

**UPDATE REPORT**

**FOR DEVELOPMENT CONTROL COMMITTEE  
MEETING OF 17 JANUARY 2017**

**Item B1      2016/0228 – Croft End Mill**

The applicant has requested that Members be provided with a summary of the two support letters received in relation to the application. These are:

- *I am very interested in this development as somewhere for my family to live; and*
- *Stubbins Residents Association state that they have overwhelming support for the site to be developed so that it does not become derelict and a site for criminal activity.*

Since publication of the report a response has been received from a resident which provides a summary of the history of Turnbull and Stockdale (the land owners) and attaching a copy of the Rossendale Civic Trust and Ramsbottom Heritage Society comments. The additional response does not lead officers to change the recommendation within the report.

The applicant has confirmed to Officers in writing and in a draft S106 Agreement that there is agreement from Eccleston Homes to provide the planning contributions as listed on page 16 of the officer's report to committee.

**As result of the above, no changes are made to the officer's recommendation.**

**Item B2      2016/0608 – Rawtenstall Town Square, Bank Street, Rawtenstall**

**4 additional representations have been received setting out the following comments:**

- The conditions have not been met on these plans. Page 30 of the report, lists all the conditions to be observed before you can proceed.
- Objected previously and objections were virtually ignored.
- Submitted own proposals for this site and received very little feedback.
- Urge you to reconsider the present proposals and reject them whole heartedly thus sending the whole project back to the drawing board.
- Support all objections and representations against these latest proposals.

- Cannot find any evidence that such a CONSTRUCTION METHOD STATEMENT has been duly submitted to and approved in writing by the Local Planning Authority.
- The Town Square in Rawtenstall, should be left free from buildings and other constructions as a means for members of the public to enjoy the free space, especially green space is a luxury in today's towns and cities.
- It is important to have greenery in communal areas for the health of the inhabitants.
- Could integrate the cafe/bus station and other facilities where the Police Station is in Rawtenstall.

**LCC Highways-** Following the receipt of the additional information the Highway Engineer has confirmed that she is satisfied that condition 12 can be discharged and condition 14 removed.

**In respect of the comments summarised within Section 7 of the Committee Report these are responded to as follows:**

*The statement contained in this Application in Certificate A is false. Rossendale Borough Council is the sole owner- an offence has been committed.*

Certificate A was originally submitted with the application however as Rossendale Council own the land Certificate B should have been completed with the requisite notice served on the Council. This was missed in error at validation stage. On querying this with the applicant they confirmed that notice was served on the Council at a meeting on 30<sup>th</sup> November and as such the correct Certificate B has been provided.

*There is no detail in any of the submitted material which is specific to this Application.*

As set out within the Committee Report the submitted information has been assessed by the relevant consultees in respect of the specific conditions and their comments set out within the original Committee report and this Update Report.

*Item 4 on the application form, that “several meetings have taken place throughout the application process and planning stages” with the Planning Manager. The lack of the required information in the application itself suggests detail was never included in such meetings.*

A pre-application meeting took place prior to the submission of this application in which the agent for the application sought advice in respect of discharging the prior commencement conditions and varying the conditions set out within the Committee report. It was determined that one Section 73 application should be

submitted to address the requested changes and deal with the condition information required prior to commencement. This is fully addressed within the Committee Report.

*Part 3 [of the application form]- The correct address and post code are omitted and the description is incomplete, as only a tiny part of this development affects the former Valley Centre site.*

Notwithstanding the address on the application form any permission at this site relates to the land edged red on the site location plan (ref: 319-15-L-00-001\_P1) submitted with the original application. This plan has been added to the list of approved plans in condition 2 for clarity.

*Part 5 [of the application form] asks for details of the proposal. It states “Refer to attached covering letter for details of conditions” As above - the covering letter dated 2.12.16, from Day Architectural, reference DAY/319/15/S1/NH/GH, is constantly referring to “documentation in support of this application”. There is no detail in any of the submitted material which is specific to this Application, therefore no detail of the proposal has been submitted and this is yet another failure to comply with Article 7b.*

*Part 6 [of the application form] – Again refers to the covering letter, which in turn refers the reader to “attached documentation in support of this application”. At the risk of becoming boring, such documentation does not exist, therefore no detail furnished, and yet another breach of Article 7b.*

The original Committee report sets out an assessment of the submitted documents in respect of the relevant conditions

*Part 7 [of the application form]- repeating the above objection on the grounds that an offence(s) has been committed, the Agent has signed Certificate A*

This is addressed above

*The form clearly states the Applicant is “Barnfield”. Each Barnfield company is a separate entity in law. The form does not mention RTB. Whilst it is hoped that there was no deliberate intention to deceive, the action is totally reckless, as whoever signed and completed the form (rather poorly) has made certain arrogant incorrect assumptions, which has left them liable, as the offence is absolute and complete.*

The applicant is Barnfield Construction Ltd.

*Part 8 [of the application form]- has been left blank. Another breach of Article 7b*

The application was validated by the Local Planning Authority and although there was an error in validating the application with the incorrect Certificate the remainder of the information was considered to be sufficient.

**Condition 4** *No reason is given or detail or information provided to support this application, other than it appears the applicant wishes to ignore the condition, so that they can just get on with the demolition stage and re-fit the Town Hall, as they presumably believe they do not need to comply with the original condition.*

The requirements of the condition will need to be complied with however it is not considered essential that this needs to be prior to commencement. The suggested way forward within the original Committee report confirms that this accords with National Government's aspirations to reduce the number of prior commencement conditions.

**Condition 7** – *is simply a brochure of a company called "Schuco" and provides no specific information relevant to this application. Therefore no detail provided. There is no mention in the brochure of "rai 7016", which is mentioned in Day's letter. Thus again, failure to comply.*

Plans of the proposed extension were submitted with the original application and made available to view on line. These plans have subsequently been amended with the amended plans being available to view on line and re-notifications undertaken.

**Condition 12** *In the Gantt chart it states "RTB to RBC agreement statement signed re claw back liabilities". The Leader of the Council has previously stated that Barnfield have undertaken to absorb all costs and she specifically told Council and Cabinet on more than one occasion, (recorded in the minutes) that there will be absolutely no cost to RBC.*

Although this is not a material planning consideration the applicant has confirmed that this references the fact that RTB are funding a proportion of the Town hall refurbishment through the Local Growth Fund allocation that RTB have received. The claw back provisions will sit with RTB and not RBC.

**Condition 12** *It states that the Bus Station Operator to be appointed. No tendering or advertising has been seen.*

This is not a material planning consideration however the Council will adhere to the correct procedures in this regard.

**Condition 12** Hoardings scheduled to begin erection in January 2017, despite Stopping Up Orders not being in place and despite the conditions attached to the original planning application not having been met.

This application will be considered on 17th January 2017 at Development Control Committee. If Members approve the application the decision will be issued in January and demolition could commence (subject to the recording requirements of the former Town Hall- condition 27). The applicants are aware of the requirement for Stopping Up Orders and a hoarding licence. Subject to receipt of the required licences/ orders which are outwith of the planning process hoardings could still be erected in January 2017.

**Condition 12** - No detail provided about the work to the Town Hall, despite the Tenant and Client sign off between 5/12/16 and 9/12/16. Where is there anything to suggest there is any form of value for money? No tendering! Nothing made public.

This is not a material planning consideration. The Council will be responsible for this element of the project and a public information day will be held in the near future where such questions can be posed directly to the Council.

