

<b>Application No:</b> 2007/317	<b>Application Type:</b> Full Application
<b>Proposal:</b> Planning Application for the redevelopment of the Valley Centre comprising the redevelopment of the Valley Centre, Council Buildings, Public Toilets and existing toilets and existing car park to provide mixed use scheme, comprising 5726 sq m retail and 1125 sq m residential uses, plus public toilets, parking and public realm enhancements 2007/317	<b>Location:</b> Valley Centre, Rawtenstall
<b>Report of:</b> Executive Director of Regulatory Services	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 6 <sup>th</sup> February 2008
<b>Applicant:</b> Ashbourne Property Fund Managers Ltd	<b>Determination Expiry Date:</b> 7 <sup>th</sup> August 2007
<b>Agent:</b> Powell Dobson	

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input checked="" type="checkbox"/>
Member Call-In	<input type="checkbox"/>
Name of Member:	
Reason for Call-In:	
More than 3 objections received	<input type="checkbox"/>
Other (please state) .....	

**APPLICATION DETAILS**

**1 Site and Proposal**

1.1 The site is located within the centre of Rawtenstall Town Centre and Conservation Area. The site is an irregular shape of approximately 1.3

hectares and is essentially level with a change of levels in front of the existing One Stop Shop. The majority of the site is occupied by the existing Valley Centre and associated servicing and car parking.

- 1.2 The site is bounded by Bank Street, Kay Street, North Street, Lord Street, Bacup Road and James Street. The current proposal includes the demolition of the existing Valley Centre shopping facility, the removal of the Lord Street ground level car park, relocation of the public toilet facility, remodelling of the existing James Street service yard and demolition of the Town Hall, Town Hall Extension and Town Hall Annex. The façade of the Town Hall on Bacup Road and Lord Street would be retained where it faces the bus station.
- 1.3 The surrounding land uses are typical town centre commercial uses. Bank Street is the main shopping street located to the north-west of the scheme which in this area comprises shops, betting office and banks. Kay Street passes the site to the north-east and includes a postal sorting office, Baptist Chapel and various commercial uses. Rawtenstall Police Station is located to the east of the site. A corn mill and vacant private club is located to the south-east of the site. Rawtenstall bus station is located to the south of the application site at the opposite side of Bacup Road. The vacant Heritage Arcade is located to the west of the bus station. Bacup Road to the east comprises a mix of commercial and residential uses. An undertaker's office and Longholme Methodist Chapel is located to the south-west of the site.

## **2. Relevant Planning History**

- 2.1 There is no relevant planning history regarding the whole of this site.

## **3. The Current Proposal**

- 3.1 The redevelopment scheme comprises a mixed of commercial and residential uses comprising 16 retail units (two of which are two storey) 6 food and drink units, and 116 residential units (32 one bed apartments, 65 two bed apartments, 10 studios and 9 duplex units). A new public square (café quarter) would be created as part of the proposal in front of the existing police station. Access to the square would be via Lord Street, North Street, the New Valley Centre and a new access from James Street/Bacup Road.
- 3.2 It is predominately three and four storey in height with a set back residential element at 7 storeys. External materials include split-faced natural stone ashlar cladding, render and feature natural slate roofs.
- 3.3 The Bank Street elevation adjoins the existing HSBC bank (17 Bank Street) and includes the entire building block up the junction with Kay Street. This elevation would be a total of 80 metres in length and three to four storeys in height. It comprises two retail units and a replacement food and drink use at the northern corner on the ground floor. The retail units on this elevation are two storeys, above which are residential uses.
- 3.4 The Kay Street elevation includes the north-east elevation of the existing public house along to the junction of Kay Street and North Street. It comprises the

replacement food and drink use plus four retail units. It is 70.5 metres in length and predominantly three storeys with two four storey elements.

- 3.5 The North Street elevation includes the pedestrian arcade entrance leading to the café quarter. It is approximately 69 metres in length and four storeys in height. The ground floor uses comprise two retail units at the northern end and two food and drink uses at the southern end adjacent to the pedestrianised square.
- 3.6 The square itself contains a stand-alone 'Kiosk' single storey food and drink unit.
- 3.7 The James Street elevation of the scheme comprises the service yard area, the vehicular access to the multi-storey car park and the pedestrian link through the café quarter.
- 3.8 The Bacup Road elevation would be redeveloped but would retain the façade of the former Town Hall. The length of this elevation would be 36 metres plus the Town Hall façade. It will comprise one retail unit with separate pedestrian access from Bacup Road.
- 3.9 The Lord Street elevation includes that elevation of the former Town Hall plus a new food and drink unit at the northern end. The total length of this elevation is 51 metres including the Town Hall. It would be four storeys in height aligning with the Town Hall.
- 3.10 The elevation towards the pedestrianised square, the café quarter, includes the pedestrian access through to James Street, the public toilets plus two further food and drink uses and the central 'kiosk' building. This also includes the ground floor of the 7 storey residential feature.
- 3.11 A three storey car park is wrapped by residential uses on three elevations. Access to the car park is taken via a ramp on James Street and would provide 369 car parking spaces for future residents and town centre shoppers.
- 3.12 The 'Food & Drink' uses would be restaurant / café uses / drinking establishments (Class A3 or A4 as defined by the Town and Country Planning Use Classes Order).
- 3.13 Application 2007/322 is for Conservation Area Consent to demolish the buildings within the Rawtenstall Town Centre Conservation Area associated with this application.

#### **4. Development Plan Policies**

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

Rossendale District Local Plan (Adopted 1995) (Saved Policies only)

- 4.2 **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”*
- 4.3 **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.
- 4.4 **Policy DC.3:** (Public Open Space) and **Policy DC.4** (Materials) place emphasis on new residential development providing appropriate public open space and on local natural stone and Welsh blue slate to match the texture, general appearance and weathering characteristics of the surrounding area
- 4.5 **Policy HP.1** (Conservation Areas) provides a number of criteria for which planning application within conservation areas will be assessed.
- 4.6 **Policy HP.2** (Listed Buildings) of the adopted local plan seeks to safeguard listed buildings.

Joint Lancashire Structure Plan 2001-2016

- 4.7 **Policy 1b** (General Policy) requires development to contribute to achieving high accessibility for all by walking, cycling and public transport.
- 4.8 **Policy 2** (Main Development Locations) states that most development should be located within identified principal urban areas, which include Rawtenstall.
- 4.9 **Policy 7** (Parking) sets out the type and amount of car parking and how it will be managed.
- 4.10 **Policy 12** states “that provision will be made for the construction of 1920 dwellings within the Borough within the plan period (2001-2016) 220 per year between 2001 and 2006 and 80 per year between 2006 and 2016”.
- 4.11 **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.

4.12 **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.”*

4.13 Listed buildings 1, 2\* and 2 are identified in the policy as of national importance. The scheme is adjacent to the National Westminster Bank on Bank Street and Langholme Parsonage, Langholme Methodist Church, and gateway and railings on Bacup Road. All are Grade II buildings.

#### Adopted Regional Spatial Strategy

4.14 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).

4.15 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

4.16 **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.

4.17 **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.

- 4.18 **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.

#### Draft Regional Spatial Strategy (RSS)

- 4.19 The panel report on the draft RSS is currently out and the changes proposed are expected shortly. The Draft RSS ('The North West Plan') was published for its first formal public consultation exercise in January 2006 and will cover the period from 2003 to 2021.
- 4.20 **Draft RSS** focuses on the needs of the whole region but highlights those areas that need more specific guidance or a different approach. This is intended to improve the coordinated delivery of regional policy and sustainable development.
- 4.21 **Draft policy L4** Regional Housing Provision identifies a new housing provision of 4000 for Rossendale 2003 – 2021 (net of clearance replacement). The annual average rates of housing provision (net of clearance replacement) is identified as 222. The current annual provision identified in the adopted Structure Plan is 220 between 2001-06 and 80 between 2006-16). The panel report does not propose any changes to this policy.
- 4.22 Draft RSS is a material consideration however it should not be afforded significant weight at this stage.

### 5. **Other Material Planning Considerations**

#### 5.1 **PPS1: Delivering Sustainable Development**

- 5.1.1 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.
- 5.1.2 Para 28 of PPS1 advises that planning decisions should be taken in accordance with the development plan unless other material considerations indicate otherwise.

5.1.3 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.

## 5.2 PPS3: Housing

5.2.1 This guidance was issued in November 2006 highlights the need to develop previously developed brownfield sites and where appropriate higher densities should be considered in accessible locations.

## 5.3 PPS6: Planning for Town Centres

5.3.1 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”*.

## 5.4 PPG13: Transport

5.4.1 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.

## 5.5 PPG15: Historic Environment

5.5.1 This guidance note provides advice on development within the historic environment, including development within conservation areas and listed buildings.

## 5.6 PPG24: Noise

5.6.1 Provides the current advice to LPA's concerning noise. It provides the Local Planning Authority with the necessary tools to allow development of local noise planning policies. Policy EN12 of the Local Plan has not been saved and therefore PPG 24 is the primary tool for assessing the noise implications and noise attenuation of this development proposal.

