

Inspector's Initial Questions for the Council

Council's Response 27th Feb 2017

Introduction

- 1. I have completed my initial reading of the above Plan, the evidence submitted and the representations. I have a few questions for the Council where further clarification would be useful at this initial stage.**

The Economy & Town Centres

Policy DM3

- 2. The policy sets out the approach to town centre development. However it also sets out the policy framework for out of centre locations. Is the structure of the policy effective and consistent with National Policy and Guidance?**

Council's Response

Policy DM3 'Town Centre Development' is so termed as it is intended to provide the policy framework for all development proposals for 'main town centre uses'¹ or proposals affecting such uses (for example in primary shopping areas or designated frontages) across the Borough. The structure of the policy, and its content, is therefore focused on the Use Classes proposed by a development as opposed to just the geographic location (i.e. within a designated centre). The inclusion of the section termed 'Outside of Town Centre Locations' is therefore intentional and sets the local policy framework for the application of the sequential and impact tests in Hyndburn. The Council would be happy to re-word the name of the policy itself to 'Development of main town centre uses' to help clarify this point should it be considered necessary.

The policy has evolved through collaboration and joint-working. The Council has worked with neighbouring authorities on cross-boundary strategic priorities as relevant and outlined in DM_Sub_1.8a (DM DPD Statement of Compliance with the Duty to Co-operate), including resolution of initial objections by Blackburn with Darwen Council on the draft local impact thresholds proposed in earlier versions of the DM DPD. It contains the clear policy position for development for all 'main town centre uses' proposed in any area of the Borough (not just within

¹ as defined in the Glossary (Annex 2) of the NPPF

designated centres). The policy will remain deliverable over the full plan period as a reference to any specific policies that may be forthcoming in the Site Allocations DPD (the final part of the Hyndburn Local Plan) is built into the policy.

Whilst the Council believes that Policy DM3 is currently effective it has identified some amendments to terminology that could improve the clarity and interpretation of the policy and therefore its overall effectiveness over the plan period. Core Strategy policies A2, A3, GH2 and R2 confirm the current retail hierarchy in the Borough: Accrington and Great Harwood are 'Town Centres'; Rishton, Clayton-le-Moors and Oswaldtwistle are 'Local Centres'. The Site Allocations DPD will formally define the full retail hierarchy, including identification of potential further tiers of 'local parades' and/or 'neighbourhood centres'². For clarity and consistency with other elements of the Local Plan the Council therefore suggests the following amendments to terminology in Policy DM3 be made:

- All references to 'District Centres' within the policy be changed to 'Local Centres';
- Both policy subheading references to 'Town Centre' be changed to 'Town/Local Centre';
- The second policy subheading be changed from 'Outside of ...' to 'Edge/Out of ...';
- the first column heading in the table of local impact thresholds be changed to 'Town/Local Centre'; and
- Reference to 'local centre' in paragraph 8a be changed to 'neighbourhood centre (where defined)'.

In addition to the terminology changes a further amendment to paragraph 8a is considered necessary to clarify the purpose of the criteria. Paragraph 8 as a whole is intended to be complementary to other aspects of the policy and not exclusive. As such the Council suggests it should read 'The development of shops and other local services under 250sqm gross floorspace will be permitted provided that other aspects of the policy are satisfied and:' The Council does not believe that any of these proposed changes alter the primary purpose or aim of the policy and will simply serve to improve clarity and interpretation ensuring the policy is fully effective in its aims.

Policy DM3 is consistent with national policy. Paragraph 23 of the NPPF refers to the need for LA's to '*set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres*'. The Council's adopted Core Strategy does not

² There is a clear need to designate at least one further tier of retail location in Hyndburn, however the need for one or two further tiers will only be known following further evidence base work relating to the Site Allocations DPD (i.e. detailed surveys of retail/service provision outside of designated town and local centres)

provide this policy framework, and the Council's proposed Site Allocations DPD is yet to be commenced. The Accrington Area Action Plan (Policy ATC1) refers to the sequential test in the context of Accrington town centre only but not the other centres in the Hyndburn retail hierarchy. Paragraph 26 of the NPPF also permits local authorities to set locally set floorspace thresholds as a trigger for retail impact assessments. As such the Council concluded that inclusion of retail policy aspects within the DM DPD was justified to avoid a policy vacuum on these matters until the Site Allocations DPD (and Local Plan as a whole) is completed.

