

**Application No:** 2011/581

**Application Type:** FULL

**Proposal:** Demolition of existing Valley Centre Shopping Precinct, including Astoria Hall to be replaced with an interim development comprising a public realm and event space

**Location:** Valley Centre & Astoria Hall, Rawtenstall

**Report of:** Planning Unit Manager

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 11 January 2012

<b>Applicant:</b>	Rossendale Borough Council	<b>Determination Expiry Date:</b>	18 January 2012
<b>Agent:</b>			

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**REASON FOR REPORTING** **Tick Box**  
**Outside Officer Scheme of Delegation**

**Member Call-In**  
Name of Member:  
Reason for Call-In:

**3 or More Objections received** **YES**

**Other (please state) .....** **Council Owned Land**

**HUMAN RIGHTS**

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

**Article 8**

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

**Article 1 of Protocol 1**

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

<b>RECOMMENDATION(S)</b>
Approval, subject to the conditions detailed in Section 9 of the report.

## **APPLICATION DETAILS**

### **1. The Site**

This report needs to be read in conjunction with the report in respect of Application 2011/570, relating to the same site.

The site has an area of approximately 0.5ha and is located at the heart of Rawtenstall Town Centre and its Conservation Area. It is broadly rectangular in shape, embracing the land occupied by The Valley Centre, but also includes the Public Toilet block towards James Street and the walls flanking it. Thus, the site is bounded to the NW by Bank Street, to the NE by Kay Street, to the SE by North Street and to the SW by the HSBC Bank & James Street service yard.

The buildings on the site are now vacant and boarded-up. Although many of the units have been empty for many years, the last of the units was vacated in Spring 2011. Constructed in the late 1960's, the buildings are of a design/facing materials reflective of that time. They are of flat-roofed construction, the elevation facing towards Bank Street for the most part of 2-storeys (comparable in height to the attached stone-fronted HSBC Bank building) and faced in stone with shop-windows at ground level and projecting box-windows above. Towards the Bank Street/Kay Street corner the building is also stone-faced although it drops to 1-storey in height, a public house once occupying the unit here. Further down Kay Street, beyond a small service yard, the building is of 2-storeys in height, whilst that building facing North Street (and which accommodated Astoria Hall) appears of 3-storeys in height. The buildings bridge over pedestrian accesses from Bank Street and North Street to a centrally-located paved square containing 4 mature Silver Birch trees and around which are arranged further shop units. Other than the elevation of the building fronting Bank Street and the corner with Kay Street, the elevations of buildings facing into and out of the site are faced with buff-coloured brick and rendered panels, the Toilet Block and its flank walls also of brick.

The surrounding land uses are typical town centre commercial uses. Bank Street is the main shopping street of Rawtenstall Town Centre, in this area comprising of shops, betting office and banks (that opposite a Grade II listed building) and occupying buildings of stone/slate construction. On the opposite side of Kay Street are an estate agent, retail unit and a postal sorting office, also occupying buildings of traditional design/facing materials. The Police Station and Council Offices are located to the south-east of the site, both of more modern design/facing materials, whilst to the other side of James Street and its service yard are a funeral directors and the rear elevation of Longholme Methodist Chapel (a Grade II listed building).

### **2. Relevant Planning History 2007/317 & 2007/322CAC**

These applications proposed the comprehensive redevelopment of the land occupied by the existing Valley Centre, the public toilets on James Street, the Town Hall extension and the Town Hall annex, entailing all the buildings within this extended red-edged site but for the facade of the Town Hall fronting Bacup Road and Lord Street.

The above applications went to a Special Meeting of the Development Control Committee on 6<sup>th</sup> February 2008 where the planning application was minded to approve subject to the satisfactory completion of a section 106. Delegated authority

was given to refuse the application if the agreement was not signed within 12 months. The application was referred to GONW under the Shopping Direction 1993.

The Conservation Area Consent was minded to approve subject to referral to GONW. The two applications went to GONW who confirmed that the Secretary of State did not wish to intervene in the determination of the applications.

### **3. The Current Proposal**

This application seeks Planning Permission for demolition of the Valley Centre and the walls flanking the WC Block, but not the WC Block itself.