## 5.7 Core Strategy

5.7.1 The Preferred Options Report identifies in Proposed Policy Response DS1: Rawtenstall with Haslingden and Bacup are key Service Centres and Whitworth is a Local Service Centre. This approach accords with the draft RSS. Other relevant Proposed Policy Responses include:

- 5.7.2 L1: Housing Development. Provision is made in the draft Regional Spatial Strategy (RSS) for 4,000 dwellings between 2003 and 2021. Annual planning permissions will be limited to annual completion rate up to 10% above the annual rate for Rossendale in the RSS, less the number of existing commitments for the RSS period. Five yearly reviews of permissions will be undertaken to monitor housing permissions to ensure they do not exceed the overall RSS figure.
- 5.7.3 Priority will be given to residential developments on previously developed sites. Residential developments will only be permitted on greenfield sites where there is evidence of local need and it can be demonstrated that there are no alternative appropriate previously developed sites. Priority will be given to residential developments in the Key Service Centres and Local Service Centres. Comprehensive regeneration strategies may be developed in areas with significant housing market issues and specific housing needs.
- 5.7.4 Proposed Policy Response L2: Housing Types. In order to diversify the range of dwelling types within the Borough, in major residential schemes at least 33% of dwellings should be flats and no more than 40% of dwellings should be terraced properties, unless a housing needs assessment provides evidence of the need for an alternative composition of dwellings in any particular area/ community.
- 5.7.5 Proposed Policy Response L4: Affordable Housing. Within all residential developments a minimum of 30% of dwellings should be affordable, of which 20% should be of intermediate tenure. A higher minimum percentage for affordable housing or intermediate tenure may be required in areas of significant housing need based on local evidence of affordable housing needs. A lower percentage of affordable dwellings may be acceptable where it can be demonstrated that this would not be viable due to wider regeneration benefits. A lower percentage may be acceptable in the conversion of vacant residential or non-residential buildings. Types of affordable housing provided should be related to local needs.
- 5.7.6 The emerging policies of the Core Strategy should be afforded the weight of a material consideration where appropriate.
- 5.8 RBC Rawtenstall Town Centre AAP
- 5.8.1 Rossendale Borough Council consulted on the Core Strategy Preferred Options Report and the Rawtenstall Area Action Plan Revised Preferred Options Report in April and May this year. Following this consultation the Council has been asked by Government Office for the North West to undertake an additional round of consultation to describe the options that the Council had considered but not taken forward as Preferred Options in these documents.
- 5.8.2 This is discussed in more detail later in this report specific to the Valley Centre Site.



## 5.9 Other Relevant Documents

- 5.9.1 The Revised Interim Housing Position Statement and Interim Affordable Housing Position Statement are also relevant and are discussed in detail later in this report.

## 6. **CONSULTATIONS**

### 6.1 **INTERNAL CONSULTATIONS**

RBC Environmental Health - RBC Environmental Health advises that conditions be attached in relation to demolition method statement, hours of construction, construction methods, implementation of acoustic assessment, fume extraction details, air quality, contaminated land and opening hours.

RBC Forward Planning – The proposal is considered acceptable in principle in relation to redevelopment of a brownfield site, retail policy as it would be in the retail core of the town centre, also in terms of the Rawtenstall Area Action Plan, as the site is identified as a major key site for mixed-use redevelopment. The scheme provides residential development on the site which is considered to accord with Policy 12 of the Structure Plan as it is key to the scheme's viability, an affordable housing contribution has been offered and a substantive regeneration case made. A more detailed discussion can be found in section 7 of the report.

RBC Conservation Officer - The major impact on the Conservation Area will be the outward facing elevations to Bank Street, Kay Street and Bacup Road. Glimpses into and across the development will also be important to the appearance and interest of the town. In these three main street locations the relationship with the scale and rhythm of the existing architecture and street character is the key test. The development along Bank Street and Kay Street is set slightly higher than the surrounding buildings. In part this is not inconsistent with its 'main centre' function, but its scale and bulk is carefully reduced by the mixing of natural stone and slate materials. The same objective will be achieved by the introduction of the few small panels of render; by the vertical emphasis and proportions, and the breaking up of the building both vertically and horizontally into small bays. At the same time the design reflects some of the basic qualities of the local streets and roofs whilst still being a modern solution to the design challenge. Bank Street is the most successful in reaching the balance of a large (in footprint) new structure fitting into a modest street. In this case the attention to the roof detail and the impression that the frontage is broken up into small shop units is very effective, for the same reasons Kay Street will also work well. The elevations will provide a lively and true shopping street set at an appropriate scale and height, bringing an active frontage to the back of footway. Recent amendments to the Bacup Road elevations have significantly improved the extent and use of stone facing, and created a better balance of materials.

If planning permission is forthcoming, there should be a further level of control which requires agreement to be reached on the detailed appearance of all external features and materials.

RBC Estates Department - No response received.

RBC Building Control - I have no concerns regarding the development at this stage. The issues regarding structural design and fire engineering will be investigated at Building Regulations submission. The demolition of the existing centre will fall under the Building Act 1984; notification will be required to be made to Building Control

RBC Street Scene & Liveability – Response awaited.

RBC Licensing – No comments to make on the application.

RBC Legal Department – No comments to make on the application.

## 6.2 EXTERNAL CONSULTATIONS

### **Lancashire County Council**

Strategic Planning - No objection whilst providing advice on a number of issues in relation to the Joint Lancashire Structure Plan and planning Obligations. These comments are discussed in more detail within the main report.

Natural and Historic Environment Services - Consider that *“In my opinion the proposed Valley Centre should make a distinctive contribution to Rawtenstall’s townscape and is largely appropriate for the landscape character of the town. Overall my conclusion is that landscape character impacts of the proposed scheme are likely to be slight.”* However, NHES do have some reservations regarding building mass, pitched roofs and entrance off Bank Street.

LCC (Highways) - No objection in principle subject to the provision of a S278 agreement. Further detailed advice is provided and discussed later in this report.

A plan showing the agreed S278 works is attached to this report titled “S278 Works”

The S278 works required to better manage flows and therefore minimizing the overall congestion, (although not reducing congestion) and provide the required facilities for pedestrian and cyclist movement. The S278 works necessary are as follows:

1. Increase the highway width of James Street and kerb radii at its junction with Bacup Road. To improve movement to and from James Street for all vehicle types and minimize conflict on James Street by opposing vehicle movements (all vehicle types)/ TRO on James Street
2. Upgrade the existing pedestrian crossing facilities (on Bacup Road) or provide suitable pedestrian crossing facilities between the Valley Centre and Bus Station.

3. Provide SCOOT or MOVA to signals at the Gyratory. To improve signal efficiency and to minimize overall congestion at the gyratory.
4. Provide improved facilities at Queens Square for both pedestrian/cyclist movements which would include the filling in of the existing underpass.
5. Provide signage for the town centre and the associated car parks including Valley Centre and the interceptor car park, strategically located on the highway network.
6. TROs – left in left out James Street
7. Bus stop relocation Bacup Rd (location to be agreed)
8. Unauthorised vehicular access to area to be pedestrianised to be prevented by street furniture
9. TROS to cover servicing and delivery restrictions ( James street / Bank Street / Kay Street / Lord Street / Bacup Rd

There are existing highways within the town centre which will be required to be the subject of highway closure orders. The s278 highway works are shown on the attached plan.

Lancashire County Council has requested the making of a traffic order to make all Kay Street short stay car parking. This would allow Kay Street to be used as an eastern short stay interceptor car park. If a traffic regulation order was not made on this car park, the Highway Authority has asked that their comments be considered as an objection. If the access was not off James Street the use of the interceptor car park may not be necessary. This issue is considered in more detail later in this report at paragraphs 8.11.12 – 8.11.16.

Section 106 contributions are detailed later in this report. However, the 'transport' element (as required by the Planning Obligations Paper) has now been discounted to £363,074 as a result of necessary highway works which will be secured by way of a S278 agreement particularly items 2 and 4 above.

They say the provision of full funding for the required s278 works maximise movement for all modes (vehicles / pedestrians and cyclists) it does not fully militate against the demand generated from the development as improvements that provide additional capacity have already been implemented. This enforces the importance of the section 106 monies to promote provide sustainable development. Any reduction from the maximum requested (s106) may impact on the level of transfer to more sustainable modes and the level of congestion on the local network. The reduction in request of s106 monies however the County Council would not object to.

Fire & Rescue Service - No response received.

United Utilities - No objection in principle. Advice is provided and I have attached an informative drawing the applicant's attention to this advice.

Environment Agency - No objection subject the inclusion of a condition detailing the provision of surface water drainage.

English Heritage - "The proposed development represents an exciting opportunity to address the issue of the existing shopping centre which currently has a detrimental effect both on the appearance and commercial performance of the town centre. This area represents an obvious 'gap site' in the conservation area and its redevelopment will provide an important catalyst for the regeneration of Rawtenstall. We are therefore fully supportive of the principle of the proposed scheme. It is essential, though, that the solution agreed upon is optimum in every respect. We note that the initial proposal has evolved in response to comments from CABE's Design Review Panel."

Rossendale Civic Society – Objects to the scheme. I have included the conclusions from their consultation response.

*"This letter must obviously be taken as a serious objection to the proposal*

*Our grounds are:*

- *Lack of information being available to be included in the original Master Plan consultation.*
- *Lack of public discussion and consultation in context with the emerging plan proposals when the information was put forward.*
- *The concentration of limited uses on the site which inhibit more appropriate uses*
- *The lack of provision of other sites to compensate for loss of facilities on this site, i.e. Town Hall, Civic and leisure services.*
- *Lack of consideration of related development proposals, particularly the new bus station, but also the potential move of the Police Station.*
- *Inadequate consideration of traffic movement both around the site and its influence on the rest of the town.*
- *Poor presentation of designs which conflict in detail on the tower and do not contain enough information of context within the Conservation Area.*
- *Proposal of poor design that panders to and misuses detail derived from the Conservation Area rather than producing something meaningful and vibrant that enhances it.*
- *Fails to address current issues on sustainability.*
- *Does not seem to comply with the understood interim housing policy.*

*This whole scheme lacks a firm grounding and justification both in concept and design.*

*The design appears to be flimsy and insubstantial with only superficial reference to local character. It is a 'go anywhere' off the peg drawing board basic with stone cladding tacked on. It has tried so hard to incorporate a vernacular feel that it has lost all the civic presence and dignity a town centre really needs.*

*It does not provide any benefit for the well being of the town or the Borough as a whole, but actually deprives it of the opportunity to develop its civic facilities. Not only does it miss a golden opportunity to put right everything that was wrong about the present precinct, but exacerbates those problems.*

*Above all, we do not wish the condition and state of the present Valley Centre precinct to dictate the decision on this proposal. It is easy to say that ‘anything is better than what’s there now’ and ‘something ought to be done,’ and then rush down the line of least resistance.*

*If we are not careful at this point, both in our choice of use and design, our town will be lumbered with another embarrassing mistake and the subsequent regrets that go with it for years to come.”*

Calderdale MBC - No objection

Rochdale MBC - No response received.

