

**TITLE:** 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;

**TO/ON:** DEVELOPMENT CONTROL COMMITTEE 12th July 2005

**BY:** TEAM MANAGER:DEVELOPMENT CONTROL

**APPLICANT: HURSTWOOD DEVELOPMENTS LTD.**

**DETERMINATION EXPIRY DATE: 13<sup>TH</sup> MAY 2005**

### 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 as originally submitted was a multiple site multi use proposal principally centred on land at New Hall Hey but also involving three existing town centre premises ( Heritage Arcade, Wesley House and Ex Soldiers and Sailors Club 12 Queens Square). On 10<sup>th</sup> June 2005 following discussions between the applicant and the County Highway Authority the Wesley House and Ex Soldiers and Sailors Club elements have been deleted from the proposal.

At New Hall Hey it is proposed to erect 6500 sq.m of non food retail floorspace 7050 sq.m of Leisure floorspace including covered pavilions, 7357 sq.m B1 Office floorspace, 2150 sq.m of B1 Business (Industrial) floorspace and 2082 sq.m of B8 Storage and Distribution floorspace. Vehicular access will be via a newly configured roundabout junction to the A682.

The retail and leisure elements identified at New Hall Hey break down into a 2323 sq.m DIY store and 929 sq.m garden centre; 2no. 1533 sq.m retail units each over two levels and a freestanding retail unit of 279 sq.m; a ten pin bowling alley,

health and fitness club and 2no. restaurants over two storeys and 2no. freestanding restaurant units.

The Heritage Arcade on Bacup Road, (a former cinema and snooker hall, last converted to a retail shopping mall and which has stood empty for some years following a fire) is proposed for conversion to a complex of bars and restaurants. All the sites/premises are located within the Urban Boundary and Rawtenstall Town Centre as identified by the Rossendale District Local Plan. With the exception of the New Hall Hey site the other premises are situated within the Rawtenstall Town Centre Conservation Area.

### **Application Supporting Information**

The applicant has submitted 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 covers the main retail issues associated with development at the site. It is considered that planning permission will be granted for retail development subject to the satisfaction of:*

*Impact on Development Plan Strategy;  
Retail Need;  
Sequential Assessment;  
Impact on Rawtenstall;*

#### **Development Plan**

*Policy J2 of the adopted Local Plan allocates the site for a mix of uses including retail, office and leisure development. The commentary highlights that New Hall Hey:*

*‘...is a particularly important site – strategic one in a local context – for which quite a wide range of appropriate uses is identified. It is located within the boundaries of Rawtenstall Town Centre and adjoins the terminus and station buildings of the East Lancs Railway, a major visitor attraction. The key requirement in use terms is the importance of securing an appropriate mix of land uses within the categories identified in the policy.’*

*This application is fully in line with this allocation. Accordingly the application is in line with the Development Plan.*

*Among other material policy considerations, PPG6 states:*

*‘Over the last few years, most town centres flourished but others have begun to deteriorate. Some have been in decline for much longer and have failed to attract investment the level of choice and quality in shopping has not been sufficiently attractive to customers. Variety and activity has decreased. The government wishes to see these town centres modernised and refurbished, but expects Local Authorities, land owners and developers to be realistic in their expectations.’*

*Diversification of uses may be the best way forward. Vitality and availability may be found in a wider mix of uses that fits better with the surrounding community and changing retail patterns.'*

*It is considered that Rawtenstall is one such centre which has been in decline for a number of years. The application proposes a mix of uses as set out in PPG6 to revitalise town centres. Should the application not be permitted, Rawtenstall would lose an opportunity to redevelop in a manner which would allow it to compete with similar provision outside the catchment area. Failure to grant planning permission would lead to Rawtenstall continuing to decline in the retail hierarchy and exacerbate the already high leakage to other centres.*

### Retail Need

*As a town centre site allocated for town centre development within the adopted Local Plan, national planning policy advises that there is a retail need for the development. Notwithstanding, this statement demonstrates that the provision of the improved retail facilities would result in a claw back of trade currently lost to other centres and would represent an over riding quantitative and qualitative improvement to the retail provision of Rawtenstall.*

