

TITLE: DEMOLITION OF EXISTING SUPERMARKET AND
ERECTION OF SIX NON-FOOD RETAIL UNITS, WITH
ASSOCIATED PARKING AT ASDA SITE, BOCHOLT
WAY, RAWTENSTALL

APPLICATION NO: 2006/278

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 25 JULY
2006

BY: TEAM MANAGER - DEVELOPMENT CONTROL

APPLICANT: PEEL DEVELOPMENTS LTD

DETERMINATION EXPIRY DATE: 22 AUGUST 2006

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

Site

This application relates to an irregularly shaped site of approximately 2.5 hectares in area, which is situated to the south of Rawtenstall Town Centre, close to the roundabout at the junction of Bocholt Way and Bury Road.

The site is presently occupied by the ASDA supermarket, a petrol filling station and a tyre-&-exhaust centre.

The public gain vehicular access by means of an access to Bocholt Way located towards the eastern end of the site, with service vehicles entering by means of an access to Bury Road located towards the western end of the site. Pedestrians gain access to the site by crossing Bocholt Way at the bottom end of Longholme Road (adjacent to the Focus store) or at the roundabout, from Bury Road over a footbridge crossing the River Irwell, or from the rear via an unadopted footpath descending from Hall Carr Road.

Views into the site from the commercial areas to the north and west are limited by trees bounding Bocholt Way, Bury Road and the river. The residential properties to the south and east have no view of the existing development on the site by reason of their elevation and the mature woodland cover on the slope up to Hall Carr Road.

Relevant Planning History

At its meeting on 12 July 2005 Committee considered a report in respect of an application proposing demolition of the existing buildings on the site and the erection of a parade of 6 non-food retail units (2005/183). In accordance with the Officer Recommendation, Committee decided that permission should be granted subject to conditions and signing of a S.106 Agreement. The S.106 Agreement was duly completed and the decision notice issued.

Implementation of this permission would result in erection of a single building, located towards the back of the site, with parking for not more than 320 cars between it and Bocholt Way and Bury Road. The proposed building would have a floor area of 5,853 sq m and comprise of 5 units, varying in size between 743 sq m and 1,858 sq m. To the west side of the building would be an enclosed yard of 929 sq m. The applicant envisaged that this yard would be used as a garden centre (possibly) in tandem with a DIY store in the attached unit, with the other units to be used for the display and sale of carpets, furniture, electrical goods and clothing, respectively.

The front elevation of the building would have a length of 187m and a height of 9.2m. It and the east side would be constructed with a reconstituted-stone plinth and piers, between which would be glazing to a height of 4m and above this infill-panels, each having blue as their accent-colour. Projecting canopies would highlight the position of entrances. The rear and west side of the building would similarly have a plinth and piers of reconstituted stone, but be infilled with brickwork or panels, each terracotta in colour. The building would have a flat-roof, hidden behind a broad, projecting fascia which would be grey in colour.

Car-borne visitors to the proposed units would continue to make use of the vehicular access to Bocholt Way. This access would also be used by delivery vehicles to enter the site, enabling rear-servicing of each of the units, before exiting to Bury Road through the existing access-point. Pedestrians would continue to be able to gain access to the site by crossing Bocholt Way at the bottom end of Longholme Road or at the roundabout. It was proposed that the existing footbridge over the River Irwell from Bury Road would be replaced and a new pedestrian access formed at the western end of the site. The unadopted path descending from Hall Carr Road would be retained, although it would be re-aligned at its northern end, in order to skirt around the new building.

Current Proposal

In anticipation of ASDA vacating the site shortly, the Applicants have sought expressions of interest from prospective occupiers of the proposed units. As a consequence permission is sought now for a slightly revised scheme.

The revised scheme would result in the provision of the same amount of non-food retail floorspace as the approved scheme, with slight alterations to the layout, elevations and configuration of the building itself. However, it will result in Unit 1 having a first-floor of 116sq m (to accommodate staff-rooms & offices) and Unit 3 having a first-floor of 564sq m (to be used solely as a racked storage area, to which

staff and not the public would have access). The first-floor space above Unit 1 will be illuminated by means of windows.