Burnley Borough Council - No response received.

Hyndburn Borough Council - No response received.

Blackburn with Darwen Borough Council - No response received.

Bury MBC - No objection to the scheme.

Ancient Monuments Society – oppose the application and express great disappointment at the design of the redevelopment which owes nothing to the particular character of the town or alone the Conservation Area. The stone represent a nominal reference to any identity or character whilst the elevational treatment does not succeed in disguising the bulk of the building, along Bank Street. The proposed extension adjacent to the retained Town Hall façade on Bacup Road would be far too dominant. The Post Modern language of the new build could fit anywhere and does not fit well with Rawtenstall’s townscape.

Council for British Archaeology - No response received.

Society for the Protection of Ancient Buildings - No objection.

Georgian Group - No response received.

Victorian Society - No comments to make on the application

Twentieth Century Society - No response received.

Elevate - No response received.

Natural England - *“We are not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application.*

*We are also satisfied that the proposal does not have any significant impact upon Natural England’s other interests...”*

However, NE raises issues of possible impacts upon protected species such as bats and wild birds. The applicant has provided a bat survey which is considered later in this report and the loss of trees. I have attached an informative drawing the applicant's attention to the full advice of Natural England regarding protected species.

Rossendale Chamber of Commerce - No comments made in respect of the application other than questions relating to the Committee process.

CABE (Commission for Architecture and the Built Environment) - "We support the principle of this development and its mix of uses. We think the revisions made to the earlier version are all positive and have improved the quality of the design. Subject to materials and detailing we think that the proposal can make a positive contribution to the regeneration of Rawtenstall town centre."

Lancashire Constabulary - Crime Prevention and Architectural Liaison Officer - Considers that the proposals should be built to Secured by Design standard.

Fred Hamer Funeral Directors - Object to the proposals on the basis that large delivery vehicles may block their entrance and cause untold disruption whilst carrying out funerals.

## **7. REPRESENTATIONS**

- 7.1 A press advertisement was placed in the 11<sup>th</sup> June 2007 edition of the Rossendale Free Press and site notices were posted on 6<sup>th</sup> June 2007 on and around the site. Again in November 2007 an advertisement was placed in the Rossendale Free Press, site notices posted on or near the site and over 900 letters were sent to residents living close to the site in Rawtenstall, inviting people's comments and to attend a consultation event in the form of a drop-in day. This event was held on 15<sup>th</sup> November 2007 when 14 Members of the public attended the One Stop Shop to view the proposed redevelopment plans.
- 7.2 A number of comments were received during the drop-in consultation event. I have summarised them as follows:
- It doesn't scream Rossendale
  - It looks like something you see whilst catching the ferry from Weymouth
  - It's very good
  - Very modern
  - Something positive for the Valley
  - Rossendale does not need any more shops
  - The shops cannot be sustained
  - Why shouldn't people go to other towns to get their shopping the way they always have?
  - Height of the tower is a concern
  - Impact of the development on the Valley
  - It has always been possible to see the hills from the town centre

- The scheme should be an exemplar for sustainability – this should be an additional attraction to the Centre otherwise it is simply another shopping centre
- Too much open air seating
- Shoppers would rather go to Bury
- More added value if the shops/cafes etc are undercover
- There's nothing to make the building attractive
- All of Rawtenstall's been taken away
- Replacing what's there now with something similar
- The design seems just straight lines – there's no adornment or detailing

7.3 13 letters have been received objecting to the proposal on the following grounds:

- Concern that the design should be durable
- That a balance should be struck between the heritage of the Borough and modern design
- Increased use of traditional construction methods to give an historic appearance
- Must not repeat the imposing 1960's development which blot out the landscape
- Redevelopment must not re-enact the mistakes of the past on the site
- Should avoid built-in redundancy and allow for re-use in the future
- Rossendale should seek its own brand to compete with say Hebden Bridge making the most of its old world charm rather than competing with Manchester or Bury
- The Council should ensure that the development is energy efficient by using high standards of insulation and renewable energy sources as well as sustainable energy technology
- Current design is mediocre and Council will be missing an opportunity to create something to be proud of
- The Council should be leading the way by promoting the use of photovoltaic tiles and solar panels the cost of which can be off-set against energy savings and possible grant funding
- The developers have dismissed the use of a number of means of renewable energy generation
- Developers should accept their responsibility to reduce carbon emissions
- Insufficient provision for taxis within the development
- The ground floor should be in stone
- The development should be no higher than 3 storeys
- Parking should be built in from the outset
- Should include smaller, unique retailers
- Due to heavy traffic on the M66 there should be no residential development as part of this scheme
- CCTV should be provided
- Over-development of the site
- The character of the development is not really in keeping with the surrounding area

- The proposal would conflict with the current skyline
- There is a need for pitched roofs in Rossendale
- Glass frontages offer an opportunity for vandalism
- Other prestigious shops operate from terraced properties so why does the Valley Centre's frontage need to be so different
- That the development is a neglected shopping centre which has been badly managed and had little or no investment
- There has been a change in emphasis in the scheme from earlier proposal as the scheme now includes a substantial residential element
- The scheme would be over-intensive
- The scheme has poor links to the adjacent townscape
- The scheme would be low-cost, low value and probably undeliverable
- Height of the scheme would be excessive as would the number of residential units
- Too much outdoor retail space – more needs to be covered
- An indoor space would encourage more uses in an area where there is something always going on with alternative retail opportunities from free-standing stalls
- Existing problems of litter which the development should seek not to exacerbate
- CCTV should be included within the scheme

7.4 2 letters of support, the first forwarded by Powell Dobson received via their website and passed to the case officer, which expresses the opinion of a resident of Rossendale who claims to operate as an architect, that the scheme is:

- *"a wonderful design for the redevelopment of Rawtenstall"* and
- *"fully supportive of the scheme"*.

The second is an email in general support of the redevelopment. It should also be noted that a number of the objection letters offered support in principle.

7.5 Waterfoot Primary School. The Executive Director of Regulatory Services was asked by Waterfoot Primary School to explain the scheme and during the discussions with children at the school the following comments were made:

- Questions were asked about the type of shops
- Whether the new shops would compete with the existing town centre shops
- How the scheme was dealing with climate change issues
- Would cycle parking be provided
- Would dogs be allowed in the shops or have hooks for leads
- Would a new building look right within the town centre?

## 8. REPORT

The main issues in the determination of the application are: whether the principle of the redevelopment of the site is acceptable; whether the principle of the proposed uses is acceptable; whether the proposed housing provision is acceptable; whether the proposed retail provision is acceptable; whether the proposed design and access is acceptable; whether the impacts of the



proposed development in relation to trees and public realm are acceptable; whether the impacts of the proposed development on the historic environment would be acceptable; whether the highway implications of the proposed development are acceptable; and whether the proposed development would accord with the Council's interim policies for housing, affordable housing and planning obligations. These issues will be discussed in turn below.

## **8.1 Principle**

- 8.1.1 This site has been previously developed and is therefore considered brownfield land. The site is located within the retail core of the town centre and has provided the main retail provision previously although now in decline. The AAP identifies that site as a major key site for mixed-use (retail and residential) development.
- 8.1.2 Therefore, I consider that the broad principles of land uses proposed to be broadly acceptable in principle. However, the remainder of this report considers the detail aspects of the proposal against the remaining provisions of the development plan.

## **8.2 Regeneration Case**

- 8.2.1 The applicant's agent has prepared a 'regeneration case' setting out the main benefits that this development would deliver to the wider area. The report covers the topics of regeneration, economy, social and the environment. The executive summary of the benefits set out in that report is listed below:
- *“Removal of the existing building (which is harmful to the conservation area, encourages anti-social behaviour, and provides a depressing image of the town);*
  - *A fundamental physical improvement to the appearance and operation of the town;*
  - *Provision of commercial premises to meet market demand, broadening the choice and attractiveness of retail facilities for residents, workers and visitors (providing more reasons to visit), and competing with out of town facilities;*
  - *Improving vitality and viability of existing businesses with consequent significant benefit for the economy of the whole town;*
  - *Opportunity to reduce crime and the fear of crime;*
  - *Increasing local employment opportunities;*
  - *Provide significant contribution to the provision of affordable housing (in addition to the other key regeneration benefits);*
  - *Increasing accessibility to the town centre by a choice of means of transport;*
  - *Enhance the character and appearance of the conservation area;*
  - *Broaden the housing market;*
  - *Improve the strength of local economy;*
  - *A vital beacon of investor confidence which will be a clear signal that the town is 'open for business'; and finally,*

- *It will be a catalyst to the overall economic, environmental and social regeneration of the Rawtenstall.”*

8.2.2 The ‘regeneration benefits’ set out above are referred to throughout this report.

### **8.3 Retail Provision**

8.3.1 The Nathaniel Lichfield & Partners (NLP) identifies Rawtenstall as the main shopping and commercial centre in the Borough of Rossendale. It acknowledges that it is a relatively attractive town centre with a range of shops and services, but that few multiple retailers are represented in the town. Its role needs to be maintained and enhanced to reduce significant expenditure leakage and proposals should be identified and encouraged which seek to improve the town centre as an attractive place to visit and shop. It goes on to recommend that as the largest centre in the Borough, Rawtenstall town centre should be the main focus for medium and large scale retail and leisure development.

8.3.2 In relation to the Valley Centre, the NLP study recognises that the most appropriate site to provide additional comparison retailing within Rawtenstall is the existing Valley Centre, potentially in conjunction with adjacent Town Hall site.