Paragraphs 24-27 of the NPPF cover the two key policy tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accordance with an up to date Local Plan – the sequential test and the impact test. The Planning Practice Guidance goes on to state that *'these are relevant in determining individual decisions and may be useful in informing the preparation of Local Plans'*³. The Council has therefore set out its position on both tests in Policy DM3 to ensure that sustainable development can take place in accordance with the NPPF.

3. It appears that some existing out of centre retail sites have not been taken account of in the 2016 Retail Study undertaken by Peter Brett Associates. The purpose of the report explains that it is intended to provide a full assessment of retail needs within Hyndburn. Can the Council clarify why these existing out of centre sites were omitted from this retail study? Is there other evidence available that takes account of these sites?

Council's Response

The Study Area used in the Council's Retail Study (DM_Supp2.3) is set out in Appendix A of the report. It shows the area used for the purposes of the household survey element of the Retail Study. The household survey is used to determine local residents' shopping patterns and also to seek opinions on qualitative matters of local shopping/service provision in the Borough. The boundaries used for the study area are based on the industry standard approach of 'best-fit' postcode sector levels and take into account the Council's previous Retail Study (2005) and those of neighbouring local authorities.

The only out of centre retail site in Hyndburn that is not included within the household survey area (referred to as the Study Area) is the Peel Centre - also known as the Whitebirk Retail Park. The exclusion of the Peel Centre would have had no impact on the outcomes of the household

³ Paragraph: 001 Reference ID: 2b-001-20140306

survey as there are no Hyndburn residents that live there who could have contributed to the survey. To include the retail park within the household survey area at a postcode sector level would have incorporated large residential areas of Blackburn with Darwen which goes against the purpose of the study 'to provide a full assessment of retail needs within Hyndburn'.

Although the retail park is excluded from the household survey area it is included within the survey itself as a retail destination. The retail park is subsequently discussed within the report in terms of its trade-draw and turnover from residents within the study area, and also its recommended future role (paras 7.9-7.10). The Council can confirm therefore that the retail park was excluded from the household survey study area for the reasons set out above, but that it is not excluded from the study per se.

In terms of further evidence, the Council does not have any further evidence taking into account out of centre retail sites. NJL Consulting has commissioned up to date research (an additional household survey) intended to give them a full picture of the current shopping catchment for the Peel Centre (not just trade draw from areas in Hyndburn). A summary of the findings of this is provided as an attached briefing note to NJL Consulting's Representations to the Publication version of the DM DPD (Rep_ID 348-355). This work has been undertaken to correlate with the Blackburn with Darwen Retail Study (2011), the Hyndburn Retail Study (2016) and uses the same household survey company (NEMS) and questions as in the Hyndburn study. The Council does not see this as being of relevance to the DM DPD however and will consider the findings in more detail at the relevant time in respect of the Site Allocations DPD.

4. Can the Council clarify how proposals for new development within established out of centre retail sites would be dealt with under the policy? Would this approach be justified, effective and consistent with National Policy and Guidance?

Council's Response

Appendix 1 sets out a number of different scenarios of how various different retail proposals in out of centre locations in Hyndburn would be considered under the present Policy DM3. Scenario's A and B refer to specific proposals at the Peel Centre.

The policy approach set out in Policy DM3 is considered to be justified as the latest evidence presented in the Retail Study on the health, vitality and viability of centres in Hyndburn indicates a number of vulnerabilities. The Council has a duty to ensure that the impact of any future proposals for main town centre uses outside of defined town or local centres are

considered appropriately and that the policy framework supports the viability and vitality of town centres. It is important to point out that the adoption of local impact thresholds are intended as a trigger point only, to look in more detail at potential impacts. They are therefore a trigger point for more scrutiny of a proposal as opposed to a necessary refusal of permission.

The inclusion of exception 1b (p25) ensures that the policy remains effective over the plan period (more detail provided under Question 5 below). It is consistent with national policy as it will enable the Council to determine where a proposal is likely to have a significant adverse impact as set out in paragraph 27 of the NPPF.

5. The policy sets out local thresholds above which proposals would be required to submit a retail impact assessment. 1b (page 25) states that the Council may in some circumstances require an assessment where a proposal falls beneath the thresholds set. Does this policy provide a clear indication of how a decision maker should react to a development proposal?

Council's Response

The Council has published its reasoning for adopting local impact thresholds in its Retail Thresholds Evidence Note (supporting document DM_Supp2.4). The proposed thresholds are a result of a 'balanced assessment' of a number of different measures considered and set out in Tables 4.1 and 4.2 of the Evidence Note. However, the Council recognises that the assessment is made at a single point in time (July 2016). To provide flexibility, for example should circumstances within a centre change significantly over the plan period, the Council included exception 1b (page 25) into the policy.

