

Application Number:	2014/0384	Application Type:	Full
Proposal:	Variation of Conditions 3, 4 and 20 (varied to widen the range of goods) that can be sold from the Retail Park. Conditions 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21 and 22 to be removed. Conditions 3, 4 and 20 (to be replaced with a single condition that permits 1162 sq.m gross of the floorspace to sell all Class A1 goods and ancillary uses and 5026 to sell all Class A1 goods except food and ancillary uses) from Planning Approval 2007/0030.	Location:	Three Vacant Units, New Hall Hey Road, Rawtenstall, BB4 6HR
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	16 th December 2014
Applicant:	West Register	Determination Expiry Date:	26 th December 2014
Agent:	NJL Consulting		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Major & Departure

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 Committee is minded to grant permission subject to conditions and Section 106 obligation for the reasons set out in Section 10 and accordingly refer the proposal to the Secretary of State.

2. SITE

This application relates to part of a wider site of undeveloped land to the south of the A682 spur and occupies a prominent position on the approach into Rawtenstall.

The application site contains 3 warehouse style units and a car parking area all of which sit to a degree below the A682 and as a result, the car parking area and lower part of the units are screened to a degree from the A682 by high boundary treatment constructed in 2008. This boundary treatment takes the form of high stone walling / metal cladding and fencing on the north side which then descends in height to a degree to the rear elevation on the west side.

The site is accessed from 2 traffic islands off the A682 spur to the west of the site. A service access is taken off the second smaller traffic island. The as yet unused public access is taken from New Hall Hey Road which flows from the second traffic island and then Swanney Lodge Road (which is currently stopped up as the buildings are empty).

Further to the south west is the grade 2 listed Hardman's Mill and to the south is a public house. To the east is derelict land bounded by the East Lancashire Rail Line.

New Hall Hey Road for its length comprises a mix of uses including a number of residential properties.

3. RELEVANT PLANNING HISTORY

2005/109

Erection of four no. non-food retail, eight no. B1 and B8 business, four no. B1 Office, two no. Leisure and four no. Restaurant units, land adjoining New Hall Hey, Rawtenstall;
Conversion of Heritage Arcade Bacup Road, Rawtenstall. Refused 12th July 2005. The reasons for refusal are stated below.

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 is 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.

2005/617

Covering New Hall Hey, Heritage Arcade and the Former Soldiers and Sailors and comprising:

- 3995 sq m non food retail (Homebase),
- 7665 sq.m of leisure (including covered pavilions)
- 5133 sq.m B1 office floorspace,
- 1997 sq.m of B1 business (Industrial) floorspace and
- 1935 sq.m of B8 storage and distribution floorspace.

Total floor space for units A1, A2 and A3 of the whole of 2005/617

Unit Name	Ground Floor	Mezzanine Level	Total
A1(Retail)	2,652 sq m	743 sq.m	3,395 sq.m
A2(Leisure)	697 sq.m	0 sq.m	697 sq.m
A3(Leisure)	697 sq.m	0 sq.m	697 sq.m

The application was approved subject to conditions and a Section 106 Agreement

2007/0030 Erection of 3 retail units for Bulky Goods Retail. This application revises part of the proposal approved under 2005/0617 to comprise:

Unit Name	Ground Floor	Mezzanine Level	Total
A1(Retail)	2,323 sq.m	1,033 sq.m	3,356 sq.m
A2(Retail)	743 sq.m	669 sq.m	1,412 sq.m
A3(Retail)	743 sq.m	669 sq.m	1,412 sq.m

The application was approved subject to conditions and a Section 106 Agreement which rolled forward and made amendments to the previous agreement requirements. Requirements of the signed Section 106 pertaining to application 2007/0030 are:

- A commuted sum of £375,000 towards sustainable transport initiatives to include but not limited to funding towards improved bus links to the site, ensuring the site is provided with direct transport links, upgrading public infrastructure provision at the site and improving upgrading & provision of pedestrian / cycle routes on the local highway network including Queens Square and the sum of £50,000 towards public art.
- A Car Park Management Plan – A management plan to be agreed in writing with the Council for the Public Car Park Area four months prior to the let of the first of the units to be built at New Hall Hey to provide free parking for members of the public not visiting the units to be built at New Hall Hey to provide free parking for members of the public and instead visiting Rawtenstall town centre for a period of 3 hours
- A Travel Plan meaning a 5 year plan proposing actions, arrangements and initiatives to encourage a more sustainable means of travel to the development and providing a programme of implementation of those actions arrangements and initiatives.

The triggers for these requirements are:

- One month prior to occupation of the first unit, the £375,000 is due in phases of £100,000 on each of the 1st, 2nd and 3rd anniversaries and on the fourth anniversary the sum £75,000 and the sum of £50,000 is due towards the public art.
- Six months prior to occupation of the first unit to pay £50,000 towards upgrading and provision of pedestrian/cycle routes to the site

- Prior to occupation to agree a travel plan in relation to each unit.

Development commenced pertaining to 2007/0030 in 2007 and the 3 units were nearing completion when the recession hit and the developer Hurstwoods Developments went into administration in 2008. In 2010, KPMG as administrators completed construction of the shells of the 3 units. Since that time the units have remained empty. Accordingly, the S106 obligation triggers related to occupation have never been reached.

In 2010, condition 6 of 2005/0617 and condition 21 of 2007/0030 pertaining to the provision of 1,651 sq m of office space on occupation of the first unit were superseded by a supplementary S106 planning agreement. This changed the requirement of the conditions to be the marketing of office space in line with an agreed strategy for 36 months from the date of agreement before the developer is released from the provisions.

Most recent minor and other applications

The current applicant recently submitted a non-material amendment application 2014/0403 making minor amendments to the external appearance to the 3 units to accommodate the use changes sought via 2014/0384. In addition, 2 minor planning applications 2014/0411 and 2014/026 were submitted to erect 3 trolley bays and installation of external plant equipment respectively. Finally an application for condition discharge 2014 /0479 for all of the conditions attached to the consent for 2007/0030 except for conditions 3,4 and 20 has been submitted.

All of these applications have now been approved under delegated powers. The determination of these applications were considered on their own merits and are mutually exclusive of the deliberations by officers and committee in relation to the issues 2014/0384 presents in this report.

4. PROPOSAL

The applicant now seeks planning permission to vary conditions 3, 4 and 20 and replace them with a single condition that permits 1162 sq.m gross of the floorspace to sell all Class A1 goods and ancillary uses and 5026 sqm to sell all Class A1 goods except food and ancillary uses from Planning Approval 2007/0030. Permission is also sought to remove the other conditions attached to the consent for 2007/030 as the applicant considers they have all been complied with (or superseded in respect of condition 21) and therefore should not be attached to any consent going forward related to 2007/0030.

The decision notice listing all the conditions is attached at appendix 1.

The physical effect of the application is that the large unit named A1 would be subdivided into 2 units. Therefore of the 3,356 sq m, 1,162 sq m would become available for convenience goods ie Food Retail such as a supermarket rather than being restricted to Bulky Goods retail only.

The remaining 3 units would under the new proposals be able to sell all retail goods except for food. This would widen the sales offer from just bulky goods retail (with ancillary food and clothes sales ancillary to the bulky goods retail) to allow for all non-food goods eg all types of clothing.