8.3.3 The proposed mixed-use redevelopment scheme will include the provision of 7,379 sq m of gross commercial floorspace. The retail element (excluding food and drink uses) will extend to 5,729 sq m gross floor space. This would increase the amount of retail and food and drink uses to 4,399 sq m above the existing gross retail floorspace within the site.

8.3.4 The amount and type of provision is detailed below:

Unit 1	1176sq m	Retail
Unit 2	99sq m	Food & Drink
Unit 3	202sq m	Food & Drink
Unit 4	229sq m	Food & Drink
Unit 5	456sq m	Retail
Unit 6	228sq m	Retail
Unit 7	485sq m	Retail
Unit 8	503sq m	Retail
Unit 8a	488sq m	Retail
Unit 9	383sq m	Retail
Unit 9a	302sq m	Retail
Unit 10	416sq m	Retail
Unit 11	416sq m	Retail
Unit 12	205sq m	Food & Drink
Unit 13	164sq m	Retail
Unit 14	96sq m	Retail
Unit 15	110sq m	Retail
Unit 16	193sq m	Retail
Unit 17	190sq m	Retail
Unit 18	303sq m	Food & Drink

Unit 19	87sq m	Food & Drink
Unit 20	102sq m	Retail
Unit 21	18sq m	Retail

- 8.3.5 The mall would have a floorspace of 450sq m and public toilets 78sq m.
- 8.3.6 The food and drink uses are concentrated around the new public square ('café quarter') which is located in front of the Police Station.
- 8.3.7 The applicants have provided a Retail Assessment to accompany the application in accordance with the requirements of PPS6. Policy 16 of the JLSP identifies Rawtenstall as a Tier 2 Shopping Centre. Fundamental elements of relevance to this application are that new retail uses should be consistent with the scale and function of the centre; that a sequential approach should be pursued and that neighbouring centres should not be harmed.
- 8.3.8 Paragraph 6.3.47 states that medium scale development with a Borough-wide catchment would be appropriate in Tier 2 Centres. The Retail Impact Assessment accompanying the application indicates that the development will increase commercial gross floorspace by 4,399 sq m gross. This is considered to be a reasonable level for a centre such as Rawtenstall, especially as it will provide more variety in the type and size of unit provided. The location satisfies the sequential approach, being located in the centre of the town. Quantitative and Qualitative Need is demonstrated with surplus expenditure existing even after completion of the centre. 90% of the expenditure will be achieved by "clawing back" money that currently is spent in centres outside Rossendale by Borough residents. This will strengthen the retail role of Rawtenstall but will not affect the vitality and viability of neighbouring settlements.
- 8.3.9 Moreover, the emerging AAP at pages 12 and 13 the Rawtenstall spatial strategy identifies a primary shopping area and an inner core area. It identifies the redevelopment of the Valley centre as a key project within the retail core that will play a critical role in improving the quality and mix of retail accommodation in the heart of the town centre, and provide a significant uplift to the built form and character. The proposals have the potential to broadly accord with this vision.
- 8.3.10 The proposal is therefore considered to be compatible with JLSP retail policy. However, given the quantum of development proposed and that from other retail consents granted close to the site recently, the proposal will have to be referred under the shopping directive to the secretary of state should members be minded to approve the application.

#### **8.4 Area Action Plan**

- 8.4.1 Chapter 6 of the AAP report sets out site specific implications of the preferred options. The redevelopment of the Valley Centre is identified as a 'Major Development Project' along with the adjoining Police Station and Council Offices. This is considered to be a critical project to the regeneration of the town centre as highlighted in the design and commercial appraisal which forms the evidence base to the Area Action Plan. It states that strong support for this

was given through initial engagement with the local community and stakeholder groups.

8.4.2 The Revised Preferred Option within the AAP for the Valley Centre also includes within this wider project: the redevelopment of the Police Station; the Council Offices; the Dale Public House; the adjoining Liberal Club block (lying at the junction of Bacup Road and Bank Street); and potentially the Boots Store.

8.4.3 The Police Station / Liberal Club is referred to as it was identified as one of the potential locations for the new Civic Facility 'One stop shop' as referred to previously. It states that alternative uses of mixed use retail, leisure, commercial and residential would be considered appropriate if the facility was not developed at this location.

8.4.4 The report states that larger retail multiples are currently poorly represented in the town and this project overall offers "*the potential to diversify the range of high street retail units which are provided within the town centre – in particular offering the opportunity to provide larger retail units*" (p.20).

8.4.5 The Revised Preferred Option envisages "*a mixed use development on this site, comprising retail units, anchor stores, cafés / restaurants and potentially leisure facilities*" (p.20). It acknowledges that the provision of residential accommodation at upper levels, together with food and drink uses, provides the potential for the vitality of the town to be enhanced with the centre remaining active for a longer period of time than currently.

8.4.6 The Revised Preferred Option seeks the following from a design perspective:

- The creation of a high quality, attractive and safe pedestrian link between Bacup Road and Bank Street.
- The creation of public space and focal points at key locations within the centre.
- Integration with proposals for the development of a new Transport Interchange and improved pedestrian connections across Bacup Road.
- Consideration of the retention of the Bacup Road elevation of the Council Offices.
- Active and animated commercial frontages along principal pedestrian routes within and around the centre – including pedestrian links between Bank Street and Bacup Road, Bank Street and Kay Street.
- The design and massing of the development should respect and positively respond to its setting in the Conservation Area.
- Careful attention will need to be given to the location, design and appearance of servicing areas and car parks. The location of these will also need to reflect the proposed closure of Bacup Road to through traffic.

8.4.7 The design of the current proposal is discussed later in this report.

## **8.5 Housing Provision**

- 8.5.1 The concept of sustainable communities is at the heart of the Government's approach to planning and regeneration. Part of the Government's definition of a sustainable community is that there should be "sufficient range, diversity, affordability and accessibility within a balanced housing market" (OPDM [March 2005] What is a Sustainable Community).
- 8.5.2 A diverse range of residential accommodation, in terms of type, tenure and cost of housing, can provide the opportunity for all kinds of households to live in a neighbourhood and enable people to remain within their communities even as their housing needs change. The importance of these issues is highlighted in national and regional policy. Government guidance on housing in PPS3 states that the Planning System should deliver: "*a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas...*", and "*housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure*" (paragraph 10). It advises that the key characteristics of a mixed community are "*a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people*" (paragraph 20).
- 8.5.3 Similarly, Policy DP3 of the Regional Spatial Strategy for the North West (RSS) requires local authorities to encourage the provision of an appropriate range of sizes and types of housing to meet the needs of all members of society.
- 8.5.4 The scheme comprises of 116 residential apartments located around the Bank Street, Kay Street and North Street area and above the retail unit on Bacup Road. The mix of accommodation is as follows:
- 32 One bedroom apartments;
  - 65 Two bedroom apartments;
  - 10 Studios; and
  - 9 Duplex
- 8.5.5 All of the residential provision within the scheme would provide for 1 or 2 bedroom accommodation. A number of the apartments have private roof terrace or balcony provision.
- 8.5.6 In terms of housing oversupply Policy 12 in the JLSP whilst limiting housing land supply, does make an exception for residential development which would make an
- "essential contribution to the supply of affordable or special needs housing or form a key element within a mixed-use regeneration project. Any such project should be compatible with and help achieve the regeneration objectives of the Local Authority...[another circumstance] where it may be appropriate to approve residential development in a situation of Housing oversupply [could be where there are] conservation benefits of maintaining and existing building worthy of retention."*
- 8.5.7 The Structure Plan makes reference to possible exemptions for additional residential development in situations of housing oversupply, which include an

essential contribution to the supply of affordable housing or housing which forms a key element in a mixed-use regeneration scheme. Therefore, in this particular case it is important to assess the level of residential development within this mixed use scheme, its contribution towards affordable housing provision within the Borough and the potential regenerative benefits.

8.5.8 Whilst the AAP (Project 5 on page 55) suggests that fewer residential units (75) would be provided on this site the applicant has provided details on the viability of the proposal based on the current level of residential provision. The scheme's viability and planning obligations requirements are discussed later in this report. Moreover, the applicant has agreed to provide a financial contribution towards the provision of affordable housing off site. The basis of which is discussed later in this report but is a direct result of the scheme's viability.

8.5.9 The Council has recently approved a revised interim Housing Position Statement on the 19<sup>th</sup> December 2007. A recommendation of this guidance is that the revised statement shall be applicable to applications received after that date. Therefore, given that this application was received prior to the approval of this latest position statement it is necessary to assess the application against the provision of the earlier interim Housing Position Statement which was approved January 2007.

8.5.10 The Council's Revised Interim Housing Position Statement January 2007 states the following:

Applications for residential development in Rossendale will be acceptable in the following circumstance:

- a) The replacement of existing dwellings, provided that the number of dwellings is not increased.
- b) The proposal can be justified in relation to agricultural land and forestry activities.
- c) In relation to listed buildings and important buildings in conservation areas, the applicant can demonstrate the proposal is the only means to their conservation.
- d) Conversion or change of use of buildings within the Urban Boundary of the main development location within the Borough (i.e. Rawtenstall including Bacup and Haslingden) where the number of units is 4 or less.
- e) The conversion to 5 units or more, or for new build developments of 1 unit or more on previously developed land, where it can be demonstrated the proposal lies within and will deliver regeneration benefits within the Regeneration Priority Areas of Rawtenstall Town Centre or Bacup, Stacksteads and Britannia (Elevate) Pathfinder.

8.5.11 The regeneration benefits of this scheme have been discussed earlier in this report. The proposed development would be constructed on previously developed land, would deliver significant regeneration benefits within Rawtenstall Town Centre AAP Area, provide a key element of the mixed use scheme (in that it would bring activity and surveillance to the town centre) and contribute to the provision of affordable housing by way of an off site

contribution. As such, the proposed development would accord with the Council's Revised Interim Housing Position Statement.