The exception states that retail impact assessments may be requested for proposals below the stated thresholds '*where the Council has particular concerns arising due to the size and nature of a proposal ... in relation to the health of a specific centre*'. The Council would like to re-affirm that this requirement is for proposals for main town centre uses that are not located in a defined town or local centre only. The inclusion of this exception is therefore to provide flexibility in implementing the requirement set out in NPPF Paragraph 23 (bullet point 1) which states that councils should '*recognise town centres as the heart of their communities and pursue policies to support their viability and vitality*'. The policy exception specifically states that the Council will '*justify any such request carefully*' and '*request a proportionate approach*'.

Based on the above justification, the Council believes that the policy is written sufficiently clearly to indicate how a decision maker should react to a development proposal. To provide further clarity however, additional text could perhaps be added into the justification text (paragraph 3.26) to state that where the latest evidence demonstrates a change in circumstances of the health, vitality or viability of a centre then this exception would apply. Officers would be happy for such a modification to be made if it is considered to enhance the policy further.

Policy DM5

6. The policy refers to an over-concentration of hot food takeaways. This term does not appear to be defined. Can the Council provide clarification on this point please? Does this policy provide a clear indication of how a decision maker should react to a development proposal?

Council's Response

The Council sees a potential risk factor of the proposed hot food takeaway (HFT) 'restriction zone' in Policy DM5 (paragraph 1c) being higher clustering taking place in locations outside of the defined zone. Therefore alongside the application of a restriction zone, the stipulation of avoiding 'over-concentration' in any one area of the Borough (paragraph 1b) is considered appropriate. The term 'over-concentration' is deliberately not defined within the policy as it will depend upon the individual circumstances of each case. For example an application within a main town centre area would have different considerations to an application in a local parade.

A clear intention of the policy is to avoid an unacceptable accumulation of HFTs in any one location. Factors to be weighed up by a decision maker in judging whether an application would be acceptable or not would include:

- The number of other HFTs in the immediate area;
- Other shops serving the local community, taking into account their number, location, type and importance to the specific location for meeting local needs;
- The nature of adjoining/nearby uses (residential, retail, pubs);
- Any potential benefits to the wider community of the proposal; and
- Impact on local amenity in line with criteria 1g of the Policy DM5

This final point is key as decision makers will have to take into account all factors to assess the overall impact on the character and function of a centre or area (including its day time vitality) and potential impact on

amenity. The Council undertakes intermittent surveys of main town centre uses which will form part of the evidence to support such decisions.

To help clarify the clear link between 'over-concentration' and amenity issues the Council would be happy for the reference to over concentration to be moved from criteria 1b of Policy DM5 into 1g should this be considered helpful. In this instance the criteria would read 'the development would not give rise to unacceptable adverse impacts on local amenity, privacy or highway safety through over-concentration of hot food takeaways'.

7. 1c of the policy refers to hot food takeaway restriction zones. How were these identified? Is there a relevant evidence base document? Is this approach justified, effective and consistent with National Policy and Guidance?

Council's Response

The Council first proposed a HFT 'exclusion area' in the Consultation Draft DM DPD (Supporting document DM_Supp5.5). The exclusion area was identified as any location within 400m of a primary school and/or secondary school that lie outside of designated town and local shopping centres. The area was identified on the accompanying DM DPD Policy Maps. Following public consultation and further consideration of the potential negative impacts on the economy and inflexibility of the policy, a revised policy DM5 was presented in the Publication DM DPD rephrasing the exclusion area to a more relaxed 'restriction zone'. The geographical area itself was unaltered. The restriction zone does not exclude new premises from being granted planning permission however it does allow the Council to control hours of opening of new HFTs. This is intended to make it more difficult for people to make unhealthy choices, or at least reduce the likelihood that they will do so (particularly young people of school age).

The Council believes that the policy is justified based on the existing very high provision of HFTs within the Borough (Hyndburn is ranked 9th highest of 325 local areas nationally in terms of number of takeaways per 100,000 population)⁴ and the general poor health of residents relative to national averages. The adoption of HFT 'restriction zones' focused around primary and secondary schools will be a pre-emptive policy approach to help reduce levels of obesity, improve healthier choices and thus also the general health of younger people in particular in the Borough. The Council recognises that it is only a small part in a much bigger picture of potential policy interventions that can positively impact on health outcomes over

⁴⁴ Density of fast food outlets, Public Health England (2016)

time. The policy has evolved through public consultation to consider reasonable alternatives and is based on proportionate evidence (see below).

