

Committee Statement by Urban Vision on behalf of Rossendale Borough Council

Part A – Land at New Hall Hey, Rawtenstall

Erection of 1 Non-food retail Unit, 8 No. B1 and
B8 Business Units, 4 No. B1 Office, 3 Leisure and
5 A3 Units

March 2006

This report provides part Urban Vision's assessment of application 2005/617 and should be read in conjunction with two other reports (part b and c) which relate to the Heritage Arcade and the Ex Soldier and Sailors' Club

Human Rights

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

Article 8

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

Article 1 of Protocol 1

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

Site and Proposal

The application submitted is a multiple site mixed use proposal principally centred on land at New Hall Hey but also involving two existing town centre premises, Heritage Arcade and Ex Soldiers and Sailors Club 12 Queens Square.

For ease of reporting, separate assessments are provided later on the agenda for the Heritage Arcade and Ex Soldiers and Sailors Club. This particular assessment concentrates on the larger site at New Hall Hey.

New Hall Hey is located to the south of the A682 Rawtenstall Bypass. It is an irregular shape and occupies a prominent position on the approach into Rawtenstall. The site is mainly vacant although there is some informal surface level car parking evident. The surrounding uses comprise office provision and a public house. New Hall Hey Road comprises a mix of uses including a number of residential properties.

Vehicular access to the site is currently provided from New Hall Hey Road. Vehicles can also exit directly onto the bypass in a westerly direction. There are a number of public footpaths which cross the site enabling pedestrian access from the north. The East Lancashire Railway terminus is located to the eastern end of the site.

The proposal seeks to erect 3995 sq m non food retail (Homebase), 7665 sq.m of leisure (including covered pavilions) 5133 sq.m B1 Office floorspace, 1997 sq.m of B1 Business (Industrial) floorspace and 1935 sq.m of B8 Storage and Distribution floorspace. Vehicular access would be provided via a newly configured roundabout junction to the A682.

The retail and leisure elements identified at New Hall Hey break down into a 3,066 sq. m gross Class A1 retail unit for Homebase (including a mezzanine floor of 743 sq. m). In addition, this unit also has a 929 sq. m garden centre (Unit A1); Two single storey leisure units, each of 697 sq. m gross (Units A2

and A3); A two storey ten pin bowling alley of 2,044 sq. m gross (Unit B1); A two storey health and fitness club of 2,415 sq. m gross (Unit B2); and two no. two-storey restaurant units, each of 651 sq. m gross (Units B3 and B4); Two freestanding single storey restaurant units of 232 sq. m and 279 sq. m gross (Units C1 and C2).

The office and workshop element would be provided to the west of the site and would comprise two and three storey accommodation. A total of 263 car parking spaces (24 of which would be marked for disabled provision) would be provided within the vicinity of the office and workshop units.

The retail element (Homebase) would be provided within the centre of the site adjacent to the proposed new roundabout. The remainder of the leisure provision would be provided adjacent to the Homebase store and to the east of the site. A total of 427 car parking spaces would be provided in this area and would include a total of 11 disabled car parking spaces. The appearance of these buildings would be two and three storey.

Application Supporting Information

The applicant has submitted a number of supporting documents. These include a supporting planning and retail assessment and a transport assessment, the principal conclusions of which are quoted as follows:

Planning and Retail Assessment by HOW Commercial Planning Advisors on behalf of Hurstwood Developments Ltd.

"Conclusions

This statement is intended to address relevant retail and leisure considerations. In particular, the assessment considers the case for DIY retail development based on the following factors:

- *The need for the development with reference to quantitative and qualitative retail considerations;*
- *The development is of an appropriate scale;*
- *The sequential approach to site selection;*
- *The likely impact of the development on Rawtenstall Town Centre and overall retailing patterns; and*
- *The implications for the Development Plan strategy.*

Quantitative Need

Section 6 includes a Retail Assessment. This concludes that there is a quantitative need in the catchment area to accommodate the additional floorspace proposed and all other retail commitments by the design year of 2010. Failure to provide additional floorspace will result in exacerbation of the

current retailing patterns and significant leakage out of the catchment area to other centres and facilities, resulting in increased leakage of expenditure to outside the catchment area and potential for an increase in car travel.

Qualitative Need

Section 7 of this assessment details the existing provision within the catchment area including extant retail permissions. It subsequently sets out the associated material qualitative benefits to the customer of a Homebase proposal. It concludes that there is a clear qualitative need for the proposed development.

It is considered at paragraph 5.41 that the scale of development is fully in keeping with the role and function of the centre in line with PPS6.

Sequential Assessment

Section 8 of this assessment sets out a detailed sequential assessment. This assessment concludes that the Valley Centre is a sequentially preferable site. However, doubts remain about the genuine availability and viability of this site coming forward. Notwithstanding, it is considered not suitable for the purposes proposed by this application. However, to ensure a robust assessment, this site has been considered in the quantitative need case.

A further site at Bocholt Way has planning permission for retail warehouse uses, and it is understood that the developer is signing up retailers for this scheme at present.

Impact

Section 10 of this report details that the applicant is prepared to have a condition attached to any grant of consent on this site which would limit the range of goods to be sold from the site i.e. a bulky goods condition. It is proposed that this takes the same wording of Condition 3 on the Peel Bocholy Way permission (LPA ref 2005/183). It is considered therefore that the use of this site by Homebase would directly compete with the Town Centre, and the limited impact anticipated (0.5%) would raise no detriment to the town centre. Indeed, linked trips to the centre which would otherwise be spent elsewhere are likely to improve Rawtenstall Town Centre as a whole.

Accessibility issues are covered in the Transport Assessment submitted by Denis Wilson Partnership. This concludes that the site is accessible by a choice of means of transport and will be improved by works offered in a Section 106 agreement.

In regard to leisure, Section 12 of this assessment details that there is a clear need for leisure facilities within Rossendale and Rawtenstall. The need assessment highlights that the additional increase in leisure from the previous application which was deemed acceptable is more than offset by the superseding of leisure planning permission at Asda, Lower Mills. It further concludes that the sequential assessment for leisure uses has been undertaken, which identifies no further sequentially preferable sites which are suitable, viable and available.

Accordingly, it is considered that the application fully accords with both national and local planning policy, and is fully compliant with Policy J2 of the adopted Local Plan and emerging LDF.