- 8.5.12 This view is supported by LCC Strategic Planning, stating *“Both the draft LDF Core Strategy and Rawtenstall AAP Preferred Options document identify the importance of the regeneration of the centre of Rawtenstall, in particular the Valley Centre. Mixed development is regarded as an essential part of this process. It is therefore considered that the proposal meets the regeneration objectives of the Authority.”*
- 8.5.13 I consider that the mix identified above and having regard to the wider area is sufficient to satisfy the PPS3 in terms of providing a balanced mix of housing provision within the area. I am also of the opinion that the housing provision is a key element of a larger mixed use scheme as such accords with the principle of uses within the AAP, the Councils revised housing position statement part (e) and policy 12 of the Structure Plan.

## **8.6 Affordable Housing**

- 8.6.1 The Council has recently approved a revised interim Affordable Housing Position Statement on the 19<sup>th</sup> December 2007. The recommendation of this guidance is that the revised statement shall be applicable to applications received after that date. Therefore, given that this application was received prior to the approval of this latest position statement it is necessary to assess the application against the provision of the earlier interim Affordable Housing Position Statement which was approved January 2007.
- 8.6.2 The Council's interim Affordable Housing Position Statement (January 2007) states the following:  
In determining applications for residential development of 15 units or more the Council will seek to negotiate on site a minimum of 45% of the units to be affordable housing where justified by the Housing Market Needs Assessment.
- 8.6.3 Exceptions to this policy will only be considered where clear evidence can be shown to demonstrate that the required level of affordable housing provision would not be viable due to strategic or significant wider regeneration and commercial benefits.
- 8.6.4 A minimum of 10% of the affordable provision will be of intermediate tenure unless the Housing Market Needs Assessment indicates a higher requirement.
- 8.6.5 It is clear that the scheme would have significant regeneration benefits. However, the applicant has also considered the provision of affordable housing within the scheme and submitted an Affordable Housing Statement and viability appraisal which demonstrates that in order to realise the significant benefits the scheme would be unviable with the provision of on site affordable housing provision.
- 8.6.6 The viability appraisal has been assessed and is discussed later in this report. Whilst a full affordable housing contribution could not be provided within this site due to economic reasons the provision of affordable housing across the

Borough is a priority which is confirmed in the Housing Market Needs Assessment.

- 8.6.7 Whilst, members of this committee can choose to direct a proportion of the commuted sums defined by the LCC Planning Obligations Paper towards the provision of affordable housing the applicant has offered to contribute £500k towards the provision of affordable housing off site. A suggestion of how the S106 monies could be directed towards is considered in the 'Planning Obligations' section of this report.
- 8.6.8 Notwithstanding the regenerative benefits of the scheme which accords with the thrust of Policy 12 of the Structure Plan, the proposal would also contribute to the provision of affordable housing within the Borough through a financial contribution.

## **8.7 Residential Amenity**

- 8.7.1 Residential provision is a key element within this mixed use town centre use. The regeneration case draws on the need to ensure that the redevelopment of the Valley Centre includes vibrancy and activity to ensure natural and casual surveillance in the evenings. Therefore, it is necessary to consider the living conditions of future occupiers of the scheme.
- 8.7.2 There are a number of apartments which are inward facing and are located above the retail unit on Bacup Road. A courtyard would be provided around which would be six apartments (on each floor). The apartments would have a separation distance of 21m. However, whilst inward facing I am satisfied that the setting out of these apartments is sufficient to ensure an appropriate level of privacy to future occupiers.
- 8.7.3 The applicant has submitted an acoustic assessment which considers the main receptors of noise, the potential impact on future residential amenity and necessary mitigation. In this particular case this would be mainly from the surrounding highway network. The report also considers potential noise from the multi storey car park, services and the commercial uses within and surrounding the scheme. The report states that the majority of the retail outlets will open at 9:00 and close by 18:00. The food and drink units would be open until 23:00. I have attached a condition restricting the hours of use to those set out in the submitted noise assessment.
- 8.7.4 The report acknowledges that parts of the scheme, particularly where it would face the surrounding highway network, would be unduly affected by noise without noise mitigation designed into the scheme. The report concludes with specific advice on the level of mitigation required to safeguard future residential amenity within section 5.4 of the Hoare Lea acoustic report submitted with the application. I have attached a condition requiring the noise mitigation measures set out in section 5.4 of that report to be implemented prior to first occupation of that part of the scheme.
- 8.7.5 I have also attached in relation to the demolition and construction of the development. Those conditions require information to be submitted and



approved in relation to, amongst other things, hours of construction, method of demolition, method of construction and wheel washing.

- 8.7.6 The Interim Environmental Services Manager has assessed the submitted acoustic report and has no objection subject to the condition outlined above and further conditions relating to demolition/construction hours, demolition statement, fume extraction, fume extraction to the car park area, air quality, contaminated land and hours of opening and servicing. Air Quality is discussed later in this report.
- 8.7.7 I have attached conditions in relation to these issues and as such I am satisfied that the proposal would accord with the advice contained in PPG24 and provide existing residents and future occupiers with an acceptable level of amenity.

## **8.8 Air Quality**

- 8.8.1 At present there are no Air Quality Management Areas in Rossendale. However, Rossendale Borough Council is currently undertaking a detailed air quality assessment on Bacup Road in the area of the Town Hall. Additional monitoring stations are collecting data from now until the end of March 2008 when a decision will be made whether an Air Quality Action Plan is needed to show how Rossendale Borough Council intends to work towards the air quality objectives set nationally.
- 8.8.2 This development will affect traffic movement and thereby emissions of PM10 and NOx. During demolition and construction, emissions of particulates are likely to dramatically increase unless controlled and emissions from plant and machinery used on the site, and the additional lorry movements to and from the site, will contribute to the overall reduction in air quality.
- 8.8.3 The Interim Environmental Services Manager would therefore recommend that an air quality assessment be carried out in relation to the development.
- 8.8.4 I have attached a condition to this end and therefore I consider that the proposal would not unduly affect air quality in the locality.

## **8.9 Design**

- 8.9.1 Paragraph 38 of PPS1 states that 'Design policies should avoid unnecessary prescription or detail... [neither should they]...stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies.'
- 8.9.2 Paragraph 16 of PPS3 states that 'Matters to consider when assessing design quality include the extent to which the proposed development " Is well integrated with, and complements, the neighbouring building and local area more generally...[and]...Creates, or enhances, a distinctive character that

relates well to the surroundings and supports a sense of local pride and civic identity’.

- 8.9.3 The proposal seeks to respect the general massing of the street scene by providing a consistency in massing of the lower storeys which is supplemented by smaller elements that take the building higher than the surrounding roofscapes in limited areas. This breaking up of the massing of the building both reduces its visual impact and provides variety to the street scene. The use of a variety of high quality materials and a mix of both contemporary flat roof elements and pitched roofs adds to this visual interest and local distinctiveness. The distinctiveness is further strengthened by the use of natural stone (natural sandstone masonry and natural stone rainscreen cladding) and Welsh slate whilst complemented by modern materials of render and coated aluminium window frame.
- 8.9.4 A consistent approach is taken to windows which repeats the vertical emphasis of the surrounding area and are generous in size resulting in a good stone to glazing ratio on the street screen.
- 8.9.5 The Rawtenstall Area Action Plan specifically encourages the contemporary design and innovation which respects the scale of the surrounding area.
- 8.9.6 English Heritage have provided further comments, in a letter to the applicant, which state; *“We consider the scale and massing of the scheme is appropriate for the town centre location and your discussion on how the window proportions and rhythm of shop fronts have been informed by local distinctiveness are accepted. It is noted that our comments regarding the elevational use of grey stained timber have been taken on board and alternatives suggested, for which we are grateful. Of these the use of slate (preferably Welsh) would be most appropriate for the conservation area location.”*
- 8.9.7 Whilst English Heritage still have some minor reservations regarding the treatment of the roofscape in the context of the conservation area - namely the introduction of mono pitch roofs with clerestory glazing, they are not formally objecting to the scheme. I consider that the use of the mono pitched roofs helps synchronise the contemporary design of the proposal with the scale of the neighbouring buildings. Moreover, the CABE document By Design states that the richness of a building lies within its use of materials which contribute to the attractiveness of its appearance and the character of an area.
- 8.9.8 Therefore, I am satisfied that the scheme represents a high quality scheme which responds to the characteristics and constraints of the site and helps retain the local distinctiveness of the area. However, given that the site lies within a conservation area it is necessary to assess the implications of the scheme within the context of the conservation area.

## **8.10 Conservation and Heritage**

- 8.10.1 This section is supported by the accompanying application for conservation area consent which also appears on this agenda (Item B2, application 2007/322). That report will focus on the demolition aspect of the existing

buildings within the conservation area and considering paragraph 4.27 of PPG15 identifies a presumption in favour of retaining buildings that make a positive contribution to the character or appearance of a conservation area.

- 8.10.2 The site lies within the Rawtenstall Conservation Area. None of the buildings to which this application relates have been afforded listed status. However, the following buildings are listed and bound the site: the National Westminster Bank on Bank Street, and Langholme Parsonage, Langholme Methodist Church, and gateway and railings on Bacup Road. All are Grade II buildings.
- 8.10.3 It is considered that the Valley Centre or One Stop Shop building do not make a positive contribution to the character or appearance of the conservation area. However, part of the façade of the Town Hall building (older element) is acknowledged to have a positive contribution to the character of the area particularly on Bacup Road. The proposal would retain the façade of the Town Hall on Bacup Road and include natural stone with the new elevations which I consider helps retain the existing heritage and design fabric of this part of the town centre and conservation area.
- 8.10.4 The applicant has provided an accompanying conservation area assessment and has undertaken pre-application discussions with both the Commission for Architecture and the Built Environment (CABE) and also English Heritage. Both have provided advice which has been incorporated into the submission.
- 8.10.5 Paragraph 4.1 of PPG15 reinforces Section 69 by stating that designation introduces a general control over the demolition of unlisted buildings and provides the basis for policies designed to preserve or enhance all aspects of character or appearance that define an area's special interest.
- 8.10.6 Paragraph 4.18 of PPG15 goes on to require that "*Special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis, and detailed design (e.g. the scale and spacing of window openings, and the nature and quality of materials)*"
- 8.10.7 It can be observed that elements of the design seek to respect the scale and emphasis of the neighbouring buildings. Moreover, the roof form lends itself to car parking, removing visible evidence of its very functional, unattractive aspect of proposals away from lower elevations and the street scene of the conservation area.
- 8.10.8 It is clear that the existing Valley Centre has not stood the test of time and presently detracts from the area and does not preserve or enhance the conservation area. In its current state of poor repair, being largely vacant, derelict and an inherently low quality building with little or no relationship with its context.
- 8.10.9 The proposal seeks a contemporary design solution rather than seeking to provide a pastiche copy of what is already there although the scale and materials respect the character of the conservation area. The proposal will include the use of high quality traditional materials including sandstone and

natural slate in conjunction with contemporary materials such as split-face sandstone with glass and steel.

