

Application No: 2011/570

Application Type: Conservation Area Consent

Proposal: Demolition of existing Valley Centre Shopping Precinct, including Astoria Hall

Location: Valley Centre & Astoria Hall, Rawtenstall

Report of: Planning Unit Manager

Status: For Publication

Report to: Development Control Committee

Date: 11 January 2012

Applicant: Ashcap (CNC) LLP

Determination Expiry Date: 12 January 2012

Agent: Rossendale Borough Council

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REASON FOR REPORTING **Tick Box**
Outside Officer Scheme of Delegation

Member Call-In
Name of Member:
Reason for Call-In:

3 or More Objections received

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.

RECOMMENDATION(S)
Approval, subject to the conditions detailed in Section 9 of the report.

APPLICATION DETAILS

1. The Site

This report needs to be read in conjunction with the report in respect of Application 2011/581, relating to the same site.

The site has an area of approximately 0.5ha and is located at the heart of Rawtenstall Town Centre and its Conservation Area. It is broadly rectangular in shape, embracing the land occupied by The Valley Centre, but also includes the Public Toilet block towards James Street and the walls flanking it. Thus, the site is bounded to the NW by Bank Street, to the NE by Kay Street, to the SE by North Street and to the SW by the HSBC Bank & James Street service yard.

The buildings on the site are now vacant and boarded-up. Although many of the units have been empty for many years, the last of the units was vacated in Spring 2011. Constructed in the late 1960's, the buildings are of a design/facing materials reflective of that time. They are of flat-roofed construction, the elevation facing towards Bank Street for the most part of 2-storeys (comparable in height to the attached stone-fronted HSBC Bank building) and faced in stone with shop-windows at ground level and projecting box-windows above. Towards the Bank Street/Kay Street corner the building is also stone-faced although it drops to 1-storey in height, a public house once occupying the unit here. Further down Kay Street, beyond a small service yard, the building is of 2-storeys in height, whilst that building facing North Street (and which accommodated Astoria Hall) appears of 3-storeys in height. The buildings bridge over pedestrian accesses from Bank Street and North Street to a centrally-located paved square containing 4 mature Silver Birch trees and around which are arranged further shop units. Other than the elevation of the building fronting Bank Street and the corner with Kay Street, the elevations of buildings facing into and out of the site are faced with buff-coloured brick and rendered panels, the Toilet Block and its flank walls also of brick.

The surrounding land uses are typical town centre commercial uses. Bank Street is the main shopping street of Rawtenstall Town Centre, in this area comprising of shops, betting office and banks (that opposite a Grade II listed building) and occupying buildings of stone/slate construction. On the opposite side of Kay Street are an estate agent, retail unit and a postal sorting office, also occupying buildings of traditional design/facing materials. The Police Station and Council Offices are located to the south-east of the site, both of more modern design/facing materials, whilst to the other side of James Street and its service yard are a funeral directors and the rear elevation of Longholme Methodist Chapel (a Grade II listed building).

2. Relevant Planning History 2007/317 & 2007/322CAC

These applications proposed the comprehensive redevelopment of the land occupied by the existing Valley Centre, the public toilets on James Street, the Town Hall extension and the Town Hall annex, entailing all the buildings within this extended red-edged site but for the facade of the Town Hall fronting Bacup Road and Lord Street.

The above applications went to a Special Meeting of the Development Control Committee on 6th February 2008 where the planning application was minded to

approve subject to the satisfactory completion of a section 106. Delegated authority was given to refuse the application if the agreement was not signed within 12 months. The application was referred to GONW under the Shopping Direction 1993.

The Conservation Area Consent was minded to approve subject to referral to GONW. The two applications went to GONW who confirmed that the Secretary of State did not wish to intervene in the determination of the applications.

3. The Current Proposal

This application seeks Conservation Area Consent for demolition of the Valley Centre and the walls flanking the WC Block, but not the WC Block itself.

Demolition of the Valley Centre will expose the full extent of the gable of the HSBC Bank to public view. At the present time part of the bank gable is viewable from Bank Street and a part viewable from the service yard to the rear, both cement-rendered. The applicant has advised as follows “*Until demolition has been undertaken it is difficult to assess the state of the wall and the remediation options, if any, that are required to the party wall*”. However, on the basis of what is visible it envisages that the presently hidden part of the gable is also rendered and the Valley Centre walls butt up to it, rather than tie into it. Accordingly, it is presently proposed that following demolition an inspection of the gable will be made to determine whether it will be necessary re-render the gable in whole or part. It has served the required Notice on the Bank to meet Planning requirements and the requirements of the Party Wall Act.