### Sequential Assessment

*A full sequential approach has been undertaken. It demonstrates that there are no sequentially preferable alternative sites which are suitable, viable or available. However, it is acknowledged that the Valley centre in the heart of Rawtenstall is a site which may be suitable, viable or available subject to a detailed design. At present, there are question marks regarding the viability of this bearing in mind the Conservation Area and design issues. Notwithstanding, to ensure a robust analysis, provision has been made within the retail need case for redevelopment of this site to include an uplift of floorspace at a trading density above the current average for Rawtenstall. However, it is not considered suitable for large floor plate non food retail in the form proposed by this application.*

### Impact

*It is considered that the proposed development will compliment the existing retailers in Rawtenstall. In quantitative terms it will help to repatriate trade leaking out of the catchment area. This will help to attract more shopping visits to Rawtenstall and could increase spin-off linked trip expenditure which will benefit existing business within the town centre. It is considered that the proposed development will have a positive impact on the vitality and viability of Rawtenstall.*

### Other Material Considerations

*The retail provision on the New Hall Hey site will help to cross subsidise the development of the site in totality. It will assist in bringing forward a mixed use scheme which will provide significant employment benefits not only from the retail units themselves, but the significant levels of business and floorspace proposed. This is considered a significant material consideration.*

### Conclusion

*The application represents development of a previously developed site that would comply with the provisions of the adopted Local Plan. The site represents a key gateway location which is currently largely vacant and of no beneficial value to Rawtenstall. The proposals represent a significant improvement to retail, business and leisure markets within Rawtenstall and the wider Rossendale area. Accordingly, it is respectfully requested that planning permission be granted. “*

The Local Planning Authority has commissioned Nathaniel Lichfield and Partners to undertake an audit of the Planning and Retail Statement submitted by the applicant.

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.*

*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 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.*

*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.*

*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.*

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 to ensure the most efficient application of funding and works.*

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

*There are no highway reasons for refusal of the development proposals.”*

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.

### **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 28<sup>th</sup> September 1998.

### **Notification Responses**

The application was advertised by means of both press and site notices. 39 letters expressing support for the proposal have been received as a result of public consultation of the proposal. They have been submitted both by residents and a range of businesses the majority of which are located within and around Rawtenstall town centre.

In addition to expressing unconditional support a minority of those who responded also considered that the proposals were supportive of the town centre and local business and that the proposals were needed to avoid economic decline within the town.

One 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 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.

### **Consultation Responses**

#### **County Planning Officer**

The County Planning Authority assessed the application in relation to the Lancashire Structure Plan 1991 -2006 (aLSP) and the Replacement Joint Lancashire Structure

Plan 2001-2016 (Pre-Adoption Composite Edition) (PACE). Since then the JLSP has been approved. 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 Policies 46 and 47 of the aLSP and Policy 16 of the PACE and that insufficient information has been submitted to assess the need for the leisure element of the proposed development. In respect of the retail element the development 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.

### County Highways

The following advice has been received:

Conversion of Heritage Arcade to Leisure Use: Clarification of access to loading area required.

Conversion of Old Soldiers Club 12, Queen's Square to Health Care: No plans received despite request Areas of concern include delivery arrangements and parking impact.

Conversion of Wesley House, Bacup Road to Leisure Use: Concerns over proposed delivery arrangements and affect on adjacent bus stop.

Redevelopment of the New Hall Hey site: No objection in principle is raised to this largest element. 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. Other outstanding issues relate principally to technical detail and modelling assumptions on such matters as trip generation and highway capacity assessment.

The advice concludes with a recommendation of refusal owing to lack of information provided in relation to the changes of use at Wesley House and the Old Soldiers and Sailors Club and respectively the potentially unsatisfactory delivery access and parking implications of these two elements of the application.

NB: Since this advice was received and as a result of discussions between the applicant and the County Highway Authority the Wesley House and Old Soldiers and Sailors Club elements have been withdrawn from the application proposals on 10<sup>th</sup> June.

On behalf of the Highway Authority the Senior Traffic and Development Engineer has advised that he accepts the compromise offered on the servicing of the former Heritage Arcade although raises concern that the arrangement may encourage pedestrians to cross the bus apron. The revised transport assessment (TA) is generally accepted but nevertheless maintains a concern regarding the ability of the gyratory to cope with the traffic generated by all the proposed developments. The individual TAs of the respective developments do not take into account the cumulative impact which has been difficult to assess.

As regards applicant contributions the Highway Authority do not consider that the proposed roundabout on the A682 can be described as planning gain as the primary purpose is to provide suitable access to the proposed development.