It is therefore respectfully requested that planning permission be granted.”

The Local Planning Authority has commissioned Nathaniel Lichfield and Partners (NLP) to undertake an audit of the Planning and Retail Statement submitted by the applicant. Their findings are discussed later in this report.

HOW planning have prepared an additional supporting document in response to the Council's retail consultant's audit of supporting information. The additional supporting information by HOW will be discussed later in conjunction with the assessment provided by NLP.

Transport Assessment by Denis Wilson Partnership on behalf of the applicant Hurstwood Developments Ltd

“Summary

The development is in Rawtenstall town centre, which is highly accessible by a range of modes of travel.

The Rawtenstall AAP, although not yet adopted, identified a mix of uses for the application site which are complementary to those sought by the redevelopment; the application does not conflict with the emerging APP and should be viewed as complimentary to its themes and proposals.

Of the redevelopment proposals covered by this Report, only the proposals at the New Hall Hey site are anticipated to have a material impact on the local highway network.

The redevelopment proposals considered here result in a lesser traffic impact compared to those assessed within DWP's January 2005 TA, prepared in relation to application 2005/109. That application had no highways and transportation reasons identified for its refusal. Therefore, it is concluded that the latest proposals should also have no highways and transportation reasons for refusal. It should also be noted that the site already benefits from consent

for fast food on site yet no reduction has been applied to the trips resulting from the proposals to account for this committed development.

The New Hall Hey site will benefit from measures to enhance accessibility by public transport, walking and cycling. Measures are incorporated within the proposed site layout to allow direct public transport access and to accommodate the movement of pedestrians and cyclists.

Further measures will be undertaken as part of the Travel Plan for the development proposals. These will include the possible diversion of existing bus services to directly access the New Hall Hey site or the provision of a shuttle bus linking the New Hall Hey site with other town centre destinations.

Even though the redevelopment results in a lower traffic generation compared to the previous application (2005/109) its impact at the local highway network has been comprehensively assessed within this report.

The traffic generation associated with the proposals has been evaluated and assessments have been undertaken to establish the effects of traffic flow changes at all locations expected to be materially affected.

The proposed site access junction at New Hall Hey can accommodate the predicted traffic volumes anticipated following the development of the site.

A possible highway improvement scheme has been identified at the Queen's Square Gyratory which would mitigate the effects of traffic arising from the development proposals.

However, the Rawtenstall AAP identifies potential future modifications to the gyratory. These works are yet undefined, do not benefit from consent and are programmed for delivery later than that of the redevelopment of the New Hall Hey site.

As an alternative to the provision of the improvements identified here, it is proposed that the developer contribute towards improvement works or other travel network improvements identified by Lancashire County Council in conjunction with the studies currently being undertaken in parallel to this assessment. The measures will be directly related to the travel demand of the proposals covered in this Report.

The applicant has demonstrated their willingness to enter into a Section 106 Agreement and is currently negotiating with the Local Planning & Highways Authorities in this regard.

Conclusions

The redevelopment proposals comply with current transport policy.

The means of mitigation for the predicted travel demand for the proposals has been determined. It is proposed that the mitigation package could either take the form of the works specifically identified in this report, or; it could take the form of a contribution to measures developed in conjunction with the other needs of the proposals currently being developed in the area and co-ordinated by the Highway Authority to ensure the most efficient application of funding and works.

The applicant is committed to agreeing and implementing a Travel Plan. He is also content to enter a Section 106 Agreement to deliver financial contribution towards highway works and sustainable travel initiatives (amount to be agreed).

Given the information presented here coupled with the absence of any highways and transportation reasons raised in support of the previously refused application, none are identified in relation to the revised application's redevelopment content assessed here.

DWP suggest the application receive a positive reconsideration in terms if highways and transportation.”

Lancashire County Council (Network Management) have audited the Transport Assessment submitted by the applicant and their advice is listed below in the consultation responses section of this report.

Denis Wilson Partnership (DWP) have prepared an additional supporting document in response to the initial findings of Lancashire County Council's assessment of the submitted TA. The additional supporting information will be discussed later in conjunction with the assessment provided by Lancashire County Council.

Relevant Planning History

1996/362 Proposed Retail store, petrol station, 2no fast food units with associated parking and servicing, landscaping and park and ride facility Land adj. Rawtenstall/Edenfield Bypass, Rawtenstall. Withdrawn 20 February 1998.

1996/504 Proposed Retail Food Store (65,000sq ft) petrol filling station , 3no non food retail units totalling 25,000sq ft. Construction of 2no fast food units together with associated parking and servicing, landscaping and park and ride facility. Land adj to Rawtenstall/edenfield Bypass, Rawtenstall. Refused 28th September 1998.

2005/109 Erection of 4 no. non. food retail, 8no.B1 and B8 business, 4no. B1 Office, 2 no. Leisure and 4no. Restaurant units, land adjoining New Hall Hey,

Rawtenstall; Conversion of Heritage Arcade Bacup Road, Rawtenstall.
Refused 12th July 2005 The reasons for refusal are stated below.

Key Changes

The key changes between this current application and the similar application (2005/109) already refused by this Committee can be summarised as follows:

- a) A mezzanine floor has been added to Unit A1 (Homebase), adding an additional 743 sq. m of floorspace;
- b) The proposed mezzanine floors in Units A1 and A2 have been removed. The stated use of these two units is changed from Class A1 retail to 'leisure'; and
- c) A 279 sq. m freestanding Class A1 retail unit is removed from the scheme.

It is important to note that prior to consideration of application 2005/109 by the Development Control Committee the Wesley House and Old Soldiers and Sailors Club elements were withdrawn from the application proposals.

The reasons for refusal for application 2005/109 were:

1. The applicant has failed to demonstrate that a need presently exists for the proposed development of a non-food retail park at this out of centre site of New Hall Hey which is contrary to PPS6: Planning for Town Centres
2. The proposal fails the sequential approach to site selection in that there exist better located town centre and edge of centre opportunities for comparison shopping development that would better support the existing town centre shopping function and is therefore contrary to PPS6: Planning for Town Centres and Policy 16 (Retail, Entertainment and Leisure Development) of the Joint Lancashire Structure Plan 2001-2016.
3. The applicant has failed to demonstrate that the proposals would not adversely affect the vitality and viability of Rawtenstall town centre which is contrary to PPS6: Planning for Town Centres.