Demolition of the Valley Centre will expose the full extent of the gable of the HSBC Bank to public view. At the present time part of the bank gable is viewable from Bank Street and a part viewable from the service yard to the rear, both cement-rendered. The applicant has advised as follows "*Until demolition has been undertaken it is difficult to assess the state of the wall and the remediation options, if any, that are required to the party wall*". However, on the basis of what is visible it envisages that the presently hidden part of the gable is also rendered and the Valley Centre walls butt up to it, rather than tie into it. Accordingly, it is presently proposed that following demolition an inspection of the gable will be made to determine whether it will be necessary re-render the gable in whole or part. It has served the required Notice on the Bank to meet Planning requirements and the requirements of the Party Wall Act.

This application is accompanied by a Heritage Statement which states :

- The Valley Centre buildings date from 1965-1970 and create a hostile and unattractive town centre environment that no longer meets modern commercial requirements. The buildings while contemporary in its original design has fallen into a state of decay through lack of use and poor maintenance.
- The demolition of the buildings and the interim land use would affect the setting of the Rawtenstall Conservation Area, neighbouring listed buildings, local focal points and buildings, as well as significant views and vistas. The demolition and interim land use will have a positive effect on these settings.
- This proposal will act as a catalyst to the long-term economic development of Bank Street and actively contribute to delivery on the recommendations in the Rawtenstall Town Centre Conservation Area Character Appraisal.

Following demolition of the existing buildings it is intended, as an interim development, to make the site available as a public realm and events space, having retained the majority of the flagged external areas within the Valley Centre, the 4 mature Silver Birch trees within its centrally-located square, together with various existing flights of steps, dwarf walls and their drainage system. In order that the area can function effectively as a public realm and events space it is intended to carry out further groundworks.

The Design & Access Statement accompanying the application states :

The public space created has 5 distinct areas that provide:

1. a main public square of approximately 2,570m<sup>2</sup>,
2. a community garden of approximately 1,007m<sup>2</sup>

3. soft/hard green landscape areas of approximately 1,337m<sup>2</sup>,
4. an entrance feature garden area of approximately 89m<sup>2</sup>,
5. improvements to the surrounding footpaths and access throughout the space with the remaining area of 787m<sup>2</sup>.

The layout of the public space is determined by the retention of existing landscape features and the topography of the site, which provides various levels from the highest point on the corner of Bank Street/Kay Street to the lowest point on the corner of North Street/James Street, a difference in level of approximately 3m. This change of level has encouraged design of the layout with the distinct areas referred to above.

The centre of the existing square retains its and in doing so maintains an identified character that has been enclosed and dominated by the existing surrounding buildings.

The demolition of these buildings will allow provision of a larger more open public square but with the existing soft and hard landscape features central retained, thereby creating to a more interesting and flexible spaces for the many and various public events that will be potentially held.

To the north-east corner of the site the levels are much higher but, through working with the existing levels from the corner of Bank Street/Kay Street and the existing service yard level and by re-using/refurbishing existing steps and ramps, provides a unique soft and hard landscape area for the community to evolve during the interim period and create their own community garden, which again will have an identified flexible usable open space.

The remainder of the site is then laid out to provide a “green landscape” area which will provide not only a soft boundary to the public square but retains the outline of the public realm edges. This is further enforced by the use of trees planted to provide this edge with a strong identity but maintains the openness of a public realm within the surrounding streetscape. The existing public convenience building will also benefit from this enhanced open landscape proposal and provide a more positive feature to both locals and visitors instead of being a place of concern in its current condition and obscured by the existing centre.

The scale of the proposals will have no impact to its existing surrounding, but will contribute more positively by enhancing the surrounding scale of the historical urban fabric as well as open up key focal points within the periphery of the site. In terms of new surface-finishes, the main public square will be predominantly created in a more robust tarmac finish coloured to a soft red to differentiate this area from the public footpaths. The site is to be bounded by soft landscaping with a mixture of grass/shrubs and trees to give a degree of openness within the site whilst giving its boundaries a sense of enclosure, and utilizing the natural fall in levels dropping down from the Bank St/Kay St corner. The public space will be illuminated when it is dark by column-lighting in the existing central position and around the perimeter of the site.