There is no single evidence base document that the Council has produced in support of this policy. Successive health profiles of Hyndburn (published annually by Public Health England) have identified that the health of people in the Borough is generally worse than the England average, with life expectancy in particular lower for both men and women than the national average. The reasons for this are clearly complex and multi-faceted. The Council attaches the latest 2016 Health Profile to this response. Evidence from the Joint Strategic Needs Assessment for Lancashire identifies that healthy eating is *'less likely in those who are struggling financially, those with a disability, younger people and those who are obese'* and makes a specific recommendation to *'identify and remove or reduce barriers to behaviour change where possible'* including environmental ones⁵. Other organisations/bodies ranging from Public Health England⁶ the Local Government Association (LGA)⁷ and the Healthy Urban Development Unit⁸ have all published studies or reports on the issue of obesity HFTs and the environment. These have been taken into account in developing Policy DM5.

The policy is effective as it is clearly deliverable over the full plan period and provides clear locations where the Council will seek greater restrictions on trade (identified on the Policy Maps). The Council has worked with the strategic health lead (Lancashire County Council) in developing this policy that is supportive of the policy aims. The policy is consistent with national policy as it seeks to help *'create healthy, inclusive communities'* in line with paragraph 69 of the NPPF.

Housing

Policy DM16

- 8. The policy refers to the adoption of local housing standards relating to access and internal space. It would appear from the evidence base that the adoption of housing standards would not be viable in some areas of the Borough. Would this policy be justified, effective and consistent with National Policy and Guidance?**

⁵ Healthy behaviours in Lancashire 2015: A joint strategic needs assessment (p16-7)

⁶ Obesity and the environment: regulating the growth of fast food outlets (March 2014)

⁷ Tipping the scales: case studies on the use of planning powers to limit hot food takeaways (January 2016)

⁸ Using the planning system to control hot food takeaways: a good practical guide (February 2013)

Council's Response

The Council agrees that its Economic Viability Study (EVS - published October 2016) does identify viability issues for certain types of development in certain locations around the Borough. A large number of different hypothetical site specific tests were undertaken as part of the EVS and these are set out in full in Tables 6.1-6.12 of the EVS.

The Council has covered the issue of viability in relation to the application of housing standards in Hyndburn in its Housing Standards Topic Paper (submitted as supporting document DM_Supp3.1). In terms of access, the Council's view is that there is sufficient flexibility within the policy wording in paragraph 2 to allow for those specific circumstances where a scheme is not viable. In terms of space standards, paragraphs 5.25 – 5.31 of the Topic Paper sets out the Council's reasoning and justification for applying the space standards across the Borough in the context of the EVS findings.

The policy requirement for applicants to submit an internal space compliance statement alongside their application (paragraph 3) will ensure that the aims of the policy are effective and delivered through new developments. In terms of delivery the Council has also undertaken further analysis of recent housing completions in Hyndburn⁹. Analysis of 224 residential units completed over the previous 3 years highlights relatively minor deviations between recent residential completions and the national space standards. Tables 1 and 2 demonstrate that in recent years in Hyndburn it is generally the mid-sized new build properties that have fallen below the national space standards as opposed to the smaller, conversion properties as argued in Representation 342 (JWPC Ltd).

Table 1: Deviation from space standards (by house type, 2013-16)

House type	No. of residential units completed	Average deviation from national space standards (m ²)
1 bed Bungalow	11	0.5
1 bed Detached	3	23.8
1 bed Flat	18	0.4
2 bed Bungalow	21	0.8
2 bed Flat	4	-1.0
2 bed Semi-detached	6	-3.6
2 bed Terraced	11	4.4
3 bed Bungalow	17	-3.0
3 bed Detached	13	-3.1
3 bed Detached	2	5.0
3 bed Semi-detached	46	-4.1
3 bed Terraced	34	2.6
4 bed Bungalow	1	54.8

⁹ as highlighted in para 5.23 of the supporting Housing Standards Topic Paper

4 bed Detached	15	6.7
4 bed Detached	2	-3.6
4 bed Semi-detached	8	13.7
4 bed Terraced	9	15.0
5 bed Detached	2	86.0
5 bed Semi-detached	1	113.7
Grand Total	224	2.8

Table 2: Deviation from space standards (by development type, 2013-16)

Development Type	No. of residential units completed	Average deviation from national space standards (m²)
Change of use	26	32
Conversion	7	15
New build	190	-2
Grand Total	224	3

The application of national standards as set out in Policy DM16 would be consistent with national policy in that it would enable the delivery of sustainable development by improving the condition and design of new housing to improve the health and well-being of residents and communities. It would ensure that the core planning principle to '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*' (NPPF Para 17) is met.