Notification Responses

The application was advertised by means of both press and site notices. One letter of objection has been received from a local resident in response to the application. However, this objection does not relate to the New Hall Hey element of the proposal. As such the objection will be discussed in the assessment of the Heritage Arcade and Ex Soldiers and Sailors Club later on this agenda.

A further letter of objection has been received from the planning agent acting for Peel (the owners of the present Asda Site at Bocholt Way). The objection argues that there is a lack of retail expenditure capacity to support the proposal, inadequate justification on grounds of need, adverse impact on the existing Town Centre, failure to meet the sequential approach to site selection and as a consequence, adverse impact on other sequentially preferable sites in the town centre and prematurity. I have summarised their objections below:

1. *“The applicant has not addressed PPS6 tests in relation to the very substantial leisure component of the scheme.*
2. *The application fails the sequential test in respect of the retail element as the existing Asda site on Bolcholt Way will be available within a very reasonable period, and without doubt viable and suitable for the retail warehouse element of the Hurstwood proposals.*
3. *The supporting statement suggests that the allocation of the New Hall Hey site in the Rossendale District Local Plan for a mix of office, leisure and retail uses is a significant material consideration. The Local Plan, having been adopted in 1995, clearly predates and contravenes subsequently issued crucial Government policy on retail and other key Town Centre uses. The allocation for the New Hall Hey site should therefore be afforded little, if any, weight.*
4. *There are no material planning benefits which outweigh the conflicts with national, regional and local planning policy.”*

Consultation Responses

County Planning Officer

The County Planning Authority assessed the application in relation to the adopted Joint Lancashire Structure Plan 1991 -2006 (aJLSP)

The Environment Director has assessed the proposal in terms of need, sequential approach and vitality and viability considerations and considers that the retail element of the proposed development appears, based on the information available, to be contrary to Policy 16 aJLSP and that insufficient information has been submitted to assess the need for the leisure element of the proposed development.

In reaching this conclusion the Director of Strategic Planning and Transportation considers that the non-food retail element of the proposed development is likely to have significant adverse impact on the vitality and viability of Rawtenstall as it is considered to be in excess of the retail capacity for Rawtenstall identified in the ‘Lancashire Shopping Study’ undertaken by Nathaniel Lichfield and Partners for LCC in March 2003.

Further advice is provided regarding the Business Park, Archaeology and Transport. No objections are recorded against these particular elements subject to the inclusion of conditions and improvements to achieving high accessibility for all by walking, cycling and public transport. However, given the distance of the site from the centre of Rawtenstall, Lancashire County Council considers that this site has poor accessibility and is not in line with policy 1b) of the aJLSP and that improvements should be sought by way of a section 106 agreement should the application be approved.

County Highways

Members will recall that during consideration of the previous mixed use application on this site (2005/109), the County Highway Engineer raised concerns regarding the ability of the gyratory to cope with traffic generated by all the proposed developments, although he did not recommend that the application be refused on highway grounds.

Since the reporting of the previous application on this site to Members of the Development Control Committee, a new traffic count has been undertaken by County. This study has raised further concerns regarding the projection methods used previously to assess the impact of the proposal upon the surrounding road infrastructure, particularly the gyratory at the entrance to the Town Centre.

This study is a new material planning consideration that requires assessment as part of the determination of this latest proposal. The applicant has provided a Transport Assessment, which accompanied the submission of the application (a summary of which is provided earlier in this report). Discussions with the applicant's transport advisers and County Highways have been held in response to the additional traffic count. The applicant's transport advisers have provided additional justification and supporting information. The response from County Highways encompasses all the assessments provided by the applicant's transport advisers.

No objection in principle is raised but provides a number of suggested conditions relating to access, construction and procedural matters regarding the stopping up of rights of way are recommended. However there are several areas of comment including the need to submit a travel plan, and provide via a Section 106 agreement contributions for public transport improvements and cycle way links (detailed below).

County Highways also consider that the proposal provides for an appropriate level of car parking as defined in the Supplementary Planning Guidance for car parking which accompanies the adopted Joint Lancashire Structure Plan.

The revised transport assessment (TA) is generally accepted but nevertheless County Highways maintain a concern regarding the ability of the gyratory to cope with the traffic generated by all the proposed developments. The highway officer considers that the individual TAs of the respective developments do not take into account the cumulative impact which has been difficult to assess. Other outstanding issues relate principally to technical detail and modelling assumptions on such matters as trip generation and highway capacity assessment.

However, the County Highway engineer acknowledges that the additional information and analysis *"is likely to tell us something we already know"*, (in that the gyratory which is already congested at peak times will continue to be congested at peak times) the information will clarify the effects of the proposal upon the gyratory and therefore assist the formulation of sufficient mitigating measures.

The applicant's highway advisers have provided additional information to clarify their data and the concerns raised by the highway engineer. I will report this additional information and County Highways assessment to the Committee include a detailed overview of any additional mitigation measures necessary they consider are necessary to ensure that the surrounding road network and gyratory can accommodate this proposal.

However, at this time, and without the clarification of the above, the highway engineer considers that the developer will be required to enter into a Section 106 agreement for the delivery of the following:

- i) £300,000 towards sustainable transport initiatives connected with the site. Initially these initiatives will be identified through the formulation of a comprehensive Travel Plan for the site.
- ii) £50,00 to fund the upgrading and provision of pedestrian/cycle routes to the site.

Therefore, subject to the assessment of to the additional information by County and with the inclusion of appropriate S106 agreement and Section 278 agreements, I consider that any concerns relating to detailed highway improvements can be mitigated and that the proposal is acceptable in highway terms.

Environmental Health

I have not received a response from Environmental Health. However, previously Environmental Health identified issues of potential noise nuisance in relation to both the proposed change of use of the Heritage Arcade and to the retail/business park at New Hall Hey. Increased traffic on New Hall Hey Road and potentially unsafe commercial vehicle movements may affect the amenity of residents on New Hall Hey Road. I do not consider that the

differences between this application and that of the previous scheme would raise any additional issues to those raised previously. Moreover, I am satisfied that with the attachment of suitable conditions the environmental health concerns raised (albeit previously) could be addressed.

United Utilities

Reiterates their comments made in respect of the earlier application. No objections in principle subject to agreement on any necessary sewer diversions and public water supply provision to the site.

