

ROSSENDALE DRAFT LOCAL PLAN
Pre-Submission Publication Version
Regulation 19 Consultation
APPENDIX 5



November 2018

Rossendale
BOROUGH COUNCIL

This appendix includes information we have received from individuals to support their comments on the Rossendale Draft Local Plan. This information includes photographs, maps and statements and it is organised numerically by the individual reference number for each person. Confidential information including personal addresses, signatures, contact details etc. have been removed.

Respondent Reference	Respondent Name or Organisation	Represented by	Page Number
5192	B & E Boys Ltd	Hourigan Connolly	1
5193	Brilie Properties Ltd	Hourigan Connolly	223
5194	Brother Investments Ltd	Hourigan Connolly	263
5195	Haslingden Cricket Club and B & E Boys	Hourigan Connolly	288
5197	Lancashire County Council		317
5217	Mrs L.R. Muskett		361
5322	Linda & Steve Atkin		363
5414	Revd Denise Smith		364

Your Ref :
Our Ref : 2018-10-04 Repls
Date 4 October 2018

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Forward Planning
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BY EMAIL ONLY: forwardplanning@rossendalebc.gov.uk

Dear Sir/Madam

SUBMISSION TO THE ROSSENDALE DRAFT LOCAL PLAN (REGULATION 19) CONSULTATION

ACRE AVENUE, STACKSTEADS

Rossendale Borough Council (RBC) is preparing a new Local Plan which will guide the future planning and development of the area. This consultation is on the Pre-Submission Version of the Local Plan (Regulation 19) and includes the Draft Local Plan (Written Statement), Policies Map and evidence base.

Hourigan Connolly is instructed by B and E Boys Limited to submit and provide comment on the above site in support of its inclusion within the urban area. We have previously submitted representations in response to the Regulation 18 version of the Draft Local Plan.

A site plan is enclosed for information.

Submissions

We note that within the draft Local Plan land at Acre Avenue, Stacksteads is not proposed to be allocated for a particular use, however it is proposed to be included within the Urban Area.

Our client supports the inclusion of the site within the Urban Area as is indicated on the draft Policies Map. The site is entirely appropriate for inclusion within the urban boundary given the distinction between it and land further to east which is more open in nature, providing a suitable boundary to the open countryside.



Figure 1: Extract from Draft Proposal Map

We reserve the right to provide further supporting statements and evidence at the Examination stage of the Local Plan.

Yours faithfully

NIALL MELLAN BA (Hons) MSc MRTPI
Senior Planner

cc: B and E Boys Limited
Daniel Connolly Hourigan Connolly

Enc. Title Plan



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ROSSENDALE BOROUGH COUNCIL

DRAFT LOCAL PLAN

REGULATION 19 CONSULTATION

CLIENT:

B&E Boys Ltd

SITE:

Booth Road / Woodland Mount, Brandwood, Stacksteads

DATE:

04 October 2018

Report Drafted By	Report Checked By	Report Approved By
NM	DC	DC
21.09.18	04.10.18	04.10.18

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Hourigan Connolly
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CONTENTS

	PAGE NUMBER
1. INTRODUCTION	2
2. LEGISLATIVE & POLICY CONTEXT	4
3. POLICY HS2: HOUSING SITE ALLOCATIONS.....	11
4. CONCLUSIONS.....	14

Appendices

Appendix 1 SHLAA 2018 Update Extract

Appendix 2 Illustrative Layout

1. INTRODUCTION

- 1.1 Rossendale Borough Council (RBC) is preparing a new Local Plan which will guide the future planning and development of the area. A previous consultation on the draft Local Plan (Regulation 18) was undertaken in summer 2017 in which Hourigan Connolly submitted representations in relation to the Booth Road/Woodland Mount site. This Representation is in relation to the Council's Publication Pre-Submission version of the Plan (Regulation 19). The consultation period ran from Thursday 23 August 2018 to Friday 5 October 2018. Once adopted the Local Plan will replace the Core Strategy (2011).
- 1.2 Within the draft Local Plan, sites have been proposed for development (for housing, employment, retail uses etc), for environmental protection and for recreation uses, as identified on the Draft Policies Map. Changes are also proposed to the existing Green Belt and the Urban Boundary. Also, four additional Conservation Areas, along with an extension to an existing Conservation Area, are being considered.
- 1.3 There are a number of documents which form part of the Evidence Base in support of the Council's Publication Pre-Submission version document and where relevant, these have been considered and referred to in this Representation.

BACKGROUND

- 1.4 Hourigan Connolly is instructed to review and comment on the emerging Local Plan in relation to land at Booth Road/Woodland Mount, Stacksteads. The site has been allocated for housing in draft **Policy HS2** under the **Reference H32** for 10 dwellings.
- 1.5 The site is included in the SHLAA 2018 Update under reference **SHLAA1609** which concludes that the site is available, suitable and achievable for housing with a calculated yield 10 units (based on 30 dwellings per hectare).
- 1.6 This Representation sets out that we support the site being allocated for housing under Policy HS2 but **propose that the allocation is increased from 10 dwellings to 16 dwellings.**

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys (Booth Road/Woodland Mount, Stacksteads)**

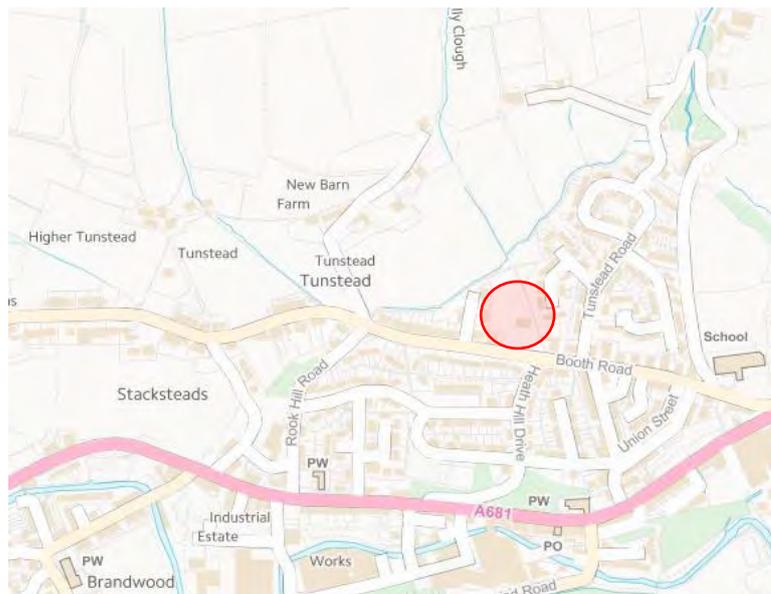


Figure 1.1 Location of subject site, Booth Road/Woodland Mount (circled in red).

- 1.7 The 0.3 ha site lies to the north of Booth Road in the northern part of the settlement of Stacksteads and comprises the garden land to the residential property known as Heath Hill House.

SCOPE

- 1.8 In preparing these submissions we have reviewed the documents mentioned above as well as other documents forming the evidence base that underpins the emerging Local Plan.
- 1.9 This document follows earlier Representations made by Hourigan Connolly as part of previous consultation stages in the Local Plan process.

OVERVIEW

- 1.10 The starting point for consideration of the emerging Local Plan document is the well-established principle embodied in Paragraph 158 of the National Planning Policy Framework (hereafter referred to as the Framework) that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 1.11 The emerging Local Plan will be examined by an independent inspector whose role is to assess whether the plan is sound. We consider that the Plan is sound in relation to allocating the site for housing under H32 but propose that this allocation is increased to 16 dwellings.

2. LEGISLATIVE & POLICY CONTEXT

INTRODUCTION

- 2.1 In this Chapter we set out the relevant legislative and policy context before going on to examine the Council's Local Plan document.

LEGISLATIVE CONTEXT

- 2.2 Part 2 of the Planning & Compulsory Purchase Act 2004 (As amended) deals with Local Development.
- 2.3 The RBC Local Plan is being brought forward following changes to the Development Plan making system in England which are set out in the Localism Act 2011. Part 6 Sections 109 – 144 of the Localism Act deal with Planning.
- 2.4 Following revocation of the North West Regional Strategy (RS) in May 2013, Council's such as RBC will set their own housing and employment targets against objectively assessed needs.
- 2.5 The Town & Country Planning (Local Planning) (England) Regulations (SI No. 767) came into force on 6 April 2012 and guide the preparation of Local Plans.

MINISTERIAL STATEMENTS

- 2.6 In his Written Statement of 23 March 2012 the then Minister for Decentralisation and Cities the Rt. Hon Greg Clark MP referred to a pressing need to ensure that the planning system does everything it can to help England secure a swift return to economic growth. He urged local planning authorities to make every effort to identify and meet the housing, business and other development needs of their areas.
- 2.7 The National Planning Policy Framework (hereafter referred to as the Framework) (see below) was subsequently published on 27 March 2012 and urges local planning authorities to boost significantly the supply of housing.
- 2.8 In his Written Statement of 6 September 2012 the Secretary of State for Communities and Local Government the Rt. Hon Eric Pickles MP noted an increase in house building starts between 2009 and 2011 but said that there was far more to do to provide homes to meet Britain's demographic needs and to help generate local economic growth.
- 2.9 There can be no doubt that house building is a driver of the local economy besides providing homes for local people.

FRAMEWORK REQUIREMENTS

- 2.10 It is noted that a new Framework was published in July 2018, however this section refers to the Framework published in 2012 as we understand from the Council that the Plan will be submitted to the Inspector before 24 January 2019.¹ Should that position change, we reserve the right to make further representations.
- 2.11 Paragraphs 150 to 185 of the Framework deal with Plan-making. The importance of the Local Plan is identified as the key to delivering sustainable development and a cornerstone of the development management process (Paragraph 150 refers).
- 2.12 The requirement for Local Plans to be prepared with the objective of contributing to the achievement of sustainable development is embodied in Paragraph 151 of the Framework and stems from the requirements set out under Section 39(2) of the Planning & Compulsory Purchase Act 2004. Local Plans must also be consistent with the principles and policies of the Framework.
- 2.13 Paragraph 152 of the Framework requires local planning authorities to seek opportunities to achieve and secure net gains for each of the three dimensions of sustainable development. These three dimensions are defined in Paragraph 7 of the framework as economic, social and environmental. According to Paragraph 7 of the Framework these dimensions give rise to the need for the planning system to perform a number of roles:
- *“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
 - *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
 - *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.*

¹ Paragraph 214 of the 2018 Framework states that policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys (Booth Road/Woodland Mount, Stacksteads)**

- 2.14 Paragraph 8 of the Framework states that the roles mentioned in Paragraph 7 should not be undertaken in isolation, because they are mutually dependant and should be sought jointly and simultaneously through the planning system.
- 2.15 The importance of Local Plans taking into account local circumstances is highlighted in Paragraph 10 of the Framework to ensure that they respond to the different opportunities for achieving sustainable development.
- 2.16 Paragraph 152 of the Framework goes on to deal with adverse impacts on any of the dimensions of sustainable development and sets out three tests:
- Firstly significant adverse impacts on any of the dimensions should be avoided, and where possible, alternative options which reduce or eliminate such impacts should be pursued.
 - Where adverse impacts are unavoidable, measures to mitigate the impact should be considered.
 - Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
- 2.17 Paragraph 154 of the Framework requires Local Plans to be aspirational but **realistic** and address the spatial implications of economic, social and environmental change.
- 2.18 The requirement for local planning authorities to set out strategic priorities for their areas in their Local Plans is established in Paragraph 156 of the Framework. Such policies are required to deliver:
- *“the homes and jobs needed in the area;*
 - *the provision of retail, leisure and other commercial development;*
 - *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
 - *the provision of health, security, community and cultural infrastructure and other local facilities; and*
 - *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape”.*
- 2.19 The importance of using a robust and proportionate evidence base for Plan making is dealt with in Paragraphs 158 to 177 of the Framework. Paragraph 158 is of particular relevance to these submissions:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys (Booth Road/Woodland Mount, Stacksteads)**

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”.

2.20 A number of topics are discussed and for the purpose of this document we will focus on housing (Paragraph 159), business (Paragraphs 160 – 161), infrastructure (Paragraph 162) and environment (Paragraphs 165 – 168).

HOUSING

2.21 Paragraph 159 outlines the importance of preparing a Strategic Housing Market Assessment (SHMA) to assess **full** housing needs and a Strategic Housing Land Availability Assessment (SHLAA) to establish **realistic** assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

2.22 Of particular importance is the requirement for the SHMA to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the Plan period which:

- *“meets household and population projections, taking account of migration and demographic change;*
- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand”.*

INFRASTRUCTURE

2.23 An objective of government policy is the delivery of growth. Central to this objective is ensuring that infrastructure has the capacity or can be enhanced to deliver growth. A number of factors are outlined in Paragraph 162 of the Framework which need to be considered at a local level including transport, water, foul drainage, energy, telecommunications, waste, health, social care, education, flood risk and coastal change management.

ENVIRONMENT

2.24 Paragraphs 165 to 168 of the Framework deal with environmental matters and set out the requirement that a sustainability appraisal which meets the requirements of the European

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys (Booth Road/Woodland Mount, Stacksteads)**

Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

SOUNDNESS

2.25 Paragraph 182 of the Framework deals with the examination of Local Plans. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. Local planning authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- **Justified** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- **Effective** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- **Consistent with national policy** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.*

NATIONAL PLANNING PRACTICE GUIDANCE – LAUNCHED 6 MARCH 2014

2.26 On 28 August 2013 the government launched its draft National Planning Practice Guidance (NPPG). The draft NPPG was subject to consultation for 6 weeks and was launched on 6 March in its final form. The NPPG replaces some 230 planning guidance documents but will result in no amendments to the Framework.

2.27 The Housing and Economic Land Availability Assessment section of the NPPG is worthy of specific mention in relation to this Report, in particular paragraph 030 (reference ID: 3-030-20140306 confirms):

“Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys (Booth Road/Woodland Mount, Stacksteads)**

have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.”

2.28 The NPPG deals with deliverable sites as follows at paragraph 031 (Reference ID 3-031-20140306):

“WHAT CONSTITUTES A ‘DELIVERABLE SITE’ IN THE CONTEXT OF HOUSING POLICY?”

Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgments on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust five-year housing supply.”

2.29 In regards to how often a Local Plan should be reviewed, the NPPG states at paragraph 008 of the section titled ‘Local Plans’ (Reference ID 12-008-20140306) that:

“HOW OFTEN SHOULD A LOCAL PLAN BE REVIEWED?”

To be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within five years of the date of adoption.”

GOVERNMENT CONSULTATION ON STANDARDISED METHODOLOGY FOR HOUSING NEED (SEPTEMBER 2017)

- 2.30 On 14 September 2017 the Government announced a consultation on a Standardised Methodology for Assessing Local Housing Need, the basis of which was included in the White Paper (February 2017) and is aimed at helping local authorities plan for the right homes in the right places.
- 2.31 As the consultation document sets out, the root cause of the dysfunctional housing market in the UK is that for too long we have not built enough homes. The Government is aiming to deliver 1.5 million new homes between 2015-2022 and is attempting to create a system which is clear and transparent for local authorities. The new methodology will apply to all future plans, with the exception of those which have been submitted or will be submitted before 31 March 2018.
- 2.32 The standard methodology is principally aimed at tackling problems of affordability as the proposed formula simply uplifts the household projections figure, based on market signals.
- 2.33 For Rossendale the proposed standard methodology has little impact on the annual housing requirement (which, it is suggested should be 212 rather than the current 265 dwellings per annum). However, it should be noted that the proposed standard methodology is currently on consultation and may therefore be subject to changes in due course. It is also worth noting the heavy speculation that the proposed methodology focuses on growth in the south east to the detriment of other parts of the UK, in particular the north west.
- 2.34 Crucially the provision of the right type of housing in the right locations is considered to be relevant to this Representation.

3. POLICY HS2: HOUSING SITE ALLOCATIONS

PROPOSALS MAP

3.1 The below image shows the site in the draft Proposals Map. The proposed housing allocation is annotated as H32 (orange hatching).

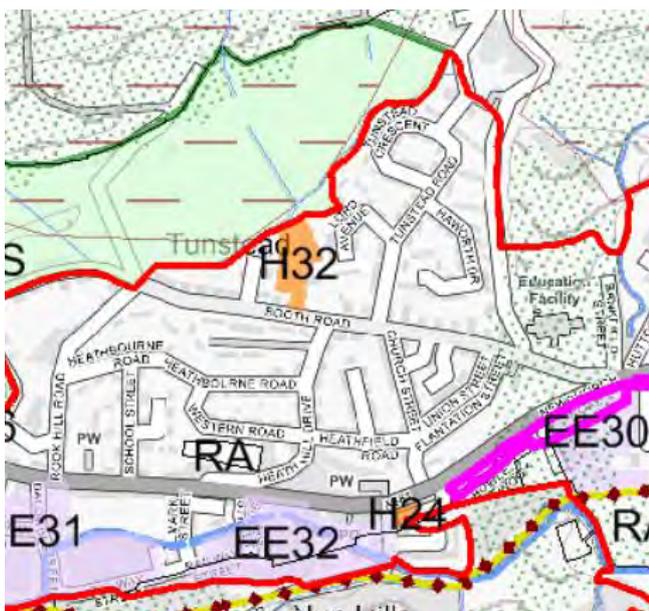


Figure 3.1 Extract from Draft Proposals Map

3.2 Policy HS2: Housing Site Allocations identifies all sites within the Borough which have been allocated for residential development. For each site allocated, site area, capacity, delivery timescales and the type of residential allocation is identified.

3.3 Land at Booth Road/Woodland Mount is identified as Housing Allocation Ref. H32 as shown below.

Housing Allocation Ref.	Site name	Net developable area (ha)	No. of units proposed	Density (dwellings per hectare)	Delivery Timescale	Greenfield/Brownfield	Allocation	Policy
H32	Booth Road/Woodland Mount, Brandwood	0.35	10	29	Years 1-5	Greenfield	Housing	HS2

Figure 3.2 Extract from Site Allocations Table (Policy HS2)

**Rosendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys (Booth Road/Woodland Mount, Stacksteads)**

- 3.4 We support the aims of the Local Plan to identify key development sites which are central to the delivery of the overall strategy for new housing.
- 3.5 The site is in single land ownership, being solely within the ownership of Mr Brian Boys. The allocation site is made up of private garden land which is bordered on all sides by trees and is located in the north of Stacksteads. To the north of the site is open countryside with the predominant surrounding land use being residential in nature.
- 3.6 There are no environmental or statutory designations or other technical considerations that would prejudice the residential development of the site. The site is sustainably located and is capable of delivering housing now.

SHLAA 2018 UPDATE

- 3.7 The site is identified in the SHLAA 2018 Update under the site reference SHLAA16098. The site assessment for the site can be found in **Appendix 1**. The SHLAA highlights that the site is located well to most local services. The site assessment concludes that the site is deliverable within the next 5 years and generates a yield of 10 dwellings. The site is available and deliverable and we therefore support the identified delivery timescale of 1-5 years. However we consider that the proposed number of units referred to (10 units) could be increased in this location as shown below.

ILLUSTRATIVE LAYOUT

- 3.8 The landowner has produced a layout in **Appendix 2** (extract below) which demonstrates that 16 dwellings could comfortably be accommodated within the site. This would make more efficient use of the land and add further to the Council's housing needs.



Figure 3.3 Layout showing 16 dwellings at the Booth Road/Woodland Mount

SUGGESTED MODIFICATION

- 3.9 To ensure that this site delivers to its full potential it is suggested that the Council make a modification to the draft Policy HS2 (allocation reference H32) to simply allocate the site for housing for up to 16 dwellings. This would be in accordance with Paragraph 47 of the Framework which requires Councils ***“significantly boost the supply of housing”***.

4. CONCLUSIONS

- 4.1 The starting point for consideration of the Council's draft Local Plan document is the well-established principle embodied in Paragraph 158 of the Framework that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 4.2 We support the proposed housing allocation (H32) under Policy HS2, subject to increasing the number of units to 16.
- 4.3 Our client's site is capable of being developed for residential purposes now.

Appendix 1

GENERAL INFORMATION

Site Ref **SHLAA16098** Most Recent Source **Call for Sites 2016** Site Gross Area (ha) **0.34**

Site Name **Booth Road/Woodland Mount, Stacksteads**

Greenfield versus Brownfield **Greenfield** Designations **None**

Site Location - Urban Area, Countryside or Green Belt **Urban Boundary**

Current Land Use **Private garden**

Characteristics of the site reducing the development area **None**

Area available for development **0.34** Net Development Area (ha) **0.34** Density **30 dwellings per hectare**

Yield calculated **10** Yield proposed by applicant Current planning permission



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AVAILABILITY

Land ownership **single ownership**

Comments **Private single ownership**

Intentions of landowner **developer/landowner willing to deliver residential units in the short term (next 5 years)**

Comments **The developer / landowner has expressed an interest in developing the site for housing via the Call for Sites (2016).**

Legal constraints / ownership issues **no legal or ownership constraints known**

Comments

SUITABILITY

Topography **flat site or very gentle slope**

Comments

Vehicular access **good access or adjacent to road**

Comments **Access off Booth Road**

Distance to strategic road network **greater than 5.5km (approximately 3.5 miles)**

Comments **6.5km to A56/ A682 junction**

Access by public transport **medium frequency bus service (hourly) or low frequency (less than hourly) bus service within 400m (0.24 miles)**

Comments **bus stop to service 465 (hourly) within 100m**

Access to primary school **access within 500m (0.31 miles)**

Comments	Bacup Holy Trinity Primary School within 300m
Access to secondary school	access within 1.5km (approximately 1 mile)
Comments	less than 1km to Fearn's College and 1.4km to Bacup and Rawtenstall Grammar School
Access to GP surgery	access within 3km (1.8 miles)
Comments	2km to Waterfoot Health Centre and 2.4km to Irwell Medical Practice
Access to a local centre or convenience shop	access within 1.5km (approximately 1 mile)
Comments	660m to convenience store on Newchurch Road (Best) via steep road
Access to a park or play area	access within 300m (0.18 miles)
Comments	250m to sport pitch / play area on Western Road
Flood risk	flood zone 1 or low surface water flood risk
Comments	Flood zone 1 and no surface water flood risk on site
Ecological value	located in a Biological Heritage Site, Local Geodiversity Site or Core Area or Stepping Stone areas
Comments	Within Stacksteads Gorge Local Geodiversity Site
Recreational value	no recreational value
Recreational value comme	
Heritage assets	site does not contain or adjoin a Listed Building and site is not within or adjoins a Conservation Area
Comments	
Landscape value	low landscape impact
Comments	Within Suburban Landscape Character Type
Land contamination	no known issues
Comments	
Mineral sterilisation	not within a Mineral Safeguarding Area or surface coal area
Comments	
Land instability	if no known issues and situated in a low risk development area
Comments	
Proximity to dangerous structures	not within any HSE consultation zones
Comments	

Bad neighbour **site in residential or retail area**

Comments Surrounded by residential properties to the west, south and east. Grassland area to the north.

Constraints due to utilities **no known utilities infrastructure on site**

Comments

ACHIEVABILITY

Extra costs of development **no extra costs to what is normally required (e.g. planning conditions, affordable housing, planning obligations)**

Comments No extra costs identified

Market are **low value market area (£150/sqm)**

Comments

CONCLUSION

Availability summary **Available now**

Justification The landowner / developer has expressed an interest to develop the site for housing in the short term. The site is available now.

Suitability summary **Suitable now**

Justification The site is situated further than 5.5 km / 3.5 miles from a strategic road. It has fair access to public transport (100m to an hourly bus service). Most local services are accessible within walking distance except the secondary school and GP surgery that can be access via public transport. The site is situated within Stacksteads Gorge Local Geodiversity Site
Planning permission granted for 3 detached dwellings in 2001. The site is considered suitable for housing development.

Viability and achievability summary **Achievable now**

Justification The site is situated in low value market area, however no extra costs were identified for the housing development of the site, therefore the development is considered viable. The development can be achieved in the next five years.

Conclusion **Deliverable in the next 5 years**

Justification The site is available now as the landowner/ developer has expressed an interest to develop the site for housing in the short term. The site is also suitable, viable and achievable in the short term.

Delivery (next 5 years) Delivery (6 to 10 years) Delivery (11 to 15 years)

Appendix 2



Proposed residential development at Booth Road Stacksteads



schedule of accommodation

ref	accommodation	area sqft	no
A	2 bedroom house	680	6
B	3 bedroom house	865	4
C	3 bedroom house	1000	4
D	3 bedroom house	1000	2

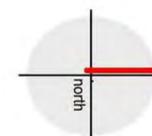
total no. dwellings 16

car parking:

type A 100% min
type B,C and D 200%



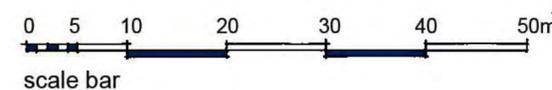
site layout scale 1:500



nicol thomas

Revision	Date	Details
A	Dec 2016	House retained following client instruction

nicol thomas
 architects project managers construction cost consultants CDM co-ordinators
 Registered in England and Wales, Reg No. 2140639
 Quality Assured to BS EN ISO 9001:1994 Certificate Number GB 4723
 Heyside House Blackshaw Lane Heyside Royton Oldham OL2 6NS
 t:01706 290088 f:01706 290099 e:oldham@nicolthomas.com
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Client: B & E Boys			
Job: Booth Road, Stacksteads			
Drawing title: Feasibility Layout one			
Drawing Number: (Job number)	M4144	sk	01
Revision:	A		
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ROSSENDALE BOROUGH COUNCIL

DRAFT LOCAL PLAN

REGULATION 19 CONSULTATION

CLIENT:
B&E Boys Ltd

SITE:

DATE:
04 October 2018

Report Drafted By	Report Checked By	Report Approved By
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CONTENTS

	PAGE NUMBER
1. INTRODUCTION	2
2. LEGISLATIVE & POLICY CONTEXT	5
3. POLICIES PROPOSED IN THE DRAFT LOCAL PLAN.....	14
4. SOUNDNESS ASSESSMENT	20
5. PROPOSED HOUSING ALLOCATION: TOLL BAR BUSINESS PARK	23
6. CONCLUSIONS.....	25

Appendices

Appendix 1	Title Plan
Appendix 2	Listing Building Entry
Appendix 3	Technical Note from Nexus Heritage
Appendix 4	SHLAA 2018 Update Extract

1. INTRODUCTION

- 1.1 Rossendale Borough Council (RBC) is preparing a new Local Plan which will guide the future planning and development of the area. A previous consultation on the draft Local Plan (Regulation 18) was undertaken in summer 2017 in which Hourigan Connolly submitted representations in relation to Toll Bar Business Park. This Representation is in relation to the Council's Publication Pre-Submission version of the Plan (Regulation 19). The consultation period ran from Thursday 23 August 2018 to Friday 5 October 2018. Once adopted the Local Plan will replace the Core Strategy (2011).
- 1.2 Within the draft Local Plan, sites have been proposed for development (for housing, employment, retail uses etc), for environmental protection and for recreation uses, as identified on the draft Policies Map. Changes are also proposed to the existing Green Belt and the Urban Boundary. Also, four additional Conservation Areas, along with an extension to an existing Conservation Area, are being considered.
- 1.3 There are a number of documents which form part of the Evidence Base in support of the Council's Publication Pre-Submission version document and where relevant, these have been considered and referred to in this Representation.

BACKGROUND

- 1.4 Hourigan Connolly is instructed by B&E Boys Ltd to review and comment on the emerging Local Plan in relation to the site known as Toll Bar Business Park on Newchurch Road, Stacksteads. The site is allocated for employment use under draft Policy EMP2 and given the Employment Allocation Reference EE30. Part of the site is also allocated as a Neighbourhood Parade under draft Policy R1. This Representation sets out why the Council should reallocate the land for housing.
- 1.5 A title plan is provided at **Appendix 1** to indicate the location of the site and to demonstrate that the site is within a single ownership, however Figure 1.1 below is also provided for assistance to illustrate the location of the site in Stacksteads Ward:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Toll Bar Business Park, Stacksteads)**



Figure 1.1 Location of subject site, Toll Bar Business Park, Newchurch Road (circled in red).



Figure 1.2 Street view showing Toll Bar Business Park looking south west along Newchurch Road

SITE CONTEXT

- 1.6 The 0.8 ha site lies on the southern side of Newchurch Road, close to the junction with Booth Road, with vehicular access taken directly from this main road. The site is located approximately 1.6 km from the centre of Bacup town and comprises a large five storey mill building, smaller mill building additions, newer single and two storey industrial buildings, with large areas of hardstanding to the rear used for storage and car parking.
- 1.7 The site is occupied in part by existing commercial businesses, but much of the floorspace in the upper storeys of the large mill building are unoccupied and have remained vacant for a long period of time due to the condition of the building and its suitability for modern-day commercial practices.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Toll Bar Business Park, Stacksteads)**

- 1.8 The owners of the site therefore wish to promote the site for a housing allocation in the emerging Local Plan and this Representation will demonstrate its suitability for this use as the site is located in the Urban Boundary, in a sustainable location, and on a main arterial route in the Borough.

SCOPE

- 1.9 In preparing these submissions we have reviewed the documents mentioned above as well as other documents forming the evidence base that underpins the emerging Local Plan.
- 1.10 This document follows earlier Representations made by Hourigan Connolly as part of previous consultation stages in the Local Plan process.

OVERVIEW

- 1.11 The starting point for consideration of the emerging Local Plan document is the well-established principle embodied in Paragraph 158 of the National Planning Policy Framework (hereafter referred to as the Framework) that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 1.12 The emerging Local Plan will be examined by an independent inspector whose role is to assess whether the plan is sound. We will demonstrate in this Representation that the Plan is not sound as draft Policies EMP2 and R1 have not been positively prepared, are not justified, not effective and are not in accordance with national policy.

2. LEGISLATIVE & POLICY CONTEXT

INTRODUCTION

- 2.1 In this Chapter we set out the relevant legislative and policy context before going on to examine the Council's Local Plan document.

LEGISLATIVE CONTEXT

- 2.2 Part 2 of the Planning & Compulsory Purchase Act 2004 (As amended) deals with Local Development.
- 2.3 The RBC Local Plan is being brought forward following changes to the Development Plan making system in England which are set out in the Localism Act 2011. Part 6 Sections 109 – 144 of the Localism Act deal with Planning.
- 2.4 Following revocation of the North West Regional Strategy (RS) in May 2013, Council's such as RBC will set their own housing and employment targets against objectively assessed needs.
- 2.5 The Town & Country Planning (Local Planning) (England) Regulations (SI No. 767) came into force on 6 April 2012 and guide the preparation of Local Plans.

MINISTERIAL STATEMENTS

- 2.6 In his Written Statement of 23 March 2012 the then Minister for Decentralisation and Cities the Rt. Hon Greg Clark MP referred to a pressing need to ensure that the planning system does everything it can to help England secure a swift return to economic growth. He urged local planning authorities to make every effort to identify and meet the housing, business and other development needs of their areas.
- 2.7 The Framework (see below) was subsequently published on 27 March 2012 and urges local planning authorities to boost significantly the supply of housing.
- 2.8 In his Written Statement of 6 September 2012 the Secretary of State for Communities and Local Government the Rt. Hon Eric Pickles MP noted an increase in house building starts between 2009 and 2011 but said that there was far more to do to provide homes to meet Britain's demographic needs and to help generate local economic growth.
- 2.9 There can be no doubt that house building is a driver of the local economy besides providing homes for local people.

FRAMEWORK REQUIREMENTS

- 2.10 It is noted that a new Framework was published in July 2018, however this section refers to the Framework published in 2012 as we understand from the Council that the Plan will be submitted to the Inspector before 24 January 2019.¹ Should that position change, we reserve the right to make further representations.
- 2.11 Paragraphs 150 to 185 of the Framework deal with Plan-making. The importance of the Local Plan is identified as the key to delivering sustainable development and a cornerstone of the development management process (Paragraph 150 refers).
- 2.12 The requirement for Local Plans to be prepared with the objective of contributing to the achievement of sustainable development is embodied in Paragraph 151 of the Framework and stems from the requirements set out under Section 39(2) of the Planning & Compulsory Purchase Act 2004. Local Plans must also be consistent with the principles and policies of the Framework.
- 2.13 Paragraph 152 of the Framework requires local planning authorities to seek opportunities to achieve and secure net gains for each of the three dimensions of sustainable development. These three dimensions are defined in Paragraph 7 of the framework as economic, social and environmental. According to Paragraph 7 of the Framework these dimensions give rise to the need for the planning system to perform a number of roles:
- *“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
 - *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
 - *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.*

¹ Paragraph 214 of the 2018 Framework states that policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Toll Bar Business Park, Stacksteads)**

- 2.14 Paragraph 8 of the Framework states that the roles mentioned in Paragraph 7 should not be undertaken in isolation, because they are mutually dependant and should be sought jointly and simultaneously through the planning system.
- 2.15 The importance of Local Plans taking into account local circumstances is highlighted in Paragraph 10 of the Framework to ensure that they respond to the different opportunities for achieving sustainable development.
- 2.16 Paragraph 152 of the Framework goes on to deal with adverse impacts on any of the dimensions of sustainable development and sets out three tests:
- Firstly significant adverse impacts on any of the dimensions should be avoided, and where possible, alternative options which reduce or eliminate such impacts should be pursued.
 - Where adverse impacts are unavoidable, measures to mitigate the impact should be considered.
 - Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
- 2.17 Paragraph 154 of the Framework requires Local Plans to be aspirational but **realistic** and address the spatial implications of economic, social and environmental change.
- 2.18 The requirement for local planning authorities to set out strategic priorities for their areas in their Local Plans is established in Paragraph 156 of the Framework. Such policies are required to deliver:
- *“the homes and jobs needed in the area;*
 - *the provision of retail, leisure and other commercial development;*
 - *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
 - *the provision of health, security, community and cultural infrastructure and other local facilities; and*
 - *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape”.*
- 2.19 The importance of using a robust and proportionate evidence base for Plan making is dealt with in Paragraphs 158 to 177 of the Framework. Paragraph 158 is of particular relevance to these submissions:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Toll Bar Business Park, Stacksteads)**

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”.

2.20 A number of topics are discussed and for the purpose of this document we will focus on conservation (Paragraph 126), retail (Paragraph 23), business (Paragraphs 160), infrastructure (Paragraph 162) and environment (Paragraph 165).

CONSERVATION

2.21 Chapter 12 of the Framework focuses on conserving and enhancing the historic environment - Paragraph 126. The Framework is clear that Local Plans should set out a positive strategy for the conservation and enjoyment of the historic environment and in doing so they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. However, in developing this strategy, Paragraph 126 also states the following:

“...local planning authorities should take into account:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *opportunities to draw on the contribution made.”*

2.22 Paragraph 129 further states:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.”

2.23 With regards the state of a heritage asset, Paragraph 130 is clear that:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Toll Bar Business Park, Stacksteads)**

“Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.”

2.24 Paragraph 131 addresses what local planning authorities should take account of when determining planning applications:

“In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.”*

RETAIL

2.25 Paragraph 23 confirms that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should (amongst other things) recognise town centres as the heart of their communities and pursue policies to support their viability and vitality, and define a network and hierarchy of centres that is resilient to anticipated future economic changes. The Framework is clear that it is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.

HOUSING

2.26 Paragraph 159 outlines the importance of preparing a Strategic Housing Market Assessment (SHMA) to assess **full** housing needs and a Strategic Housing Land Availability Assessment (SHLAA) to establish **realistic** assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

2.27 Of particular importance is the requirement for the SHMA to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the Plan period which:

- *“meets household and population projections, taking account of migration and demographic change;*

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Toll Bar Business Park, Stacksteads)**

- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand”.*

BUSINESS

- 2.28 Paragraph 160 of the Framework outlines the importance of local planning authorities having a clear understanding (from a robust evidence base) of business needs within the economic markets operating in and across their area.
- 2.29 Paragraph 161 of the Framework establishes the importance of understanding business needs (both quantitative and qualitative) and ensuring that sufficient suitable land (both existing and future) is available to meet needs.

INFRASTRUCTURE

- 2.30 An objective of government policy is the delivery of growth. Central to this objective is ensuring that infrastructure has the capacity or can be enhanced to deliver growth. A number of factors are outlined in Paragraph 162 of the Framework which need to be considered at a local level including transport, water, foul drainage, energy, telecommunications, waste, health, social care, education, flood risk and coastal change management.

