it is fair inference that there is at least some chance that Tesco would build out the consented development and trade from the unit. There is however no certainty of this, the owners of the land may dispose of the site in a commercially advantageous way or it may remain vacant.

8.18 Other Issues

8.18.1 Objectors have stated a desire for the site to be developed for other uses, such as residential development and sports fields. Applications however have not been forthcoming for such uses and the proposal therefore has to be considered on its individual merits.

8.18.2 Comments have been made by objectors that there is a lack of information relating to signage and external lighting. Details of external lighting would be secured by a suitably

worded condition with signage been subject to a required subsequent advertisement consent application.

8.18.3 The potential for the proposed development to detrimentally impact on property prices has been raised by objectors as has the trading practices of the applicant. These are however not a material planning considerations and cannot be considered as such.

8.18.4 Objectors have raised concern that Alcester Avenue, where a pedestrian link is proposed with the site, would potentially result in rubbish and trolleys being left on it. This potential issue can be with within the Car Park Management Plan/Strategy which can be secured by a suitably worded condition.

9. CONCLUSION

9.1 The proposed erection of a foodstore (Class A1), 2no. non-food retail units (Class A1) and a petrol filling station (Sui Generis use) together with formation of a new access to Liverpool Road, the formation of a services access to Cop Lane, associated car parking, recycling facilities, landscaping and other associated works, following the demolition of existing buildings on the site, accords with the requirements of Policy B1 of the South Ribble Local Plan.

9.2 The proposed development represents a considerable financial investment at a previously developed site in a highly accessible location given its proximity to residential development, other complimentary retail and service sector uses, as well as the ability to walk, cycle and access the site by public transport for customers. Such development therefore accords in principle for the aspiration for the planning system as set out in the NPPF in regard to delivering sustainable development.

9.3 The proposed development is considered to be of an acceptable design in a location that is of diverse character, while maintaining existing landscaping where the layout allows and adding to it elsewhere around the perimeter of the site. The relationship of the development to the Penwortham Conservation Area has been assessed, it is considered that the proposal has been sensitively designed in this regard and will not impact upon the appearance of the area with the main body of it being set on the opposite side of Cop Lane.

9.4 County Highways have fully assessed the proposal and conclude that, provided the mitigation they seek is secured, they do not raise objection in principle to the development. Given this conclusion, and being mindful of the previously consented development on the site, an objection on highway ground cannot be substantiated.

9.5 Environmental Health have raised no objections to the proposal, having considered residential amenity grounds, air quality and pollution.

9.6 For these reasons, and those contained within the report, it is recommended that the application be approved subject to the imposition of conditions.

RECOMMENDATION:

Approval.

RECOMMENDED CONDITIONS:

1. That the development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.

2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans numbered 15-6050 P01 (Site Location Plan), 15-6050 P03 Rev. F (Proposed Site Plan), 15-6050 P04 Rev. B (Proposed Ground Floor Plan), 15-6050 P05 Rev. C (Proposed Roof Plan), 15-6050 P06 Rev.D (Proposed Elevations), 15-6050 P07 Rev. C (Proposed Site Elevations), 15-6050 P08 (Store Sections), 15-6050 P09 (Proposed Petrol Station), 15-6050 PC02 (External Furniture), 15-6050 PC03 (Fence Details), 15020_007 (Revised Site Access Arrangement), 15020_008 (Service Access - Vehicle Swept Paths), BMD.14.008.DR.001 Rev. A (Illustrative Landscape Masterplan), BMD.14.008.DR.002 Rev. B (Planting Plan), 114128/2001 Rev. A (Proposed Drainage Layout) and 114128/2002 (Drainage Details).

REASON: To ensure a satisfactory standard of development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G1 of the South Ribble Local Plan (2012-2026).

3. Works shall proceed in full accordance with the submitted Materials Specification (dated April 2017), specifically:

Store Roof - KS1000 TD Wards/Topdek, Colour Dark Grey RAL 7035
Store External Walls - Europanel, Colour Light Grey (Oyster Grey) RAL 7035
Store Brickwork - Clay faced Red Brick - Commerical Red
Rooflight - Xtralite - Polyester powder coated steel frame, Colour White RAL 9010
Store Shopfront & Rear Windows - Kawneer - AA100 Curtain Wall System, Colour Dark Grey RAL 7024
Plant Well Louvers - Profiled metal sheeting - powder coated colour - Light Grey, RAL 7035
External Surfaces - Marshall's - Keyblok Pencil Edge Concrete Block Paving, Colour Brindle

REASON: To ensure the satisfactory detailed appearance of the development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan (2012-2026).