**Condition 12** – “Start to address phase 2 design and council requirements Mon 31/10/16 to Fri 31/03/17”.

This is not material to this planning application for Phase 1 of the development.

**Condition 12** – “Agree communication strategy to town centre businesses and residents Mon 07/11/16 Fri 23/12/16”. So far as I am aware, having spoken to a couple of businesses, no such communication has been made, despite the intention to commence work in early January 2017

This is not a material planning consideration. The Council will be responsible for this element of the project and a public information day will be held in the near future where such questions can be posed directly to the Council.

**Condition 12** – “Roll out comms (sic) strategy in advance of construction start Mon 05/12/16 Fri 16/12/16”. This also appears not to have taken place. Another date missed.

This is not a material planning consideration. The Council will be responsible for this element of the project and a public information day will be held in the near future where such questions can be posed directly to the Council.

***Condition 14 is a drawing which is too confusing, and needs far more explanation.***

The submitted detail has been assessed by the Highway Engineer at LCC who is satisfied that as no retaining wall structure is required this condition can be removed.

***Building Recording Survey.*** This document compiled by Oxford Archaeology North, dated December 2016, is only a draft and refers to future documents, photographs and drawings to be later included.

This document has been reviewed by Lancashire Archaeological Advisory Service who are satisfied with the content and the condition has been varied accordingly.

***The Pre-Construction Information Summary document*** has been compiled by RJD Associates. In numerous sections, references are made to Appendices 1 to 10. Such appendices are not attached to the document.

As set out within the Committee Report it is considered that the various documents submitted address the requirements of the Construction Method Statement and this is reflected within the varied condition wording.

### ***Asbestos***

The applicants are aware that there is asbestos within the buildings and this will be fully addressed as part of the demolition contract

***Barnfield Environmental Protection Plan*** states “The attached drawing illustrates identified receptors and pathways for the site” No drawing is attached, so yet again the public are prevented from seeing this detail.

The applicant has confirmed that the Environmental Protection Plan is in the form of a template. The reference to a physical plan is not necessary and has been deleted. The document is to be read in conjunction with site activities in advance of each piece of work. This forms part of the overall good practice to working in a safe environment.

***Barnfield Construction Ltd. Construction Phase Health & Safety Plan is listed as Spinning Point draft construction phase plan.*** This is a blank document except the name and phone number of their Health and Safety Manager and HSE contact details. The Appendices with specific details of this project are blank, therefore once more, no detail whatsoever has been supplied.

Various documents have been submitted in respect of the Construction Method Statement which are included within the varied Construction Method Statement condition.

**Materials details (condition 7)** *simply reproduces a catalogue of Euro Clad Limited, and highlights nothing specific to this project and therefore has no value, so contravenes the requirements to furnish detail and fails to conform to Article 7b*

The proposed town hall extension is fully detailed within the original Committee Report.

**Site Layout Sketch listed as Construction Phase Plan Condition 11.** *On this drawing it states: Interim hoarding line until the solution for the Royal Mail vehicle movements is agreed & in place. This is presumably relates to issues connected to the unresolved application for the Stopping Up Orders.*

The applicants are fully aware of the requirements in respect of Stopping Up Orders.

*As this is an application under Section 73, shouldn't the Applicant have included in this application an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as this is considered to be a new application? Should this matter not have been discussed in meetings mentioned earlier? Has RBC decided that such an assessment is not required?*

This development falls to be considered Schedule 2 development in respect of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The original application was subject to a Screening Opinion (ref: 2014/0493) which determined that an Environmental Statement was not required in support of the planning application.

It is very unlikely that an EIA would be required to accompany a Section 73 application unless the circumstances since the planning application was originally approved have significantly changed. This is not the case in respect of this site however as this application is a new planning application a screening exercise has been undertaken and is attached to the end of this Update Report

*In accordance with the conditions set out in pages 30 and 31 of Stephen Stray's report, listing the Conditions to the grant of the original planning application, as none of the required detail has been provided and this application therefore fails.*

Full details of the conditions to be varied/ removed are set out within the original Committee Report.

### ***Other matters***

The matters listed are not material to the determination of this application.

**Historic England** have made the following comments on the application:

- As part of this application the applicants are seeking to address condition 7 of the permission which states that 'no development shall commence until scaled elevations and sections of the proposed town hall extension have been submitted and approved in writing by the Local Planning Authority'.
- The principle of the town hall extension already has the benefit of approval and the matter for consideration is the detailed design of this element. We consider that the detailed design of the proposed extension does not fall within in our statutory remit and we therefore recommend that you seek the views of your own specialist advisors on the acceptability of the specifics of the scheme.

**One further representation** has been received setting out the following points in respect of the amended plans notification:

- Given there is significance attached to the new submissions, and this a major development within Article 15 (4), the re-consultation period cannot commence until you have posted site notices advertising the re-consultation.
- Should anyone who raises or raised an objection or submit their comments between 9th and 13th January they will be unaware of the amended information and the new plans. They will be unable to review that significant material and consequently unable to make representations.
- It will no doubt be viewed by some that this is a deliberate attempt to deprive the public from seeing all the recently submitted material, especially anyone who had not objected or submitted their comments on or after the 9th January until the original deadline of 13th January 2017.
- This means nothing more than the matter will have to be placed before the next DC Committee after the 20th January 2016, when all views will have been gathered and reflected upon.
- The more I look, the more conditions I find that have not been met, yet you have ignored them in your report.

**RESPONSE:** In accordance with Section 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 there is a requirement that an application for planning permission to be publicised by the local planning authority. For major applications this includes:

- by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- by serving the notice on any adjoining owner or occupier; and
- by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.



Site notices were erected on 16<sup>th</sup> December 2016. Letters were sent to neighbours on 16<sup>th</sup> December 2016 and 9<sup>th</sup> January 2017 (in respect of the receipt of amended information). The application was advertised within the Rossendale Free Press on 23<sup>rd</sup> December 2016. As such all of the publication requirements for this type of application have been undertaken.

In this case the amended details received at the beginning of January relate to a reduction in the profile of the roof for the Town Hall extension and the inclusion of additional timescales within the project plan at the request of the Highway Authority. These changes are not significant in respect of the scheme as a whole (which is for the erection of a bus station, retail/cafe units including associated facilities and works to the Old Town Hall) and as such a 7 day re-notification was considered to be acceptable. This did overlap the 21 day notification in respect of the Press Notice however there is nothing that restricts such an overlap and effectively results in additional time for comments to be made on the proposals.

The amended details were made available on the Council's web-site and so fully available to be viewed publically and the changes detailed in full within the Committee report. The Committee Report along with the extension plans were also published on the Council's web-site on 9<sup>th</sup> January. There has been no attempt to 'hide' the amended information and anyone with an interest in the scheme has been able to view the submitted information.

Notwithstanding the above of the people who have commented on the application either were originally notified on 16<sup>th</sup> December and as such received the amended plan notification on 9<sup>th</sup> January or commented after on and after 13<sup>th</sup> January.

As a longer re-notification period was not considered necessary in respect of the amended information it is not considered that a later DC Committee is necessary either.

All of the conditions subject to this Section 73 application have been addressed in full in the Committee Report. Not all the conditions of the original consent are subject to this Section 73 application and they will be retained as per the original permission on this consent if Members are minded to grant approval.

**22 further representations have been received setting out the following points:**

- Thanks for the curious replies and help I received from the staff at least some of our services are operating properly.
- The members really are making this whole issue look even more ridiculous the longer it goes on and I feel genuinely sorry for the majority of the staff who have to tolerate this nonsense.