Justification put forward by Applicant

In support of 2014/0384, the applicant has submitted a Planning & Retail Statement, a Transport Statement and a Framework Travel Plan. The applicant’s key arguments put forward are summarised as follows:

- New Hall Hey Retail Park was completed in 2010 and has remained vacant since this time. This application proposes variations to the conditions associated with the planning permission for the Retail Park, so that it meets the requirements of retailers with a confirmed interest in acquiring space at the Retail Park. It therefore represents a genuine opportunity to bring this vacant and prominent site into use.
- An anchor retailer is critical to the delivery of the scheme, as it raises the profile of the site and triggers interest from other retailers. An anchor retailer has currently been secured for New Hall Hey Retail Park, which has triggered interest from other retailers, that is dependent upon the anchor retailer coming forwards. The anchor retailer cannot trade from the site without widening the goods restrictions and so the approval of this application is critical to it being able to trade from the site.
- The proposals form part of West Register’s strategy to bring forward and complete developments across the New Hall Hey area. West Register is committed to creating a successful commercial destination at the New Hall Hey area and will be investing considerably in this objective.
- The proposals form part of the regeneration objectives of the Core Strategy in that they will enhance New Hall Hey, and given the prominent gateway location of the site, will also contribute to the overall perception of Rawtenstall as a retail destination. This is a material consideration in favour of the application proposals.
- The proposed development comprises sustainable development in accordance with the National Planning Policy Framework. In summary:
 - Economically Sustainable Development: It will bring forward the occupation of a long term vacant Retail Park, create employment opportunities, support wider regeneration objectives and not impact upon the economic performance of town centres.
 - Socially Sustainable Development: It will enhance choice and competition in an accessible location.
 - Environmentally Sustainable Development: It will enhance the perception of Rawtenstall, bring an existing building into use, has no environmental issues and promotes the use of sustainable forms of transport and linked trips.
- Widening the range of goods that can be sold from the Retail Park triggers the requirement to address the Framework tests of the sequential approach to site selection and impact. The Statement demonstrates that there are no sites in sequentially preferable locations in the catchment area that can accommodate the proposals, by virtue of their availability, suitability or viability and therefore this gateway test is passed.
- The impact assessment confirms that there is sufficient expenditure capacity within the catchment area to accommodate the additional turnover generated by the proposals. In addition to this assessment, it is demonstrated that trade diversion from existing destinations in the catchment area

would not have an impact upon the vitality and viability of those destinations. It is also confirmed that the proposals will not impact upon town centre investment.

- The Statement demonstrates that the application proposals are compliant with the Development Plan and national guidance. They comprise sustainable development and therefore in the absence of any material considerations which indicate otherwise planning permission should be granted in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework (Para. 14).

4. POLICY CONTEXT

National

National Planning Policy Framework (2012)

Section 1	Building a Strong Competitive Economy
Section 2	Ensuring the Vitality of Town Centres
Section 4	Promoting Sustainable Transport
Section 7	Requiring Good Design
Section 8	Promoting Healthy Communities
Section 10	Meeting the Challenges of Climate Change, Flooding, etc
Section 11	Conserving and Enhancing the Natural Environment
Section 12	Conserving and Enhancing the Historic Environment

National Planning Policy Guidance (2013)

Guidance – Ensuring the vitality of town Centres

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 4	Strategy for Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 11	Retail and Other Town Centre Uses
Policy 12	The Valley Centre
Policy 13	Protecting Key Local Retail and other Services
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

LCC Planning Obligations in Lancashire (2008)

5. CONSULTATION RESPONSES

RBC (Forward Planning)

National Planning Policy Framework

Paragraph 11 states that Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 12 states proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Section 1, paragraph 18 outlines the government's commitment to securing economic growth in order to create jobs and prosperity. Paragraph 19 sets out that the planning system should do everything it can to support sustainable economic growth.

Section 2, paragraphs 23 to 27 of the NPPF sets out the Government's stated intentions for ensuring the vitality of town centres.

Paragraph 24 states Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. They should require such proposals to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre locations be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 26 indicates when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up to date local plan, the local planning authority should require an impact assessment having regard to certain criteria. This should include assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made. For major schemes where the full impact will not be realized in five years, the impact should also be assessed up to 10 years from the time the application is made.

Paragraph 27 states where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Section 4 paragraphs 29 to 41 of the NPPF 'Promotes Sustainable Transport'. Of particular relevance for this planning application:

Paragraph 32 states developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site to reduce the need for major transport infrastructure.
- Safe and suitable access can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 states plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimized and the use of

sustainable transport modes can be maximized, though this does need to take account of policies set out elsewhere in the framework.

Paragraph 35 states developments should be located and designed where practical to:

- Accommodate the efficient delivery of goods and supplies
- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities
- Create safe and secure layouts which minimize conflicts between traffic, cyclists or pedestrians
- Incorporating facilities for charging plug-in and other ultra-low emission vehicles; and
- Consider the needs of people with disabilities by all modes of transport.

Paragraph 36 goes on to state a key tool to facilitate the aims of paragraph 35 will be a travel plan. All developments which generate significant amounts of movement should be required to provide a Travel Plan.

Paragraph 187 states in relation to decision taking, authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

National Planning Policy Guidance

The NPPG provides more detailed interpretation by Central Government on the range of topic areas within the NPPF. Most particularly in relation to this application, the NPPG sets out the steps and information / evidence that should be provided by the applicant for assessing the sequential and impact tests related to ensuring the proposal will not result in unacceptable detrimental impact on the vitality and viability of town centres neighbouring the development.

Core Strategy Policies

AVP 4: Strategy for Rawtenstall, Crawshawbooth, Goodshaw and Loveclough states the Vision will be achieved by amongst other means:

- The redevelopment of the Valley Centre as a mixed use project that will complement its Conservation Area setting, enhance Rawtenstall's townscape and provide accessible attractive new streets and spaces for all users, particularly pedestrians
- Pedestrian links to Rawtenstall Railway Station from the town centre will be made direct and attractive. Station facilities including parking, will be enhanced to a standard suitable for commuter use.
- The diversity of small shops in Rawtenstall will be retained and enhanced and the potential of the market maximised
- New developments will be located in proximity to, and well linked to public transport and Green Infrastructure networks to maximise the potential usage of sustainable modes of travel.
- Improving cycle access to Rawtenstall Town Centre and Railway Station
- New Hall Hey will be safeguarded for bulky goods retail and business use. An extension for business use of land to the South of Hardman's Mill will be favourably considered subject to flood risk issues being fully addressed.

Policy 1: General Development Locations and Principles states within its overall development approach section that when considering individual planning applications, the Council will amongst other things consider whether it will:

- Make best use of under-used, vacant and derelict land and buildings

- Minimise negative impacts upon existing infrastructure capacities by considering capacity levels and plans for future upgrades and expansion.
- Maximise access by public transport, walking and cycling in a manner that promotes safe and inclusive communities and promote co-location of services and facilities
- Contributes to maintaining and creating sustainable and inclusive communities

Policy 8 states amongst other considerations the car parking standards and that car parking management will be undertaken as part of the overall policy of maintaining business vitality, integrated transport access and creation of attractive places.

Policy 9 states amongst other things that:

- A Transport user hierarchy will form the basis for consideration of all applications and
- That new development within the urban boundary should be concentrated close to public transport corridors or within 400m of bus stops with regular services. Enhanced links to key services and employment opportunities will be pursued. Supporting innovative schemes for 'demand responsive' transport will be pursued for hard to access locations. Accessibility planning will be used as a tool to identify the most appropriate form of response.
- The footpath, Cycleway and bridleway network will be developed and enhanced in an integrated manner.