4. The development hereby permitted shall be registered with the Building Research Establishment (BRE) under BREEAM and constructed to achieve a BREEAM rating of 'Very Good' as a minimum. No phase or sub-phase of the development shall commence (except for demolition works) until a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of 'Very Good' or 'Excellent' has been submitted to and approved by the Local Planning Authority

REASON: To be in accordance with Policy 27 in the Central Lancashire Core Strategy

5. Prior to first occupation of the development hereby approved, a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 'Very Good' as a minimum has been submitted to and approved by the Local Planning Authority.

REASON: To be in accordance with Policy 27 in the Central Lancashire Core Strategy.

6. On completion of the development hereby approved a Building Research Establishment issued Post Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Very Good' as a minimum has been submitted to and approved in writing by the Local Planning Authority.

REASON: To be in accordance with Policy 27 in the Central Lancashire Core Strategy

7. Prior to the first use or occupation of any retail unit hereby approved, a Travel Plan shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan, as approved, must be implemented in full accordance with the timetable within it unless an alternative timetable is agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for a minimum of 5 years.

REASON: To promote and provide access to sustainable transport options in accordance with Policy 3 in the Central Lancashire Core Strategy.

8. No highway works shall commence until a scheme for the construction of the site access and the off-site works highway improvement works has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highways Authority comprising:

The highway improvements as generally shown on drawing number 15-6050 P03 Rev. F (Proposed Site Plan) including:

- Re-modelled signalised junction at Liverpool Road/Cop Lane/Priory Lane linked to the new store signalised store access - the junctions to include improved lane provision (Cop Lane and A59) and usage, improved sustainable provision for pedestrians, cyclists, (foot/cycleways and Toucans) and public transport
- MOVA technology at the A59 Liverpool Road/Leyland Road junction to optimise traffic flow where this is variable during peak periods and so minimise delay
- The following features for bus users:
 - o Bus lay-by (westbound) with interchange type bus shelter on Liverpool Road
 - o Bus ½ lay-by on Cop Lane (southbound)
 - o Bus shelters and infrastructure on Cop Lane (northbound and southbound), with shelter style selected not to impede pedestrian movement
- All required facilities to support abnormal loads on the A59. The highway scheme is required to support the needs of abnormal vehicles which includes dismountable signs, suitable waiting space and supporting infrastructure (such as emergency telephone) as well as other network management measures
- CCTV at the A59 Liverpool Road/Cop Lane junction and at one location on the A59/Leyland Lane/Golden Way (A582) junction. This measure will allow greater traffic management control
- On-call, all red signal facility for residents/business located on A59 within the proposed signal junction, to exit in a safe manner

REASON: In the interests of safety and sustainable transport in accordance with Policy G17 in the South Ribble Local Plan (2012-2026).

9. No part of the development shall be first occupied or opened for trading until the measures identified and approved through condition 8 have been completed.

REASON: In the interests of sustainable transport in accordance with Policy G17 in the South Ribble Local Plan (2012-2026).

10. The development shall proceed in full accordance with the details provided in the submitted Construction Method Statement (Rev A) or any subsequent Construction Method Statement submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenity of neighbouring residential properties in accordance with Policy G17 in the South Ribble Local Plan (2012-2026).

11. Prior to the first use or occupation of any retail unit hereby approved, details of cycle storage and motorcycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be thereafter retained.

REASON: In the interests of sustainable transport in accordance with Policy G17 in the South Ribble Local Plan (2012-2026).