- When are the members/ councillors actually going to stop telling lies and deceiving everyone including themselves and start listening to the people of Rossendale and especially the heritage groups and professional bodies?
- I have tried to be tolerant with our elected members but having witnessed them in action I have come to the conclusion that the whole council set up and organisation really is no longer fit for purpose.
- I am making it known once again that I object to the whole scheme which includes the amended information and plans
- Thanks to information I have received I believe that the whole planning process for this scheme has been proved to be illegal.
- I am looking forward to the meeting at Futures Park next week where hopefully this ridiculous scheme will once again be put on hold for further discussion by the lawyers.
- Omissions in the information provided which are out of order.
- Under the impression that RBC owns the site – so please check out the claim that this is the property of the developer.
- Check as to the ownership of the Town Hall itself for the Planning Committee record.
- The fabric of the building proposed seems totally out of consistency for the Conservation Area – particularly as it is to replace an attractive stone building – which one could have considered a valuable resource for the community.
- Has provision been made to locate the hoarding map in a position such that public roads are still accessible?
- Any Stopping Up applications are not passed and such agreement should not be assumed.
- Concerned over the demolition of the beautiful historic stone frontage and building of the former Council Offices on Bacup road to facilitate the erection of a monstrosity of a new bus station.
- Every time walk through the rubbish strewn empty 'temporary' bus station we have used for the past 40 years (devoid of any buses usually)- why do we need a bigger one?
- The money could be better used elsewhere, whilst retaining our building heritage, before - like so many times in the past with other buildings - it's lost forever!
- Would appreciate full details, again either in writing or by email, as to who actually owns the Town Hall building and related site detailed in the application.
- Object to the proposed metal and glass lean-to extension which it is proposed will replace the existing stone one-time tramways offices building since this neither preserves nor enhances the Conservation Area.
- The extension is not in keeping with the quality Edwardian architecture of the Town Hall (originally Exchange) building which is to remain.
- Neighbouring towns have managed to add modern extensions to their Edwardian and Victorian buildings which manage to combine modern and historic in a much more sympathetic style, good examples being current works in Oldham, Manchester, and the extension in 2012 to The Pioneers' (Co-op) Museum in Rochdale.
- Demolition of the building- showing a lack of respect for buildings of interest, and which can be put to use in ways which can benefit the community.
- Like all good things, somebody always wants to destroy it, especially if there is money to be made.

- Lack of transparency in terms of ownership of the Rawtenstall Town Hall and missing information from the planning applications.
- The public, yet again are being misinformed and misled.
- Has the Borough forgotten about democracy ....
- Many of Rawtenstall's historic buildings have been destroyed by successive Councils. Newchurch and Goodshaw had their hearts ripped out, to be replaced by hardly noteworthy buildings. The Valley Centre was a disaster and has gone in a short space of time. The buildings at Captain Fold were destroyed for a new college which is now to be replaced by a McDonald's. Our ancestors would weep at the destruction of our history.
- I have seen the plans and drawings for the amended Town Hall structure and consider them to be totally out of keeping.
- The Glass building to be added to what will be left of the Town Hall.. is yet another carbuncle in the Town. The biggest is ASDA.
- Planners have come and gone, many without a real interest in safeguarding the history and appearance of the Valley. This demolition is yet another step too far.
- Totally out of character as well as a complete waste of money.
- Object to building of any kind on the Town Square which is a great asset to the town accidentally created out of another planning blunder the awful Valley Centre.
- Enough is more than enough its not a necessity, for the usage it will have, simply refurbish the existing one, spend the money on extending the tram system to Rawtenstall picking up all the trade from throughout the valley (including Ramsbottom). Our Victorian forefathers would simply just DO IT as they did back then, but that's another story. Use your common sense and DO NOT do it !!
- The amendment letter of the 9th January 2016 was received on 11<sup>th</sup> January which does not allow 7 days to comment.
- If and when the old tram shed part of the building is demolished, there will be vast quantities of the beautiful old natural stone available for the construction of something more in keeping with the old town hall.
- This design is completely different to anything that Historic England suggested. Have they been contacted on this new design, and if so what has their response been?
- Regarding the old natural stone making up the old tram shed offices, what EXACTLY is being proposed for the use of this VERY VALUABLE material?
- Whilst on the matter of Historic England, have they been provided with the Council's design suggestions for how the northern (back side) of the town hall will look after the alterations? If not, why not? If so, are they available for members of the public to examine and comment upon?
- Finally the demolition of any building in a Conservation Area must not take place until plans for its replacement have been agreed. As the design of the town hall extension is still in the suggestion/debate stage, then surely any demolition must be delayed until such time as the final design is formally agreed.
- Shortage of information in the planning application, particularly a dearth of good visuals demonstrating the impact from multiple vantage points.
- Some of the information provided appears to be incomplete, and in particular, there has been significant confusion over ownership of the land.
- Local buses are being cut back. People travel more by car. The current bus shelter is often empty. It won't encourage trade in the town. It's ugly. The local people are against it.

- It is not needed a large bus station like that plus the town hall being part demolished.
- It would be better to do something with the grand building and bring it back to a good use.
- Barnfield and RBC believe that they can predict the Secretary of State's decision, ignore those who objected to the "Stopping up" of North Street and Lord Street and, essentially, ride rough-shod over the objections of many people to the proposed bus station and changes to the Town Hall structure.
- A few new bus stops would be sufficient.
- The town hall is an integral part of Rawtenstall's Victorian heritage and to remove this apart from the frontage in favour of a glass building which has no character does not make sense.
- Concerned by the park and ride plans
- The council has given the go ahead to McDonalds to build a mass produced outlet on the roundabout as you come into town. What does this say about our town, our heritage and our ethics?
- Amidst all the comment on this application one detail that seems to have been overlooked is the proposed infill of the gable end of the Old Town Hall after demolition of the later extension. It is in any case an untidy proposal to patch the gap left by loss of the adjoining building with an unmatching material, but the amount of infill required is not correctly shown.
- The three elements to this prominent gable- original, patching and new-build - then become even more disproportionate. This is yet another reason why the whole design for this gable end needs to be re-visited, and retention of at least one, preferably two bays for proportion's sake, of the existing building retained, up to its existing height. This would leave some of the important horizontal frontage to Bacup Road intact, and allow for design of a complete gable end as one unit with an integral entrance (re-using the stonework from that already on Bacup Road) which would be far more compatible with the approach from Queen's Square.
- Retention of as much of the extension as possible would now go a long way to avoiding the harm that would be caused to the Conservation Area by the loss of frontage to Bacup Road, as well as solving the problem of how to deal with the patching of the gable.

**Rossendale Civic Trust** object to the proposed removal, during the construction, of two long established public rights of way, that have existed for over 100 years, without obstruction by either gates or notices, since the days of Richard Street and Lord Street's continuation to Bank Street. And in passing note that the present Public Convenience relates to an earlier one for the housing in that area.

**Following the re-notification on the amended plan for the Town Hall extension Rossendale Civic Trust have objected to the proposals. Their comments are attached in full to the end of this Update Report.**

It should be noted that various options were considered as part of the amendments to the Town Hall extension which are included within the Civic Trust's comments. The proposal under consideration is the originally submitted proposal with a slimmer roof profile as included within the Committee agenda.

**Condition 21** of the original consent relates to a demolition method statement. Although the submitted information is considered to be acceptable it has not been possible to put the information into the public domain as the information is still commercially confidential. As such it is proposed for condition 21 (now condition 20) to be worded as per the original consent (below) and for a discharge of condition application to be submitted in respect of this condition.