ENVIRONMENT

- 2.31 Paragraphs 165 to 168 of the Framework deal with environmental matters and set out the requirement that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

SOUNDNESS

- 2.32 Paragraph 182 of the Framework deals with the examination of Local Plans. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. Local planning authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Toll Bar Business Park, Stacksteads)**

- **“Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.

NATIONAL PLANNING PRACTICE GUIDANCE – LAUNCHED 6 MARCH 2014

2.33 On 28 August 2013 the government launched its draft National Planning Practice Guidance (NPPG). The draft NPPG was subject to consultation for 6 weeks and was launched on 6 March in its final form. The NPPG replaces some 230 planning guidance documents but will result in no amendments to the Framework.

2.34 The Housing and Economic Land Availability Assessment section of the NPPG is worthy of specific mention in relation to this Report, in particular paragraph 030 (reference ID: 3-030-20140306 confirms):

“Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.”

2.35 The NPPG deals with deliverable sites as follows at paragraph 031 (Reference ID 3-031-20140306):

“WHAT CONSTITUTES A ‘DELIVERABLE SITE’ IN THE CONTEXT OF HOUSING POLICY?”

Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Toll Bar Business Park, Stacksteads)**

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgments on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust five-year housing supply.”

- 2.36 In regards to how often a Local Plan should be reviewed, the NPPG states at paragraph 008 of the section titled ‘Local Plans’ (Reference ID 12-008-20140306) that:

“HOW OFTEN SHOULD A LOCAL PLAN BE REVIEWED?”

To be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within five years of the date of adoption.”

GOVERNMENT CONSULTATION ON STANDARDISED METHODOLOGY FOR HOUSING NEED (SEPTEMBER 2017)

- 2.37 On 14 September 2017 the Government announced a consultation on a Standardised Methodology for Assessing Local Housing Need, the basis of which was included in the White Paper (February 2017) and is aimed at helping local authorities plan for the right homes in the right places.
- 2.38 As the consultation document sets out, the root cause of the dysfunctional housing market in the UK is that for too long we have not built enough homes. The Government is aiming to deliver 1.5 million new homes between 2015-2022 and is attempting to create a system which is clear and transparent for local authorities. The new methodology will apply to all future plans, with the exception of those which were submitted before 31 March 2018.
- 2.39 The standard methodology is principally aimed at tackling problems of affordability as the proposed formula simply uplifts the household projections figure, based on market signals.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Toll Bar Business Park, Stacksteads)**

- 2.40 For Rossendale the proposed standard methodology has little impact on the annual housing requirement (which, it is suggested should be 212 rather than the current 265 dwellings per annum). However, it should be noted that the proposed standard methodology is currently on consultation and may therefore be subject to changes in due course. It is also worth noting the heavy speculation that the proposed methodology focuses on growth in the south east to the detriment of other parts of the UK, in particular the north west.
- 2.41 Crucially the link between housing growth and economic activity must be recognised and therefore the current consultation is considered to be relevant to this Representation in relation to land at Toll Bar Business Park.

3. POLICIES PROPOSED IN THE DRAFT LOCAL PLAN

PROPOSALS MAP

- 3.1 The below image shows the site in the draft Proposals Map. The proposed employment allocation is annotated as EE30 (light purple hatching).

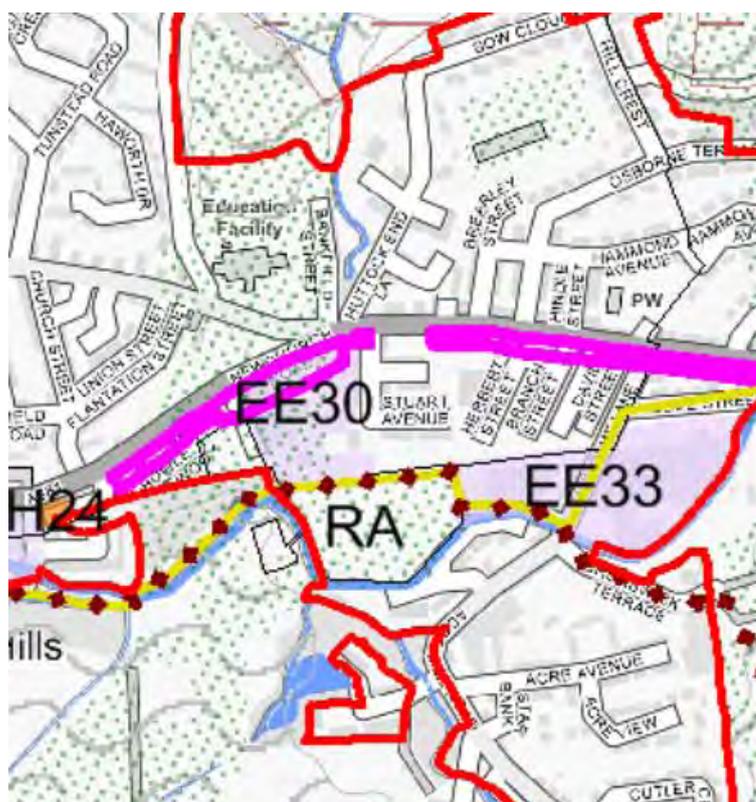


Figure 3.1 Extract from draft Proposals Map.

- 3.2 As well as being allocated for employment, the site is also within the Urban Boundary (red edge) and the frontage of the site is designated as a Neighbourhood Parade (purple edge)

POLICY EMP2: EMPLOYMENT SITE ALLOCATIONS

- 3.3 Draft Policy EMP2: Employment Site Allocations identifies all sites within the Borough which have been allocated for employment development. For each site allocated, site area and proposed use class is set out within the allocations table.
- 3.4 Toll Bar Business Park is identified as Employment Allocation Ref. EE30 as shown below. It is classed as an 'existing employment' site and is considered suitable for B1, B2 and B8 uses.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Toll Bar Business Park, Stacksteads)**

Employment Allocation Ref.	Site name	Gross Area (ha)	Estimated Net Developable Area (ha)	Use Class	Policy
EE30	Toll Bar Business Park	0.93	0.00	B1, B2, B8	EMP2

Figure 3.2 Extract from Employment Site Allocations Table (Policy EMP2)

- 3.5 We support the aims of the Local Plan to identify key development sites which are central to the delivery of the overall strategy for new and existing employment assets and the Borough's economy. Crucial to the economy is the delivery of appropriate uses in the right locations.
- 3.6 The Toll Bar Business Park site is in single land ownership, being solely within the ownership of B&E Boys Limited. The site is located on Newchurch Road, the main through-route between Rawtenstall and Bacup. The site is dominated by a five storey mill building which is positioned at the back of the pavement on Newchurch Road. There are a smaller number of car parking spaces located directly off Newchurch Road in front of the building. The frontage of the site extends along Newchurch Road where the mill building reduces in height to four stories to the south-east, and to two stories in the north-west corner.
- 3.7 Part of the main existing mill building is a Grade II Listed Building. The Listing Entry is contained in **Appendix 2**. The mill, known in the Listing Entry as 'Stacksteads Mill' was listed in 1984 and was built by the brothers Robery and John Munn. The mill was originally a cotton spinning mill dating to 1833. The Listing Entry makes it clear that the main mill building, the former engine house at the west end and the extension to the mill in the north west corner form part of the Listed Building, with all other built form (i.e. the former weaving sheds, modern office block at the east end, and the extension at the south west corner) not included in the entry.
- 3.8 Vehicular access is taken directly from Newchurch Road adjacent to the two storey building in the northwest corner of the site and opens up to a large area of hardstanding located to the rear of the buildings on site. Access is restrictive due to the orientation of existing buildings on site - vehicular access is a prohibitive feature to attracting prospective commercial tenants.
- 3.9 Toll Bar Business Park is only partly occupied by commercial and industrial operators. The rent received by the tenants is significantly below the current market rent. As the years have passed, demand for upper floor space has dropped significantly, if not completely, other than the likes of boxing / karate clubs, artists, or dance / fitness studios who can only afford nominal rents.
- 3.10 We have been informed by the landowner that Toll Barr desperately needs significant maintenance works including re-roofing the whole building which is estimated to be at least £500k. There is also major works required to the main core of the building as in large parts, the mill is now becoming infested with wet and dry rot to many of the main timber supports. Many of the single storey northern light roofs at the mill have suffered from years of lead thefts and vandalism causing thousands of pounds worth of damage that really now requires serious investment to

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Toll Bar Business Park, Stacksteads)**

make the buildings water tight to allow higher grade of tenants to potentially take occupancy. However, the rental uplifts are unachievable given the quality of other more modern, clear span portal framed buildings in the Borough.

- 3.11 The building has a very old sprinkler system, that is antiquated and desperately requires upgrading along with the lift which although maintained on a regular basis, will soon need to be replaced at over £100k, or completely closed off as a facility for the upper floor units.
- 3.12 Due to the above, many of the units are vacant despite continual advertising with “To Let” signs being clearly visible on the front of the building.
- 3.13 In short, the site does not operate on a financially viable basis. We do not consider that the proposed allocation for B1, B2 and B8 uses will secure a viable use or investment in the site going forward. As referred to in the Policy Explanation of draft Policy EMP2, much of the committed supply of employment sites is not considered to be fit for purpose, and is often in the wrong location with sites to the west of the Borough being more attractive due to better links to the A56 and M66. This is the case with the subject site.

EMPLOYMENT LAND REVIEW 2017

- 3.14 The Council’s Employment Land Review 2017 scores the site poorly against the various employment criteria and gives an overall rating of Poor as shown below.

Site reference	Site name	Gross area (ha)	Net area (ha)	Status and recommendation	Strategic road access	Local accessibility	Proximity to urban areas and local services	Compatibility of adjoining uses	Developmental and environmental constraints	Market attractiveness	Overall site rating
EMP31	Toll Bar Business Park	0.80	0	Existing Site - retain	Good	Good	Very Good	Poor	Average / Poor	Very Poor	Poor

Figure 3.3 Extract from Employment Land Review 2017

- 3.15 This further demonstrates that the site is not suitable for employment purposes. Despite scoring poorly the Employment Land Review recommended that the site is retained for employment which is not justified.
- 3.16 To this end we consider that it would be more appropriate for the employment allocation to be removed and for the site to be allocated for residential development. The site comprises brownfield land, in a sustainable location within the urban area and is therefore considered to be entirely appropriate to contribute towards the Borough’s housing need over the plan period. This is considered in further detail in Sections 4 and 5 of this Representation.

POLICY R1: RETAIL & OTHER TOWN CENTRE USES

3.17 The draft Proposals Map (Figure 3.2 above) shows that part of the site which fronts onto Newchurch Road, is included in a Neighbourhood Parade. In addition to the site being promoted for a housing allocation, we wish to oppose the designation of part of the site being located within a Neighbourhood Parade.

3.18 Chapter 3 of the Draft Local Plan relates to Retail, with draft Policy R1: Retail and Other Town Centre Uses confirming that Neighbourhood Parade boundaries are identified on the Proposals Map, including Stacksteads.

3.19 The Policy states that development proposals will be expected to maintain or strengthen the retail offer and vitality and viability of Neighbourhood Parades. The Policy further states that:

“Proposals that require planning permission which would result in the loss of A1 uses in the PSA of the town, district and local centres will only be supported where:

- *It would make a positive contribution to the vitality and viability of the relevant centre;*
- *It would not result in a significant break in retail frontage or lead to the loss of retail floorspace at a scale that would be harmful to the shopping function of the centre or which would reduce the ability of local communities to meet their day-to-day needs within the centre;*
- *It is compatible with a retail area and would maintain an active frontage and be immediately accessible to the public from the street; and*
- *There would be no significant adverse impacts on the character of the area, the amenity of local residents, road safety, car parking or traffic flows.”*

3.20 Whilst the frontage of the subject site has been included as a Neighbourhood Parade the building is not suitable for such a retail use and offers no active frontage. This is reflected in the fact that was not allocated for retail use in the adopted version of the Proposals Map².

3.21 As previously mentioned the site is only partially occupied and the rental income is not viable. It is a dated premises which lacks modern facilities, safe car parking areas and is difficult to access for deliveries and other servicing purposes. It does not have an active frontage onto Newchurch Road as shown below (with a large part of the site actually having a blank frontage) and therefore would not maintain or strengthen the retail offer in Stacksteads.

² From the Local Plan (1995) and as amended by the Core Strategy (2011)



Figure 3.4 Street view looking east along Newchurch Road

3.22 The loss of these units from this part of the Stacksteads Neighbourhood Parade would not harm the objectives of draft Policy R1 as the loss of these inadequate retail premises would not harm the shopping function of the centre, nor would it reduce the ability of the local communities to meet their day-to-day needs within the centre. The majority of the frontage is currently not in retail use, nor has it ever been. Indeed, this could only be achieved through the demolition of the existing buildings. Unfortunately, as evidenced by the parade of vacant shops further towards Rawtenstall, along Newchurch Road, demonstrates the difficulty of operating a viable retail business in this location. Simply designating a frontage will not create retail activity, nor will it protect existing retail uses; there are none. Perversely, therefore, the designation of retail frontage by the Council must accept the redevelopment of the subject site, which would involve the demolition of the listed building to have any chance of being successful. The evidence on the ground suggests retail use success would not be forthcoming without demolition and redevelopment of it all. With demolition being required in principle, the retention of the listed building, in this instance, should not preclude redevelopment for any viable use. In our opinion, the only viable use of the site is for housing.

3.23 The proposed Stacksteads Neighbourhood Parade designation extends along Newchurch Road to the west and east of the subject site. There are natural breaks in built form either side of the subject site i.e. to the west (adjacent to the Rose 'N' Bowl public house where the Toll Bar building gable end meets the public right of way between the subject site and the public house), and to the east (to the rear of properties on Commercial Street). The Toll Bar Business Park effectively

**Rosendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Toll Bar Business Park, Stacksteads)**

sits on its own and does not form part of a row of shops and could therefore easily be excluded from the proposed Neighbourhood Parade.

- 3.24 To that end, the Neighbourhood Parade designation should not extend into the boundaries of the subject site to enable the full and proper redevelopment of the subject site for alternative uses such as housing.

4. SOUNDNESS ASSESSMENT

INTRODUCTION

4.1 As mentioned in Chapter 2 above Paragraph 182 of the 2012 Framework deals with the examination of Local Plans. Local Planning Authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.

4.2 In this section we consider the soundness of the Draft Local Plan Policies against the four key tests set out under Paragraph 182 of the 2012 Framework. It should be noted that for a Plan to be found sound it must comply with **all** of the four tests set out under Paragraph 182 of the Framework.

POLICY EMP2: EMPLOYMENT SITE ALLOCATIONS

POSITIVELY PREPARED

4.3 As demonstrated in Chapter 3 the site is not suitable for employment purposes. The site is only partly occupied and the owners are receiving nominal rent. The building is in a poor state of repair and the owners are maintaining the building at significant cost. There is no prospects of this situation improving therefore the site does not operate on a financially viable basis. It is our view that Policy EMP2 has not been positively prepared by allocating the Toll Bar Business Park as an existing employment site under reference EE30. On this basis alone, the Council’s Plan is unsound.

JUSTIFIED

4.4 Policy EMP2 fails to plan for the proper growth of Stacksteads as it allocates the site for employment use where there is no reasonable prospect of the site being used for employment. In addition to our Representations that the site is not suitable for continued employment use, the

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Toll Bar Business Park, Stacksteads)**

Council's own Employment Land Review in 2017 gives an overall site rating of Poor therefore the policy has not been justified in our view. The Council's strategy for Stacksteads is not the most appropriate available, it will fail to deliver sustainable development and consequently it is unsound.

EFFECTIVE

- 4.5 The preceding sections of this document have explained how Toll Bar Business Park is not suitable for employment use; it is therefore not effective.

CONSISTENT WITH NATIONAL POLICY

As we have set out that there is no reasonable prospect the site being used for employment use therefore Policy EMP2 is not consistent with Paragraph 22 of the Framework:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

PROPOSED MODIFICATION

- 4.6 The Council is respectfully requested to remove the current employment allocation EE.30 from Policy EMP2 and allocate the site for residential development under draft Policy HS2. Residential development in this location is considered appropriate in order to facilitate the viable regeneration of the site.
- 4.7 We contend that this would properly reflect Paragraph 22 of the Framework which seeks to avoid the long term protection of employment uses where there is no reasonable prospect of a site being used for that purpose. In such circumstances, more appropriate and viable uses, such as housing, should be acceptable.

POLICY R3: RETAIL

POSITIVELY PREPARED

- 4.8 As demonstrated in Chapter 4 Toll Bar Business Park is not suitable for being allocated within a Neighbourhood Parade. The site is only partially occupied and the rental income is not viable. It is a dated premises which lacks modern facilities, safe car parking areas and is difficult to access for deliveries and other servicing purposes. It does not have an active frontage onto Newchurch Road and therefore offers nothing in terms of retail to the area. For these reasons Policy R3 has not been positively prepared by allocating Toll Bar Business Park as a Neighbourhood Parade.

JUSTIFIED

- 4.9 Policy R3 fails to plan properly for Stacksteads as it allocates part of the site as a Neighbourhood Parade where there is no justification or prospect the site would be suitable for retail. The site does not provide traditional retail frontage and should therefore be excluded from being allocated as a Neighbourhood Parade.

EFFECTIVE

- 4.10 The preceding sections of this document have explained how Toll Bar Business Park is not suitable to be allocated as a Neighbourhood Parade; it is therefore not effective.

CONSISTENT WITH NATIONAL POLICY

- 4.11 As we have set out the Toll Bar Business Park is not suitable to be included in a Neighbourhood Parade. It is our view that this does not represent sustainable development and therefore does not comply with paragraph 151 of the Framework:

“Local Plans must be prepared with the objective of contributing to the achievement of sustainable development.”

PROPOSED MODIFICATION

- 4.12 The Council is respectfully requested to remove the site for being allocated as a Neighbourhood Parade in the Proposals Map and allocate the site for residential development under draft Policy HS2. Residential development in this location is considered appropriate in order to facilitate the viable regeneration of the site.

5. PROPOSED HOUSING ALLOCATION: TOLL BAR BUSINESS PARK

SITE CONTEXT

- 5.1 The site at Toll Bar Business Park represents an opportunity to deliver truly sustainable residential development. As already highlighted, the site is partly occupied by a number of commercial businesses located in the various buildings spread across the site, however the upper floors of the main, large mill building have been unoccupied for many years despite constant marketing.
- 5.2 The site is in single land ownership, being solely within the ownership of B&E Boys Limited. The extent of the area we request the Council allocate for housing is edged in red on the Title Plan contained in **Appendix 1**. As previously identified, the site is located on Newchurch Road, the main through-route between Stacksteads and Bacup. It is dominated by a five storey mill building which is positioned at the back of the pavement on Newchurch Road.
- 5.3 Part of the main existing mill building is a Grade II Listed Building.
- 5.4 In terms of topography, the site is relatively flat and there is a small number of low quality trees within the site boundaries. There is also a culvert which runs through the site in a north east to south-westerly direction and links into the River Irwell which is located south of the site.

DRAFT POLICY HS1 – MEETING ROSSENDALE’S HOUSING REQUIREMENT

- 5.5 Draft Policy HS1 sets out the Council’s approach to ‘*Meeting Rossendale’s Housing Requirement*’. It states that at least 3,180 additional dwellings will be provided over the plan period (2019-2034). The draft policy also seeks to deliver over 30% of new dwellings on previously developed land across the Borough.
- 5.6 In this context, land at Toll Bar Business Park could make an important contribution towards meeting the Borough’s residential development needs. In particular, as it is recognised within the explanatory text that brownfield sites within the urban area are limited.

SUSTAINABLE HOUSING ALLOCATION

- 5.7 The site is located in a very sustainable location, being positioned on a main bus route through the Rossendale Valley and being within close proximity to local services and amenities in Stacksteads and nearby Bacup (which is circa 1.6 km away), including, within walking distance, a Primary School. Adjacent to the site is a public house (the Rose ‘N’ Bowl), a bowling green, and playing fields at Stacksteads Recreation Ground. The site is adjacent to residential properties located on Commercial Street, Stuart Avenue and Miles Avenue. In this regard, the residential redevelopment of the site would be complementary to existing surrounding uses.

SHLAA 2018 UPDATE

- 5.8 The site is identified in the SHLAA 2018 Update under the site reference SHLAA16093. The site assessment for the Toll Bar site can be found in **Appendix 4**. The SHLAA highlights that the site is located well to most local services. The site assessment concludes that the site is deliverable within the next 5 years and generates a yield of 38 dwellings. The SHLAA recommends that developing the site should include the conversion of the Mill as part of it is a Grade II Listed Building however this is not viable as discussed below.

LISTED BUILDING

- 5.9 As discussed in the technical note from Nexus Heritage in **Appendix 3** the Council has a duty to protect, conserve, preserve and enhance Rossendale's historic built environment and their settings. However this does not necessarily preclude the loss of listed buildings providing appropriate mitigation of impacts are undertaken. This balanced approach is consistent with the Framework (paragraph 133) which notes that where a proposed development will lead to the loss of a designated heritage asset, the Council should refuse consent, unless it can be demonstrated that the total loss is necessary to achieve substantial public benefits that outweigh that loss.
- 5.10 The building is in a poor state of repair and the current owners are maintaining the building at significant cost and generating below market rents, on the basis of significant under-occupancy and the type of tenant willing to rent such a building. As mentioned previously the building is not fit for modern employment use and the structural works required to the building are not financially viable.
- 5.11 The presence of the mill buildings are preventing the sustainable regeneration of the site. Redeveloping the site for housing is the only viable option and would allow much needed housing to be delivered in a sustainable location within the urban boundary. In our view this is a significant public benefit. If the site is not redeveloped soon, it will continue to fall in to disrepair which is not a positive strategy for the Local Plan.

SUMMARY

- 5.12 The Representation presents an opportunity to contribute to the delivery of sustainable housing over the next 15 years, i.e. during the current Plan period, or beyond. The subject site comprises previously developed land, within the Urban Boundary, in a sustainable location and therefore would accord with the principles of sustainable development as set out in the Framework, for which there is a presumption in favour of.
- 5.13 To conclude, for the reasons discussed above, in our view the site at Toll Bar Business Park should be allocated for housing in the emerging Local Plan.

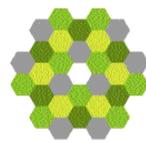
6. CONCLUSIONS

- 6.1 The starting point for consideration of the Council's Local Plan is the well-established principle embodied in Paragraph 158 of the Framework that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 6.2 The Framework is clear at Paragraph 22 that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Paragraph 160 outlines the importance of local planning authorities having a clear understanding of business needs within the economic markets operating in and across their area.
- 6.3 It has been highlighted in this Representation that the Toll Bar Business Park site is no longer appealing to modern businesses. As a result, and in order to future-proof the site, removal of the proposed Employment and Neighbourhood Parade allocation is recommended, and a residential allocation should be considered in order to promote sustainable residential development. Land at Toll Bar Business Park has an opportunity to contribute to the delivery of housing over the Plan period on a site which comprises previously developed land within the Urban Boundary.
- 6.4 In conclusion, Local Plan Policy EMP2 should be modified to remove reference to the Toll Bar Business Park site and the Proposals Map amended to reflect this and also remove the site from being within Neighbourhood Parade to allow a more flexible approach for redevelopment of the site over the plan period. Further, the site should be considered for allocation under draft Policy HS2 for residential development.

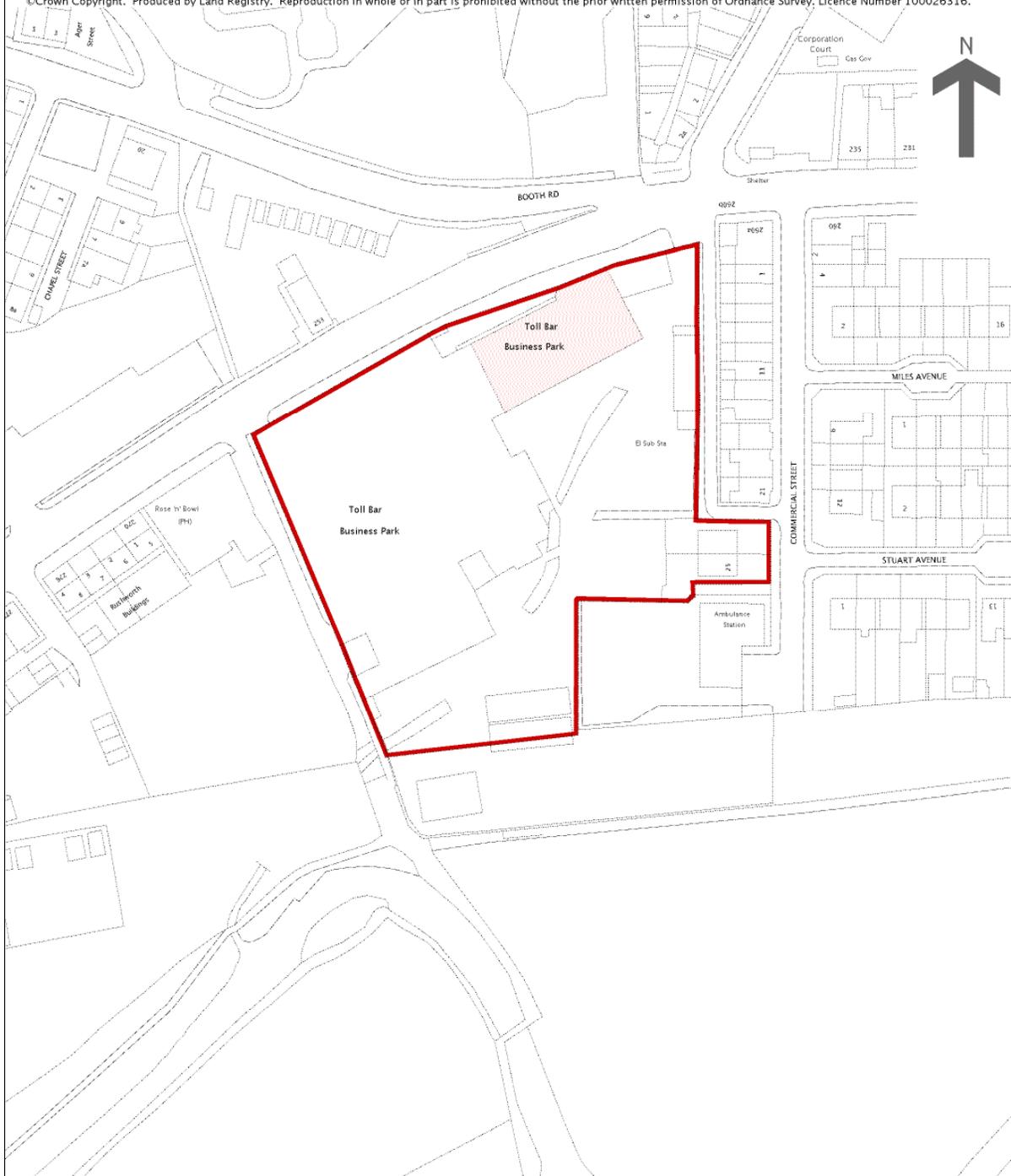
Appendix 1

Land Registry Current title plan

Title number LA645099
Ordnance Survey map reference SD8521NE
Scale 1:1250
Administrative area LANCASHIRE:
ROSSENDALE



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This title is dealt with by Land Registry, Lancashire Office.

Appendix 2

List Entry Summary

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

Name: STACKSTEADS MILL

List Entry Number: 1072832

Location

STACKSTEADS MILL, NEWCHURCH ROAD

The building may lie within the boundary of more than one authority.

County: Lancashire

District: Rossendale

District Type: District Authority

Parish:

National Park: Not applicable to this List entry.

Grade: II

Date first listed: 30-Nov-1984

Date of most recent amendment: Not applicable to this List entry.

Legacy System Information

The contents of this record have been generated from a legacy data system.

Legacy System: LBS

UID: 185626

Asset Groupings

This List entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

List Entry Description

Summary of Building

Legacy Record - This information may be included in the List Entry Details.

Reasons for Designation

Legacy Record - This information may be included in the List Entry Details.

History

Legacy Record - This information may be included in the List Entry Details.

Details

SD 82 SE BACUP NEWCHURCH ROAD

7/49 Stacksteads Mill - - II

Cotton spinning mill, dated 1833 on keystone of original entrance at north west corner (now enclosed); now shoe factory. Watershot coursed sandstone blocks, stone slate roof with ridge ventilators, some skylights on south side. Rectangular plan of 11x3 windows with 3x2 extension at east end, former engine house at west end (weaving sheds beyond this, modern office block at east end, and extension at south west corner, are not included in the item). Four and a half storeys; tall windows of diminishing height, all with straight sills and heads and altered glazing, double loading doors in 5th bay of top floor; triple gutter brackets. At north west corner forward extension to gabled engine house has large round-headed wagon entrance arch, a window above this, and re-entrant wall has clock face at 1st floor. Interior: former entrance door at right end of ground floor is round-headed, has fanlight with radiating glazing bars, and keystone dated "1833"; stone staircase at west end; 10-bay workrooms with double rows of slim iron columns supporting wooden beams in iron shoes, but engine house of fireproof construction. History: built by the brothers Robert and John Munn.

Listing NGR: SD8552621825

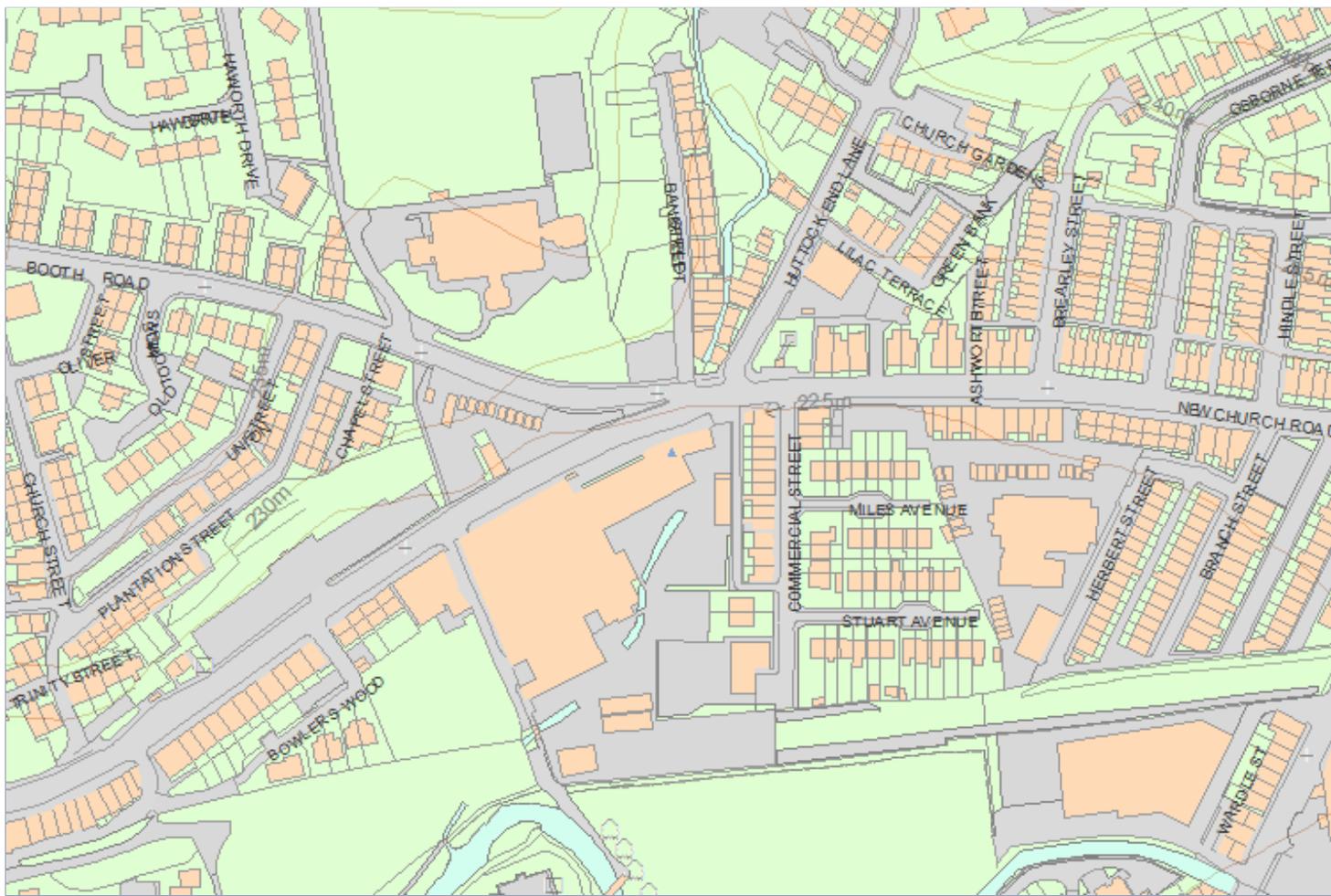
Selected Sources

Legacy Record - This information may be included in the List Entry Details

Map

National Grid Reference: SD 85526 21825

The below map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - [1072832.pdf](#) - Please be aware that it may take a few minutes for the download to complete.



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This copy shows the entry on 21-Aug-2015 at 09:59:45.

Appendix 3

TECHNICAL NOTE

To:	Hourigan Connolly				
Cc:					
From:	Nexus Heritage				
Date	02/10/2018	File Ref:	3420_R02	Issue:	03
Site:	Toll Bar Business Centre, Newchurch Road, Stacksteads, Borough of Rossendale, Lancashire				

Introduction and Scope

Hourigan Connolly, on behalf of its client (B & E Boys Ltd.) is submitting a Local Plan Representation Statement for the site of the Toll Bar Business Centre, Borough of Rossendale, Lancashire. In order to inform the Statement Hourigan Connolly has commissioned Nexus Heritage to provide basic reference material and commentary on the historic environment aspects of the site.

The site, residential development of which is being promoted, is not within a Conservation Area, but the building which occupies it is a designated heritage asset – Stacksteads Mill a Grade II Listed Building (NHL ref. 1072832).

Baseline

The site is located to the south of Newchurch Road at OS grid reference SD 85497 21799.

There is no firm evidence of a population at this location before the Norman Conquest and the earliest references date to the medieval period, as the area was part of the Forest of Rossendale in the Honor of Clitheroe, a large estate granted to the de Lacys soon after the Norman Conquest. There was, however the find of a Neolithic polished stone axe in 1978 at the site of the Western Board School and so populations were in the general area in the prehistoric period.

The origin of the name Stacksteads is unknown but the Industrial Revolution resulted in the establishment and growth of textile manufacture in the area. With the expansion on the mill operations in the area, poor quality housing was built around these centres of employment. The railway station at Stacksteads opened in 1880 but was closed during the 1960s.

Due to very few archaeological investigations within Stacksteads its archaeological potential remains unproven. No prehistoric, Romano-British or early medieval sites have been recorded within or close to the site. The level of post-medieval and recent development in the area is likely to have disturbed, if not effectively removed any coherent archaeological remains.

Whilst there are no known archaeological remains at the Site the Council receives archaeological advice from the Lancashire Archaeological Advisory Service and this Service is likely to advise that the potential for archaeological remains to be present is unresolved as there is no evidence for a total absence of archaeological remains. However, there is no reason to suppose that

archaeological remains, should they be present on the Site would exclude allocation of the site or veto its redevelopment.

With respect to the heritage capital of the built environment the building which occupies the site – Stacksteads Mill - is a Listed Building. This building is, therefore, a designated heritage asset the National Heritage List entry for which reads:

Cotton spinning mill, dated 1833 on keystone of original entrance at north-west corner (now enclosed); now shoe factory. Watershot coursed sandstone blocks, stone slate roof with ridge ventilators, some skylights on south side. Rectangular plan of 11x3 windows with 3x2 extension at east end, former engine house at west end (weaving sheds beyond this, modern office block at east end, and extension at south-west corner, are not included in the item). Four and one-half storeys; tall windows of diminishing height, all with straight sills and heads and altered glazing, double loading doors in fifth bay of top floor; triple gutter brackets. At north-west corner, forward extension to gabled engine house has large round-headed wagon-entrance arch, a window above this, and re-entrant wall has clock face at first floor. INTERIOR: former entrance door at right end of ground floor is round-headed, has fanlight with radiating glazing bars, and keystone dated "1833"; stone staircase at west end; 10-bay workrooms with double rows of slim iron columns supporting wooden beams in iron shoes, but engine house of fireproof construction.

