

Application No: 2007/030

Application Type: Full Application

Proposal: Erection of 3 retail units measuring 3356 sq m, 1412 sq m & 1412 sq m

Location: Land at New Hall Hey, Rawtenstall

Report of: Head of Planning, Legal & Democratic Services

Status: For Publication

Report to: Development Control Committee

Date: 10th April 2007

Applicant: The Hurstwood Group

Determination Expiry Date: 13th March 2007

Agent: Savills

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:

Reason for Call-In:

More than 3 objections received

Other (please state) Major Application

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.

1 APPLICATION DETAILS

1.1 Site and Proposal

1.1.1 This application relates to part of the New Hall Hey site in Rawtenstall. New Hall Hey is located to the south of the A682 Rawtenstall Bypass. It is an

irregular shape and occupies a prominent position on the approach into Rawtenstall. The site is mainly vacant although there is some informal surface level car parking evident. The surrounding uses comprise office provision and a public house. New Hall Hey Road comprises a mix of uses including a number of residential properties.

- 1.1.2 Vehicular access to the site is currently provided from New Hall Hey Road. Vehicles can also exit directly onto the bypass in a westerly direction. There are a number of public footpaths which cross the site enabling pedestrian access from the north. The East Lancashire Railway terminus is located to the eastern end of the site.
- 1.1.3 This proposal seeks to vary elements of the wider approved scheme for New Hall Hey. Members will recall that the previous application for the development of the New Hall Hey site included a mix of retail, leisure and employment provision. That scheme (2005/617) also proposed a DIY store (Unit A1) adjacent to two leisure units (A2 and A3). These units would be located adjacent to the new roundabout and are the units to which this application relates.
- 1.1.4 The remaining units of the wider consent are unchanged by this proposal and would provide the following, a two storey ten pin bowling alley of 2,044 sq. m gross (Unit B1); A two storey health and fitness club of 2,415 sq. m gross (Unit B2); and two no. two-storey restaurant units, each of 651 sq. m gross (Units B3 and B4); Two freestanding single storey restaurant units of 232 sq. m and 279 sq. m gross (Units C1 and C2). I have attached a copy of the layout plan for application 2005/617 at appendix 1.
- 1.1.5 This proposal, therefore, seeks to provide three units which would replace units A1 – A3 of the previous proposal. The proposal would continue to provide a DIY store but the two adjoining units would be for retailing rather than leisure. The scheme would also include minor alterations to the siting to accommodate comments from United Utilities and minor alterations to the position of existing points.
- 1.1.6 The applicant has indicated that unit A1 would be occupied by Homebase, unit A2 by Pets at Home and unit A3 by Argos Extra.
- 1.1.7 The key changes between the related units of the previous scheme and the current proposal are discussed later in this report.

2 RELEVANT PLANNING HISTORY

- 2.1 1996/362 Proposed Retail store, petrol station, two no fast food units with associated parking and servicing, landscaping and park and ride facility Land adj. Rawtenstall/Edenfield Bypass, Rawtenstall. Withdrawn 20 February 1998.
- 2.2 1996/504 Proposed Retail Food Store (65,000sq ft) petrol filling station, three no. non food retail units totalling 25,000sq ft. Construction of two no. fast food units together with associated parking and servicing, landscaping and park and ride facility. Land adjacent to Rawtenstall/Edenfield Bypass, Rawtenstall. Refused 28th September 1998.

- 2.3 2005/109 Erection of four no. non. food retail, eight no. B1 and B8 business, four no. B1 Office, two no. Leisure and four no. Restaurant units, land adjoining New Hall Hey, Rawtenstall; Conversion of Heritage Arcade Bacup Road, Rawtenstall. Refused 12th July 2005. The reasons for refusal are stated below.
1. The applicant has failed to demonstrate that a need presently exists for the proposed development of a non-food retail park at this out of centre site of New Hall Hey which is contrary to PPS6: Planning for Town Centres.
 2. The proposal fails the sequential approach to site selection in that there exist better located town centre and edge of centre opportunities for comparison shopping development that would better support the existing town centre shopping function and is therefore contrary to PPS6: Planning for Town Centres and Policy 16 (Retail, Entertainment and Leisure Development) of the Joint Lancashire Structure Plan 2001-2016.
 3. The applicant has failed to demonstrate that the proposals would not adversely affect the vitality and viability of Rawtenstall town centre which is contrary to PPS6: Planning for Town Centres.
- 2.4 However, application 2005/617 for a mixed use scheme at New Hall Hey and two further units within the town centre has been approved. That scheme covered the whole of the New Hall Hey site, the Heritage Arcade and the former Soldiers and Sailors Club. At New Hall Hey the proposal sought to erect 3995 sq m non food retail (Homebase), 7665 sq.m of leisure (including covered pavilions) 5133 sq.m B1 Office floorspace, 1997 sq.m of B1 Business (Industrial) floorspace and 1935 sq.m of B8 Storage and Distribution floorspace. Vehicular access would be provided via a newly configured roundabout junction to the A682.
- 2.5 The retail and leisure elements identified at New Hall Hey break down into a 3,066 sq. m gross Class A1 retail unit for Homebase (including a mezzanine floor of 743 sq. m). In addition, this unit also has a 929 sq. m garden centre (Unit A1); Two single storey leisure units, each of 697 sq. m gross (Units A2 and A3); A two storey ten pin bowling alley of 2,044 sq. m gross (Unit B1); A two storey health and fitness club of 2,415 sq. m gross (Unit B2); and two no. two-storey restaurant units, each of 651 sq. m gross (Units B3 and B4); Two freestanding single storey restaurant units of 232 sq. m and 279 sq. m gross (Units C1 and C2).
- 2.6 The office and workshop element would be provided to the west of the site and would comprise two and three storey accommodation. A total of 263 car parking spaces (24 of which would be marked for disabled provision) would be provided within the vicinity of the office and workshop units.
- 2.7 The retail element (Homebase) would be provided within the centre of the site adjacent to the proposed new roundabout. The remainder of the leisure provision would be provided adjacent to the Homebase store and to the east of the site. A total of 427 car parking spaces would be provided in this area and would include a total of 11 disabled car parking spaces. The appearance of these buildings would be two and three storey.

2.8 The Heads of Terms for the S106 agreement attached to 2005/617 are set out below:

1. The developer will provide a management plan for the New Hall Hey car parks which allows for visiting members of the public to Rawtenstall town centre to park free of charge (short term only). This will strengthen the linkages between this out of centre site and the town centre.
2. The Developer shall be responsible for the production of a Travel Plan to ensure that all future occupiers of the New Hall Hey units (existing and proposed) take all reasonable steps to use alternative methods of travel to and from the centre other than by car. The scope of the Travel Plan shall be agreed with the Local Planning Authority and shall include as a minimum the following measures; where possible local recruitment; encouragement of the use of public transport; car sharing and parking restraint. The Travel Plan shall be reviewed annually against the aims and objectives of the Travel Plan to ensure its effective implementation. The developer shall appoint a travel coordinator to deliver the Travel Plan and undertake annual reviews and reporting and make appropriate adjustments in consultation with the Local Planning Authority.
3. The Developer shall provide a financial contribution of:
 - £300,000 towards sustainable transport initiatives connected with the site. Initially these initiatives will be identified through the formulation of a comprehensive Travel Plan for the site.
 - £50,00 to fund the upgrading and provision of pedestrian/cycle routes to the site

2.9 The legal agreement has been prepared and is currently waited signature. Planning obligations are discussed further later in this report. Should members be minded to approve this current scheme, a new planning obligation would be necessary to secure further appropriate benefits and to ensure that each proposal is not delivered in isolation.

2.10 This current application (2007/030) effectively seeks minor amendments to Unit A1 (Homebase) and to provide non food retailing within Units A2 and A3 which were previously approved for leisure uses. I have set out the main differences between the same three units in application 2005/617 and this current application below.

3 KEY CHANGES BETWEEN APPLICATION 2005/617 AND THE CURRENT PROPOSAL

Total floor spaces and uses for the whole of 2005/617

- 3995 sq m non food retail (Homebase),
- 7665 sq.m of leisure (including covered pavilions)
- 5133 sq.m B1 office floorspace,
- 1997 sq.m of B1 business (Industrial) floorspace and
- 1935 sq.m of B8 storage and distribution floorspace.