Of the £1 million quoted by the applicant as a public benefit/contribution £650,000 would be allocated for the necessary roundabout construction to serve the proposed

development. The highway authority consider that the balance of £350,000 for travel plan procurement and implementation and improvement to transportation linkages and services should be increased to a total of £568,500. This breaks down as follows:

- 1) 5 year travel plan at £60,000 pa plus £40,000 for its administration and procurement over that period.
- 2) £50,000 to wards the procurement of a park and ride facility in Rawtenstall.
- 3) An increase from £62,000 to £108,500 for upgrading footpath/cycle links to include an upgrade of the pedestrian link from Holme Lane to that of a cycle link.
- 4) £70,000 contribution to fund further improvement to the road network on account of the likelihood that the gyratory will be operating at or above capacity whilst other measures are being provided to mitigate the effects of other developments.

### Environmental Health

Environmental Health have 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 affecting Unit A1 (Garden Centre)

### United Utilities

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

Recommendations have been made in relation 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.

### Rosendale Civic Trust

The Trust objects to the proposal on the grounds that it is premature and should not be considered ahead of the conclusion of the Master Planning process for Rawtenstall Town Centre. Concern is also raised in relation to the viability and deliverability of the proposals and to the multiple site nature of the composite application. In this latter respect the Trust argues that the proposals in the Town Centre Conservation Area should be considered as separate applications. Criticism is also made of the external alterations proposed to the Heritage Arcade.

### Rawtenstall Chamber of Commerce

No response

Rossendale Transport Ltd

Object on the grounds of conflict between the bus company operations and the proposed servicing arrangements for the proposed Heritage Arcade development. Concern is also expressed in relation to public safety in terms of bus manoeuvres and pedestrian traffic to and from the proposed licensed premises of the converted arcade.

Burnley BC

No response

Hyndburn BC

No response

Blackburn BC

No response

Rochdale MBC

No comments

Bury MBC

No response

**Development Plan Policies**

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 HP.1 (Conservation Areas) states that *“proposals for development within Conservation Areas will be assessed against the following criteria:-*

- a) townscape features and roofscape*
- b) views within and out of the conservation area*

- c) *the effect upon the character of the conservation area*
- d) *any trees of importance to the character of the area*
- e) *and compliance with policy DC.4”*

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.”*

N.B. Policies S.1 and S,2 pre-date both the superseded PPG6 and its replacement, the recently introduced PPS6 and is 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.

### **Other Material Planning Considerations**

#### PPS1: Delivering Sustainable Development

PPS1 sets out the Government’s overarching planning policy on the development of sustainable development through the planning system. 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) 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 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. 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. In this respect Local Authorities should make an explicit assessment of the likely impact of a proposed development upon existing centres.
- e) 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.

As a general rule there is a requirement that developments should satisfy all these considerations.

### PPG13 (Transport)

Government guidance in the form of PPG13 develops the principles of sustainable development and states in paragraph 19 that “*A key objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling.*”

### Rawtenstall Masterplan

Arups were commissioned by the Council to undertake a master planning exercise for Rawtenstall. In February an Issues and Options report accompanied by a baseline report was published and was put out to 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 re-development 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**

### **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 and the advice contained within Government and 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 both PPG and its successor PPS6 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 (ie. 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.

### Need for the development

Nathaniel Lichfield and Partners (NLP) who are currently retained by the Council have based their findings 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 to the larger store 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 £19.30m.
2. Hurstwood Mixed Use development including Non Food with a net sales area of 5004 sq.m and a turnover of £13.32m.
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 £8.4m.

The total turnover would be £41.12m 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 (£41m). NLP calculate that to support

all this additional floorspace between 2004 and 2011 expenditure within the defined catchment area would have to increase from £47.96 to £113.39m. In order for this to occur a proportion of expenditure currently lost to other destinations outside the Borough would have to be clawed back . The market share of non-food retailing within the Borough would need to increase from its present 20% (2004) to 37.5% by 2011. In their draft Retail Study of Rossendale for the Council NLP recommend a target of 33%. Whilst NLP acknowledge that, by comparison with other towns and boroughs a 37.5% non-food expenditure retention rate is not particularly high, the required improvement in expenditure retention to support all the proposals currently before the Council is in percentage terms very high. It represents an improvement in the order of 85% between now and 2011. NLP question whether this level of improvement is realistically achievable and question whether there would be sufficient operator developer interest to support all the proposals. One significant factor will be the attractiveness of the other larger (higher order) town and shopping centres surrounding Rossendale.