12. Prior to the first use or occupation of any retail unit hereby approved, a Car Park Management Strategy shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Highway Authority. The Strategy shall include details of:

- the maximum duration of stay for all users
- include number of parking spaces per user type
- car park enforcement
- internal signing
- security
- measures and techniques to maximise car park efficiency and the way it will be managed
- a scheme for restricting the evening and night-time use (23:00 - 07:00) of the eastern section of the car park as highlighted within Section 5 (Figure 2) of the Environmental Noise Report dated 8th November 2016
- mechanism for a review of the Strategy within 12 months of the opening of the foodstore unit to confirm the satisfactory operation of the car park and surrounding highway network from the duration of stay approved

The car park shall be surfaced and laid out in accordance with the approved plans and operated in accordance with the approved Car Park Management Strategy.

REASON: To allow for safe and efficient operation of the car park in accordance with Policy G17 in the South Ribble Local Plan (2012-2026).

13. No external lighting, other than that related to construction works, shall be erected until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. the location and height of the lighting columns;
- b. the details of the light fittings;
- c. the colour of the lights;
- d. the lux levels;
- e. horizontal Glare;
- f. impact on adjacent sites;
- g. the upward light ratio;
- h. details of current lighting levels in the area (environmental zone; and
- i. the details of louvers on the light fittings.

The lighting shall be erected, directed and shielded so as to avoid nuisance to residential accommodation in close proximity and road users. No other lighting equipment may then be used within the development other than that approved by the Local Planning Authority. The agreed measures shall be installed prior to the first use or occupation of any retail unit hereby approved and shall be thereafter retained and maintained for the duration of the approved use.

REASON: To safeguard the amenity and character of the area and to safeguard the living conditions of nearby residents and road users to accord with Policy 17 in the Central Lancashire Core Strategy

14. Concurrently with the formation and opening of the new vehicular access, the existing vehicular access points shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

REASON: To limit the number of access points and to maintain the proper construction of the highway in accordance with Policy G17 in the South Ribble Local Plan (2012-2026).

15. Prior to the first use or occupation of any retail unit hereby approved, a Servicing and Delivery Strategy shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The Strategy shall include details of:

- Hours of HGV deliveries that shall be limited to 07:00-23:00, but excluding the school drop/pick up times of 08:00-09:00 and 15:00-16:00 (term time only)
- Hours for home deliveries of 08:00-22.30
- Hours for waste collection of 07:00-21:00
- Hours for emptying of bottle banks of 08:00-19:00 Monday - Friday
- Service yard management regimes including use of vehicle reversing alarms and refrigeration units, parking and manoeuvring of vehicles within the yard
- Operation of service yard gates, including details of their design and construction including appropriate rubber/neoprene stops
- On going monitoring of the condition of the carriageway on Cop Lane
- Routing of HGV deliveries to the stores

The development shall thereafter be operated in accordance with the approved strategy.

REASON: In the interests of the amenity of neighbouring residential properties in accordance with Policy G17 in the South Ribble Local Plan (2012-2026).

16. Prior to the first use or occupation of any retail unit hereby approved, the parking bays identified as 'electric car charging spaces' on drawing no. 15-6050 P03 Rev. F (Proposed Site Plan) shall each be provided with a rapid (30 mins) electric vehicle recharge point. The parking bays shall be appropriately marked to ensure the sole use by electric vehicles and an adequate charging infrastructure with associated cabling provided for the designated parking bay. The charging point shall be located so that a 3m cable will readily reach the vehicle to be charged when parked in the designated parking bay.

REASON: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.

17. Prior to the first use or occupation of any retail unit hereby approved, a scheme for the acoustic enclosure of any fans, compressors or other ancillary mounted equipment with the potential to create noise above background noise levels shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the equipment concerned and retained and maintained thereafter.

REASON: In the interests of the amenity of neighbouring residential properties in accordance with Policy G17 in the South Ribble Local Plan (2012-2026).

18. No part of the development shall commence (excluding demolition works), until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy should include the following components:
- a. A preliminary risk assessment which has identified:
 - i. all previous uses;
 - ii. potential contaminants associated with those uses;
 - iii. a conceptual model of the site indicating sources, pathways and receptors; and
 - iv. potentially unacceptable risks arising from contamination of the site
 - b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
 - c. The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
 - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026

19. Prior to the first use or occupation of any unit or facility hereby approved, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To protect human health and the environment in the interests of residential amenity in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026

20. No part of the development shall commence (excluding demolition works), until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates;
- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to the use or occupation of any unit or facility, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

REASON: For the avoidance of doubt and ensure the proposed development can be adequately drained and there is no flood risk on or off site resulting from the proposed development in accordance with Policy 29 in the Central Lancashire Core Strategy

21. No development shall commence (excluding demolition works) until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to the use or occupation of any unit or facility, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

REASON: To ensure that the proposed development can be adequately drained, to improve water management and reduce the risk of flooding in accordance with Policy 29 in the Central Lancashire Core Strategy

22. All attenuation systems and flow control devices/structures are to be constructed and operation prior to the commencement of any other development other than demolition works.