The pedestrian routes will be marked by the use of change in surface materials and the use of low level walls and timber posts. The existing level access will be retained between the public right of way access between Lord Street and Bank Street. Natural ramp access will be provided effectively to all the corners of the site to encourage a natural pedestrian flow into, through and out of the public space.

Vehicular access to the site will be limited to emergency vehicles and stage event vehicles, the existing ramped access off Kay Street retained but controlled by a telescopic bollard. No car parking is provided within the proposed site as there is adequate car parking facilities for the use of the new public square within the town centre.

The positive attribute to prevent criminal activities is the openness of the public space, which will provide natural surveillance throughout the entire site and also to the retained public convenience building. There will also be existing town centre CCTV present and further advice will be taken from Lancashire Constabulary for any further measures to be applied.

The application is also accompanied by a Bat Survey. It indicates that : no bats or signs of them were found; the buildings have flat roofs with minimal bat access available; & the external structure provides virtually no potential bat roosting places, except where part of the timber cladding on the exterior of the public house building has been lost. Accordingly, demolition of these buildings impacting on bats is very low, although what remains of the timber cladding on the public house building that faces Kay Street will need to be removed by hand/with care.

The Utilities Statement accompanying the application states that : the proposed interim scheme will have negligible impact on the existing utility infrastructure and limited electricity and water supply requirements of its own.

The Contaminated Land report accompanying the application states that : the buildings on the site were constructed in the 1960's and are of concrete construction, with plasterboard, brick/block and strammit board used extensively; whilst generally the demolition of the buildings will not give rise to health concerns, there are significant occurrences of asbestos-containing materials within the buildings that would first need to be removed by a contractor licensed by the HSE and working in accordance with the requirements of the Control of Asbestos Regulations 2006, etc; subsequent use of the site as a public realm and events space will present a low risk in terms of contamination as the majority of the site will be hard-surfaced and with soft-landscaped areas to be provided with a minimum 600mm clean topsoil cover.

#### **4. Policy Context**

##### **National**

- PPS1 Sustainable Development
- PPS4 Economic Growth
- PPS5 Historic Environment
- PPS9 Biodiversity & Geological Conservation
- PPG13 Transport
- PPS23 Pollution Control

PPG24 Noise  
PPS25 Flood Risk

### **Development Plan**

#### **Regional Spatial Strategy (2008)**

DP1-9 Spatial Principles  
RDF1 Spatial Priorities  
RT2 Managing Travel Demand  
RT4 Management of the Highway Network  
RT9 Walking and Cycling  
EM1 Environmental Assets  
EM2 Remediating Contaminated Land  
EM5 Integrated Water Management

#### **RBC Core Strategy DPD (2011)**

AVP4 Rawtenstall  
Policy 1 General Development Locations & Principles  
Policy 8 Transport  
Policy 9 Accessibility  
Policy 10 Provision for Employment  
Policy 11 Retail and Other Town Centre Uses.  
Policy 12 The Valley Centre  
Policy 16 Preserving & Enhancing the Built Environment  
Policy 23 Promoting High Quality Designed Spaces  
Policy 24 Planning Application Requirements

#### **Other Material Planning Considerations**

Draft National Planning Policy Framework (2011)  
LCC Historic Town Assessment Report for Rawtenstall (2006)  
RBC Rawtenstall Town Centre Conservation Area Character Appraisal (2011)  
RBC Rawtenstall Town Centre Draft Supplementary Planning Guidance (2011)  
RBC Employment Land Study by NLP (2009)

## **5. CONSULTATIONS**

### **English Heritage**

#### **Summary**

English Heritage support the conservation area consent application subject to any consent being linked by condition and/or legal agreement to an appropriate scheme of replacement development - albeit a temporary design in this case.

However, in light of the statutory duty at S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and PPS5, English Heritage advise that prior to determination further consideration should be given to the design and layout of the replacement hard and soft landscaping, in order to preserve the character and appearance of the conservation area.