Notwithstanding what is shown on the submitted drawings / in the supporting statement, prior to the commencement of demolition, the following shall be submitted to and approved in writing by the Local Planning Authority:

i) A method statement in respect of the demolition works to be undertaken, including details of the means by the boundaries of the site will be screened, harm to existing trees bounding the site and within the site to be retained will be avoided and where any site cabins / compound will be located.

Reason: To protect the character and appearance of the locality

**Cushman & Wakefield** have submitted representations on behalf of Royal Mail Group Limited (RMG hereafter) as follows:

- That RMG objected to the original application reference 2015/0476 and considers that Rossendale Borough Council (the Council hereafter) did not fully consider the content and implications contained in its letter of objection satisfactorily in its determination (enclosed for reference), therefore all points contained within in it are material to the determination of this application (2016/0608).
- The information submitted to vary and/or discharge certain conditions attached to permission 2015/0476 does not address RMG's concerns contained within its letter of objection to the original application. The proposal that is the subject of the planning application 2016/0608 will have similar detrimental impacts upon the operation of RMG's Rossendale Delivery Office located at 12 Kay Street, Rawtenstall.
- RMG's significant concern relates to the safe and effective movement of its vehicular delivery fleet, particularly in relation to the construction of the new car park to the south-west of Kay Street that will result in the loss of North Street and Lord Street.
- The Rossendale Delivery Office is well established, having operated successfully for a number of years. Due to the nature of use, operations extend well beyond the normal working day/week, including associated vehicular movements.
- It is also pertinent to note that RMG has an outstanding objection to Stopping Up Order application. This Stopping Up Order application seeks to permanently close North Street and Lord Street, which will facilitate the proposed bus station.
- Application 2016/0608 seeks to vary and/or discharge obligations attached to planning permission 2015/0476. Those considered to directly impact upon the safe and effective operation of the Rossendale Delivery Office are:
  - Condition 2 Development to be carried out in accordance with the approved plans
  - Condition 11 Construction Method Statement
  - Condition 12 Construction and Demolition Phasing Project Plan
  - Condition 13 Scheme for Construction of the Site Access and Off-Street Works of Highway Improvements
  - Condition 20 Demolition Method Statement

- Condition 2: Drawing 'Highway adoption and Stopping Up' 083519-CAP-PW-C-006b Rev I02 has been omitted from the 'approved' drawing list. Condition 10 restricts development, excluding demolition, until the formal stopping up of the highway is granted.

***RESPONSE: This plan has now been included into condition 2***

- Condition 11: The Council planning officer's Committee Report (2016/0608) at page 12 states that the Highway Engineer at Lancashire County Council requires that "no highways (North Street, Lord Street, Annie Street) should be enclosed with hoarding or used for any other purposes until they have been formally stopped up and the Council have received the signed notice." The ability to enforce this particular requirement is considered fundamental to the continued effective operation of the Rossendale Delivery Office. It is therefore respectfully requested that this restrictive wording is added as a further requirement under any variation to condition 11.

***RESPONSE: a Highway Stopping Up Order is a requirement of the Town and Country Planning Act and is required in addition to planning permission. The applicants are fully aware of this requirement and as the applicants would have no authority to stop up any highway until the decision to grant an Order has been published it is not considered necessary to amend condition 11 in this regard. The applicants will also need a hoarding licence from LCC.***

- Condition 12 and 20: From the submitted application information available on the Council's website it is not clear which document, if any, constitutes the Construction and Demolition Phasing Project Plan (revision A) and/or the Demolition Method Statement. Furthermore, the information suggested to be contained within the Appendices of the submitted Construction Phase Health and Safety Plan is not accessible to review. Of particular significance, this importantly includes the programme related to these works. This information, specifically the precise details of when site hoardings are to be erected/dismantled, demolition commences and ends, and construction phases commence and end, is vitally important to the continued and effective operation of the Rossendale Delivery Office as it will allow RMG's Delivery Office Manager to plan and manage deliveries to and from the site during these disruptive periods. As this critical information is not available for directly impacted third parties to review and consider, the Council is not in a position to be able to discharge and/or vary any element of this condition.

***RESPONSE: The details of the construction management are submitted in various documents as set out within the proposed condition variation. The continued and effective operation of the delivery office is key to the town centre and there have been various discussions (which have resulted in the production of 2 hoarding plans- an interim and final plan) with the post office to ensure there is no disruption. The applicants have been made aware of the need to ensure the Post Office are aware of key dates within the construction process in the interests of their continued operation.***

- Condition 13: It is considered that significant negative planning harm would result if the Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 is not approved and the bus station is allowed to be constructed. On this basis we have suggested that the wording of condition 13 is amended to prevent such a scenario occurring as follows:

“Within 3 months of the commencement of the demolition as proposed by drawing Proposed Site Demolition Plan L-15-001 Rev P1 a scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to, and approved in writing by, the Local Planning Authority. The construction of the site access and the off-site works of highway improvement shall be carried out in accordance with the approved details and completed prior to the commencement of the construction of the new bus station, excluding the footway and access works to the south side of Bacup Road on the former Bus Station site which shall be completed within 3 months following the first occupation/operation of the new bus station.”

***RESPONSE: The condition as worded relates to the commencement of the development which includes demolition however additional wording has been added in for clarity. The timing of the works reflects the requirements of the Highway Engineer.***

- Please note that an identical Proposed Site Demolition Plan has been submitted as part of the package of information supporting the Section 73 application, however, this has a different drawing number L-15-001 Rev Ø, which could lead to ambiguity in future decisions/enforcement scenarios. We would request that the drawing number currently listed under condition 2 is substituted with the drawing number submitted to discharge condition 13 (L-15-001 Rev Ø).

***RESPONSE: This has been amended.***

- New Condition to be applied to any permission granted pursuant to the section 73 application as follows:  
“No highways (North Street, Lord Street and Annie Street) shall be stopped up until an alternative access scheme relating to Royal Mail’s Delivery Office at 12 Kay Street has been approved in consultation with Royal Mail Group and implemented.”

***RESPONSE: The Royal Mail have objected to the Stopping Up Order, which as stated above is separate to the planning application process, and discussions are ongoing to overcome this objection which will be necessary before the Order is issued. Given that there is a separate process relating to Stopping Up Orders it is not considered necessary to attach the suggested condition.***

- The representations in the enclosed letter are a weighty material consideration in the determination of this application and are relevant to the imposition of appropriate planning conditions.
- RMG would like to make it clear that it does not object in-principle to the new bus station proposals, however, it is strongly of the view that its concerns have not been adequately considered at any part of the application process.

#### **Item B4 2016/0595 – Stubblee Barn (Change of Use)**

An objection has been received to this application, after the publication of the Committee report. The objection raised the following issues:

- Inadequate access
- Inadequate parking
- Potential for loud music to be played which could affect neighbour amenity

Given the separation distances involved between the site and the nearest residential properties (over 100m to Moss Meadows Farm and around 60m to Olive House) and the fact that it is proposed to limit the opening hours of the facility to 11am-6pm daily (with one day per week extended hours from 11am-10pm) it is not considered that the proposed scheme is likely to result in significant noise disturbance to neighbouring properties.