Total floor space for units A1, A2 and A3 of the whole of 2005/617

Unit Name	Ground Floor	Mezzanine Level	Total
A1(Retail)	2,652 sq m	743 sq.m	3,395 sq.m
A2(Leisure)	697 sq.m	0 sq.m	697 sq.m
A3(Leisure)	697 sq.m	0 sq.m	697 sq.m

Total floor space and proposed uses for the current scheme units A1, A2 and A3

Unit Name	Ground Floor	Mezzanine Level	Total
A1(Retail)	2,323 sq.m	1,033 sq.m	3,356 sq.m
A2(Retail)	743 sq.m	669 sq.m	1,412 sq.m
A3(Retail)	743 sq.m	669 sq.m	1,412 sq.m

- 3.1 In summary, therefore, this current proposal would result in an:
- overall loss of 1,394 sq.m of leisure provision from the wider scheme; and
 - overall increase of 2,785 sq.m of retail provision 2,785 sq.m from wider scheme
- 3.2 It should be noted that the key changes between the refused scheme (2005/109) and the approved scheme (2005/617) are as follows:
- a) A mezzanine floor has been added to Unit A1 (Homebase), adding an additional 743 sq. m of floorspace;
 - b) The proposed mezzanine floors in Units A1 and A2 have been removed. The stated use of these two units is changed from Class A1 retail to 'leisure'; and
 - c) A 279 sq. m freestanding Class A1 retail unit is removed from the scheme.
- 3.3 Therefore, it can be observed that the current scheme will introduce elements of the refused scheme which were removed from the approved scheme. However, it is necessary to assess the changes in the context of changes to retailing in Rawtenstall since the refusal of the first application. The changes are discussed later in this report.

4 NOTIFICATION RESPONSES

- 4.1 I have not received any representations in response to the application publicity.

5 CONSULTATION RESPONSES

County Planning Officer

- 5.1 No objection. There observations are set out below:

"The application has been assessed against the following headings: need, sequential approach and vitality and viability considerations.

Need

The Retail Assessment (RA) prepared by Savills contains an assessment of need for the development. The assessment concludes that there is a quantitative need for the development based on growth in personal spending of local residents and the opportunity to claw back expenditure that is currently lost to other centres. The assessment concludes that there is a qualitative need as Rawtenstall suffers from a poor image and poor representation by national multiple retailers. The proposed development would provide qualitative improvements in shopping provision for the catchment area.

The Director of Strategic Planning and Transport, whilst noting the amount of development specified in the 'Retail and Town Centre Study' (2005) – 7,200 sq m gross / 5,400 sq m net floorspace by 2011, is satisfied that the RA demonstrates that there is both a qualitative and quantitative need for the proposed development.

Sequential approach

The proposed development is located within the town centre boundary of Rawtenstall as defined in the adopted Rossendale Local Plan and as such complies with Policy 16 of the adopted Joint Lancashire Structure Plan (aJLSP) in terms of location. Given the age of the Local Plan, adopted in 1995 with a plan period to 2001, you may wish to consider how much weight can be attached to the Local Plan in light of the recent research underpinning the Area Action Plan for Rawtenstall. It is noted that the site is identified within the edge of centre area in the Rawtenstall Town Centre Area Action Plan Preferred Options Report and is considered suitable for a mixture of office and light industrial premises, with potential retail and leisure development to the east. Other sites are identified as being sequentially preferable. The Area Action Plan has been the subject of public consultation and is therefore a material consideration.

In respect of the Valley Centre, the Director of Strategic Planning and Transport has received a pre-planning application consultation (letter and attachments dated 20th February 2007) from Powell Dobson. The largest unit would be 1,179 sq m saleable area and 21 units are proposed in total.

Units A2 and A3 of the New Hall Hey application are for 1,412 sq m floorspace each. The Director of Strategic Planning and Transport considers that whilst the Valley Centre is likely to provide accommodation for some non-food retailers, it is not suitable to accommodate the proposed development.

Vitality and Viability Considerations

Policy 16 states that development must not affect or undermine the vitality and viability of nearby town centres.

As noted above, the 'Retail and Town Centre Study' (2005) identifies capacity for 5,400 sq m. net (7,200 sq m gross). The Study concludes that the majority of this capacity is likely to be accommodated in Rawtenstall. The Director of Strategic Planning and Transport is aware that these figures have been used to inform the Preferred Option for Rawtenstall where it is concluded that there will not be sufficient expenditure capacity up to 2011 to support retail

development at New Hall Hey. New Hall Hey is identified as being outside of the Primary Shopping Area within the Plan Preferred Options Report.

Based on growth in personal spending of local residents and the opportunity to claw back expenditure that is currently lost to other centres, the Director of Strategic Planning and Transport considers that the non-food retail element of the proposed development is unlikely to have a significant adverse impact on the vitality and viability of Rawtenstall.

Accessibility and Transport

A working group of the Lancashire Planning Officers Society (LPOS) have produced a policy paper on Planning Obligations in Lancashire. The paper has been the subject of consultation in September 2005 and in March 2006. The paper was published in its final form in June 2006 and adopted by Lancashire County Council (LCC) as Council policy on 2 November 2006. It forms the basis of this response and is a material planning consideration.

The transport methodology is based on contributions calculated on accessibility scores. The submitted Accessibility Questionnaire gives a total aggregate score of 20, which indicates a medium level of accessibility (where 1 = low accessibility and 30 = high accessibility).

Using the methodology a developer contribution of a minimum of £404,790 should be sought towards transport improvements, used to address the specific transport and accessibility issues relevant to the proposed development. Planning obligations are discussed further in this report in the context of the whole of New Hall Hey site.

A total of 193 car parking spaces are proposed, of which 17 would be disabled spaces. The overall figure accords with the parking standards. The provision for the mobility impaired should be at a minimum of level of 1 space per 10 car spaces. Bicycle and motorcycle provision should be provided in accordance with the parking standards.”

County Highways

- 5.2 Members will recall that during consideration of the previous mixed use application on this site (2005/109), the County Highway Engineer raised concerns regarding the ability of the gyratory to cope with traffic generated by all the proposed developments, although he did not recommend that the application be refused on highway grounds.
- 5.3 I have not received any comments from County Highways in respect of this current proposal. County Highways will consider the applicants submitted transport assessment and any impact that the proposed changes of use of two of the units may have upon the highway network. As such, I will report their findings prior to the committee meeting.

Natural England

- 5.4 They do not wish to comment on the specific detail of this application.

Environmental Health

- 5.5 I have not received a response from Environmental Health. However, I have attached the same relevant conditions as those attached to the previous application.

United Utilities

- 5.6 No objection in principle providing the proposed buildings are at least 5 metres away from the public sewer that crosses the North West of the site. The applicant has amended the siting of the proposal to ensure that the easement is unaffected by the scheme outlined above.

Environment Agency

- 5.7 No objections subject to conditions relating to surface water regulation and contaminant interception, culverted watercourses and site contamination.

Crime Prevention Officer

- 5.8 No response. However, in relation to the previous scheme, they reiterated their earlier recommendations relating to detailed aspects of the proposals identifying means by which both buildings and the public spaces between them can be designed and built to inhibit both crime and anti-social behaviour. In particular public safety on footpath routes, lighting, public CCTV installation and siting of any Automated Teller Machine (ATM's) are referred to particularly given that the proposed uses could operate into the late evening. I consider that the thrust of these comments are, in part, still relevant to this current application. Therefore, I have attached a similar condition regarding crime prevention to this scheme.

Rossendale Civic Trust

- 5.9 No response

Rawtenstall Chamber of Commerce

- 5.10 No response

Rossendale Transport Ltd

- 5.11 No response

Burnley BC

- 5.12 No response

Hyndburn BC

- 5.13 No response

Blackburn BC

5.14 No response

Rochdale MBC

5.15 No comments

Bury MBC

5.16 No objection

East Lancashire Railway

5.17 The East Lancashire Railway (ELR) have reiterated their comments to the previous application (2005/617). I have summarised their comments below:

5.18 The layout of units B1 to B4 adjacent to the railway are unacceptable as they present a rear elevation to the railway including service yards. The ELR are conscious of the first impressions of visitors to Rawtenstall.

5.19 The building requires moving to the location adjacent to the by-pass and turning through approximately 140 degrees so that the buildings face the railway.

5.20 The provision of a new roundabout accessing New Hall Hey from the By-pass will provide a new through route to Bury Road / Edenfield access and the ELR has concerns regarding the likelihood of significantly increased traffic in both directions across Rawtenstall West level crossing.

5.21 The ELR would require New Hall Hey to be closed to vehicular traffic to eliminate the difficulty of operating a level crossing in an environment of a large increase in vehicular traffic density. If this is not achievable the ELR would require the developer to pay for the installation of traffic control lights and automatic gate control at Rawtenstall West Level Crossing.