#### **Advice**

The existing Valley shopping centre does not presently make a positive contribution to the character or appearance of the conservation area, as such a justification for its demolition is not required in accordance with PPS5. The removal of the Valley centre

will however remove important street edges and open up lateral views which will be of significance in the context of the wider conservation area. The definition of street edge presently existing helps to enclose space and preserve historic views along Bank St and Kay St in particular. We are presently concerned that the nature of the replacement design will not provide an appropriate urban edge to the new public square or its surrounding streets, nor that it will be of sufficient landscape quality to preserve or enhance the conservation area following the removal of the shopping centre.

PPS5 HE7.5 advises local planning authorities to take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The advice is reinforced by the statutory duty to preserve or enhance at S72 in the principle Act. HE9.5 of PPS5 advises that where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of a conservation area, including where appropriate, through the development of that element. This should be seen as part of the process of place-shaping.

In this instance the removal of the Valley Centre will reveal some poor views of modern buildings such as the police station and car parking at the rear of the site if not effectively screened by the new development; from the 3D images we are not satisfied that proposed screening will be effective nor that street edges and corners will be adequate or attractive. In our view, prior to determination, further consideration should be given to:

1. Simplifying and greening the overall design, adopting a landscape led approach to the development rather than a potentially more costly architectural solution.
2. Being bolder about clearing away the existing structure, surfaces and re-leveling the site. Will the retention of the circular feature at the centre of the space and terracing allow it to function effectively as an open event space, what activities are proposed? Is the circular feature of such significance that it warrants retention (Map 3 in the Conservation Area Appraisal does not indicate this space as being important but it does set out the site significances in respect of the Town Centre character Area 2). Would more extensive clearance of surfaces allow the space to be comprehensively designed and to function more flexibly? Would the use of more grass help to reduce costs and temporary maintenance?
3. Reinforcing the street edges and corners by utilising close centered street trees (perhaps pleached to create a crisp boundary with greater civic dignity).
4. Will the demolition expose untidy gables or reveal other structures on Bank St, is remedial treatment likely to be required?
5. Has the applicant considered how the temporary square will harmonise with the area around the one stop shop in order to create a unified piece of public realm?

Finally, English Heritage would expect the local planning authority not to permit new

development without taking all reasonable steps to ensure that the new development will proceed after demolition has occurred by imposing appropriate planning conditions or securing obligations by agreement.

#### Recommendation

English Heritage supports the demolition of the Valley Centre, subject to appropriate linking condition and/or legal agreement to secure the implementation of an appropriate scheme of replacement development. However, it objects to the replacement design in its present form for the reasons set out above.

#### LCC Archaeology

The application raises no significant archaeological implications.

#### LCC Highways

No objection.

It requests that the scheme of interim development be amended to ensure boundary walls adjacent to the walkway leading onto Lord St/North St be lowered to 0.9m in height to allow improved visibility for pedestrians, particularly children.

Carriageways and footways will need to be temporarily closed on part of Lord Street and part of North Street, and a footway on part of Bank Street and Kay Street will need to be temporarily closed to pedestrians. It would wish the Bank Street elevation of the Valley Centre demolished early in the programme to ensure that the bus stops here are re-located for the shortest possible time.

#### Environment Agency

No comments to make as the application is considered to be low risk in terms of flood issues.

#### Electricity NorthWest

No objection, but the applicant must ensure the development does not encroach upon its land or any ancillary rights of access or cable easements, and undertake the development in a manner that protects both electrical apparatus and personnel at all times.

#### United Utilities

No objection.

Level of cover over water mains and sewers must not be compromised either during or after construction.

## **6. REPRESENTATIONS**

To accord with the General Development Procedure Order a press notice was published on 25/11/11, site notices were posted on 28/11/11 and the relevant neighbours were notified by letter on 23/11/11 in respect of this application and Application 2011/570.

There were no adverse comments made in relation to the demolition proposed by the Conservation Area Consent application.



Below I summarise the comments received in relation to both this Planning Application and Application 2011/570.

### **Rossendale Civic Society**

Do not feel the present proposals for the site do justice to the Town Centre Conservation Area, nor will give good value for the expense involved.

Housing on this site was cleared in the 1960's and replaced by the present shopping precinct. Although with a contemporary twist, the character of the built-up area was retained - the line of the new building, especially the frontage to Bank Street, still followed the line of the old and provided a continuous roof-line, whilst giving a view at pavement level through to a paved urban public space. The present proposal replaces an enclosed space within a built-up area by an open/green space that loses its boundaries and flows-out, without definition, into the surrounding townscape. This is a major shift of the historical growth pattern of the town and needs to be carefully considered.

