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| Application Number: | 2012/0224 | Application Type: | Full |
| Proposal: | Kiosk to be used for the sale of takeaway ice cream and coffee. | Location: | Site of former 19-21 Bank St, Rawtenstall |
| Report of: | Planning Unit Manager | Status: | For Publication |
| Report to: | Development Control Committee | Date: | 17 July 2012 |
| Applicant: | Preece & Partners Ltd | Determination Expiry Date: | 8 August 2012 |
| Agent: | | | |

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| REASON FOR REPORTING | Tick Box |
|---|-------------------------------------|
| Outside Officer Scheme of Delegation | <input checked="" type="checkbox"/> |
| Member Call-In Name of Member: Reason for Call-In: | <input type="checkbox"/> |
| 3 or more objections received | <input type="checkbox"/> |
| Other (please state): | Council Owned Land |

HUMAN RIGHTS

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

Article 8

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

Article 1 of Protocol 1

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

1. RECOMMENDATION

That the application be approved subject to the conditions set out in Section 10 of the Report

2. SITE

The application relates to an area of land to the north western corner of the former Valley Centre (adjacent to the gable of HSBC Bank). Works are currently on-going to create the interim public realm area and events space which has been permitted.

The site is relatively flat and has Bank Street to its north side, comprising of a variety shops and services, of stone/slate construction. Immediately to the west of the site is HSBC Bank, its recently-pebbledashed gable facing the application site.

The site is located in the Primary Shopping Area of Rawtenstall Town Centre and is also within Rawtenstall Town Centre Conservation Area.

3. RELEVANT PLANNING HISTORY

- 2001/581 Demolition of existing Valley Centre Shopping Precinct including Astoria Hall to be replaced with an interim development comprising a public realm and events space
Approved
- 2012/225 Three backlit external signs to proposed kiosk and a free standing 1m high 3D ice cream cone to stand outside the front of the kiosk.
Submitted concurrently with 2012/0224.

4. THE PROPOSAL

Permission is sought for the erection of a kiosk to be used for the sale of takeaway ice cream and coffee. The kiosk would have a diameter of 5m, be set back from the footway of Bank Street by 5m and with its entrance facing Kay Street. The walls of the Kiosk would be clad with red cedar vertical boards, with a domed GRP roof.

The agent has clarified that there would be no windows to the rear of the building and a plan of the internal layout has been provided; the kiosk would comprise a customer area and a serving counter. Security grilles would be located on the inside of the glazed door and floor-to-ceiling windows to flank it.

A photograph has been provided of the suggested commercial bin store, which would measure 1.56m x 0.8m x 1.5m in height be clad with pressure-treated timber finished in the same stain as the kiosk itself and would be lockable.

5. POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (2012)

Section 7 Requiring Good Design

Section 12 Conserving and Enhancing the Historic Environment

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP1-9 Spatial Principles

RDF1 Spatial Priorities

RT2 Managing Travel Demand

RT4 Management of the Highway Network

RT9 Walking and Cycling

EM1 Environmental Assets

Rossendale Core Strategy DPD (2011)

AVP 4 Rawtenstall Area Vision

Policy 1 General Development Locations & Principles

Policy 8 Transport

Policy 9 Accessibility

Policy 11 Retail and Other Town Centre Uses

Policy 12 The Valley Centre, Rawtenstall

Policy 13 Protecting Key Local Retail

- Policy 14 Tourism
- Policy 16 Preserving and Enhancing Rossendale’s Built Environment
- Policy 23 Promoting High Quality Design and Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

- LCC Historic Town Assessment Report for Rawtenstall (2006)
- RBC Rawtenstall Town Centre Conservation Area Character Appraisal (2011)
- RBC Rawtenstall Town Centre Draft Supplementary Planning Guidance (2011)

6. CONSULTATION RESPONSES

RBC (Property Services)

Are aware of the proposal. The terms of the lease would enable removal of the kiosk when required.

RBC (Forward Planning)

The Core Strategy and draft Rawtenstall Town Centre SPD both envisage a comprehensive approach for the Valley Centre site. It is recognised in the SPD that redevelopment may be undertaken in two phases with a temporary Public Open Space use prior to a more comprehensive mixed-use, retail-led scheme at a later date.

The proposal is an incremental response to a development opportunity. It is therefore important to consider:

1. Does it complement the permitted Public Open Space use on the site or hinder its ability to function as an attractive space for the public, including for events?
2. Does it complement or hinder a more comprehensive future retail led development of the site?

It is considered that the proposal is small enough to complement the current Public Open Space proposal but in the longer-term may be difficult to incorporate as part of a wider retail led development.

The retail use is acceptable in this Primary Shopping area location. It is small and unlikely to have a significant impact on the vitality and viability of existing independent retailers on Bank Street (Policy AVP4) and indeed may complement them. The current level of shop vacancies is not such that this proposal can be seen as jeopardising occupation of shops currently on the market.

It should also be noted that as part of the consideration of a new bus station facility in Rawtenstall (Policy 8 and draft SPD Policy 2) a relocation of the X43 bus stops on Bank Street is being re-considered.

In conclusion, a temporary permission would be acceptable in policy terms. This proposal should not be allowed to jeopardise a more comprehensive scheme of long-term permanent development for the site. If a temporary permission is given it would allow monitoring of the operation of the Pod and any possible negative impacts.