It was built by the brothers Robert and John Munn, and was the largest mill in the area at that date Stacksteads Cotton Mill is named on the Ordnance Survey first edition 1:10,560 map, which depicts a large mill complex, including a gasometer, with a reservoir to the east. By 1879, the mill housed 15,000 spindles and 390 looms.

There are no other listed buildings or other designated heritage assets in proximity to the site.

The building is in a poor state of repair and is no longer viable for 21st century uses. Without the owner accepting below market rents and maintaining the building at significant cost it would become derelict and the dilapidation would accelerate. With respect to the wider considerations of the Borough, the retention of a building the long-term preservation of which is economically unrealisable, is preventing the sustainable regeneration of the site.

Legislative Framework, National Planning Policy and Local Planning Policy

With respect to the cultural heritage of the built environment the *Planning (Conservation Areas and Listed Buildings) Act 1990* applies. The Act sets out the legislative framework within which works and development affecting listed buildings and conservation areas must be considered. This states that:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (s66(1))

Should a planning application be forthcoming which would affect Stacksteads Mill the statutory duty would be engaged and the Council would therefore be obliged to have *special regard*.

The place of historic environment assets within the planning system is informed by the *National Planning Policy Framework* (NPPF), the current version of which was issued in July 2018. Various policy provisions for the conservation and enhancement of the historic environment are provided at paragraphs 184-202. It should be noted that any identified impact upon heritage assets (including archaeological assets) must be considered against development plan policy unless material considerations indicate otherwise. The 2018 NPPF is a material consideration, but it doesn't outweigh Core Strategy policy unless that policy doesn't conform to the NPPF.

At the local level the policy provision is provided by the *Core Strategy Development Plan Document: The Way Forward (2011 - 2026)* published by the Council. Policy 16: *Preserving and Enhancing Rossendale's Built Environment* would be engaged during determination of any planning application to develop or redevelop the Site.

Commentary

With respect to known and potential heritage assets there are no known prehistoric, Romano-British or medieval remains within the site. However, such remains are known to be difficult to predict or exclude and this is particularly true of locations with little or no previous archaeological investigations. However, the site will have been subjected to ground disturbance for the construction of the mill building which currently occupies it. The possibility of disturbing archaeological remains pre-dating the later post-medieval period is uncertain, and the significance of any archaeological remains which may be present is unknown. Nevertheless, the possibility of coherent archaeological remains (not associated with the mill) at the site is very low, if not negligible.

The building is in a poor state of repair and it is understood that the current owners are maintaining the building at significant cost and generating below market rents on the basis of significant under-occupancy. Repurposing of the building is not financially viable and its presence acts as an injunction to the sustainable regeneration of the Site. Viable development of the site would require the demolition of the entire mill structure identified as a designated heritage asset. There is no known statement of significance for the mill building and there is no available detailed heritage condition survey so its exact heritage value is not precisely resolved. However, it should be noted that the physical condition of a heritage asset can affect its heritage value. The on-line NPPF planning practice guidance (<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>) notes that disrepair and damage and their impact on the viability of a heritage asset can be a material consideration in deciding an application.

There is no statutory or policy provision (national or local) which prohibits the demolition of a designated heritage asset. However, the relevant consenting and permitting frameworks all emphasize the preference for the retention of designated heritage assets.

The *Planning (Conservation Areas and Listed Buildings) Act 1990* states that *no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.*

The works of demolition of a listed building are authorised if

- (a) such consent has been granted for their execution;*
- (b) notice of the proposal to execute the works has been given to the Royal Commission on the Historical Monuments of England;*
- (c) after such notice has been given either—*
- (i) for a period of at least one month following the grant of such consent, and before the commencement of the works, reasonable access to the building has been made available to members or officers of the Royal Commission for the purpose of recording it; or*
- (ii) the Secretary of the Royal Commission, or another officer of theirs with authority to act on their behalf for the purposes of this section, has stated in writing that they have completed their recording of the building or that they do not wish to record it; and*
- (d) the works are executed in accordance with the terms of the consent and of any conditions attached to it.*

In considering a planning application which affects a Listed Building, statutory provision would be engaged to ensure that the Council has special regard to the desirability of preserving a listed building development on the site would affect. In this case the proposed development would result in the total loss of the listed building.

In response to any planning application to redevelop the site and/or undertake demolition of the mill building, under local policy the Council would be required to protect, conserve, preserve and enhance Rossendale's historic built environment and their settings. However, the locally applicable policy allows necessary loss of heritage assets so long as appropriate mitigation of impacts is undertaken. Therefore there is no local policy which prohibits the demolition of the mill building. This balanced approach is not inconsistent with NPPF which notes that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, the LPA should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. So, the key test is the degree of public benefit.

If, in the case of Stacksteads Mill, the public benefits were to be determined to outweigh the total loss of significance of a designated heritage asset NPPF notes that the LPA can require developers to record and advance understanding of the significance of any heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible. This equates to the local policy requiring appropriate mitigation of impacts to heritage assets.

Under both local and national policy there is no provision which prohibits the demolition of the mill building and therefore there is no reason not to consider the site for allocation or to deny the submission of an application to redevelop it. However, both local and national policy, and statutory duty, would require the Council to consider judiciously the harm to heritage significance arising from demolition of the mill building and redevelopment of the site.

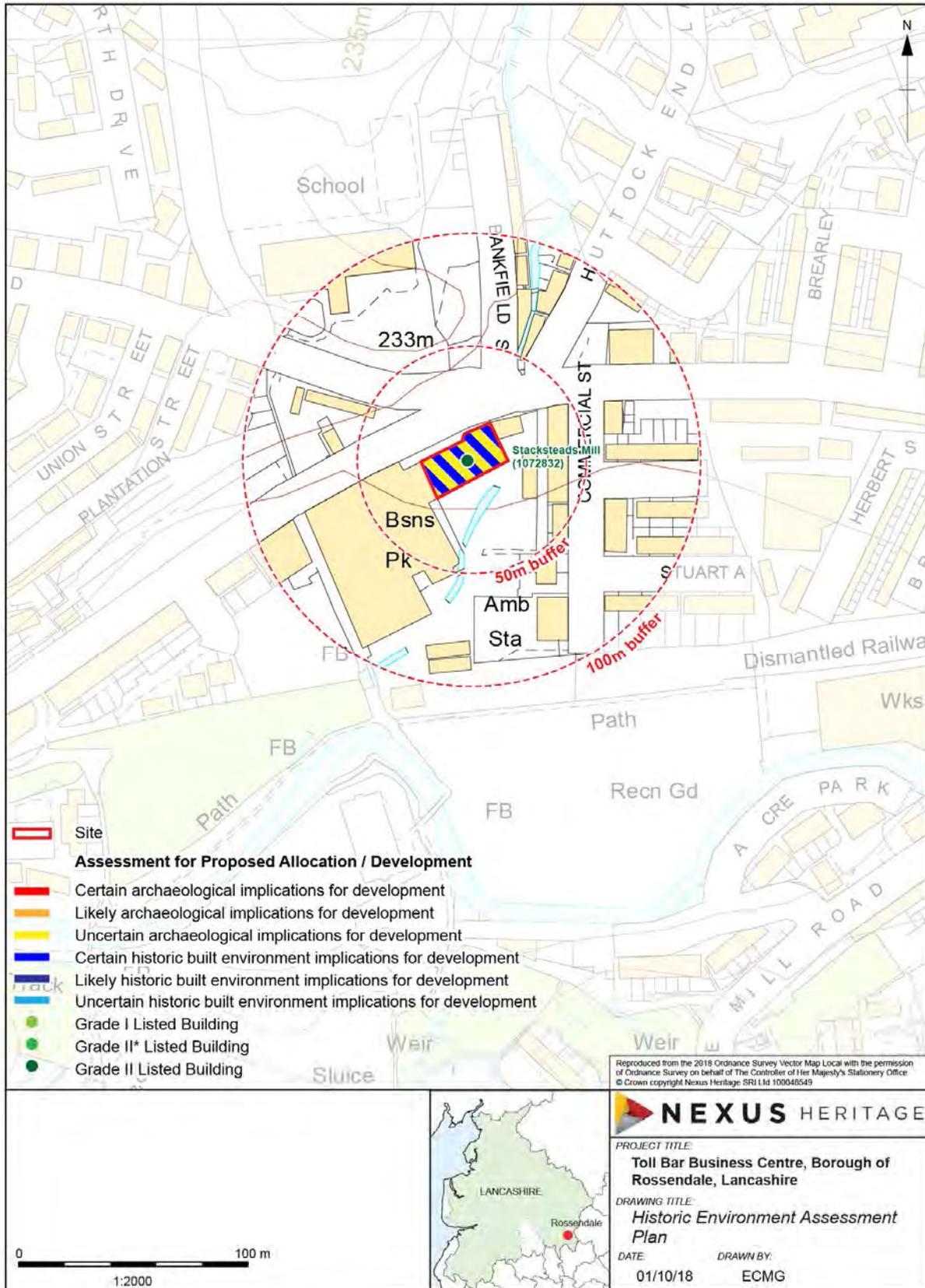
Under local policy the Council would ensure that development at the Site respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context, would be of a high standard of design, reinforcing the local distinctiveness of Rossendale, would



encourage innovative design where it responds to the character, scale and setting of historic buildings and areas and would support appropriate, considerate and sensitive redevelopment.



In determining any planning application to development the Council, under the policy provisions of NPPF, would require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail would be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.



Appendix 4

GENERAL INFORMATION

Site Ref **SHLAA16093** Most Recent Source **Call for Sites 2016 (CFDS44)** Site Gross Area (ha) **0.79**

Site Name **Toll Bar Business Park, Stacksteads**

Greenfield versus Brownfield **Brownfield** Designations **None**

Site Location - Urban Area, Countryside or Green Belt **Urban Boundary**

Current Land Use **Car park area, car wash and buildings in use for employment (commercial businesses including opticians and leisure activities)**

Characteristics of the site reducing the development area **Stream and culvert**

Area available for development **0.76** Net Development Area (ha) **0.76** Density **50 dwellings per hectare**

Yield calculated **38** Yield proposed by applicant Current planning permission



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AVAILABILITY

Land ownership **single ownership**

Comments **Single private ownership**

Intentions of landowner **developer/landowner willing to deliver residential units in the short term (next 5 years)**

Comments

Legal constraints / ownership issues **no legal or ownership constraints known**

Comments

SUITABILITY

Topography **flat site or very gentle slope**

Comments

Vehicular access **access requires improvements**

Comments **Good access off Newchurch Road however needs approval from LCC due to busy roundabout.**

Distance to strategic road network **greater than 5.5km (approximately 3.5 miles)**

Comments **6.8km to A56/ A682 junction**

Access by public transport **high frequency bus service (half hourly or more frequent) within 400m (0.24 miles)**

Comments **Adjacent to a bus stop with high quality bus service (464)**

Access to primary school **access within 500m (0.31 miles)**

Comments	Within 100m to Bacup Holy Trinity primary School via footpath
Access to secondary school	access within 1.5km (approximately 1 mile)
Comments	1.3km to fearns College
Access to GP surgery	access within 3km (1.8 miles)
Comments	2.2km to Waterfoot Health Centre
Access to a local centre or convenience shop	access within 500m (0.31 miles)
Comments	The site is within Stacksteads Neighbourhood centre
Access to a park or play area	access within 300m (0.18 miles)
Comments	The site adjoins a Bowling Green and is within 100m to a Playing Pitch and a MUGA
Flood risk	more than 50% in flood zone 2 or affected by medium surface water flood risk, or more than 10% in flood zone 3 or affected by high surface water flood risk
Comments	Southern part of the site within flood zone 2. Also the site adjoins flood zone 3. There is a high and medium risk of surface water flooding along the stream and culvert and also within the southern part of the site.
Ecological value	located in a Biological Heritage Site, Local Geodiversity Site or Core Area or Stepping Stone areas
Comments	Within a Local Geodiversity Site (Stacksteads Gorge) and a grassland corridor area
Recreational value	no recreational value
Recreational value comment	There is flight deck experience and a martial art club. These services are available for customers / club members.
Heritage assets	site contains or adjoins a Listed Building
Comments	Stacksteads Mill is a Listed Building Grade II
Landscape value	low landscape impact
Comments	Toll Bar Business Park within Industrial Age landscape character type
Land contamination	potential contamination issues or known issues but capable of remediation
Comments	Potential land contamination for the whole site
Mineral sterilisation	not within a Mineral Safeguarding Area or surface coal area
Comments	
Land instability	if no known issues and situated in a low risk development area
Comments	
Proximity to dangerous structures	not within any HSE consultation zones

Comments

Bad neighbour **site in residential or retail area**

Comments Public house and bowling green to the west, bordered by Newchurch Road to the north, residential properties to the east and ambulance station and storage yard to the south.

Constraints due to utilities **no known utilities infrastructure on site**

Comments The culvert has been excluded from the area available for development

ACHIEVABILITY

Extra costs of development **if some extra costs required**

Comments Flood risk mitigation, heritage assessment and Listed Building Consent, land contamination report.

Market are **low value market area (£150/sqm)**

Comments

CONCLUSION

Availability summary **Available now**

Justification The site is in single private ownership and the landowner has expressed an interest to develop the site in the short term for housing use.

Suitability summary **Suitable now**

Justification The vehicular access off Newchurch requires approval from LCC Highways.. It is situated further than 5.5km /3.5 miles away from a strategic road network, however, it has good access to a high quality bus route and most local services are accessible by walk except the GP surgery which can be accessed by public transport. Part of the site is within flood zone 2 and part is at high and medium risk of surface water flooding, therefore particular attention to the layout and design will be required. The site is situated within a Local Geodiversity Site (Stacksteads Gorge). Stacksteads Mill, situated on the site, is a Listed Building Grade II. A Listed Building Consent will be required and the scheme should include a conversion of the mill that will enhance or maintain the character of the Listed Building and the local area. There is potential land contamination therefore a land contamination report will be needed. The site is in a sustainable location and is considered suitable for a housing development provided that the constraints identified are adequately addressed.

Viability and achievability summary **Achievable now**

Justification Extra costs are associated with the development of the site (e.g. Flood risk mitigation, heritage assessment and Listed Building Consent, land contamination survey) and the site is in a low value market area, however the site is considered to be viable for a housing development. The development can be achieved within the next 5 years.

Conclusion **Deliverable in the next 5 years**

Justification The site is available now (landowner / developer intentions to develop the site for housing in the short term), suitable provided that the constraints identified are adequately addressed, viable and achievable in the short term.

Delivery (next 5 years)

38

Delivery (6 to 10 years)

0

Delivery (11 to 15 years)

0

ROSSENDALE BOROUGH COUNCIL

DRAFT LOCAL PLAN

REGULATION 19 CONSULTATION

CLIENT:

B&E Boys Ltd

SITE:

Waterfoot Mills, Burnley Road East, Waterfoot

DATE:

04 October 2018

Report Drafted By	Report Checked By	Report Approved By
NM	DC	DC
25.09.18	04.10.18	04.10.18

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CONTENTS

	PAGE NUMBER
1. INTRODUCTION	2
2. LEGISLATIVE & POLICY CONTEXT	7
3. POLICIES PROPOSED IN THE DRAFT LOCAL PLAN.....	14
4. SOUNDNESS ASSESSMENT	16
5. WATERFOOT MILLS – A SUITABLE SITE FOR HOUSING	18
6. CONCLUSIONS.....	20

Appendices

Appendix 1 Masterplan Strategy Document

1. INTRODUCTION

- 1.1 Rossendale Borough Council (RBC) is preparing a new Local Plan which will guide the future planning and development of the area. A previous consultation on the draft Local Plan (Regulation 18) was undertaken in summer 2017 in which Hourigan Connolly submitted representations in relation to the Waterfoot Mills site. This Representation is in relation to the Council's Publication Pre-Submission version of the Plan (Regulation 19). The consultation period ran from Thursday 23 August 2018 to Friday 5 October 2018. Once adopted the Local Plan will replace the Core Strategy (2011).
- 1.2 Within the draft Local Plan, sites have been proposed for development (for housing, employment, retail uses etc), for environmental protection and for recreation uses, as identified on the Draft Policies Map. Changes are also proposed to the existing Green Belt and the Urban Boundary. Also, four additional Conservation Areas, along with an extension to an existing Conservation Area, are being considered.
- 1.3 There are a number of documents which form part of the Evidence Base in support of the Council's Publication Pre-Submission version document and where relevant, these have been considered and referred to in this Representation.

BACKGROUND

- 1.4 Hourigan Connolly is instructed to review and comment on the emerging Local Plan in relation to the Waterfoot Mills site, Waterfoot. Part of the site has a proposed allocation for B1, B2 and B8 employment uses in the draft Policy EMP2 under the Employment Allocation Reference EE42. However, a large part of the site has no allocation and is "white land" within the urban boundary.
- 1.5 We support the employment allocation EE42, however consider the unallocated white land within the Waterfoot Mills site should be allocated as housing. This would either by way of an employment-led, mixed-use allocation under allocation EE42 or by including the land to the south as a separate housing allocation under Policy HS2.
- 1.6 The areal image below shows the whole of the Waterfoot Mills complex. The purple hatching indicates roughly the area of land currently allocated as employment under reference EE42. The orange hatching indicates the additional land within the ownership of B&E Boys Ltd. which we suggest is allocated as housing.



Figure 1.1 Image showing the Waterfoot Mills site with the draft employment allocation and the suggested housing allocation.

SITE CONTEXT

- 1.7 The site comprises a collection of mill buildings and other commercial / industrial premises in single ownership which extend along the eastern side of Burnley Road East for circa 430m. The site has four distinct areas currently comprising of Dale Mill, Waterfoot Business Centre, Globe Mill and Albion Mill, but collectively the entire site is known as Waterfoot Mills.
- 1.8 There are a number of vehicular access points off Burnley Road East which provide access to the various businesses located across the site. The site is located in Waterfoot between Rawtenstall (which is 2.5 km away), and Bacup (which is 3 km). Whitewell Brook runs through the centre of the site running parallel to Burnley Road East.
- 1.9 Contained in **Appendix 1** is a masterplan strategy document which illustrates the distinct mill areas and how these could be developed.

DALE MILL

- 1.10 Dale Mill is located in the far north of the Waterfoot Mills area. Dale Mill comprises a collection of mainly single storey buildings and maintains relatively high levels of occupancy due to good vehicular access.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Waterfoot Mills, Burnley Road East, Waterfoot)**

WATERFOOT BUSINESS CENTRE

- 1.11 Moving southwards along Burnley Road East, the next section of the site is known as Waterfoot Business Centre. This section comprises a collection of buildings of varying heights and construction, with a mill building being located at the front of the site immediately adjacent to the main road. The buildings at the rear of the site are built into the banking of the brook and pose structural challenges for any redevelopment, but they have reasonable access for vehicles. Vehicular access is limited to the remainder of the site for heavy goods vehicles due to the orientation of the existing buildings; this is a prohibitive factor to attracting potential commercial occupants.
- 1.12 The rear part of the Waterfoot Business Centre beyond Whitewell Brook is included in the employment allocation EE42 however a large part of the site adjacent to the road is excluded from the allocation and is “white land”.
- 1.13 This unallocated part of the Waterfoot Business Centre is considered suitable for residential redevelopment as indicated on the masterplan. We believe there is an opportunity to positively redevelop this previously developed site within the Urban Boundary for a more viable residential use.

GLOBE MILL

- 1.14 The site comprises another large old mill building. Again this building has a lot of vacant units. Furthermore the landowner has advised that one of the main tenants (Revival Books) will soon be vacating, which will have significant impact on the rent roll and occupational levels.
- 1.15 The upper floor is difficult to let for employment space due to the layout of the mill building and the fact that the goods lift can only provide access to limited space in the building. Due to the age of the mill building, the floors of the mill are constructed mainly in timber and present a fire risk.
- 1.16 There are issues with access for vehicles and goods, and problems with the fabric of the construction of the building. The resultant position is that this element of the Waterfoot Mills site is unattractive to new tenants and is financially unviable for retention in employment use either as existing or as a redevelopment employment proposal.
- 1.17 Globe Mill is not covered by the employment allocation EE42 and is considered more suitable for residential redevelopment.

ALBION MILL

- 1.18 Albion Mill is sandwiched between the main road (Burnley Road East), the adjoining Wales Road, and an area of existing woodland. Albion Mill recently had its road frontage demolished as a consequence of structural obsolescence, there are no tenants in the building. Following the demolition of the mill this element of the site is more suited to a residential use which would

**Rosendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Waterfoot Mills, Burnley Road East, Waterfoot)**

complement the existing residential properties which surround the site. The site should not be retained for employment purposes for the duration of the Plan period.

- 1.19 Again, Albion Mill is unallocated and is considered suitable for residential redevelopment as indicated on the masterplan.



Figure 1.2 Street view looking towards Globe Mill and Albion Mill, part of the site we feel should be allocated for housing (southern part of site).



**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Waterfoot Mills, Burnley Road East, Waterfoot)**

Figure 1.3 Street view looking towards Dale Mill which is allocated as employment (northern part of site).

SCOPE

- 1.20 In preparing these submissions we have reviewed the documents mentioned above as well as other documents forming the evidence base that underpins the emerging Local Plan.
- 1.21 This document follows previous Representations by Hourigan Connolly in relation to the Regulation 18 version of the Draft Local Plan. In addition to this earlier Representations were made by Mr Brian Boys as part of previous Local Plan, albeit that parts of the Local Plan were subsequently halted in favour of a complete new Local Plan.

OVERVIEW

- 1.22 The starting point for consideration of the emerging Local Plan document is the well-established principle embodied in Paragraph 158 of the National Planning Policy Framework (hereafter referred to as the Framework) that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.

2. LEGISLATIVE & POLICY CONTEXT

INTRODUCTION

- 2.1 In this Chapter we set out the relevant legislative and policy context before going on to examine the Council's Local Plan document.

LEGISLATIVE CONTEXT

- 2.2 Part 2 of the Planning & Compulsory Purchase Act 2004 (As amended) deals with Local Development.
- 2.3 The RBC Local Plan is being brought forward following changes to the Development Plan making system in England which are set out in the Localism Act 2011. Part 6 Sections 109 – 144 of the Localism Act deal with Planning.
- 2.4 Following revocation of the North West Regional Strategy (RS) in May 2013, Council's such as RBC will set their own housing and employment targets against objectively assessed needs.
- 2.5 The Town & Country Planning (Local Planning) (England) Regulations (SI No. 767) came into force on 6 April 2012 and guide the preparation of Local Plans.

MINISTERIAL STATEMENTS

- 2.6 In his Written Statement of 23 March 2012 the then Minister for Decentralisation and Cities the Rt. Hon Greg Clark MP referred to a pressing need to ensure that the planning system does everything it can to help England secure a swift return to economic growth. He urged local planning authorities to make every effort to identify and meet the housing, business and other development needs of their areas.
- 2.7 The National Planning Policy Framework (hereafter referred to as the Framework) (see below) was subsequently published on 27 March 2012 and urges local planning authorities to boost significantly the supply of housing.
- 2.8 In his Written Statement of 6 September 2012 the Secretary of State for Communities and Local Government the Rt. Hon Eric Pickles MP noted an increase in house building starts between 2009 and 2011 but said that there was far more to do to provide homes to meet Britain's demographic needs and to help generate local economic growth.
- 2.9 There can be no doubt that house building is a driver of the local economy besides providing homes for local people.

FRAMEWORK REQUIREMENTS

- 2.10 It is noted that a new Framework was published in July 2018, however this section refers to the Framework published in 2012 as we understand from the Council that the Plan will be submitted to the Inspector before 24 January 2019.¹ Should that position change, we reserve the right to make further representations.
- 2.11 Paragraphs 150 to 185 of the Framework deal with Plan-making. The importance of the Local Plan is identified as the key to delivering sustainable development and a cornerstone of the development management process (Paragraph 150 refers).
- 2.12 The requirement for Local Plans to be prepared with the objective of contributing to the achievement of sustainable development is embodied in Paragraph 151 of the Framework and stems from the requirements set out under Section 39(2) of the Planning & Compulsory Purchase Act 2004. Local Plans must also be consistent with the principles and policies of the Framework.
- 2.13 Paragraph 152 of the Framework requires local planning authorities to seek opportunities to achieve and secure net gains for each of the three dimensions of sustainable development. These three dimensions are defined in Paragraph 7 of the framework as economic, social and environmental. According to Paragraph 7 of the Framework these dimensions give rise to the need for the planning system to perform a number of roles:
- *“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
 - *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
 - *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.*

¹ Paragraph 214 of the 2018 Framework states that policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Waterfoot Mills, Burnley Road East, Waterfoot)**

- 2.14 Paragraph 8 of the Framework states that the roles mentioned in Paragraph 7 should not be undertaken in isolation, because they are mutually dependant and should be sought jointly and simultaneously through the planning system.
- 2.15 The importance of Local Plans taking into account local circumstances is highlighted in Paragraph 10 of the Framework to ensure that they respond to the different opportunities for achieving sustainable development.
- 2.16 Paragraph 152 of the Framework goes on to deal with adverse impacts on any of the dimensions of sustainable development and sets out three tests:
- Firstly significant adverse impacts on any of the dimensions should be avoided, and where possible, alternative options which reduce or eliminate such impacts should be pursued.
 - Where adverse impacts are unavoidable, measures to mitigate the impact should be considered.
 - Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
- 2.17 Paragraph 154 of the Framework requires Local Plans to be aspirational but **realistic** and address the spatial implications of economic, social and environmental change.
- 2.18 The requirement for local planning authorities to set out strategic priorities for their areas in their Local Plans is established in Paragraph 156 of the Framework. Such policies are required to deliver:
- *“the homes and jobs needed in the area;*
 - *the provision of retail, leisure and other commercial development;*
 - *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
 - *the provision of health, security, community and cultural infrastructure and other local facilities; and*
 - *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape”.*
- 2.19 The importance of using a robust and proportionate evidence base for Plan making is dealt with in Paragraphs 158 to 177 of the Framework. Paragraph 158 is of particular relevance to these submissions:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Waterfoot Mills, Burnley Road East, Waterfoot)**

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”.

2.20 A number of topics are discussed and for the purpose of this document we will focus on housing (Paragraph 159), business (Paragraphs 160 – 161), infrastructure (Paragraph 162) and environment (Paragraphs 165 – 168).

HOUSING

2.21 Paragraph 159 outlines the importance of preparing a Strategic Housing Market Assessment (SHMA) to assess **full** housing needs and a Strategic Housing Land Availability Assessment (SHLAA) to establish **realistic** assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

2.22 Of particular importance is the requirement for the SHMA to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the Plan period which:

- *“meets household and population projections, taking account of migration and demographic change;*
- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand”.*

BUSINESS

2.23 Paragraph 160 of the Framework outlines the importance of local planning authorities having a clear understanding (from a robust evidence base) of business needs within the economic markets operating in and across their area.

2.24 Paragraph 161 of the Framework establishes the importance of understanding business needs (both quantitative and qualitative) and ensuring that sufficient suitable land (both existing and future) is available to meet needs.

INFRASTRUCTURE

2.25 An objective of government policy is the delivery of growth. Central to this objective is ensuring that infrastructure has the capacity or can be enhanced to deliver growth. A number of factors are outlined in Paragraph 162 of the Framework which need to be considered at a local level including transport, water, foul drainage, energy, telecommunications, waste, health, social care, education, flood risk and coastal change management.

ENVIRONMENT

2.26 Paragraphs 165 to 168 of the Framework deal with environmental matters and set out the requirement that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

SOUNDNESS

2.27 Paragraph 182 of the Framework deals with the examination of Local Plans. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. Local planning authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- **Justified** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- **Effective** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- **Consistent with national policy** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.*

NATIONAL PLANNING PRACTICE GUIDANCE – LAUNCHED 6 MARCH 2014

2.28 On 28 August 2013 the government launched its draft National Planning Practice Guidance (NPPG). The draft NPPG was subject to consultation for 6 weeks and was launched on 6 March

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Waterfoot Mills, Burnley Road East, Waterfoot)**

in its final form. The NPPG replaces some 230 planning guidance documents but will result in no amendments to the Framework.

- 2.29 The Housing and Economic Land Availability Assessment section of the NPPG is worthy of specific mention in relation to this Report, in particular paragraph 030 (reference ID: 3-030-20140306 confirms):

“Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.”

- 2.30 The NPPG deals with deliverable sites as follows at paragraph 031 (Reference ID 3-031-20140306):

“WHAT CONSTITUTES A ‘DELIVERABLE SITE’ IN THE CONTEXT OF HOUSING POLICY?”

Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgments on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust five-year housing supply.”

- 2.31 In regards to how often a Local Plan should be reviewed, the NPPG states at paragraph 008 of the section titled ‘Local Plans’ (Reference ID 12-008-20140306) that:

“HOW OFTEN SHOULD A LOCAL PLAN BE REVIEWED?”

To be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within five years of the date of adoption.”

GOVERNMENT CONSULTATION ON STANDARDISED METHODOLOGY FOR HOUSING NEED (SEPTEMBER 2017)

- 2.32 On 14 September 2017 the Government announced a consultation on a Standardised Methodology for Assessing Local Housing Need, the basis of which was included in the White Paper (February 2017) and is aimed at helping local authorities plan for the right homes in the right places.
- 2.33 As the consultation document sets out, the root cause of the dysfunctional housing market in the UK is that for too long we have not built enough homes. The Government is aiming to deliver 1.5 million new homes between 2015-2022 and is attempting to create a system which is clear and transparent for local authorities. The new methodology will apply to all future plans, with the exception of those which have been submitted or will be submitted before 31 March 2018.
- 2.34 The standard methodology is principally aimed at tackling problems of affordability as the proposed formula simply uplifts the household projections figure, based on market signals.
- 2.35 For Rossendale the proposed standard methodology has little impact on the annual housing requirement (which, it is suggested should be 212 rather than the current 265 dwellings per annum). However, it should be noted that the proposed standard methodology is currently on consultation and may therefore be subject to changes in due course. It is also worth noting the heavy speculation that the proposed methodology focuses on growth in the south east to the detriment of other parts of the UK, in particular the north west.
- 2.36 Crucially the link between housing growth and economic activity must be recognised, along with the importance of directing such uses to viable locations.

3. POLICIES PROPOSED IN THE DRAFT LOCAL PLAN

PROPOSALS MAP

- 3.1 The below image shows the site in the draft Proposals Map. The proposed employment allocation is annotated as EE42 (light purple hatching). Note that a large southern part of the Waterfoot Mills complex is not allocated as is therefore “white land”.

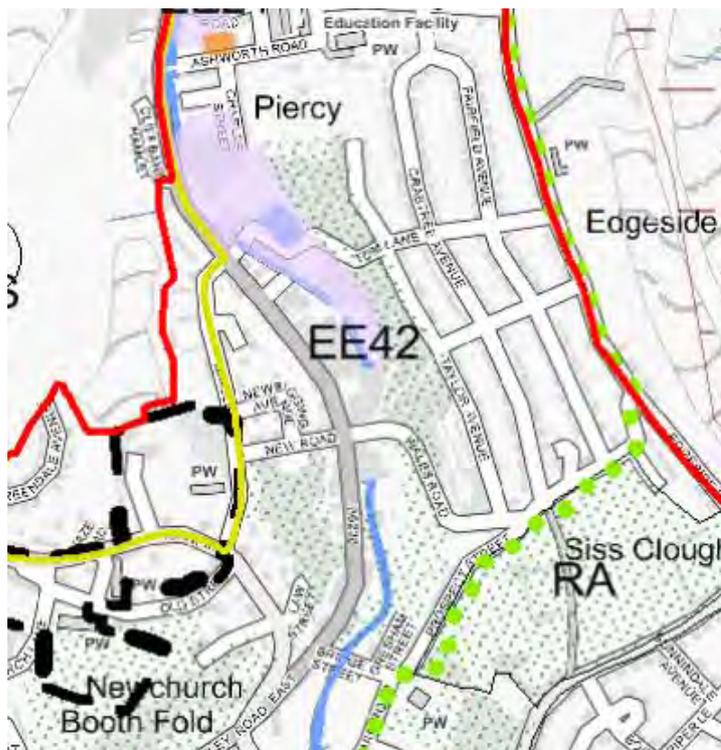


Figure 3.1 Extract from Draft Proposals Map

- 3.2 As well as being allocated for employment, the site is also within the Urban Boundary (red edge).

POLICY EMP2: EMPLOYMENT SITE ALLOCATIONS

- 3.3 Draft Policy EMP2: Employment Site Allocations identifies all sites within the Borough which have been allocated for employment development. For each site allocated, site area, available area for development and proposed use class is set out.
- 3.4 Part of the Waterfoot Mills site is identified as Employment Allocation Reference EE42 as shown below. It is classed as an ‘existing employment’ site and is considered suitable for B1, B2 and B8 uses.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Waterfoot Mills, Burnley Road East, Waterfoot)**

Employment Allocation Ref.	Site name	Gross Area (ha)	Estimated Net Developable Area (ha)	Use Class	Policy
EE42	Waterfoot Mills	1.84	0.00	B1, B2, B8	EMP2

Figure 3.1 Extract from Site Allocations Table (Policy EMP2)

- 3.5 We support the aims of the Local Plan to identify key development sites which are central to the delivery of the overall strategy for new and existing employment assets and the Borough's economy. We support the employment allocation EE42 for those parts of the Waterfoot Mills site that are included in the allocation. However, to this end, we consider that the allocation could be widened to include the land to the south and form an overall 'Mixed-Use Allocation' under the provisions of draft Policy EMP2.
- 3.6 As an alternative, we would support the employment allocation as it stands providing the land to the south is included as a separate housing allocation under Policy HS2.

PROPOSED MODIFICATION

OPTION 1 – A NEW MIXED USE ALLOCATION

- 3.7 The Council is respectfully requested to modify the current employment allocation EE42 to cover the whole Waterfoot Mills complex as shown on the masterplan to allow for a mixed-use development including both employment and residential development. This should direct employment uses to the north and housing to the south of the overall site. The Council is invited to include this modification in the Local Plan document by the allocation of a mixed-use allocation for the site under draft Policy EMP2.

OPTION 2 – RETAIN ALLOCATION EE42 AND PROPOSE A NEW HOUSING ALLOCATION FOR LAND TO THE SOUTH

- 3.8 As an alternative to the above, the Council could keep the employment allocation as shown on the draft Policy Map but allocate the additional land to the south as housing under Policy HS2.

4. SOUNDNESS ASSESSMENT

INTRODUCTION

4.1 As mentioned in Chapter 2 above Paragraph 182 of the 2012 Framework deals with the examination of Local Plans. Local Planning Authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.

4.2 In this section we consider the soundness of the Draft Local Plan Policies against the four key tests set out under Paragraph 182 of the 2012 Framework. It should be noted that for a Plan to be found sound it must comply with **all** of the four tests set out under Paragraph 182 of the Framework.

POLICY EMP2: EMPLOYMENT SITE ALLOCATIONS

POSITIVELY PREPARED

4.3 Whilst we support the principle of an employment allocation, for the reasons set out in Chapter 3, the wider potential of the mills to meet objectively assessed need for both housing and employment should not be ignored. The Plan strategy in this regard is flawed and cannot be considered to be positively prepared.

JUSTIFIED

4.4 For these reasons, the Council’s strategy for the Waterfoot Mills is not the most appropriate available, it will fail to deliver sustainable development and consequently it is unsound.

EFFECTIVE

- 4.5 The proposed employment allocation could sterilise otherwise sustainably, previously developed land, flying on the face of national policy and this could lead to the failed delivery of the Plan's aspirations. In this regard, the Plan is not effective.

CONSISTENT WITH NATIONAL POLICY

- 4.6 In order to be consistent with National Policy, the Waterfoot Mills site should be modified as set out in paragraphs 3.7 and 3.8 above to enable the delivery of sustainable development.