5.22 The position and layout does not form part of this current application.

Chamber of Commerce

5.23 No response

6 POLICY CONTEXT

6.1 The Development Plan within Rossendale comprises the Local Plan (adopted 12th April 1995), the Joint Lancashire Structure Plan 2001-2016 (adopted 31st March 2005) and Regional Planning Guidance (RPG) 13 (which became Regional Spatial Strategy (RSS) and part of the development plan from 28th September 2004).

Rossendale District Local Plan

6.2 Policy DS.1 (Urban Boundary) states that *“the Council will seek to locate most new development within a defined boundary – the Urban Boundary – and will*

resist development beyond it unless it complies with policies DS3 and DS5. The urban boundary is indicated on the proposals map”

6.3 Policy DC.1 (Development Criteria) states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

6.4 Policy S.1 (Major Retail Proposals in Town Centres) states that “*retail development which is intended to serve a wide catchment area or which might have a significant effect on local shopping patterns will be located on sites:-*

- a) within or adjacent to the main shopping centre of Rawtenstall;*
- b) within or adjacent to other existing town shopping centres if the development would be appropriate in scale and character to the requirements of the areas which such centres serve;*
- c) elsewhere within the urban area as determined by Policy S.2:*

provided that any resultant diversion of trade likely to result from the development, and from other recent and proposed retail developments in the locality would not have an unacceptable impact upon the vitality or viability of existing town shopping centres as a whole”

6.5 Policy S.2 (Major Retail Proposals Outside Town Centres) states that “*within the urban area retail development requiring a substantial adjacent customer car park and either a large single floor area or large external sales storage area will be acceptable on sites outside existing Town Centre Shopping Areas:-*

- a) there is no suitable site within or adjacent to existing town centres*
- b) there is no adverse impact upon the vitality and viability of existing town centres as a whole from the proposed development and other recent and proposed developments in the locality; and*
- c) there is no adverse environmental impact; and*
- d) the site is accessible by public as well as private transport.”*

6.6 It is important to note that Policies S.1 and S.2 pre-date both the superseded Planning Policy Guidance (PPG) 6 and its replacement, the recently introduced Planning Policy Statement (PPS) 6 and are not therefore fully in accordance with current national retail policy.

6.7 Policy J.1 (Land for Employment) states:- “*Sufficient land will be made available for industrial and business use on a wide variety of types and sizes of site in the following locations”:-*

6.8 Included in the list of sites is New Hall Hey (the application site).

- 6.9 Policy J.2 (Service Industries) states:- “ *The development of service industries and of offices will be encouraged on the following sites:-*“
- 6.10 Included in the list of sites is New Hall Hey (the application site) which is specifically identified for Office/Leisure/Retail/B1 Business Use. In the reasoned commentary on the policy it states:- “ *Service sector, tourism related activities and retailing opportunities will be encouraged in association with existing and new enterprises where a viable future for these services is identified, however, the retail elements in the sites listed above should not be the primary activity or even the dominant activity of the sites as a whole*”.
- 6.11 Policy T.4 (Car Parking) states that “ *Development proposals will be required to provide, normally within the curtilage of the development, sufficient space to meet both operational and non operational parking requirements*”
- 6.12 Policy T.6 (Pedestrians) states that “*Development proposals generating significant volumes of pedestrian traffic will normally be required to provide appropriate facilities for pedestrians, both within the curtilage of the site and on the surrounding highway network where the existing level of provision is inadequate to meet the increase in pedestrian traffic generated by the development*”
- 6.13 Policy T.7 (Cycling) states that “ *in order to improve facilities for cyclists in the Borough, developments which:-*
- a) *provide cycle routes to segregate cyclists from vehicular traffic.*
 - b) *Provide parking facilities for cyclists in new developments, including shopping centres, schools, colleges and other public buildings.*
 - c) *Seek to incorporate facilities for cyclists in highway improvement and traffic management schemes.*

Will normally be allowed.”

- 6.14 Policy HP.2 of the adopted local plan seeks to safeguard listed buildings.

Joint Lancashire Structure Plan 2001-2016

- 6.15 Policy 1b (General Policy) requires development to contribute to achieving high accessibility for all by walking, cycling and public transport.
- 6.15 Policy 2 (Main Development Locations) states that most development should be located within identified principal urban areas, which include Rawtenstall.
- 6.16 Policy 16 (Retail, Entertainment and Leisure Development) states, in part, that retail development should reflect the scale and function of the town centre in which it is to be located. It should also be located in accordance with the sequential approach and should satisfy certain other specified criteria.
- 6.17 The parking standards require that in towns such as Rawtenstall, car parking be provided for food retail development at the rate of one space per 15 square metres gross floor area with one in every ten spaces being a mobility space. They also require that provision be made for bicycles and motorcycles at the respective rates of one space per ten and one space per twenty five of

the car parking spaces provided. This provision is reflected in the advice from LCC Planning.

- 6.18 Policy 21 states *“Lancashire’s natural and manmade heritage will be protected from loss or damage according to the hierarchy of designations of international, national, regional, county and local importance.”*
- 6.19 Listed buildings 1, 2* and 2 are identified in the policy as of national importance. The scheme is adjacent to Hardmans Mill a grade II listed building.

Regional Spatial Strategy

- 6.20 Regional Planning Guidance was adopted in March 2003 and following the commencement of the new Planning and Compulsory Purchase Act is now the Regional Spatial Strategy for the North West (RSS).
- 6.21 The key objectives of relevance to this proposal in RSS include:
- achieving greater economic competition and growth with associated social progression;
 - to secure an urban renaissance in the cities and towns of the north west;
 - to ensure active management of the Region's environmental and cultural assets;
 - to secure a better image for the Region and high environmental and design quality; and
 - to create an accessible Region with an efficient and fully integrated transport system
- 6.22 Policy DP1 requires that development plans adopt the following sequential approach to meet development needs, taking into account local circumstances: the characteristics of particular land uses, and the spatial development framework; the effective use of existing buildings and infrastructure within urban areas particularly those which are accessible by public transport, walking or cycling; the use of previously developed land particularly that which is accessible by public transport walking or cycling; and thirdly development of previously undeveloped land that is well related to houses, jobs and so on and can be made accessible by public transport, walking or cycling.
- 6.23 Policy EC8 states that development plans should recognise the continued need to protect, sustain and improve all the town and city centres in the region including the role of the Regional Poles (Liverpool and Manchester/Salford) as regional shopping centres, by encouraging new retail, leisure, and/or mixed use development within existing defined town and city centres boundaries. Moreover it requires that a sequential approach to such development be adopted in accordance with national planning policy and the core development principles. Where a need is established and where application of the sequential approach has indicated that no suitable town centre sites are available new or expanded developments in urban areas will be considered where their function forms the core of a mix of uses including housing and only then when public transport is accessible.

- 6.24 Policy EC9 states that development should facilitate the provision of employment opportunities by encouraging the growth of investment in tourism within the North West. New locations should build on areas with existing major tourism and leisure attractions or where development will contribute to regeneration.

7 OTHER MATERIAL PLANNING CONSIDERATIONS

PPS1: Delivering Sustainable Development

- 7.1 PPS1 states that sustainable development is the core principle underpinning planning. Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by: making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; contributing to sustainable economic development; protecting and enhancing the natural and historic environment, the quality of the countryside and existing communities; ensuring high quality development; and supporting existing communities and contributing to the creation of safe, liveable and mixed communities with good access to jobs and key services for all. On sustainable economic development, local authorities should recognise that economic development can deliver environmental and social benefits; that they should also recognise the wider sub regional and regional economic benefits and that these should be considered alongside any adverse local impacts.
- 7.2 Para 28 of PPS1 advises that planning decisions should be taken in accordance with the development plan unless other material considerations indicate otherwise.
- 7.3 Para. 29 of PPS1 acknowledges that in some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated or compensated for.

PPS6: Planning for Town Centres

- 7.4 The Government published PPS6 in March 2005. It replaces PPG6 and subsequent ministerial statements of clarification. The key objective of retail policy is to promote vital and viable town centres and to “*put town centres first*”. Para 3.4 of PPS6 states that local planning authorities should require applicants to demonstrate:
- a) **“the need for development”**
In relation to need full account should be taken of qualitative and quantitative considerations. Greater weight should be placed on quantitative considerations, based on data and other objective evidence except where socially excluded communities are currently denied access to a range of services and facilities.
 - b) **“that the development is of an appropriate scale”**
That the scale of the development is appropriate relative to the role and function of the centre and the catchment area that it seeks to serve.

c) “that there are no more central sites for the development”

That there are no more central sites for the development. In this respect the PPS identifies the first choice as being town centre sites followed by edge of centre sites and lastly out of centre sites.

d) “that there are no unacceptable impacts on existing centres”

That there are no unacceptable impacts on existing centres. In this respect Local Authorities should make an explicit assessment of the likely impact of a proposed development upon existing centres.

e) “that locations are accessible”

That the proposed location is accessible by a choice of means of transport including public transport, walking, cycling and by car, together with the impact on car use, traffic and congestion levels.