Policy 11 states amongst other things that:

- Rawtenstall is at the top of the Borough's retail hierarchy
- The focus for medium and large scale retail & leisure proposals is the primary shopping area
- Retail development will be focused within defined town centres and that;
- Proposals for new convenience retail floorspace of greater than 200m sq will be resisted outside of the defined primary shopping area boundaries unless:
 - Under the sequential test a more appropriate site cannot be identified, or
 - It forms part of a wider Council endorsed regeneration scheme, and the proposal will improve consumer choice and diversify employment opportunities, or other agreed benefits, and
 - It can be demonstrated to the Council's satisfaction that it will not have an unacceptable adverse impact on the vitality and viability of other centres

All developments (convenience and comparison) will be expected to provide impact assessments where they are above the following thresholds: Rawtenstall Town Centre- 750m sq.

Policy 22 amongst other considerations states: where developments will create additional need for improvements / provision of services or facilities or exacerbate an existing deficiency, contributions will be sought to ensure that the appropriate enhancements / improvements are made and management arrangements are in place.

The policy goes on to say that where proposals involve the development of previously-developed land or buildings, the Council will only apply those contributions deemed essential/critical to help deliver the site and /or provide benefits to the immediate community.

Policy 23 states amongst other considerations the council will ensure that all new developments:

- Promote the image of the Borough through the enhancement of gateway locations and key approach corridors

Policy 24 states amongst other considerations a requirement that development provides direct walking, cycling and public transport access and addresses parking (all modes) and servicing issues as part of the overall design quality through travel planning.

Policy assessment

The policy context above helps inform assessment in relation to:

- The sustainability of the proposals in economic, social and environmental terms including impact on the vitality and viability of nearby town and district centres and the sustainable transport modes available and its connectivity to Rawtenstall Town Centre.
- Whether measures / contributions can be put in place to mitigate any concerns.

This land is shown on the Adopted Proposals Map (1995) as being an employment site; this policy was not saved by the adopted Core Strategy (2011). The 2007/030 application granted permission for bulky goods retail. The 2007/0030 scheme was effectively completed in 2010, but has since remained vacant. This latest application seeks to replace the restriction to bulky goods and widen the retail offer to include food retail (1,162 sq m), with the remaining floor space (5026 sq m) to sell all non-food goods, not solely bulky goods.

New Hall Hey is an out of centre location, being more than 300 m from the defined Rawtenstall Primary Shopping Area, (adopted Core Strategy, 2011). The adopted Core Strategy refers specifically to New Hall Hey, identifying it for bulky goods retail and business use (AVP 4). Policy 11 places Rawtenstall at the top of the Borough's Retail hierarchy, and in the Reasoned Justification to this Policy para 243 “supports the Council's vision of achieving quality, well designed, mainly higher order retail development at the Valley Centre, with only appropriate retail at New Hall Hey which cannot be accommodated in the Town Centre, such as bulky goods”.

The NPPF seeks to promote competitive town centres, putting them at the heart of communities, whilst offering choice and a diverse retail offer (para 23). Para 24 refers to the sequential test for main town centre uses that are not in an existing centre, noting “.... only if suitable sites are not available should out of centre sites be considered” with preference to accessible sites, well connected to the town centre. Impact assessments should be undertaken for retail development outside of town centres. The NPPF identifies a threshold of 2,500 m², though in accordance with the NPPF, the adopted Rossendale Core Strategy has set a lower threshold of 750m². Where an application does not satisfy the sequential test or is considered likely to have significant adverse impacts on existing, committed and planned public and private investment in a centre in the catchment area the NPPF is quite clear that the application should be refused.

The Retail and Town Centre Study which supported the Evidence Base for the adopted Core Strategy was undertaken by NLP in 2009. This said “there is no global capacity for additional convenience floorspace in the Borough, even by 2024” (p 84), albeit that “proposals for convenience floorspace may be appropriate despite the lack of need identified in the Study”. Capacity though was identified for additional comparison goods, and the market share for comparison goods is increased to 33%, in the period post 2013, assuming that the committed and proposed schemes come forward (para 8.36). Comparison goods floorspace should be directed to particularly Rawtenstall's PSA to “enhance the vitality and viability”. Sites identified as having reasonable to good overall

development potential for retail and/or leisure were: the Valley Centre, Car park on St. Mary's Way (known as Phipps St) and the Heritage Arcade.

Nevertheless in relation to the convenience offer it is considered that this proposal can claw back expenditure spent elsewhere based on the evidence submitted and reviewed which takes into account more recent projections including on income.

Also worthy of note in respect of NLP's study is the decline in comparison retail units within Rawtenstall identified over the period 2004 to 2008, presumably attributable to the vacant units in the Valley Centre, as well as the absence of national multiple retailers. One particular weakness of Rawtenstall identified was the lack of available and suitable shop units for large retailers and national multiples, and threats identified by the Study included improvements to competitor centres, such as Accrington, to draw trade away, increased internet sales (which have increased even more), a strong reliance on ASDA to attract shoppers, and the presence of the out-of-centre Tesco at Sykeside.

At the time of the NLP study in 2009 there were two main schemes being considered – New Hall Hey and the Valley Centre. New Hall Hey was partially constructed, though there were doubts about its deliverability (para 8.19). The Valley Centre was largely vacant and detracted from the town centre. NLP advised that as a priority this site should be redeveloped (para 8.17).

Since 2009 there have been several significant developments in Rawtenstall:

- Vacancy rates for Rawtenstall Town Centre have reduced to 8% (2012/13 Authority Monitoring Report), which is below the national average of 14% and less than the vacancy identified in 2009 (27%, compared to a national average of 11%).
- Demolition of the Valley Centre (which again reduces the number of vacant units with associated reduction in retail floorspace) and the subsequent creation of a temporary open space
- Recent pre-application submission consultation on a proposed new retail scheme of 3,265 sq.m in small units at Spinning Point in Rawtenstall Town Centre, and a replacement bus station.

The applicant has undertaken both a sequential test and an impact assessment.

SEQUENTIAL TEST

A number of sites have been considered as alternatives to the New Hall Hey location, and these are listed in the applicant's Planning and Retail Statement and subsequent supplementary statement. The proposal in total constitutes 6,188 sqm total gross floorspace. No site has been found preferable by the applicant to the existing units at New Hall Hey, summarised below.

Site Name and Size	Location in accordance with NPPF ¹	Key Issues Identified by Applicant
Robert Street (3,585 sq.m)	Edge of Centre ²	<ul style="list-style-type: none"> • Too many land ownerships, which would take too long to resolve

¹ Annex 2 of the National Planning Policy Framework (NPPF) defines retail locations, as referred to in the NPPF, and are defined in relation to Rawtenstall town centre.

² For retail purposes, a location that is well connected and up to 300 metres of the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary.

