

LATE ITEMS REPORT

FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 6TH FEBRUARY 2008

B1a – 2007/317 :

A further drop-in session to view and make comments on the proposals was held on the morning of Friday 1st February 2008. The following comments have been received:

- ELSUN and East Lancashire Community Engagement Officer requested that consideration be given to “Changing Places Toilets” within the centre – essentially standard disabled toilets do not cater for the needs of a large number of people with profound and multiple learning disabilities who require additional facilities such as a hoist and changing bench.
- A resident requested that the building be fitted with automatic doors to assist wheelchair users and others entering units within the development; that building regulation requirements for disabled toilets are not good enough as they do not allow wheelchair users a turning circle to leave in a forward motion; disabled access ramps should not be segregated from other entrances to units and should be in keeping with the rest of the development
- Another resident raised concern over the deliverability of the scheme and that it should not look like the Asda on the opposite side of St. Mary’s Way

Rawtenstall Chamber of Commerce have submitted a letter dated 31st January 2008 raising the following points relevant to the planning application:

- That the application should not be considered until the s106 agreement has been signed
- Has the developer had detailed discussions with all the owners of the site?
- Have the necessary ownership certificates been served?
- 12 months is too long to finalise the legal agreement
- That more money should go to CCTV coverage (£75,000) and less to public art (£25,000)
- That Kay Street car park remain 50% long stay and 50% short stay
- Why has affordable housing not been provided on site
- Why are more residential units being proposed than identified in the Rawtenstall AAP in a time of housing over-supply?
- That the number of car parking spaces would be inadequate

- The housing market in Rawtenstall would be flooded with unsellable properties
- There is no demand for café's with outside seating areas
- Deliverability is a key consideration for the Committee
- That the development be made to be brought forward in a specified time period

In the letter the Chamber of Trade raise a number of points relating to issues outside of the consideration of the planning application.

A lobbying letter sent to Councillors letter from Rawtenstall Chamber of Trade dated 2nd February 2008 raising the following points:

- Big scheme in a small town.
- Retailer demand – We suspect current demand is pretty minimal.
- Just how many national multiples are going to come to Rawtenstall in the current economic climate?
- Are those that do come going to pay sufficient enough rents to make this scheme viable?
- Servicing arrangements are woefully inadequate for a scheme of this size. The main service yard shares the access to the car park. The units on Bacup Road and Kay Street are serviced off the road. On Bacup Road this will conflict with the bus interchange - a recipe for problems. This will put off retailers.
- CPO - several third parties own the freehold of part of the site, mainly in the service yard. No court would confirm a CPO on these parcels of land. They are not "showstoppers" to the scheme. The scheme should never have included these areas. Any objections to the CPO and the scheme will have to be redrawn and planning amended, which will cost time, money and will undoubtedly reduce the value of the scheme.
- The multi-storey car park is a very expensive way to provide car parking. How many towns of the size of Rawtenstall can support a multi-storey car park?
- The residential content and the way it is integrated into the scheme is flawed and will lead to future problems. Look at the Valley Centre now and its only 40 years old. Imagine trying to redevelop when there are over 100 long leaseholders living over the shop!
- The residential market is currently in very slow. The "buy to let" apartment market in Rawtenstall town centre is weak.

- Investment yields have moved out significantly recently. This will have affected the returns that Ashbourne were expecting.
- The credit crunch will affect significantly the ability to fund secondary schemes in weak town such as this. The officers will argue that none of the above are relevant and were this an anonymous tin box on the outskirts very true.
- But this is our town centre, we need to be certain, Councillor it is up to you.

The applicant, Ashbourne Property Fund Managers Ltd, has made the following statement in relation to the proposed redevelopment scheme:

AshCap LLP is a joint venture between Ashbourne Property No.2 Ltd and Revcap. Ashbourne Property Fund Managers Ltd administer AP No.2's extensive property interests in the UK including the assets held within their joint ventures.

The principals behind AshCap and its two partners have extensive and varied development experience throughout the UK in the retail, residential and commercial sectors and are putting a first rate team of consultants together for this project.

I am afraid that today, towns such as Rawtenstall, as attractive as they are, do not appear on the radar of the UK's biggest and best known developers eg Land Securities, Lend Lease, Capital & Counties etc. but what we may lack in size or profile, we make up for in commitment and deliverability.

Officers' Response.