7.5 Paragraph 3.4 states that, as a general rule developments should satisfy all these considerations.

PPG13: Transport

7.6 The main objective of PPG13 is to promote more sustainable transport choices for both people and moving freight. It aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, particularly by car. For retail and leisure developments policies should seek to promote the vitality and viability of town centres, which should be the preferred locations for new retail and leisure development. Preference should be given first to town centres then edge of centre and then on out of centre sites in locations which are (or will be) well served by public transport.

Rawtenstall Masterplan

7.7 Arups were commissioned by the Council to undertake a master planning exercise for Rawtenstall. In February 2005 an Issues and Options report accompanied by a baseline report was published and was subject of public consultation. The Council has recently approved a preferred option report which is presently undergoing a sustainability appraisal prior to a second round of public consultation. This constitutes a material planning consideration, albeit one that remains a draft proposal subject to further consultation. In relation to the New Hall Hey site the Preferred Options Report identifies the site for mixed use redevelopment with the majority of the site developed for a mixture of office and industrial premises, with potential retail and leisure development to the east. The report notes that the Retail Capacity Report undertaken by Nathaniel Litchfield and Partners (NLP) for the Council suggests that there will not be sufficient retail capacity up to 2011 to support retail development of the site. A recommendation is made that the future release of the New Hall Hey site for retail purposes *“should be phased to ensure that it is not developed in advance of sequentially preferable sites such as the Valley Centre, Bocholt Way and other small scale retail developments within the town centre.”* Given the current position of this masterplan I consider that limited weight should be afforded in this instance.

Changes to Rawtenstall Town Centre

7.8 Since members considered the previous application for the whole of the site there have been a number of relevant changes to retailing within the Town Centre of Rawtenstall and Rossendale.

7.9 They include:

- The Asda food store on the former Lower Mill on St. Mary's Way, Rawtenstall has been implemented and is now trading. The Asda store on Bocholt Way has closed.
- The former Asda store at Bocholt Way obtained planning permission for six non-food retail units in March 2006 (6,782 sq m). Tesco acquired the site and opened a new food store in December 2006.
- A food store proposal has emerged in Bacup.
- The Valley Centre redevelopment proposals have progressed and a planning application has now been submitted.

8 PLANNING ISSUES

8.1 Given the relationship of this current proposal to the approved scheme for the whole of New Hall Hey, I consider that the main issues for consideration are whether the proposed uses would have a detrimental impact upon the vitality and viability of Rawtenstall; whether the proposal accords with local, regional and national planning policy; whether the changes provide for adequate parking and servicing appropriate for the proposed use; whether the proposed changes would result in an adverse impact upon the surrounding road network; whether the proposed amendments to the external appearance of the units provide an appropriate design; whether the proposed siting would affect the setting of a listed building and any other relevant material considerations.

Principle

8.2 In order to ascertain whether or not this proposal is acceptable in principle it needs to be considered against policies S1 and S2 of the Rossendale District Local Plan, Policy 16 of the Joint Lancashire Structure Plan (RSS) and the advice contained within PPS6. In accordance with the above policies the applicant has submitted a retail impact assessment prepared by Savills.

8.3 Given the approval of the wider scheme the following section of this report considers retail need, impact and the sequential assessment in relation to the submitted retail impact assessment. Advice on the retail impact assessment has been provided by the Council's retail consultants Nathaniel Lichfield and Partners (NLP) who have consistently provided retail advice in Rossendale.

8.4 NLP's assessment of the submitted retail assessment comprises a review of:

- the data sources used;
- the methodology and key assumptions;
- the assessment of need;
- the application of the sequential approach; and
- the validity of the interpretation of the retail capacity and impact assessment results.

8.5 I have included the main issues below.

Quantitative Need (Retail Capacity)

8.6 The key points of Savills' retail capacity assessment is summarised below:

- At 2007 available expenditure based on the 2004 baseline market shares is £77.67 million.
- The benchmark turnover of existing facilities is £94.87 million, £17.2 million higher than the level of available expenditure (based on 2004 market shares). This benchmark turnover (£94.87 million is 28% of total available expenditure in the catchment area).
- By 2012 available expenditure (based on the 2004 baseline market shares) will be £95.94 million i.e. no uplift in market share.
- The benchmark turnover of existing facilities at 2012 will be £102.16 million, which is still £6.22 million higher than the level of available expenditure (based on 2004 market shares).

8.7 The benchmark turnover of all floorspace existing and proposed (including the application proposals) is £129.09 million, which is 31% of total available expenditure in the catchment area.

8.8 In terms of qualitative need, the principle of an additional DIY store in the Borough has been accepted by the Council. In addition the Borough does not have a large pet store, and there is scope to claw back expenditure leakage.

Retail Impact

8.9 The submitted supporting information suggests the development will have a turnover of £12.49 million and suggest that 75% of this turnover will come from the claw back of expenditure leakage (£9.37 million) the remainder (£3.17 million) will be diverted from:

- Rawtenstall town centre - £0.50 million;
- Ramsbottom town centre - £0.37 million;
- Other centres in the Borough - £0.36 million;
- Food superstores - £1.62 million; and
- Proposals (incl. Valley Centre) - £0.25 million.

8.10 NLP's advice is that the amount of expenditure claw back (75%) appears to be relatively high. Conversely the amount of trade diverted from the centres in the Borough appears to be low.

8.11 The proposed Homebase store is expected to have a turnover of £4.83 million. A reasonable element of this turnover is likely to be diverted from the existing Focus store. The Homebase will sell a range of household goods in addition to DIY goods, e.g. furniture, floor-coverings, gardening items, lighting and other household items. Therefore there will be some trade diversion from other shops in the Borough. NLP believe it is reasonable to assume that at least 40% of the store's turnover will be diverted from comparison facilities in the Borough, and not more than 60% would be claw back.

- 8.12 The Pet at Home store is expected to have a turnover of £3.19 million. Some of this turnover will include bulk pet foods and some of this trade would come from food stores in the local area, which would explain an element of the £1.62 million diverted from food superstores. A small element of trade would also be diverted from pet shops in the Borough. We believe that it may be reasonable to assume that 15% of the pet store's turnover is diverted from shops in the Borough (£0.47 million), and 85% could be claw back.
- 8.13 If the other unit is occupied by Argos then the store is expected to sell a wide range of comparison goods e.g. electrical goods (approx. 35%), household furnishings (approx 15%), furniture (approx. 15%), toys (approx 10%), DIY/gardening (approx. 5%), jewellery (approximately 5%) and other comparison goods (approximately 15%). Given this wide range of goods trade is likely to be diverted from a number of different sources. We believe, as a worst case, it is reasonable to assume that about 50% of the store's turnover will be diverted from other comparison facilities in the Borough.
- 8.14 It is considered that the report by Savills has under-estimated the potential level of trade diversion from Rawtenstall town centre (£1.36 million rather than £0.75 million). Impact of the development on the Focus DIY store is also likely to be more significant. Sensitivity analysis based on Savills figures, suggests the impact on Rawtenstall town centre (with the Valley Centre redevelopment) is likely to be about 5% in 2012.
- 8.15 The previous proposal did include a DIY store. Moreover, growth in comparison expenditure between 2007 and 2012 is likely to offset this loss of trade, and the development is unlikely to harm the vitality and viability of the town centre.

Sequential Assessment

- 8.16 The sequential test requires that that *'all options in the centre (including, where necessary, the extension of the centre) should be thoroughly assessed before less central sites are considered for development for main town centre uses'* (PPS6, para. 2.44). Accordingly, as the Hurstwood site is in an out-of-centre location, the applicant is required to assess all town centre and edge-of-centre sites.
- 8.17 The application proposes three units, one of 2,323 sq m gross and two of 1,412 sq m gross. PPS6 indicates that it is necessary to consider the potential to accommodate these units separately on sequentially preferable sites. PPS6 also indicates that retail operators should not be expected to split their store onto a number of separate smaller sites, but flexibility must be demonstrated in the format of store proposed, i.e. the size of store and the amount of car parking required.
- 8.18 The submitted analysis concentrates on sites within Rawtenstall town centre. The most appropriate location within the Borough for large scale retail development is Rawtenstall, as the other centres are much smaller and serve relatively local catchments only. The sequential site search therefore has been focused on Rawtenstall town centre.
- 8.19 It identifies 22 vacant premises within the town centre, 13 of which are within the Valley Centre, and presumably these units will be part of the

redevelopment proposals. The largest vacant unit is only 132 sq m gross and is too small to accommodate any of the proposed units.