The applicants have indicated that they are not averse to the imposition of a Condition limiting use of the additional first-floor space to non-trading purposes. On this basis they consider the proposal to have no different implications than the approved scheme in terms of retail and transport matters.

Notification Responses

LCC (Planning) has no objection to the application, indicating that provision on this site of the level of non-food retail floorspace proposed conforms with the policies of the Structure Plan; it recommends a condition to prevent the mezzanine floorspace being turned over to retail use. It advises that the submitted layout shows 401 parking spaces, rather than the 355 to accord with the Parking Standards, with a few bays of a size to meet the need for mobility-impaired and parent-&-child parking.

LCC (Highways) has no objection to the submitted scheme subject to conditions akin to those it recommended in respect of the previously-permitted scheme in relation to various on-site matters of detail, a Travel Plan and off-site works to improve pedestrian and cycle accessibility to the site.

Consultation Responses

None

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

In short, the application site lies within the Urban Boundary and Town Centre Boundary for Rawtenstall and is immediately adjacent to the Rawtenstall Town Centre Conservation Area (the southern boundary of which follows Bocholt Way/Bury Road). The Local Plan contains no site-specific allocation for the application site. Accordingly, regard should be given to the following policies :

DS1

S1

HP1

DC1

T4

T6

T7

T10

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1

Policy 2

Policy 7

Policy 10

Policy 16

Policy 20

Policy 21

Policy 24

Other Material Planning Considerations

PPS1

PPS6

PPG13

LCC Parking Standards

Rossendale Retail & Town Centre Study (2005)

Rawtenstall Town Centre Action Area (Preferred Options Report –March 2006)

Planning Issues

PRINCIPLE

The application site is presently occupied by a foodstore of 5,017 sq m and benefits from a permission which, if implemented, would result in an increase in floor area of to 6,782 sq m. Implementation of the previously-permitted scheme for re-development of the site with non-food retail units would result in comparable floor area.

Whilst the current application will increase the overall floor area on the site from 6,782 sq m to 7,462 sq m, this is to be first-floor space to which the public will not have access and which the applicant is amenable to imposition of a condition to preclude its use for retail purposes. Subject to such a condition I am satisfied the proposal will fully accord with town centre/retail policy and, in this regard, is not materially different to the scheme permitted by 2005/183.

TOWNSCAPE/LANDSCAPE IMPACT

The existing building does not make a positive contribution to the character of the Rawtenstall Town Centre Conservation Area (to the other side of Bocholt Way/Bury Road) or to the townscape in general. Accordingly, there is no reason to stand in the way of its demolition.

The proposed building will be of slightly greater height than the existing building and will present a longer face towards the frontage roads. I consider it to be of a design and facing materials capable of enhancing the character and appearance of the area, its visual impact to be softened by retention of most of the trees bounding the Bocholt Way/Bury Road/river frontage. The backdrop of trees on the slope rising up to Hall Carr Road lies for the most part beyond the boundaries of the application site and will remain intact.

NEIGHBOUR AMENITY

I am satisfied the proposed development will not detract to an unacceptable extent from the amenities of any local residents or any other neighbours.

TRAFFIC

The non-food retail development permitted by 2005/183 was considered likely to generate significantly less traffic movements than the existing/extended foodstore for which permission exists. I am satisfied that the traffic the current proposal will generate will not be significantly greater (subject to the condition precluding retail use of the additional first-floor space) and, as such, can be accommodated on the local road network with the off-site highway works detailed in Condition 12 below.

The comment by LCC(Planning) about the need for the proposed car park to comply with the adopted parking standards was addressed in respect of Planning Permission by way of condition (to secure an adequate proportion of spaces to mobility-impaired/parent-&-child standard) and provisions within a S.106 Agreement to ensure the car park was not restricted to use by those shopping at the units on the site but would be available to others as short-stay parking.

CONCLUSION

I consider the proposed development will accord with the town centre/retail strategies and policies of PPS6 and the Joint Lancashire Structure Plan, subject to conditions to preclude use of the proposed units for the sale of clothes, footwear or other similar products or use of the additional first-floor space for retail purposes. Indeed, the redevelopment of the site in this manner will contribute positively towards the Council's wider objectives for renewal of Rawtenstall Town Centre.