The Local Highway Authority has provided comments on the proposed scheme since publication of the Committee report, and has no objection to the proposed parking and access arrangements subject to conditions requiring:

- That the proposed cycle store is made available prior to the first use of the facility.
- That a car park signing scheme shall be submitted for approval by the Local Planning Authority and implemented prior to the first use of the facility. The signage scheme shall include directional signage on Stubblelee Lane and signage within the general car park and the overspill hard standing area marked on the plan for vehicles and to the cycle store within the courtyard for the cyclists. The current sign within the general car park indicates that its use is for the 'Greenhouses only' and this shall be removed upon installation of the new signage.
- That a lighting scheme shall be submitted for approval by the Local Planning Authority and implemented prior to the facility being used for functions and other community uses during the hours of darkness. The unlit lane and car parking areas, together with the lack of footways on Stubblelee Lane and the poor visibility from the courtyard onto Stubblelee Lane raises a safety concern during the hours of darkness if not adequately addressed by a scheme of lighting.

In addition, the Local Highway Authority requested that the two staff car parking spaces shown on the Parking Plan within the courtyard of the buildings be omitted, as the sightlines for vehicles entering and exiting the courtyard to and from Stubblelee Lane are poor. The applicant's agent has submitted an amended plan in this respect, omitting the two staff car parking spaces from the courtyard.

In line with the recommendations of the Local Highway Authority, it is proposed to add the following conditions to the list of conditions already included within the Committee Report:

*11. Prior to first use of the facility hereby permitted the covered cycle store shown on approved drawing number 2016/130-04 Revision B shall be made available for use. The cycle store shall be retained thereafter and kept freely available for the parking of bicycles.*



Reason: *In the interests of promoting sustainable transport and ensuring that there is adequate provision for the parking of bicycles at the site.*

*12. Prior to first use of the facility hereby permitted, a scheme of car park signage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include directional signage on Stubblelee Lane and within the car park (and overspill area). The scheme shall include signage indicating the direction of the facility itself, the car parking and the cycle store serving the facility hereby permitted (as shown on approved drawing number 2016/130-04 Revision B). The approved scheme shall thereafter be implemented in full prior to the first use of the facility hereby permitted, and shall be retained and maintained thereafter. The current 'Greenhouses Only' signage within the car park shall be removed upon installation of the new signage.*

Reason: *In the interests of highway safety.*

*13. Prior to the first use of the facility hereby permitted outside of daylight hours, a scheme of lighting provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of lighting along Stubblelee Lane and within the car parking area. The scheme shall be implemented in accordance with the approved details prior to the first use of the facility outside of daylight hours.*

Reason: *In the interests of highway safety.*

In addition to the conditions above, it is proposed to amend Condition 2 as listed in the Committee Report, to take into account the amended plan that has been received in respect of the revised parking arrangement (omission of the two staff car parking spaces within the courtyard). The amended condition would read as follows:

*2. The development shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:*

*- Application form date stamped 7<sup>th</sup> December 2016 by the Local Planning Authority.*

*- Site Location Plan date stamped 7<sup>th</sup> December 2016 by the Local Planning Authority.*

*- Proposed Plans and Elevations (Drawing Number 2016/130-02 Revision E) date stamped 3<sup>rd</sup> January 2017 by the Local Planning Authority.*

- *Glazed Canopy Extension (Drawing Number 2016/130-03 Revision B) date stamped 3<sup>rd</sup> January 2017 by the Local Planning Authority.*

- *Parking Arrangement Plan (Drawing Number 2016/130-04 Revision B) date stamped 13<sup>th</sup> January 2017 by the Local Planning Authority.*

*Reason: To ensure the development complies with the approved plans and submitted details.*

The applicant has raised concerns about the opening hours restriction condition included on the original Committee report. Although the opening hours as originally included were as indicated by SCG Trust in the business plan they would now like to open 9am to catch the early dog walkers in the park. As such it is proposed to amend condition 3 as follows:

The use of the site hereby permitted shall not operate outside of the following times:

- Daily (including weekends and Bank Holidays) from 9am to 6pm
- One day per week 9am to 10pm (for the Community Cinema use)

**Nicola Hopkins**  
**Planning Manager**

**Published: 13th January 2017**

**Amended Published Version: 17<sup>th</sup> January 2017**

## **SCREENING OPINION IN RESPECT OF THE SPINNING POINT DEVELOPMENT (REF: 2016/0608)**

### **Assessment**

This screening opinion seeks to confirm whether an Environmental Impact Assessment (EIA) should form part of the main application for the proposed development on the site.

### **Proposed Development**

The applicant proposes the erection of a bus station and retail/cafe units (Use Classes A1, A2, A3, A4, A5 or B1), including associated facilities, car parking and landscaping, demolition of former Police Station, Town Hall Annex, Public Toilets and part demolition and works to the Old Town Hall, within Rawtenstall conservation area.

### **Town and Country Planning (Environmental Impact Assessment) Regulations 2011**

The proposals do not fall to be considered Schedule 1 development where an EIA is mandatory.

The proposals fall within category 10(b) (Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas) of Schedule 2 as the site exceeds 1 hectares (The site comprises 1.38 hectares of previously developed land located at within the centre of Rawtenstall).

An EIA is required for Schedule 2 development that is likely to have significant effects on the environment by virtue of factors such as its nature, size or location

The LPA as the competent authority must consider the proposals against the selection criteria set out by Schedule 3 of the Regulations concerning the; characteristics of development; location of development; and the characteristics of potential impact. This determination is based on the submitted information describing the proposed development.

The National Planning Practice Guidance confirms that an Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination.

### **Schedule 3**

#### **Characteristics of the Development**

The future development of this site could involve the erection of a bus station and retail/cafe units (Use Classes A1, A2, A3, A4, A5 or B1), including associated facilities, car parking and landscaping, demolition of former Police Station, Town Hall Annex, Public Toilets and part demolition and works to the Old Town Hall, within Rawtenstall conservation area. The National Planning Practice Guidance confirms that:

*It should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.*

The National Planning Policy Guidance sets out the indicative screening thresholds for sites

which have not previously been intensively developed as follows:

(i) area of the scheme is more than 5 hectares; or

- (ii) it would provide a total of more than 10,000 m<sup>2</sup> of new commercial floorspace; or
- (iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).

The site is currently occupied by the former Town Hall, the One Stop Shop and the former Police Station which does not occupy more than 5 hectares.

Less than 10,000m<sup>2</sup> of new floorspace is proposed and it is not considered that the development will have a significant environmental impact in terms of the scale of development proposed within this urban setting.

### **Cumulative Effects with other Development**

The National Planning Practice Guidance states that in judging whether the effects of a development are likely to be significant, local planning authorities should have regard to the possible cumulative effects with any existing or approved development. The site forms part of Rawtenstall Town Centre and read in culmination with other 'in-planning' applications in the area it is not considered that the cumulative effects of the development warrants an EIA in this case.

### **Use of Natural Resources**

Resource use will be confined to construction materials and on-going running costs such as power and water. The use of these resources can be minimised through construction site best practice and by maximising the amount of materials sent for re-use or recycling.

### **Production of Waste**

No waste is anticipated from this development apart from the waste associated with the temporary construction period. Best working practices appropriate for the site can be employed at this site to avoid significant or unnecessary

environmental effects, minimising the production of waste and maximising recycling and reuse of materials. It is not considered that there would be any on-going waste issues.

## **Pollution and Nuisances**

### **Contamination**

The proposals would not involve the use, storage or releases of hazardous substances. The site will be subject to a risk assessment in respect of contamination which can be controlled by condition.

With the exception of the construction period, it is not considered that there would be any noise, dust, odour or potential pollution from the proposed development. Any potential noise and dust during construction could be controlled by planning conditions and is not considered likely to be significant.