- 8.20 The assessment identifies three sites in their sequential test assessment. These are:
1. The Valley Centre;
 2. Heritage Arcade;
 3. Former Kwik Save store.

Valley Centre

- 8.21 A schedule of proposed retail units indicates 21 units will be provided, including one reasonably large unit of 1,179 sq m gross, and medium sized units ranging from 383 to 503 sq m gross. The largest unit is similar to units A2 and A3 (1,412 sq m each). It is accepted that the proposed DIY store could not be accommodated in this scheme. However in the initial assessment the applicant had not clearly demonstrated that, allowing for flexibility, why either of the two smaller units cannot be accommodated within this scheme. In particular it was unclear why an Argos store could not be accommodated.
- 8.22 In response to this further information has been provided by the applicant's retail consultants on why this development would not be suitable.
- 8.23 The applicant has advised that Argos Extra includes a greater range of 'bulky' items, which are difficult to sell from units such as those proposed in the new Valley Centre and are less likely to be purchased by shoppers in such locations due to the difficulties in transporting large items home. In such circumstances, the site would not be viable for Argos Extra due to the reduced likelihood of customers actually making a purchase. It is also accepted that the Valley Centre developer may not want to accommodate a large pet store within the scheme and this may be financially unviable for the operator.
- 8.24 Therefore, based on the evidence provided within the applicant's retail impact assessment and the advice from the Council's retail consultant, I consider that the Valley Centre would be unsuitable to accommodate three units proposed by this application.

Heritage Arcade

- 8.25 The submitted retail assessment acknowledges that there is an application to provide Class A3/A4 uses on the site, and the site is therefore unavailable. NLP previously advised that the site lies within the town centre, but may be more suited to conversion to commercial leisure uses, as suggested by the current application.

Former Kwik Save

- 8.26 The retail impact assessment indicates that this site is out-of-centre and "*of questionable sequential advantage over the application site*". The Kwik Save store is better located in relation to the town centre than the application site although it is out-of-centre. PPS6 indicates that when considering out-of-centre sites preference should be given to sites which are close to the centre

have a high likelihood of forming links with the centre. Therefore, it is appropriate that the Kwik Save unit should be considered.

8.27 Savills argues that the store *“is not attractive to the type of major non-food national multiple retailers which the Hurstwood proposal seeks to attract.”* Savills also claims that the off prime location is unlikely to attract sufficient footfall, but accept that the store could attract local /discount chains or discount retailers. The applicant’s agent has also provided additional information and viability of this unit for the proposed operators of the New Hall Hey units

8.28 Savills concludes that the site is not suitable or viable for the proposed development. They consider:

“The unit is not suitable for either Pets at Home or Argos for the following reasons:

1. *The unit is dated (more than twenty years old) and physically and visually unattractive to both prospective retail tenants and shoppers.*
2. *There is no other adjacent retail to attract customers and improve the viability of any business who would potentially choose to locate there. It is not an attractive retail location.*
3. *The profile of the premises to prospective shoppers is poor and it cannot be seen from many angles. The site would therefore be rejected by both Pets at Home and Argos due to concerns that sufficient numbers of customers could be attracted to the unit.*
4. *The height of building is ill-suited to modern retailer requirements with a low eaves height and lack of scope for a mezzanine floor.*
5. *Servicing arrangements to the site are poor, with an awkward side access and tight turning area for large HGV deliveries.*

The unit is therefore unsuitable for occupation by either Pets at Home or Argos. If anything, the prospects of the Kwik Save site being re-occupied will improve following the implementation of the New Hall Hey proposals due to increased numbers of shoppers in Rawtenstall as a whole and increased flow of shoppers between New Hall Hey and the town centre.”

8.29 Whilst, I have no specific highway comments on the proposed redevelopment proposals for the Valley Centre, it is appropriate to consider the appropriateness of the servicing arrangements and car parking. The proposed units would provide for bulky goods and it is therefore reasonable that appropriate car parking and servicing is available in close proximity to the units and it is unlikely that shoppers would be able to utilise public transport to return these types of goods home.

8.30 In conclusion, it is accepted that there are other sequentially preferable sites within the locality. However, it is accepted that the Valley Centre and Heritage Arcade are either unavailable or due to servicing requirements of ‘bulky goods’ operators would not appropriately accommodate the proposed uses. It should be noted that the Kwik Save store was available at the time the previous application was considered and, in fact, a larger more sequentially preferable site which had the benefit of extant permission (Bocholt Way). However, it was considered that the regenerative and

economic benefits attributed to the scheme outweighed the fact that there were other more preferable sites.

- 8.31 Given that the assessment for this proposal relates to the provision of 'bulky goods' and that it has been accepted that proposed uses could not reasonably be located within the town centre, it is necessary to condition the proposed development to the types of goods identified in the submitted retail assessment. Without the inclusion of such conditions unrestricted retail development could be harmful to the vitality and viability of Rawtenstall Town Centre.
- 8.32 Therefore, I have attached conditions relating to 'bulky goods' including DIY provision and restricting the range of goods sold to exclude food and clothes.
- 8.33 The other relevant material considerations are discussed later in this report.

9 DESIGN & LAYOUT

- 9.1 The design of the proposal is mainly similar to that of the previous scheme. Given that the design was acceptable previously I am satisfied that the design is appropriate in this instance and consider that adequate conditions could be attached to the proposal to ensure that the materials proposed are also appropriate.

10 LISTED BUILDING

- 10.1 The proposed scale and massing of the proposed units is identical to that already approved. There are some changes to the positioning of emergency existing for each unit. However, the design and proposed materials area unchanged and will be controlled by condition as discussed above.
- 10.2 In accordance with the advice of United Utilities, the siting of the proposal has been moved 2m to the east which would result in unit A3 being closer to the Old Clobbers Inn PH. However, the proposal would be no closer to Hardmans Mill, a grade II listed building. Therefore, I am satisfied that this proposal would not have any detrimental impact upon the setting of this listed building.

11 TREES

- 11.1 There are a number of trees which bound the site and the adjoining A682. It is proposed that the main vehicular access would be provided directly off the adjoining A682 by way of a new roundabout. A number of trees would be lost to facilitate this particular element of the proposal. The siting of the car parking for the leisure and retail element of the proposal is also likely to result in the loss of trees along this boundary.
- 11.2 Given that this was not raised as an issue previously I do consider that an appropriate replacement tree planting and landscaping scheme could be conditioned to ensure that appropriate measures are included to safeguard the amenity of the area.

12 OTHER MATERIAL PLANNING CONSIDERATIONS

- 12.1 Paragraph 28 of PPS1 advises that planning decisions should be taken in accordance with the development plan unless other material considerations indicate otherwise.
- 12.2 Paragraph 29 of PPS1 acknowledges that in some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated or compensated for.
- 12.3 In considering the previous application for the whole of the site (application 2005/617), the applicant set out a number of benefits that the development of this site would secure. Moreover, whilst it was considered that the scheme did not fully satisfy the advice set out in PPS6, members had regard to, and proportioned significant weight to, the regenerative, economic and job creation benefits that the development would provide. For clarity I have included the other material planning considerations as set out for the whole of the development of New Hall Hey in the previous report to this committee.

a) Physical Regeneration.

- 12.4 The applicant assess that proposals represent a substantial investment in Rawtenstall both in terms of re-investment in the existing urban fabric of the town (Heritage Arcade) and the reclamation and redevelopment of the strategically significant New Hall Hey site as it would provide a mixture of non-food retailing, offices, business, leisure and restaurant development.
- 12.5 There are also supporting quotes from “East Lancashire’s Future”.

b) Employment and Economic Growth

- 12.6 Including all elements of the proposal the applicant considers that the development could provide approximately 1,000 job opportunities.
- 12.7 The proposal (as a whole) would represent a £40m investment into the town centre’s fabric and economy. The applicant has included quotes from a number of sources including Rossendale Chamber of Commerce, East Lancashire Chair of Commerce and Ove Arup and Partners Ltd.
- 12.8 Whilst large parts of the wider proposal are speculative, it is difficult to dispute the job creation rates that are proposed by the applicant and thus the exact employment potential that the proposal would offer. However, I have no reason to consider that this scheme would not bring substantial employment and regeneration to the borough.

c) Social Inclusion

- 12.9 It is considered by the applicant that this proposal would help social inclusion through the provision of new leisure facilities and given its location within the borough will encourage sustainable travel as residents of Rossendale will not

have to travel outside of the borough particularly those who do not have access to cars.

d) Sustainable Patterns of Development

- 12.10 The applicant highlights that the development would provide a number of different uses which would strengthen the town centre and provide local job opportunities for the residents of Rossendale. This, along with the earlier points would facilitate and allow sustainable travel by providing employment opportunities locally.
- 12.11 Therefore, I still consider that significant weight should be afforded these material benefits in this particular case. I also consider that there are significant benefits to Rawtenstall through the S106 agreement attached to application 2005/617. I am of the opinion that the material benefits as outlined above and added value secured through a S106 agreement, as detailed below, to be sufficient to outweigh the concern regarding an alternative 'out-of-centre site', albeit one which is closer to the town's centre.