The long-term future for the site should be for a traditionally hard-landscaped public space with flexible use surrounded by buildings that keep the street pattern (almost like Halifax Piece Hall). It fully understands the present financial situation, but is concerned about how temporary the interim development will be. It cites the former Co-op site, at the other end of Bank Street, that was purchased by the Council in 1987 and had trees planted on the frontage as a temporary measure, for which a developer has still not been found to erect the building to fill this gap; whilst this car park is well-used, it is not a visual asset to the Conservation Area, nor by any stretch of the imagination is the view through to the ASDA building it allows. The 'meanwhile' design and use look set to be long term rather than temporary and, consequently, their effect on the Conservation Area need to be given serious consideration.

From the drawings available it is not possible to analyse the detail of finishes to retaining walls, nor the edging to paved/grassed areas. These and, especially, creation of the circular feature on the corner of Bank Street/Kay Street, could be quite expensive. Grassed areas, apart from being out of keeping with a built-up townscape and unsuitable for public gatherings given our weather, require maintenance that is not cost-free. It trusts that the full financial implications of the proposal have been thought through.

Its main design issue with the proposed plans is the openness of the Bank Street frontage, which is incompatible with good Conservation Area practice. A firm visual and practical line is needed on this site frontage. The treatment of the exposed gable of HSBC, opened up to view down Bank Street, could be a problem and to leave the buildings from HSBC to Boots as an 'island' unit is not good streetscape. Similarly, the corner of Kay Street and Bank Street needs to be strongly defined and not left without a key building or feature with height above ground level. Nor is it entirely clear what is intended for the Public Toilets or adjacent sub-station.

In conclusion, it acknowledges that in drawing up the interim scheme there has been recognition of some of the problems the site presents - in particular the land levels - but does not consider the wider implications have been adequately addressed. As we are going to be left with what is now proposed for a considerable time to come what is

shown on the drawings, though a reasonable starting point ought not to be translated into actual form on the ground without need for much more thought first.

Attention is drawn to the need to assess the area under an Environmental Impact Assessment, in particular the amount of energy to be used in demolition and the amount of inert energy still represented in the site. Having regard also for its principal concern - the loss of Conservation Area character from disruption of the visual line of buildings fronting Bank Street - and cost considerations for the Council, it objects to the current proposal and asks that consideration be given to retention of that part of the Valley Centre buildings extending between the HSBC bank and Kay Street being retained as part of the interim proposal. This approach would help retain the historic frontage pattern, save energy and costs in complete demolition and, potentially, provide retail units that the Council could draw an income from until full redevelopment is possible.

### **Rossendale Revival**

Congratulate the Council on its positive action over the regeneration of Rawtenstall Valley Centre - the immediate plans for the centre are inspiring and active inclusion of the community in shaping those plans is to be applauded.

It is excited about the potential of the intended open community space for holding established and new events and for staging tourism initiatives.

### **Rossendale Bus**

Welcome the proposal to demolish the Valley Centre and create a public open space. However, have concerns regarding the actual demolition process and whether or not it will result in temporary road closures &/or temporary loss of bus stops on Bank Street. These stops are well used and even temporary loss of them would cause considerable inconvenience for bus passengers.

Would wish to be involved in any discussions with the Highway Authority and Police regarding possible road &/or bus stop closures prior to demolition in order that proper consideration is given to the needs of the many people who use buses to access Rawtenstall Town Centre.

In the longer term there is a vision to redevelop the Valley Centre area, including the Police Station, Town Hall and Bus Station. The current bus station is no longer 'fit for purpose' and County Council money is available to fund provision of a new bus station in Rawtenstall. In the current and medium-term economic climate securing retail redevelopment of the Valley Centre site is unlikely. Accordingly, it would suggest commitment is given now to delivery of the new bus station. Significant delay in commercial development of this site following demolition of the existing buildings and laying out as an public open space could make this an irreversible change and damage economic regeneration of Rawtenstall.