		<ul style="list-style-type: none"> • Too small
Rawtenstall Market (3,951sq.m)	Town Centre ³	<ul style="list-style-type: none"> • Market would need to be relocated, and this would be reliant on Valley Centre re-development, • Too small
Valley Centre and Police Station (Approx 1 ha)	Primary Shopping Area (PSA) ⁴	<ul style="list-style-type: none"> • Would take too long to come forward; • Proposed units in Masterplan too small; • only the largest unit would be suitable (929 sq m) but is committed according to the agent.
Phipps St Car Park (3,000 sq.m)	Town Centre (in part PSA)	<ul style="list-style-type: none"> • Needed as a car park; • servicing would be difficult
Kay St car park (2,770 sq.m)	Town Centre	<ul style="list-style-type: none"> • only large enough for one unit so too small; • needed as a car park
Heritage Arcade (1,000 sq.m)	Town Centre (Secondary frontage)	<ul style="list-style-type: none"> • only large enough for one unit; • no servicing area or adjacent parking
Former College site (0.8 ha)	Out of centre	<ul style="list-style-type: none"> • potential hotel site in Core Strategy; • too small for buildings, car parking and service area
Former Kwik Save (1,892 sq.m)	Out of centre ⁵	<p>Although closer to the PSA than the application site it is considered that:</p> <ul style="list-style-type: none"> • accessibility to the PSA is no better and is at best sequentially equal, although can be made better (and sequentially better) through s.106 highways improvements. • This site is too small to accommodate the whole proposal, and does not appear to be in a viable location.

The NPPF (Paragraph: 001, Reference ID: 2b-001-20140306) encourages a positive approach to town centres which should include seeking to improve the quality of parking in town centres. It is therefore accepted that in the light of their other constraints, the sites identified as Phipps Street and Kay Street can be discounted.

Other sites that have been considered too small for the requirements of this developer include the Market, which is in use and serves a retail function at present, with no imminent re-location proposed. The Heritage Arcade has an extant retail permission but it is considered that this is too small for the entire development and will not be suitable for the business model proposed. The

³ Area defined on the local authority's proposal map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area.

⁴ Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage).

⁵ A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Robert Street site would be unsuitable to meet the necessary timescales.

Of these sites in the table above, the three with the most potential are the Former Valley Centre, the College site, and the Former Kwik Save, and these are discussed below.

The Valley Centre re-development is within the identified Primary Shopping Area. It is recognized as an identified investment opportunity, known as The Spinning Point, which is at pre-application consultation stage. However, it is accepted that Spinning Point will not be delivered to meet the timescales of the operator involved in the New Hall Hey proposal, given that it has not yet received planning permission or construction started. More significantly it is not considered that this location is large enough to accommodate the proposal, even taking into account potential disaggregation of the proposals into smaller parcels. The site would only provide for half the retail space these proposals would deliver, and it is envisaged most units will be small. It should be noted that the same developer is involved, with a financial interest, in both New Hall Hey and Spinning Point, and so has a vested interest in ensuring the schemes are complementary to each other.

Although the College site is closer to the town centre, it is still recognized as being out of centre, and there are difficulties in respect of accessing the site from the town centre. Furthermore, although it is almost 1 ha in size, it is considered too small for the operators involved, given the size of floorspace needed, and the car parking and servicing arrangements, and neither could it be delivered in time. If permission was granted here, it would create an isolated retail site.

A currently vacant unit is located at the Former Kwik Save building, close to the Railway station at Rawtenstall. This is being marketed for 1,892 sq m retail uses. This is too small for the development that is being proposed. Although this location too is out of centre, it is nevertheless closer to the Primary Shopping Area, in respect of distance on foot to the PSA and hence is sequentially preferable at this moment in time. However, the applicants are stating that as a result of the necessary access improvements being proposed via a s.106 obligation this location will become significantly sequentially better.

It also needs to be recognized that there is currently a vacant unit on New Hall Hey, which has been empty for a considerable period, which has an extant retail permission, albeit for restricted retail uses.

Given that there would appear to be no sequentially preferable site available with appropriate timescales to meet the requirements of the operators interested in the New Hall Hey proposal, it is then necessary to consider the impact that this proposal will have on adjoining Town Centres, and in particular Rawtenstall itself.

IMPACT ASSESSMENT

Retail impact assessment is a specialist area which also requires access to information and evidence that the Council does not subscribe to given it is only required relatively infrequently. Accordingly officers considered it appropriate to seek an external review of the applicant's impact evidence by a retail specialist relating to the following considerations:

- The updated Retail Capacity Assessment projected figures
- The turnover projections for the New Hall Hey Retail Park
- The trade diversion projections / assumptions (Convenience and comparison), particularly for Rawtenstall and the Valley Centre, and other centres, and
- Advice on whether the impact assessment is sound.

Full regard has been had in the critique to 'National Planning Practice Guidance 'Ensuring the vitality of town centres', together with the requirements of paragraph 26 of the NPPF.

The full critique provided by Rapleys is provided at Appendix 2.

Rapleys conclusion is that:

Conclusion

Overall we consider that the impact assessment provided by NJL is broadly robust, when assessed on the basis of the information (including potential 'interested' retailers) outlined in the submitted retail assessment. We have however identified a number of areas for clarification and further information, particularly relating to the convenience trade draw (and impact) assumptions for Rawtenstall. This should be investigated.

Given the scale of the current proposal relative to the town centre, we consider it appropriate and necessary that the Council consider the imposition of suitable conditions to control the range of goods sold at this out of centre location. In our opinion, an unrestricted sale of goods from an out of centre location could be a threat to the vitality and viability of Rawtenstall town centre depending on the nature of the end occupiers. It is therefore considered necessary to protect the vitality and viability of the town centre and to ensure the policy led regeneration of the Valley Centre is not threatened or prejudiced.

Further, we question why an 'open' comparison range of goods is sought, when electrical products and pets/pet foods and supplies associated with potential retail occupiers, are already permitted by virtue of the existing range of goods condition.

Accordingly the view of Forward Planning is that on balance the proposals are acceptable in principle subject to appropriate conditions and planning contributions. The buildings are vacant, and have been for some years despite marketing, and that it is unlikely that a retailer can be identified who could operate in accordance with the restricted sales conditions attached to the current approval. The conclusion of the sequential assessment is that there is not a present a suitable and available alternative site in / close to the town centre and that impacts on vitality and viability are not considered to be unacceptably adverse subject to the provisions referred to being addressed in the advice from Rapleys. It is acknowledged that there are benefits of national retail representation and associated employment opportunities, and improvement of a key gateway site, it is recommended that permission be granted, subject to enhancing links between New Hall Hey and the town centre of Rawtenstall and appropriate conditions to protect the vitality and viability of the town centre.

LCC Highways

The initial response from LCC highways raised no objection subject to:

- The provision of cycle parking at a ratio of 1:10 spaces being provided.
- Further information being provided on trip generation and anticipated parking provision requirements to demonstrate the proposals will not result in unacceptable congestion and highway safety concerns for the access roads into the site and the A682 spur and;
- The following contributions :-
 - A contribution of £144,000 for the provision of an hourly bus service (Balladen loop) for three years to run along New Hall Hey Road to serve the site.

- A contribution of £10,000 for the provision of two bus stops on New Hall Hey Road to serve the development.
- A contribution of £100,000 for the upgrade of the footpath to a shared cycle / pedestrian path from the A682 Rawtenstall Spur adjacent to the railway station for approximately 450 metres in a south westerly direction to the site.