5. WATERFOOT MILLS – A SUITABLE SITE FOR HOUSING

- 5.1 Allocating the land to the south of the Waterfoot Mills for housing by way of an overall mixed-use allocation or separate housing allocation presents a very positive opportunity to redevelop the whole of the site in a holistic and strategic manner. Not only could the site contribute to the local economy through the retention and creation of employment uses, but the site presents the opportunity to contribute to the delivery of housing over the Plan period.
- 5.2 Policy HS1 within the Draft Local Plan identifies a net housing requirement for the period 2019 to 2034 of at least 3,180 additional dwellings, equating to 212 dwellings a year. The draft policy also seeks to deliver over 30% of new dwellings on previously developed land across the Borough.
- 5.3 The site is located in a sustainable location being close to a range of amenities to the south including a convenience store, post office and Waterfoot Health Centre for example. There are bus stops immediately to the north of the site and the Number 483 provides a regular service to Burnley and Rawtenstall. St Peter's Primary School, Waterfoot Primary School and Bacup and Rawtenstall Grammar School are all located adjacent to the site.
- 5.4 In this context, the Waterfoot Mills site could make an important contribution towards meeting the Borough's residential development needs. In particular, as it is recognised within the explanatory text that brownfield sites within the urban area are limited.
- 5.5 We support the aims of the Local Plan to identify key development sites which are central to the delivery of the overall strategy for new housing and this subject site could make a positive contribution to the delivery of housing in the Borough; a mixed use development would embody the aims of the Framework to meet the development needs of the area for both housing and employment.
- 5.6 Importantly, the site is in a single ownership, and the land owners are willing to have open discussions with the Council to deliver a really exciting project across the whole site which could make a key contribution to the sustainable growth of the Borough. The site in its current state is not financially viable, and as the existing buildings remain vacant and continue to fall into disrepair, the situation is only going to be exacerbated. The flexibility of a Mixed-Use Allocation or additional housing allocation would enable a more sustainable approach to the future protection and development of the site at Waterfoot Mills.
- 5.7 There is potential for a Development Brief to be drafted for the redevelopment of the site to encourage key stakeholders, the land owner and the Council to work together for the benefit of the site itself, the immediate environs in Waterfoot, and to the benefit of the local economy in Rossendale Borough.

CONCLUSIONS

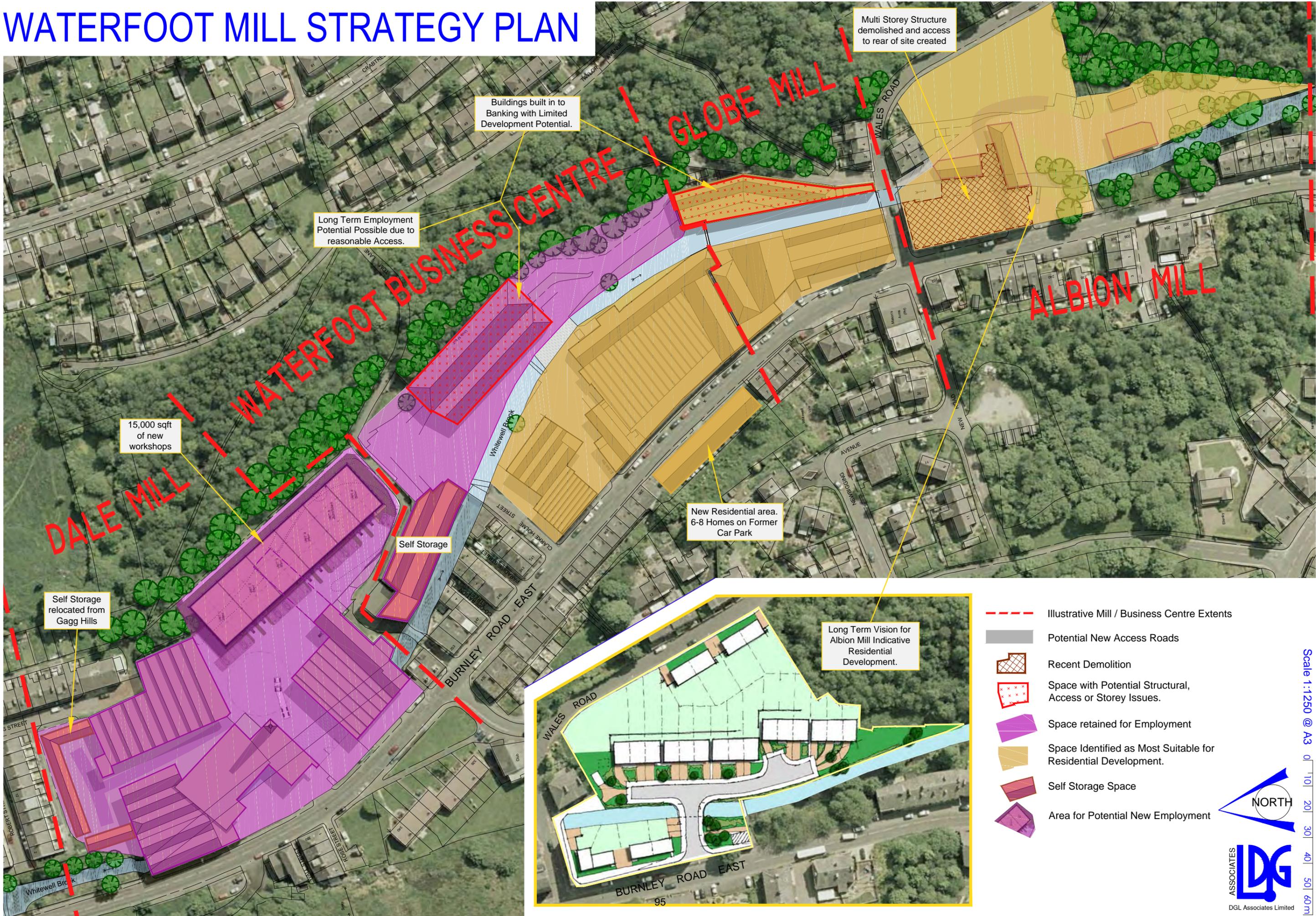
- 5.8 It has already been described how each of the distinct areas which form the Waterfoot Mills site are only partly occupied by commercial and industrial operators and employers. The site does not operate on a financially viable basis, but the land owner is committed to retaining existing tenants where possible and attracting new employers through the creation of additional floorspace. However, there are deficiencies with many of the existing buildings and the associated environs which prohibit the site being fully occupied for solely employment use.
- 5.9 This Representation has set out how there is an exciting opportunity for the site to make a contribution to the continued retention of existing employment floorspace, the creation of new employment floorspace, and the delivery of new housing over the Plan period and beyond.
- 5.10 This subject site comprises previously developed land, within the Urban Boundary, in a sustainable location and therefore would accord with the principles of sustainable development as set out in the Framework.

6. CONCLUSIONS

- 6.1 The starting point for consideration of the Council's Local Plan is the well- established principle embodied in Paragraph 158 of the Framework that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 6.2 The Framework is clear at Paragraph 22 that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Paragraph 160 outlines the importance of local planning authorities having a clear understanding of business needs within the economic markets operating in and across their area.
- 6.3 It has been shown in this Representation that the site at Waterfoot Mills on Burnley Road East presents an exciting opportunity to make a sustainable contribution to the local economy through employment and housing redevelopment. Part of the site is currently proposed to be designated as an Existing Employment Area, however it has been demonstrated that further land to the south should be allocated to allow both employment and housing to come forward. The site has an opportunity to contribute to the delivery of housing over the Plan period on a site which comprises previously developed land within the Urban Boundary.

Appendix 1

WATERFOOT MILL STRATEGY PLAN



- - - Illustrative Mill / Business Centre Extents
- Potential New Access Roads
- Recent Demolition
- Space with Potential Structural, Access or Storey Issues.
- Space retained for Employment
- Space Identified as Most Suitable for Residential Development.
- Self Storage Space
- Area for Potential New Employment

Scale 1:1250 @ A3 0 10 20 30 40 50 60m

ROSSENDALE BOROUGH COUNCIL

DRAFT LOCAL PLAN

REGULATION 19 CONSULTATION

CLIENT:

B&E Boys Ltd

SITE:

The Former Regal Cinema, Bacup

DATE:

03 October 2018

Report Drafted By	Report Checked By	Report Approved By
BM	DC	DC
03.10.18	03.10.18	03.10.18

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CONTENTS

	PAGE NUMBER
1. INTRODUCTION	2
2. LEGISLATIVE & POLICY CONTEXT	5
3. POLICIES PROPOSED IN THE DRAFT LOCAL PLAN - HERITAGE	13
4. POLICIES PROPOSED IN THE DRAFT LOCAL PLAN – RETAIL	16
5. SOUNDNESS ASSESSMENT	18
6. PROPOSED REVISIONS TO THE LOCAL PLAN - RETAIL ALLOCATION	20
7. CONCLUSIONS.....	28

Appendices

Appendix 1	Location Plan
Appendix 2	Heritage Technical Note – Nexus Heritage
Appendix 3	Officer Report for Planning Application 2009/0222
Appendix 4	Structural Conditions Report – Michael Pooler Associates Ltd
Appendix 5	T Dawson Letter

1. INTRODUCTION

- 1.1 Rossendale Borough Council (RBC) is preparing a new Local Plan which will guide the future planning and development of the area. The most recent consultation on the draft Local Plan was undertaken in summer 2017 and comprised the Regulation 18 stage; Hourigan Connolly submitted Representations on behalf of the B&E Boys Ltd relating to a number of matters. This Representation is submitted in response to the Council's current Publication Pre-Submission version of the Plan (Regulation 19). The consultation period runs from Thursday 23 August 2018 to Friday 5 October 2018. Once adopted the Local Plan will replace the adopted Core Strategy (2011).
- 1.2 Within the draft Local Plan, sites have been proposed for development (for housing, employment, retail uses etc), for environmental protection and for recreation uses, as identified on the Draft Policies Map. Changes are also proposed to the existing Green Belt and the Urban Boundary. Also, four additional Conservation Areas, along with an extension to an existing Conservation Area, are being considered.
- 1.3 There are a number of documents which form part of the Evidence Base in support of the Council's Publication Pre-Submission version document and where relevant, these have been considered and referred to in this Representation. For clarification, the Council's Errata to the Publication (Pre-Submission) version of the Local Plan (dated 03 September 2018), has been noted but it does not relate to the matters pertinent to this particular Representation.

BACKGROUND

- 1.4 Hourigan Connolly is instructed by B&E Boys Ltd to review and comment on the emerging Local Plan in relation to the site known as the Former Regal Cinema on the corner of Burnley Road and Hall Street in the centre of the town of Bacup. The site is not allocated for any specific use but is proposed to be located within the Bacup Town Centre Conservation Area (Strategic Policy ENV2: Heritage Assets) and Bacup District Centre retail area (Strategic Policy R1: Retail and other Town Centre Uses). This Representation sets out our support for the inclusion of the subject site within the Conservation Area and District Centre boundaries.
- 1.5 The matter is taken further however as the Representation will also set out how the Council should support the demolition of the existing building and that the site should be allocated for retail use.
- 1.6 The extent of the boundary of the site is provided at Appendix 1 to indicate the location of the site within Bacup, but Figure 1.1 is shown below for assistance. The site is within single ownership, that being B&E Boys Ltd.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**



Figure 1.1 Approximate location of subject site, the Former Regal Cinema, Burnley Road, Bacup (circled in red).

- 1.7 The 0.05 ha site lies on the western side of Burnley Road and on the corner of Hall Street opposite the Bacup War Memorial Cenotaph. The large building dominates the street being set immediately at the back of the pavement adjoining, and in line with, the other buildings to the south which form a commercial frontage on Burney Road. To the immediate north of the site is a Grade II Listed Building, St Johns Church. To the south, Burnley Road leads to the roundabout on the A681 at the junction of Market Street, Yorkshire Street and St James Square.
- 1.8 The former Regal Cinema has sat vacant and unused for in excess of 40 years, with its most recent use being a bingo/dance hall back in the early 1970s. The current use class is D2 Assembly and Leisure. The building takes up the whole of the land which is within B&E Boys Ltd ownership.
- 1.9 The owners of the site wish to demolish the existing building and seek that the resultant land be allocated for an A1 Retail Use (Land Use Classes Order 1987 as amended) in the emerging Local Plan. This Representation will demonstrate the building's suitability for demolition and proposed retail use as the site does not make a positive contribution to the Bacup Town Centre Conservation Area and the alteration in the use class would enable better prospects of a new building. This specific allocation would not only make a positive contribution to the Conservation Area, but a positive contribution to a District Centre located on one of the key arterial routes in the Borough.

SCOPE

- 1.10 In preparing these submissions we have reviewed the Evidence Base which underpins the emerging Local Plan, as well as the Bacup Town Centre Conservation Area Character Appraisal and Management Proposals Plan (2011) which was written by consultants on behalf of the Council and adopted by the Council for development control purposes from 02 December 2011.

OVERVIEW

- 1.11 The starting point for consideration of the emerging Local Plan document is the well-established principle embodied in Paragraph 158 of the National Planning Policy Framework (hereafter referred to as the Framework) that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.

2. LEGISLATIVE & POLICY CONTEXT

INTRODUCTION

- 2.1 In this Chapter we set out the relevant legislative and policy context before going on to examine the Council's Local Plan document.

LEGISLATIVE CONTEXT

- 2.2 Part 2 of the Planning & Compulsory Purchase Act 2004 (As amended) deals with Local Development.
- 2.3 The RBC Local Plan is being brought forward following changes to the Development Plan making system in England which are set out in the Localism Act 2011. Part 6 Sections 109 – 144 of the Localism Act deal with Planning.
- 2.4 Following revocation of the North West Regional Strategy (RS) in May 2013, Council's such as RBC will set their own housing and employment targets against objectively assessed needs.
- 2.5 The Town & Country Planning (Local Planning) (England) Regulations (SI No. 767) came into force on 6 April 2012 and guide the preparation of Local Plans.

MINISTERIAL STATEMENTS

- 2.6 In his Written Statement of 23 March 2012 the then Minister for Decentralisation and Cities the Rt. Hon Greg Clark MP referred to a pressing need to ensure that the planning system does everything it can to help England secure a swift return to economic growth. He urged local planning authorities to make every effort to identify and meet the housing, business and other development needs of their areas.
- 2.7 The Framework (see below) was subsequently published on 27 March 2012 and urges local planning authorities to boost significantly the supply of housing.
- 2.8 In his Written Statement of 6 September 2012 the Secretary of State for Communities and Local Government the Rt. Hon Eric Pickles MP noted an increase in house building starts between 2009 and 2011 but said that there was far more to do to provide homes to meet Britain's demographic needs and to help generate local economic growth.
- 2.9 There can be no doubt that house building is a driver of the local economy besides providing homes for local people.

FRAMEWORK REQUIREMENTS

- 2.10 It is noted that a new Framework was published in July 2018, however this section refers to the Framework published in 2012 as we understand from the Council that the Plan will be submitted to the Inspector before 24 January 2019.¹ Should that position change, we reserve the right to make further representations.
- 2.11 Paragraphs 150 to 185 of the Framework deal with Plan-making. The importance of the Local Plan is identified as the key to delivering sustainable development and a cornerstone of the development management process (Paragraph 150 refers).
- 2.12 The requirement for Local Plans to be prepared with the objective of contributing to the achievement of sustainable development is embodied in Paragraph 151 of the Framework and stems from the requirements set out under Section 39(2) of the Planning & Compulsory Purchase Act 2004. Local Plans must also be consistent with the principles and policies of the Framework.
- 2.13 Paragraph 152 of the Framework requires local planning authorities to seek opportunities to achieve and secure net gains for each of the three dimensions of sustainable development. These three dimensions are defined in Paragraph 7 of the framework as economic, social and environmental. According to Paragraph 7 of the Framework these dimensions give rise to the need for the planning system to perform a number of roles:
- *“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
 - *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
 - *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.*

¹ Paragraph 214 of the 2018 Framework states that policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

- 2.14 Paragraph 8 of the Framework states that the roles mentioned in Paragraph 7 should not be undertaken in isolation, because they are mutually dependant and should be sought jointly and simultaneously through the planning system.
- 2.15 The importance of Local Plans taking into account local circumstances is highlighted in Paragraph 10 of the Framework to ensure that they respond to the different opportunities for achieving sustainable development.
- 2.16 Paragraph 152 of the Framework goes on to deal with adverse impacts on any of the dimensions of sustainable development and sets out three tests:
- Firstly significant adverse impacts on any of the dimensions should be avoided, and where possible, alternative options which reduce or eliminate such impacts should be pursued.
 - Where adverse impacts are unavoidable, measures to mitigate the impact should be considered.
 - Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
- 2.17 Paragraph 154 of the Framework requires Local Plans to be aspirational but **realistic** and address the spatial implications of economic, social and environmental change.
- 2.18 The requirement for local planning authorities to set out strategic priorities for their areas in their Local Plans is established in Paragraph 156 of the Framework. Such policies are required to deliver:
- *“the homes and jobs needed in the area;*
 - *the provision of retail, leisure and other commercial development;*
 - *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
 - *the provision of health, security, community and cultural infrastructure and other local facilities; and*
 - *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape”.*
- 2.19 The importance of using a robust and proportionate evidence base for Plan making is dealt with in Paragraphs 158 to 177 of the Framework. Paragraph 158 is of particular relevance to these submissions:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”.

2.20 A number of topics are discussed and for the purpose of this document we will focus on conservation (Paragraph 126), retail (Paragraph 23), business (Paragraphs 160), infrastructure (Paragraph 162) and environment (Paragraph 165).

CONSERVATION

2.21 Chapter 12 of the Framework focuses on conserving and enhancing the historic environment - Paragraph 126. The Framework is clear that Local Plan should set out a positive strategy for the conservation and enjoyment of the historic environment and in doing so they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. However, in developing this strategy, Paragraph 126 also states the following:

“...local planning authorities should take into account:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *opportunities to draw on the contribution made.”*

2.22 Paragraph 129 further states:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.”

2.23 With regards the state of a heritage asset, Paragraph 130 is clear that:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

“Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.”

2.24 Paragraph 131 addresses what local planning authorities should take account of when determining planning applications:

“In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.”*

2.25 And most pertinent to this specific Representation, Paragraph 137 states the following:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”

RETAIL

2.26 Paragraph 23 confirms that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should (amongst other things) recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and define a network and hierarchy of centres that is resilient to anticipated future economic changes. The Framework is clear that it is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.

BUSINESS

2.27 Paragraph 160 of the Framework outlines the importance of local planning authorities having a clear understanding (from a robust evidence base) of business needs within the economic markets operating in and across their area.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

2.28 Paragraph 161 of the Framework establishes the importance of understanding business needs (both quantitative and qualitative) and ensuring that sufficient suitable land (both existing and future) is available to meet needs.

INFRASTRUCTURE

2.29 An objective of government policy is the delivery of growth. Central to this objective is ensuring that infrastructure has the capacity or can be enhanced to deliver growth. A number of factors are outlined in Paragraph 162 of the Framework which need to be considered at a local level including transport, water, foul drainage, energy, telecommunications, waste, health, social care, education, flood risk and coastal change management.

ENVIRONMENT

2.30 Paragraphs 165 to 168 of the Framework deal with environmental matters and set out the requirement that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

SOUNDNESS

2.31 Paragraph 182 of the Framework deals with the examination of Local Plans. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. Local planning authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- ***“Positively prepared*** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- ***Justified*** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- ***Effective*** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- ***Consistent with national policy*** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.*

NATIONAL PLANNING PRACTICE GUIDANCE – LAUNCHED 6 MARCH 2014

- 2.32 On 28 August 2013 the government launched its draft National Planning Practice Guidance (NPPG). The draft NPPG was subject to consultation for 6 weeks and was launched on 6 March in its final form. The NPPG replaces some 230 planning guidance documents but will result in no amendments to the Framework.

CONSERVATION

- 2.33 The NPPG makes it clear that, in relation to plan making and the historic environment, local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment (Paragraph 004 Reference ID: 18a-004-20140306). It is made clear that a positive strategy:

“should recognise that conservation is not a passive exercise. In developing their strategy, local planning authorities should identify specific opportunities within their area for the conservation and enhancement of heritage assets. This could include, where appropriate, the delivery of development within their settings that will make a positive contribution to, or better reveal the significance of, the heritage asset.

The delivery of the strategy may require the development of specific policies, for example, in relation to use of buildings and design of new development and infrastructure. Local planning authorities should consider the relationship and impact of other policies on the delivery of the strategy for conservation.”

with added emphasis

- 2.34 With regards the importance of non-designated heritage assets, the NPPG confirms at Paragraph: 039 Reference ID: 18a-039-20140306 that:

“What are non-designated heritage assets and how important are they?

Local planning authorities may identify non-designated heritage assets. These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. In some areas, local authorities identify some non-designated heritage assets as ‘locally listed’.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process.”

with added emphasis

RETAIL

2.35 With regards retail, the NPPG confirms that local planning authorities should take full account of relevant market signals when planning for town centres and should keep their retail land allocations under regular review:

“These market signals should be identified and analysed in terms of their impacts on town centres. This information should be used to inform policies that are responsive to changes in the market as well as the changing needs of business.

Paragraph: 004 Reference ID: 2b-004-20140306

2.36 The NPPG further confirms at Paragraph: 005 Reference ID: 2b-005-20140306 that the following indicators, and their changes over time, are relevant in assessing the health of town centres:

- *“diversity of uses*
- *proportion of vacant street level property*
- *commercial yields on non-domestic property*
- *customers’ views and behaviour*
- *retailer representation and intentions to change representation*
- *commercial rents*
- *pedestrian flows*
- *accessibility*
- *perception of safety and occurrence of crime*
- *state of town centre environmental quality*

Not all successful town centre regeneration projects have been retail led or involved significant new development. Improvements to the public realm, transport (including parking) and accessibility as well as other measures promoted through partnership can also play important roles.

Any strategy should identify relevant sites, actions and timescales, and be articulated clearly in the Local Plan, where it can be considered by local people and investors. It should be regularly reviewed, assessing the changing role and function of different parts of the town centre over time.”

3. POLICIES PROPOSED IN THE DRAFT LOCAL PLAN - HERITAGE

STRATEGIC POLICY ENV2: HERITAGE ASSETS

3.1 Draft Policy ENV2 confirms that the Council will support proposals which conserve or, where appropriate, enhance the historic environment of Rossendale. The Policy text further confirms that:

“Particular consideration will be given to ensure that the significance of those elements of the historic environment which contribute most to the Borough’s distinctive identity and sense of place are not harmed. These include:

- *The historic town centres of Bacup, Haslingden and Rawtenstall;”*

3.2 The draft Policy further states that:

“Proposals within or affecting the setting of a conservation area will only be permitted where it preserves or enhances the character and appearance of the area including those elements which have been identified within the conservation area appraisal as making a positive contribution to the significance of that area.”

3.3 The Explanation (i.e. supporting text) to the draft policy identifies the elements which make up Rossendale’s historic built environment, including (amongst others), Conservation Areas. The text also comments that many buildings and structures in the Borough pre-date the industrial revolution, are constructed from locally quarried stone and contribute to Rossendale’s local character and distinctiveness. The policy is clear that the Council considers these heritage assets as an irreplaceable resource ‘and it is essential to protect and enhance them’.

3.4 There are nine Conservation Areas in the Borough, with Bacup Town Centre being one of them.

3.5 The supporting text also states:

“Accordingly, all new development affecting Rossendale’s heritage assets or their setting needs to be based on a thorough understanding of the context, significance and local distinctiveness of the site and its surroundings and should be of a high quality in terms of its urban, landscape and architectural design and use of materials. Development needs to be in accordance with the Framework and relevant Historic England guidance; the Council’s Conservation Area Appraisals and should be accompanied by a heritage statement.”

3.6 The draft Explanation text notes that the Council are developing a local list of non-designated heritage assets which include buildings, monuments, sites, places, areas or landscape of

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

significance. It is further stated that assets on the list have been carefully selected in accordance with guidance on Local Heritage Listing from Historic England and will be kept under review.

- 3.7 Attention is brought to the fact that this local list is not currently publicly available, nor does it appear to form part of the Evidence Base for the emerging Local Plan.

THE REGAL CINEMA

- 3.8 The first thing to note is that the subject site is located within the Bacup Town Conservation Area boundary, as illustrated below in the extract from the draft Policies Map:

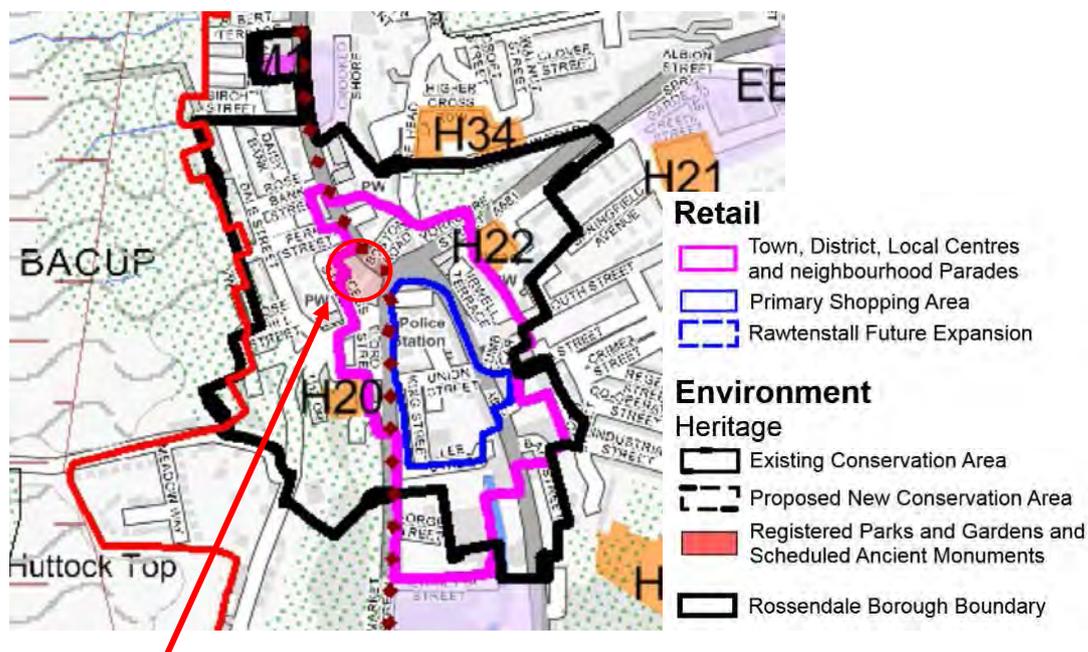


Figure 3.1 Approximate location of subject site, the Former Regal Cinema, Burnley Road, Bacup (circled in red) located within the Existing Conservation Area.

- 3.9 For the avoidance of doubt, our position is that we take no issue with the subject site being located within the Conservation Area, indeed, we agree with the draft Local Plan that this part of Bacup is of historical interest. The site is located directly opposite the Bacup Cenotaph and adjacent to the Grade II Listed Building St Johns Church.
- 3.10 Appendix 2 contains a Technical Note prepared by Nexus in support of this Representation. The Note is clear that the building is not a designated heritage asset, nor is a locally listed building. Given its historic and architectural interest it would, nevertheless qualify as a non-designated heritage asset within the Conservation Area.
- 3.11 The Council's Evidence Base includes a report entitled Heritage Impact Assessment of Housing and Employment Sites (August 2018). For the avoidance of doubt, the subject site is not included within this document as the site is not proposed for any specific allocation in the Local Plan.

**Rosendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

- 3.12 The only evidence that the subject site is of any historic interest to the Council, is that it is mentioned in the aforementioned Bacup Town Centre Conservation Area Character Appraisal and Management Proposals Plan (2011). The building is not listed, nor is it locally listed.
- 3.13 This will be discussed in further detail in Chapter 5 of this Representation.

4. POLICIES PROPOSED IN THE DRAFT LOCAL PLAN – RETAIL

STRATEGIC POLICY R1: RETAIL AND OTHER TOWN CENTRE USES

- 4.1 Figure 3.1 contained in the previous Chapter shows that the whole of the site is located on the edge of, but wholly within, the Bacup District Centre as defined on the draft Policies Map. The existing building sits at the end of a parade of retail units, some of which are occupied with others being vacant. The subject site is within very close proximity of the Primary Shopping Area (PSA) which is an area designated to the south east of the site, focussed around St James Square.
- 4.2 Chapter 3 of the Local Plan deals with retail. Strategic Policy R1 states that retail development will be focussed within the defined centres in the Borough with development proposals being expected to maintain or strengthen the retail offer and vitality and viability of town, district, local and neighbourhood parades. Large schemes are encouraged to be located in the District Centres of the Borough, those being Bacup and Haslingden.
- 4.3 The Explanation text to the policy confirms that the Council commissioned WYG Planning to undertake a Town Centre, Retail, Leisure and Tourism Study (town centre and retail study) (2017) to assess retail, leisure and tourism needs and capacity in Rossendale up to 2034. The study concluded that there is adequate provision of convenience goods within Rossendale, although it does make explicit reference to the fact that there may be an argument to improve Bacup's convenience goods offer over the longer-term to improve local consumer choice and competition. In terms of comparison shopping, the study recommends that existing and planned future floorspace at the "out of centre" New Hall Hey Retail Park in Rawtenstall is capable of meeting projected needs and any future provision above and beyond this should be provided within Rawtenstall town centre in the first instance.

POLICY R3: DEVELOPMENT AND CHANGE OF USE IN DISTRICT AND LOCAL CENTRES

- 4.4 Policy R3: Development and Change of Use in District and Local Centres is drafted as follows:

"Policy R3: Development and Change of Use in District and Local Centres

The boundaries of the District and Local Centres are defined on the Policies Map.

The following criteria apply for change of use and development in District and Local Centres:

- a) Planning permission will be granted for A1, A2, A3, and A4 uses which support the role and function of District and Local Centres.*

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

b) A5 uses (hot food takeaways) will be permitted where the proposal would not adversely impact, either individually or cumulatively, on the function, vitality and viability of the centre, subject to the provisions of other policies in this Plan.

c) Planning permission will be not be granted for non-retail uses (including the loss of A1 use) unless it can be shown that there is no demand for retail or commercial use or the property was last occupied by a non-retail/non-commercial use. This will need to be demonstrated through an active 12 month marketing process showing that the property has been offered for sale or rent on the open market at a realistic price and that no reasonable offers have been refused.

The provision of flats on the upper floors of the building will be encouraged but this will not apply where the applicant can demonstrate that the whole building will be fully utilised for retail/commercial purposes.”

- 4.5 The Explanation text confirms that minor changes have been made to the boundary changes of Rossendale’s district and local centres and PSAs following recommendations in the Council’s town centre and retail study. It is further confirmed that the District Centre boundary in Bacup has been extended to encompass the Morrisons foodstore on Lee Street and an extension to the PSA to include the retail units on King Street, Rochdale Road and Irwell Street as well as the centre’s new B&M Bargains store and public car park.
- 4.6 For the avoidance of doubt, our position is that we take no issue with the subject site being located within the District Centre boundary, on the contrary it is welcomed. However, we request that the Local Plan is revised so that the site is allocated for retail use, for the reasons discussed in the following Chapters.

5. SOUNDNESS ASSESSMENT

INTRODUCTION

5.1 As mentioned in Chapter 2 above Paragraph 182 of the 2012 Framework deals with the examination of Local Plans. Local Planning Authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.

5.2 In this section we consider the soundness of the Draft Local Plan Policies against the four key tests set out under Paragraph 182 of the 2012 Framework. It should be noted that for a Plan to be found sound it must comply with **all** of the four tests set out under Paragraph 182 of the Framework.

STRATEGIC POLICY ENV2: HERITAGE ASSETS AND

STRATEGIC POLICY R1: RETAIL AND OTHER TOWN CENTRE USES AND

POLICY R3: DEVELOPMENT AND CHANGE OF USE IN DISTRICT AND LOCAL CENTRES

POSITIVELY PREPARED

5.3 As demonstrated in this Representation the subject site is not suitable for retention or conversion. The building is in a deteriorating state and is not fit for commercial purposes, and certainly not for the current D2 (Assembly and Leisure) use. The site is empty and unused, and this has been the situation for more than four decades. It’s inclusion within the Town Centre is a reflection of its location; it makes no contribution whatsoever to the retail offer. As it stands at the moment, there is no prospect of this position improving. It is our view that Policy ENV2 has not been positively

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

prepared as it should make explicit reference to the demolition of the existing building to facilitate redevelopment of the site for uses appropriate in a Town Centre for the reasons set out in this detailed Representation. On this basis alone, the Council's Plan is unsound.

- 5.4 In this regard, the site should be allocated for retail, to positively reflect the aims of Strategic Policy R1 and Policy R3 as discussed in this Representation.

JUSTIFIED

- 5.5 Policies ENV2, R1 and fail to plan for the proper growth of Bacup as they do not acknowledge that there is no reasonable prospect of the existing building ever being brought back into a beneficial use, to the detriment of the Conservation Area and the economic objectives of the Plan.
- 5.6 There is no justification for the retention of a building which does not make a positive contribution to the Conservation Area or to the local economy.

EFFECTIVE

- 5.7 The preceding sections of this document have explained how the existing building is not suitable for retention or conversion for any commercial use or alternative use; the Local Plan is therefore not effective.

PROPOSED MODIFICATION

- 5.8 To be consistent with national policy, the Council is respectfully requested to revise Strategic Policy ENV2 to make specific reference to the redevelopment of the former Regal Cinema site. The NPPG makes it clear that local planning authorities should positively prepare strategies for the conservation and enjoyment of the historic environment and this can include making specific reference to buildings.
- 5.9 Moreover, the site should be allocated for retail use. Allocation of the site for retail use would comply with the designation of the site within Bacup Town Centre and with the aims of Strategic Policy R1. A unique policy which deals with the specific allocation of the site should be included in the Local Plan. The wording of such a proposed policy is set out in the following Chapter 6.

6. PROPOSED REVISIONS TO THE LOCAL PLAN - RETAIL ALLOCATION

- 6.1 This Representation sets out how the Local Plan should be revised to formally enable the demolition of the former Regal Cinema and the redevelopment of the site to facilitate appropriate town centre uses, which would bring about a number of benefits as discussed below.

DEMOLITION IN THE CONSERVATION AREA

BENEFIT 1 – POSITIVE IMPACT ON THE CONSERVATION AREA

- 6.2 Firstly, the building sits within the Bacup Town Centre Conservation Area. According to the Council's Conservation Area Character Appraisal and Management Proposals Plan (2011), the building is characterised as the following:

- A 'positive' unlisted building of medium quality – Map 2: Building Designations.
- On the edge of Character Area 7: Burnley Road – Map 4: Character Areas.
- An Historic building in largely commercial use – Map 6: Building Form / Uses.
- On a Primary Road and a commercial frontage, mainly where improvements would be welcome – Map 7: Urban Structure.

- 6.3 The Appraisal acknowledges that the building is not listed, however it does identify the building on a Townscape Appraisal Map as being a positive building of townscape merit. The Appraisal states:

“Buildings identified as being positive will vary, but commonly they will be good examples of relatively unaltered historic buildings where their style, detailing and building materials provides the streetscape with interest and variety. Most importantly, they make a positive contribution to the special interest of the Conservation Area.”

- 6.4 And:

“The publication of PPS5 in the spring of 2010, which suggests that the significance of all ‘heritage assets’ needs to be recorded and assessed, has meant that further analysis of positive buildings is considered necessary, incorporating what in the past might have been considered to be ‘neutral’ or even ‘negative’ buildings. For Bacup, these buildings have therefore been broken down into the following categories:

- *Positive unlisted buildings of high quality*
- *Positive buildings of medium quality*

**Rosendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

- *Modern positive buildings which fit into the townscape, or historic buildings which have been altered*
- *Modern buildings where sensitive redevelopment (in time) would be welcome*

The identification of these ‘positive’ buildings follows advice provided within English Heritage’s Guidance on conservation area appraisals, which provides a helpful list of criteria in Appendix 2. The guidance advises that a general presumption exists in favour of retaining those buildings which make a ‘positive’ contribution to the character or appearance of a conservation area.

Proposals to demolish such buildings will therefore be assessed against the same broad criteria as proposals to demolish listed buildings. This implies therefore that all buildings marked blue and orange on the Townscape Appraisal Map will be retained in the future unless a special case can be made for demolition.

The ‘positive’ buildings in the Conservation Area include religious, municipal, commercial and residential properties. A selection is provided below:

- 6.5 The subject building forms part of this list, as listed on Page 39 of the Appraisal.
- 6.6 Section 5.5 of the Appraisal refers to shops and shopfronts, noting that despite the provision of many smaller, family-run shops in Bacup, there are very few complete historic shopfronts remaining within the town. The Appraisal determines that nos 26-36 even Burnley Road (only No. 32 retains all of its original features – the rest are a little altered) are amongst the best examples; these units are located further north of the former cinema building.
- 6.7 The site is located within Character Area 7: Burnley Road, as identified in Section 6.8 of the Appraisal and replicated overleaf:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

6.8 Character Area 7: Burnley Road

General description

Burnley Road is one of the four main roads out of Bacup and contains a large number of prestigious mainly mid to late 19th century buildings including two churches (St John's and the Central Methodist), the former St John's Sunday School of 1908, now a Scout HQ, a large stone building of 1892 which is now used as a Community Centre, and the adjoining 1920s Post Office. It also contains some late 19th century terraced houses with ground floor shops, a small public garden, and the former cinema, once used as a bingo club but now empty. A War Memorial is an important feature close to St James Square. There were two large mills on the edge of the town in Burnley Road, Underbank Mill was built in 1837 (only part of the original building remains) and Waterside Mill was built in 1839 (both are currently just outside the Conservation Area boundary). Trees in the front garden to Hempsteads and in St John's Churchyard are a welcome break in the street scene, and there is a small public garden slightly further along Burnley Road to the north.