### **Traffic**

16. The full impacts of traffic generation were fully considered as part of the previous application at this site. It is not considered that the increase in traffic from this part of the Village will adversely impact on the surrounding road networks.

### **Air Quality**

17. No adverse effects on air quality are anticipated from the operational development due to the low background concentrations of pollutants in the borough. Any impacts created at construction stage can be adequately addressed via condition.

### **Noise**

The development will generate noise during the construction process however this will be assessed in respect of proximity to the wider noise generating uses and can be controlled by condition.

### **Risk of Accident**

The proposed use will not result in a significant increase in risk of accidents.

### **Location of Development**

The site is not:

- designated as a site of special scientific interest,
- subject to a Nature Conservation Order
- An international conservation sites
- A National Park,
- An Areas of Outstanding Natural Beauty,
- A World Heritage Sites
- A scheduled monument.

The site comprises 1.38 hectares (30,900m<sup>2</sup>) of previously developed, land located within the centre of Rawtenstall and it is not considered that the impact of the development will be more than a local impact.

### **The Existing Land Use**

The existing site is an occupied piece of previously developed land which does not contain any sensitive features.

### **Impact on Relative Abundance, Quality and Regenerative Capacity of Natural Resources in the Area**

The proposed development will not have an adverse effect upon natural resources in the area.

### **Absorption Capacity of the Natural Environment**

The EIA regulations states that particular attention should be paid to the following areas, the sites not located on any of these areas:

- wetlands;

- coastal zones;
- mountain and forest areas;
- nature reserves or parks;
- areas designated under EU Directives on the conservation of wild birds, natural habitats, flora and fauna;
- areas in which environmental standards have been exceeded;
- densely populated areas;
- or landscapes of historical, cultural or archaeological significance.

### **Characteristics of the Potential Impact**

#### **Extent of Impact**

Any effects of the construction phase such as noise and vehicle movements will be limited to the site and the immediate surrounding area. The impacts associated with the construction phase can be controlled by condition.

#### **Transfrontier Nature of the Impact**

Transfrontier impacts are not applicable for a development of this nature and scale in this location.

#### **Magnitude and Complexity of the Impact**

It is considered that the impacts would be small scale and limited to the locality. All impacts such as dust, noise and traffic generation, particularly during the construction phase, can be controlled by condition.

#### **Probability of the Impact**

Construction related impacts such as noise are considered likely to occur on a localised level only and are easily addressed through condition. Contamination risk is considered to be low.

#### **Duration, Frequency and Reversibility of Impact**



Any impacts linked to the construction period would be short term or temporary in nature. Any potential long term impacts identified will be addressed and enforceable by condition.

### **Conclusion**

The decision is based on the information known at the time and selection criteria for screening Schedule 2 Development (Schedule 3) (above), and guidance contained within the National Planning Practice Guidance. It is not considered that an EIA is required to support the planning application at this site.

**COMMENTS FROM ROSSENDALE CIVIC TRUST FOLLOWING THE RE-  
NOTIFICATION**

2016/0608 Section 73 application to vary/remove conditions 2, 3, 4, 7, 11, 12, 13, 14, 20, 21, 22 and 28 attached to planning approval 2015/0476 which granted consent for the erection of a bus station and retail/cafe units (Use Classes A1, A2, A3, A4, A5 or B1),

**Representations of Rossendale Civic Trust on Reconsultation 9-16 Jan 2017.**

**Condition 7.** Notwithstanding submitted details, no development shall commence until scaled elevations and sections of the proposed town hall extension have been submitted and approved in writing by the Local Planning Authority. Details shall include glazing and any proposed coloured or tinted glazing, obscured glazing, window and door design. The development shall be carried out in accordance with approved details.

Reason: In the interests of visual amenity, in accordance with Policies 1, 16 and 24 of the Council's adopted Core Strategy DPD (2011).

**Objection 1.** Applicant's covering letter explains that: *Further to the scaled elevations submitted in support of the application, please refer to the updated scaled elevations and sections, along with product details from Schüco (glazing & doors), further to this we can confirm that the glazing shall not be tinted nor obscured. The ral colour for the aluminium PPC window frames is to be ral 7016.*

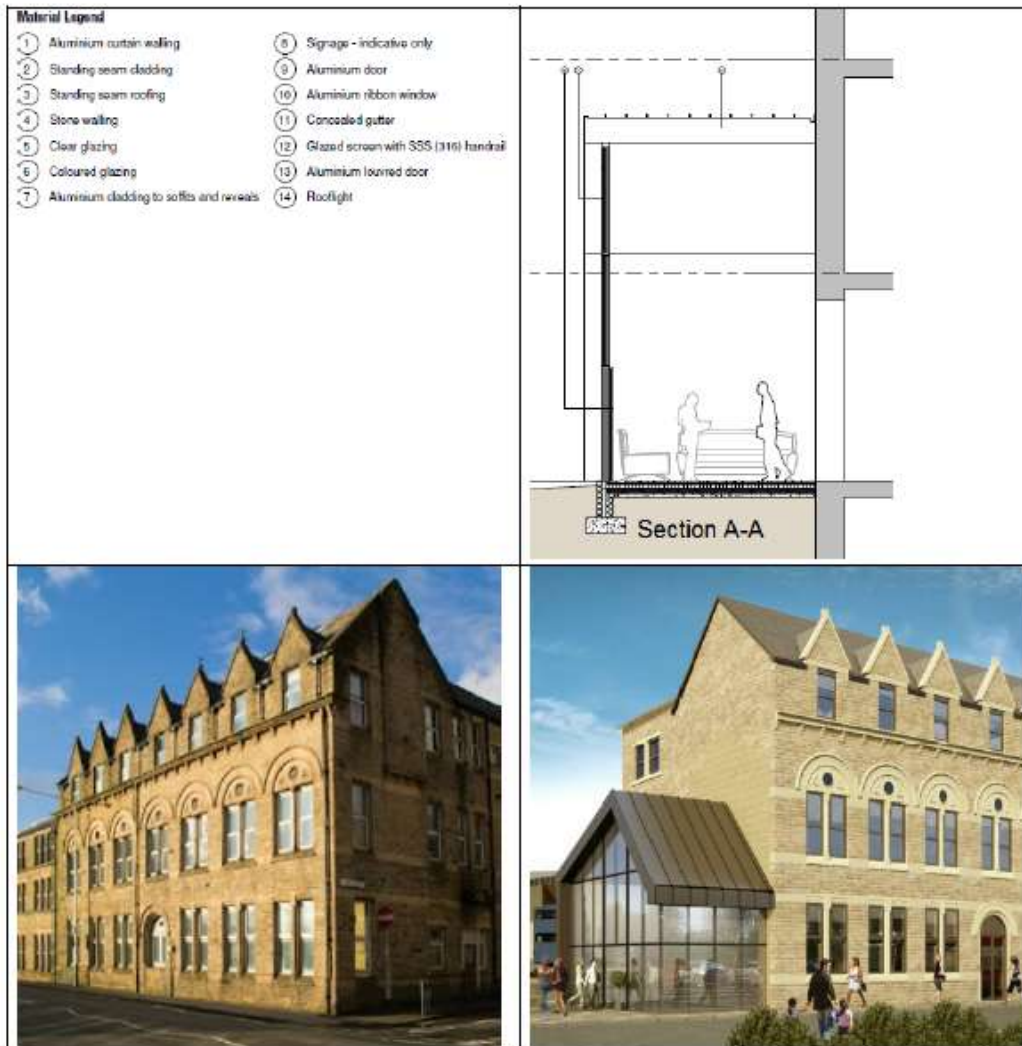
For the Reconsultation we now have 64 pages of *Schüco FW 50+ / FW 60+: System solutions for vertical facades and skylights*, and 28 pages of Euroclad roof and wall products. However should we have to await their approved fabricator and installer's pre-production to approve drawings, before we know how the extension will actually look like close up?