Further discussions have subsequently taken place between the highway authority and the developer's transport consultant. As a result, LCCHighways has advised:

- The further information on trip generation and parking provision has demonstrated that the maximum car park accumulation during peak period (Saturday) totals 164. It is also anticipated that a further reduction in accumulation of 30% can be expected through linked trips between units, this reduces the number of spaces required to 115. Accordingly, the 142 parking spaces now proposed are considered adequate to accommodate the peak parking periods without detriment to highway safety.
- The cost of the footpath link has been reviewed and its cost is considered to be around £80,000
- It remains essential for a bus service to be provided to make this site sustainable for the future. Currently the bus stops are located approximately 700 metres away on Bury Road which is not considered an acceptable distance to walk. The existing walking and cycling routes to this site from the town centre are onerous and even if the proposed footpath upgrade works were completed prior to the opening of the units there may still be a safety concern for pedestrians which means the route is underutilized.
- It is realistic for the bus service (Balladen loop) to be diverted and operational around New Hall Hey within 4 weeks. This means the service would be available to serve the development upon opening. It is also acceptable for the contribution to be phased, for example year 1 – £48K

Rossendale Chamber of Commerce

No comments received

Bury MBC

Raises no objection

Burnley Council

Raises no objection

Hyndburn Council

No comments received

Rossendale Civic Trust

New Hall Hey Retail Park, Rawtenstall, Rossendale, BB4 6HR. Major Application 2014/0384

Rossendale Civic Trust's Representations, 3/11/2014, on proposals to vary Conditions of Planning Approval 2007/030: *'Erection of 3 retail units measuring 3358 sq.m, 1412 sq.m and 1412 sq.m'*.



New Hall Hey Retail Park. Approach view on A682 leaving Rawtenstall towards new roundabout.

1. Planning and Retail Statement submitted by the Applicant says that:-

“The units were constructed in August 2010 and have remained vacant since this time. They comprise 3,817 sq.m gross at ground floor level”.

“This planning application seeks permission under Section 73 of the Town and Country Planning Act 1990 for the variation of the conditions attached to planning permission ref: 2007/030 so that 1,162 sq.m of the gross floorspace (Unit A1) can sell all Class A1 goods, including food, drink and clothing, along with ancillary uses. Permission is also sought to allow the remaining floorspace to be used for the sale of all non-food Class A1 goods and ancillary uses. This relates to Units A2, B and C which comprises 5,026 sq.m of floorspace. 2,655 sq.m of this is a ground floor level and 2,371 sq.m at mezzanine level. This will be achieved through the removal of Conditions 3 and 4 and their replacement with a new condition relating to goods controls”.

2. Generally RCT do not support this Application for an Out of Centre food store to compete with Rawtenstall Town Centre and the redevelopment of its Valley Centre; and in fact see it as a vindication of the Officers advice to Members in their reporting on Application 2005/617 to DEVCON of 5 April 2006, in which they gave this:-

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.*

RESOLVED:

That members of the Committee be minded to approve the application as a refusal would be detrimental to the future of Rossendale and that the Chief Executive in consultation with the Officers and the Chair be given delegated authority to determine the conditions to be attached to the consent together with the Heads of Terms in respect of a Section 106 Agreement and to issue a decision notice if the application is not called in by the Government Office.

Reasons

Having taken into account all relevant material planning considerations, this committee considers that planning permission for this proposed development should be resolved to be granted (subject to a Section 106 agreement relating to sustainable transport initiatives and highway works) because in our judgement its positive impacts in terms of the wider economic, environmental, social and physical regeneration opportunities and benefits which the scheme will bring to the local community and to the town, are all key issues which, when weighed in the balance with other factors, should be given conclusive weight in this case. In addition, the approval of this application will have very positive and significant sustainable development benefits resulting from the reduction in car-borne journeys made by many people who currently travel out of the Valley to do their non-food shopping and to access leisure facilities that are not available locally. Taken together, it is the view of Committee that these positive regeneration and other benefits plainly outweigh any perceived objections to the development including those based upon retail capacity, need, or potential negative impacts on the town centre's future vitality and viability.

RCT note that, if a need was not evident in 2006, it certainly isn't now: with a new Asda, Lidl, Tesco, B&M, and the Valley Centre cleared for redevelopment. It should go even further down the sequential list; it ought to include the vacated New Hall Hey Station Court: 2181sqm gross, c150 car spaces.

RCT also recall the reason, to refer to benefits of the whole outweighing the retail element, is because, at this DEVCON meeting, the Applicant saw the potential for bowling alleys, cinemas, etc, which constitute the "positive regeneration and other benefits" referred to, supposedly outweighing the negative retail impact.

RCT note that, since then nobody has come forward with any offers of any such development, even though these would be within the legitimate scope of the New Hall Hey Development.

3. Rossendale Retail 2008.

RCT consider that any potential benefit of an extra 5.2% in gross retail area are overstated, and notes Lancashire County Council's Lancashire Profile's comments about the changes in retail with less corner shops, but more supermarkets and out of town retail outlets.

For Rossendale they show gross retail areas: in 1974 it was 90,000sqm, then a slow increase by 1998 to 92,000sqm, and a distinct increase by 2008 to 119,000sqm; while the numbers of retail outlets declined from 826 in 1998 to 759 in 2008.

This put Rossendale as Lancashire's No 1 for growth in retail space: 29% from 92000 sqm in 1998 to 119000sqm in 2008. Hyndburn's was 16.6%, Burnley's 13.5%.

4. Rossendale Local Plan Core Strategy. RCT recall that in 2011 this was subject to Hearings in Public before a Planning Inspector, who considered it in relation to the new National Planning Policy Framework, and as adopted by RBC it does not support food sales at New Hall Hey:-

AVP 4: Strategy for Rawtenstall, Crawshawbooth, Goodshaw and Loveclough

New Hall Hey will be safeguarded for bulky goods retail and business use. An extension for business use of land to the south of Hardman's Mill will be favourably considered subject to flood risk issues being fully addressed.

Policy 11: Retail and Other Town Centre Uses

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.

Proposals for new convenience retail floorspace of greater than 200m² will be resisted outside of the defined Primary Shopping Area boundaries unless:

- under the sequential test a more appropriate site cannot be identified, or*
- it forms part of a wider Council endorsed regeneration scheme, and the proposal will improve consumer choice and diversify employment opportunities, or other agreed benefits, and*
- it can be demonstrated to the Council's satisfaction that it will not have an unacceptable adverse impact on the vitality and viability of other centres.*

All developments (convenience and comparison) will be expected to provide Impact Assessments where they are above the following thresholds:

- Rawtenstall Town Centre – 750m²*
- Bacup and Haslingden District Centres – 500m²*
- Elsewhere within the borough – 200m²*

243. This hierarchy supports the Council's vision of achieving quality, well designed, mainly higher order retail development at the Valley Centre. with only appropriate retail at New Hall Hey which cannot be accommodated in the Town Centre, such as bulky goods.

5. National Policy on retail locations.

RCT recalls that an earlier application for a Tesco Store on this site was rejected because it was outside the PPG 6 boundary. PPG6, referred to in 2005-7, is now replaced by parts of the National Planning Policy Framework, which was in draft as Rossendale's Core Strategy was being agreed with the Planning Inspector.

RCT notes NPPF's S2 Ensuring the vitality of town centres, where the definition of Edge of Centre, shows this as within 300m of a Primary Shopping Area. New Hall Hey is far Out of Centre at c800m. Maybe a detail reason why Peel have lost an appeal to the Supreme Court: to expand their Whitebirk Retail Park for food sales. It's located close to border of Blackburn with Darwen, and Hyndburn BC.

6. Retail growth potential.

RCT note how the Applicant makes what appear to be assumptions about growth in spending per head of population from expected population growth in Rossendale and Ramsbottom, and where trade will be taken from existing competitors in these and adjacent areas. But where's the allowances for inflation in cost of living in relation to a lower growth in wages? The reasons for more shopping at so called "discounters" Aldi and Lidl? And now we see Homebase, the intended "Anchor" for New Hall Hey planning to close some of its DIY stores.