Burnley Road



Former Regal Cinema

Key negative features

- Busy traffic along Burnley Road
- Poorly designed shopfronts
- Vacant buildings and premises to let
- Some satellite dishes on front elevations
- Concrete paviers around the War Memorial
- The 1920s former Regal Cinema is a key building which has been allowed to deteriorate to the point that it is, apparently, considered beyond viable restoration and re-use

Figure 6.1 Extract from Bacup Town Centre Conservation Area Appraisal and Management Proposal Plan (2011).

- 6.8 It should be noted that the subject building is identified as one of the six key negative features in this Character Area; it comprises the list shown in Figure 6.1 above.
- 6.9 Taking all of the above together, the building has not been identified on any of the maps or within the main body of the Appraisal as one of the more important buildings in the Conservation Area. For example, on Map 2 it has not been designated as a 'positive' building of high quality, nor is it designated as a 'building where sensitive redevelopment would be welcome'. And on Map 6, it is not considered to be an 'important historic building in non-residential use, nor an 'important historic building at risk from neglect or vacancy'. The key conclusions from this is that the building is simply an historic, medium quality building which is vacant and located on a primary road along a commercial frontage.
- 6.10 The Technical Note contained in Appendix 2 to this Statement also addresses this point.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

- 6.11 The demolition of the empty, unremarkable and unlisted building would not harm the Conservation Area, indeed we're of the view that the demolition of the building and the redevelopment of the site would bring about positive benefits to the Conservation Area.



Figure 6.2 Current photograph looking northwards up Burnley Road showing the former Regal Cinema on the left with St Johns church in the background on the left-hand side of the photograph.



Figure 6.3 Historic photograph looking northwards up Burnley Road with St Johns church in the background on the left-hand side of the photograph.

- 6.12 If the subject building were to be demolished it would also provide a unique opportunity to re-open up a long-lost view of the adjacent Grade II listed church, St Johns. As the images above very clearly show, at one time the site of the Regal Cinema was occupied by a run of buildings much more in keeping with the local vernacular with what appear to be retail uses at the ground floor.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

The date of the photograph is unknown, but it shows that prior to the Regal Cinema building being built (in circa 1931), there once was an attractive run of two storey buildings which continued along this part of Burnley Road.

- 6.13 The demolition of the building would remove a structure which makes no positive contribution to the streetscene but which harms the view of the primary approach to Bacup town centre from the northern end of Burnley Road. It is the last large building one sees on the eastern side as one approaches the roundabout at St James Square and the lasting impression is that the building does not befit the surrounding character of this commercial area and the historical character that Bacup town is known for. The Council has made great efforts to improve the appearance of the roundabout and surrounding commercial buildings, but the vacant Regal Cinema is at odds with these upgrades.
- 6.14 The Technical Note (Appendix 2) also noted that the mass of the Regal Cinema is somewhat at odds with the surrounding structures and this, combined with its impoverished appearance means that it does not compete sensitively with the Church of St. John the Evangelist and acts as a visual detractor within the Conservation Area. The note further states that:

“There is no statutory or policy provision (national or local) which prohibits the demolition of the existing building and redevelopment of the site.”

- 6.15 A planning application was submitted in 2009 for part demolition and making-good of the gable to no. 14 Burnley Road (Application Reference 2009/222) however this was refused due to lack of information submitted at that time, as set out in the Officers Report contained in Appendix 3. There is nothing to suggest that the principle of demolition was considered unacceptable, it was simply the case that, at that time, the Council was not convinced there was enough information to support the application for the removal of the roof/upper part of walls.
- 6.16 If the subject building were to be demolished, an opportunity would present itself to open up the view once more to the church and rebuild the site with something which is wholly more appropriate and in character with the surrounding buildings. It would not only improve the viewpoints surrounding the church, but would improve the general vista of Burnley Road and the Cenotaph which is positioned opposite.
- 6.17 Finally, the Technical Note in Appendix 2 confirms:
- “Under both local and national policy there is no provision which prohibits the demolition of the cinema building and therefore there is no reason not to consider the site for allocation or to deny the submission of an application to redevelop it.”*

BENEFIT 2 – ECONOMIC BENEFITS TO LOCAL ECONOMY

- 6.18 A second benefit of demolition, is that the site would be redeveloped and brought back into use which would result in benefits to the visual appearance of the Conservation Area, and economic

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

benefits to the Bacup and the wider Borough. There is no possibility that the building can be retained and the site brought back into viable use.

- 6.19 The building has been vacant and unused for more than 40 years. B&E Boys Ltd has had the site within their ownership since April 2007 and within that time the site has been subject to a land assembly programme securing surrounding properties to enable the site to be considered holistically. In addition, the owners have continually sought end users since taking ownership.
- 6.20 Unfortunately, the building is in a significant state of disrepair and has been deteriorating since long before the current owners purchased the site. Appendix 4 contains a structural conditions report completed in January 2018 by Michael Pooler Associates Ltd. The report updates a previous survey undertaken in 2009. The report confirms that the previous deterioration identified in 2009 has increased and further confirms that none of the original architectural features are present or capable of preservation and with the exception of perimeter walls, there are no elements of construction which could economically be saved. The report describes the state of the building as '*severe state of dilapidation*'. On this basis, the building is clearly not suitable for retention, and moreover is not capable of conversion. There is compelling evidence to support the demolition of the building and the owners are minded to seek planning permission to that effect.
- 6.21 In addition to that carried out by the owners the site has been the subject of a targeted marketing campaign by Trevor Dawson. Their update is included at **Appendix 5**. In short, the abnormal costs associated with re-use prohibits the re-use of the building.
- 6.22 We would respectfully suggest that the Council acknowledges that demolition of the building would be beneficial to the aims and objectives of the Local Plan. To that end, we seek an amendment to draft Policy ENV2 to make specific reference that the Regal Cinema should be demolished to bring about positive benefits to Bacup Town Centre Conservation Area.

BENEFIT 3 – CONTRIBUTIONS TO THE AIMS OF THE TOWNSCAPE INITIATIVE

- 6.23 The subject site is located within an area identified by the Council as part of the Townscape Heritage Initiative (THI). The THI is a grant scheme funded by the Heritage Lottery Fund (HLF) to refurbish buildings in historic town centres, and includes property improvements, public realm enhancement, skills training and community engagement events. The THI area is shown in Figure 6.4 below:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

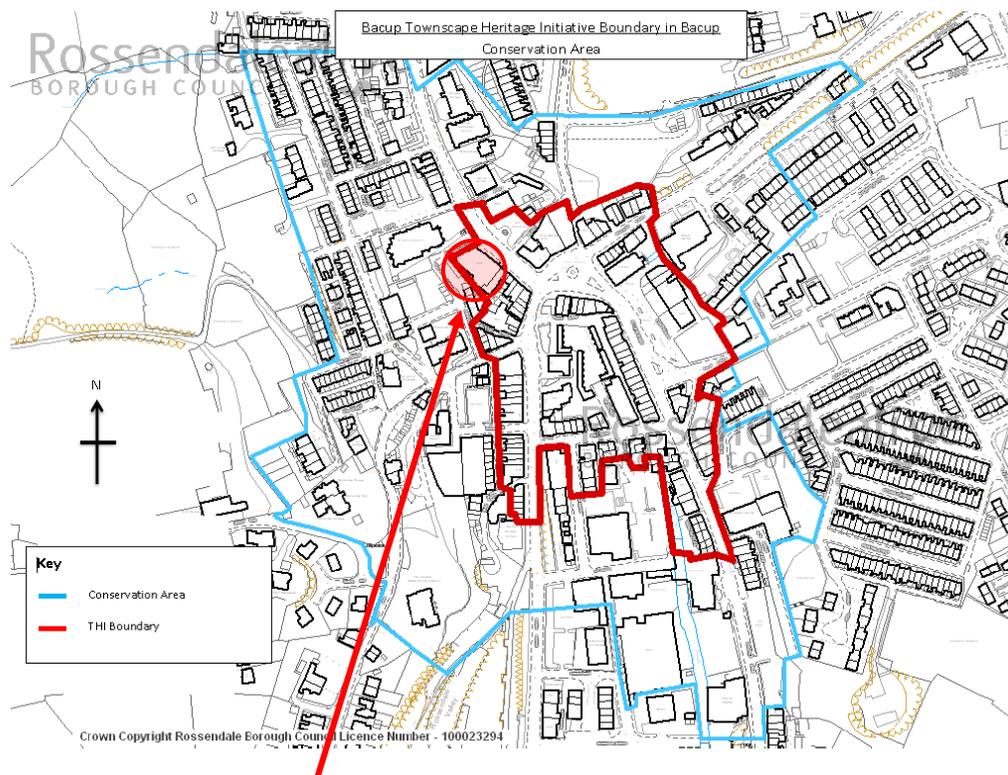


Figure 6.4 Approximate location of subject site (circled in red) located within the THI boundary and Bacup Town Conservation Area.

6.24 The improvements to the Conservation Area brought about by the demolition of the building would sit squarely within the aims of the THI to improve the townscape of Bacup town. As the site is located within the boundaries of an identified area where improvements to the historic townscape are encouraged and there is funding in place to assist landowners, it is considered there is overwhelming evidence to support any scheme which would result in positive impacts on the Conservation Area. As submitted above, the demolition of the Regal Cinema would deliver this.

PROPOSED RETAIL ALLOCATION

6.25 The site is within the Bacup District Centre where retail uses are encouraged and directed to. The Retail Study (refer to Paragraph 4.3 above) notes that there is some capacity in Bacup to continue to serve the future needs of residents for both convenience and comparison goods.

6.26 The site is located at the end of a run of buildings where retail uses can be found at the ground floor. The subject building was last used as a bingo hall, (more than 40 years ago) which indicates that the last use of the site was D2: Assembly and Leisure (according to the Land Use Class Order). All of the Council's evidence base notes that the site is in a commercial use, and Map 7 of the Conservation Area Appraisal includes the site within a commercial frontage where improvements would be welcome. The building has sat vacant and unused for its current use for more than four decades and as the marketing campaign irrefutably indicates, there has been no interest for the building to be reused for the current use, or indeed any other use.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (The Former Regal Cinema, Bacup)**

- 6.27 Therefore, in conjunction with the proposal to demolish the building, on behalf of the landowner, the Representation also requests that the Local Plan be altered so that the subject site be allocated for a retail use. As set out in Chapter 4 above, the whole of the site is located on the edge of, but wholly within, the Bacup District Centre as defined on the draft Policies Map. The site adjoins the end of a parade of retail units, some of which are occupied with others being vacant. In addition, the site is within very close proximity of the Primary Shopping Area (PSA) which is an area designated to the south east of the site, focussed around St James Square.
- 6.28 With the above in mind, a retail allocation for the site known as the Regal Cinema would be wholly appropriate and would comply with the Policies Plan which includes the site within the designated District Centre; the site at the Former Regal Cinema should be allocated for retail in the emerging Local Plan. It is noted that the Local Plan, as currently drafted, does not contain any proposed retail allocations however, the absence of such policy does not preclude from one being included in the document. As such, the following wording is suggested for this unique retail allocation:

The former Regal Cinema, Burnley Road, Bacup

The site of the former Regal Cinema on Burnley Road, Bacup is allocated for retail development. The demolition of the building to facilitate redevelopment will be considered favourably by the Council provided that any planning application is accompanied by a report detailing the structural condition of the building, and a Heritage Impact Assessment as the site is within the Bacup Town Conservation Area. Proposals for retail redevelopment must include details on how the scheme will provide adequate car parking facilities and suitable boundary treatments.

- 6.29 The area to which the policy would relate is edged in red in the Location Plan contained in Appendix 1.
- 6.30 To conclude therefore, a stand-alone Policy should be included in the Local Plan which deals specifically with the proposed allocation of the site for retail use and enables the demolition of the building. At present, Policy R3 (Development and Change of Use in District and Local Centres) does not go far enough to support and secure the retail use of the site. Whilst it is noted that criterion a) states that Planning permission will be granted for A1, A2, A3, and A4 uses which support the role and function of District and Local Centres, it has been shown in this Representation that there is an overriding need to specifically address the future economic use of the subject site.
- 6.31 A specifically defined retail allocation would secure the future use of the site, to the benefit of Bacup District Centre, and in conjunction with the proposed demolition of the existing building, would also result in a positive benefit to the character and appearance of Bacup Town Centre Conservation Area.

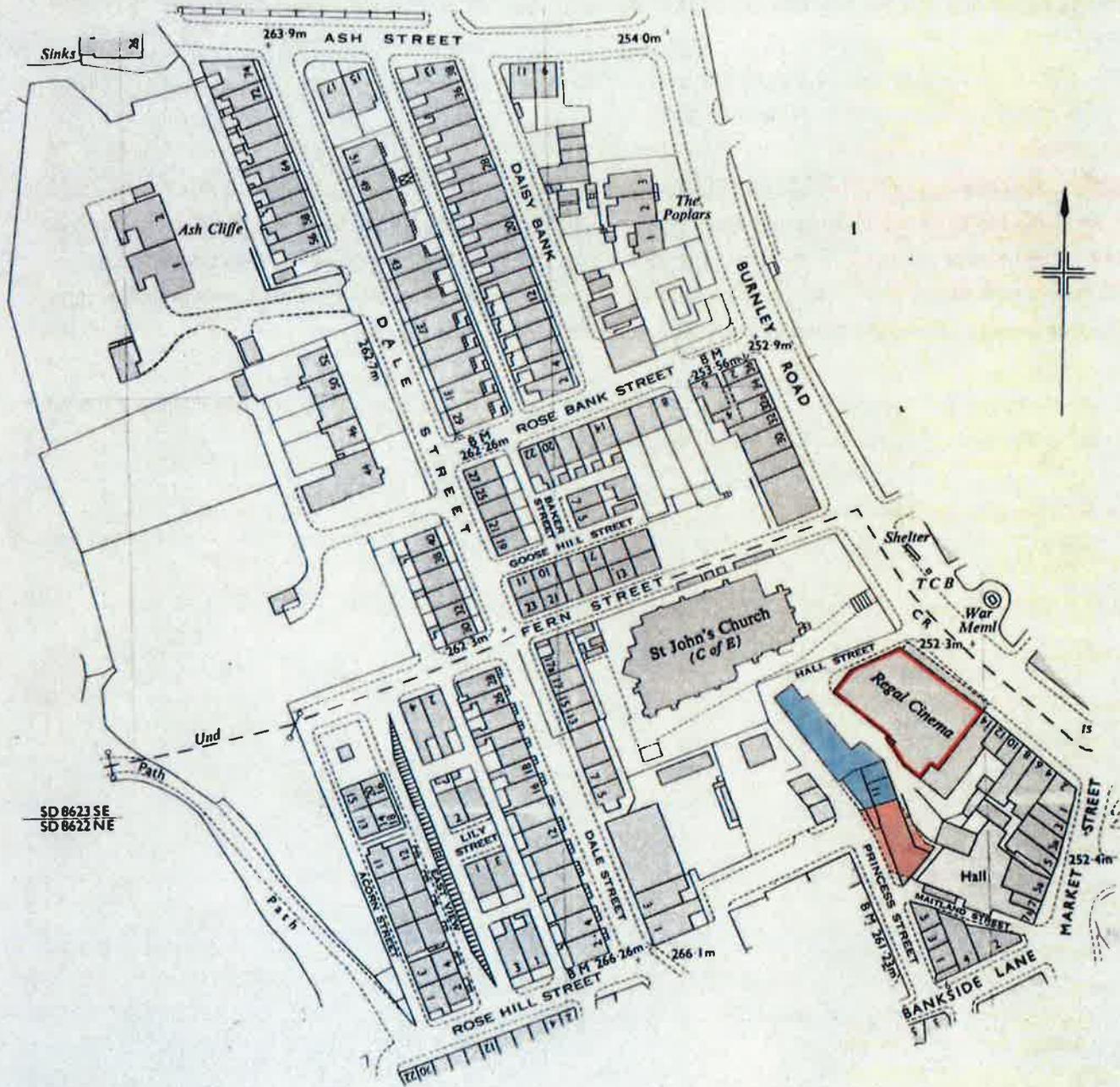
7. CONCLUSIONS

- 7.1 The starting point for consideration of the Council's Local Plan is the well- established principle embodied in Paragraph 158 of the Framework that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 7.2 The Framework is clear at Paragraph 22 that planning policies should avoid the long-term protection of sites allocated for use where there is no reasonable prospect of a site being used for that purpose. Paragraph 160 outlines the importance of local planning authorities having a clear understanding of business needs within the economic markets operating in and across their area.
- 7.3 It has been highlighted in this Representation that the Regal Cinema building has fallen into disrepair over time and since taking ownership, the landowner has made attempts to address the physical state of the building. The building has been vacant for more than four decades and despite a longstanding and credible marketing exercise, the building has not been attractive to any commercial operator. In short, the building is not useable in its current state, and it would not be suitable or viable to make any repairs to the building; the building should be demolished.
- 7.4 The emerging Local Plan should be revised to make specific reference to the building being demolished and the resultant land allocated for retail in the Local Plan. The benefits of this would be two-fold and have been described in this Statement.
- 7.5 Firstly, the removal of a vacant, unused and deteriorated building would result in many positive benefits to the Bacup Town Conservation Area; these are discussed in detail in Chapter 6.
- 7.6 Secondly, the allocation of the site for retail would not only accord with the designation of the site within the Bacup District Centre but would wholly accord with the aims of Strategic Policy R1 of the emerging Local Plan; these are discussed in Chapters 5 and 6.

To conclude therefore, a stand-alone Policy should be included in the Local Plan which deals specifically with the proposed allocation of the site for retail use and enables the demolition of the building.

Appendix 1

H.M. LAND REGISTRY		TITLE NUMBER	
		LA590923	
ORDNANCE SURVEY PLAN REFERENCE	SD 8623	SECTION F	Scale 1/1250
COUNTY LANCASHIRE	DISTRICT ROSSENDALE	© Crown copyright 1984	



SD 8623 SE
SD 8622 NE



Appendix 2

TECHNICAL NOTE

To:	Hourigan Connolly				
Cc:					
From:	Nexus Heritage				
Date	02/10/2018	File Ref:	3420_R01	Issue:	03
Site:	Regal Cinema, Bacup, Borough of Rossendale, Lancashire				

Introduction and Scope

Hourigan Connolly, on behalf of its client (B & E Boys Ltd.) is submitting a Local Plan Representation Statement for the site of the Regal Cinema, Bacup, Borough of Rossendale, Lancashire. In order to inform the Statement Hourigan Connolly has commissioned Nexus Heritage to provide basic reference material and commentary on the historic environment aspects of the site.

The site, retail development of which is being promoted, is within the Bacup Town Centre Conservation Area, but the building which occupies it is not a designated heritage asset, nor is a locally listed building. Given its historic and architectural interest it would, nevertheless qualify as a non-designated heritage asset within the Conservation Area.

Baseline

The site is located to the west of Burnley Road at OS grid reference SD 86790 23025.

The site is within the Backup Town Centre Conservation Area within the Burnley Road Character Area.

Whilst a prehistoric flint arrowhead, a flint scraper and microliths have been found in the Bacup Moor and Knowl Hill area, the settlement of Bacup appears to have late medieval origins within the Forest of Rossendale. It remained a small settlement until the mid-18th century, when the Industrial Revolution resulted in the establishment and growth of textile manufacture, at first at a domestic scale but by the end of the 18th century mechanical cotton and woolen processing became dominant. By the mid-19th century Bacup's population has enlarged dramatically in line with the development of steam-powered cotton mills. The cotton industry began to decline at the end of the 19th century but Bacup maintained a degree of prosperity into the 20th century. The population declined from the 19th century apotheosis and the trend through into the early 21st century is one of decline, especially in the town centre. However, multiple regenerative initiatives have been undertaken, with positive results since the mid-1990s.

Due to very few archaeological investigations within Bacup its archaeological potential remains unproven. No prehistoric, Romano-British or early medieval sites have been recorded within the town centre area. However, documentary evidence dating to the medieval period that structures may have existed around St. James Square. The level of post-medieval and recent development

in the area is likely to have disturbed, if not effectively removed any coherent archaeological remains. However, there is some evidence of settlement in the early 14th century.

Whilst there are no known archaeological remains at the Site the Council receives archaeological advice from the Lancashire Archaeological Advisory Service and this Service is likely to advise that the potential for archaeological remains to be present is unresolved as there is no evidence for a total absence of archaeological remains. However, there is no reason to suppose that archaeological remains, should they be present on the Site would act as a fatal prohibition on development.

With respect to the heritage capital of the built environment the building which occupies the site is the derelict Regal Cinema. This building is an acknowledged non-designated heritage asset which rather confusingly is identified by the Council as a 'positive' building in the Conservation Area but also as 'key negative feature'.¹ The building is in a poor state of repair and there are multiple, historic and on-going fabric failures² including weathering and deterioration to stone joints and pointing, exacerbated by water discharge to external elevations; interior water penetration leading to deterioration to steel-work, timber-work (reported ceiling and floor collapses) brickwork and cast concrete slabs and plaster-work. The roof structure has suffered deflection and collapse to steel components and rafter failure.

It is understood that the cinema was built on the existing building framework of the Bacup Public Hall/Gem Cinema/Kozy Picture House, and extended in height and provided with a new façade.



Undated photograph of the Site prior to the construction of the Regal Cinema

¹ Rossendale Borough Council, 2011, *Bacup Town Centre Conservation Area Character Appraisal and Management Proposals Plan*.

² Michael Pooler Associates Ltd., 2018, *Engineering Report 6234, Former Regal Cinema, Burnley Road, Bacup*.

The Regal Cinema opened in September 1931 as the New Regal Super Cinema to a restrained (and no doubt economical) Art Deco design by local architect Harry Cropper. It is constructed of stone with white faience tile cladding to the front façade. Above the modest entrance there was a four-light window, illuminating the circle foyer, with the upper two lights, at least incorporating decorative stained-glass motifs. The circular and square shields on the front elevation originally exhibited the word 'Regal' (one letter in each shield) but this has been changed to bingo. Above these shields there is a decorative band with a stylised Greek Key, picked out in cyan/turquoise paint above the four-light window, but the remainder of the band takes the form of vertically channeled tablets reminiscent of the triglyphs found on the Doric frieze in classical architecture. However, there is no alternating metope and the vertical grooves are in sets of three, with the raised meroes picked out in cyan/turquoise paint, giving the impression of a quatrolgyph. Above the decorative ban is a parapet wall in the centre of which is a plaque (which may or may not once have contained lettering) again, picked out in cyan/turquoise.

The cinema was taken over by the Leeds based Star Cinemas chain in the late 1950s but ceased to operate as a cinema by the late-1960's and converted into the New Embassy Bingo Club. It was later operated as the Roxy Bingo Club which closed in the late 20th century.

There are three listed buildings in proximity to the site. The site lies to the south-east of the Listed Buildings of St. John's Church (NHL ref. 1163184), the War Memorial in the church yard (NHL ref. 1451248) and to the south-west of the Bacup War memorial (NHL ref. 1451247).

Legislative Framework, National Planning Policy and Local Planning Policy

With respect to the cultural heritage of the built environment the *Planning (Conservation Areas and Listed Buildings) Act 1990* applies. The Act sets out the legislative framework within which works and development affecting listed buildings and conservation areas must be considered. This states that:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (s66(1))

"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 subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." (s72(1))

The Council would therefore be obliged to have *special regard* and *pay special attention* as per its statutory duty.

Conservation Area Consent was previously needed to demolish unlisted buildings in Conservation Areas. However, the *Enterprise and Regulatory Reform Act 2013* abolished this requirement but planning permission will be required for "relevant demolition", which includes unlisted buildings in conservation areas. It is a criminal offence to demolish an unlisted building in a conservation area in England without obtaining planning permission beforehand.

The place of historic environment assets within the planning system is informed by the *National Planning Policy Framework* (NPPF), the current version of which was issued in July 2018. Various policy provisions for the conservation and enhancement of the historic environment are provided at paragraphs 184-202. It should be noted that any identified impact upon heritage assets (including archaeological assets) must be considered against development plan policy unless material considerations indicate otherwise. The 2018 NPPF is a material consideration, but it doesn't outweigh Core Strategy policy unless that policy doesn't conform to the NPPF.

At the local level the policy provision is provided by the *Core Strategy Development Plan Document: The Way Forward (2011 - 2026)* published by the Council. Policy 16: *Preserving and Enhancing Rossendale's Built Environment* would be engaged during determination of any planning application to develop or redevelop the Site.

Commentary

With respect to known and potential heritage assets there are no known prehistoric, Romano-British or medieval remains within the site. However, such remains are known to be difficult to predict or exclude and this is particularly true of locations with little or no previous archaeological investigations. However, the site will have been subjected to ground disturbance for the construction of the building which currently occupies it and those which occupied it prior to that construction. The possibility of disturbing archaeological remains pre-dating the later post-medieval period is uncertain, and the significance of any archaeological remains which may be present is unknown. Nevertheless, the possibility of coherent archaeological remains at the site is very low if not negligible. The archaeological potential of the Site is a material consideration but there is no reason to suppose that such potential represents an irredeemable constraint on development.

The severe deterioration to the interior means that there is no coherent survival of any original internal architectural features and therefore the preservation of interior features is untenable. The dilapidation to the structural fabric is advanced to such a state that reinstatement of structural integrity would be economically unviable. Viable development of the site would require the demolition of a 20th century structure identified as a non-designated heritage asset within a Conservation Area. There is no known statement of significance for the Regal Cinema and there is no available detailed heritage condition survey so its exact heritage value is not precisely resolved. However, a structural survey has confirmed the multiple structural defects and material decay. It should be noted that the physical condition of a heritage asset can affect its heritage value. The on-line NPPF planning practice guidance (<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>) notes that disrepair and damage and their impact on the viability of a heritage asset can be a material consideration in deciding an application.

The mass of the Regal Cinema is somewhat at odds with the surrounding structures and this, combined with its impoverished appearance means that it does not compete sensitively with the Church of St. John the Evangelist and acts as a visual detractor within the Conservation Area.

There is no statutory or policy provision (national or local) which prohibits the demolition of the existing building and redevelopment of the site.

Statutory provisions would be engaged to ensure that the Council pays special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and

special regard is had to the desirability of preserving the setting of any listed building development on the site would affect.

The demolition of the building which occupies the Site would require planning permission as the building is within a Conservation Area.

In response to any planning application to redevelop the site and/or undertake demolition of the cinema building, under local policy the Council would be required to protect, conserve, preserve and enhance Rossendale's historic built environment and their settings. However, the locally applicable policy allows necessary loss of heritage assets so long as appropriate mitigation of impacts is undertaken. Therefore there is no local policy which prohibits the demolition of the cinema building. This balanced approach is consistent with NPPF which requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. NPPF also notes that the LPA can require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. This equates to the local policy requiring appropriate mitigation of impacts to heritage assets.

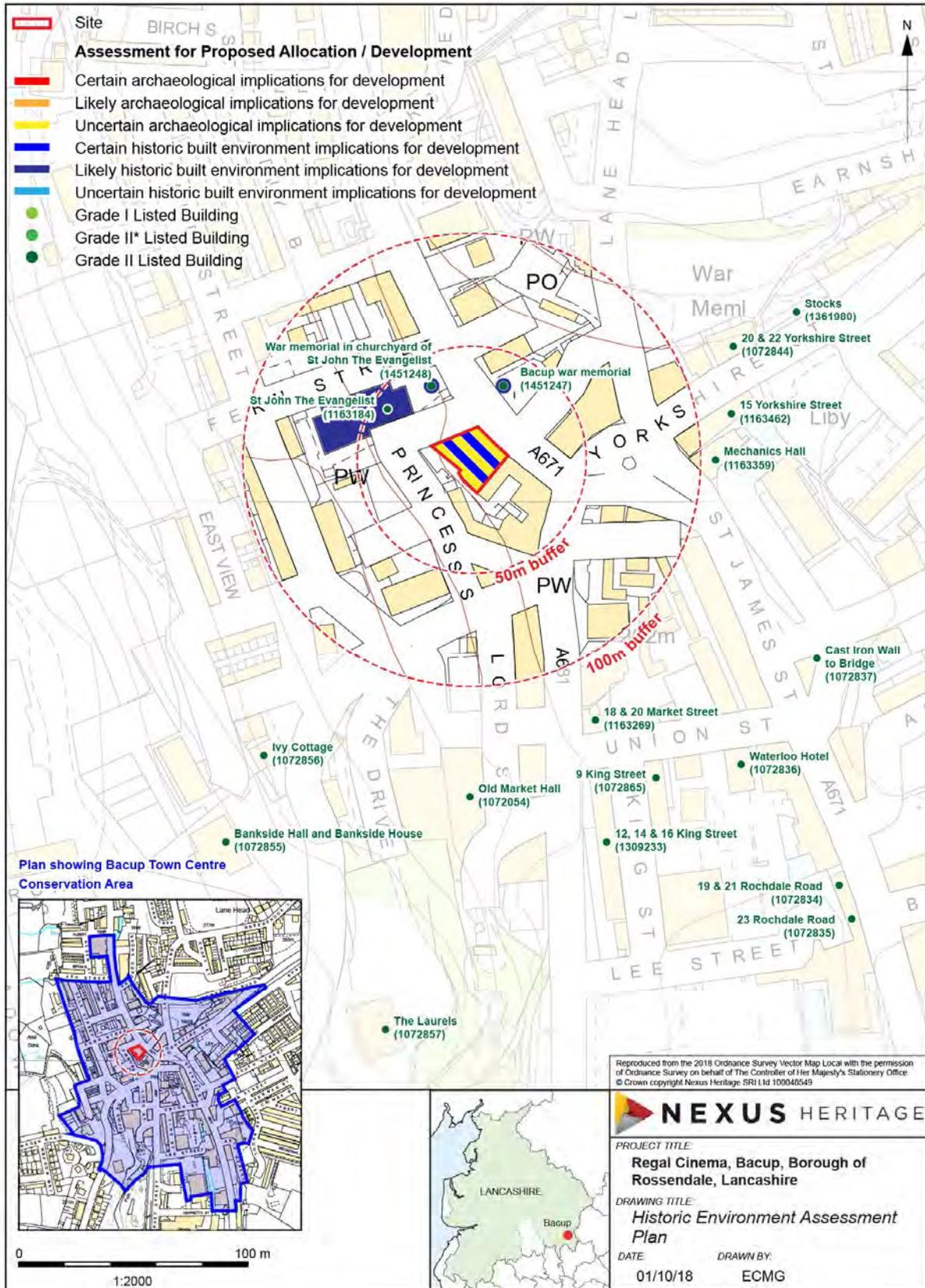
Under both local and national policy there is no provision which prohibits the demolition of the cinema building and therefore there is no reason not to consider the site for allocation or to deny the submission of an application to redevelop it.

Under local policy the Council would ensure that development at the Site respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context, would be of a high standard of design, reinforcing the local distinctiveness of Rossendale, would encourage innovative design where it responds to the character, scale and setting of historic buildings and areas and would support appropriate, considerate and sensitive redevelopment.

The Council's consideration of the setting of historic buildings finds a resonance in NPPF which requires the Council, under the policy provisions of NPPF, to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail would be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The Council would take into account the nearby designated heritage assets, including, but not necessarily limited to St. John's Church, the War Memorial in the church yard the Bacup War memorial (Listed Buildings). Any harm to, or loss of, the significance of these heritage assets arising from development within their settings should require clear and convincing justification. A mid-20th century cinema building has no functional or historic relationship to the Church, or either of the War Memorials and so the fact of the Cinema's presence in the settings of these designated heritage assets does not contribute positively to their respective significances and its current expression actually undermines their significances. Therefore, the replacement of the cinema with a building of high design standard which reinforces the local distinctiveness of Rossendale would not harm the significances of any listed building and so the listed buildings would not act as a fatal deterrent to redevelopment of the site.



Under NPPF the Council would be required to consider the impact of a proposed development on the significance of St. John's Church, the War Memorial in the church yard the Bacup War memorial in a weighted framework whereby the assets' conservation is given emphasis irrespective of the degree of harm to significance. The removal of the Regal Cinema building and appropriate redevelopment of the Site, taking into account the sensitivities of the location, would not be detrimental to the conservation of St. John's Church, the War Memorial in the church yard the Bacup War memorial.



Appendix 3

Delegated Case	Case Officer	
Date for Decision	24 June 2009	

Application No. 2009/222

Proposal : Part demolition of building and making-good of gable of 14 Burnley Road

At: Former Regal Cinema, Burnley Road, Bacup

1. SITE

The application relates to the long-vacant, and increasingly dilapidated, former Cinema building fronting Burnley Road, near to St James's Square.

Erected in 1931, the building exceeds in height the 2-storey terraced building attached to it on the east side. Whilst its front elevation is faced with grey terracotta tiles, and appears to be flat-roofed, its other elevations are stone-faced.

The site lies within the area of Bacup Town Centre, as designated in the Rossendale District Local Plan. Although not a Listed Building, it occupies a prominent position on a main road frontage within the Bacup Town Centre Conservation Area and is of such size as to be a local landmark.

2. HISTORY

None.

3. PROPOSAL

The applicant advises that they own most of the traditional stone/slate properties extending between the application building and Market Street and have recently under a refurbishment of them that has greatly improved the letability and appearance.

The Cinema building was acquired by them in June 2007. It has reached the end of its commercial life in both functional and refurbishment terms and partial demolition is essential as first step towards long-term treatment of the site.

The application seeks Conservation Area Consent for the following works :

1. Removal of the roof
2. Removal of the upper part of the walls by approximately 2m, to a band-course in the frontage tiling.

3. Making-good of the exposed gable of 14 Burnley Road, entailing construction of an outer-leaf in matching stone, brick or render.
4. Formation of 3.5m wide doorway in the western gable, to be gated.

The application is accompanied by a Supporting Statement; short statement on the buildings History/Condition, with accompanying photographs; and an Engineering Report.

4. CONSULTATION RESPONSES

LCC (Archaeology)

No objection

LCC (Highways)

No objection

RBC (Building Control)

It makes the following comments :

- The report from M Pooler and Associates is a general structural appraisal of the overall condition of the building and does not indicate how the building will be left in a safe condition
- The report mentions final details would be required with regard to wall restraints to the front and rear elevations; no details appear to have been submitted.
- No details of how the exposed wall tops will be capped to prevent water ingress into the masonry and preventing masonry from falling into the footpath have been provided.

I would suggest a structural report be requested detailing how the remaining structure will be stabilized following the removal of the roof and, I assume, some if not all of the internal structure.

This building is in a prominent position with the building line directly on the back of pavement. As such, the safety of pedestrians using Burnley Road must be taken into account when the roof is removed leaving the possibility of four walls remaining with little or no lateral restraint.

RBC (Regeneration)

The building is redundant and in serious disrepair. The site is identified for economic use and has the potential to attract funding from the NW Regional Development Agency to provide high-quality office space. Being in a prominent position within the Conservation Area, for which a character appraisal is now nearing completion, what happens to the site will be important for the Bacup Square Project and any Townscape Heritage Initiative.

5. NEIGHBOUR NOTIFICATION RESPONSES

To accord with the statutory notification requirements the applicant served Notice of the application of the owners of the attached building and the

Council has given it publicity by way of a press notice, site notices and 35 letters were sent to neighbours.

No responses received.