Environment Agency

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

Crime Prevention Officer

Reiterate their earlier recommendations relating to detailed aspects of the proposals identifying means by which both buildings and the public spaces between them can be designed and built to inhibit both crime and anti-social behaviour. In particular public safety on footpath routes, lighting, public CCTV installation and siting of any ATMs are referred to particularly given that the proposed uses could operate into the late evening. Additional comments have also been made regarding the service area to the rear of units B1, B2, B3 and B4. The Crime Prevention Officer considers that this area should be secure with no public access and that secure bins are provided for all units.

A condition could be included requiring details of all security measures to be approved prior to the commencement of development. As such I consider that the concerns raised by the Crime Prevention Officer can therefore be satisfactorily addressed.

Rossendale Civic Trust

No response

Rawtenstall Chamber of Commerce

No response

Rossendale Transport Ltd

No response

Burnley BC

States that the Town Centre (Rawtenstall) is likely to be adversely affected by the leisure and retail development in the out-of-centre location. Further concerns are raised regarding the level of car parking provision and the impacts upon the sub region to encourage sustainable travel. Finally, concerns are raised regarding the impact of the proposal upon the A682 roundabout and the delay that this could have at peak times particularly for residents of Burnley who use the X43 bus service to Manchester.

Hyndburn BC

No response

Blackburn BC

No response

Rochdale MBC

No comments

Bury MBC

No response

Development Plan Policies

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

Rossendale District Local Plan

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”*

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.

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

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

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

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

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

It is important to note that Policies S.1 and S.2 pre-date both the superseded PPG6 and its replacement, the recently introduced PPS6 and are not therefore fully in accordance with current national retail policy.

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

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

Policy J.2 (Service Industries) states:- “*The development of service industries and of offices will be encouraged on the following sites:-*“

Included in the list of sites is New Hall Hey (the application site) which is specifically identified for Office/Leisure/Retail/B1 Business Use. In the reasoned commentary on the policy it states:- “*Service sector, tourism related*

activities and retailing opportunities will be encouraged in association with existing and new enterprises where a viable future for these services is identified, however, the retail elements in the sites listed above should not be the primary activity or even the dominant activity of the sites as a whole”.

Policy T.4 (Car Parking) states that “ *Development proposals will be required to provide, normally within the curtilage of the development, sufficient space to meet both operational and non operational parking requirements”*

Policy T.6 (Pedestrians) states that “*Development proposals generating significant volumes of pedestrian traffic will normally be required to provide appropriate facilities for pedestrians, both within the curtilage of the site and on the surrounding highway network where the existing level of provision is inadequate to meet the increase in pedestrian traffic generated by the development”*

Policy T.7 (Cycling) states that “ *in order to improve facilities for cyclists in the Borough, developments which:-*

- a) provide cycle routes to segregate cyclists from vehicular traffic.*
- b) Provide parking facilities for cyclists in new developments, including shopping centres, schools, colleges and other public buildings.*
- c) Seek to incorporate facilities for cyclists in highway improvement and traffic management schemes.*

Will normally be allowed.”

Joint Lancashire Structure Plan 2001-2016

Policy 1b (General Policy) requires development to contribute to achieving high accessibility for all by walking, cycling and public transport.

Policy 2 (Main Development Locations) states that most development should be located within identified principal urban areas, which include Rawtenstall.

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.

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.

Regional Spatial Strategy

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).

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

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.

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.

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.

Other Material Planning Considerations

PPS1: Delivering Sustainable Development

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.

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

Para. 29 of PPS1 acknowledges that in some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated or compensated for.

PPS6: Planning for Town Centres

The Government published PPS6 in March 2005. It replaces PPG6 and subsequent ministerial statements of clarification. The key objective of retail policy is to promote vital and viable town centres and to “*put town centres first*”. Para 3.4 of PPS6 states that local planning authorities should require applicants to demonstrate:

a) “the need for development”

In relation to need full account should be taken of qualitative and quantitative considerations. Greater weight should be placed on quantitative considerations, based on data and other objective evidence except where socially excluded communities are currently denied access to a range of services and facilities.

b) “that the development is of an appropriate scale”

That the scale of the development is appropriate relative to the role and function of the centre and the catchment area that it seeks to serve.

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

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

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

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

e) “that locations are accessible”

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

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

PPG13: Transport

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

Rawtenstall Masterplan

Arups were commissioned by the Council to undertake a master planning exercise for Rawtenstall. In February last year an Issues and Options report accompanied by a baseline report was published and was subject of public consultation. The Council has recently approved a preferred option report which is presently undergoing a sustainability appraisal prior to a second round of public consultation. This constitutes a material planning consideration, albeit one that remains a draft proposal subject to further consultation. In relation to the New Hall Hey site the Preferred Options Report identifies the site for mixed use redevelopment with the majority of the site developed for a mixture of office and industrial premises, with potential retail and leisure development to the east. The report notes that the Retail Capacity Report undertaken by NLP for the Council suggests that there will not be

sufficient retail capacity up to 2011 to support retail development of the site. A recommendation is made that the future release of the New Hall Hey site for retail purposes *“should be phased to ensure that it is not developed in advance of sequentially preferable sites such as the Valley Centre, Bocholt Way and other small scale retail developments within the town centre.”*

Planning Issues

In dealing with the New Hall Hey element of Application 2005/617 the main issues to consider are whether the principle of the proposed development (given the changes from that previously refused) are acceptable; whether proposal accords with local, regional and national planning policy; whether adequate parking and servicing are provided; whether proposal would have an adverse impact upon the surrounding road network; whether design of the scheme is appropriate and any other relevant material considerations.

Principle

In order to ascertain whether or not this proposal is acceptable in principle it needs to be considered against policies S1 and S2 of the Rossendale District Local Plan, Policy 16 of the Joint Lancashire Structure Plan (RSS) and the advice contained within PPS6. An assessment of the proposal, against the criteria set out in those policies/that advice, is set out below:-

Location

The application site is located within the urban boundary and within the boundary of Rawtenstall Town Centre, as defined by the Rossendale District Local Plan (RDLP). Given that the current local development plan for Rossendale is now over ten years old and pre-dates PPG6 and its successor PPS6 the Joint Lancashire Structure Plan and RSS a more meaningful assessment of site location should have regard to current national planning policy.