### **Individual Letters**

A standard letter has been received from 92 businesses in and around Rawtenstall Town Centre which states :

*"I am in total agreement with the need for demolition and creation of public space until a more permanent solution is found. However, the plans as they stand have one big*

*omission and that is additional Car Parking. It is absolutely vital that any temporary and permanent solution has Car Park spaces included.*

*This 'temporary' measure is likely to last for some time due to the current economic climate and in order to assist all businesses in these tough times it is vital to get more people into the Town Centre. To do this people have to be able to park their cars.*

*I would ask that more time is given to allow the opportunity for options to be considered that include extra parking spaces for the Town Centre.*

*I stress I am not against the proposals but feel there has not been enough consideration of traders requirements in this application. Therefore I need to object to this application as it currently stands."*

A further 3 non-standard letters have been received from individuals trading from premises in Rawtenstall Town Centre. They do not object to demolition of the Valley Centre, but wish any temporary or long-term development of the site to provide additional public parking spaces.

## **7. ASSESSMENT**

This application seeks Planning Permission for demolition of existing buildings and for the interim development of the site as a public realm and events space. Whereas the determination of Application 2011/570, for Conservation Area Consent, turns on the heritage implications of demolition of the Valley Centre, the decision to be made on this application needs to have regard to both the heritage implications and wider planning merits of what is proposed.

Accordingly, the main issues to consider are : 1) Principle; 2) Heritage Implications; 3) Neighbour Amenity; 4) Highway Safety.

### Principle

I concur with the view of English Heritage that the existing Valley Centre buildings do not make a positive contribution to the character or appearance of the Rawtenstall Town Centre Conservation Area. Indeed its recently-approved Character Appraisal identifies the Valley Centre as a 'Key Negative Feature' and "in urgent need of redevelopment". Accordingly, there is no reason to require their retention on the basis of their own architectural or historic merits.

As a previously-developed site at the heart of Rawtenstall Town Centre it is important to secure appropriate development of the site.

Policy 11 of the Core Strategy relates to Retail and Other Town Centre Uses. Amongst other things, it states that :

*"Retail development, together with other town centre uses, including offices, leisure, arts, culture and tourist facilities, will be focused within the defined town and local centres.*

*Major proposals will be directed to Rawtenstall with other large schemes encouraged to locate in the district centres of Bacup and Haslingden.*

*This hierarchy supports the Council's vision of achieving a quality retail development at the Valley Centre in Rawtenstall, with ancillary local retail in the other centres. Rawtenstall is also the focus for medium and large scale retail and leisure development.*

*Retail proposals will be directed to the Primary Shopping Areas (PSA). Proposals for non-retail uses appropriate to town centres will be considered favourably within the town centre boundary, which encompasses but extends beyond the PSA."*

The plans accompanying Policy 11 identify the Primary Shopping Area of Rawtenstall as including the Valley Centre and premises extending up each side of Bank Street.

Policy 12 of the Core Strategy relates specifically to The Valley Centre, and reads as follows :

*"It is proposed that the regeneration of the Valley Centre will be achieved as follows :*

*The regeneration of the Valley Centre and adjacent buildings in Rawtenstall is of strategic importance. A high quality masterplan-led design approach is being developed and will include the following elements:*

- A focal point for retailers with other supporting other uses appropriate to a town centre,*
- Design which responds to the existing townscape in concept, layout and design detailing and enhances Rawtenstall's urban grain*
- Street masterplanning and design which provides active frontages*
- A mix of uses that encourages natural surveillance and a safe street environment*

*All designs should take into account public transport access, parking provision and public open space provision."*

In May 2010 the Council commissioned BDP and partners, including JMP, to produce a Vision Document for the town centre, including a detailed assessment of the Valley Centre and options for its improvement. This identified the Valley Centre as a major regeneration priority and that the creation of public open space should be a significant element of any scheme, which should be retail-led. A revised version of the document that will form the basis of the Rawtenstall Town Centre SPD for further public consultation in February 2012, as authorised by Council in December. This identifies a two-phased approach to the Valley Centre with Public Open Space being a key element of Phase 1. Paragraph 4 of PPS4 indicates that economic development includes public and community use as well as main town centre uses.