Also, when you look at all the Planning and Retail Statement's tables in the Appendices, where's the analysis of gross retail areas per head of population. On Lancashire Profiles figures, we have pointed out how Rossendale's had more retail growth than other LCC towns. But in relation to population we see:-

Town	Population	Gross Retail sqm	Sqm/head
Chorley	104,000	173,000	1.65
Rossendale	67,300	119,000	1.77
Blackburn+Darwen	140,700	312,000	2.22
Hyndburn	81,600	196,000	2.40
Preston	132,000	457,000	3.46

Does this show the effects of being close to larger centres?

Maybe, but then take the situation of a large town, close to both other large towns, and also city centres. We see Warrington, where a main high street Boots has moved into a Debenhams expanded Golden Square, and its site is now proposed for a smaller Retail Market. Where a population growth from 122,300 in 1968 to 202,228 in 2011, relates to a 55% reduction of town centre shopping floorspace to 4.8 sqft per person – 0.45 sqm/p, but its gross retail of c296,000 sqm is only 1.46 sqm/p.

Or are we also seeing the effects of the change to larger retail units with more efficient use of space: better ratios of net to gross areas: 49-51 Bank Street ex Woolworths' 49% to Asda St Mary's Way's 84%?

So note Rossendale's recent growth: Tesco x 2, a new Asda, a Lidl, Bacup's 2022sqm Morrisons, and a B&M with Planning Permission for 340sqm of food sales in the 3543 sqm ex Focus DIY. Does Rawtenstall or Rossendale need an Out of Centre 1162sqm of food sales?

6. Valley Centre v New Hall Hey.

The Applicant suggests that: "The biggest change to Rawtenstall Town Centre in recent times is the demolition of the Valley Centre in 2012. This represents a reduction in Town Centre retail floorspace of 3514 sq.m."

RCT understands that the upper floors in the Valley Centre were not used for retail, and note its VOA 2010 gross retail is 2690sqm. RCT estimate its net retail as 2225sqm to relate to Rawtenstall Town Centre's:– Primary 5911sq, Secondary 6543sqm, Edge 20203sqm to total 32657sqm, or c7%. The real change was Asda's 10986sqm nett, 13106sqm gross.

The Applicant also suggests that: "the new scheme will bring forward 3265 sqm in small units" – "12 units of between 140 sqm and 325 sq.m and one larger 'anchor' unit of 930 sqm". So that's a total of 4195sqm.

NCT saw, at a 23 October 2014 Valley Centre Consultation: Phase 1 a new Bus Station, Offices and additional car parking, Phase 2 a 1065sqm "anchor" with Market below and adjacent 4 x 155 sqm retail/leisure units. The proposals for a Phase 3 suggests a potential "anchor" of a multi-screen cinema, small retail units and 1 bedroom apartments. These changes suggest that it could change again, as is normal, to suit the needs of its future users.

RCT can also see that parts of the Valley Centre's Phase 2 and most of Phase 3 would be competing with the remaining sites at New Hall Hey for their leisure as well as their retail uses.

RCT note that, while New Hall Hey has ample car parking, it is far Out of Centre, has no bus service to its existing business users, and its pedestrian routes require re-crossing the by-pass via various unkempt tracks from Haslingden Road, or use of the rough path by the railway line.

RCT therefore sees that a Lidl sized convenience store would realistically only serve car users, and so be of little use for policies to reduce this. If, as the Applicant appears to suggest, there is interest from a trader of higher value foods, affordable to car users, then to be of benefit to all in Rawtenstall and Rossendale, this needs to be in the Valley Centre in order to achieve the first objective of **Rossendale Borough Council's Policy 11** :-

"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".

7. A682 New Hall Hey Roundabout.

This dual carriageway section of the A682 was originally built 1967-69, prior to the M66 and M65, as part of the A56T's Edenfield-Rawtenstall Level Crossing By-Pass. RCT recalls that a roundabout in this location was considered and rejected for some time. It was eventually built under a Section 278 Highways Act Agreement for the New Hall Hey Retail Park. RCT see a convenience store bringing more traffic through this roundabout, than would its present 3 comparison stores. It should be looked at again in this new context, and RCT has three concerns:-

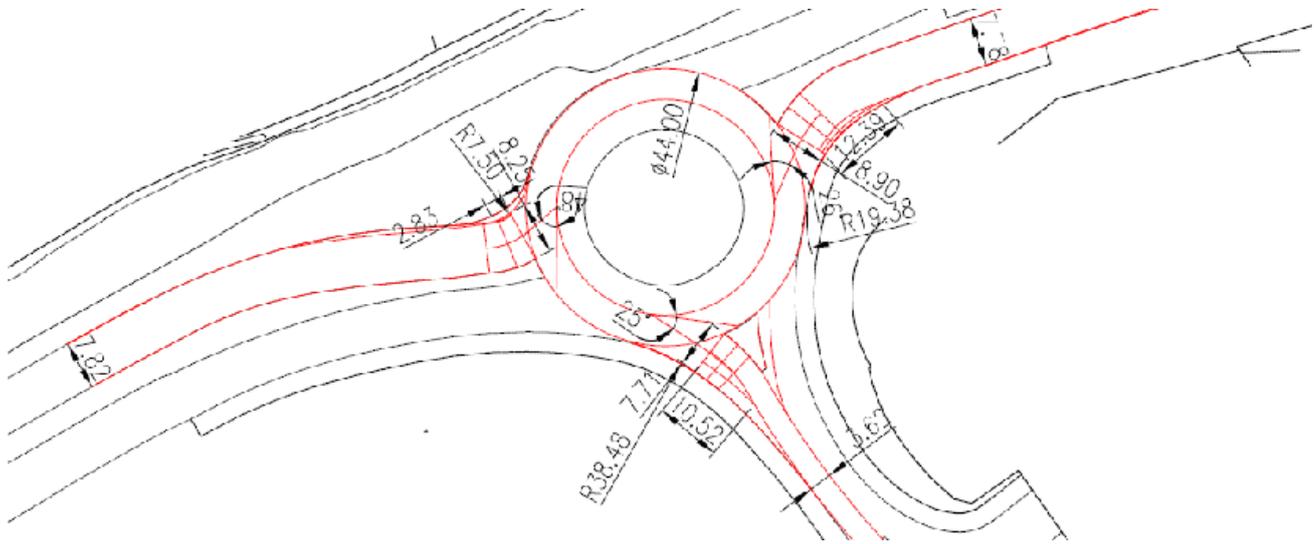
A - There is now a through road, by accident rather than any plan, which has created a “rat run” along New Hall Hey Road to Bury Road, to avoid the Rawtenstall A682 – A681 Gyrotory, but not its level crossing. This can cause annoying hold ups if there was a lot of traffic, and it is a bit unnerving for pedestrians at the best of times. Trains are also more frequent than many people realise.

B - It serves a new access road, built in part over a filled Lodge, and closer than RCT would wish to Hardmans Mill's tall chimney, built 1861 and Grade II Listed. This chimney is recorded as having been built on unstable ground and was originally adjacent to the mill lodge; in no way subject to the impact of passing traffic, which could inevitably in time cause harm.

C – There have been overruns, see below, and also a fatal accident, when a car in poor visibility, driven with no seat belts, ran over the centre island and into the boundary wall of the Retail Park.