13 PLANNING OBLIGATIONS

- 13.1 During consideration of the previous application for the whole of the New Hall Hey site the heads of terms as outlined above were advised by Lancashire County Council (LCC) and agreed by the LCC solicitor.
- 13.2 Since members considered that the previous application, LCC and Rossendale Borough Council have approved a Planning Obligations Policy Paper. The document was in draft format during consideration of the previous scheme and did not influence the obligation of £350,000 towards sustainable transport initiatives and for the upgrading and provision of pedestrian/cycle route to the site.
- 13.3 Whilst the document is not a formal supplementary planning document (SPD) under the Planning and Compulsory Purchase Act 2004, it is still a material consideration as the policy has been approved by this Council.
- 13.4 The aims of this guidance are to:
- Provide a clear framework for local planning authorities preparing LDF policies and developing a plan-led approach;
 - Provide a systematic basis for officers negotiating Section 106 Planning Agreements; and
 - Give specific advice to developers on when contributions will be requirement and how they will be calculated
- 13.5 In their advice to the current application County Planning have suggested an appropriate obligation in relation to the development proposed as set out in the recently approved planning obligations policy. This would require the current scheme to contribute £404,790 for the three units as part of this application.
- 13.6 The whole of the previous application includes a section 106 agreement to secure a contribution of £350,000.

- 13.7 However, of particular relevance is paragraph 1.36 which states *"However, it is entirely up to the local planning authority whether it imposes the full range of costs for planning obligations. The authority may decide not to do so if, for example it believes that the costs generated by the development will be met by other means or are outweighed by the benefits of the development. Flexibility is required that reflects local and site-specific issues."*
- 13.8 In this particular instance the Council has continued to negotiate the Heads of Terms on the wider application since members were minded to approve. These negotiations have resulted in substantial benefits to Rawtenstall. Negotiations on the agreement have secured 450 free car parking spaces for a period of 3 hours associated to the retail and leisure facility in addition to the financial contribution of £350,000. This car parking provision will enable linked trips into Rawtenstall and vice versa in the future whilst at the same time ensuring that New Hall Hey does not result in a park and ride destination. Moreover, through the detailed implementation of the associated legal agreement future benefits to sustainable travel will be secured.
- 13.9 Given that the current proposal relates to minor changes to the physical appearance and size of units already approved by the previous approval and changes to the uses proposed, I do not consider it appropriate to apply all of the requirements of the current obligations policy in this instance, particularly given that the negotiations have been ongoing since members were minded to approve the previous application. Moreover, I consider that the elements of this current application should be balanced against the provisions of the entire scheme.
- 13.10 However, the applicant has agreed to contribute a further £75,000 in addition to the £350,000 secured through the previous agreed for additional sustainable transport initiatives and public art. £25,000 would be directed towards sustainable transport initiatives (£375,00 in total from both schemes) and £50,000 towards public art. I would anticipate that the public art could be located on the new roundabout, on the New Hall Hey site or on one of the access routes to the site, although the detail would be subject to further written approval.
- 13.11 Therefore, on balance, I am of the opinion that the existing legal agreement, the additional contributions which would be secured in this instance (£75,000) are appropriate to secure sustainable transport initiatives and substantial benefits to Rawtenstall Town Centre and that these additional benefits should be secured again through a similar agreement which would ensure that the total 'added value' which would be secured through the development of the whole of New Hall Hey would be £425,000.

14 CONCLUSION

- 14.1 I am satisfied that the scheme is appropriate within the context of development already approved on this site. I am satisfied that the proposal would not result in a detrimental impact upon the vitality and viability of Rawtenstall Town Centre. I am also satisfied that the level of on site parking is acceptable and that the revised siting would not have a detrimental impact upon the nearby listed building. I am satisfied that the application complies with policies of the development plan as a whole. I do not consider that there are any other material considerations which outweigh this view.

- 14.2 The amount of retail development is considered to be acceptable, however, as the proposal exceeds the thresholds for cumulative retail development as set out in Town and Country Planning (Shopping Development)(England and Wales)(No 2) Direction 1993, if Members are minded to approve the application, it will have to be referred to the Secretary of State for his decision as to whether he wishes to intervene in the determination of this application. The Direction relates to gross shopping floorspace of more than 2,500 square metres, which will exceed 20,000 square metres when aggregated with gross shopping floorspace over a similar threshold within a 10 mile radius. In this case, the gross shopping floorspace would be 7,214 square metres and when combined with the approvals for retail schemes at Bocholt Way and in Burnley, it would exceed the relevant threshold.

15 RECOMMENDATION

- (a) That the Secretary of State be advised that the Council is minded to grant planning permission for the development proposals subject to the following heads of terms in a planning obligation and the recommended planning conditions.
- (b) That if the Secretary of State does not intervene in the application, that planning permission be granted subject to the following planning conditions and that:
- I. The Head of Democratic and Legal Services be authorised to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the repayment of £75,000 to the Council for the sustainable transport initiatives (£25,000) and for public art (£50,000).
 - II. That the applicant be informed that the Council is minded to grant planning permission, subject to the conditions stated below, on completion of such legal agreement;
 - III. That authority be given for the decision notice relating to the application be issued, (subject to the conditions and reasons stated below) on completion of the above-mentioned legal agreement,
 - IV. That authority be given to refuse the application if the applicant fails to complete the S106 agreement within a reasonable period on the grounds that the proposals do not support the aim and objectives of PPS1 Delivering Sustainable Development.

16 REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to the policies and proposals contained within the development plan as set out below, and to all relevant material considerations. There are no other material planning considerations that outweigh this finding:

17. CONDITIONS

- 1 The development permitted shall be begun before the expiration of three years from the date of this consent.
Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 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 buildings at New Hall Hey (including roller shutters), 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 unless otherwise first agreed in writing by the LPA.
Reason: In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan
- 3 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or an other amending or revoking and re-enacting that order Units 1A and 2A as shown on drawing no. 7035 L03 Rev L shall be used for the sale of home improvement and garden related products, furniture, floor coverings, soft furnishings, electrical products, household goods, pets, pet food and pet supplies and other goods ancillary to or directly associated with these goods, and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure compliance with the applicant's retail impact assessment against which the application was assessed and to safeguard the viability and vitality of Rawtenstall Town Centre and neighbouring districts in accordance with PPS6, Policy 16 of the adopted Joint Lancashire Structure Plan and Regional Spatial Strategy.
- 4 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or an other amending or revoking and re-enacting that order, unit 3A as shown on drawing no. 7035 L03 Rev L hereby approved shall not be used for the sale of clothing (other than items normally associated with DIY tasks or if sold by a catalogue retailer) or for the sale of food or drink for human consumption (other than for the consumption on the premises as an ancillary use) unless otherwise agreed in writing by the Local Planning Authority
Reason: To ensure compliance with the applicant's retail impact assessment against which the application was assessed and to safeguard the viability and vitality of Rawtenstall Town Centre and neighbouring districts in accordance with PPS6, Policy 16 of the adopted Joint Lancashire Structure Plan and Regional Spatial Strategy.
- 5 The maximum gross floor areas within the development, including any internal alterations, shall not exceed:
7214 sq m non food retail (Comprising of Units A1, A2 and A3 and including 1230 sqm garden centre as shown on the approved plan no. 7035 L03 Rev L
Reason: To safeguard the viability and vitality of Rawtenstall Town Centre and neighbouring districts in accordance with PPS6, Policy 16 of the adopted Joint Lancashire Structure Plan and Regional Spatial Strategy.
- 6 Within 18 months of Unit A1 (as shown on the approved plan no. 7035 L03

Rev L) being brought into use not less than 17,775 square feet of B1 floorspace shall be constructed and made available for occupation.