8.10.10 Added to this is the proposal's handling of scale and massing. These relate to the scale and massing of directly neighbouring buildings. Importantly the tallest building is located at the centre of the application site and does not compete with other important buildings within the town centre, particularly industrial buildings (the Ilex or Whitehead Mills) and their tower chimneys which are the most important landmark buildings in the area.

8.10.11 I consider that the current scheme responds in an imaginative way with a high quality design, which I consider will enhance and preserve the character and appearance of the conservation area and although the design is of contemporary nature, the proposals achieve their appropriate nature with the use of a mix of high quality, traditional and contemporary materials.

8.10.12 Moreover, I have no objection from Lancashire County Council (Heritage). The Council's own conservation officer has no objection to the proposals and has been involved in amendments to the scheme. There may be potential ruins which still exist under the Valley Centre (it is possible that these have been lost during construction of the Valley Centre in the 1960's). Therefore, a watching brief condition should be attached to ensure that any historical value is recorded.

8.10.13 On balance, I consider that the scheme would result in a significant improvement to the townscape through the development of this key site within the conservation area. I am also satisfied that the scale and massing proposed would preserve and enhance the special character of this conservation area and would enhance the setting of the neighbouring listed building. Therefore, subject to a condition requiring samples of materials to be provided, I do not consider that the proposed development would unduly affect this Conservation Area or the setting of the neighbouring listed buildings.

## **8.11 Parking / Servicing / Access**

8.11.1 The proposals include the removal of the Lord Street car park located in front of the existing Council offices and Police Station. This car park currently provides for 37 formal car parking spaces. Informal car parking currently takes place in the servicing area to the rear of the Valley Centre as a result of its decline and high vacancy rate.

8.11.2 The new scheme would provide a multi storey car park within the centre of the built form. Access to this car park would be via a ramp on James Street. As such the multi storey car park is visually hidden from Bank Street, Kay Street by a perimeter band of residential units. The car park would provide 369 car parking spaces of which 139 would be for the residential provision (including their visitors) and the remaining 230 spaces would be for the retail element and shoppers. Clearly, notwithstanding the loss of the Lord Street car park, the development would result in a significant increase in the amount of available shopper car parking provision within the centre of Rawtenstall.

- 8.11.3 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.
- 8.11.4 Moreover, the amount of car parking provision to be provided is within the maximum standard set out in LCC's Car Parking Standards SPG.
- 8.11.5 The applicant has indicated that the car park would be managed and a car park management plan will be submitted and agreed with Rossendale Borough Council. This has also been requested by Lancashire County Council and will be secured by way of a condition. The complete 'Heads of Terms' for the Section 106 agreement are set out later in this report. The management plan will also detail the type and position of a barrier system to ensure queuing on the highway does not take place. I have also attached separate conditions regarding details of cycle and motorcycle facilities to be provided.

#### Deliveries and Servicing

- 8.11.6 Lancashire County Council Highways consider that on street delivery and servicing from the existing highway network will cause unnecessary problems to the free flow of traffic in the town centre. This applies to Bacup Road, Kay Street, James Street and Bank Street. However, subject to a restriction on loading on these streets between the hours of 7am to 9am and 4pm to 6pm there is no highway objection regarding delivery and services.
- 8.11.7 I have received an objection from the neighbouring funeral directors stating that large delivery vehicles may obstruct their entrance. The proposal includes a dedicated service yard to the rear of the scheme in the same position as the existing service area. Informal car parking currently takes place on the existing service area due to the decline of uses within the Valley Centre. The new proposal would include gates to keep the servicing area free for the purpose of servicing the new centre. I consider that this and the inclusion of the loading restrictions highlighted by the County Highway engineer is sufficient to ensure that large delivery vehicles are accommodated within the scheme.

#### Access

- 8.11.8 Pedestrian routes are provided through the site and are centred on the pedestrianised area in the centre of the development. The main access routes are from Bank Street via the Mall, from Kay Street via North Street or Annie Street and from Bacup Road via Lord Street. Moreover, the S278 works required (set out above in LCC Consultation response) are specific to providing improved facilities for pedestrian and cyclist movement around the town centre.
- 8.11.9 The AAP states that improvement along Bacup Road "*provides for improved pedestrian crossing facilities...although it will remain open to two way through traffic*" (p.22). This is one of the requirements of the list of S278 works which

will secure the provision of a crossing point between the site and the Bus Station.

### Travel Plan

8.11.10 The applicant has indicated that a travel plan would be provided as part of the S106 agreement. This is supported by County Highways.

8.11.11 Subject to the provision of conditions and appropriate legal agreements I have no highway objection to the scheme.

### Short stay parking Kay Street

8.11.12 Lancashire County Council have requested the making of a Traffic Regulation Order (TRO) to make all Kay Street a short stay "interceptor" car park. At present the car park is split approximately half 'short stay' and half 'long stay'. Lancashire County Council has asked that their comments be considered an objection should the whole of the Kay Street car park not be changed to short stay. Members will note that point 6 of LCC's response is that a TRO is created at James Street to ensure that the junction is restricted to left turns in and left turns out only. I am advised that this is necessary to ensure that a 'platooning effect' (cars queuing on the highway and the knock on effect of which on neighbouring junctions) does not unduly impact on the ability of the gyratory to keep traffic flowing.

8.11.13 As a result of this 'left in left out' it is acknowledged that vehicles using the Valley Centre from the direction of Bacup would have to use an alternative route of Kay Street, Bank Street, St. Mary's Way and Bacup Road in order to access the proposed development. This would result in additional traffic movement around the gyratory. As such, LCC Highways have requested that the Kay Street car park be changed to a 'short stay only' car park so that cars effectively do not have to 'go around'.

8.11.14 However, I am mindful of alternative routes which could enable cars travelling from the Bacup direction to access the Valley Centre even with the inclusion of the 'left in left out', that being Bocholt Way as the bypass and relief road for Bacup Road.

8.11.15 The change of the car park to short stay only would require a formal TRO or a 'Grampian' condition (a negative condition outside of the control of the applicant). The preparation of the TRO or formal discharge of any condition would require a separate process where the views of the public would have to be taken into account as to the appropriateness of such an order. I am informed that this process could take between 12 and 18 months to complete. Such a delay would seriously restrict the implementation of development.

8.11.16 Therefore, should members be minded to approve the application I would advise that the section 278 excludes the requirement to provide Kay Street as an interceptor car park (i.e. short stay only) given that the process necessary would result in serious delays to the implementation of the development, the viability of the scheme and therefore the regenerative benefits to the Borough

as a whole. However, members may wish to consider the requirement to process a Traffic Regulation Order in the section 106 agreement.

## **8.12 Trees, Landscaping and Public Realm**

- 8.12.1 There are a number of trees which would be affected by this development. A number of Silver Birch trees located within the central area of the Valley Centre would be removed and several (mainly sycamores) would also need to be removed adjacent to the entrance of the One Stop Shop. None of the trees are protected by a tree preservation order (TPO).
- 8.12.2 The submitted Design and Access Statement and visuals demonstrated the applicant's commitment to a high quality public realm. Moreover, the applicant has also provided a statement which provides details of the range and palette of materials which would be included in the public realm. I am satisfied that the applicant has demonstrated how this public realm can work within the context of this proposal and Conservation Area. I have attached a condition requiring details landscaping (both hard and soft landscaping and public realm works) to be submitted to and approved by the Local Planning Authority. However, it is clear that the materials in this area should be of the highest quality to complete the overall proposal within this important Conservation Area. The applicant has confirmed that a palette of the types of finishes, planting and furniture will be made available to the committee. The Landscape framework will be secured via condition which will also include the requirement for detailed levels around the detached central cafe building.
- 8.12.3 Furthermore, by way of a S106 agreement, the development would contribute towards the provision of public art and open space. The detail of which is discussed later in this report.
- 8.12.4 Therefore, I consider that with the inclusion of conditions, the setting around the proposal and new 'café quarter' would be an attractive public realm to the benefit of the Conservation Area, listed buildings and residents of the borough. Therefore, I consider that the proposals would accord with the development with regard landscaping.

## **8.13 Planning Obligations & Viability**

- 8.13.1 The Policy Paper on Planning Obligations puts forward principles, methods and good practice with the aim of developing a consistent and robust approach to planning obligations. The paper was adopted by this Council in December 2006.
- 8.13.2 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.
- 8.13.3 The aims of this guidance are to:
- Provide a clear framework for local planning authorities preparing LDF policies and developing a plan-led approach;





8.13.9 Further to the total S106 contributions of £955,000 set out above the developer will also fund S278 works set out in paragraph 6.2. It is estimated that these works would cost £350,000. Should the S278 works be less than the amount set out above then any additional monies would be added to the S106 amount required.

8.13.10 Therefore, in this particular case and considering the need to deliver a viable scheme in this part of the Borough, I am satisfied that the amount of commuted sum secured through this planning proposal would accord with the requirements of circular 05/05 and with the Planning Obligations Paper approved by this Council. Moreover, I consider that the total contribution is reasonable in this instance to mitigate the impact of the development.