Table 2 of PPS6 provides definitions for Town Centres, Edge of Centre, Out of Centre and Out of Town Locations.

A Town Centre is a “Defined area, including the primary shopping area and areas of predominantly leisure, business and other main town centre uses within or adjacent to the primary shopping area. The extent of the town centre should be defined on the proposals map.”

Within a Town Centre, a Primary Shopping Area is a “defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are contiguous and closely related to the primary shopping frontage). The extent of the primary shopping frontage should be defined on the proposals map. Smaller centres may not have areas

of predominantly leisure, business or other main town centre uses adjacent to the primary shopping area, therefore the town centre may not extend beyond the primary shopping area.”

“Primary frontages are likely to include a high proportion of retail uses”.

“Secondary frontages provide greater opportunities for a diversity of uses.”

An Edge-of-Centre location is *“for retail purposes a location that is well connected to and within easy walking distance (i.e. Up to 300 metres) of the primary shopping area.”*

The definition in Table 2 goes on to state that: *“In determining whether a site falls within the definition of edge-of-centre, account should be taken of local circumstances. For example, local topography will affect perceptions of easy walking distance from the centre. Other considerations include crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction and size of the town centre. A site will not be well connected to a centre where it is physically separated from it by a barrier such as a major road, railway line or river and there is no existing or proposed pedestrian route which provides safe and convenient access to the centre.”*

An Out-of-Centre site is defined as: *“A location which is not in or on the edge of a centre but not necessarily outside the urban area.”*

The site at New Hall Hey is acknowledged by the applicant in the Planning and Retail Assessment submitted in support of the application to be 575 metres from the bus interchange on Bacup Road which Nathaniel Lichfield and Partners judge to be adjacent to rather than within the primary shopping area. The proposed retail units within the site are situated to the rear of the site, beyond a car park and the pedestrian routes are indirect with no clear visual link to the primary shopping area and require crossing several busy roads. In this respect it is clear that the site is considerably further from both the primary or secondary shopping areas of Rawtenstall Town centre than 300 metres and in the context of PPS6 should be considered an Out-of-Centre location.

1. Need for the development

Nathaniel Lichfield and Partners (NLP) have based their findings in respect of this proposal on three likely scenarios relating to proposed and committed convenience retail schemes and what may flow from them in terms of future comparison retailing opportunities in the town centre. They also base their findings on an assessment of predictive need for further non-food retail floorspace through to 2011. The scenarios are:

1. Asda will relocate and their vacated premises will be re-occupied and extended by another food retailer.
2. Asda will relocate and their existing store will not be occupied by another food retailer.
3. Asda will remain in their current store and will implement the permitted store extension.

Of these three options NLP consider, notwithstanding that the current applications by Peel (for non-food retaining redevelopment of the Asda, Bocholt Way site) and Asda (for a further variation on a foodstore proposal at St Mary's Way) that the most likely scenario is that Asda will relocate to St Mary's Way and that their existing store will not be occupied by another food retailer. In their assessment of need NLP have looked at the planned additional comparison goods (non-food) floorspace proposed in Rawtenstall including projected turnover. This includes:

1. Peel (Non food redevelopment of current Asda site, Bocholt Way with a net sales area of 5,426 sq.m and a turnover of £19.90m.
2. Hurstwood Mixed Use development including Non Food with a net sales area of 2,606 sq.m and a turnover of £4.35m.
3. Future redevelopment of the Valley Centre and Civic precinct with a projected net sales area of 2,323 sq.m and a turnover of £8.65m.

The total turnover would be £32.90m if all these developments proceeded.

In order that this level of additional floorspace could be supported commercially NLP advise that available expenditure should exceed the turnover of existing and committed floorspace by at least this amount (£32.90m).

Based on the figures contained within the Rossendale Retail Study (prepared by NLP) there is not a clear quantitative case for the level of additional retail floorspace proposed by this application given outstanding commitments and the potential redevelopment of the Valley Centre. However, given that there is still some uncertainty about the level of additional floorspace that will be developed at the Valley Centre, NLP do not consider that there is a strong case against this relatively limited level of retail warehouse floorspace in quantitative terms and that, in quantitative terms, there is a need for the floorspace.

However, a concern in terms of need is whether there is actually a qualitative need for the class and goods proposed i.e. DIY. This is particularly the case given the proposal on Bocholt Way includes a DIY store. It is arguable whether there is a need for three retail warehouses i.e. the Focus, the Peel site and New Hall Hey in such close proximity. Although NLP have accepted in the past that there is a clear qualitative need for additional comparison

goods floorspace within the catchment area, they are less convinced by the need for effectively a third DIY store in the area.

2 Sequential Approach to Site Selection

PPS6 applies to retail uses, leisure, entertainment and intensive sport uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night clubs, casinos, health and fitness, bowling and bingo halls) and arts, culture and tourism (including hotels and conference facilities).

The statement requires applicants to demonstrate that there are no more central sites (i.e. in centre followed by edge of centre) for the development. The relevant centres in which to search for sites will depend on the overall strategy set out in the development plan and the nature and scale of the development in the catchment that the development seeks to serve. In applying the approach, and considering alternative sites, developers and operators should be able to demonstrate that they have been flexible about their proposed business model in terms of the scale and format of the development, car parking provision and the scope for disaggregation.

The sequential test set out in PPS6 requires that applicants demonstrate that there are no more central sites where the proposed development could be located. In this respect the first choice would be for town centre sites followed by edge of centre locations and lastly out of centre sites. Where edge of centre sites are considered preference should be given to those that are well connected to the centre.

There is common acknowledgement in the work undertaken by NLP previously, the AAP and advice provided in national planning policy that Rawtenstall Town Centre is the most appropriate location for large scale retail development. The applicant identifies and assesses seven sites in their sequential test assessment. They are:

- a) The Valley Centre
- b) Holly Mount
- c) Bus Depot
- d) Heritage Arcade
- e) Rawtenstall Market
- f) College
- g) Existing Asda Site
- h) Former Kwik Save

NLP have audited the applicant's sequential test assessment and advise as follows:

- a) The Valley Centre

A key sequentially preferable site to be considered is the Valley Centre. The Valley Centre is a site of considerable importance in the Area Action Plan (AAP) Preferred Options Report, in which it is being promoted as a key town centre redevelopment opportunity. Although not yet subject to a firm development proposal, it is understood that a planning application is imminent. This site could become available within the short-medium term and be suitable and viable to accommodate additional retail floorspace as outlined in our Retail Study. The scheme is likely to be most appropriate for comparison retailing and in particular be suitable for high street retailers such as those selling clothing and footwear, books and CDs etc. and is also likely to include Class A3, A4 and A5 occupiers, such as those proposed at the New Hall Hey site.