This application is accompanied by a Heritage Statement which states :

- The Valley Centre buildings date from 1965-1970 and create a hostile and unattractive town centre environment that no longer meets modern commercial requirements. The buildings while contemporary in its original design has fallen into a state of decay through lack of use and poor maintenance.
- The demolition of the buildings and the interim land use would affect the setting of the Rawtenstall Conservation Area, neighbouring listed buildings, local focal points and buildings, as well as significant views and vistas. The demolition and interim land use will have a positive effect on these settings.
- This proposal will act as a catalyst to the long-term economic development of Bank Street and actively contribute to delivery on the recommendations in the Rawtenstall Town Centre Conservation Area Character Appraisal.

4. Policy Context

National

PPS1 Sustainable Development
PPS4 Economic Growth
PPS5 Historic Environment
PPS9 Biodiversity & Geological Conservation
PPG13 Transport
PPS23 Pollution Control
PPG24 Noise
PPS25 Flood Risk

Development Plan

Regional Spatial Strategy (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
EM2	Remediating Contaminated Land
EM5	Integrated Water Management

RBC Core Strategy DPD (2011)

AVP4	Rawtenstall
Policy 1	General Development Locations & Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 10	Provision for Employment
Policy 11	Retail and Other Town Centre Uses.
Policy 12	The Valley Centre
Policy 16	Preserving & Enhancing the Built Environment
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

Draft National Planning Policy Framework (2011)
LCC Planning Obligations in Lancashire (2008)
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)
RBC Employment Land Study by NLP (2009)

5. CONSULTATIONS

English Heritage

Summary

English Heritage support the conservation area consent application subject to any consent being linked by condition and/or legal agreement to an appropriate scheme of replacement development - albeit a temporary design in this case.

However, in light of the statutory duty at S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and PPS5, English Heritage advise that prior to determination further consideration should be given to the design and layout of the replacement hard and soft landscaping, in order to preserve the character and appearance of the conservation area.

Advice

The existing Valley shopping centre does not presently make a positive contribution to the character or appearance of the conservation area, as such a justification for its demolition is not required in accordance with PPS5. The removal of the Valley centre will however remove important street edges and open up lateral views which will be of

significance in the context of the wider conservation area. The definition of street edge presently existing helps to enclose space and preserve historic views along Bank St and Kay St in particular. We are presently concerned that the nature of the replacement design will not provide an appropriate urban edge to the new public square or its surrounding streets, nor that it will be of sufficient landscape quality to preserve or enhance the conservation area following the removal of the shopping centre.

PPS5 HE7.5 advises local planning authorities to take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The advice is reinforced by the statutory duty to preserve or enhance at S72 in the principle Act. HE9.5 of PPS5 advises that where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of a conservation area, including where appropriate, through the development of that element. This should be seen as part of the process of place-shaping.

In this instance the removal of the Valley Centre will reveal some poor views of modern buildings such as the police station and car parking at the rear of the site if not effectively screened by the new development; from the 3D images we are not satisfied that proposed screening will be effective nor that street edges and corners will be adequate or attractive. In our view, prior to determination, further consideration should be given to:

1. Simplifying and greening the overall design, adopting a landscape led approach to the development rather than a potentially more costly architectural solution.
2. Being bolder about clearing away the existing structure, surfaces and re-leveling the site. Will the retention of the circular feature at the centre of the space and terracing allow it to function effectively as an open event space, what activities are proposed? Is the circular feature of such significance that it warrants retention (Map 3 in the Conservation Area Appraisal does not indicate this space as being important but it does set out the site significances in respect of the Town Centre character Area 2). Would more extensive clearance of surfaces allow the space to be comprehensively designed and to function more flexibly? Would the use of more grass help to reduce costs and temporary maintenance?
3. Reinforcing the street edges and corners by utilising close centered street trees (perhaps pleached to create a crisp boundary with greater civic dignity).
4. Will the demolition expose untidy gables or reveal other structures on Bank St, is remedial treatment likely to be required?
5. Has the applicant considered how the temporary square will harmonise with the area around the one stop shop in order to create a unified piece of public realm?

Finally, English Heritage would expect the local planning authority not to permit new development without taking all reasonable steps to ensure that the new development

will proceed after demolition has occurred by imposing appropriate planning conditions or securing obligations by agreement.