#### **8.14 Sustainability**

8.14.1 The applicant has provided a sustainability statement to accompany the application. The information confirms that the residential element of the scheme has been provisionally assessed and is capable of achieving a good Ecohomes rating. Two further points would provide a very good rating. The retail units would provide a pass rating.

8.14.2 The applicant has also confirmed that the provision of 10% of energy from a renewable source for non-residential buildings is covered under Part L2A of the Building Regulations. The sustainability statement also considers that use of renewable energy but states that budgetary constraints as such that these will have to be considered in the future if funding is available. Nevertheless, for consistency a condition is attached requiring that 10% of the building's energy usage be either powered from renewable energy sources or the building's power consumption be reduced by 10% through energy efficiency measures, or a mixture of the two. I consider that this can be achieved without harming the character or appearance of the conservation area.

#### **8.15 Public Involvement**

8.15.1 The planning application has been made following a long consultation and involvement process in accordance with the Council's Statement of Community Involvement. A summary of which is set out below:

- Development Team Meetings (Rossendale Borough Council)
- Public Exhibition (August 2006)
- Presentation to and feedback from Commission for Architecture and the Built Environment (Oct 2006)
- Public Exhibition (February 2007)
- Statutory consultee consultation (February / March 2007)
- Council's Statutory Process of Press advertisements, site notices and neighbour letters undertaken (May/June and November 2007)
- Letter drop of 918 letters
- Drop in sessions November 2007

8.15.2 The Applicants undertook consultation with a number of statutory consultees prior to submitting the planning application. The Applicants reported that the

feedback given at the February 2007 exhibition showed that 78% of respondents felt that the project had improved from the August 2006 proposals, and overall 73% either strongly supported or generally supported the project.

## **8.16 Response to Residents' Letters of Objection**

- 8.16.1 Design - the appearance of the development is considered to be locally distinctive by the use of natural stone and natural slate and can therefore accommodate a modern design. The proposal is considered to be appropriate and sympathetic to its surroundings and to make an appropriate balance between the heritage of the area and the current requirements of a mixed-use town centre development. The height of the tallest section of the development would be viewed against the backdrop of the town; from within the town centre there would be a limited number of vantage points where this section would be visible whilst from a distance the section would be considered as not prominent. The development would not have a detrimental impact on the landscape character of the Borough.
- 8.16.2 The level of detail on the building is considered appropriate and if highly adorned could give the appearance of pastiche or could compete with the historic buildings, neither of which would be desirable. Durability of materials is not normally a material planning consideration, however, the building's layout would be sufficiently flexible to allow re-use in the future, in this way built-in redundancy would be avoided.
- 8.16.3 The design of the proposal is considered to be an improvement on the current building and would not re-enact the mistakes of the past. The scheme accords with the increased densities promoted by planning policy within highly accessible, town centre locations.
- 8.16.4 Retail – the drive towards sustainable communities supported through planning policy promotes reducing the need to travel and as such providing a wider choice of retail opportunities can reduce the need for Borough residents to travel out of the Borough to shop. The retail impact assessment is considered to be accurate and does not suggest that the level of retail space proposed cannot be sustained – not least since there is a significant loss of retail spend leakage to adjoining Boroughs. It is not the role of the planning system to restrict competition and therefore the types and size of units together with whether they are undercover or not, or the Town Centre brand cannot be dictated.
- 8.16.5 Sustainability – the scheme's viability could be affected by the imposition of overly onerous requirements to be an exemplar sustainable development. Nevertheless, a condition has been imposed requiring a proportion of the development's energy requirement to come from renewable energy sources or to be saved through energy efficiency measures.
- 8.16.6 Parking, Taxi's and Traffic – parking has been built into the scheme and the amount of taxi parking will remain unaffected by the development proposals.

The impact of the proposal on traffic volumes on the M66 is considered to be minimal and would not form a reason for refusal.

8.16.7 Security – the development would be making a financial contribution towards the installation of CCTV in the Town Centre to improve security within and outside the development.

8.16.8 Of the remaining issues which are material planning considerations and are not addressed by the preceding report or this section, there are no considerations of sufficient weight to outweigh the recommendation for approval.

### **8.17 Other Issues**

8.17.1 The applicant has provided a bat survey. The report concludes that no evidence of bats was found either within the buildings or trees during site visits.

8.17.2 I have also received an objection in relation to the provision of taxis. Members will be aware that there is an existing taxi rank on Kay Street. However, I understand that there are some difficulties surrounding the enforcement of the public parking in the area. It is likely that further Traffic Regulation Orders (TRO) would be necessary in the future to ensure the free flow of traffic. I have attached a condition requiring the servicing and management of the centre to be submitted and approved. Any measures to restrict waiting around the site could include an appropriate TRO in relation to the taxi rank.

## **9. HUMAN RIGHTS**

9.1 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.

## **10. CONCLUSION**

10.1 I am satisfied that the scheme will represent a significant regeneration project to the benefit of the Rawtenstall and the wider Borough. I am satisfied that the proposal would result in a positive impact upon the Conservation Area. I am also satisfied that the level of on site parking is acceptable and that the development 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.

10.2 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 5,726 square metres and when combined with the approvals for retail approvals at Bolcholt Way, New Hall Hey, and in Burnley and Bury, it would exceed the relevant threshold

## **11. RECOMMENDATION(S)**

(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 Executive Director of Regulatory 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 £950,000 to the Council in accordance with the areas set out in the table accompanying this report; also the processing of a Traffic Regulation Order for Kay Street car park as an interceptor car park.
- 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 the applicant enters into a S278 agreement to secure the highway works set out in paragraph 6.2 of this report (excluding TRO for Kay Street to be designated an interceptor car park).
- V. That authority be given to refuse the application if the applicant fails to complete the S106 and S278 agreement within a 12 month period (from the date of this committee) on the grounds that the proposals do not support the aim and objectives of PPS1 Delivering Sustainable Development PPS3 Housing or provide for adequate highway safety.

## **12. REASONS FOR APPROVAL**

The decision to grant planning permission has been taken having regard to the policies and proposals in Regional Spatial Strategy, Joint Lancashire Structure Plan 2001-2016 and the Rossendale District Local Plan set out below, and to

all relevant material considerations, including Supplementary Planning Guidance. There are no other material planning considerations that outweigh this finding:

Rossendale District Local Plan (Adopted 1995)

DS1	-	Urban Boundary
E12	-	Noise Attenuation
HP1	-	Conservation Areas
HP2	-	Listed Buildings
DC1	-	Development Control

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1	-	General Policy
Policy 2	-	Main Development Locations
Policy 7	-	Parking
Policy 16	-	Retail, Entertainment & Leisure Development
Policy 21	-	Lancashire's Natural & Man-Made Heritage

**Other Material Planning Considerations**

PPS1	-	Sustainable Development
PPS3	-	Housing
PPS6	-	Town Centres
PPG13	-	Transport
PPG15	-	Historic Environment
PPG16	-	Archaeology and Planning
PPG17	-	Planning for Open Space, Sport and Recreation
PPS23	-	Planning and Pollution Control
PPG24	-	Noise
PPS25	-	Flood Risk

**13. CONDITIONS**

**Time Condition**

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).

**Construction issues**

2. The hours of demolition for the existing buildings on site to be removed and the hours for the construction of the development hereby approved shall be limited to 07:00 to 19:00 Monday to Friday and 8am-1pm Saturdays. Demolition or construction work shall be carried out at no other time.

**Reason:** In the interests of the residential amenities of the occupiers of adjoining properties

3. No development authorised by this permission shall take place unless and until the local planning authority has received and approved in writing a site

operating statement in relation to provision of method of demolition, construction, permitted hours for construction works, delivery of materials and delivery and collection of equipment, provision and use of on-site parking for contractors' and workpeople's vehicles, wheelwashing facilities, street sweeping and no development or activities related or incidental thereto shall take place on the site in contravention of such site operating statement.

**Reason:** In order to safeguard highway safety in accordance with policy DC1 of the Rossendale District Local Plan.

#### Phasing Condition

4. Prior to the commencement of development a phasing plan shall be submitted for the approval of the Local Planning Authority. Implementation of the development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the amenity of the area and Conservation Area in accordance with policies HP.1 and DC1 of the Rossendale Local Plan.

#### **Residential Amenity Issues**

##### Implementation of acoustic report

5. The construction of the development hereby approved shall incorporate the implications and recommendations set out within section 5.4 of the Hoare Lea acoustic report which accompanied the application unless otherwise agreed in writing.

**Reason:** To safeguard the amenity of the future occupants of the development in accordance with policy DC1 Rossendale District Local Plan.

##### Restriction of A5 floorspace

6. The net amount of floorspace within the development hereby approved falling within Class A5 of the Use Classes Order 1987 (as amended) shall not exceed 250 square metres, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the amenity of the future occupants of the development in accordance with policy DC1 Rossendale District Local Plan.

7. Opening Hours –

The opening hours of the units within the development falling into Class A of the Use Classes Order 1987 (as amended), shall be limited to 08:00 to 23:00 Sunday – Saturday.

**Reason:** To safeguard the amenity of residents in accordance with policy DC1 Rossendale District Local Plan.

##### Site investigation

8. 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.

#### Lighting scheme

9. Within 6 months of the commencement of each phase 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.

#### Air Quality

10. Prior to the commencement of development on site the applicant shall submit to the Local Planning Authority for their approval, an air quality assessment which provides the following information:-

- A description of the methodology used
- Evidence of model performance or validation results
- Details of any extra emissions calculations
- Input data sources
- Assessment against relevant air quality objectives
- Model output data on maps
- Discussion of results
- Determination of significance
- Conclusions

11. The applicant shall also agree with the LPA any appropriate mitigation measures. The approved scheme and mitigation measures shall be implemented within 12 months of the first part of the development hereby approved being occupied and where appropriate thereafter maintained.