Clearly, the thrust of policy is towards securing for the site new built-development that will both add to the vitality and viability of Rawtenstall Town Centre and enhance the character and appearance of its Conservation Area. In the present economic climate the chances of securing comprehensive redevelopment of this site (alone or in tandem with the adjacent Police Station and Town Hall sites) has diminished.

Thus, the current planning application seeks approval for an interim form of development for the site which will do away with the existing complex of buildings making up the Valley Centre, without stymieing the opportunity for comprehensive redevelopment of it in the future. Simply put, the Valley Centre has not been fully

occupied for many years, is now totally vacant and, through this and lack of proper maintenance, is having an ever-increasing negative impact on the character and appearance of the Rawtenstall Town Centre and people's perceptions of it. Accordingly, I do not consider it would be appropriate in principle to stand in the way of removal of the existing buildings. Nor does English Heritage argue that the buildings should be retained until a long-term comprehensive scheme of re-development is possible.

However, consideration needs to be given to the form of interim development that is being proposed and its implications and adequacy.

To make the site available as a public realm and events space is not inappropriate for a Town Centre site and will add to its attractions.

Other matters having a bearing on the implications and adequacy of the interim proposal are addressed below.

### Heritage Implications

The preceding report, in respect of Application 2011/570, sets out the general duty S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, places on the Council in respect of exercise of its various planning functions towards conservation areas. It reads :

*"In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in [the planning acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 contains a corresponding duty in relation to Listed Buildings.

The preceding report also refers to PPS5, in which the Government has provided further guidance upon the Historic Environment, and Policy EM1(C) of the Regional Spatial Strategy and Policy 16 of the Council's Core Strategy, that are consistent with Government guidance. Accordingly, I will not repeat them.

With respect particularly to Rawtenstall Town Centre Conservation Area, information and advice upon its historic growth and its distinctive character and qualities are provided in the 'Historic Town Assessment Report for Rawtenstall' published by the County Council in 2006 and the more detailed work undertaken on behalf of this Council and appearing in the Rawtenstall Town Centre Conservation Area Character Appraisal (2011). In the latter document the Valley Centre is identified as having "Poor Quality Frontages", the centrally-located square where a "Focal Point needed" and the link between Bank Street and North Street being an "Important Pedestrian Route". In respect of the site this Report recommended "Building where Sensitive Redevelopment would be welcome".

The demolition of the existing buildings will expose parts of the gable of HSBC Bank that are currently hidden. It will be necessary to condition that the gable is appropriately treated.

With respect to the public realm and event space to be created, I do not have concern about the form it is to take as viewed from within the site, so long as those areas of existing hardstanding and trees intended for retention/re-use have been properly protected from harm during the demolition phase.

Of greater concern to me, and to English Heritage and various other respondents, is the treatment intended for the site boundaries. As they state, the existing buildings do serve a function in defining the historic street pattern and limiting the views to be had within the Conservation Area and in to it.

Of particular concern to English Heritage is that the removal of the Valley Centre will reveal some poor views of modern buildings such as the police station and car parking at the rear of the site if not effectively screened and whether the boundary feature at the corner of Bank St / Kay St will be of adequate height. It recommends that the street edges and corners be re-inforced utilising close-centered street trees (perhaps pleached to create a crisp boundary with greater civic dignity). It also asks that further consideration be given to how the temporary square will harmonise with the area around the One Stop Shop in order to create a unified piece of public realm.

I concur with the view of English Heritage regarding the treatments required bounding the application site and in respect of the area extending up to the One Stop Shop (this land also within the control of the Council). As submitted the scheme proposes a limited amount of tree planting to the Kay Street boundary, and rather more for the North Street boundary. I consider it appropriate for this to be reversed, to require the trees to be planted around the site boundaries to be of a good size at the time of planting, and with consideration of additional planting extending to the south of the site to better integrate the scheme with the existing parking /landscaped areas extending up to the One Stop Shop.

#### Neighbour Amenity

I am satisfied that the finished scheme will not result in unacceptable detriment for any neighbours, subject to appropriate treatment of the exposed gable of HSBC Bank. Conditions are required also in relation to the method / management of the demolition to avoid unacceptable detriment to neighbours during this phase of the project.