Reason: To ensure that the significant economic and job creation benefits of the scheme are realised

- 7 No part of this development shall be occupied unless and until its associated car parking/servicing provision has been completed and available for use. The car parking provision shall be retained and kept available for use as such.
Reason: To ensure the provision of adequate off street parking/servicing 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.
- 8 Within 6 months of the commencement of each element of the development a scheme detailing any external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Such scheme as is approved shall be implemented in full prior to first use of the development.
Reason: To safeguard the amenity of the area and Conservation Area in accordance with policies HP.1 and DC1 of the Rossendale Local Plan.
- 9 No development at New Hall Hey 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. 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 to which it (most closely) relates, 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
- 10 Prior to first occupation of any unit hereby approved a scheme detailing security measures shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include illumination of car parking areas, enclosure of service yards and the installation of a system of CCTV. The development shall be undertaken in accordance with the approved scheme.
Reason: In the interests of designing out crime in accordance with policy DC1 of the Rossendale District Local Plan
- 11 No development approved by this permission shall be commenced until a scheme for the provision and implementation, of surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved.
Reason: To prevent pollution of the water environment, in accordance with policy DC1 of the Rossendale Local Plan.

12 Prior to the commencement of development, a site investigation shall be undertaken to establish whether or not any culverted watercourses cross the site, and the rout of any culverted watercourse(s) crossing the site shall be identified. In the event that one or more culverted watercourses are located on site, details of a scheme for the diversion of the culvert(s) around the proposed buildings shall be submitted to and approved by the Local Planning Authority. Such details shall include the route, size, materials, depth, levels and method of construction. The works shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory form of development and in the interests of land drainage

13 No development approved by this permission shall be commenced until:

- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site.
- c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority.
- d) A Method Statement and remediation strategy, based on the information obtained from (c) above has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

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 site is properly remediated and any risk to human health and controlled waters is minimised in accordance with Policy DC1 of the Rossendale District Local Plan.

14 Throughout the construction period, facilities shall be provided / retained within the New Hall Hey 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 and / or loose materials on the public highway, in the interests of highway safety in accordance with DC1 of the Rossendale District Local Plan.

15 Notwithstanding what is shown on the submitted drawings, the development hereby approved shall not be commenced until full details of all the materials

to be used for all the hard-surfaced external areas, together with 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. The development shall be undertaken using the approved materials.

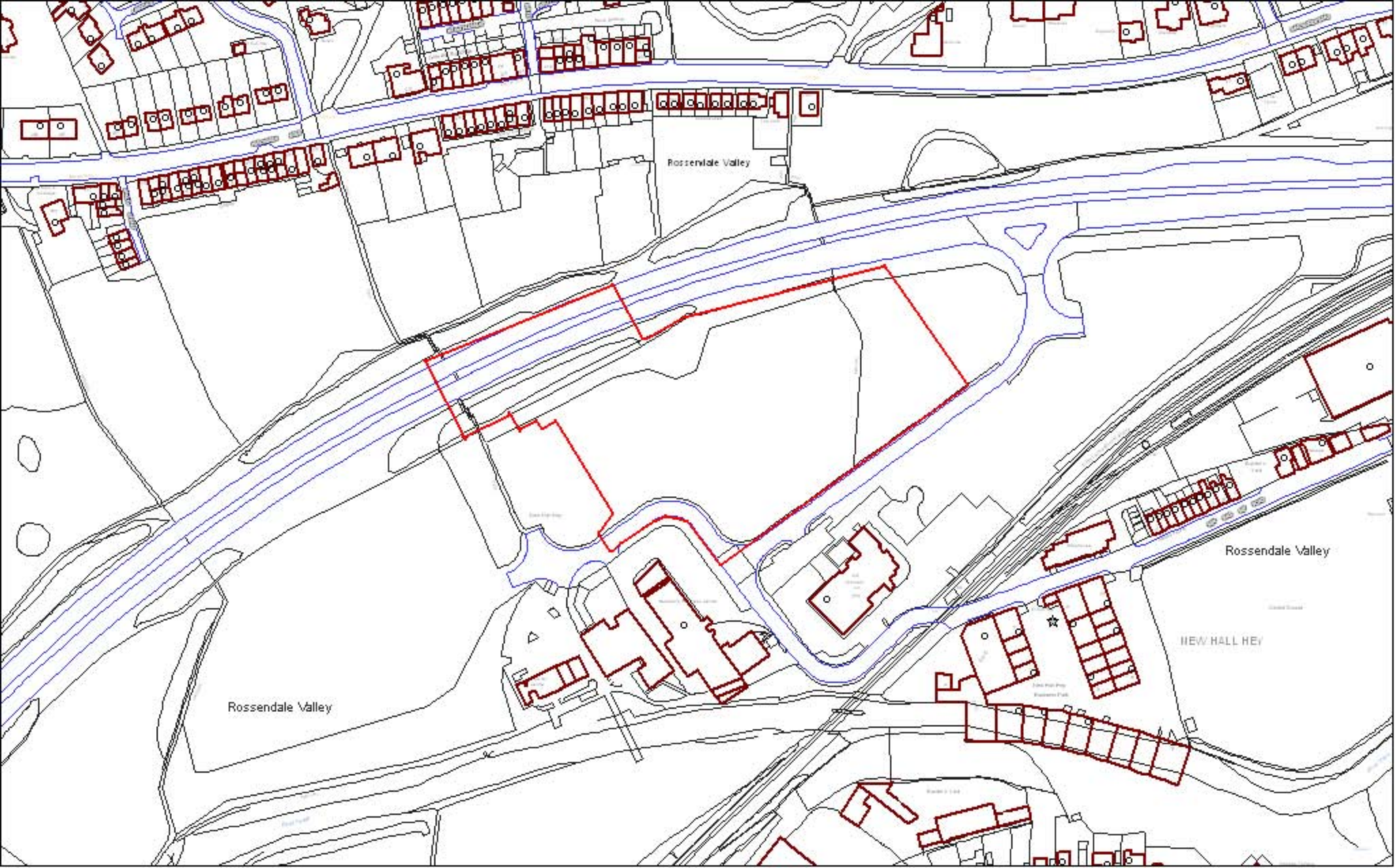
Reason: In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan

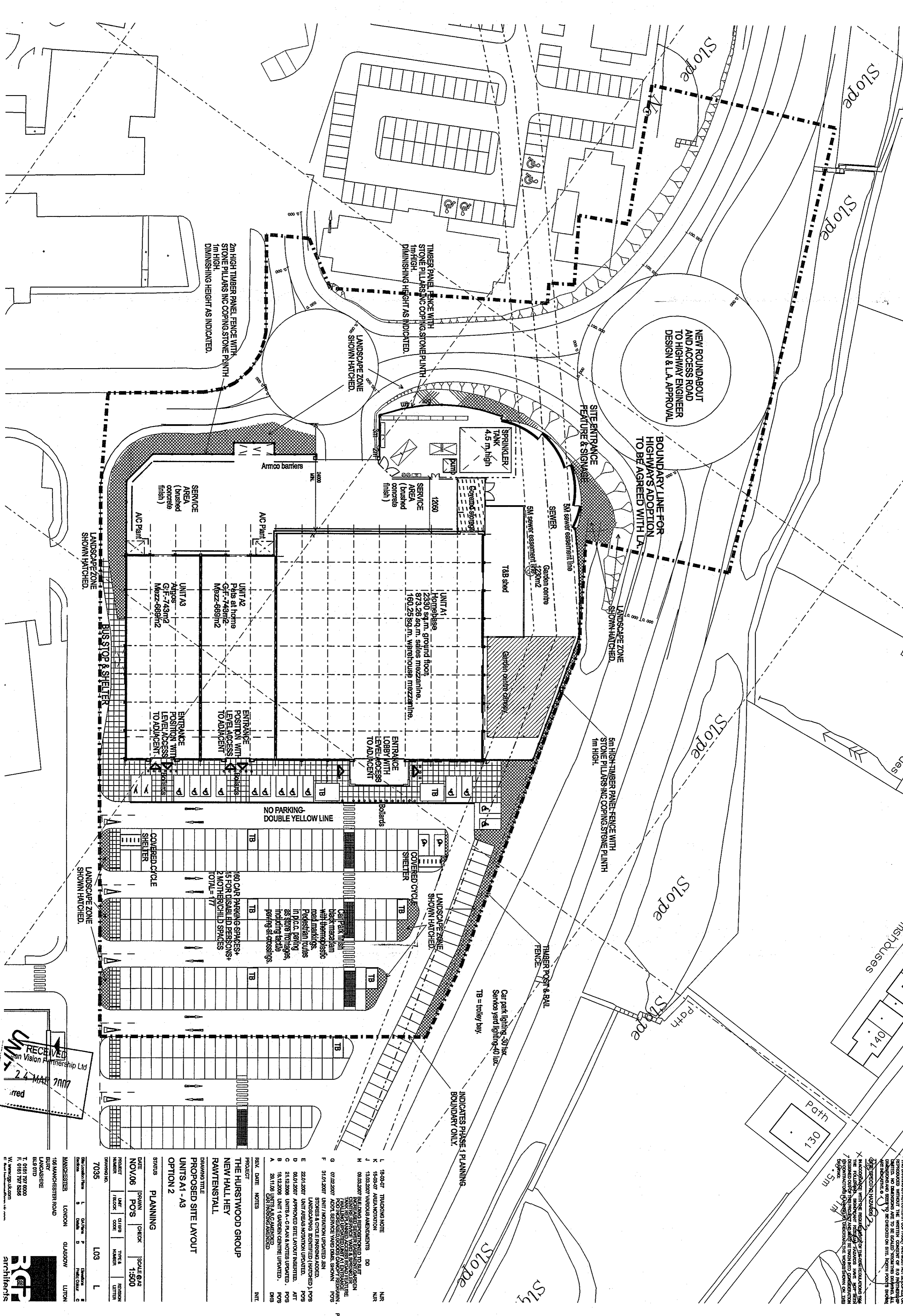
- 16 The development hereby approved shall not commence until a scheme and timetable for the provision of off-site access / highway works to be undertaken / funded by the developer has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority.
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 and T6 of the Rossendale District Local Plan.
- 17 Prior to the commencement of development full design and construction details for the approved roundabout (A682) shall be submitted for the written approval of the Local Planning Authority. The roundabout shall be implemented and constructed in accordance with approved details prior to the first occupation of any building hereby approved.
Reason: In the interests of highway safety in accordance with policy DC1 of the Rossendale Local Plan.
- 18 The existing access off the A682 (Swanney Lodge Road) 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 upon completion of the approved roundabout (A682).
Reason: To limit the number of access points to, and to maintain the proper construction of the highway in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
- 19 The development shall be carried out in accordance with the following plans unless otherwise agreed in writing by the Local Planning Authority:
7035 L03 Rev L
7035 05 RevB
7035 14
7035 P10 Rev A
7035 P9 Rev A
7035 L01 RevA
Reason: For the avoidance of doubt
- 20 Prior to first occupation of any unit hereby approved a scheme detailing public art provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.
Reason: To secure a public art in the interests of public amenity, in accordance with the Councils adopted Planning Obligations Policy
- 21 Prior to first occupation of unit A1 a scheme detailing the sprinkler tank shall be submitted to and approved in writing by the Local Planning Authority. The

scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.

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

Contact Officer	
Name	Linda Fisher
Position	Head of Planning, Legal & Democratic Services
Service / Team	Development Control
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- L 16-03-07 TRACKING NOTE
- K 16-03-07 AREA VARIATION
- J 13-03-07 VARIOUS AMENDMENTS
- H 08-03-07 BUILDING REGULATIONS TO BE OBSERVED
- G 07-02-07 ADPT. SERVICE YARD DATA SHOWN
- F 31-01-07 UNIT 1 NOTATION UPDATED AND LANDSCAPING AMENDMENTS
- E 22-01-07 UNIT REVISED NOTATION UPDATED
- D 06-01-07 APPROVED SITE LAYOUT PRESENTED
- C 21-12-06 UNIT A - C PLAN & NOTES UPDATED
- B 16-12-06 UNIT 1 GARDEN CENTRE UPDATED
- A 28-11-06 UNIT A1, A2, A3 (AS SHOWN)

PROJECT:
THE HURSTWOOD GROUP
NEW HALL HEY
RAMTENSSTALL

DRAWING TITLE:
PROPOSED SITE LAYOUT
UNITS A1 - A3
OPTION 2

STATUS: PLANNING

DATE: NOV/06
POSS: 11500

PROJECT: PO
DATE: NOV/06
POSS: 11500

REVISIONS:
 NO. | DATE | DESCRIPTION
 1 | 28/11/06 | UNIT A1, A2, A3 (AS SHOWN)

CLIENT: RCT ARCHITECTS
ADDRESS: 106 MANCHESTER ROAD, LONDON, GLASGOW, LUTON

SCALE: 1:500

DATE: NOV/06

PROJECT: PO

POSS: 11500

REVISIONS:
 NO. | DATE | DESCRIPTION
 1 | 28/11/06 | UNIT A1, A2, A3 (AS SHOWN)

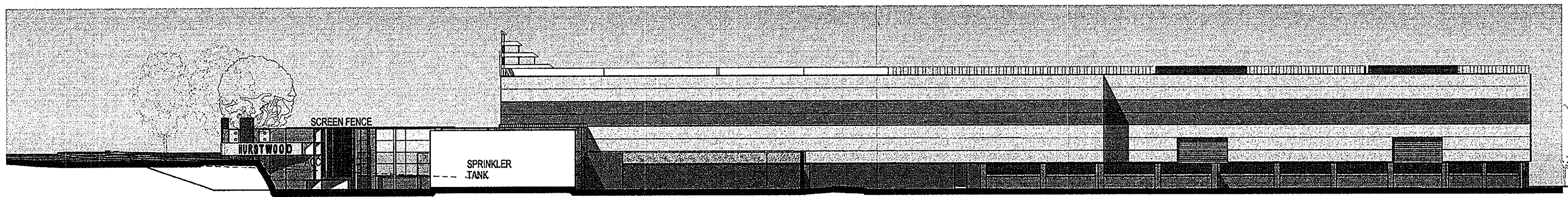
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Architects

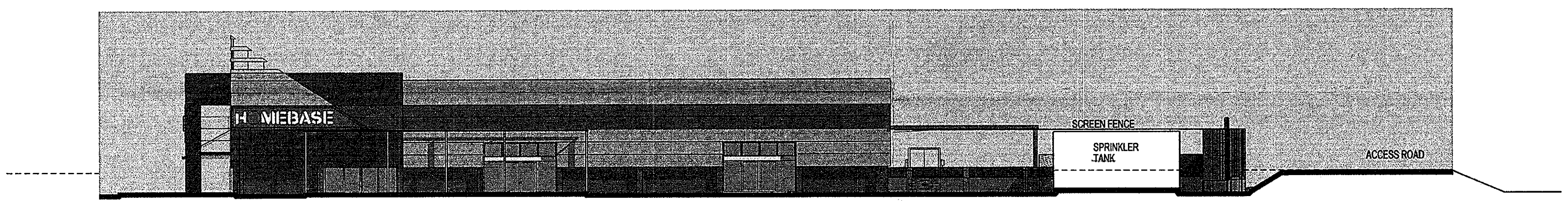
MANCHESTER LONDON GLASGOW LUTON
106 MANCHESTER ROAD
BL10 4JH
T: 0181 797 8900
F: 0181 797 8256
W: www.rct.co.uk

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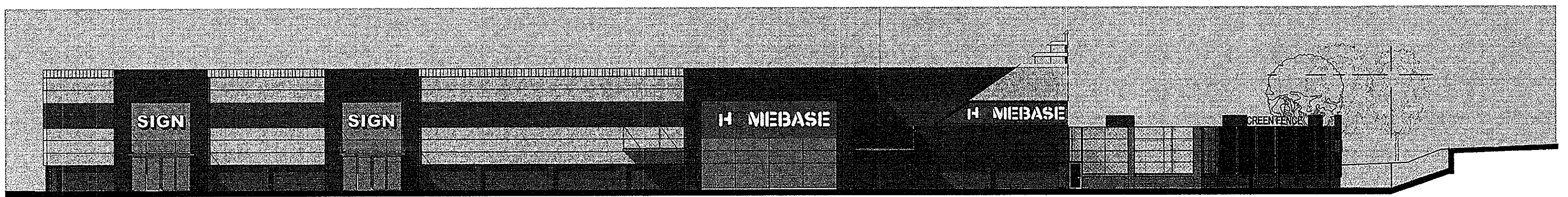
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SOUTH WEST ELEVATION



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PROPE
SOUTH
STATUS
DATE
FEB 0
PROJECT
NUMBER
DRAWING N
7035
Site Location
Sections
MANCHESTER
105 MANCHESTER
BURY
LANCASHIRE
BL9 0TD
T. 0161 771
F. 0161 771
W. www.rg
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