

Application Recommended for Approval

APP/2018/0060

Lanehead and Briercliffe Ward

Full Planning Application

Variation of condition 2 of planning permission APP/2016/0528 to enable insertion of internal floors within the approved building

BOOHOO.COM WIDOW HILL ROAD BRIERCLIFFE

Background:

Permission was granted in February 2017 for the erection of a new warehouse distribution centre (use class B8), together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure to enable the applicant to meet these increased sales and works commenced on site in the late spring of 2017.

This section 73 application seeks a variation to Condition 2 of planning permission APP/2016/0528 which lists the permitted drawings. The variation would allow the insertion of a number of additional internal mezzanine floors within the building.

The application seeks a variation to Condition 2 as opposed to the submission of a fresh planning application for the following reasons:

1. The APP/2016/0528 permission did not seek to limit the amount of floor space proposed under that consent.
2. The proposal would not result in an increased requirement for staff car parking or additional HGV movements due to the future forecasting to 2023 which was undertaken as part of the original application. This is explained in full in the accompanying Technical Note prepared by Vectos. And,
3. The proposed works are internal only and would not result in any external alterations. As such the proposal did not alter the external appearance of the building.

As a consequence, the proposal is not materially different to that which was originally granted planning permission for the reasons set out above. A s.73 application is therefore an acceptable format to determine the internal works.

A legal agreement accompanies the original permission and this requires amending to accompany the s.73 application. This is being finalised at this moment in time.

An objection has been received.

Relevant Policies:

Burnley Local Plan Second Review

E4 - Protection of other features of ecological value

E5 - Species protection

E8 - Development and flood risk

E19 – Development and Archaeological Remains

EW1 - Land for Business (B1) and Industrial (B2) and Warehousing (B8) Development

EW4 - Expansion and Improvement of existing businesses

EW5 - Development and Improvement of Major Industrial Estates

GP1 - Development within the Urban Boundary
GP3 - Design and Quality
TM2 - Transport Assessments (TAs)
TM3 - Travel Plans (TPs)

National Planning Policy Framework.
National Planning Practice Guidance.

Site History:

APP/2017/0430 - Application for approval of details reserved by conditions 8, 10, 11, 13, 20, 22 and 23 of planning application APP/2016/0528 relating to the proposed erection of new warehouse distribution centre (use class B8), together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure – Conditions partially discharged

APP/2017/0411 - Discharge of Condition 24 (an Employment and Skills plan) of planning application (APP/2016/0528) relating to proposed erection of new warehouse distribution centre (use class B8), together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure – Condition discharged.

APP/2017/0188 - Application for approval of details reserved by conditions 17 and 18 (drainage) of planning permission APP/2016/0528 – Conditions discharged.

APP/2017/0171 - Discharge of conditions 4 and 7 of planning application APP/2016/0528, relating to the Proposed erection of new warehouse distribution centre (use class B8), together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure construction method statement (Condition 4); and programme of works statement (condition 7) – Conditions partially discharged.

APP/2016/0528 - Proposed erection of new warehouse distribution centre (use class B8), together with associated ancillary office and amenity accommodation, vehicle manoeuvring and circulation infrastructure – Granted Conditionally.

APP/2015/0208 – 144 space car park – Withdrawn.

APP/2015/0105 - Addition of 3no. dock levellers and the extension of the dock canopy to rear south elevation. Increase size of service yard area to facilitate use of additional docks. Feature flashing on North West, south west and south east elevations changed from pink to black. Relocation of the gatehouse into the centre of the entrance/exit road (in respect of planning application APP/2014/0041) – Granted.

APP/2014/0377 – Discharge of condition 5 of planning application APP/2014/0041 – Discharged.

APP/2014/0355 – Discharge of conditions 6, 10, 11, 12 and 13 of planning application APP/2014/0041 – Discharged.

APP/2015/0334 – Proposed minor material design amendment to previously approved application (APP/2014/0041) – Granted.

APP/2014/0332 - Amendment to the phased construction of the amenity accommodation (in reference to planning permission APP/2014/0041) (NMA) – Granted.

APP/2014/0041 – Erection of extension to existing class B8 warehouse together with associated ancillary office and amenity accommodation and vehicular manoeuvring and circulation infrastructure – Granted Conditionally.