Summary of Reasons for Approval/Refusal

It is considered that this is appropriate retail development having regard to national guidance, the policies of the Joint Lancashire Structure Plan, Rossendale District Local Plan and emerging Rawtenstall Town Centre AAP, and will not cause significant harm to the amenities of neighbours, highway safety or in respect of any other material consideration

Recommendation

That permission be granted subject to the conditions below and the applicant first entering into a S.106 Agreement expeditiously in respect of the same matters, and on the same terms, as were included in the legal agreement accompanying Planning Permission 2005/183; that legal agreement related to contributions to encourage use of public transport, a Travel Plan and Car Park Management.

Conditions and Reasons

1. The development permitted shall be begun before 23 March 2010.
Reason : The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. The six retail units hereby permitted shall neither be combined (except Unit and the Garden Centre), sub-divided or extended by the insertion of a first-floor (except as shown on Drwg No AGH/319/023Z) without the prior written consent of the Local Planning Authority.
Reason : To help protect and promote the vitality and viability of Rawtenstall Town Centre and to accord with PPS6 and Policy 16 of the adopted Joint Lancashire Structure Plan.
3. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any order amending or revoking and re-enacting that order, none of the units hereby permitted shall be used for the sale of clothing, footwear or for the sale of food or drink for human consumption (other than for consumption on the premises as an ancillary use). Furthermore, none of the first-floor space hereby permitted shall be accessible to the public or used for retail purposes unless first agreed in writing by the Local Planning Authority.
Reason : To help protect and promote the vitality and viability of Rawtenstall Town Centre and to accord with PPS6 and Policy 16 of the adopted Joint Lancashire Structure Plan.
4. Prior to the development commencing a Contaminated Land Phase One Report (to assess the actual/potential contamination risks at the site) shall be submitted to and approved in writing by the Local Planning Authority. Should the Phase One Report recommend that a Phase Two Investigation is required it shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. Should the Phase Two Investigation indicate that remediation is necessary then a Remediation Statement shall be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The Remediation Scheme in the approved Remediation Statement shall then be carried out and, prior to first use of any of the units hereby permitted, a Completion Report shall be submitted to the Local Planning Authority detailing the conclusions and actions taken at each stage of the works (to include validation works).

Reason: To ensure the development is suitable for its end use and the wider environment in accordance with Policy DC1 of the Rossendale District Local Plan.

5. Before the commencement of demolition works, and throughout the construction period, facilities shall be provided/retained within the site by which means the wheels of vehicles may be cleaned before leaving the site, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason : To avoid the deposit of mud &/or loose materials on the public highway, in the interests of highway safety.

6. Before the development is commenced, and throughout the construction period, temporary protective metal fencing shall be provided/retained to the east side of the River Irwell, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason : To prevent debris and construction materials being deposited in the River Irwell, in the interests of preventing pollution, and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

7. Units within the building hereby permitted shall have a floor-level of 165.3m unless otherwise agreed in writing by the Local Planning Authority.

Reason : To reduce the risk of flooding, and accord with the advice of the Environment Agency and Policy DC1 of the adopted Rossendale District Local Plan.

8. No goods, materials or storage system within the garden centre shall exceed a height of 4m unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

9. Notwithstanding what is shown on the submitted drawings, the development shall not be commenced until full details (including representative samples) of the external materials of construction to be used for the building (including roller-shutters and signage), and for any means of enclosure, have been submitted to and first approved in writing by the Local Planning Authority, and no others shall thereafter be used. The submitted details of enclosures shall include boundary treatment adjacent to the River Irwell.

Reason : In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

10. Notwithstanding what is shown on the submitted drawings, the development shall not be commenced until full details of all materials to be used for all hard-surfaced external areas, together with details of any system of external lighting, free-standing signs, bollards, benches, litter-bins or other street-furniture to be provided, have been submitted to and approved in writing by the Local Planning Authority, and no others shall thereafter be used.

Reason : In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

11. Details of crime prevention measures to be carried out as part of the development shall be submitted to and approved in writing by the Local Planning Authority before development commences. The details submitted shall include fencing/gating of the service yard, illumination of parking areas and the installation of a system of CCTV. The approved measures shall be implemented and thereafter retained at all times.