In response to the comments made by Rossendale Civic Trust (paragraph 6.2, p12 of the main report) the Forward Planning team comment:

Considerable consultation has been undertaken on the Rawtenstall Area Action Plan (AAP) in line with the statutory requirements of the Planning and Compulsory Purchase Act of 2004, the related Regulations and the Council's Statement of Community Involvement. To date there have been three rounds of consultation on proposed options for Rawtenstall. Initial consultation took place on an Issues and Options Report in February and March 2004, followed by consultation on a Preferred Options Report in September 2005. New traffic information, however, became available which had a significant impact on the Preferred Option identified and it was decided that a Revised Preferred Option should be made available for

public consultation, which took place in April and May 2006, following Cabinet approval granted on 29th March 2006. In addition the Council was advised by GONW to produce an Addendum Report for both this AAP and the Core Strategy, approved by Cabinet on 2nd August 2006, to provide clarification of the procedures with regards to progressing the Core Strategy and Rawtenstall AAP, rather than creating new policy.

Consultation at all stages was undertaken with all key stakeholders and statutory consultees.

Work is currently ongoing with the Submission Draft of this AAP. However, advice received from Government Office for the North West (GONW) and the Planning Inspectorate (PINS) suggests that the Council should not submit the AAP for examination until after submission of the Core Strategy, which has a more strategic and over-arching function. In doing so the Council would risk the Rawtenstall AAP being found to be unsound and not adopted.

In response to the Chamber of Trade's comments:

- We cannot legally impose conditions which state when the development must start - we can say by condition that the development shall commence within 3 years.
- Issues on start dates and completion times are outside the scope of the decision before the DC Committee
- s106 agreements cannot be signed off before the meeting to do so would pre judge members decisions . The agreement is agreed as outlined within the report however the Committee may decide to vary the contributions and have this discretion . We have treated this application as we would any other application .The time limit suggested has been imposed on other applications.
- The contributions suggested are for consideration by members.
- In terms of viability of the scheme the number of residential units proposed assists the viability of the scheme . To reduce the number would affect viability.
- The Council is not being inconsistent - off site contributions are acceptable and we have applied the LCC planning obligations formula.
- We are satisfied that all the necessary notification requirements have been complied with.
- There would be a total of 369 parking spaces created. The 116 residential units would have 139 car parking spaces allocated to them in addition to cycle parking.

- The issue of the short stay car park at Kay Street is a matter for members to consider.

Certificates.

The applicant has submitted Certificate C with attached schedule of owners on whom Notice was served. The associated advertisement was placed in the 23rd March edition of the Lancashire Telegraph. The application was accompanied by a signed agricultural holdings certificate.

The applicant re-issued Certificate C in July as no date had been entered on the form.

In addition the applicant has submitted details of tenant who had more than 7 years to run on their lease who occupied units within the Valley Centre and on whom notice was served.

Information submitted with the application.

The applicant submitted a contaminated land survey with the application.

Ventilation – the applicant has confirmed previously that the ventilation system for the car park and A3/A4/A5 units would be accommodated within the building and would not project above the highest part of the roof.

A framework travel plan has been submitted by the applicant's highway engineers and will be secured via the section 106 agreement together with its ongoing maintenance.

Conditions.

The applicant has indicated that they would not be willing to be bound by conditions requiring them to complete the development within a certain timeframe and highlight that the validity of such a condition would be questionable in the light of central government advice. Nor would the applicant be willing to be bound a condition requiring a Combined Heat and Power plant within the site.

An additional condition is recommended to be attached regarding the protection of the Town Hall façade to be retained:

36. Prior to the commencement of demolition on site, the applicant, developer or their agent, or the successors in title, shall submit to the Local Planning Authority for its written approval, a scheme detailing the method of protection and support to the retained town hall facades, the works to be implemented prior to or during demolition works. Once approved, the works shall be implemented

in accordance with the scheme, unless otherwise agreed in writing by the Local Planning Authority. Any collapse of or damage to the retained town hall facades resulting from or during the period of the demolition or development works shall be rebuilt, repaired or made good to the satisfaction of the Local Planning Authority.

Investment and Jobs

The amount of private investment and jobs likely to be created as a result of the scheme may be of interest to Members. The proposal if implemented would bring £30m of private sector investment into the Borough and it is estimated would create over 300 jobs (based on government agency English Partnership's Employment/Floorspace ratios).

Those issues raised by the late responses above but not addressed directly, are considered to have been addressed by the main report previously.

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Conditions re: protection to building during construction and others from KP's and MN's emails.

Condition 2 should now read:

Prior to the commencement of demolition on site, the applicant shall submit a signed contract for the redevelopment works approved under application 2007/317, and a timetable for the completion of the demolition works, to the Local Planning Authority for their approval in writing. The demolition works shall not be commenced until planning permission under 2007/317 have been granted planning permission and shall be carried out in accordance with the agreed timetable and shall only be implemented in accordance with application 2007/317.

The applicant originally submitted Certificate C with the Conservation Area Consent Application. However, as the owners of the land within the site were known, the applicant re-issued a Certificate B in July 2007.

ADRIAN HARDING
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06/02/08