NLP conclude that on an objective assessment of need there is insufficient capacity to justify the Hurstwood scheme in relation to the non-food retail elements of the proposal at New Hall Hey.

### Sequential Approach to Site Selection

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 that Rawtenstall 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

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

#### a) The Valley Centre

This is the key sequentially preferable site within the Town Centre and is acknowledged as such in the Town Centre Area Action Plan commissioned and prepared by Arup on behalf of the Council. Whilst it is not yet the subject of a firm Development proposal it is being promoted as a key town centre redevelopment opportunity. NLP consider that this site could become available within the medium term and that it represents a viable and suitable site to accommodate additional retail floorspace that NLP as outlined in their Retail Study for the Council. It is judged to be most appropriate for new comparison retailing (particularly high street retailers). It is unlikely to attract or accommodate large format stores such as is

proposed at New Hall Hey although NLP consider that unit C3 at the New Hall Hey site could easily fit within a redeveloped Valley Centre.

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 NLP are aware that funding is already committed to revamp the existing bus station and depot. Consequently the site is unlikely to be available for retail development.

d) Heritage Arcade

NLP consider that whilst this building lies within the Town Centre it is more likely to suite conversion to commercial leisure uses.

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 Action area plan for the Town Centre. The site is unlikely to become available within a reasonable period of time.

Impact on the Town Centre

NLP advise that despite requests from the applicant's planning agents for more information relating to retail impact, no additional information has been submitted. In their opinion the planning and retail assessment of HOW Planning on behalf of Hurstwood lacks a quantitative impact analysis and that the applicant has failed to demonstrate that the proposals not adversely affect Rawtenstall Town Centre. As such the proposal fails to comply with the important impact test of PPS6.

Conclusion on Impact, Need and Sequential Approach

NLP have used empirical evidence gained from their Retail Study of Rossendale for the Council to assess need. They question whether there is available expenditure capacity to support all the proposed retail development proposals in Rawtenstall in the short term. Their analysis is based on the assumption that the Bocholt Way site is developed for non-food retail purposes notwithstanding the current consents for convenience store redevelopment or the re-use by another food retailer of the existing store following its vacation by Asda. Whilst NLP accept that the forecast market share of non-food expenditure may increase in the future they nevertheless advise that the development is inappropriate at present.

The proposal is considered to fail the sequential approach to site selection in that there exists at least one sequentially preferable site. This is the present Asda site on Bocholt Way which it is considered relates better to the existing town centre and may be properly considered an *edge of centre* site.

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

- 1) There is no demonstrable need for the proposals at present assuming that the non food scheme at Bocholt Way is approved;*
- 2) The proposals fail the sequential approach;*
- 3) The applicants have not demonstrated that the proposals would not adversely affect Rawtenstall town centre.*

### Highway Issues

The Highway Authority have acknowledged the deletion of the Wesley House and former Soldiers and Sailors Club elements of the proposal in response to their objections and accept the proposed servicing arrangements for the former Heritage Arcade. Additional funding of transportation linkages and highway improvements have been requested which would increase the developer contribution (excluding the A682 new roundabout cost of £650,000) from £350,000 to £568,500.

### Other Issues

#### a) Regeneration potential.

The application 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 a mixed Non-Food Retail/B1 Office/B1 and B8 business and Leisure/Restaurant development. Taken as a whole it would represent the largest single development proposal to be promoted in Rossendale in modern times. 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.

#### b) Employment potential.

Excluding the deleted elements of the originally submitted proposal the balance of development is estimated by the applicant to have the eventual potential, when fully occupied, to provide over 900 job opportunities.

### 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 PPG/S 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.

Whilst the B1/B8 Business and B1 Office elements 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 and raises concerns as to the expenditure capacity within the catchment area. In this context NLP advise that to grant planning permission at this stage for the retail development proposals at New Hall Hey would put at risk the viability of other more sequentially preferable sites within Rawtenstall Town Centre chief amongst which are the present Asda site on Bocholt Way and the Valley Centre/Civic Precinct areas both of which are proposed for redevelopment involving substantial retail elements. The Valley centre re-development has yet to come forward as a firm development proposal but is identified as such in the draft Rawtenstall Master Plan and NLP endorse the latest re-development proposal on the present Asda site at Bocholt Way for bulky goods non-food retailing as the most likely scenario.

### 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

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