REASON: To ensure that the proposed development can be adequately drained, to improve water management and reduce the risk of flooding in accordance with Policy 29 in the Central Lancashire Core Strategy

23. Prior to the commencement of development (other than demolition works), a scheme for the provision of foul water drainage shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved plans during the development and shall be thereafter retained and maintained for the duration of the approved use.

REASON: For the avoidance of doubt and to protect the living conditions of future occupants of the site in accordance with Policy 29 in the Central Lancashire Core Strategy

24. That any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place between March and July inclusive of any year, unless the absence of nesting birds has been confirmed by further surveys or inspections and written approval has been given from the Local Planning Authority.

REASON: To protect habitats of wildlife, in accordance with Policy 22 of the Core Strategy.

25. The approved landscaping scheme shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026

26. That all trees (and other habitats including hedgerows) being retained in or adjacent to the application site, as detailed on the approved Landscape plan ref. BMD.14.008.DR.002 Rev. B (Planting Plan), shall be adequately protected for the duration of the development, including the erection of protective fencing, in accordance with BS5837, 2012 "Trees in Relation to Design, Demolition and Construction - Recommendations". No tree shall be wilfully damaged or destroyed, uprooted, felled lopped or topped during that period without the written consent of the local planning authority. Any tree removed without such consent or dying or being severely damaged or becoming diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

REASON: To prevent damage to trees during construction works in accordance with Policy 17 in the Central Lancashire Core Strategy.

27. The total gross floor area of the units hereby approved shall not exceed 4,150sq m or 2,926sq m net sales area. The units shall not be sub-divided to create additional separate retail units.

REASON: To ensure the authority retains control of the activity on the site in accordance with Policy 17 of the Central Lancashire Core Strategy.

28. The development shall proceed in full accordance with the details and recommendations contained within the submitted 'Updated Extended Phase 1 Habitat Survey of land off Cop Lane, Penwortham, Preston' unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect habitats of wildlife, in accordance with Policy 22 of the Core Strategy.

RELEVANT POLICY

- 1 Locating Growth (Core Strategy Policy)**
- 3 Travel (Core Strategy Policy)**
- 9 Economic Growth and Employment (Core Strategy Policy)**
- 10 Employment Premises and Sites (Core Strategy Policy)**
- 11 Retail and Town Centre Uses and Business Based Tourism (Core Strategy Policy)**
- 16 Heritage Assets (Core Strategy Policy)**
- 17 Design of New Buildings (Core Strategy Policy)**
- 22 Biodiversity and Geodiversity (Core Strategy Policy)**
- 28 Renewable and Low Carbon Energy Schemes (Core Strategy Policy)**
- 29 Water Management (Core Strategy Policy)**
- 30 Air Quality (Core Strategy Policy)**
- POLB1 Existing Built-Up Areas**
- POLF1 Car Parking**
- POLG13 Trees, Woodlands and Development**
- POLG16 Biodiversity and Nature Conservation**
- POLG17 Design Criteria for New Development**
- NPPF National Planning Policy Framework**

Note:

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact LCC Highways Services at Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston, PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.
 2. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
 3. This consent does not give approval to a connection being made to the County Council's highway drainage system.
 4. Any retaining walls or other highway related structures adjacent to the development require approval by Lancashire County Council and must be subject to a technical approval procedure. The technical approval requires that all the County Council's costs in relation to the approval are to be reimbursed by the developer.
 5. The submitted Ecology Report refers to the presence of Rhododendron and Contoneaster species on the site but does not specify the exact species. Some species of these plants are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) making it illegal to plant or otherwise cause them to grow in the wild. If any invasive species are present they should be disposed of appropriately.
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