Recommendation

English Heritage supports the demolition of the Valley Centre, subject to appropriate linking condition and/or legal agreement to secure the implementation of an appropriate scheme of replacement development. However, it objects to the replacement design in its present form for the reasons set out above.

LCC Archaeology

The application raises no significant archaeological implications.

LCC Highways

No objection.

It requests that the scheme of interim development be amended to ensure boundary walls adjacent to the walkway leading onto Lord St/North St be lowered to 0.9m in height to allow improved visibility for pedestrians, particularly children.

Carriageways and footways will need to be temporarily closed on part of Lord Street and part of North Street, and a footway on part of Bank Street and Kay Street will need to be temporarily closed to pedestrians. It would wish the Bank Street elevation of the Valley Centre demolished early in the programme to ensure that the bus stops here are re-located for the shortest possible time.

Environment Agency

No comments to make as the application is considered to be low risk in terms of flood issues.

Electricity NorthWest

No objection, but the applicant must ensure the development does not encroach upon its land or any ancillary rights of access or cable easements, and undertake the development in a manner that protects both electrical apparatus and personnel at all times.

United Utilities

No objection.

Level of cover over water mains and sewers must not be compromised either during or after construction.

6. REPRESENTATIONS

To accord with the General Development Procedure Order a press notice was published on 25/11/11, site notices were posted on 28/11/11 and the relevant neighbours were notified by letter on 23/11/11 in respect of this application and Application 2011/581.

No adverse comments have been made in relation to the demolition proposed by this Conservation Area Consent application.

Below I summarise the comments received in relation to both this application and Planning Application 2011/581.

Rossendale Civic Society

Do not feel the present proposals for the site do justice to the Town Centre Conservation Area, nor will give good value for the expense involved.

Housing on this site was cleared in the 1960's and replaced by the present shopping precinct. Although with a contemporary twist, the character of the built-up area was retained - the line of the new building, especially the frontage to Bank Street, still followed the line of the old and provided a continuous roof-line, whilst giving a view at pavement level through to a paved urban public space. The present proposal replaces an enclosed space within a built-up area by an open/green space that loses its boundaries and flows-out, without definition, into the surrounding townscape. This is a major shift of the historical growth pattern of the town and needs to be carefully considered.

The long-term future for the site should be for a traditionally hard-landscaped public space with flexible use surrounded by buildings that keep the street pattern (almost like Halifax Piece Hall). It fully understands the present financial situation, but is concerned about how temporary the interim development will be. It cites the former Co-op site, at the other end of Bank Street, that was purchased by the Council in 1987 and had trees planted on the frontage as a temporary measure, for which a developer has still not been found to erect the building to fill this gap; whilst this car park is well-used, it is not a visual asset to the Conservation Area, nor by any stretch of the imagination is the view through to the ASDA building it allows. The 'meanwhile' design and use look set to be long term rather than temporary and, consequently, their effect on the Conservation Area need to be given serious consideration.

From the drawings available it is not possible to analyse the detail of finishes to retaining walls, nor the edging to paved/grassed areas. These and, especially, creation of the circular feature on the corner of Bank Street/Kay Street, could be quite expensive. Grassed areas, apart from being out of keeping with a built-up townscape and unsuitable for public gatherings given our weather, require maintenance that is not cost-free. It trusts that the full financial implications of the proposal have been thought through.

Its main design issue with the proposed plans is the openness of the Bank Street frontage, which is incompatible with good Conservation Area practice. A firm visual and practical line is needed on this site frontage. The treatment of the exposed gable of HSBC, opened up to view down Bank Street, could be a problem and to leave the buildings from HSBC to Boots as an 'island' unit is not good streetscape. Similarly, the corner of Kay Street and Bank Street needs to be strongly defined and not left without a key building or feature with height above ground level. Nor is it entirely clear what is intended for the Public Toilets or adjacent sub-station.

In conclusion, it acknowledges that in drawing up the interim scheme there has been recognition of some of the problems the site presents - in particular the land levels - but does not consider the wider implications have been adequately addressed. As we are going to be left with what is now proposed for a considerable time to come what is

shown on the drawings, though a reasonable starting point ought not to be translated into actual form on the ground without need for much more thought first.

Attention is drawn to the need to assess the area under an Environmental Impact Assessment, in particular the amount of energy to be used in demolition and the amount of inert energy still represented in the site. Having regard also for its principal concern - the loss of Conservation Area character from disruption of the visual line of buildings fronting Bank Street - and cost considerations for the Council, it objects to the current proposal and asks that consideration be given to retention of that part of the Valley Centre buildings extending between the HSBC bank and Kay Street being retained as part of the interim proposal. This approach would help retain the historic frontage pattern, save energy and costs in complete demolition and, potentially, provide retail units that the Council could draw an income from until full redevelopment is possible.