APP/2007/0069 – Proposed erection of three industrial units and alterations to the west elevation of the existing industrial unit (Use Classes B1, B2 and B8) – Granted with Conditions.

Consultation Responses:

Lancashire County Council (Highways - Developer Support)

Following earlier discussions, the applicant has submitted a revised technical note which explained the effects of the automation process on the employment levels within the site and how its implementation would limit the level of employment recruitment required when the site becomes fully operation in 2022/23. It also referred to proposed changes in the delivery practices which will ultimately result in a more efficient use of the HGV vehicles visiting the site and thereby reduce their impact on the road network.

Since these improvements are based on proposed operational efficiencies is there any way to ensure that the automation process for instance is carried out as described within the technical note I am mindful that although on paper the benefits of automation are clear in respect of the number of employees, should the applicant not wish to pursue this route then there would be a significant increase in the work force which will exceed the parking provision.

Although alterations to the highway infrastructure have largely been dealt with in the previous application for the construction of the second unit, one area was overlooked. The former entrance to the southerly area adjacent to the new "goods in " entrance. This should be kerbed and made good.

Also, as discussions on the travel plan for the site have progressed it has become apparent that the applicant will be seeking to pick up and set down passengers for the new employee buses on Widow Hill Road as opposed to within the site. In order to ensure that the stops remain accessible it will be necessary to provide bus bay markings on Widow Hill Road.

[The proposed drawings are entitled Proposed Automation Layout. In my view listing the drawings at condition 2 should suffice in ensuring that the scheme is implemented in accordance with the drawings that refer to an automation layout.]

Local consultation responses

An email has been received from a local resident and tenant of Widow Hill Road Industrial Estate, and the following objection and areas of concern have been raised.

- concerns for the safety to the traffic and pedestrians outside boohoo.com's pedestrian factory entrance.
- At the present moment there are alterations to the pavement in central reservation in this area and as a regular user of Widow Hill Road at boohoo.com's shift changes at 6 AM and 6 PM I can only express that it is only a matter of time before there will be a serious accident during these times due to the parking, drop off and pick up of employees. On numerous occasions I have been in a situation where there have been employees who have walked out from parked cars to either cross the road or to get to waiting cars in the central reservation.
- This was an issue prior to the road alterations and is still an issue during the road alterations; whilst the planning application relates to the internal of the building consideration must be given for the long-term future of this entrance. We ask that consideration is given to the above prior to any decisions being made.

Planning and Environmental Considerations:

This section 73 application seeks a variation to Condition 2 of planning permission APP/2016/0528 which lists the permitted drawings. The variation would allow the insertion of a number of additional internal mezzanine floors within the building. The building is almost completed in terms of its external appearance.

The proposed works are internal only and would not result in any external alterations. As such the proposal did not alter the external appearance of the building. As a consequence, the proposal is not materially different to that which was originally granted planning permission. A section 73 application is therefore an acceptable format to determine the internal works.

The key considerations with this application are in respect of highway safety matters.

HIGHWAY SAFETY AND PARKING

Further and additional information was requested by the County Highways Officer following initial concerns raised in regards to this proposal. The applicant has submitted a revised technical note which explained the effects of the automation process on the employment levels within the site and how its implementation would limit the level of employment recruitment required when the site becomes fully operation in 2022/23. It also referred to proposed changes in the delivery practices which will ultimately result in a more efficient use of the HGV vehicles visiting the site and thereby reduce their impact on the road network.

These improvements are based on proposed operational efficiencies and the proposed plans will be conditioned as such so that the development can only be carried out in accordance with those plans.

There are discussions ongoing at the present time in regards to the formulation of a Travel Plan for the site, and it is hopeful that an employee service bus will be provided in the coming months. In addition to this, the applicant has already implemented opportunity to improve the sustainability of the site by increasing the accessibility to purchasing pedal cycles for employees. The contribution request towards the upgrade of two cycling routes into the Heasandford Industrial Estate has also been paid by the

applicant and works will commence on the previously discussed, agreed and approved upgrade improvements within the next 12 months.

Further agreed works to the highway surrounding the site to improve pedestrian access across Widow Hill Road as well as an enhanced crossing facility between Unit 3 and the main site and also the pedestrian linkages to and within the main site, and the implementation of a taxi drop-off / pick up point outside Unit 2 are also underway and are due to be completed in the next few months.