Reason : In the interests of designing out crime in accordance with policy DC1 of the Rossendale District Local Plan.

12. The development shall not commence until a scheme and timetable for the provision of off-site access/highway works to be undertaken/funded by the Developer has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide for :
- a) the up-grading/illumination of the footpath between Hall Carr Road and the site;
 - b) the up-grading of the pedestrian link between St Mary's Way and Bocholt Way;
 - c) the provision of a Toucan-crossing on Bocholt Way;
 - d) the provision of a pedestrian/cycle link between the proposed Toucan-crossing on Bocholt Way and the new bridge proposed over the River Irwell, the bridge itself to be of a width suitable for use as a shared pedestrian/cycle route.
 - e) the provision of a railing or other barrier to protect users of the footway of Bury Road adjacent to the vehicular access-point to the service yard.

The development shall not be brought into use until the approved access/highway works have been completed/commissioned in accordance with the approved scheme and timetable.

Reason : To secure a sustainable form of development and in the interests of highway safety, in accordance with PPS6, PPG13, Policy 1 of the adopted Joint Lancashire Structure Plan and Policies DC1, T6 and T7 of the adopted Rossendale District Local Plan.

13. Notwithstanding the details shown on the submitted drawing, the development shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority in respect of the surfacing, draining and marking out of all areas to be used for the parking and manoeuvring of vehicles (to provide for service vehicles, taxis and not more than 320 car parking spaces, of which 10% of car parking spaces shall be to mobility-standard and half of these allocated for parent-and-child parking, with an additional 4% of spaces for motorcycles and 10% of spaces for cycle parking in secure/covered facilities). The approved scheme shall be fully implemented prior to first use of any of the units hereby permitted (or as otherwise agreed in writing by the Local Planning Authority), and the facilities thereby provided shall be kept available for use as such thereafter.

Reason : To ensure the provision of adequate off-street parking and secure a sustainable form of development, in accordance with PPS6, PPG13, Policy 1 of the adopted Joint Lancashire Structure Plan and Policies DC1, T4 and T7 of the Rossendale District Local Plan. Furthermore, it is necessary for the submitted parking layout to be adjusted to provide a safe and satisfactory route across the car park between the path which descends from Hall Call

Road and the Toucan-crossing on Bocholt Way, and which avoids undue harm/loss of existing trees in the vicinity of the latter entrance to the site.

14. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on/bounding the site, detail any to be retained and the measures for their protection in the course of development, together with details of the planting to be provided. The submitted details shall include for the protection and enhancement of the River Irwell corridor.

Reason : In the interests of visual amenity and to accord with the advice of the Environment Agency and Policy DC1 of the adopted Rossendale District Local Plan.

15. All planting, seeding and turfing proposed in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason : In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