TD 16.07 “sets out the design standards and advice for the geometric design of roundabouts”. It lists in its Summary point 1.8's other changes from the previous TD16/93: “e) except at Compact Roundabouts in urban areas the projection of the kerb line of the splitter island or central reserve on the approach should guide drivers around the central island (see paragraph 7.30)” = “The alignment of entry lanes is critical. Except at Compact Roundabouts in urban areas, the kerblines of the splitter island (or central reserve in the case of a dual carriageway) should lie on an arc which, when projected forward, meets the central island tangentially (see Figure 7/6) in order to reduce the likelihood of vehicle paths overlapping.” The Applicant's transport consultant's plan shows its layout; does the drivers side kerblines meet the central island tangentially? Need for some rekerbing?



6. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a press notice was published on 10th October 2014 and site notices were posted on 2nd October 2014 and 34 letters were sent to adjoining landowners including the Occupiers of Hardman's Mill on the 2nd October 2014. Due to minor amendments to the application description, a revised press notice was also placed on the 24th October.

One response has been received from a Mr Buttworth of Alder Bank Rawtenstall which briefly states;

Whilst I accept some local traders may have concerns about increased competition, I would urge the planning team to accept this application at the earliest opportunity. If the units can be filled with national retailers, as the plan suggests, it would undoubtedly stop some of the outflow of shoppers from Rossendale to other towns. This could benefit other traders with increased footfall in the town. If the application is not approved, I fear Rawtenstall will miss out on a once in a lifetime opportunity to raise its profile as a viable retail destination.

7. **ASSESSMENT**

The main considerations of the application are:

1) Principle; 2) Access/Parking/ Sustainability; & 3) Planning Contributions

Principle

Removal of conditions 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21 and 22

As referenced in the planning history, application 2014/0479 has discharged all of the above conditions with the exception of part of condition 5. Part of condition 5 will need to remain as it provides that the parking provision shall be retained and kept available for use as such. It is considered appropriate for this element of condition 5 to be taken forward if consent is issued. The removal of the remaining conditions is considered acceptable.

Variation of conditions 3, 4 and 20 to be replaced with a single condition that permits 1162 sq.m gross of the floorspace to sell all Class A1 goods and ancillary uses and 5026 to sell all Class A1 goods except food and ancillary uses) from Planning Approval 2007/0030

It is considered this second element of the application is a departure from the adopted Development Plan.

Most particularly policy AVP 4 of the Core Strategy states that New Hall Hey will be safeguarded for bulky goods retail and business use. This proposal would remove this safeguard.

Allied to AVP 4, the proposals also do not accord with policy 11 of the Core Strategy, most particularly these retail proposals will be outside the Primary Shopping Area for Rawtenstall including for convenience retail.

However, the Core Strategy also supports proposals that will make the best use of underused, vacant and derelict land and buildings, a key objective of policy 1 of the adopted Core Strategy. As is well documented, this site has remained either incomplete or empty for over six years now.

Separately, the focus in national and local planning policy is to ensure the vitality and viability of local centres and public investment proposals for them are not unacceptably compromised and that the proposals constitute a sustainable form of development.

Having regard to the above, I do have some misgivings that the trade draw from Rawtenstall Town Centre appears to have been to a degree underestimated by the applicant according to the independent review commissioned by the Council. Equally, there are concerns that whilst turnover from the proposals have been assessed having regard to specific operators in mind, that the application seeks unrestricted uses. This could result in a significantly higher turnover projection and thus a greater impact on Rawtenstall and other local centres than the assessment by the applicant if not controlled.

Separately officers do have some concern that the commitment of occupiers to the wider Valley centre master plan proposals referenced in the applicant's supporting documentation are over estimated given these proposals are still evolving and subject to potential change as and when occupiers sign up. The case officer has put these concerns along with the other discrepancies and gaps in information identified and will update councillors prior to the committee.

Finally, in relation to concerns, I am aware from past experience that without appropriate conditions, it is possible within planning regulations for larger units to become sub-divided without the need for planning consent or for a degree of ancillary comparison / convenience goods to be sold in each of the units. This would result in a development potentially different to and more competitive to Rawtenstall Town centre than the current proposals would be.

However, subject to a satisfactory response from the applicant to the requests for further information and the use of conditions and Section 106 addressing the sustainability of the proposal and concerns related to precise control of the proposals, it is considered that the misgivings I refer to can be addressed / mitigated against. Accordingly, it is considered they will not be so significant as to warrant refusal having regard to the benefits that can be accrued from the proposals.

It is considered that a review of the sequential site assessment has established that there are no other suitable and available (within reasonable timescales) sequentially preferable sites for this development to proceed which could deliver the mix of convenience and comparison offer that this proposal has the potential to bring.

The proposals will bring a site which has remained empty / derelict for 6 years back into use.

It is considered that the proposals will enhance the range and choice of goods including from national brands and thus the retail offer for Rawtenstall and its catchment area. It will reduce the very high levels of spend leakage out of Rossendale, particularly in respect of comparison shopping. It will also help reduce the associated unsustainable traffic movements to the larger centres further afield which is the case at present.

The proposals also indicate that they will provide for the equivalent of approximately 125 full time jobs and that the convenience offer assists in this delivery as it offers a higher job density than bulky goods retail use.

That there is some merit in the argument made by the applicant that the developer is seeking to deliver development on New Hall Hey and the former Valley Centre site and so will seek to avoid competing occupiers.

Finally, that in addition to the point above, it is considered that subject to controls by conditions, the proposals at New Hall Hey will on balance complement rather than compete with the retail offer of Rawtenstall and any forth coming proposals for the Valley centre.

Access / Parking

Given the proposals could result in a change from bulky goods retail for all of the units, RBC Officers specifically asked LCC highways to review the submitted traffic assessment and parking provision information and to liaise with the applicant's consultants to assess anticipated trip generation. Officers were concerned that if there was a shortage of parking provision, backing up could occur onto the A682 spur. In light of the updated comments received following this further work, I concur with LCC highways officer that the parking provision and access arrangements are acceptable.

The concerns regarding the design of the mini roundabout since construction as referenced in the representation from the Civic Trust and the suggested solution have been considered by LCC highways.

LCC highways advise that the roundabout was constructed in accordance with the design standards at the time. Accident information indicates the speed of vehicles travelling on the roundabout has been the key contributing factor. LCC highways advise that higher use of the roundabout anticipated from the development proposed will assist in reducing the speed of vehicles entering the island as drivers become accustomed to more traffic using the island and the need to give way to the right more frequently. If the 'kick out' kerbing was removed, there is concern that speeds would increase.

In relation to the comments regarding planning contributions required to make the development acceptable in sustainable terms, officer comments are provided in the Planning Contributions section below.

Cycle parking provision is already provided within the site when the site was developed. It is considered the cycle provision will be adequate for these proposals.

Planning Contributions

The previous consent for application 2007/0030 made a total provision of £425K, made up of £375K for public transport and footpath improvements and £50K for public art. It also

required provision of 1612 sqm of office space on a later phase of development to be provided on occupation of the large A1 unit.

The site has stood vacant since 2008 when the developer went into administration. In 2010, the condition for requirement of the office provision was superseded in 2010 by a revised section 106 agreement which reduced the onus to market the later phase of the site for three years. The focus of the revision was to reduce the burden of upfront costs / provision which was seen as stifling the site coming forward in the harsher economic environment.