Nevertheless, as HOW also suggest, the Valley Centre is unlikely to accommodate a large format DIY store and there is a clear qualitative need to provide such floorspace within Rossendale. However, the short-medium term need for this type of floorspace could be met on other sequentially preferable sites to the application site, as set out below.

b) Holly Mount

It is agreed that this site is not appropriate for retailing and has permission for office development.

c) Bus Depot

Whilst suitable in principle, I have been informed by the Council, that funding is already committed to redevelop the existing bus station and depot. Consequently the site is unlikely to be available for retail development.

d) Heritage Arcade

The site lies within the town centre but may be more suited to conversion to commercial leisure uses, as evidenced by the current application which includes proposals for this site to be converted for use as a public house/ restaurant which is considered elsewhere on this agenda.

e) Rawtenstall Market

The Market represents a prime site with good links to the primary shopping area and could be redeveloped to accommodate retail floorspace. However it is currently in use with no plans to relocate. It is considered that any plans to redevelop this site should form part of the plan making process such as the AAP for the Town Centre. The site is unlikely to become available within a reasonable period of time.

f) College

The college site is presently occupied but is poorly related to the Primary Shopping Area, with significant barriers to movement in the form of three major roads between them.

g) Existing Asda Site

At 3.23 of their Report HOW Planning set out that this site '*will not be available until Asda relocate and in any event is considered unattractive to the market*'. It is not clear why this site would be unattractive to retailers. The existing Asda superstore on this site trades very successfully, despite the store's age. In any event, at para. 13.6 HOW state that they understand that the developer is '*signing up retailers for this scheme at present*'.

HOW then set out at 8.45 of their Report that 'the existing Asda site has now come forward and is a commitment'. In this respect, the Council has resolved to grant planning permission for non-food development on the site. Clearly, no development will take place before Asda relocate to St Mary's Way, which is likely to occur in the short term.

This planning application is for a non-food retail development comprising of five retail units and garden centre. The intended occupier of the largest retail unit is identified in the planning application as being a DIY operator. This unit measures 1,858 sq. m gross (1,486 sq. m net) and has a 929 sq. m (gross) garden centre adjoining. Excluding the mezzanine floor level, this is only 465 sq. m smaller than the proposed retail unit at New Hall Hey; and only 93 sq. m smaller than the minimum floorspace which HOW state at para. 7.15 is required to allow a full range of goods to be sold.

There have been conditions attached to the permission which prevent the subdivision or enlargement of any of the proposed retail units on the Bolcholt scheme. However, subject to detailed consideration of all other relevant matters, there could be potential for an increase in the floorspace of the DIY unit and commensurate reduction in the size of the remaining units proposed at Bocholt Way; or even the addition of a mezzanine floor, as proposed at New Hall Hey. The inclusion of such a condition merely ensures that any such changes are properly considered by the Council in light of the prevailing circumstances at that time and does not automatically mean that any such changes would be unacceptable. This would at least ensure that the development as proposed at New Hall Hey could be provided in a sequentially preferable location.

In NLP's view, this is a suitable, available and viable site when considered in the context of the New Hall Hey application.

h) Former Kwik Save

The former Kwik Save store is an out of centre location to the south west of the town centre. The unit has been vacant for six months and hence is clearly available. In NLP's view this period of time is not sufficient to conclude that the site is not viable, and in particular it is considered that the site could be suitable for leisure operators such as a health and fitness club.

Although in locational terms the site is still out of centre, it is still closer and better related to the town centre than New Hall Hey.

HOW have provided limited additional information in respect of the sequential approach, particularly the existing Asda site. However, they state that although they accept that the Bocholt Way site (existing Asda) is sequentially preferable, *"it would appear that Homebase have taken a commercial view that they do not wish to trade from the DIY store which has been granted planning permission at Bocholt Way"*. Furthermore, they also state that the unit is not of a size capable of occupation by Homebase without the need for a further planning application.

Although the latter point may be correct, it is clearly possible for Peel (or in fact Homebase) to submit a further application to increase the size of the proposed DIY store on the Bocholt Way site to accommodate a Homebase store. This point clearly does not mean that the site is unavailable or unsuitable. I consider that these potential changes to the Peel site would be relatively minor although they would be required to be assessed against the same criteria set out in PPS6 that the original application and this proposal have been considered.

PPS6 confirms at para. 2.46 that local planning authorities should ensure that sites in preferred locations within centres are developed ahead of less central locations. Although this paragraph generally deals with development plan policy, it is NLP's view that it is relevant to these proposals. There is a concern that the New Hall Hey proposals could undermine development on a sequentially preferable site ie. the Bocholt Way site. Based on the limited additional information submitted by HOW, NLP still consider that the proposals fail the sequential test.

3 Impact on Town Centre

PPS6 sets out at paragraph 3.20 onwards that impact assessments should be provided for all retail and leisure developments over 2,500 sq. m gross floorspace and also occasionally for smaller developments. The proposal exceeds this threshold.

NLP consider that HOW's assessment overestimated the amount of expenditure clawback to support the scheme and as a result, underestimated the likely impact of the retail element of the development on existing centres and facilities, including the existing Focus store in Rawtenstall, and, crucially,

on the potential to undermine development on sequentially preferable sites (i.e. Bocholt Way). On its own, a DIY store of the scale proposed would probably not unacceptably harm the vitality and viability of Rawtenstall town centre, but there is a concern that it could prejudice the delivery of a scheme in a sequentially preferable location which is an important consideration.

The significant level of floorspace proposed for food and drink occupiers could also potentially undermine the prospects of attracting similar branded facilities to the redeveloped Valley Centre site or other sites better related to the town centre that could come forward and this issue has not been fully addressed by the applicants.

Additional information has been provided by the HOW planning in response to the findings of NLP outlined above. However, in terms of retail impact, despite no additional quantitative tables being produced NLP have concluded that they do not consider that there is sufficient justification to refuse the application on impact grounds, although the level of restaurant/café floorspace is still a concern in terms of the potential to prejudice similar investment within the centre itself and that the number of restaurants proposed could become destinations in their own right, rather than being associated with the remainder of the development.