9. It would seem that in response to a representation on the submission version of the Plan the Council are considering whether the standards could be applied selectively across the Borough. Would this approach be supported by the evidence in terms of local need and viability? Would this approach be justified, effective and consistent with National Policy and Guidance?

Council's Response

For the reasons set out above, the Council's preferred position is to retain Policy DM16 as is. Paragraphs 5.25 – 5.31 of the Housing Standards Topic Paper sets out the reasoning and justification for applying the space standards across the Borough even within the context of the EVS findings that some developments are unviable. This is based upon a balanced assessment of the overall findings of the EVS, recognising its strategic nature and that the specific circumstances on each site will vary.

Should however more flexibility be required within the policy, the Council would prefer to see a statement being added to paragraph 3 of the policy

text (in line with that in paragraph 2) over a selective geographical application of standards (e.g. by area/zone). Having considered both options further it is the Council's view that each application should be assessed on its own merits, in its own context, as opposed to a crude geographical application (i.e. in Value Zones 1 and 2 of the EVS) which risks exacerbating inequalities in the Borough.

Consideration of each case on its own merits, in the context of an independent viability appraisal, would be justified for the reasons set out above. It would be effective in that the space standards would be applied across the Borough where it is viable (in most cases on larger sites a viability appraisal would be necessary anyway so little additional work would be placed on applicants). Finally it would be consistent with national policy and guidance as it would help improve housing standards whilst ensuring that development remains viable and deliverable, in line with paragraph 173 of the NPPF.

Environment (Natural & Built)

Policy DM17

10. The policy refers to replacement planting of a ratio of at least 3:1. How was this identified? Is there a relevant evidence base document?

Council's Response

The submission version of Policy DM17 (Trees, Woodlands and Hedgerows) reflects the following key policy considerations/aims for Hyndburn:

- The NPPF requirement to demonstrate a net gain in biodiversity 'where possible' (paragraph 109) - the Council sees replacement tree planting as an ideal opportunity to help achieve this aim;
- Many studies and publications identifying the important role that trees play in green infrastructure, ecological networks, water management, interactions with quality design, health considerations and well-being¹⁰;
- Continuing long term good practice of Hyndburn Borough Council in recognising the multi-faceted importance of trees and woodlands. This has led to a steady increase in tree coverage across the Borough from 4% to 8% over the last 25 years, and the desire to continue this good work;

¹⁰ For example, *Trees in the Townscape: A Guide for Decision Makers* (Trees & Design Action Group, 2012), *Trees in our towns* (Woodland Trust, 2012), *Trees in Towns* (CLG, 1993)

- Inclusion of sufficient flexibility within the policy to ensure that off-site replacement planting can occur where it is not feasible to provide on-site;
- Extensive consultation and positive feedback from the Woodlands Trust and other consultees - at the Consultation Draft stage of the DM DPD, the Local Government Affairs Officer for the Woodland Trust commented that the policy was *'one of the best trees and woodland policies I have come across in nearly 10 years of working in policy for the Woodland Trust'*;

The Council has identified a specific replacement planting ratio of at least 3:1 on the basis of a comprehensive and pragmatic assessment of research papers and best practice elsewhere. The two key principle issues come down to 'tree survivability', and biodiversity 'net gain' in line with the NPPF.

- Tree survivability - evidence on the survivability of newly planted trees to maturity shows significant variability¹¹. Despite improvements in knowledge of the factors involved in transplant survival and tree establishment, over a 30-year period recent evidence shows that mortality rates of 30-50% are still commonplace during the first year alone after planting¹². On this basis a replacement ratio of 3:1 would simply replace one tree for another in many instances and not lead to any net gain in tree numbers.
- Net gain in biodiversity – it is only when a tree reaches and lives through a mature stage that the return on investment made to plant and care for that tree is realised. Depending on species, it takes between 15 and 40 years for a tree to grow a sufficiently large canopy to deliver meaningful aesthetic, air pollution removal, rainwater management, and other benefits. Therefore from a nature conservation (biodiversity) perspective the older a tree the richer its wildlife. As a result even when the planting of a single new tree compensates for the felling of an older one a significant loss is incurred. It is in recognition of that loss that more and more LAs, as well as socially and environmentally responsible built environment professionals are adopting tree replacement and compensation measures going far beyond one for one, as exemplified by Bristol City Council in its Site Allocations and Development Management Policies (up to 8:1 depending on the size of tree lost)¹³.