**Reason:** To improve the air quality along Bacup Road and the health of Borough Residents.

12. Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, details of ventilation and extraction for retail units and car park. The approved scheme shall be implemented prior to the units first being occupied and shall thereafter be maintained.

**Reason:** In the interests of visual and residential amenity pursuant to policy DC1 of the Rossendale District Local Plan.

### **Highways and Transport Issues**

13. Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, a scheme for the construction of the site access and the off-site highway improvement works. The development shall be constructed in accordance with the approved scheme and thereafter be maintained.

**Reason:** In order to safeguard highway safety in accordance with policy DC1 of the Rossendale District Local Plan.

14. No part of the development hereby approved shall be occupied until the approved scheme referred in the condition above has been implemented.

**Reason:** In order to safeguard highway safety in accordance with policy DC1 of the Rossendale District Local Plan.

15. Prior to the first occupation of the development hereby approved, a travel plan shall be submitted by the applicant/developer/owner or successor in title of the land edged red to be approved by the Local Planning Authority. The approved scheme shall be implemented on the development first being occupied and shall thereafter be audited and updated on a 6-monthly basis to be agreed with the Local Planning Authority.

**Reason:** To promote sustainable travel patterns in the interests of sustainability pursuant to PPG13 – Transport.

16. Prior to the commencement of development on site, the applicant/developer/successor in title shall submit a Highways Construction Plan detailing methods of construction and temporary road closures to the Local Planning Authority. The approved plan shall be implemented in accordance with the approved timetable and where appropriate thereafter maintained.

**Reason:** In the interests of Highway safety pursuant to policy DC1 – Development Criteria of the Rossendale District Local Plan.

### Need for Car Park to be provided

17. No part of this development shall be occupied unless and until its associated car parking/servicing provision has been completed and made available for use. The car parking provision shall be retained and kept available for use as such in perpetuity.

**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 – Development Criteria of the Rossendale District Local Plan

Car Park Management Plan

18. Prior to first use of the car park hereby approved a Car Park Management Plan including the operation and charging for the car park together with security measures, shall be submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The car park shall be operated in accordance with the approved Plan at all times unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure adequate car parking provision off-street and in the interests of highway safety pursuant to Policies DC1 – Development Criteria,

Cycle Stores

19. Prior to the commencement of development on site, details of the location, design and construction of cycle stores shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle stores shall thereafter be constructed and made available for use before the development is brought into use and shall thereafter be maintained.

**Reason:** To ensure adequate cycle provision as an alternative means of transport to the private car pursuant to PPG13 – Transport.

Servicing

20. Access and egress for delivery vehicles accessing commercial premises is prohibited outside the following hours;

Monday to Friday      07:30 to 19:30

Saturdays              08:00 to 17:00

**Reason:** In the interests of residential amenity pursuant to policy DC1 – Development Criteria of the Rossendale District Local Plan.

Servicing

21. Prior to the development hereby approved first being occupied a scheme/ plan detailing the servicing strategy shall be submitted to and approved by the Local Planning Authority. The strategy shall be implemented prior to first occupation of the development hereby approved and shall thereafter be maintained.

**Reason:** In the interests of residential amenity and highway safety pursuant to policy DC1 – Development Criteria of the Rossendale District Local Plan.

**General Conditions**

Materials

22. Notwithstanding what is shown on the submitted drawings, the development shall not be commenced until full details (including representative samples and where required sampled panels constructed on site) of the external materials of construction to be used in the construction for the development (including any roller shutters), and for any means of enclosure forming part of the development hereby approved, 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

Landscaping

23. No development shall take place until there has been submitted to and approved by the Local Planning Authority a detailed scheme of landscaping pursuant to and consistent with the submitted landscape framework. The scheme shall show existing trees and hedgerows on/bounding the site, detail of any to be retained and the measures for their protection in the course of development, together with details of the replacement 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

24. Prior to the commencement of development on site, details of all the materials to be used for all the hard-surfaced external areas, together with free standing signs, bollards, benches, litter bins, boundary treatment or other street furniture to be provided as well as levels within the public realm shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and thereafter maintained.

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

CCTV

25. 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

Surface water

26. Prior to the commencement of development on site, a scheme for the provision of surface water drainage works shall be submitted to and approved by the Local Planning Authority. The development hereby approved shall be constructed in accordance with the approved scheme and thereafter maintained.

**Reason:** To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with PPS 25 – Flood Risk.

### Approved Plans

27. The development shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority:

G2088 (05) 100 E Ground Floor Plan  
G2088 (05) 101 C 1st floor  
G2088 (05) 102 A 2nd floor  
G2088 (05) 103 A 3rd floor  
G2088 (05) 104 4th floor  
G2088 (05) 105 5th floor  
G2088 (05) 106 6th floor

G2088 (05) 120 B Elevations 1-3  
G2088 (05) 121 B Elevations 4-6  
G2088 (05) 122 B Elevations 7-9  
G2088 (05) 124 Ramp Detail  
G2088 (05) 125 Additional Elevations

G2088 (05) 130 Location Plan Existing  
G2088 (05) 131 Demolition Plan  
G2088 (05) 132 A Proposed Location Plan

G2088 (05) 142 Site Survey  
G2088 (05) 143 Existing Elevations  
G2088 (05) 144 Demolition Plan for Con Application

**Reason:** For the avoidance of doubt

### Public Art

28. 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.

### Archaeology

29. Prior to the commencement of demolition on site, the applicant, developer or their agent or their successors in title, shall submit to the Local Planning Authority for their approval, a scheme detailing the programme of building recording works. The programme of building recording works shall be implemented prior to the demolition of the buildings on site in accordance with the details approved by and to the written satisfaction of the Local Planning Authority.

**Reason:** To ensure and safeguard the recording and inspection of matters of archaeological/ historical importance associated with the buildings and wider site pursuant to Policy 21 Lancashire's Natural and Manmade Heritage of the Joint Lancashire Structure Plan.

30. Prior to the commencement of demolition on site, the applicant, developer or their agent or their successors in title, shall submit to the Local Planning Authority for their approval, a programme of archaeological works for the

investigation of the site and watching brief during demolition and construction. The programme of archaeological works shall be implemented prior to and during the demolition of the buildings on site and the construction of the development hereby approved, in accordance with the details approved by and to the satisfaction of the Local Planning Authority.

**Reason:** To ensure and safeguard the recording and inspection of matters of archaeological/ historical importance associated with the buildings and wider site pursuant to Policy 21 Lancashire's Natural and Manmade Heritage of the Joint Lancashire Structure Plan.

Bin storage and waste management

31. Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, details of bin storage and a Waste Management Strategy. The approved details and Waste Management Strategy shall be implemented prior to the first occupation of the development hereby approved and thereafter maintained.

**Reason:** To provide adequate waste storage and collection in the interests of public health; and visual and residential amenity pursuant to policy DC 1 – Development Criteria of the Rossendale District Local Plan.

Bats

32. Prior to the commencement of demolition on site, the buildings to be demolished shall be re-surveyed for the presence of bats, owls or other protected species and recommendations for mitigation measures made by a suitably qualified person, the identity of whom has been agreed in writing by the Local Planning Authority. The survey shall be submitted to and agreed by the Local Planning Authority prior to the commencement of development on site and any mitigation measures shall be carried out prior to and during construction. If bats, owls or other protected species are found within the buildings to be demolished, an application for a Licence should be made to the Department of the Environment, Food and Rural Affairs for the demolition to occur shall be made and the procedures agreed within that application by DEFRA shall be implemented if the demolition of the building is permitted.

**Reason:** In order to ensure that no harm is caused to a Protected Species in accordance with the Wildlife and Countryside Act 1981.

33. Sustainability

Prior to the commencement of demolition on site, a scheme detailing the re-use of materials and aggregates from the site in the construction of the development hereby approved shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme which shall be implemented prior to and during the demolition and construction phases.

**Reason:** To conserve non-renewable resources in the interests of sustainability.

Renewable Energy and Energy Efficiency

34. Prior to the commencement of development on site, the applicant shall submit a scheme/timetable detailing the facilities to be provided within the development to provide for 10% of total energy usage from renewable sources or a 10% reduction in energy usage through efficiency measures; or a combination of the

two. The renewable energy facilities shall be implemented in accordance with approved scheme/timetable prior to the first occupation of the development hereby approved and shall thereafter be maintained.

**Reason:** In order to encourage the use of renewable energy sources, in accordance with the aims and objectives of PPS1 and PPS22 and Policy 1 of the adopted Joint Lancashire Structure Plan.

Re-use of features

35. Prior to the commencement of demolition on site, the applicant shall submit to the Local Planning Authority for their approval, a scheme detailing the re-use of the gate posts and doorframe from the Town Hall extension. The scheme shall be implemented prior to the development hereby approved first being occupied and shall thereafter be maintained, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of preserving features of historic and local architectural interest pursuant to Policy 21 – Lancashire’s Natural and Manmade Heritage of the Joint Lancashire Structure Plan.

**13. Informatives**

- 1 The applicant is advised that the requirements of all the conditions precedent must be satisfied prior to the commencement of the development. Failure to satisfy the conditions precedent renders all development unauthorised and unlawful and appropriate action may be taken by the Council.
- 2 The applicant’s attention is drawn to the advice contained in the letter of United Utilities dated 21<sup>st</sup> June 2007
- 3 The applicant’s attention is drawn to the advice contained in the letter of Natural England dated 12<sup>th</sup> June 2007
- 4 The grant of planning permission does not entitle the developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant is therefore advised that the underpass infilling and closures required with the Town Centre will require a S116 Highway Closure.
- 5 The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated to this proposal. Provision of the highway works

includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Executive Director of Environment at PO Box 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.

<b>Contact Officer</b>	
Name	Adrian Harding
Position	Acting Development Control Team Manager
Service / Team	Development Control
Telephone	01706 238646
Email address	adrianharding@rossendalebc.gov.uk