**Objection 2.** From the list of approved drawings: *Former Town Hall Proposed North Elevation dwg no. E-20-004* □ *Former Town Hall Proposed East and West Elevation dwg no. E-20-005* □ *Former Town Hall Proposed South Elevation dwg no. E-20-006*, the proposed extension to the Old Town Hall is only clearly seen on the West Elevation, that facing Bacup Road is backed by part of the proposed Bus Station and so is quite hard to appreciate.

As can be seen, the approved West Elevation shows the proposed extension set against a very blank, gable to the 1875-1910 retained section of the Old Town Hall. Now, looking at Condition 7's West Elevation, its setting, in relation to this significant building in the Rawtenstall Conservation Area, is almost invisible, as if in need of a lens wipe?

And also note how hard it is to appreciate, from how the various parts of this drawing are scaled, how the Materials Legend relates to the Elevation and to Section A- A, and so understand how its construction works in detail, and so discharge Condition 7.





**Objection 3.** Rossendale Civic Trust's 2/1/17 objection, to this proposed extension to the 1875-1910 retained section of the Old Town Hall, is perhaps understandable from this comparison between how its 1870's architect turned the corner from Bacup Road into Lord Street, and how it's now proposed to turn its newly exposed corner into this proposed extension.

Note how its 2017 architect has, it would appear, chosen to almost treat it as a remote extension to the architecture of the proposed Bus Station, instead of seeing what other options were there, to relate and borrow from the design and materials of the Rawtenstall Conservation Area: of how the Old Town Hall turns into Lord Street. The continuation of string courses and a stop end rather than a slice through of a stone feature are the most obvious.

And from a purely practical viewpoint, are the propose materials: glass and aluminium, robust enough to come so close to ground level: on a section of Bacup Road, that can become quite "lively" late on some evenings.

And for the Reconsultation we see 4 proposals, and have asked 13/1/17 with no reply: *Is the intention to have representations on all 4 in order to decide whether to continue with this way of adding to a 1875-1910 vintage stone building?* NOTE We also see a mismatch of gable infill.



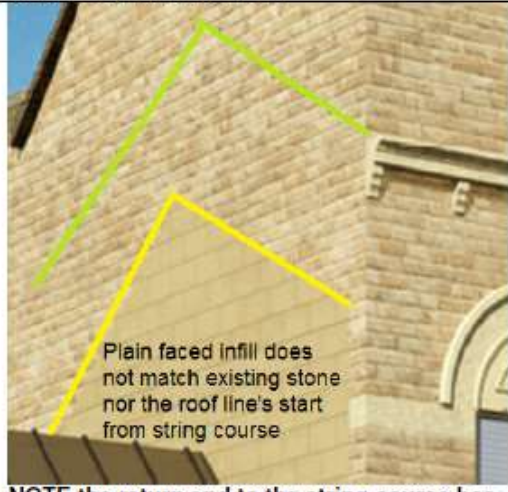
Sort of thing for a NCIS Crime Scene?



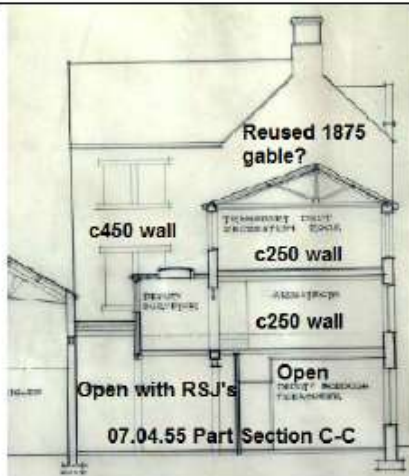
Or for medicinal cultivation?



Note where the existing roof line is set on the gable of the extended Exchange.



NOTE the return end to the string course has been removed.

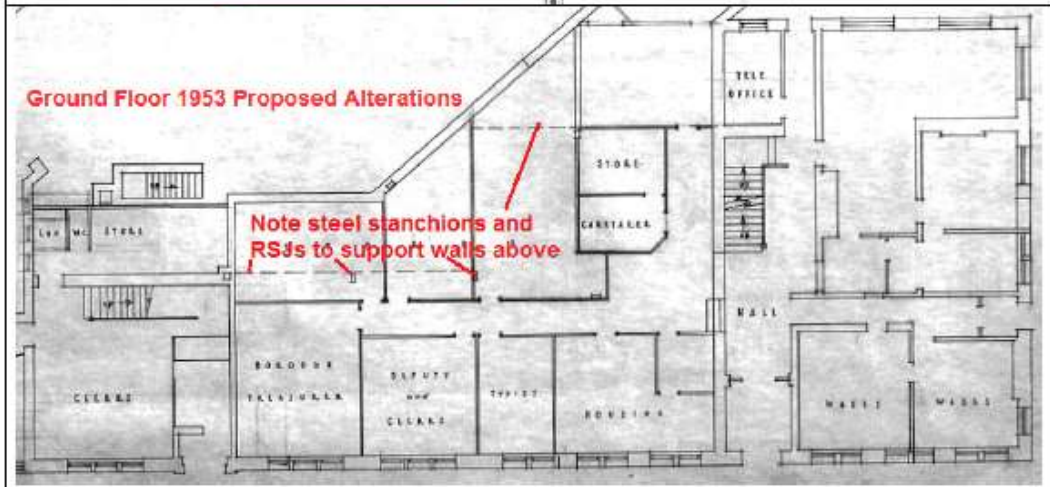
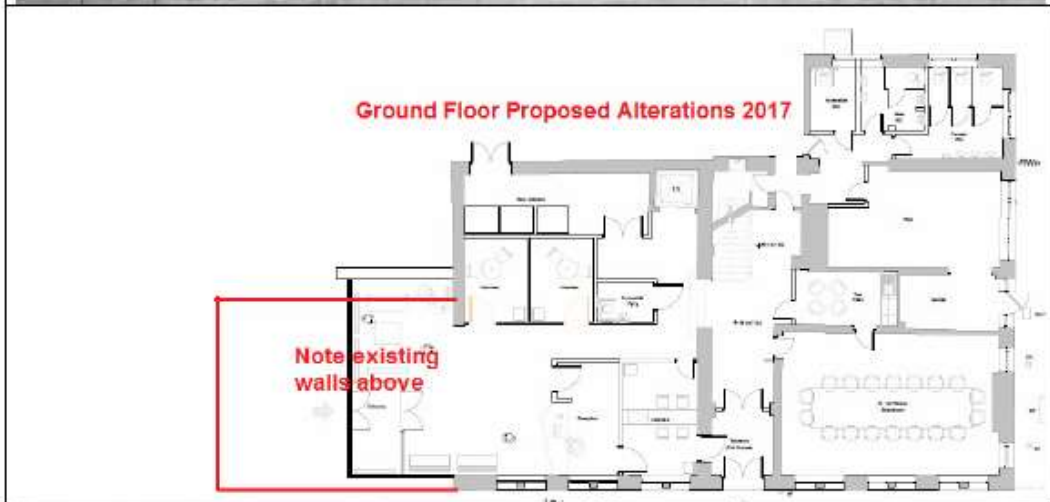
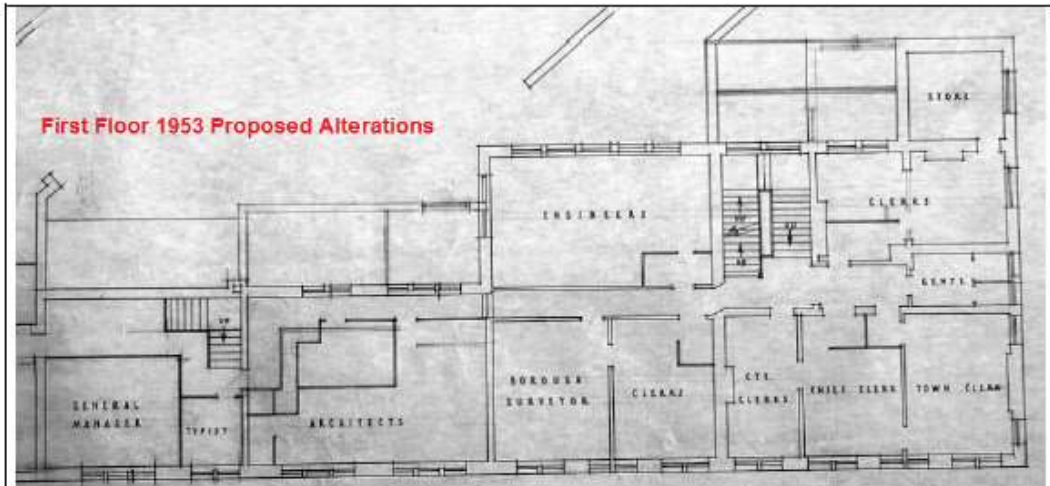