¹¹ Street Tree Survival rates (Urban Forestry and Urban Greening 10 (2011), 269-274)

¹² Fundamentals of tree establishment: a review (Trees, people and the built environment, 51-62)

¹³ A more local example in the Greater Manchester area is the City of Trees initiative which also uses a 3:1 ratio for replacement planting to reflect the likelihood of tree survival through to maturity.

Hyndburn Council proposed 'at least' a 3:1 replacement standard to ensure that at least one mature tree survives to replace the one that is lost. The Council has however specifically added flexibility into the policy to take into consideration the different circumstances. This will depend on number and size of trees to be lost, the condition and amenity/ecological value of the trees to be lost, the location, condition and value of any trees retained within the development and/or off-site. All of these variables will be used to take into consideration the size, number and location of trees that should be planted to replace those lost which may exceed 3:1 in some instances. 'Trees in the Townscape – a Guide for decision makers' was published by the Trees and Design Action Group in 2012 includes the recommendation to '*establish tree replacement and compensation measures that make it cheaper for new developments to keep existing large trees rather than fell them*'. The Council believes that Policy DM17 as proposed provides a suitable balance to achieve this aim whilst not deterring development from taking place.

I look forward to receiving your response on these matters by Monday 27 February.

V Lucas-Gosnold

INSPECTOR

Appendix 1 – Hyndburn Retail Impact Threshold Scenarios

This note provides a number of potential scenarios setting out how the proposed local retail impact thresholds element of Policy DM3, and the exceptions set out in paragraph 1a and 1b (p25) would be interpreted and applied.

Note: All the scenarios set out in the table below are assumed to be located in 'out of centre' locations.

Scenario	Type of development proposed	Centre within catchment area	Exceeds relevant local threshold?	Exceeds national threshold?	Do para 1 (p25) exceptions apply?	Interpretation of Policy DM3
A	A 5,000sqm clothing and homeware store at the Peel Centre, Whitebirk	All town centres in Hyndburn	✓ (250sqm)	✓ (2,500sqm)	A - ✗ B - ✗	The proposal exceeds the national threshold of 2,500sqm. The intention of the policy as written was that the paragraph 1a-b exceptions relate to applications falling within the range of the local impact thresholds set and the national impact threshold. Therefore, in line with the Council proposed change ¹⁴ a full retail impact assessment would be required for this proposal and neither exception would apply.

¹⁴ To Insert additional text at the start of paragraph 1 to read 'For proposals below the national threshold of 2,500sqm the Council will apply the following exceptions ...'

B	A 2,000sqm electrical goods store at the Peel Centre, Whitebirk	All town centres in Hyndburn	✓ (250sqm)	*	A - Maybe (see right) B - *	The proposal is below the national threshold of 2,500sqm but exceeds the relevant local thresholds set out in DM3 (which in this instance would be 250sqm). Therefore an impact assessment would be required. This could be focused on the larger centres only (e.g. Accrington/Blackburn) if evidence under exception 1a was provided demonstrating that the type and form of retailing proposed was not likely to be provided in for example Rishton or other smaller centres located within the catchment area.
C	A 500sqm neighbourhood convenience store in a residential area of Oswaldtwistle	Oswaldtwistle only	✓ (250sqm)	*	A - * B - *	The proposal falls below the national threshold of 2,500sqm but exceeds the local threshold for Oswaldtwistle of 250sqm for convenience retailing set out in DM3. Therefore an impact assessment would be required. This would be required to include all centres located within the catchment area (only Oswaldtwistle due to the small scale proposal). The exceptions would not apply as convenience retailing is seen a core part of any local/neighbourhood centre.

D	A 230sqm bike shop in a residential area of Rishton	Rishton only	x	x	A - x B – Maybe (see right)	The proposal falls below both the national and local set thresholds. Due to the particular vulnerability of the comparison retail offer in Rishton however, the Council could still request a proportionate impact assessment to be submitted alongside the application. This could be clearly justified in the event that evidence of a further decline of the comparison offer in Rishton since publication of the Retail Study was presented.
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