6. POLICY CONTEXT

National

PPS1

PPG15

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP1-9 Spatial Principles

RDF1 Spatial Priorities

EM1 Environmental Assets

Rossendale District Local Plan (1995)

DS1 Urban Boundary

HP1 Conservation Areas

DC1 Development Criteria

DC4 Materials

Other Policy Considerations

LCC Bacup Historic Towns Assessment Report (2006)

RBC Core Strategy

RBC Draft Bacup, Stacksteads & Britannia AAP

7. ASSESSMENT

The main issue in the consideration of this application is the requirement of S.72 (1) of the T&CP (Listed Buildings & Conservation Areas) Act 1990, which states that :

“in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of the [Act], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Whilst the application building is of somewhat dilapidated appearance, and is not of the design/facing materials to accord with the majority of the surrounding properties, it nevertheless forms a prominent feature of the Bacup Town Centre Conservation Area. Accordingly, it would be inappropriate to grant consent for removal of the roof/upper part of walls without a proper case having been made for those works and being sure that the building is not being left in a condition where further deterioration may occur in advance of a longer-term solution being developed for the building/site.

The Agent was asked to submit further information to address the concerns raised by the Council's Building Control Section. In response the Agent has responded as follows :

“Following your request for a stability report on the former Regal Cinema post partial demolition our assumptions as to its integrity have been proved wrong notwithstanding the mass and substantial nature of the structure. Please read below.

We have attended on site with Michael Pooler and looked at various options that would see the roof removed and the perimeter upper wall made good but the cost of shoring etc is likely to be around £15,000 and possibly much more. As this will only be a short term measure at a time when we are seeking to minimise abortive costs I would like to revisit with you full demolition save for retaining the perimeter wall for security and as a screen at a height of say 2-2.25m.

The need to start work on the building is essential before the onset of winter and I would welcome comment as to whether you will be able to support an amended Application as above.

I feel we should meet with Mick Nightingale before withdrawal [of the current application]. I await his call to set up an early meeting.”

The Agent has not submitted the information to address the concerns expressed by the Building Control Section. However, they say that further investigations of structural stability have established a need to undertake a scale of demolition that goes far beyond that proposed by the current application and consulted upon. I consider such a fundamental change to the proposal would need to be the subject of a new application, and accompanied by the appropriate drawings and reports.

Having regard to the above, I have concluded that the current application should be refused as the Agent has declined to withdraw it.

8. RECOMMENDATION

Conservation Area Consent be Refused

REASON

Section 72 (1) of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires that in the determination of this application the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of the Bacup Town Centre Conservation Area. Whilst the application building is of somewhat dilapidated appearance, it nevertheless is of substantial size and makes a positive contribution to the character and appearance of the conservation area, being a prominent feature of the street-scene of Burnley Road (A671).

The case has not been made for the removal of the roof/upper part of walls, which will be harmful to the character and appearance of the building and Conservation Area. Furthermore, it would be inappropriate to grant consent for the demolition works proposed in the absence of proposals for the long-term treatment of the site/building and details of how, in the interim, the remaining structure will be stabilized following the removal of the roof/upper part of walls.

CASE OFFICER.....**DATE**:.....

PRINCIPAL PLANNING OFFICER.....**DATE**:.....

Appendix 4

ENGINEERING REPORT 6234

**FORMER REGAL CINEMA
BURNLEY ROAD
BACUP**

CLIENT: B & E BOYS

22.01.18 MP/AB



1.0 INTRODUCTION

The purpose of this report is to comment on the existing structural condition of the above property following inspection by others raising possible areas of structural irregularity.

We have not inspected parts of the property or defects that are not relevant to the instructions unless noted in this report. Our visual inspection is subject to reasonable access being available. We shall only report upon structural defects that materially affect the stability of the property and provided that these defects are reasonably detectable at the time of our inspection.

We have not inspected any woodwork or other parts of the structure which are covered, unexposed or inaccessible and we are therefore unable to report that any such part of the property is free from defect. Such unexposed parts may contain problems and you would need to make special arrangements for these areas to be investigated if you require confirmation about their condition.

Unless specifically mentioned no inspection of the roof has been carried out.

2.0 PREAMBLE

The property is a two storey former Regal Cinema fronting on to Burnley Road, Bacup, constructed in a steel framed end support completed with terracotta facing on the front elevation and natural stonework on the right hand aspect. (Photograph 70)

The building is aligned on an approximate North/South orientation with the front elevation having a predominantly Eastern aspect, occupying a level site located on the left hand party wall with 14 Burnley Road, the roof line of the subject property projecting above the lower roof by a height in the order of 4 metres.

The unit is constructed on a slight Eastern facing slope extending for a frontage in the order of 26 metres.

The Eastern flank wall follows a skew alignment on plan to conform with the highway to the rear of the premises, the full depth of the construction in the order of 20 metres.

The original roof is a mixture of blue slated pitched roof and repaired mineral felted flat roof construction. (Photograph 07)



3.0 ROOF

- 3.1 The roof to the main building body is a hipped construction completed with large section blue slates.
- 3.2 High level access was limited to the front elevation only confirming isolated loose tiles, some historic overpainting, with some deterioration towards the left hand (South Eastern) hip on the adjoining flat roof construction. (Photographs 01, 02, 03, 04, 05, 06, 01)



4.0 FRONT ELEVATION

- 4.1 The front elevation is completed with three number original entrances with the original entrance doorway on the left hand (Southern) aspect together with two former exists on the right hand (Northern) aspect with inset rendered panels (three number) on an enlarged terracotta plinth.

- 4.2 The main elevation is completed in original terracotta facing with terracotta faced pilasters (seven number) beneath a frieze detail with a 2 metre high parapet wall. (Photograph 70)



5.1 SOUTHERN ELEVATION

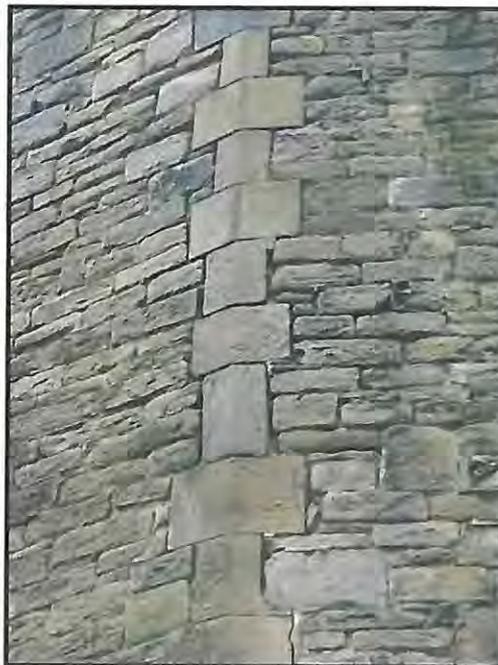
- 5.1 The Southern flank wall projects above the party wall with 14 Burnley Road, a height in the order of 3 – 4 metres, following a stepped profile.
- 5.2 The wall is faced in randomly coursed stonework, the pointing in poor condition, with the retention of two former window openings framed with natural stone heads, cills and jambs.
- 5.3 On the return upstand (Eastern facing) completed in common brickwork, severe spalling is evident to the wall and whilst no detailed inspection was made at wall plate level deterioration and some historic movement is evident.
- 5.4 The vertical alignment appears reasonable.

6.0 NORTHERN ELEVATION

- 6.1 The Northern elevation extends for a length in the order of 10 metres with a skew return on the North Eastern corner incorporating dressed stone quoins. (Photographs 13, 14)



- 6.2 Weathering and deterioration is evident to the skew quoin stonework with joint losses in the order of 10 – 20 mm. (Photograph 15)



7.0 REAR ELEVATION

- 7.1 The rear elevation is completed in randomly coursed stonework incorporating two single storey outshoots and lean-to constructions on the right hand (South Western) corner. (Photographs 16, 19, 20)
- 7.2 Weathering and loss of pointing is evident exacerbated by random discharges down the rear wall. (Photographs 17, 18)



8.0 INTERNAL INSPECTION

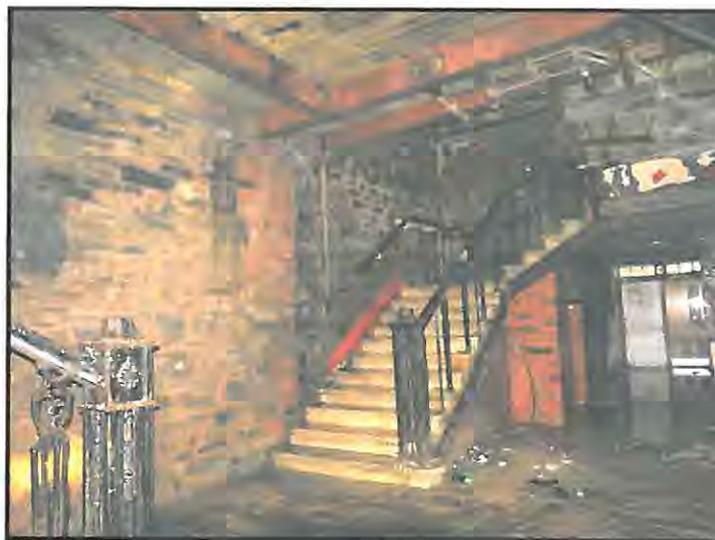
- 8.1 The entrance is located on the left hand front corner, the Southern gable located on the party wall with No 14 Burnley Road. (Photograph 68)



- 8.2 Water penetration is evident to the whole of the ground floor entrance with severe deterioration to the steelwork and ancillary suspended timber floor above. (Photographs 25, 26)

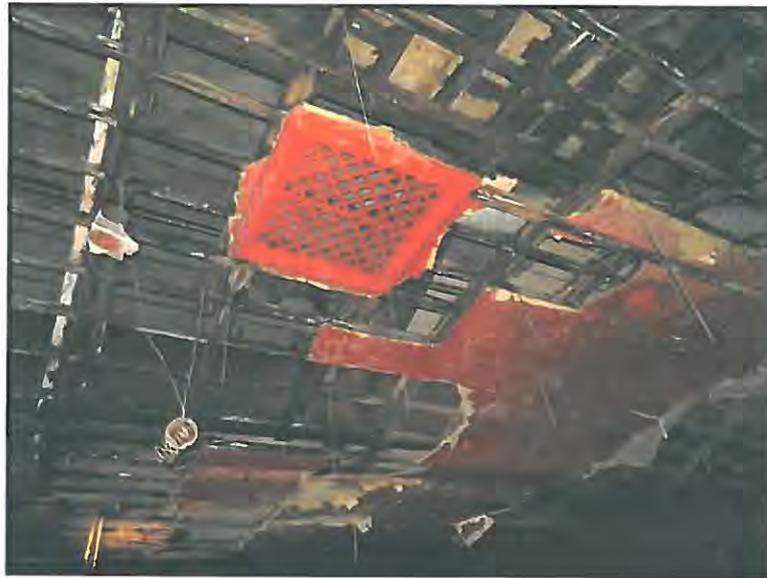


- 8.3 Deterioration to the inner brickwork walls, and concrete slab sections beneath the stairs is also evident. (Photograph 27, 28)
- 8.4 Access to the main foyer is via a flight of four steps leading to the main entrance to the cinema at ground floor level with matching dog-legged staircases leading to the gallery to both the front and rear elevations. (Photographs 29, 30, 31)



- 8.5 The staircases are of reinforced concrete construction with a proprietary mosaic finish, with a metal balustrade to which rusting is evident.
- 8.6 Deterioration is evident to the ceiling construction to both steelwork and suspended floor construction.
- 8.7 The main cinema body extends for depth in the order of 18 metres with an inclined aisle from the Southern entrance foyer.
- 8.8 The underside of the first floor balcony follows a radial profile formed with a mixture of structural steelwork and timber, originally overlain with a plaster finish.

- 8.9 Severe deterioration to the steelwork, timber and plaster has occurred with severe water penetration throughout. (Photographs 35, 36, 37)



- 8.10 The ground floor to the main cinema is of suspended floor construction and dwarf walls and overboarding has been carried out to the upper section from the foyer down to the main theatre. (Photograph 38)



- 8.11 On the inside face of the external walls (rear West and front East) the vertical profile is reasonable although obvious deterioration is evident to the wall surfaces. (Photograph 39)
- 8.12 Deterioration and collapse of the main ground floor (suspended) is evident and safe access is limited to the Southern section of the theatre. (Photograph 44)
- 8.13 Miscellaneous debris from the ceiling and wall structures is evident throughout the main cinema and out-rooms. (Photographs 45, 46, 47, 48)



- 8.14 Access to the first floor balcony is via a staircase on the rear elevation. (Photograph 52)



- 8.15 The staircase to the front section is still present but considerable debris is evident in the upper section. (Photographs 49, 50, 51)
- 8.16 At upper balcony level total collapse of the ceiling to the main cinema has occurred with considerable light and water penetration, particularly through the rear roof slope. (Photographs 55, 56)



- 8.17 Some slating is evident on the rear Southern roof with deterioration to the main structural steelwork and continuing collapse of the rafter sub structure. (Photograph 57)



- 8.18 The carcassing for the roof is clearly evident with continuing deterioration to the main steelwork and ancillary timber members. (Photograph 58)



- 8.19 On the rear elevation the lean-to roof to the toilets has been stripped with considerable deterioration to the internal aspect. (Photographs 65)

CONCLUSIONS

- 1 The deterioration identified in our report of 2009 has increased. Water ingress is evident through the majority of the roof structure, ensuring continuing deterioration and collapse of any timber elements (roof carcassing and floor supports) together with rusting to the exposed steel elements.
- 2 None of the original architectural features are present or capable of preservation and with the exception of the perimeter walls there are no elements of construction which could be economically saved.
- 3 We consider that given the severe state of dilapidation it would serve little purpose to carry out inspections to identify the full scope of deterioration. This is clearly evident even to the most cursory inspection.

Michael Pooler M.Sc.,C.Eng.,M.I.C.E.,F.Cons.E.

PHOTOGRAPH LIST

- 01 Front roof slope, South East
- 02 Front roof slope, North East
- 03 Central roof section, front elevation
- 04 Not used
- 05 South Eastern hip
- 06 North Eastern slope
- 07 Slate damage to hip
- 08 Not used
- 09 Not used
- 10 Not used
- 11 Not used
- 12 Not used
- 13 Northern elevation
- 14 North Western return wall
- 15 Loss of pointing to quoin detail
- 16 Rear elevation from North West
- 17 Loss of pointing
- 18 Weathering to pointing
- 19 Rear elevation
- 20 Rear toilet block
- 21 Not used
- 22 Not used
- 23 Not used
- 24 Not used
- 25 Entrance foyer – deterioration to steel and timber
- 26 Entrance foyer – deterioration to steel and timber
- 27 Stairs storage, Southern gable
- 28 Access stairs to ground floor foyer
- 29 Stairs to main foyer
- 30 Stairs adjoining Southern gable
- 31 Stairs to balcony foyer, rear
- 32 Rear stairs looking East – West
- 33 Not used
- 34 Not used
- 35 Balcony ceiling collapse
- 36 Balcony ceiling collapse
- 37 Balcony ceiling collapse
- 38 Ground floor deterioration
- 39 Internal face to rear wall (North West)
- 40 Not used
- 41 Not used
- 42 Elevated stage, Northern elevation

- 43 Internal face, front elevation (North East)
- 44 Deterioration and floor collapse
- 45 Rear South Western section front entrance foyer
- 46 Ceiling collapse debris
- 47 Ceiling collapse debris
- 48 Former services room (Southern gable)
- 49 Staircase, front elevation (South East)
- 50 Upper stairs (not accessed)
- 51 Stairs to first floor balcony
- 52 Stairs, first floor rear
- 53 Balcony looking to stage
- 54 Deterioration to main ceiling
- 55 Roof voids, South East
- 56 Roof voids, South East
- 57 Roof collapse, rear (Southern) slope
- 58 Ceiling collapse and steel exposure
- 59 Not used
- 60 Ceiling to front Northern aspect
- 61 Ceiling collapse
- 62 Ceiling collapse
- 63 Steel corrosion and timber roof
- 64 Steel corrosion and timber roof
- 65 Toilets, rear elevation
- 66 Ground floor foyer viewed from rear stairs
- 67 Ground floor foyer viewed from rear stairs
- 68 Front elevation, South East
- 69 Front elevation, North East
- 70 Front elevation



01 Front roof slope, South East



02 Front roof slope, North East



03 Central roof section, front elevation



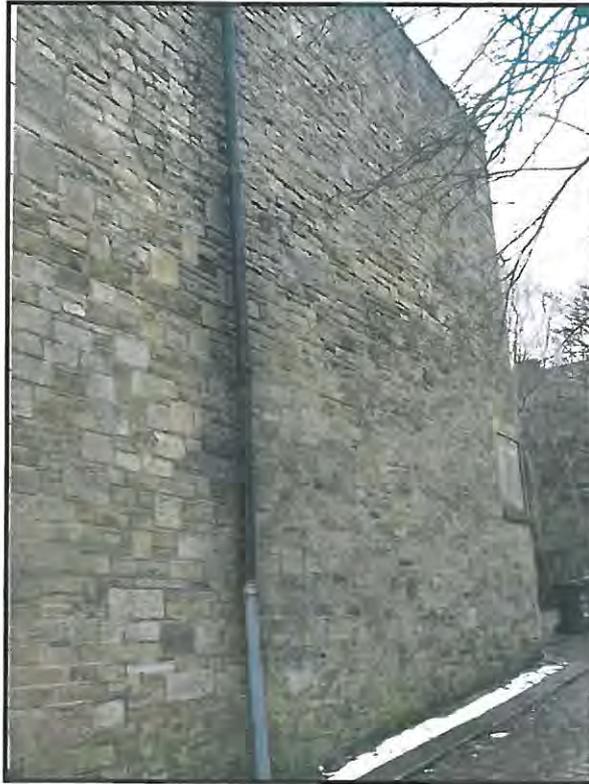
05 South Eastern hip



06 North Eastern slope



07 Slate damage to hip



13 Northern elevation



14 North Western return wall



15 Loss of pointing to quoin detail



16 Rear elevation from North West



17 Loss of pointing



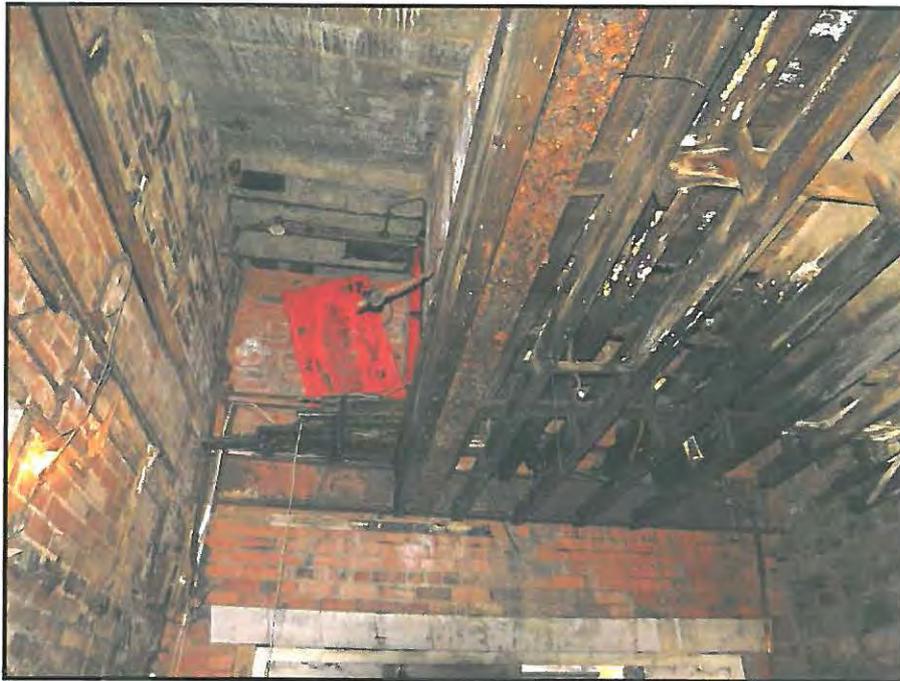
18 Weathering to pointing



19 Rear elevation



20 Rear toilet block



25 Entrance foyer – deterioration to steel and timber



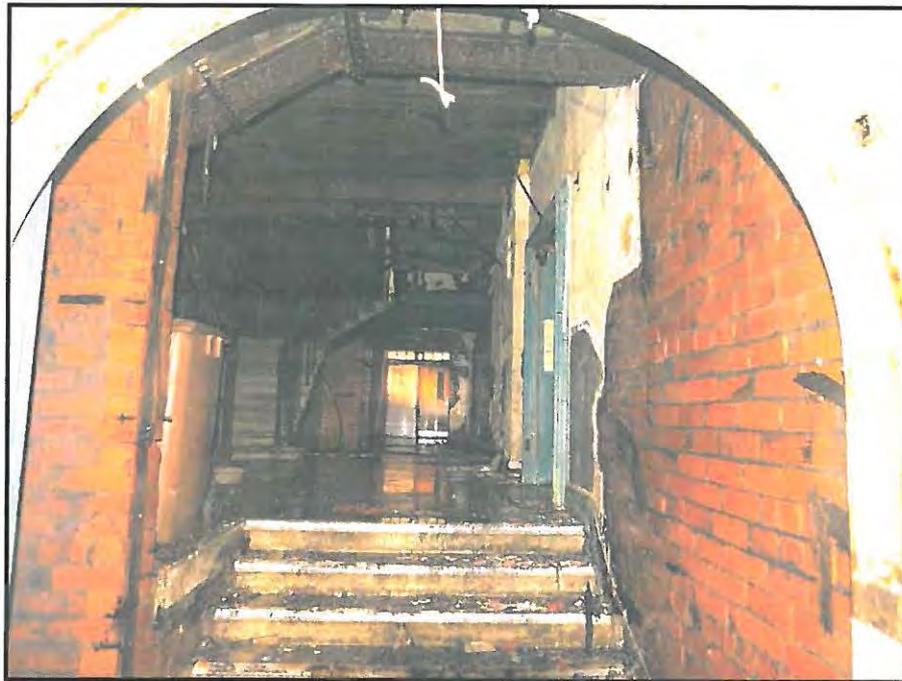
26 Entrance foyer – deterioration to steel and timber



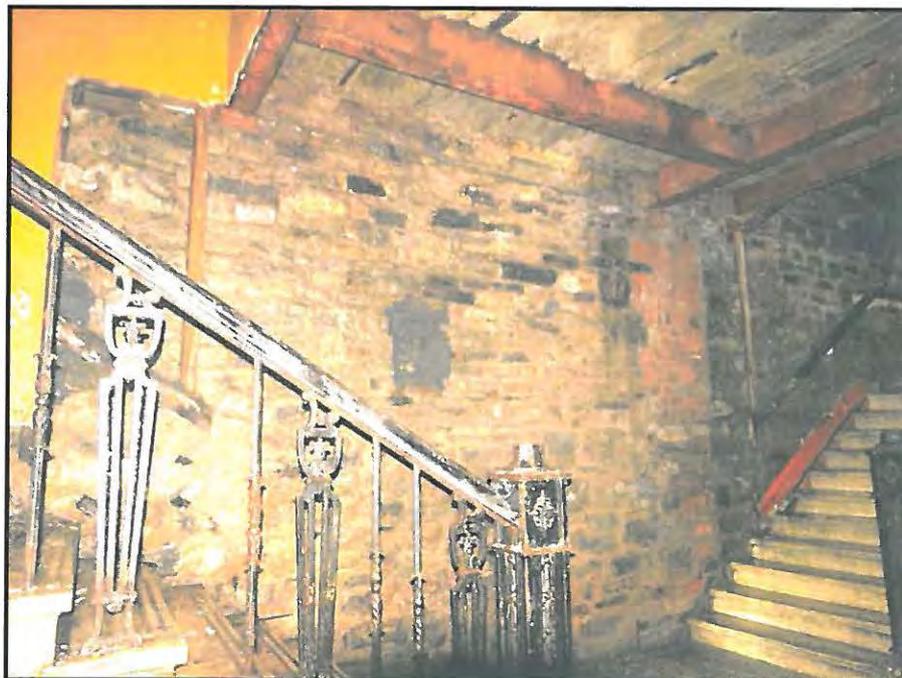
27 Stairs storage, Southern gable



28 Access stairs to ground floor foyer



29 Stairs to main floyer



30 Stairs adjoining Southern gable



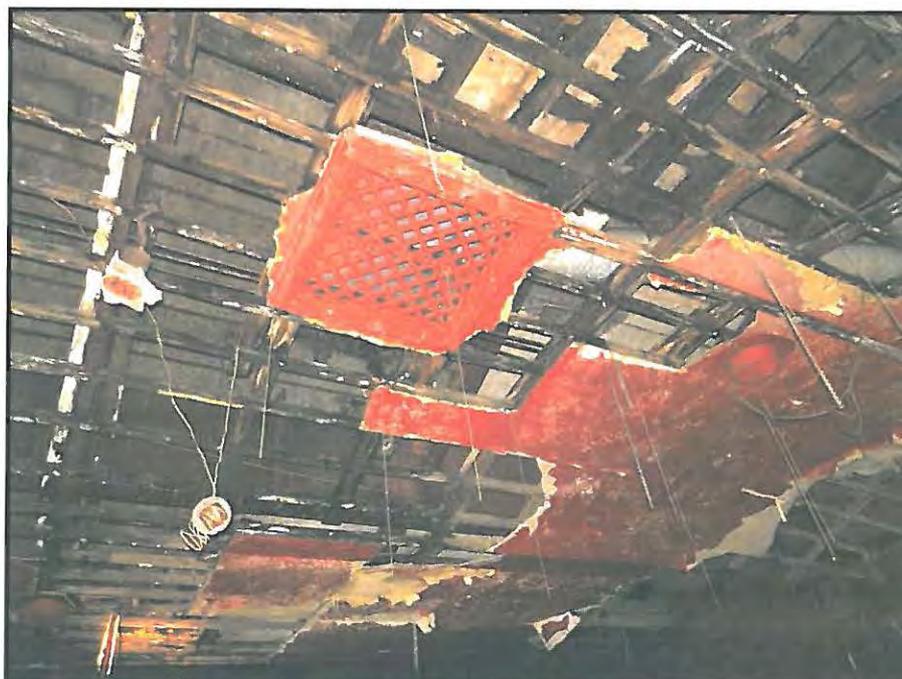
31 Stairs to balcony foyer, rear



32 Rear stairs looking East – West



35 Balcony ceiling collapse



36 Balcony ceiling collapse



37 Balcony ceiling collapse



38 Ground floor deterioration



39 Internal face to rear wall (North West)



42 Elevated stage, Northern elevation



43 Internal face, front elevation (North East)



44 Deterioration and floor collapse



45 Rear South Western section front entrance foyer



46 Ceiling collapse debris



47 Ceiling collapse debris



48 Former services room (Southern gable)



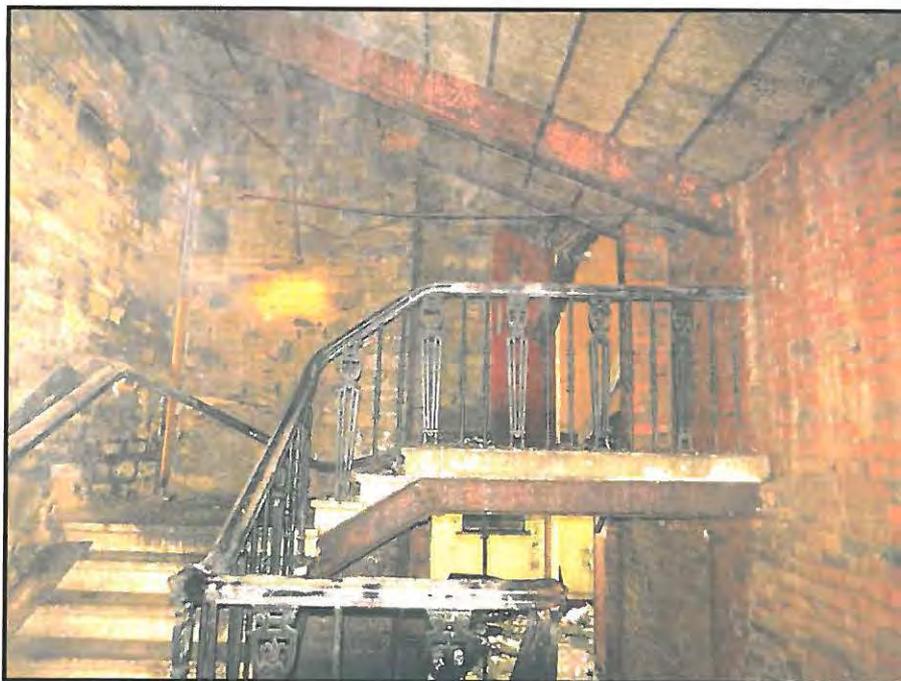
49 Staircase, front elevation (South East)



50 Upper stairs (not accessed)



51 Stairs to first floor balcony



52 Stairs, first floor rear



53 Balcony looking to stage



54 Deterioration to main ceiling



55 Roof Voids, South East



56 Roof voids, South East



57 Roof collapse, rear (Southern) slope



58 Ceiling collapse and steel exposure



60 Ceiling to front Northern aspect



61 Ceiling collapse



62 Ceiling collapse



63 Steel corrosion and timber roof



64 Steel corrosion and timber roof



65 Toilets, rear elevation



66 Ground floor foyer viewed from rear stairs



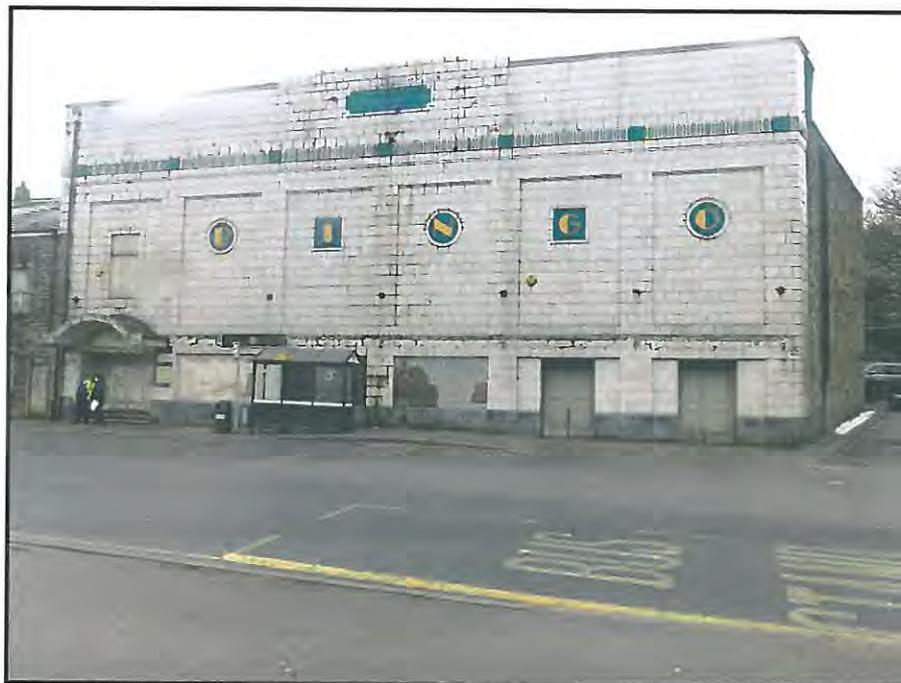
67 Ground floor foyer viewed from rear stairs



68 Front elevation, South East



69 Front elevation, North East



70 Front elevation

MICHAEL POOLER ASSOCIATES LIMITED

Tel:

Email:



DATE OF INSPECTION: 22.01.18

REPORT NUMBER: 6234

ENGINEERING REPORT: Former Regal Cinema, Burnley Road, Bacup

PREPARED BY:

Michael Pooler
M.Sc., C.Eng., M.I.C.E., F.Cons.E.

Partner

Signed: _

-

CHECKED BY:

Andrew Pooler
B.Eng.(Hons). M.Eng. C.Eng. M.I.Struct.E.

Partner

Signed: -

—



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Appendix 5

Directors:
Caroline E. James BSc (Hons) MRICS
Peter Conroy BSc (Hons) MRICS IRRV
Michael J. Cavannagh BLE (Hons) MRICS
Jason B. Rawson BSc (Hons) MRICS
Ian C. Whiteside BSc (Hons) FRICS FCABE



2nd October 2018

Mr. M. Boys
B & E Boys Limited
Todd Carr Road
Waterfoot
Rossendale
BB4 9SJ



BURNLEY | 01282 458007
The Portal, Bridgewater Close.

MJC/SR

E:mail:

Dear Michael

BURNLEY ROAD BACUP

With reference to our recent discussions I am pleased to provide you with an overview in respect of marketing the above site on your behalf.

The building was purchased by B & E Boys in 2007 and when purchased the building was empty. The building has been empty since it was acquired.

B & E Boys marketed the site inhouse through their extensive range of agent and occupier contacts in the North West of England and instructed our practice to become involved in January 2015 to assist and provide further advice with regard to the marketability of the site.

Trevor Dawson Limited have considerable experience with regard to the marketing of opportunities such as this and have sold or let sites to many National and regional occupiers. It is evident over the last few years that opportunities such as this have been subject to a number of significant challenges and interest is not at levels previously experienced up to 2007.

We marketed the site by way of targeted mailing and discussions with the type of occupier who would take such a large property in a town centre location. Details were also circulated to a data base of agents in the North West of England and also to end users who in our view would consider the opportunity an appropriate location for their operational purposes.

Due to the condition of the property however many occupiers have been put off by the opportunity. The buildings are unsuitable for modern retail and leisure users who require open plan opportunities with parking and service areas for unloading.

The feedback has been that due to the abnormal costs in fitting out the accommodation for modern purposes this prohibits the buildings being occupied by occupiers who now prefer new build opportunities.

Further mailing campaigns are being undertaken on a regular basis and the property remains on the market however there is no serious interest in the buildings at the time of writing.

In conclusion I am of the opinion that despite our marketing efforts the buildings as they stand are not of interest to occupiers and those that have looked at the site have found the buildings unsuitable in their present condition.

In our opinion the buildings are unlikely to be re-occupied in their current state and a whole scale redevelopment for the site is a more appropriate way forward.

We were recently involved in marketing the former Bacup Leisure Centre where the site has now been sold to a National operator and a planning application has been lodged to demolish and redevelop. This in our opinion would be the preferred solution for the land and buildings fronting Burnley Road Bacup.

Also from a marketing point of view to bring forward interest from occupiers a cleared site albeit temporarily landscaped would be preferable to the current buildings that occupy the site.

If you require any further information please do not hesitate to contact me.

Yours sincerely

MICHAEL J CAVANNAGH BLE (Hons) MRICS

ROSSENDALE BOROUGH COUNCIL

DRAFT LOCAL PLAN

REGULATION 19 CONSULTATION

CLIENT:

B&E Boys Ltd

SITE:

Townsend Fold, Rawtenstall

DATE:

04 October 2018

Report Drafted By	Report Checked By	Report Approved By
NM	DC	DC
28.09.18	04.10.18	04.10.18

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Hourigan Connolly

CONTENTS

	PAGE NUMBER
1. INTRODUCTION	2
2. LEGISLATIVE & POLICY CONTEXT	4
3. THE SITE	11
4. GREEN BELT ASSESSMENT	16
5. SOUNDNESS ASSESSMENT	24
6. PROPOSED EMPLOYMENT ALLOCATION	27
7. CONCLUSIONS.....	30

1. INTRODUCTION

- 1.1 Rossendale Borough Council (RBC) is preparing a new Local Plan which will guide the future planning and development of the area. The most recent consultation on the draft Local Plan was undertaken in summer 2017 and comprised the Regulation 18 stage. This Representation is submitted in response to the Council's current Publication Pre-Submission version of the Plan (Regulation 19). The consultation period runs from Thursday 23 August 2018 to Friday 5 October 2018. Once adopted the Local Plan will replace the adopted Core Strategy (2011).
- 1.2 Within the draft Local Plan, sites have been proposed for development (for housing, employment, retail uses etc), for environmental protection and for recreation uses, as identified on the Draft Policies Map. Changes are also proposed to the existing Green Belt and the Urban Boundary. Also, four additional Conservation Areas, along with an extension to an existing Conservation Area, are being considered.
- 1.3 There are a number of documents which form part of the Evidence Base in support of the Council's Publication Pre-Submission version document and where relevant, these have been considered and referred to in this Representation. For clarification, the Council's Errata to the Publication (Pre-Submission) version of the Local Plan (dated 03 September 2018), has been noted but it does not relate to the matters pertinent to this particular Representation.