Rossendale Revival

Congratulate the Council on its positive action over the regeneration of Rawtenstall Valley Centre - the immediate plans for the centre are inspiring and active inclusion of the community in shaping those plans is to be applauded.

It is excited about the potential of the intended open community space for holding established and new events and for staging tourism initiatives.

Rossendale Bus

Welcome the proposal to demolish the Valley Centre and create a public open space. However, have concerns regarding the actual demolition process and whether or not it will result in temporary road closures &/or temporary loss of bus stops on Bank Street. These stops are well used and even temporary loss of them would cause considerable inconvenience for bus passengers.

Would wish to be involved in any discussions with the Highway Authority and Police regarding possible road &/or bus stop closures prior to demolition in order that proper consideration is given to the needs of the many people who use buses to access Rawtenstall Town Centre.

In the longer term there is a vision to redevelop the Valley Centre area, including the Police Station, Town Hall and Bus Station. The current bus station is no longer 'fit for purpose' and County Council money is available to fund provision of a new bus station in Rawtenstall. In the current and medium-term economic climate securing retail redevelopment of the Valley Centre site is unlikely. Accordingly, it would suggest commitment is given now to delivery of the new bus station. Significant delay in commercial development of this site following demolition of the existing buildings and laying out as an public open space could make this an irreversible change and damage economic regeneration of Rawtenstall.

Individual Letters

A standard letter has been received from 92 businesses in and around Rawtenstall Town Centre which states:

"I am in total agreement with the need for demolition and creation of public space until a more permanent solution is found. However, the plans as they stand have one big

omission and that is additional Car Parking. It is absolutely vital that any temporary and permanent solution has Car Park spaces included.

This 'temporary' measure is likely to last for some time due to the current economic climate and in order to assist all businesses in these tough times it is vital to get more people into the Town Centre. To do this people have to be able to park their cars.

I would ask that more time is given to allow the opportunity for options to be considered that include extra parking spaces for the Town Centre.

I stress I am not against the proposals but feel there has not been enough consideration of traders requirements in this application. Therefore I need to object to this application as it currently stands."

A further 3 non-standard letters have been received from individuals trading from premises in Rawtenstall Town Centre. They do not object to demolition of the Valley Centre, but wish any temporary or long-term development of the site to provide additional public parking spaces.

7. ASSESSMENT

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, sets out the general duty on the Council in respect of exercise of its various planning functions towards conservation areas. It reads:

"In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in [the planning acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

In PPS5 the Government has provided further guidance upon the Historic Environment. Policy EM1(C) and Policy 16 of the Council's Core Strategy are consistent with this guidance, the latter reading as follows :

Policy 16: Preserving and Enhancing Rossendale's Built Environment

The Council will protect, conserve, preserve and enhance Rossendale's historic built environment including Listed Buildings, Conservation Areas, Registered Parks and Gardens, Scheduled Ancient Monuments, archaeological sites, historic landscapes and locally identified buildings, sites and structures. These heritage assets all contribute to the local distinctiveness and character of the area. Their futures, including their settings will be safeguarded and secured by:

1. Promoting the positive management of the Borough's heritage assets, avoiding unnecessary loss and requiring appropriate mitigation of any negative impacts.
2. Extending the heritage protection for areas and/or buildings worthy of retention, conservation and enhancement through the designation of appropriate additional Conservation Areas and Listing.
3. Enhancing the value of Rossendale's historic built environment by carrying out Conservation Area Appraisals, implementing Conservation Area Management Plans and public access measures.

4. Protecting significant urban public realm (space) from development.
5. Ensuring that all development is:
 - a. Located in a way that respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context.
 - b. Of a high standard of design, reinforcing the local distinctiveness of Rossendale
6. Encouraging innovative new design(s), where it responds to the character, scale and setting of historic buildings and areas.
7. Maximising the potential for the re-use of buildings of historic or local interest for appropriate uses to ensure their future longevity. However where this is not possible/appropriate, considerate and sensitive redevelopment will be supported, subject to advice from the Council's Conservation Team and English Heritage.
8. The Council will support those schemes and proposals which contribute to conservation-led regeneration, particularly where they exploit the regeneration potential of the textile mill-towns and traditional architecture of rural villages within Rossendale."