There is evidence that limited marketing of the site to the south roundabout on New Hall Hey Road for office development was undertaken since 2010 without success. However, more recently, work undertaken by United Utilities has revealed that a significant proportion of the site identified for the office provision in previous applications has a culvert through it and a newly inserted sewage outflow chamber has just been inserted to improve the quality of water in the River Irwell. As a result, it is anticipated that the development potential of the site has been significantly reduced.

Separately, the 2009 NLP employment land study indicates very limited demand for office space even on Rossendale's most premium sites. It is considered that demand for office development remains limited given take up rates including in the challenges as observed in delivering occupation at the Rising Bridge office development.

Overall, it is considered that though the requirements for marketing of office space appear to have only been partially fulfilled, the ongoing requirement cannot be justified.

In relation to the public art requirement, initial designs were worked up for an art feature to be placed on the new roundabout created on the A682 spur before the developer went into administration. In 2013, the government published the National Planning Policy Guidance document to replace Planning Policy Statements and Planning Policy Guidance Notes. Within this guidance, it states that the provision of public art should no longer be a requirement of Section 106 contributions. Accordingly, it is considered the requirement for £50K can no longer be justified.

The applicant appears to accept that demonstration of the sustainability of the site is a relevant consideration in determining this application.

The applicant has, however, made submissions that the requirement of £375K has been a significant factor in stopping occupation of the completed units, even as the economy moves from the recession of the recent years.

The applicant has made submissions that they consider the site to be sustainably located and initially put forward a proposal of £90K and a commitment for the provision of travel plans to be prepared specific to the future occupiers. The £90K is calculated based on £80K for the provision of footpath improvements from the railway station to the application site and £10K for the provision of 2 bus stops on New Hall Hey Road. The applicant considers the provision of monies for a bus service over three years to be prohibitive. However, it considers that should the development proposed by this application be successful along with future phases of development of the wider site, there may be critical mass for a bus operator to develop a service through the site. Accordingly, it is willing to provide for two bus stops to be put in place for such an eventuality.

Officers have given regard to LCC highways submission (which has reduced to its requirements from the 2007/0030 by use of amendment of an existing service rather than

provision of a new service) and the applicant's submissions. Regard has also been given the policy requirements set out in the national and local planning policy context as referred to in section 5 of this report.

Officers accept that the contributions for improved connectivity in application 2007/0030 were too onerous as is evident by the lack of progress on the site becoming occupied. However, I consider there remains a strong requirement in the policy context for the connectivity of the site to be improved.

LCC highways has moved from its position from the 2007 requirement of a complete new bus service to demonstrate the proposals sustainability credentials to what it considers is the bare minimum, that is the provision of a contribution to cover the costs of amending an existing service and associated bus stops. It also acknowledges in its comments that footpath improvements whilst important are likely to only result in limited increase of use given the distance and nature of the footpath route between the Railway station and the application site.

I concur with the view that the footpath link from the Railway Station to the site is likely to only have limited use even with significant improvements. However more broadly as part of the proposals connectivity credentials, it needs to be demonstrated in my view that the proposals are connected all the way to the town centre ie Bank Street and the former Valley Centre site where a new public transport hub is proposed. Such improvements also support the complementarity argument between the town centre and the New Hall Hey site.

In relation to bus transport provision, I have misgivings regarding the provision of bus stops with no commitment of a bus service. I also understand that public transport provision is usually more successful in take up rates when the service provision is in place from day 1 of a development opening rather than waiting for critical mass of customers to develop. This is because customers of the new development are more likely to find alternative less sustainable transport ways to access the site in the absence of public transport provision which then becomes an established modal pattern.

LCC highways also maintain that the nearest bus stops to the site are significantly further away than the applicant has identified, that is approximately 700m as opposed to 300m identified by the applicant.

Having regard to all these considerations, I am of the view that the public transport contribution of £144K (phased over 3 years) and 10K is essential and proportionate in order to demonstrate the necessary sustainability credentials as required by the NPPF. I consider the £80K to upgrade the footpath link is also necessary but accept that its implementation may need to follow to reduce upfront costs and allow for an income stream from the development. In addition I believe a contribution towards connectivity from the railway station to the town centre is also critical and proportionate having regard to policy AVP4 of the adopted Core Strategy. A contribution of £40K towards this objective is considered appropriate but again could be phased in rather being part of an upfront cost.

It is also considered appropriate as part of the demonstration of its sustainability credentials that a car park management plan is agreed with the Borough Council to provide for free parking for members of the public not visiting the units at New Hall Hey and instead visiting Rawtenstall Town Centre for a period of not less than 3 hours . The S106 obligation to reference the car park management plan be provided and agreed within one month of the signing of the Section 106 obligation, and implemented as agreed prior to occupation of any unit at New Hall Hey.

Finally, it is considered that a clearing up of a neighbouring site adjoining the railway line also in West Register's ownership should also be undertaken. This site which may form a later phase of development is currently an eyesore and is prominent from the East Lancashire Railway line. It is considered this requirement is consistent with adopted policy 9, particularly improvement of the wider urban environment and promoting tourism – policy 14 in respect of improvement to a key gateway for tourism into the borough.

Overall, it is considered a requirement of £300K would cover the contributions identified as critical to deliver a scheme sufficiently sustainable as to be acceptable in planning policy terms and to deliver necessary community benefits. However, it is accepted that these payments could be phased to reduce the burden of upfront costs.

9. RECOMMENDATION

That the committee recommend approval subject to a Section 106 Obligation for £300K for public transport improvements, improved connectivity to the town centre and public realm improvement of connections to the town centre and the conditions set out below.

That if committee concur with the recommendation of approval, that the application is referred on to the National Case Planning Unit having regard to the provisions of the Town and Country Planning (consultation) (England) Direction 2009. Most particularly:

For the purposes of this Direction, "development outside town centres" means development which consists of or includes retail, leisure or office use, and which –
(a) is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town;
and

(b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; and

(c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is:

(i) 5,000 square metres or more; or

(ii) extensions or new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres.

In the event that the S.106 Obligation is not entered into within a reasonable period, officers have authority (in consultation with the Chair) to recommend refusal of permission.

10. REASON FOR APPROVAL

Whilst the proposals are considered to not accord with aspects of policy AVP 4 and policy 11 of the adopted Core Strategy, it is considered that a sufficient case has been advanced for approval in conjunction with appropriate conditions and planning contributions. Most specifically, it has been demonstrated through sequential site assessment and impact assessment in line with national and local plan policies that the proposals will not unacceptably impact on the vitality and viability of Rawtenstall town Centre and other neighbouring town and local district centres subject to appropriate conditions. Together with the benefits that are considered to accrue from the development, most particularly job creation, reduction in spend leakage from the borough and bringing vacant /derelict buildings and land back into use and the contributions that are to be made to improve connectivity to the site, it is considered on balance the proposals accord with NPPF sections 1,2 and 4 and Adopted Core Strategy policies 1,8,9, 11, 22 and 24.

Conditions – will be provided in detail in the update report but are likely to cover the following topic areas:

- Use restriction which allows for wider comparison uses but still includes restrictions so the proposals do not compete disproportionately with Rawtenstall Town Centre and significantly different to comparison uses assessed in the applicant's Retail Impact Assessment.
- Drawing showing units referenced.
- Use restriction on any ancillary convenience offer in the comparison units.
- Use restriction on ancillary comparison and café use in the convenience unit
- Prevention of sub-division of the 4 units approved
- Car park maintenance
- Condition requiring specific travel plans by future occupiers