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# ROSSENDALE LOCAL PLAN 2019 – 2034

## EXAMINATION

### MATTER 6 – HEARING STATEMENT

**CLIENT:**  
B&E Boys Ltd.

**DATE:**  
29 August 2019

**RESPONDENT REFERENCE NUMBER:**  
5192

<b>Report Drafted By</b>	<b>Report Checked By</b>	<b>Report Approved By</b>
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# **1. INTRODUCTION**

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## **BRIEF**

- 1.1 Hourigan Connolly is instructed by B&E Boys Limited.

## **SCOPE**

- 1.2 This Hearing Statement has been prepared in respect of Matter 6 of the Local Plan (LP) 2019–2034 Examination and responds to the Inspector's questions regarding provision for retail and other town centre uses as set out in the Schedule of Matters, Issues & Questions.

## **FORMAT**

- 1.3 Each of the Inspector's questions (where relevant to our originally submitted written representations in respect of the Submission Local Plan) are dealt with in a separate chapter of this Hearing Statement. Accordingly, not all questions posed by the Inspectors are addressed in this Hearing Statement.
- 1.4 In the conclusion Chapter we address whether the Council's approach to the site is sound in accordance with the Planning and Compulsory Purchase Act 2004 and associated regulations.
- 1.5 The National Planning Policy Framework (2019) (the "Framework") sets out the criteria for determining soundness; namely that the plan is positively prepared, justified, effective and consistent with national policy.

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## 2. QUESTION 6 A

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### **ARE POLICIES R1 TO R6 JUSTIFIED BY ROBUST UP TO DATE EVIDENCE?**

- 2.1 The Inspectors are respectfully referred to our Reg. 19 submissions relating to the Former Regal Cinema, Burnley Road, Bacup. We have prepared a separate Hearing Statement in relation to Matter 16 which should be read in association with this Statement.
- 2.2 Strategic Policy R1 states that retail development will be focussed within the defined centres in the Borough with development proposals being expected to maintain or strengthen the retail offer and vitality and viability of town, district, local and neighbourhood parades. Large schemes are encouraged to be located in the District Centres of the Borough, those being Bacup and Haslingden. This is welcomed and justified.
- 2.3 Similarly, the subject site being located within the District Centre boundary is welcomed.
- 2.4 Unfortunately, the Former Regal Cinema is not suitable for retention or conversion. The building is in a deteriorating state and is not fit for commercial purposes, and certainly not for the established D2 (Assembly and Leisure) use. The site is empty and unused, and this has been the situation for many decades. It's inclusion within the Town Centre is a reflection of its location; it makes no contribution whatsoever to the retail offer.
- 2.5 In our view, the Local Plan misses a great opportunity to positively tackle this prime site. R1 and R3 fail to plan for the proper growth of Bacup as they do not acknowledge that there is no reasonable prospect of the existing building ever being brought back into a beneficial use, to the detriment of the District Centre, the Conservation Area and the economic objectives of the Plan.
- 2.6 There is no justification for the retention of a building which does not make a positive contribution to the retail offer, the Conservation Area or to the local economy. Allocation of the site for retail use would comply with the designation of the site within Bacup District Centre and with the aims of Strategic Policy R1. A unique policy which deals with the specific allocation of the site should be included in the Local Plan. A retail allocation for the site would be wholly appropriate and would comply with the Policies Plan which includes the site within the designated District Centre.
- 2.7 Through redevelopment, the site offers the opportunity to provide appropriate A1 to A5 uses, in-centre car parking and, importantly, introduce much needed daytime footfall into the District Centre.
- 2.8 At present, Policy R3 (Development and Change of Use in District and Local Centres) does not go far enough to support and secure the retail use of the site. Whilst it is noted that criterion a) states that Planning permission will be granted for A1, A2, A3, and A4 uses which support the role and function of District and Local Centres, it has been shown in this Representation that there is an overriding need to specifically address the future economic use of the subject site.

- 2.9 A specifically defined retail allocation would secure the future use of the site, to the benefit of Bacup District Centre, and in conjunction with the proposed demolition of the existing building, would also result in a positive benefit to the character and appearance of Bacup Town Centre Conservation Area.

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### 3. QUESTION 6 CII

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#### **SHOULD THE NEWCHURCH ROAD FRONTAGE OF THE TOLL BAR BUSINESS PARK (EE30) BE INCLUDED WITHIN THE STACKSTEADS NEIGHBOURHOOD PARADE?**

- 3.1 Whilst the frontage of the subject site has been included as a Neighbourhood Parade the building is not suitable for such a retail use.
- 3.2 The site is only partially occupied and the rental income is not viable. It is a dated premises, which lacks modern facilities, safe car parking areas and is difficult to access for deliveries and other servicing purposes. It does not have an active frontage onto Newchurch Road, with a large part of the site presenting a blank frontage that neither maintains or strengthens the retail offer in Stacksteads.
- 3.3 The loss of these units from this part of the Stacksteads Neighbourhood Parade would not harm the objectives of draft Policy R1 as the loss of these inadequate retail premises would not harm the shopping function of the centre, nor would it reduce the ability of the local communities to meet their day-to-day needs within the centre. The majority of the frontage is currently not in retail use, nor has it ever been. Indeed, this could only be achieved through the demolition of the existing buildings. Unfortunately, as evidenced by the parade of vacant shops further towards Rawtenstall, along Newchurch Road, demonstrates the difficulty of operating a viable retail business in this location. Simply designating a frontage will not create retail activity, nor will it protect existing retail uses; there are none. Perversely, therefore, the designation of retail frontage by the Council must accept the redevelopment of the subject site, which would involve the demolition of the listed building to have any chance of being successful. The evidence on the ground suggests retail use success would not be forthcoming without demolition and redevelopment of it all. With demolition being required in principle, the retention of the listed building, in this instance, should not preclude redevelopment for any viable use.
- 3.4 In that respect, the Neighbourhood Parade designation should not extend into the boundaries of the Toll Bar Business Park to enable the full and proper redevelopment of the subject site for alternative uses, such as housing.

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## 4. CONCLUSION

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4.1 In our view the LP is not sound as submitted.

### **POSITIVELY PREPARED**

4.2 The Plan as drafted is not positively prepared. Toll Bar Business Park is not suitable for being allocated within a Neighbourhood Parade, whilst the Regal Cinema has no prospect of being restored to its former use and the site should be allocated for redevelopment.

### **JUSTIFIED**

4.3 The Plan fails to acknowledge that there is no realistic prospect that the Regal Cinema will be brought back into use.

4.4 Similarly, there is no justification for the inclusion of the Toll Bar frontage within the neighbourhood parade because there is no prospect that the site will ever be suitable for retail use.

### **EFFECTIVE**

4.5 As a result of the foregoing, the plan is not effective.

### **PROPOSED MODIFICATIONS**

4.6 To be consistent with national policy, we respectfully ask that:

- The Regal Cinema site be the subject of a retail allocation, and
- That the Newchurch Road Frontage to Toll Bar Business Park be removed from the Stacksteads neighbourhood parade.