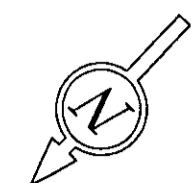
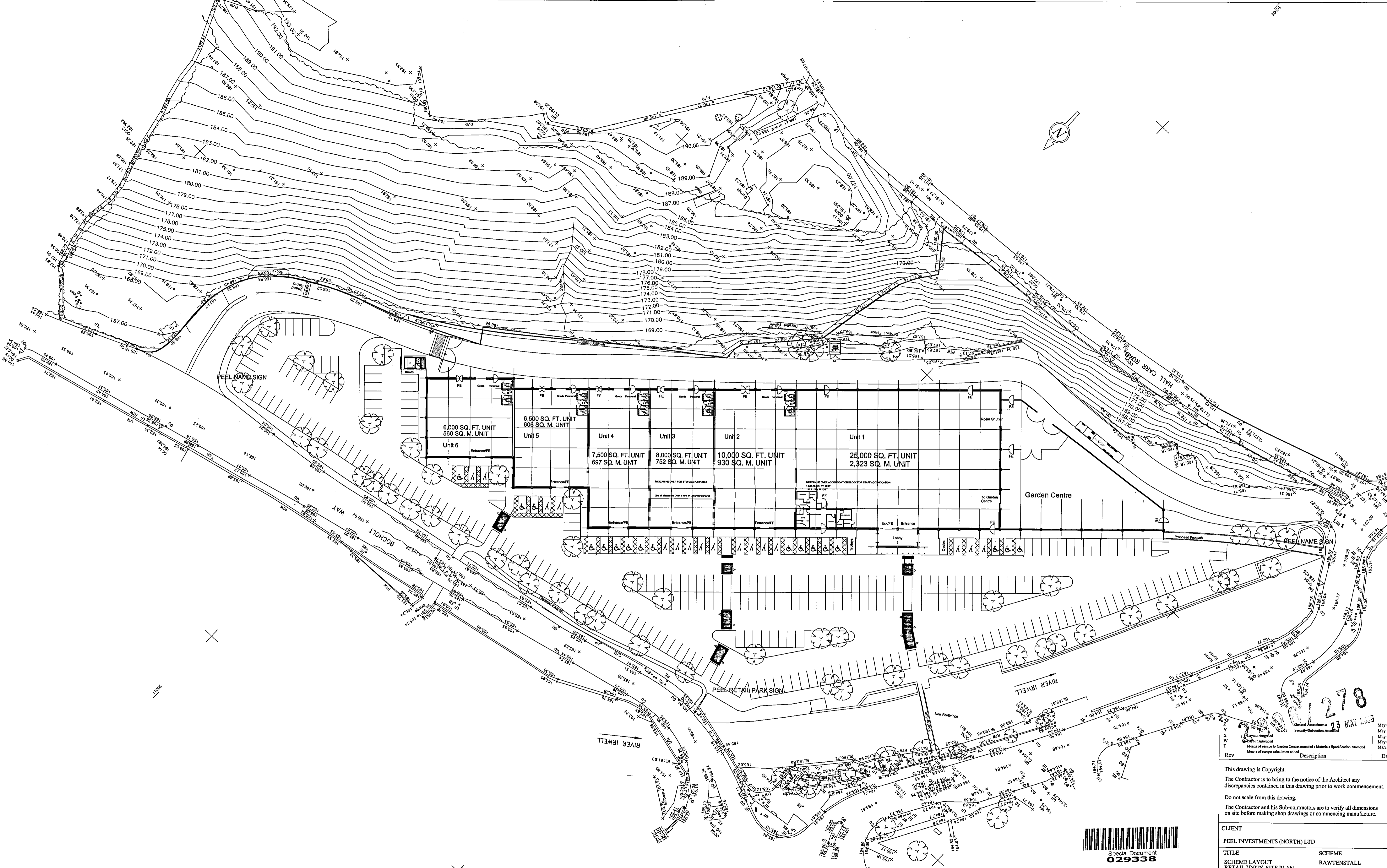
16. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through oil interceptors designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not be passed through the interceptor.

Reason : To prevent pollution of the water environment in accordance with policy DC1 of the Rossendale District Local Plan.

NOTES FOR APPLICANT

1. To implement this planning permission you will have to enter into an appropriate Legal Agreement with the County Council as Highway Authority. You should contact the Environment Director at POBox 9, Guild House, Cross Street, Preston PR1 8RD in the first instance to ascertain the details of such an agreement and the information to be provided.
2. You are advised that separate consent may be required for the display of any advertisement.
3. Your attention is drawn to the existence of a separate legal agreement under Section 106 of the Town and Country Planning Act 1990 which relates to this permission.

Development Plan Policies



Rev	Description	Date
1	Client Submission	May 06
2	Layout Amended	May 06
3	Means of escape to Garden Centre amended; Materials Specification amended	May 06
4	Means of escape calculation added	March 06

This drawing is Copyright.
 The Contractor is to bring to the notice of the Architect any discrepancies contained in this drawing prior to work commencement.
 Do not scale from this drawing.
 The Contractor and his Sub-contractors are to verify all dimensions on site before making shop drawings or commencing manufacture.

CLIENT	
PEEL INVESTMENTS (NORTH) LTD	
TITLE	SCHEME
SCHEME LAYOUT	RAWTENSTALL
RETAIL UNITS SITE PLAN	
SCALES	DATE
1:500 NTS at A3	NOVEMBER 2005
JOB No.	DRAWING No.
AGH/319	AGH/319/023Z

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