BACKGROUND

- 1.4 Hourigan Connolly is instructed by B&E Boys Ltd in respect of its land interests at Riverside Business Park, Townsend Fold, Rawtenstall.
- 1.5 B&E Boys' land interest is identified outlined in red in Figure 1.1 below. The land shown to the east of the River Irwell (the former mill site) comprises Riverside Business Park. The land to the west of the River Irwell, excluding the former mill pond comprises the land the subject of this representation, hereafter referred to as "the site".
- 1.6 Riverside Business Park sits within the Urban Boundary. The subject site sits adjacent to the Urban Boundary and is located within the Green Belt. The latest iteration of the Council's Green Belt Assessment refers to that part of the site within the Green Belt as Parcel Ref. 19.
- 1.7 This Representation sets out why the Council should remove the site from the Green Belt, include it within the Urban Boundary and allocate the land for employment use to accommodate the expansion of a successful employment site and offer the potential for an important local business to expand in-situ.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Townsend Fold, Rawtenstall)**

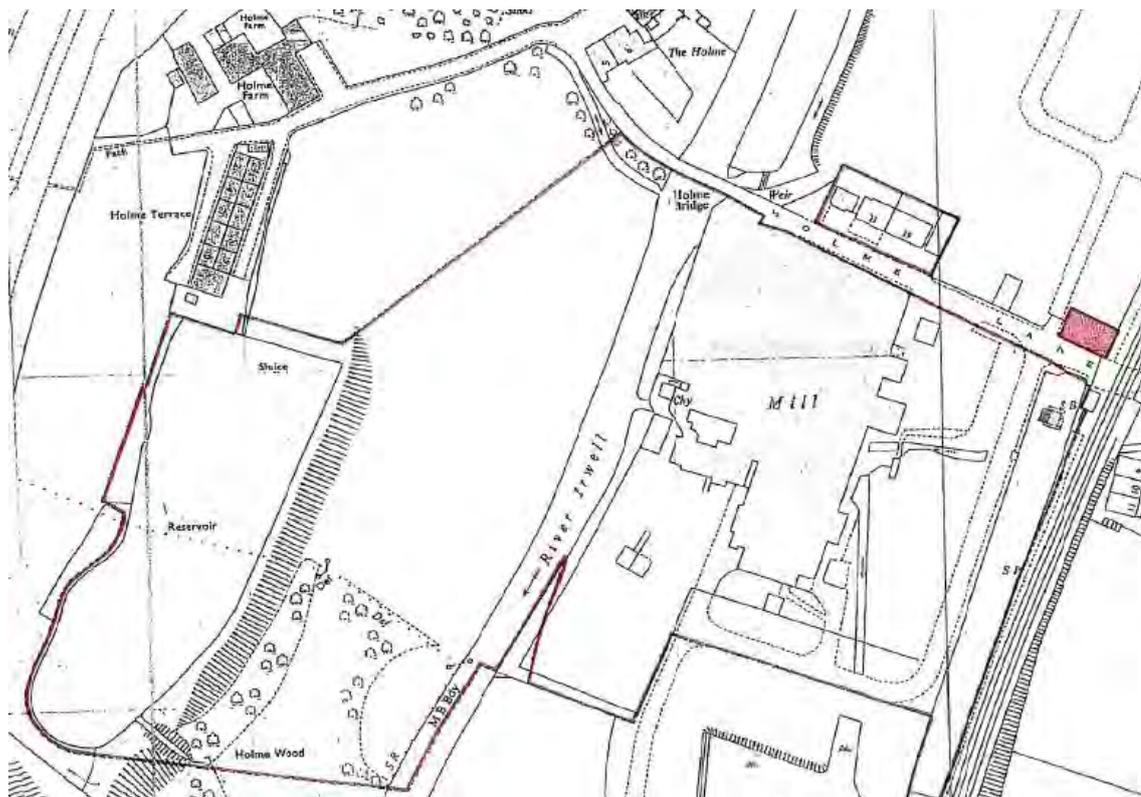


Figure 1.1 – Land at Townsend Fold, Rawtenstall – not to scale.

- 1.8 B&E Boys supports the allocation of the Riverside Business Park site for employment uses as identified in the draft Local Plan (Policy EMP3, site EE40). The remainder of this Representation therefore focuses on that part of the site which is currently in the Green Belt, which the owners wish to promote for employment allocation.

SCOPE

- 1.9 In preparing these submissions we have reviewed the documents mentioned above as well as other documents forming the evidence base that underpins the emerging Local Plan.

OVERVIEW

- 1.10 The starting point for consideration of the emerging Local Plan document is the well-established principle embodied in Paragraph 158 of the National Planning Policy Framework (hereafter referred to as the Framework) that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area

2. LEGISLATIVE & POLICY CONTEXT

INTRODUCTION

- 2.1 In this Chapter we set out the relevant legislative and policy context before going on to examine the Council's Local Plan document.

LEGISLATIVE CONTEXT

- 2.2 Part 2 of the Planning & Compulsory Purchase Act 2004 (As amended) deals with Local Development.
- 2.3 The RBC Local Plan is being brought forward following changes to the Development Plan making system in England which are set out in the Localism Act 2011. Part 6 Sections 109 – 144 of the Localism Act deal with Planning.
- 2.4 Following revocation of the North West Regional Strategy (RS) in May 2013, Council's such as RBC will set their own housing and employment targets against objectively assessed needs.
- 2.5 The Town & Country Planning (Local Planning) (England) Regulations (SI No. 767) came into force on 6 April 2012 and guide the preparation of Local Plans.

MINISTERIAL STATEMENTS

- 2.6 In his Written Statement of 23 March 2012 the then Minister for Decentralisation and Cities the Rt. Hon Greg Clark MP referred to a pressing need to ensure that the planning system does everything it can to help England secure a swift return to economic growth. He urged local planning authorities to make every effort to identify and meet the housing, business and other development needs of their areas.
- 2.7 The National Planning Policy Framework (hereafter referred to as the Framework) (see below) was subsequently published on 27 March 2012 and urges local planning authorities to boost significantly the supply of housing.
- 2.8 In his Written Statement of 6 September 2012 the Secretary of State for Communities and Local Government the Rt. Hon Eric Pickles MP noted an increase in house building starts between 2009 and 2011 but said that there was far more to do to provide homes to meet Britain's demographic needs and to help generate local economic growth.
- 2.9 There can be no doubt that house building is a driver of the local economy besides providing homes for local people.

FRAMEWORK REQUIREMENTS

- 2.10 It is noted that a new Framework was published in July 2018, however this section refers to the Framework published in 2012 as we understand from the Council that the Plan will be submitted to the Inspector before 24 January 2019.¹ Should that position change, we reserve the right to make further representations.
- 2.11 Paragraphs 150 to 185 of the Framework deal with Plan-making.
- 2.12 The importance of the Local Plan is identified as the key to delivering sustainable development and a cornerstone of the development management process (Paragraph 150 refers).
- 2.13 The requirement for Local Plans to be prepared with the objective of contributing to the achievement of sustainable development is embodied in Paragraph 151 of the Framework and stems from the requirements set out under Section 39(2) of the Planning & Compulsory Purchase Act 2004. Local Plans must also be consistent with the principles and policies of the Framework.
- 2.14 Paragraph 152 of the Framework requires local planning authorities to seek opportunities to achieve and secure net gains for each of the three dimensions of sustainable development. These three dimensions are defined in Paragraph 7 of the framework as economic, social and environmental. According to Paragraph 7 of the Framework these dimensions give rise to the need for the planning system to perform a number of roles:
- *“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
 - *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
 - *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.*

¹ Paragraph 214 of the 2018 Framework states that policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Townsend Fold, Rawtenstall)**

- 2.15 Paragraph 8 of the Framework states that the roles mentioned in Paragraph 7 should not be undertaken in isolation, because they are mutually dependant and should be sought jointly and simultaneously through the planning system.
- 2.16 The importance of Local Plans taking into account local circumstances is highlighted in Paragraph 10 of the Framework to ensure that they respond to the different opportunities for achieving sustainable development.
- 2.17 Paragraph 152 of the Framework goes on to deal with adverse impacts on any of the dimensions of sustainable development and sets out three tests:
- Firstly significant adverse impacts on any of the dimensions should be avoided, and where possible, alternative options which reduce or eliminate such impacts should be pursued.
 - Where adverse impacts are unavoidable, measures to mitigate the impact should be considered.
 - Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
- 2.18 Paragraph 154 of the Framework requires Local Plans to be aspirational but **realistic** and address the spatial implications of economic, social and environmental change.
- 2.19 The requirement for local planning authorities to set out strategic priorities for their areas in their Local Plans is established in Paragraph 156 of the Framework. Such policies are required to deliver:
- *“the homes and jobs needed in the area;*
 - *the provision of retail, leisure and other commercial development;*
 - *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
 - *the provision of health, security, community and cultural infrastructure and other local facilities; and*
 - *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape”.*
- 2.20 The importance of using a robust and proportionate evidence base for Plan making is dealt with in Paragraphs 158 to 177 of the Framework. Paragraph 158 is of particular relevance to these submissions:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Townsend Fold, Rawtenstall)**

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”.

2.21 A number of topics are discussed and for the purpose of this document we will focus on housing (Paragraph 159), business (Paragraphs 160 – 161), infrastructure (Paragraph 162) and environment (Paragraphs 165 – 168).

GREEN BELT

2.22 In respect of Green Belt Paragraph 80 of the Framework lists the five national purposes of the Green Belt as follows:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and,
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

2.23 Paragraph 83 goes on to state that Local Planning Authorities (LPA's) with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

2.24 Paragraph 84 states when drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.

2.25 Paragraph 85 sets out that when defining new Green Belt boundaries LPA's should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Townsend Fold, Rawtenstall)**

- where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and

2.26 define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

BUSINESS

2.27 Paragraph 160 of the Framework outlines the importance of local planning authorities having a clear understanding (from a robust evidence base) of business needs within the economic markets operating in and across their area.

2.28 Paragraph 161 of the Framework establishes the importance of understanding business needs (both quantitative and qualitative) and ensuring that sufficient suitable land (both existing and future) is available to meet needs.

INFRASTRUCTURE

2.29 An objective of government policy is the delivery of growth. Central to this objective is ensuring that infrastructure has the capacity or can be enhanced to deliver growth. A number of factors are outlined in Paragraph 162 of the Framework which need to be considered at a local level including transport, water, foul drainage, energy, telecommunications, waste, health, social care, education, flood risk and coastal change management.

ENVIRONMENT

2.30 Paragraphs 165 to 168 of the Framework deal with environmental matters and set out the requirement that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

SOUNDNESS

2.31 Paragraph 182 of the Framework deals with the examination of Local Plans. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. Local planning authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- **Justified** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- **Effective** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- **Consistent with national policy** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.*

NATIONAL PLANNING PRACTICE GUIDANCE – LAUNCHED 6 MARCH 2014

2.32 On 28 August 2013 the government launched its draft National Planning Practice Guidance (NPPG). The draft NPPG was subject to consultation for 6 weeks and was launched on 6 March in its final form. The NPPG replaces some 230 planning guidance documents but will result in no amendments to the Framework.

2.33 The Housing and Economic Land Availability Assessment section of the NPPG is worthy of specific mention in relation to this Report

2.34 In regards to how often a Local Plan should be reviewed, the NPPG states at paragraph 008 of the section titled ‘Local Plans’ (Reference ID 12-008-20140306) that:

“HOW OFTEN SHOULD A LOCAL PLAN BE REVIEWED?”

To be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within five years of the date of adoption.”

**Rosendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Townsend Fold, Rawtenstall)**

2.35 Crucially the link between housing growth and economic activity must be recognised and is relevant to this Representation in relation to land at Townsend Fold.

3. THE SITE

SITE LOCATION

3.1 The site's general location is identified below in Figure 3.1.



Figure 3.1 – Land at Townsend Fold, Rawtenstall– not to scale.

- 3.2 The existing business park is located to the south of Holme Lane, with the remaining Green Belt land located to the west. Bury Road is located a short distance to the east, providing links into Rawtenstall to the north and to Edenfield, and beyond, to the south.
- 3.3 As is evident from the aerial image above, land to the west of Riverside Business Park has a close physical relationship with the existing built up part of the settlement, which is further reinforced by the A56 and A682 which both provide a physical boundary to the west.

SITE DESCRIPTION

- 3.4 The site which is the subject of this representation is located within the Green Belt. It is bordered by the existing business park and associated employment units to the east and Holme Lane to the north. There are fields to the north west and north of the site, although beyond this is the A682 and buildings at Holme Farm/Holme Manor. There is further greenfield land to the south of the site. The River Irwell runs along the eastern boundary of the Green Belt parcel, separating it from the existing Riverside Business Park and forming a defensible boundary to the south.

CURRENT OCCUPIERS

- 3.5 The existing employment site is fully occupied by a range of businesses. Most notably the site is home to Lucite International which produces chemical solutions for sports pitch markings (amongst other things). The firm has seen rapid growth over recent years and requires larger premises to accommodate the growing business. Their preference is to remain at the current site, however, if premises are not forthcoming on this site they will be forced to look elsewhere and, given the lack of modern and accessible premises in Rossendale, this inevitably means relocating to outside the Borough. The land owner is keen to meet Lucite's requirements, however, it can only do so with some expansion into the Green Belt.

SURROUNDING AREA

- 3.6 The subject site is located adjacent to Riverside Business Park which is currently utilised for various employment uses, by a variety of occupiers. Further to the east, is an established residential area in this southern part of Rawtenstall. Importantly, the site is separated from the main residential area by the business park.
- 3.7 Holme Manor Retirement Centre lies to the north west of the site, though there is an area of separation between the site boundary and the retirement centre.
- 3.8 To the south of the site is open countryside, though this is sandwiched between the A56 and Bury Road in this location.
- 3.9 Rawtenstall town centre lies to the north east, offering a range of services and facilities.
- 3.10 This unremarkable site has a close physical relationship with the existing settlement and it does not relate to the wider countryside which is largely located to the south.

FLOOD RISK

- 3.11 According to the Flood Map for Planning provided by the Environment Agency, the majority of the site lies within Flood Zone 1. Parts of the existing employment site fall in Flood Zone 2 and a narrow channel following the course of the River Irwell is within Flood Zones 2 and 3.

Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation Submission on behalf of B&E Boys Ltd (Townsend Fold, Rawtenstall)

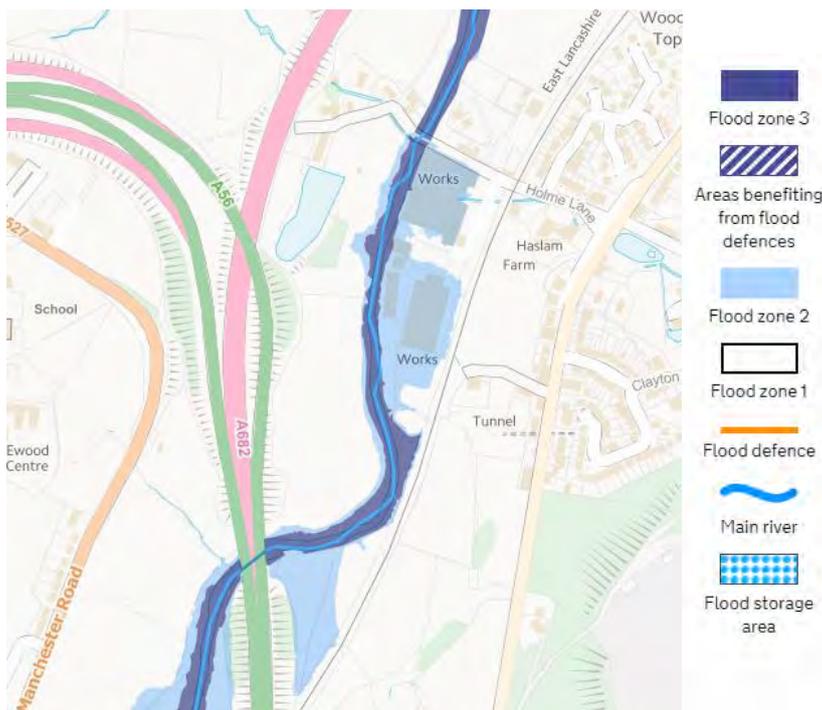


Figure 3.2 – Extract from Flood Map for Planning

LANDSCAPE

3.12 The Council commissioned a Landscape Character Assessment in 2015. The document separates areas of the Borough into various landscape character types. The subject site which is located on the edge of the urban area of Rawtenstall broadly falls into an area identified as ‘Settled Valley’, on the edge of an area identified as ‘Industrial Age’ and in close proximity to an area of ‘Suburban’ landscape. The area is not identified as one which is of particular value.

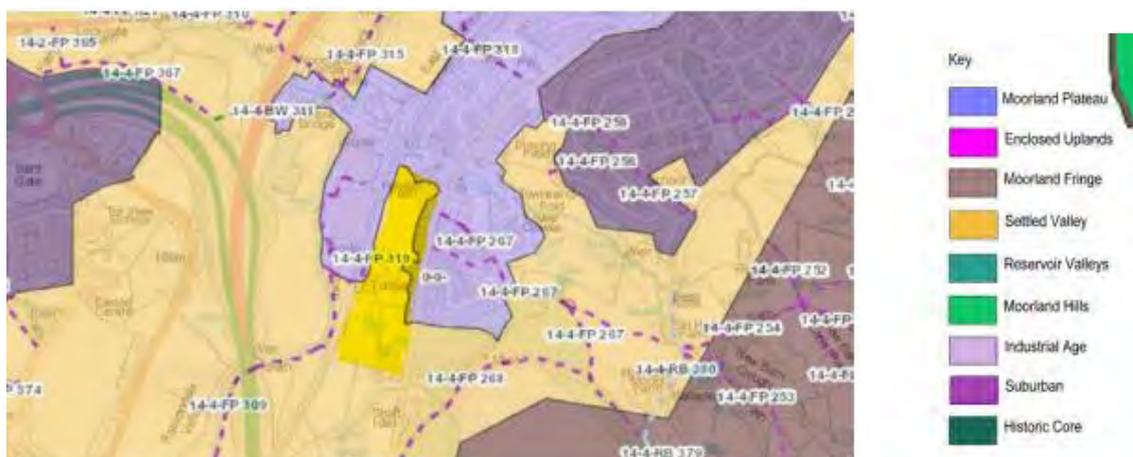


Figure 3.3 – Extract from Landscape Character Area Plan (with footpaths) and Key

3.13 The Landscape Character Assessment goes on to assess specific sites in relation to their development potential, although land at Townsend Fold is not considered in detail in this regard. An area close to the site to the east was, however, assessed – land at Haslam Farm. It was

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Townsend Fold, Rawtenstall)**

concluded that parts of this site were suitable for development and this would have a negligible impact upon the surrounding landscape with mitigation measures in place.

PUBLIC RIGHTS OF WAY

- 3.14 Footpath number 14-4-FP309 runs through part of the business park as shown in Figure 3.4 below (albeit this is marked on the key as a temporary closure), but there are no public right of way running through the Green Belt land.

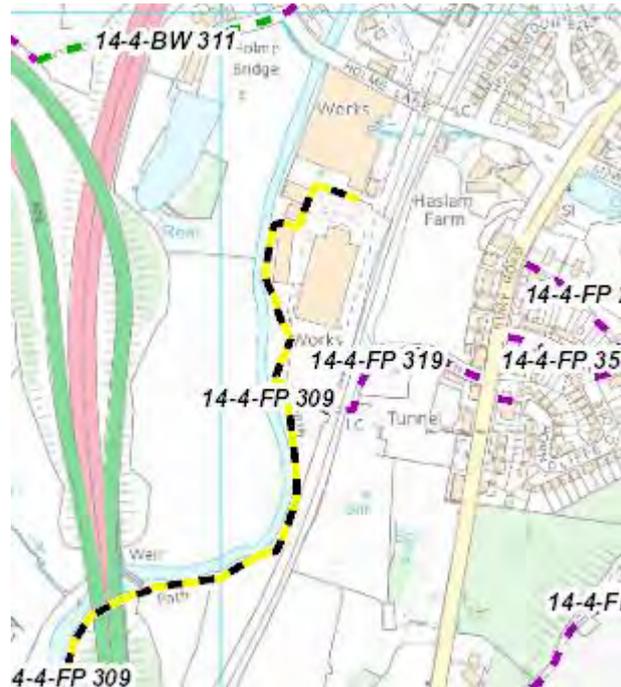


Figure 3.4 Extract of Lancashire County Council's PROW Mapping

AGRICULTURAL LAND QUALITY

- 3.15 According to the agricultural land quality database, land in this area is considered to be of poor or very poor value. This is identified in Figure 3.5 below.

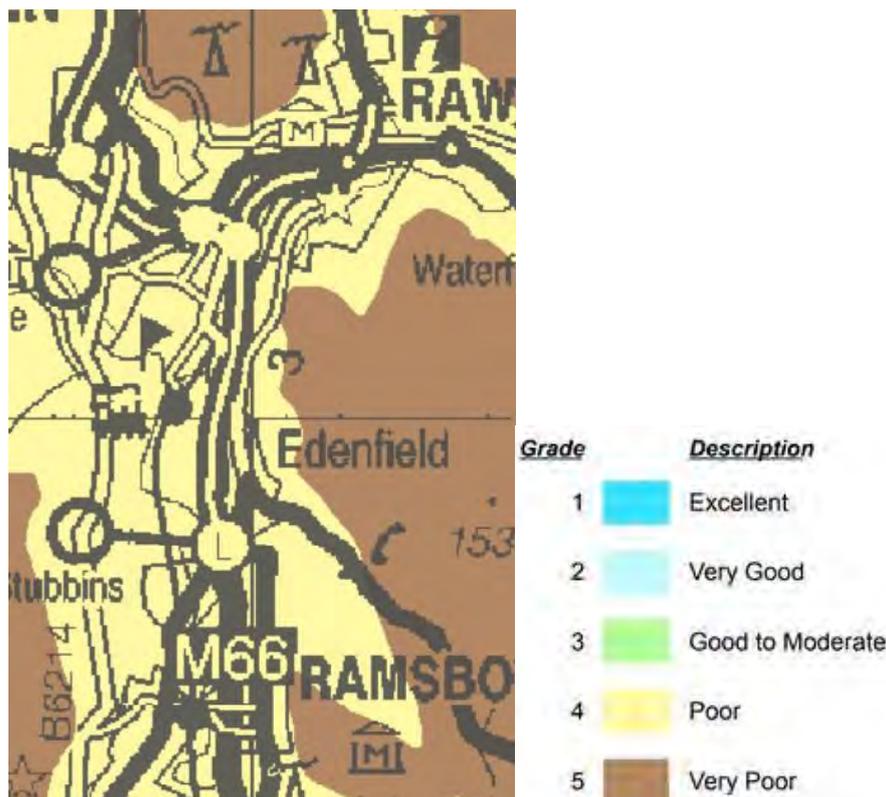


Figure 3.5 Extract of Natural England's Agricultural Land Classification Mapping

ECOLOGY

- 3.16 The site is not a statutory Ecological or Heritage asset neither is it within 1 km of a National Nature Reserve, Ramsar Site, Site of Special Scientific Interest or Special Protected Area.

HERITAGE

- 3.17 Holme Bridge which is located to the north of the site on Holme Lane is Grade II Listed (Listing ID: 185784 Holme Bridge). The listing text states the following:

Bridge, probably late C18. Coursed simply-dressed sandstone. Vernacular materials used in formal style: 2 segmental arches with rusticated voussoirs, a pilaster at each end and another to the pier, which has a cutwater; band, and slab-walled parapet (part replaced by rubble).

SUMMARY

- 3.18 In summary, none of the statutory or other designations identified would preclude development of the site.

4. GREEN BELT ASSESSMENT

4.1 As part of the evidence base to inform the emerging Local Plan, a Green Belt Review was carried out by LUC with the final report being published in November 2016. The purpose of the review was to carry out an independent and comprehensive assessment of Green Belt within the Borough to inform the preparation of the new Local Plan. One of the key aims of the review was to provide clear conclusions on the relative performance of Green Belt which will enable Rossendale Borough Council to consider whether there are ‘exceptional circumstances’ (as per Paragraph 83 of the Framework) to justify altering Green Belt boundaries through the Local Plan process to meet development needs.

4.2 As previously identified, the Framework sets out five purposes of the Green Belt as follows:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and,
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.3 In common with other studies we have reviewed, the LUC Green Belt Assessment firstly establishes Green Belt parcels – in this instance there are 80 parcels included within five broad areas of Green Belt. In that respect the subject site falls within Parcel 19, as identified below.

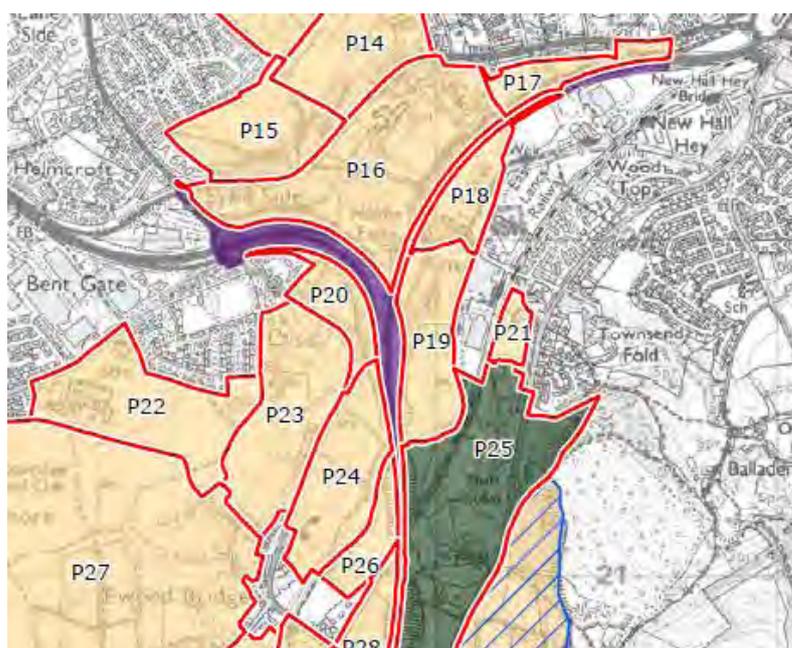


Figure 4.1 Extract from Green Belt Review (2016) - Green Belt Parcels around Rawtenstall

**Rosendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Townsend Fold, Rawtenstall)**

4.4 Parcels were formed through the identification of land that contains the same or very similar land uses or character bounded by recognisable features. These features are described as:

- Natural features i.e. substantial watercourses; and
- Manmade features i.e. motorways A and B roads, railways.

4.5 Less prominent features such as walls, woodland, hedges, tree lines, streams and ditches were also considered where other more permanent boundaries were not present.

4.6 Two types of parcel were identified:

- Areas adjacent to built up areas (relatively small parcels); and
- Broad areas of Green Belt that may be more remote from settlement.

4.7 The boundary of Parcel 19 is identified in further detail in Figure 4.2 below.



Figure 4.2 Extract from Green Belt Review (2016) identifying Parcel 19 with the site outlined in red.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Townsend Fold, Rawtenstall)**

4.8 An assessment has then been made by LUC as to the ratings of the Green Belt parcels in Rossendale against the first four objectives of including land within the Green Belt as set out in Paragraph 80 of the Framework.

Parcel ref	Purpose 1a	Purpose 1b	Purpose 2	Purpose 3	Purpose 4
09	Not Applicable	Not Applicable	Strong	Moderate	No Contribution
10	Not Applicable	Not Applicable	Strong	Weak	No Contribution
11	Not Applicable	Not Applicable	Strong	Moderate	Moderate
12	Not Applicable	Not Applicable	Strong	Weak	Weak
13	Not Applicable	Not Applicable	Strong	Moderate	Moderate
14	Not Applicable	Not Applicable	Strong	Weak	No Contribution
15	Not Applicable	Not Applicable	Strong	Moderate	Weak
16	Not Applicable	Not Applicable	Strong	Moderate	No Contribution
17	Not Applicable	Not Applicable	Moderate	Weak	Weak
18	Not Applicable	Not Applicable	Strong	Moderate	Weak
19	Not Applicable	Not Applicable	Strong	Moderate	No Contribution

Figure 4.3 Extract from Green Belt Review (2016) – Overall Assessment Table

Parcel Ratings	
Strong	Parcel performs strongly against this Purpose.
Moderate	Parcel performs moderately well.
Weak	Parcel performs poorly.
No Contribution	Parcel makes no contribution.
Not Applicable	It is not applicable to make an assessment. (This is particularly relevant to P1a and 1b and whether the parcel is adjacent to the large built up area or not)

Figure 4.4 Extract from Green Belt Review (2016) – Parcel Ratings

4.9 It can be seen in Figure 4.3 that the Council's Green Belt Assessment for Parcel 19 concluded that the parcel has a 'strong' role in relation to Purpose 2, a 'moderate' role in relation to Purpose 3 and 'no contribution' in relation to Purpose 4. Purpose 1 was considered to be 'not applicable' given the nature of the urban area of Rawtenstall. Purpose 5 is not detailed within the table given that all sites have been considered as equal in this regard.

4.10 Our response is detailed below.

PARCEL 19

4.11 The assessment for Parcel 19 states that it lies on the edge of Rawtenstall within the green gap between Rawtenstall and Haslingden.

4.12 In our view Parcel 19 is far too broad a study area which has led to skewed conclusions being reached by LUC. In our opinion there is a clear distinction between the northern most part of Parcel 19 to that in the south.

4.13 In that respect we comment on the conclusions reached by LUC below, with specific reference to the site.

PURPOSE 1: TO CHECK THE UNRESTRICTED SPRAWL OF LARGE BUILT UP AREA

4.14 As identified within the assessment of the subject site, the land lies on the edge of Rawtenstall which is not considered as a 'large built up area' and so the checking of unrestricted sprawl of such a built up area is not relevant in this instance. In any event, even if this purpose were considered appropriate, the physical barrier of the pond, A56 and A682 to the west and the existing field boundary demarcating our client's ownership to the south, ensures that development of the subject site would not result in unrestricted sprawl.

4.15 **Result: No contribution.**

PURPOSE 2: TO PREVENT NEIGHBOURING TOWNS MERGING INTO ONE ANOTHER

4.16 Clearly development of the subject site would not result in the merging of towns as a matter of fact as the site is physically well contained by the pond, A56 and A682 to the west and field boundaries to the south. Within the Council's assessment, it is stated that the parcel has an important role in maintaining a gap between Rawtenstall and Haslingden, however we consider that this gap would be maintained in any case due to the existing built development and road infrastructure.

4.17 **Result: No contribution.**

PURPOSE 3: TO ASSIST IN SAFEGUARDING THE COUNTRYSIDE FROM ENCROACHMENT

4.18 In our view the site does not assist in safeguarding the countryside from encroachment. Due to the site's proximity to the business park and its various employment uses, the nearby roads and indeed residential development in close proximity, the character of the subject site does not have a strong rural character. There is no basis for the Council considering that this site has a moderate role in this regard.

4.19 The site is enclosed and has strong defensible boundaries which would safeguard the countryside from encroachment. This is particularly the case for the northern part of Parcel 19 containing the site to which this representation relates and this highlights the issues that can occur when too large a Green Belt parcel is considered together without further assessment, resulting in inaccurate conclusions.

4.20 **Result: No contribution.**

PURPOSE 4: TO PRESERVE THE SETTING & SPECIAL CHARACTER OF HISTORIC TOWNS

4.21 The analysis in the Green Belt Review considers our client's site to make no contribution to this purpose. We agree with this conclusion.

4.22 **Result: No contribution.**

PURPOSE 5: TO ASSIST IN URBAN REGENERATION BY ENCOURAGING THE RECYCLING OF DERELICT & OTHER URBAN LAND

4.23 It is noted that in line with the methodology all sites have been considered as having an equal contribution to this purpose, though it is not stated what this is.

4.24 **Result: Equal contribution.**

COMPARISON SITES

4.25 Figure 4.3 below identifies other Green Belt sites in and around Rawtenstall and Haslingden which have been assessed as part of the Green Belt Review. The plan also goes further to identify those sites which are considered potentially suitable for Green Belt release and subsequently for development (these sites are identified in blue).

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Townsend Fold, Rawtenstall)**

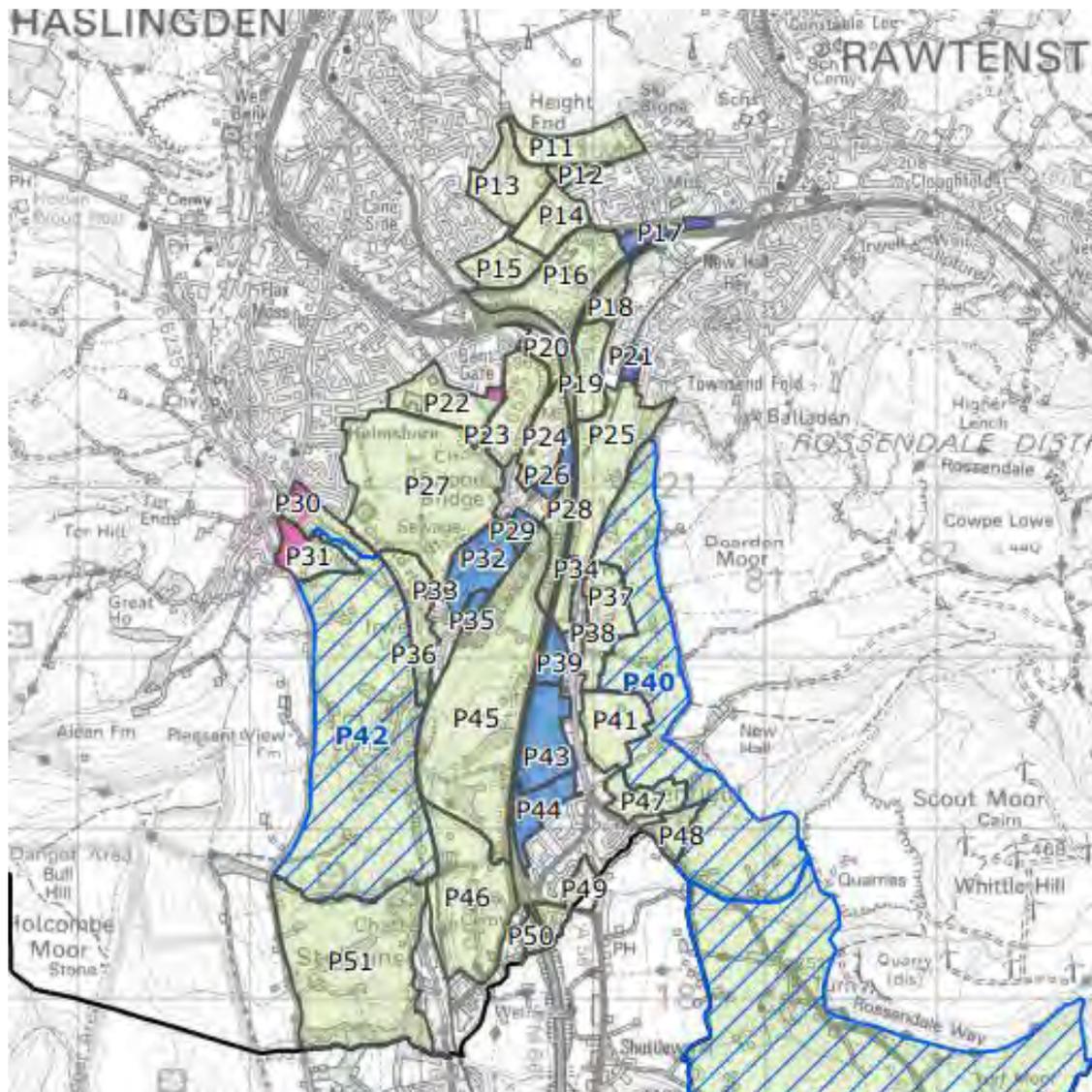


Figure 4.5 Extract from Green Belt Review (2016) – Sites Considered to be suitable for Green Belt Release

- 4.26 Given the specific nature and characteristics of the subject site, in particular adjacent to a successful employment site with occupiers seeking to expand their existing premises, it is difficult to consider other sites which may serve these needs. Indeed, if forced to move from one site in Rawtenstall to another, there is the possibility that businesses could be attracted to other areas outside of the Borough.
- 4.27 With reference to the draft Policies Map we note that the Council is proposing to remove two sites from the Green Belt in the immediate vicinity of the subject site and proposing their employment allocation.