Objection 4. These 4 proposals do not meet RCT's key concerns:

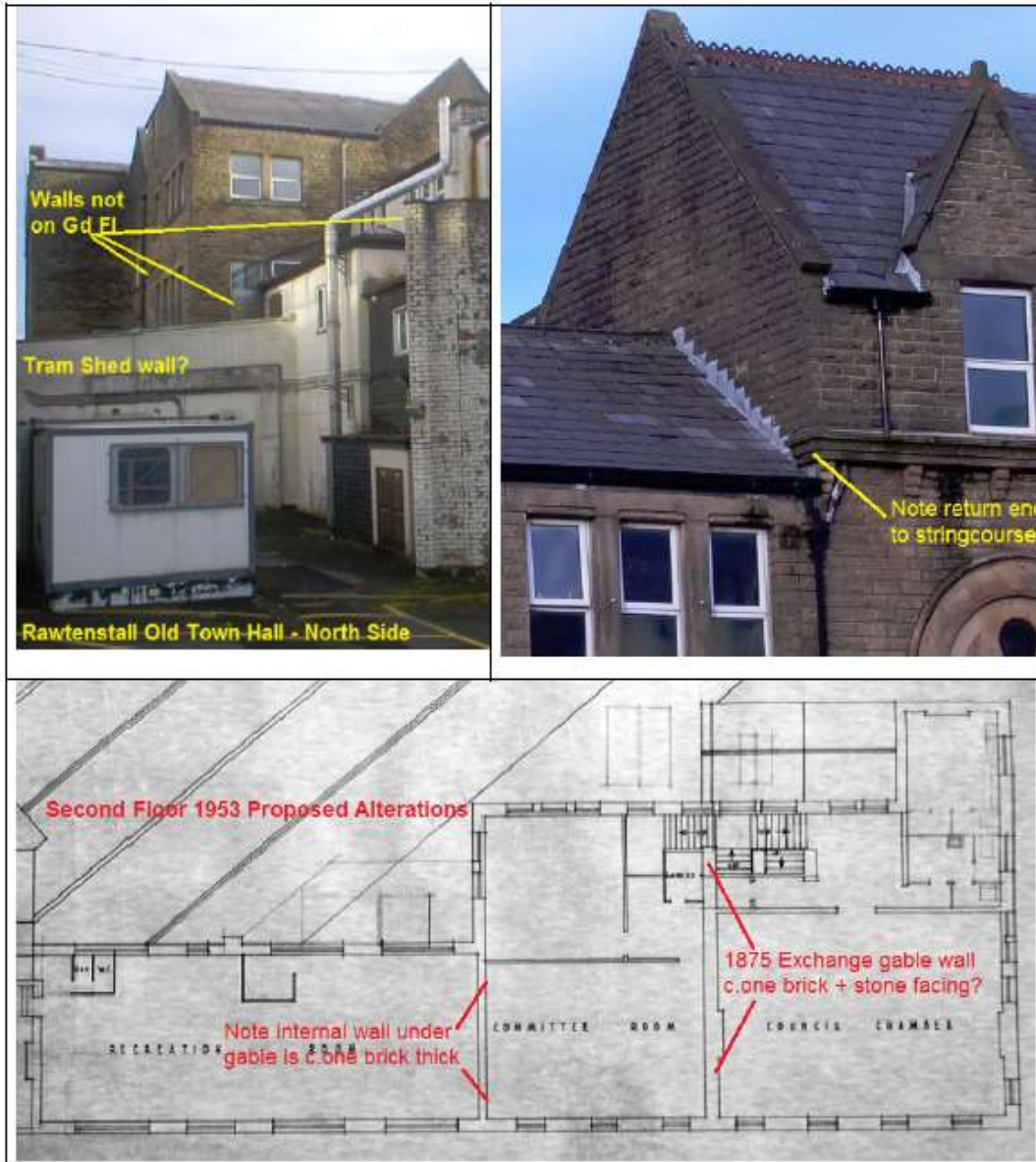
1. Proportions and character are incompatible with the existing building; do not 'belong' to it, nor take any cues from it; certainly does not compliment it.
2. Do not relate to the street scene, failing to supply the necessary strong horizontal frontage to this stretch of Bacup Road.
3. Incompatible with the bulk and substantiality of this Victorian Conservation Area.
4. Proposed materials are totally out of character with the ethos of the town as a whole.

RCT see a need to understand the evolution of the Old Town Hall's construction from its original 1875 Exchange, to its 1900s extension up to the 1889 Tramway Offices. To see an elevation that shows a better face to this opened up setting facing all on Bacup Road.





Here, at the same scale, we see the 2017 Proposed Alterations relate to how this building was drawn in 1953 by, or for, R H Snowball A.R.I.C.S Borough Surveyor Rawtenstall. RCT see some scope to look again at how best to use what is there in this building.



Rossendale Civic Trust sees 3 ways that this design situation could be faced:

1. Retain the structural cell of 2 windows to Bacup Road, and use other window, entrance and shopfront stonework to create a new "face" elevation to James St and users of Bacup Road.
2. Use plain stone front and back, with only reused windows and opening to the new "face" elevation to James Street: a "stop end" building to turn the corner from Bacup Road.
3. Use plain stone front, back and as a plinth to new glazed and metal or slate clad and/or roofed 2 storey extension, with its "face" elevation to James Street.

And all need to support the infill to the ground floor void that faces the Bus Station – stone or adverts? Or retain some of the Tram Depot's wall: to read the sites historic development?

RCT Conclusion, after looking in some detail at Extension proposals, is that they are still second bests, and, as RCT representations on 2015/0476, the best choice for the Rawtenstall Conservation Area is to keep the 1889 Tram Office to 1875 Exchange Bacup Road frontage.