On the basis of the information provided within the Transport Assessment Addendum Note, there are no objections to the proposed scheme from a highway safety point of view subject to the imposition of relevant conditions.

CONCLUSION

The National Planning Policy Framework (NPPF) makes it clear that planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration in planning decisions and it advises that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay.

The proposed scheme involves internal alterations to the previously approved building on the site (that is close to external completion) and as such the key considerations relate to whether these alterations have any other material impact on the development originally proposed.

The proposal would not result in an increased requirement for staff car parking or additional HGV movements due to the future forecasting to 2023 which was undertaken as part of the original application. This is explained in full in the accompanying amended Technical Note prepared by the applicant. The highways authority raises no objection to the proposal and as such the application is recommended accordingly.

Recommendation:

That planning permission be granted subject to the following conditions.

Initial Draft Conditions (to be discussed with the developer and finalised by the evening of DC Committee - 26th of April 2018):

1. The permission shall relate to the development as shown on plan drawing numbers: A0701-P1, A0702-P1, A0703-P1, B0101, B0103, B0110, B0150, B0230, B0501 (x2), B0601-P1, B0602, B0603, L0001-P1, L0101-P1, L0601 and S0001 received 30th November 2016, and L0401-T5 received 1st February 2017, and plan drawing numbers 586930/601 – 06, 586930/602 – 06, 586930/603 - 03, 586930/604 - 02, 586930/605 - 03 and 586930/606 – 03 received 7th February 2018, and #####

2. The materials used in the development shall be in accordance with those specified within the approved scheme, to the satisfaction of the local planning authority, unless otherwise agreed in writing with the Local Planning Authority.
3. Prior to the commencement of demolition works or built development, a construction method statement shall be submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - a) The parking of vehicles of site operatives, visitors and the existing parking that will be displaced by the development,
 - b) Details of the delivery regime for materials and plant to the site
 - c) The loading and unloading of plant and materials,
 - d) The storage of plant and materials used in constructing the development,
 - e) The erection and maintenance of security hoarding,
 - f) Wheel washing facilities,
 - g) Measures to control the emission of dust and dirt during construction,
 - h) Details of working hours, and
 - i) Contact details of the site manager.
4. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
5. No demolition or construction work shall take place outside the hours of 8am to 6pm Monday to Friday, 8am to 4pm on Saturday and not at any time on Sundays and Bank Holidays, including all works and ancillary operations in connection with the construction of the development, and the use of any equipment or deliveries to the site. Where permission is sought for works to be carried on outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority. Where practicable, operations which create the most noise shall only occur between the hours of 08.30 and 17.30 Monday to Friday.
6. No part of the built development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. For the avoidance of doubt, the offsite works of highway improvement will include,
 - a) Formation of the new site access,
 - b) Closure and reconstruction of the existing vehicular access opposite Unit 3 Widow Hill Road,
 - c) Extension of the central reserve in the vicinity of the redundant vehicular access, and
 - d) Formation of a pedestrian crossing facility between the main BooHoo site and Unit 3.
7. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 6 has been constructed and completed in accordance with the scheme details.

8. The cycling and motorbike facilities hereby approved shall be provided in accordance with a final scheme to be approved by the Local Planning Authority in consultation with the Local Highways Authority. They shall be provided before the use of the premises hereby permitted becomes operative.
9. The car park areas hereby approved shall be surfaced or paved in accordance with a final scheme to be approved by the Local Planning Authority in consultation with the Local Highways Authority. The car parking spaces and manoeuvring areas shall be marked out in accordance with the approved plan before the use of the premises hereby permitted becomes operative.
10. Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The Business Travel Plan shall include details of an assisted cycle purchase / loan scheme and the provision and running of an employee service bus travelling to and from the site (Exact details and service to be provided). This shall be subject to agreement with the planning authority in consultation with the highway authority, and shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.
11. As part of the final car parking plan (condition 9), the developer shall include on-site the installation of a minimum of eight, three-pin 13-amp electrical sockets in suitable positions to enable the recharging of an electric vehicle using a 3m length cable. The charging points shall be installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.
12. The existing access onto Widow Hill Road (as shown on plan reference number L0401 Rev. T5) shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads prior to.
13. Foul and surface water shall be drained on separate systems.
14. Notwithstanding the submitted details, as indicated on plan drawing number L0601 Landscaping, within six months of the commencement of any built development above slab level, full and final details of the proposed comprehensive hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
 - a) Hard landscaping shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant].