An approval should not be seen as a precedent for other similar proposals on the site as the cumulative impact could be different from one individual approval

RBC (Conservation)

The application has been considered on the basis that the kiosk will form part of the interim town square in the centre of Rawtenstall Town Centre Conservation Area and, as such, any harm

caused by the proposal would be short term and would ultimately cease when there is a wholly appropriate mixed-used, retail scheme or other building on the land.

The proposed pod is modern in appearance and would contrast with surrounding buildings and structures, particularly in terms of its form. I have concerns that the wooden finish would not complement the palate of colours within the conservation area.

It should be acknowledged that such a building would not preserve or enhance the character and appearance of the conservation area. However, in balancing the options of a temporary use of the interim town square versus a vacant space on what will be a sparsely populated area, I would not wish to object to the proposed pod or its use. I would request that the colour of wood or paint finish be a colour to compliment the palate of colours surrounding it. Bin storage should be as inconspicuous and tidy as possible.

RBC (Environmental Health)

No objection, however, comment that:

- No open food is handled
- There should be adequate facilities for washing of hands and any equipment and cleaning
- Due to the limited space available for food preparation and storage, the food offer should be restricted to takeaway ice cream, coffee and wrapped associated products.

LCC (Highways)

As the proposed kiosk has been moved back from 3m to 5m from Bank Street it is satisfied that queuing customers will not obstruct the footway for passing pedestrians.

Rawtenstall Chamber of Commerce

Awaiting comments

Rossendale Civic Trust

No objection to a kiosk in principle, but not in the place currently proposed.

Problems are:

- A circular structure would be out of place due to distance/proximity to the wall of the Bank.
- How will refuse be stored and footfall managed
- A circular building could be an attractive feature in the right place, for example on the corner of Kay Street and Bank Street
- Staff toilets are a problem. Currently proposed as being dependent on the public toilets which are not always open, it is far from satisfactory.
- Overall the proposal needs more discussion and careful integration in the new street scene than seems to have been given.

Would not like the idea dismissed out of hand but tweaked to a higher standard of presentation and usability as would befit a sensitive Conservation Area.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 13/06/12 and 18 neighbours were consulted by letter on the 13/06/12. A press notice was published on 14/06/12.

No comments have been received.

8. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Visual Amenity/Heritage Impact 3) Neighbour Amenity; & 4) Access/Parking

Principle

The proposed development would be ancillary to the use of the site of the former Valley Centre as a public realm and events space. I concur with the view of the Forward Planning Team that it would not affect the vitality and viability of independent retailers along Bank Street given its size, particularly so if its use is limited to sale of takeaway ice cream and coffee rather than any A1 Retail Use.

I would share the Forward Planning Team's view that the kiosk should not be allowed to jeopardise the long term vision for development of the site. I do not consider that it would be necessary for a temporary permission to be granted. The Council's Property Services Team advise that the kiosk would be subject to a lease that could be terminated by the Council with limited notice to secure long-term, permanent redevelopment of the Valley Centre site. This would serve the same purpose as a temporary permission.

Accordingly, the scheme is considered acceptable in principle.

Visual Amenity/Heritage Impact

The kiosk would be modest in size yet have a significant degree of prominence from Bank Street and when viewed across the open space, although mitigated to a degree by the scale of the HSBC Bank gable and the proposed planting around the perimeter of the public realm/events space.

I do not consider that such a kiosk would be inappropriate in association with / on the area of open space. Such is its design form / facing materials it will appear an unashamedly modern feature. I do not consider the contrast it will have with buildings of traditional design/facing materials in the vicinity make it inappropriate within the Conservation Area.

The view of the Civic Society is that this may not be the best location for the kiosk but I do not consider its proposed siting unduly harmful and meets the applicant's wishes.

The suggested bin storage facility is not entirely appropriate. Accordingly, I consider that a condition should be attached to the permission to secure its appropriate siting / form.

On this basis the scheme is considered acceptable in terms of visual amenity/heritage impact.

Neighbour Amenity

The kiosk would not be detrimental to any neighbours in this Town Centre Location. The scheme is considered acceptable in terms of neighbour amenity.

Access/Parking

The amended siting addresses the problems raised initially by the Highway Authority. Accordingly the scheme is now considered acceptable in terms of highway safety.

9. SUMMARY REASONS FOR APPROVAL

The proposed development is considered appropriate in principle within Rawtenstall Town Centre and, subject to the conditions, will not unduly harm the character and appearance of the Rawtenstall Town Centre Conservation Area, the amenities of neighbors or highway safety. It is

therefore considered that the proposal accords with the provisions of the NPPF, Policies DP1-9/ EM1 of the Regional Spatial Strategy for the NW of England (2008) and Policies 1/16 / 23 & 24 of the Core Strategy DPD (2011).

10. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the amended drawings dated 20 June 2012 by the Local Planning Authority, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason: To ensure the development complies with the approved plans, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.
3. All materials to be used in the external elevations shall be as stated on the application forms and approved drawings and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.
4. Notwithstanding the details submitted, prior to commencement of the development hereby approved a scheme to provide a bin storage area to the rear/side of the kiosk shall be submitted to and first agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.
5. The kiosk shall be used for the sale of ice cream, coffee and wrapped associated products and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
Reason: In order to restrict the use of the premises in the interest of the amenities of the area and to comply with Policies 11 / 12 and 13 of the Council's Core Strategy DPD (2011).