With respect particularly to Rawtenstall Town Centre Conservation Area, information and advice upon its historic growth and its distinctive character and qualities are provided in the 'Historic Town Assessment Report for Rawtenstall' published by the County Council in 2006 and the more detailed work undertaken on behalf of this Council and appearing in the Rawtenstall Town Centre Conservation Area Character Appraisal (2011). In the latter document the Valley Centre is identified as having "Poor Quality Frontages", the centrally-located square where a Focal Point needed" and the link between Bank Street and North Street being an "Important Pedestrian Route". In respect of the site this Report recommended "Building where Sensitive Redevelopment would be welcome".

Policy 11 of the Core Strategy relates to Retail and Other Town Centre Uses. Amongst other things, it states that:

"Retail development, together with other town centre uses, including offices, leisure, arts, culture and tourist facilities, will be focused within the defined town and local centres.

Major proposals will be directed to Rawtenstall with other large schemes encouraged to locate in the district centres of Bacup and Haslingden.

This hierarchy supports the Council's vision of achieving a quality retail development at the Valley Centre in Rawtenstall, with ancillary local retail in the other centres. Rawtenstall is also the focus for medium and large scale retail and leisure development.

Retail proposals will be directed to the Primary Shopping Areas (PSA). Proposals for non-retail uses appropriate to town centres will be considered favourably within the town centre boundary, which encompasses but extends beyond the PSA."

The plans accompanying Policy 11 identify the Primary Shopping Area of Rawtenstall as including the Valley Centre and premises extending up each side of Bank Street.

Policy 12 of the Core Strategy relates specifically to The Valley Centre, and reads as follows :

“It is proposed that the regeneration of the Valley Centre will be achieved as follows

The regeneration of the Valley Centre and adjacent buildings in Rawtenstall is of strategic importance. A high quality masterplan-led design approach is being developed and will include the following elements:

- A focal point for retailers with other supporting other uses appropriate to a town centre,*
- Design which responds to the existing townscape in concept, layout and design detailing and enhances Rawtenstall’s urban grain*
- Street masterplanning and design which provides active frontages*
- A mix of uses that encourages natural surveillance and a safe street environment*
- All designs should take into account public transport access, parking provision and public open space provision.”*

The determination of this application for Conservation Area Consent needs to be made having regard to the heritage implications of demolition of the Valley Centre, and not the wider planning merits (consideration of which falls under the Planning Application).

I concur with the view of English Heritage that the existing Valley Centre buildings do not make a positive contribution to the character or appearance of the Rawtenstall Town Centre Conservation Area. Indeed its recently-approved Character Appraisal identifies the Valley Centre as a ‘Key Negative Feature’ and “in urgent need of redevelopment”. Accordingly, there is no reason to require its retention on the basis of its own architectural or historic merits. Responses from other consultees and individuals do not argue otherwise.

However, as is said by English Heritage and some of the other respondents, the buildings do serve a function in defining the historic street pattern and limiting the views to be had within the Conservation Area and in to it. For this reason, I concur with the view of English Heritage that Conservation Area Consent for demolition of the Valley Centre can be granted, but must be the subject of a linking condition to secure the prompt implementation of an appropriate scheme of replacement development which may take the form of an interim development or more comprehensive/long-term re-development of the site.

Whether the interim development proposed in Planning Application 2011/581 constitutes “an appropriate scheme of replacement development” is explored further in the following report.

8. SUMMARY REASON FOR APPROVAL

The buildings to be demolished do not make a positive contribution to the character and appearance of the Rawtenstall Town Centre Conservation Area and, subject to the conditions, their demolition will facilitate development that will enhance the character and appearance of the area, thereby benefitting the vitality & viability of the Town Centre and furthering wider regeneration aims of the Council for Rawtenstall.

9. CONDITIONS

- 1 The development hereby consented to 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 No works of demolition shall take place until such time as the Local Planning Authority has confirmed in writing that it is satisfied there is a contract in place for the prompt carrying out of an appropriate scheme of replacement development for the site and planning permission for those works has been granted.

Reason: To ensure demolition of the buildings does not proceed far in advance of an appropriate scheme of replacement development for the site, thereby detracting unacceptably from the character and appearance of the Rawtenstall Town Centre Conservation Area, in accordance with the provisions of PPS5, Policy EM1 of the Regional Spatial Strategy for the NW of England (2008) and Policy 16 of the Council's Core Strategy DPD (2011).