- b) Soft landscaping shall include full details of the proposed lake (including site sections and construction details), schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate.
 - c) The scheme shall also include details of habitat mitigation enhancement measures such as bat and bird boxes which could be installed on retained or new semi-mature trees or elsewhere within the site on existing buildings.
15. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of any part of the development or in accordance with a programme approved in writing by the local planning authority.
16. The mitigation and recommendations detailed in the submitted Ecological Assessment (TEP, August 2016) shall be incorporated within the detailed on-site landscaping proposals (condition 20), and thereafter carried out in full prior to the first occupation of the development or in accordance with an approved timetable. Final details of this shall be submitted to the Local Planning Authority for consideration and approval.
17. Within six months of the commencement of the development, a scheme and programme for any other lighting on the site, outside of the proposed car parking areas, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme and programme shall include details of:
- a) Location, type and intensity of lights.
 - b) Types of masking or baffle at head.
 - c) Type, height and colour of lighting columns.
 - d) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby properties.
- The lighting shall only be installed in accordance with the approved scheme and programme.
18. The development hereby permitted shall not, at any time, be subdivided into a larger number of units.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions and/or extensions (internal or external) to any building forming part of the development hereby permitted.
20. The premises shall be used for B1/B8 use only and for no other purpose including any purpose within Class ## of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.
21. Condition limiting the floor area of the building?
22. The existing access in the southern area of the site adjacent to the new "goods in" entrance. shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in

accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access.

23. Within 12 months of the date of this decision a scheme for the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. [This refers to the introduction of bus boxes on Widow Hill Road].

24. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 22 and 23 has been implemented and completed in accordance with the scheme details.

Reasons

1. For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.
2. To secure a satisfactory development in materials which are appropriate to the locality, and to enable any necessary flexibility in the choice of materials, in the interests of visual amenity and in accordance with Policy GP1, GP3, EW4 and EW5 of the Burnley Local Plan Second Review.
3. In the interests of protecting the amenity of neighbouring businesses from noise and disturbance, and in order to ensure the construction phase has no significant impact upon highway safety at this location, in accordance with Policy GP1, EW4 and EW5 of the Burnley Local Plan Second Review.
4. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
5. In the interests of protecting the amenity of neighbouring businesses from noise and disturbance, and in order to ensure the construction phase has no significant impact upon highway safety at this location, in accordance with Policy GP1, GP3, EW4 and EW5 of the Burnley Local Plan Second Review.
6. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before construction work commences on site.
7. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
8. To ensure the final scheme is suitable and to allow for the effective use of the parking areas.
9. To ensure the final scheme is suitable and to allow for the effective use of the parking areas.
10. To promote and provide access to sustainable transport options.

11. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.

NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. The socket should be suitable for outdoor use and have an internal switch within an adjacent building to enable the socket to be turned off.

12. To limit the number of access points to, and to maintain the proper construction of the highway.
13. To secure proper drainage and to manage the risk of flooding and pollution.
14. On the basis that full and final details of the proposed scheme have not been provided, and to ensure that the proposed scheme contributes to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings in full, and in order to ensure a net gain for nature. In accordance with the NPPF and Policies E4, E5 and GP3 of the Burnley Local Plan.
15. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings, and in order to ensure that the landscaping works proposed are carried out in full. In accordance with Policies E4, E5 and GP3 of the Burnley Local Plan.
16. To ensure there is appropriate mitigation against the loss of existing biodiversity and nature habitats and in order to provide a net gain in biodiversity in accordance with the NPPF.
17. To ensure that the visual impact and impact on the amenity of the wider area is acceptable and that the scheme is appropriate in terms of its close proximity to other nearby wildlife habits and buildings. Also in the interests of highway safety, and to safeguard the amenity of adjacent buildings. To conform to Policy GP7 of the Burnley Local Plan, Second Review.
18. In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional units on the site.
19. In the interests of the amenity of the area and highway safety, and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or internal/external alterations, or the installation of any outdoor plant/machinery.
20. To enable the local planning authority to consider any future change having regard to policy ***** of the Burnley Local Plan, Second Review and any other material considerations.
21. ??

22. To limit the number of access points to, and to maintain the proper construction of the highway.
23. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
24. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

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