4 Scale

PPS6 confirms that any development should be of an appropriate scale. Given the role and function of Rawtenstall, NLP consider that the proposals at New Hall Hey are acceptable in this respect.

5 Accessibility

Whilst, it is clear that the distance from the town centre is considerably in excess of 300m and that the proposed retail unit should be considered as out of centre under terms of PPS6. The proposal would include a direct link off the bypass. The town centre is well served by public transport couple with the railway terminus at the southern end of the site, as such I consider that the site is relatively accessible.

Leisure and Restaurant elements

The bowling alley, health and fitness centre and fast food/restaurant elements of the proposal are subject to the same policy tests as the retail element of the scheme. NLP have raised concerns regarding the little additional justification from the applicant's previous application at the site in terms of need, sequential approach or impact for any of these elements of the proposal; or indeed for the two 'leisure' units, the intended use of which has not been clarified.

The HOW supporting letter confirms that the applicants are confident of being able to attract a ten pin bowling company and a bingo operator to the site. They also confirm that negotiations have been ongoing with a number of health and fitness operators and they are also hopeful of securing a small nightclub on the site. The letter also confirms that the applicants have been in discussion with a number of cinema operators, although the market information suggests that the demand may be limited.

The audit of the application by NLP noted that uses such as a bowling facility and health and fitness club would provide qualitative benefits in terms of additional leisure facilities within the Borough. It would be difficult to accommodate a bowling facility and a bingo hall in the town centre, due to their size.

However, despite NLP's general acceptance that the larger units are appropriate for leisure use, they are still concerned about the type of operator which would occupy the two units adjacent to the proposed DIY store. None of the operators mentioned specifically require units of under 700 sq.m gross and no operator demand has been identified, although there is brief reference to a "*small nightclub*".

Moreover, a further concern is the provision of four café/restaurant units which could prejudice this type of investment in the centre. Insufficient evidence has been provided to justify this element of the scheme, even though NLP accepted that to some extent it would serve the associated facilities such as the offices, bowling facility etc. Although the HOW letter states that the applicants have been in contact with main restaurant operators, no firm evidence has been provided to demonstrate interest.

Having considered all supporting information provided by HOW, NLP are still of the opinion that the restaurants will become destinations in their own right diverting some trade away from the town centre and that insufficient information has been provided to demonstrate need for all the leisure units (particularly Units A2 and A3) and the restaurant/café floorspace.

Whilst I do not consider that the failure to provide sufficient information regarding the need for all element of the leisure units would warrant a refusal, I am concerned that the advice provided by the Council's own retail consultants is that this element of the proposal would result in a destination in its own right and result in the potential to prejudice similar investment within the centre itself.

Conclusion on Impact, Need and Sequential Approach

The additional supporting information provided by HOW Planning clearly addresses some of the concerns raised by NLP. Additional information has been provided on quantitative need and although the figures are not

conclusive, NLP do not consider that this scale of retail development should be refused on the basis of a lack of quantitative need on its own.

However, of concern is whether or not there is a qualitative need for effectively three large DIY stores i.e. the Focus, the proposed DIY store at Bocholt Way and the proposed store at New Hall Hey within close proximity to each other. NLP are also concerned regarding the lack of demonstrable need for all the leisure units.

In terms of retail impact, despite no additional quantitative tables being produced the advice from NLP is that they do not consider that there is sufficient justification to refuse the application on impact grounds, although the level of restaurant/café floorspace is still a concern in terms of the potential to prejudice similar investment within the centre itself.

Of most concern however is the sequential approach. Government guidance is clear that sites in sequentially preferable locations (i.e. town centre, followed by edge of centre) should come forward first. There is no reason why a DIY store of this type and scale proposed at New Hall Hey could not be accommodated at Bocholt Way. It is not considered that sufficient evidence has been put forward to alter this view.

In conclusion, the main concern relates to a failure to comply with the sequential approach.

In terms of retail impact it is considered that the applicant has failed to provide a robust assessment by means of a quantitative impact analysis and as such has failed to demonstrate that the proposal would not adversely affect Rawtenstall Town Centre. In terms of retail assessment NLP consider that:

- i) Insufficient information has been provided in terms of what is actually proposed by the application (i.e. the two 'leisure' units) and that on this basis the need, impact and sequential suitability of these parts of the proposal has not been demonstrated;
- ii) Failure to demonstrate adequate qualitative need for the proposal;
- iii) The proposals fail the sequential approach;
- iv) Insufficient information has been provided to demonstrate that the overall scheme would not adversely affect Rawtenstall town centre or undermine development on sequentially preferable sites.

It is clear from the Council's own retail consultant that the proposed development of New Hall Hey, as proposed, at this time would be contrary to the advice provided in national planning PPS6 and the Development Plan (RSS). However, in reaching a decision on any application for planning permission, all material considerations should be considered. I am mindful

that as a whole this proposal would represent the largest single development proposal to be promoted in Rossendale in recent years. The regeneration potential of the proposal taking into account environmental improvements as well as the economic benefits arising from inward investment and expenditure retention in the Borough are significant and positive factors that must be weighed against other material considerations.

Design and Layout

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

Trees

There are a number of trees which bound the site and the adjoining A682. It is proposed that a the main vehicular access would be provided directly off the adjoining A682 by way of a new roundabout. A number of trees would be loss to facilitate this particular element of the proposal. The siting of the car parking for the leisure and retail element of the proposal is also likely to result in the loss of trees along this boundary.

Given that this was not raised as an issue previously I do consider that an appropriate replacement tree planting and landscaping scheme could be conditioned to ensure that appropriate measures are included to safeguard the amenity of the area.

Other Material Considerations

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

Paragraph 29 of PPS1 acknowledges that in some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated or compensated for.

The applicant's agent has, in addition to supporting documentation provided by HOW Planning, provided an overview of other material considerations under headings such as Employment and Economic Growth, Social Inclusion, Sustainable Patterns of Development. I have summarised all the supporting arguments below:

a) Physical Regeneration.

The applicant assess that proposals represent a substantial investment in Rawtenstall both in terms of re-investment in the existing urban fabric of the town (Heritage Arcade) and the reclamation and redevelopment of the strategically significant New Hall Hey site as it would provide a mixture of non-food retailing, offices, business, leisure and restaurant development.