#### Highway Safety

The majority of objectors to this application do so on the basis that the site should be laid out - in whole or in part - to provide additional public parking.

The existing buildings on the site, if occupied, could be expected to generate a need for customer /staff parking. Neither the Highway Authority or I consider the interim development now proposed likely to generate a need for the provision of additional parking. However, I understand the applicant is giving consideration to whether the service yard off James Street, in practice now functioning as a car park could be made into an official public car park and by proper marking of the bays accommodate more cars than at present.

The Highway Authority has no objection to this application but advises that demolition of the buildings, and the subsequent groundworks, will require its consent for temporary closures for various footways/carriageways around the site. It will wish to

minimise inconvenience of road users, bus users and pedestrians arising from the works.

## **8. SUMMARY REASON FOR APPROVAL**

The buildings to be demolished do not make a positive contribution to the character and appearance of the Rawtenstall Town Centre Conservation Area and, subject to the conditions, their demolition will facilitate development that will enhance the character and appearance of the area, thereby benefitting the vitality & viability of the Town Centre and furthering wider regeneration aims of the Council for Rawtenstall.

## **9. CONDITIONS**

That Planning Permission be granted, subject to the following conditions :

- 1 The development hereby consented to shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No works of demolition shall take place until such time as the Local Planning Authority has confirmed in writing that it is satisfied there is a contract in place for the prompt carrying out of an appropriate scheme of replacement development for the site and planning permission for those works has been granted.

Reason: *To ensure demolition of the buildings does not proceed far in advance of an appropriate scheme of replacement development for the site, thereby detracting unacceptably from the character and appearance of the Rawtenstall Town Centre Conservation Area, in accordance with the provisions of PPS5, Policy EM1 of the Regional Spatial Strategy for the NW of England (2008) and Policy 16 of the Council's Core Strategy DPD (2011).*

- 3 Within 3 weeks of demolition of that part of the building attached to the gable of the HSBC Bank a scheme for treatment of this gable shall be submitted to the Local Planning Authority for its approval and the approved scheme shall be completed within 3 months, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: *To safeguard visual and neighbour amenity, in accordance with Policies 1/16/23/24 of the adopted Core Strategy DPD 2011.*

- 4 Notwithstanding what is shown on the submitted drawings/in the submitted documents, prior to the commencement of demolition/construction works, there shall have been submitted to and approved in writing by the Local Planning Authority :
  - a) A method statement in respect of the demolition works to be undertaken, including details of the means in which harm to bats will be avoided, asbestos and any other contaminated materials are to be dealt with, the site is to be screened/secured, deposit of mud/loose material on the highway is to be avoided, harm is to be avoided to the external hard-surfaced areas and the 4

mature Silver Birch trees intended for retention.

- b) Full details of materials to be introduced for floor-surfaces, walls and their copings, handrails, lighting and other street furniture to be provided;
- c) Full details of the soft-landscaping to be provided (within the application site and extending to its south), including the depth of clean soil to be provided, the siting/size of shrubs/trees to be provided, and the means in which the ground is to be prepared for them and the protection to be provided until established.

*Reason* : To protect the character and appearance of the locality, in accordance with, in accordance with Policies 1/16/23/24 of the adopted Core Strategy DPD 2011.

- 5 All hard-surfaced areas/walls/fences/gates/handrails/ lighting/other street furniture forming part of the approved scheme of landscaping/boundary treatment shall be completed in accordance with the agreed timetable, unless otherwise agreed in writing with the Local Planning Authority. All new planting, seeding or turfing forming part of the approved scheme of landscaping/boundary treatment shall be carried out in the first planting and seeding seasons thereafter. Any trees or plants in the approved scheme which within a period of 5 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* : To protect the character and appearance of the locality, in accordance with, in accordance with Policies 1/16/23/24 of the adopted Core Strategy DPD 2011.

- 6 Any demolition or construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays, or on Sundays, Good Friday, Christmas Day or Bank Holidays, unless otherwise first agreed in writing by the Local Planning Authority.

*Reason:* To safeguard the amenities of neighbours, in accordance with Policies 1/24 of the adopted Core Strategy DPD 2011.