There are also supporting quotes from “East Lancashire’s Future”.

b) Employment and Economic Growth

Including all elements of the proposal the applicant considers that the development could provide approximately 1,000 job opportunities.

The proposal would represent a £40m investment into the town centre’s fabric and economy. The applicant has included quotes from a number of sources including Rossendale Chamber of Commerce, East Lancashire Chair of Commerce and Ove Arup and Partners Ltd.

It should be noted that none of the above groups have formally responded to the application publicity. Arup have prepared the Rawtenstall Town Centre Area Action Plan on behalf of the Council. This document has undergone public consultation and will inform the Core Strategy. With regard to New Hall Hey, the AAP states, *“The mixed use redevelopment of New Hall Hey is proposed under the Preferred Option. The majority of the site would be developed for a mixture of office and industrial premises, with potential retail and leisure development to the east. The retail capacity study which has been undertaken for the Borough suggests that there will not be sufficient retail expenditure capacity up to 2011 to support retail development at this site. However, the potential future release of the New Hall Hey site should be phased to ensure that it is not developed in advance of sequentially preferable within the town centre”*

Whilst large parts of the proposal are speculative, it is difficult to dispute the job creation rates that are proposed by the applicant and thus the exact employment potential that the proposal would offer. However, I have no reason to consider that this scheme would not bring substantial employment and regeneration to the borough.

c) Social Inclusion

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

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

d) Sustainable Patterns of Development

The applicant highlights that the development would provide a number of different uses which would strengthen the town centre and provide local job opportunities for the residents of Rossendale. This, along with the earlier points would facilitate and allow sustainable travel by providing employment opportunities locally.

The supporting statement concludes *“In short, when everything is weighted in the balance, our proposals will on any reasonable, balanced and objective view, make a major positive contribution to the town centre’s regeneration”*. In considering this statement, I am mindful that the construction of the New Asda and the granting of planning permission by this Committee for Bolcholt Way is evidence that Rawtenstall is starting to attract much needed investment and regeneration. It is clear from the Council’s own retail consultants that the development of New Hall Hey could undermine the chances of the existing Asda site being redeveloped. In considering the proposals and subsequently granting planning permission for the Asda site on Bolcholt Way, Members acknowledged the retail, regeneration and town centre linkages that these proposals would bring to Rawtenstall.

Therefore, in balancing all relevant factors, consideration must be given to the policy and regeneration implications of this scheme and potential implications upon the edge of centre site and town centre if the existing Asda site were to be put at risk. The redevelopment of the existing Asda site would, ultimately, provide regeneration qualitative retailing with direct and close linkages to the town centre. Until such time that sequentially preferable sites have been developed or that none are available or viable, the development of out of centre locations such as New Hall Hey could directly compete against the established town centre as locations in their own right.

PPS6 seeks to locate applications for retail, leisure and offices within Town Centre or adjacent to Town Centres. Only where there are no other available sites should out of centre sites be considered. One of the fundamental elements of this guidance is to concentrate facilities within town centres where they are accessible by a means of public transport and where links between associated uses can realistically be achieved. It is more tenuous to consider that the development of an out of centre site would bring the same linked trips into the existing town centre.

However, whilst the development of New Hall Hey would provide a number of benefits as outlined by the applicant, its development at this time would undermine the development of the existing Asda site on Bolcholt Way which has the benefit of an extant permission. Therefore, if the existing Asda site

were to be undermined by the approval of this proposal, it could result in sequentially preferable site which is left vacant. Any linked trip benefit to the town centre may therefore not be realised.

As such, I do not consider that the potential regeneration, economic, social inclusion and sustainable development arguments detailed in the supporting documentation are sufficient to outweigh the need for the development to comply with the requirements of Regional Spatial Strategy, the Joint Lancashire Structure Plan and Planning Policy Statement 6. I do not consider that there are any other material considerations that outweigh this view.

However, I do consider that a split decision (i.e. the recommendation that some of the scheme should be approved whilst some should be refused) would ensure that some of the benefits to the town centre of the overall scheme could be realised as part of it being recommended for approval.

Conclusion

This application falls to be determined against the provisions of the development plan (the Joint Lancashire Structure Plan 2001-2016 and the Rossendale District Local Plan), relevant PPS advice, chief amongst which is PPS 6; Planning for Town Centres, and any other material planning considerations.

In principle the proposals conform in land use terms with the land use designation and preferred balance of mixed business/retail and leisure uses identified by Policies J1 and J2 of the RDLP.

The proposal has also been assessed against the provisions of the Joint Lancashire Structure Plan 2001-2016 and PPG/s advice principally in relation to PPS 6: Planning for Town Centres.

I do not consider that the changes to the proportions of the component parts of the scheme from that previously refused or the additional supporting information are significant to justify a different conclusion to that previously reached by Members of the Development Control committee in their refusal of the previous application on this site.

Whilst the B1/B8 Business and B1 Office elements still raise no issues of concern relative to functionality and prosperity of the Town Centre the independent assessment of the proposal by NLP on behalf of the Council highlights omissions in the supporting planning and retail statement submitted by the applicant.

Given that the application is a multi site submission, and the New Hall Hey element of the application fails to comply with the requirements of Regional Spatial Strategy, the Joint Lancashire Structure Plan and Planning Policy

Statement 6, I recommend that the split decision is reached and that the New Hall Hey element of the proposal be refused.

Recommendation

That planning permission be refused for the following reasons:

1) The applicant has failed to demonstrate that a need presently exists for the proposed development of a non-food retail park at this out of centre site of New Hall Hey which is contrary to PPS6 : Planning for Town Centres.

2) The proposal fails the sequential approach to site selection in that there exist better located town centre and edge of centre opportunities for comparison shopping development that would better support the existing town centre shopping function and are therefore contrary to PPS6: Planning for Town Centres and Policy 16 (Retail, Entertainment and Leisure Development) of the Joint Lancashire Structure Plan 2001-2016.

3) The applicant has failed to demonstrate that the proposals would not adversely affect the vitality and viability of Rawtenstall town centre which is contrary to PPS6: Planning for Town Centres.

Local Plan Policies

DS.1
DC.1
HP.1
S.1
S.2
T.4
T.6
T.7

Joint Structure Plan Policies

1b
2
16