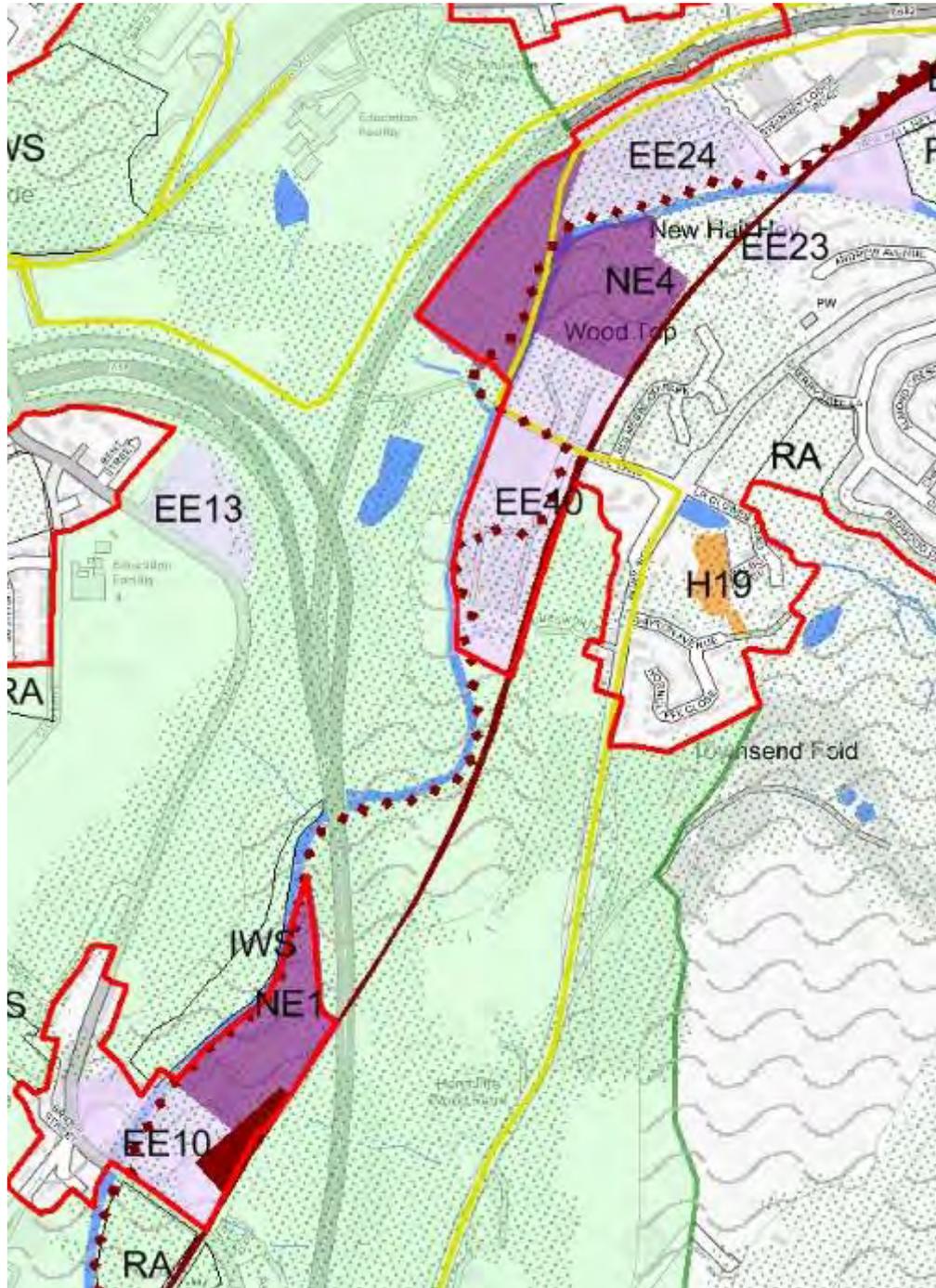


Figure 4.6 Extract from Policies Map

- 4.28 Site NE4, immediately to the north of the subject site and NE1 to the south, which form part of Parcels 18 and 26 respectively are both proposed for removal. Parcel 26 was deemed suitable for removal in the Green Belt Review, given its containment by the River Irwell, road network and railway line and we concur with this approach.
- 4.29 Parcel 18 however, scored worse in the assessment than Parcel 19 containing the subject site (see Figure 4.3 above) but in that instance, the Council has considered a discrete part within

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Townsend Fold, Rawtenstall)**

Parcel 18 for release. We agree with that approach and consider that part of NE4 that currently lies within the Green Belt as being suitable for removal. Indeed, we would argue that the whole of Parcel 18 is suitable for removal given that all that remains, after the proposed allocation is removed, are existing buildings and associated structures.

- 4.30 We simply contend that the exact same approach should be taken with the subject site; the northern most part of Parcel 19 does not perform a Green Belt function and this discrete part should be considered in isolation.

OVERALL ASSESSMENT OF THE SUBJECT SITE

- 4.31 We consider the assessment which has been carried out for the subject site, which comprises part of the land included within Parcel 19, to be flawed as it overestimates the value of the Green Belt in this location. There are distinct differences between the land included in the northern part of the parcel and that in the south, with the north more akin to Parcel 18 in terms of their relationship to existing built development.
- 4.32 We advocate that our client’s land makes no contribution to four of the purposes of including land in the Green Belt and the remaining purpose 5 cannot be used for assessment purposes as all of the sites in the Borough are given equal weighting.
- 4.33 In line with the Council’s methodology **the overall assessment for our client’s site should therefore be “weak”**.
- 4.34 We consider the subject site as an appropriate site for release from the Green Belt as it is adjacent to the settlement boundary and is controlled by defensible boundaries and has existing development on 3 sides. The site would form a logical extension to the south of Rawtenstall and in particular to the established employment site at Townsend Fold.

5. SOUNDNESS ASSESSMENT

INTRODUCTION

5.1 As mentioned in Chapter 2 above Paragraph 182 of the 2012 Framework deals with the examination of Local Plans. Local Planning Authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.

5.2 In this section we consider the soundness of the Draft Local Plan Policies against the four key tests set out under Paragraph 182 of the 2012 Framework. It should be noted that for a Plan to be found sound it must comply with **all** of the four tests set out under Paragraph 182 of the Framework.

STRATEGIC POLICY SD2: URBAN BOUNDARY AND GREEN BELT

POSITIVELY PREPARED

5.3 The Plan as drafted currently improperly considers the Green Belt credentials of the subject site by failing to assess the discrete characteristics of the relevant Parcel. In doing so it fails to plan for the expansion of a successful employment area in a sustainable location.

5.4 The Plan also identifies certain other employment allocations, which, on the evidence now before the Council, will plainly not come forward, or be retained, for employment use.

5.5 With this in mind, the Local Plan in its current form is not positively prepared and the Council must consider the discrete elements of the identified Green Belt parcels in more detail identify additional development opportunities that may well be currently within the Green Belt but nonetheless represent opportunities for sustainable development.

JUSTIFIED

- 5.6 Consequently, Strategic Policy SD2 fails to plan for the proper growth of the Borough as it does not identify all available opportunities to meet employment requirements on land that may currently lie outside of the Urban Boundary. This does not represent an appropriate strategy in the case of the subject site and its continued inclusion within the Green Belt is not justified.

EFFECTIVE

- 5.7 As set out above, the approach to the Green Belt fails to effectively consider the subject site. The approach may lead to an under supply of employment land and the failure of the Plan to deliver.

PROPOSED MODIFICATION

- 5.8 To be consistent with national policy, the Council is respectfully requested to extend the urban boundary so that the site is included within it and removed from the Green Belt.

POLICY EMP2: EMPLOYMENT SITE ALLOCATIONS

POSITIVELY PREPARED

- 5.9 The Plan includes several employment sites with questionable delivery credentials and therefore may fail to meet objectively assessed development needs. Similarly, opportunities to provide new employment land in successful, market-attractive and sustainable locations have been missed. In that regard, the subject site is available and deliverable
- 5.10 The Local Plan in its current form is not positively prepared.

JUSTIFIED

- 5.11 Policy EMP2 fails to plan for the proper growth of the Borough as it does not identify all available opportunities to meet employment requirements. This does not represent an appropriate strategy in the case of the subject site and its continued inclusion within the Green Belt is not justified.

EFFECTIVE

- 5.12 Policy EMP2 includes sites that, on the evidence available, will not come forward, or be retained, for employment use. The Plan fails to identify sufficient sites to allow for this potential under delivery, which may lead to an under supply of employment land and the failure of the Plan to deliver and be effective.

PROPOSED MODIFICATION

- 5.13 To be consistent with national policy, the Council is respectfully requested to allocate the subject site for employment use.

6. PROPOSED EMPLOYMENT ALLOCATION

SITE CONTEXT

- 6.1 The subject site at Townsend Fold represents an opportunity to deliver truly sustainable employment development. As already highlighted, the Riverside Business Park site is successful and occupied by a number of commercial businesses located in the various buildings spread across the site, however there is demand for further employment space on the site but it is full.
- 6.2 Riverside Business Park's success is based upon its location. It is situated off Bury Road, Rawtenstall and offers easy access to the town centre facilities including banks, post offices, shops and cafes. It is also within easy reach of the motorway networks, with the A56 providing good links to both the M65 and M66. As a result, the site is within easy reach of Manchester, Bolton, Blackburn, Bury, Rochdale, Burnley and beyond.
- 6.3 Units at Riverside Business Park are reasonably modern with good access for goods vehicles and ample parking. Current tenants range from shoe manufacturers, furniture makers and, notably, Lucite International, a high-tech company who has received a Queens Award for Innovation. As previously detailed, Lucite International is seeking to extend its but find their options limited at Riverside. Unfortunately, if their requirements cannot be met within the existing site they will inevitably be looking for alternative premises, potentially outside of the Borough. Given the rapid decline in industry in the Borough of Rossendale, the retention of successful businesses such as this one is key to the Borough's future prosperity.
- 6.4 Setting aside the subject site's Green Belt credentials, we contend that the expansion of an existing successful employment area with the potential to facilitate the expansion of a successful, growing company in situ and retain their presence in the Borough amounts alone to exceptional circumstances to justify the release of the subject site from the Green Belt.
- 6.5 Both the existing employment site (EE40) and the adjoining Green Belt land (the subject site) are in single land ownership, being solely within the ownership of B&E Boys Limited.

POLICY EMP1 – PROVISION FOR EMPLOYMENT

- 6.6 Policy EMP1 sets out the Council's approach to 'Provision for Employment'. It states that the Council will seek to provide sufficient land to meet the Borough's requirement of 27 hectares for business, general industrial or storage and distribution (Use Classes B1, B2, B8) for the period up to 2034.
- 6.7 Within the explanatory text it is identified that, as evidenced by the Employment Land Review (2017), there is a lack of good quality small to medium sized industrial premises (B2 and B8 uses) which is in turn suppressing demand. It is further identified that the need for industrial premises is greatest in the west of the Borough where sites benefit from good access to the A56 and M66.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Townsend Fold, Rawtenstall)**

6.8 It is generally recognised that Rossendale has seen a significant decline in employment levels since 1997, however it still has an active industrial market and suitable and sufficient premises need to be provided in order for the Borough to remain competitive.

POLICY EMP2 – EMPLOYMENT SITE ALLOCATIONS

6.9 Draft policy EMP2 allocates sites for employment use over the plan period, including both existing sites and new allocations. The existing employment site at Townsend Fold is referred to under draft Policy reference EE40 'Riverside Business Park'. It is stated that the site is suitable for B1, B2 and B8 uses and the total site area is 6.04ha.

6.10 The site is identified on the Policies Map extract at Figure 4.6 above.

6.11 We support the continued allocation of this site for employment uses, as recommended in the Employment Land Review (2017). It enjoys high levels of occupation and indeed requires expansion in order to meet the demands of current occupiers. The site has good links to A56 and the M66 beyond this and therefore demand from occupiers has remained high in comparison to other more limited parts of the Borough.

6.12 The long-term prospects of the business park are however, dependent upon the ability for expansion.

A SUSTAINABLE EXTENDED EMPLOYMENT ALLOCATION

6.13 The existing Riverside Business Park represents a prime opportunity for expanding an existing successful employment location for the benefit of the Borough as a whole and, in particular, to offer the opportunity for a local high-value business to expand in situ.

6.14 The site is located in a very sustainable location, in close proximity to Rawtenstall Town Centre and with good road and motorway links to destinations further afield. Despite being within the urban boundary of Rawtenstall, the employment site sits well with nearby residential uses and is separated by the physical presence of the railway line to the east of the site.

6.15 The proposed expansion site, whilst currently in the Green Belt, does not perform well against the established Green Belt purposes. The site is well contained by existing road infrastructure and provides an opportunity for sensitive expansion of the existing business park, without being detrimental to the Green Belt or other surrounding uses.

6.16 The expansion of the existing business park would not only provide more space and better quality employment units, but any capital generated would also help to improve the existing units making them more attractive to occupiers and further securing the long term future of Riverside Business Park.

6.17 This proposal presents an opportunity to ensure the continued delivery of a sustainable and successful employment site over the next 15 years, which will in turn make a significant

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of B&E Boys Ltd (Townsend Fold, Rawtenstall)**

contribution to Rossendale Borough's economy and attract further investment. The subject site and the case made for development therefore presents the exceptional circumstances as set out in the Framework which would allow an amendment to the Green Belt boundary through the preparation of a new Local Plan.

- 6.18 To conclude, for the reasons discussed above, in our view the site at Riverside Business Park should be extended to allow for a more substantial employment allocation in this area.

SUGGESTED MODIFICATION

- 6.19 The Council is respectfully requested to extend the current employment allocation EE40 to include the land within the ownership of B&E Boys Ltd outlined in red at Figure 4.2 above and amend the Green Belt and Urban Boundaries boundary accordingly to create a new employment allocation. The extension of this existing employment site is considered entirely appropriate in order to secure the long-term future of the site and ensure that Rawtenstall (and the Borough more widely) is able to retain important local employers.
- 6.20 We contend that this would properly reflect the provisions of Paragraph 83 of the Framework which sets out that amendments to Green Belt boundaries can only be made in exceptional circumstances and through the local plan process. In addition, the amendment to the Green Belt boundary in this instance would be fully in accordance with Paragraph 84 of the Framework which sets out that such amendments should only be made to facilitate sustainable development patterns.

7. CONCLUSIONS

- 7.1 The starting point for consideration of the Council's Local Plan is the well- established principle embodied in Paragraph 158 of the Framework that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 7.2 The Framework is clear at Paragraph 83 that Green Belt boundaries can be amended in exceptional circumstances, through the Local Plan process. Paragraph 84 further states that this can only be done in order to facilitate sustainable development.
- 7.3 It has been highlighted in this Representation that the land adjacent to the existing Riverside Business Park does not meet the five purposes of the Green Belt as set out in Paragraph 80. As a result, and in order to facilitate the expansion of a sustainable existing employment location with the potential to help retain and meet the growth requirements of an important employer, we respectfully request that the subject site, as broadly identified outlined in red at Figure 4.2 above, be allocated for employment use. Through implementing this sustainable extension, land at Riverside Business Park has an opportunity to be a significant contributor to the local economy in Rawtenstall, and the Borough of Rossendale more widely.
- 7.4 In conclusion, Local Plan Policy EMP2 should be modified to include land to the west of Riverside Business Park as a new employment allocation and this land should be removed from the Green Belt and included within the Urban Boundary accordingly.
- 7.5 The site is available and deliverable, and capable of being developed for employment purposes during the Plan period

ROSSENDALE BOROUGH COUNCIL

DRAFT LOCAL PLAN

REGULATION 19 CONSULTATION

CLIENT:

Brilie Properties Ltd.

SITE:

Wavell House, Holcombe Road, Helmshore, Rossendale

DATE:

03 October 2018

Report Drafted By	Report Checked By	Report Approved By
NM	DC	DC
30.09.18	02.10.18	03.10.18

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CONTENTS

PAGE NUMBER

1.	INTRODUCTION	2
2.	LEGISLATIVE & POLICY CONTEXT	5
3.	POLICIES PROPOSED IN THE DRAFT LOCAL PLAN.....	12
4.	SOUNDNESS ASSESSMENT	15
5.	PROPOSED HOUSING ALLOCATION: WAVELL HOUSE	17
6.	CONCLUSIONS.....	20

Appendices

Appendix 1	Letter from Rossendales to Brilie Properties dated 31 July 2018.
Appendix 2	Illustrative layout for residential development
Appendix 3	Appeal Decision for Land at Holcombe Road APP/B2355/A/11/2159598

1. INTRODUCTION

- 1.1 Rossendale Borough Council (RBC) is preparing a new Local Plan which will guide the future planning and development of the area. This Representation is in relation to the Council's Publication Pre-Submission version of the Plan (Regulation 19). The consultation period ran from Thursday 23 August 2018 to Friday 5 October 2018. Once adopted the Local Plan will replace the Core Strategy (2011).
- 1.2 Within the draft Local Plan, sites have been proposed for development (for housing, employment, retail uses etc), for environmental protection and for recreation uses as identified on the draft Policies Map. Changes are also proposed to the existing Green Belt and the Urban Boundary. Also, four additional Conservation Areas, along with an extension to an existing Conservation Area, are being considered.
- 1.3 There are a number of documents which form part of the Evidence Base in support of the Council's Publication Pre-Submission version document and where relevant, these have been considered and referred to in this Representation.

BACKGROUND

- 1.4 Hourigan Connolly is instructed by Brilie Properties Ltd, the owners of the subject site, to review and comment on the emerging Local Plan in relation to the site known as Wavell House on Holcombe Road, Helmshore. The site is proposed for allocation as 'Existing Employment' under site reference EE20 in draft Policy EMP2 Employment Site Allocations.
- 1.5 The site is currently in office use, occupied solely by Rossendales Ltd. under a contractual lease with an initial break in 2021. Unfortunately, Rossendales have recently served Notice on the owners indicating that the company is relocating and that they intend to leave site by December 2018. Thereafter, the site will become completely vacant.
- 1.6 The owners of the site may consider the Change of Use of the building and car park to residential use under Permitted Development via the Prior Notification Procedure but also wish to promote the site for a housing allocation in the emerging Local Plan. This Representation will demonstrate its suitability for residential use.
- 1.7 It should be noted that the land owner only became aware that Rossendales were vacating the site in July 2018, otherwise they would have engaged with the Council during the previous consultation stages of the Local Plan.

SITE CONTEXT

- 1.8 The 0.48 hectare site lies on the western side of Holcombe Road to the south west of Helmshore. The site comprises Wavell House, a two storey building and a large car park to the rear. A further building is located in the car park area. The building adjoins a mill building to the north which reaches four storeys in height and is currently being converted to dwellings. To the east and south are residential dwellings and to the west, set above the site, is open countryside. An aerial view of the site is shown below.

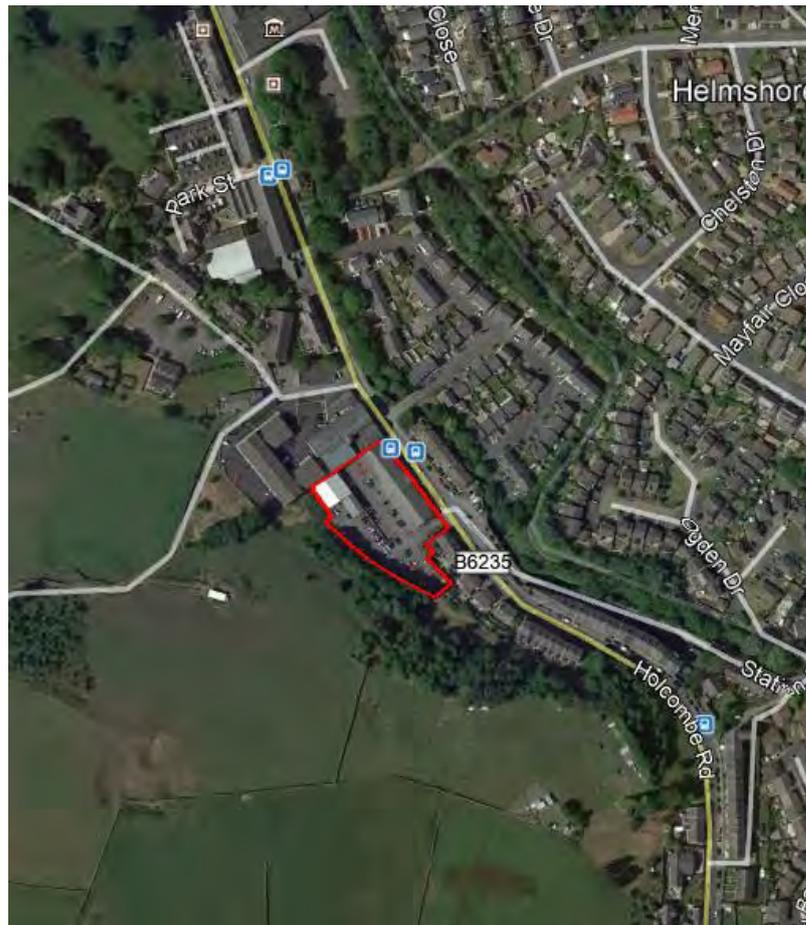


Figure 1.1 Location of subject site, Wavell House, Holcombe Road.



Figure 1.2 Street view showing Wavell House (looking north west along Holcombe Road).

SCOPE

- 1.9 In preparing these submissions we have reviewed the documents forming the evidence base that underpins the emerging Local Plan.

OVERVIEW

- 1.10 The starting point for consideration of the emerging Local Plan document is the well-established principle embodied in Paragraph 158 of the National Planning Policy Framework (hereafter referred to as the Framework) that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.

2. LEGISLATIVE & POLICY CONTEXT

INTRODUCTION

- 2.1 In this Chapter we set out the relevant legislative and policy context before going on to examine the Council's Local Plan document.

LEGISLATIVE CONTEXT

- 2.2 Part 2 of the Planning & Compulsory Purchase Act 2004 (As amended) deals with Local Development.
- 2.3 The RBC Local Plan is being brought forward following changes to the Development Plan making system in England which are set out in the Localism Act 2011. Part 6 Sections 109 – 144 of the Localism Act deal with Planning.
- 2.4 Following revocation of the North West Regional Strategy (RS) in May 2013, Council's such as RBC will set their own housing and employment targets against objectively assessed needs.
- 2.5 The Town & Country Planning (Local Planning) (England) Regulations (SI No. 767) came into force on 6 April 2012 and guide the preparation of Local Plans.

MINISTERIAL STATEMENTS

- 2.6 In his Written Statement of 23 March 2012 the then Minister for Decentralisation and Cities the Rt. Hon Greg Clark MP referred to a pressing need to ensure that the planning system does everything it can to help England secure a swift return to economic growth. He urged local planning authorities to make every effort to identify and meet the housing, business and other development needs of their areas.
- 2.7 The Framework (see below) was subsequently published on 27 March 2012 and urges local planning authorities to boost significantly the supply of housing.
- 2.8 In his Written Statement of 6 September 2012 the Secretary of State for Communities and Local Government the Rt. Hon Eric Pickles MP noted an increase in house building starts between 2009 and 2011 but said that there was far more to do to provide homes to meet Britain's demographic needs and to help generate local economic growth.
- 2.9 There can be no doubt that house building is a driver of the local economy besides providing homes for local people.

FRAMEWORK REQUIREMENTS

- 2.10 It is noted that a new Framework was published in July 2018 however this section refers to the Framework published in 2012 as we understand from the Council that the Plan will be submitted to the Inspector before 24 January 2019.¹ Should that position change, we reserve the right to make further representations.
- 2.11 Paragraphs 150 to 185 of the Framework deal with Plan-making. The importance of the Local Plan is identified as the key to delivering sustainable development and a cornerstone of the development management process (Paragraph 150 refers).
- 2.12 The requirement for Local Plans to be prepared with the objective of contributing to the achievement of sustainable development is embodied in Paragraph 151 of the Framework and stems from the requirements set out under Section 39(2) of the Planning & Compulsory Purchase Act 2004. Local Plans must also be consistent with the principles and policies of the Framework.
- 2.13 Paragraph 152 of the Framework requires local planning authorities to seek opportunities to achieve and secure net gains for each of the three dimensions of sustainable development. These three dimensions are defined in Paragraph 7 of the framework as economic, social and environmental. According to Paragraph 7 of the Framework these dimensions give rise to the need for the planning system to perform a number of roles:
- *“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
 - *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
 - *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.*

¹ Paragraph 214 of the 2018 Framework states that policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brilie Properties Ltd**

- 2.14 Paragraph 8 of the Framework states that the roles mentioned in Paragraph 7 should not be undertaken in isolation, because they are mutually dependant and should be sought jointly and simultaneously through the planning system.
- 2.15 The importance of Local Plans taking into account local circumstances is highlighted in Paragraph 10 of the Framework to ensure that they respond to the different opportunities for achieving sustainable development.
- 2.16 Paragraph 152 of the Framework goes on to deal with adverse impacts on any of the dimensions of sustainable development and sets out three tests:
- Firstly significant adverse impacts on any of the dimensions should be avoided, and where possible, alternative options which reduce or eliminate such impacts should be pursued.
 - Where adverse impacts are unavoidable, measures to mitigate the impact should be considered.
 - Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
- 2.17 Paragraph 154 of the Framework requires Local Plans to be aspirational but **realistic** and address the spatial implications of economic, social and environmental change.
- 2.18 The requirement for local planning authorities to set out strategic priorities for their areas in their Local Plans is established in Paragraph 156 of the Framework. Such policies are required to deliver:
- *“the homes and jobs needed in the area;*
 - *the provision of retail, leisure and other commercial development;*
 - *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
 - *the provision of health, security, community and cultural infrastructure and other local facilities; and*
 - *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape”.*
- 2.19 The importance of using a robust and proportionate evidence base for Plan making is dealt with in Paragraphs 158 to 177 of the Framework. Paragraph 158 is of particular relevance to these submissions:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brilie Properties Ltd**

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”.

2.20 A number of topics are discussed and for the purpose of this document we will focus on housing (Paragraph 159) business (Paragraphs 160), infrastructure (Paragraph 162) and environment (Paragraph 165).

HOUSING

2.21 Paragraph 159 outlines the importance of preparing a Strategic Housing Market Assessment (SHMA) to assess **full** housing needs and a Strategic Housing Land Availability Assessment (SHLAA) to establish **realistic** assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

2.22 Of particular importance is the requirement for the SHMA to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the Plan period which:

- *“meets household and population projections, taking account of migration and demographic change;*
- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand”.*

BUSINESS

2.23 Paragraph 160 of the Framework outlines the importance of local planning authorities having a clear understanding (from a robust evidence base) of business needs within the economic markets operating in and across their area.

2.24 Paragraph 161 of the Framework establishes the importance of understanding business needs (both quantitative and qualitative) and ensuring that sufficient suitable land (both existing and future) is available to meet needs.

INFRASTRUCTURE

2.25 An objective of government policy is the delivery of growth. Central to this objective is ensuring that infrastructure has the capacity or can be enhanced to deliver growth. A number of factors are outlined in Paragraph 162 of the Framework which need to be considered at a local level including transport, water, foul drainage, energy, telecommunications, waste, health, social care, education, flood risk and coastal change management.

ENVIRONMENT

2.26 Paragraphs 165 to 168 of the Framework deal with environmental matters and set out the requirement that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

SOUNDNESS

2.27 Paragraph 182 of the Framework deals with the examination of Local Plans. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. Local planning authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- ***“Positively prepared*** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- ***Justified*** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- ***Effective*** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- ***Consistent with national policy*** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.*

NATIONAL PLANNING PRACTICE GUIDANCE – LAUNCHED 6 MARCH 2014

2.28 On 28 August 2013 the government launched its draft National Planning Practice Guidance (NPPG). The draft NPPG was subject to consultation for 6 weeks and was launched on 6 March

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brilie Properties Ltd**

in its final form. The NPPG replaces some 230 planning guidance documents but will result in no amendments to the Framework.

- 2.29 The Housing and Economic Land Availability Assessment section of the NPPG is worthy of specific mention in relation to this Report, in particular paragraph 030 (reference ID: 3-030-20140306 confirms):

“Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.”

- 2.30 The NPPG deals with deliverable sites as follows at paragraph 031 (Reference ID 3-031-20140306):

“WHAT CONSTITUTES A ‘DELIVERABLE SITE’ IN THE CONTEXT OF HOUSING POLICY?”

Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgments on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust five-year housing supply.”

- 2.31 In regards to how often a Local Plan should be reviewed, the NPPG states at paragraph 008 of the section titled ‘Local Plans’ (Reference ID 12-008-20140306) that:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brilie Properties Ltd**

“HOW OFTEN SHOULD A LOCAL PLAN BE REVIEWED?”

To be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within five years of the date of adoption.”

GOVERNMENT CONSULTATION ON STANDARDISED METHODOLOGY FOR HOUSING NEED (SEPTEMBER 2017)

- 2.32 On 14 September 2017 the Government announced a consultation on a Standardised Methodology for Assessing Local Housing Need, the basis of which was included in the White Paper (February 2017) and is aimed at helping local authorities plan for the right homes in the right places.
- 2.33 As the consultation document sets out, the root cause of the dysfunctional housing market in the UK is that for too long we have not built enough homes. The Government is aiming to deliver 1.5 million new homes between 2015-2022 and is attempting to create a system which is clear and transparent for local authorities. The new methodology will apply to all future plans, with the exception of those which were submitted before 31 March 2018.
- 2.34 The standard methodology is principally aimed at tackling problems of affordability as the proposed formula simply uplifts the household projections figure, based on market signals.
- 2.35 For Rossendale the proposed standard methodology has little impact on the annual housing requirement (which, it is suggested should be 212 rather than the current 265 dwellings per annum). However, it should be noted that the proposed standard methodology is currently on consultation and may therefore be subject to changes in due course. It is also worth noting the heavy speculation that the proposed methodology focuses on growth in the south east to the detriment of other parts of the UK, in particular the north west.
- 2.36 Crucially the link between housing growth and economic activity must be recognised and therefore the current consultation is considered to be relevant to this Representation in relation to land at Wavell House.

3. POLICIES PROPOSED IN THE DRAFT LOCAL PLAN

PROPOSALS MAP

- 3.1 The below image shows the site in the draft Proposals Map. The proposed employment allocation is annotated as EE20 (light purple). Our client's land sits within that allocation. The balance of the allocation is being converted into residential use by others via the Prior Notification Procedure (PN Ref: 2013/0426).



Figure 3.1 Extract from Draft Proposals Map.

- 3.2 As well as being allocated for employment, the site falls within the Urban Boundary (red line).
- 3.3 A new conservation area is proposed in Helmshore (dashed black line) however Wavell House is outside this boundary. We fully support the site being excluded from the conservation area as it offers no contribution to the special character of the area.

POLICY EMP2: EMPLOYMENT SITE ALLOCATIONS

- 3.4 Draft Policy EMP2: Employment Site Allocations identifies all sites within the Borough which have been allocated for employment development. For each site allocated, site area and proposed use class is set out within the allocations table.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brilie Properties Ltd**

3.5 Wavell House is identified as part of an employment allocation under reference EE20 as shown below. It is classed as an ‘Existing Employment’ site and is considered suitable for B1, B2 and B8 uses.

Employment Allocation Ref.	Site name	Gross Area (ha)	Estimated Net Developable Area (ha)	Use Class	Policy
EE20	Wavell House	0.48	0.00	B1, B2, B8	EMP2

Figure 3.2 Extract from Employment Site Allocations Table (Policy EMP2).

3.6 We support the general aims of the Local Plan to identify key development sites which are central to the delivery of the overall strategy for new and existing employment assets and the Borough’s economy. The delivery of appropriate uses in the right locations is crucial to the economy. However, in this instance, part of the proposed allocation has already changed to residential use and the balance, our client’s site, is soon to become vacant with no realistic prospects of re-use for employment.

EMPLOYMENT LAND REVIEW 2017

3.7 The table below, taken from the Council’s Employment Land Review (2017), shows how the Council scores the site against the various employment criteria.

Site reference	Site name	Gross area (ha)	Net area (ha)	Status and recommendation	Strategic road access	Local accessibility	Proximity to urban areas and local services	Compatibility of adjoining uses	Developmental and environmental constraints	Market attractiveness	Overall site rating
EMP22	Wavel House	1.01	0	Existing Site - retain	Average	Good	Good	Average	Average	Poor	Average

Figure 3.3 Extract from Employment Land Review 2017.

3.8 Whilst the site is given an overall rating of “Average”, the site scores poorly against “Market Attractiveness.” The Employment Land Review recommends that the site is retained for employment use, however, as discussed below, we do not consider this to be a positive strategy in the Local Plan.

3.9 As presented previously, the site is currently in office use, occupied solely by Rossendales Ltd. Despite being tenants at the site for some time, and being significant employers in the area, Rossendales have recently informed the land owner that they will be relocating and will be seeking an early break by 31 December 2018.² This is due to Rossendales deciding to centralise their business and as such Wavell House no longer serves their needs. We have been informed that no redundancies will be made as part of this change, however Wavell House will become totally vacant when Rossendales leave the site.

² Refer to letter in Appendix 1 dated 31 July 2018 from Rossendales.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brilie Properties Ltd**

- 3.10 With the site due to become unoccupied, it is highly likely it will remain vacant for the foreseeable future given its unattractiveness to the market. Wavell House is outdated and requires significant modernisation to be brought up to modern office standards, the cost of which would not be viable for the landowner. For these reasons, it is our view that the site should not be retained as an employment allocation under draft Policy EMP2. Indeed, the whole allocation is no longer appropriate.

FALL BACK POSITION

- 3.11 Given that the site will soon become vacant, our clients have considered the future of the site owing to its limited attractiveness to the market (as acknowledged by the Council in their own ELR) and the likely cost associated with bringing the outdated offices up to modern standard. One option are those Permitted Development rights conferred under Class O of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which would allow the change of use of the land and buildings at Wavell House to residential use without the need for Planning Permission. This represents the landowner's **fall-back position**. Whilst the right would be subject to a Prior Approval Procedure requiring the submission of details relating to transport and highway impacts, contamination risk and flooding risks, it is our view that this would most likely be a formality, particularly in light of the Permitted Development Right already exercised and being implemented in the adjacent property to the north. In the spirit of proper planning, our client's preferred course of action would be to secure an allocation for residential use and work with the Council to deliver a suitable residential scheme.
- 3.12 The site comprises brownfield land, in a sustainable location, within the urban area and is therefore considered to be an entirely appropriate site to contribute towards the Borough's housing need over the Plan Period. This is considered in further detail in Section 5 of this Representation.

4. SOUNDNESS ASSESSMENT

INTRODUCTION

4.1 As mentioned in Chapter 2 Paragraph 182 of the 2012 Framework deals with the examination of Local Plans. Local Planning Authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.

4.2 In this section we consider the soundness of the Draft Local Plan Policies against the four key tests set out under Paragraph 182 of the 2012 Framework. It should be noted that for a Plan to be found sound it must comply with **all** of the four tests set out under Paragraph 182 of the Framework.

POLICY EMP2: EMPLOYMENT SITE ALLOCATIONS

POSITIVELY PREPARED

4.3 As demonstrated in Chapter 3 the site is soon to become completely vacant with the sole tenant due to leave at the end of the year. Whilst the site has benefited from Rossendales being long term tenants, with their departure the building would have to be completely modernised to attract a new tenant. The costs to modernise the building is not viable for the landowner. Therefore, it is our view that Policy EMP2 has not been positively prepared as it allocates the site for employment use where there are no real prospects of this use continuing. If the landowner had been aware of this impending change in circumstances they would have made Representations to this effect during the consultation period of the Regulation 18 version of the draft Local Plan and promoted the site for housing.

JUSTIFIED

- 4.4 Policy EMP2 is not justified as it allocates the site for employment use where there is no reasonable prospect of the site being used for employment use once the existing tenants vacate Wavell House at the end of the year.

EFFECTIVE

- 4.5 The preceding sections of this document have explained how Wavell House is not suitable for employment use; it is therefore not effective. With the existing tenants due to leave the landowner no longer wishes to use the site for employment as it would not be viable. The landowner is aware of their permitted development rights to convert the building to residential use which they will pursue if necessary (as done by the landowner of the adjoining building to the north). This further renders the employment allocation ineffective. However, as discussed previously, a more positive and Plan-led approach would be to remove the employment allocation and reallocate the site for housing.

CONSISTENT WITH NATIONAL POLICY

- 4.6 As we have set out that there is no reasonable prospect the site being used for employment use therefore Policy EMP2 is not consistent with Paragraph 22 of the Framework:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

PROPOSED MODIFICATION

- 4.7 The Council is respectfully requested to remove the current employment allocation EE.20 from Policy EMP2 and allocate the site for residential development under draft Policy HS2. Appendix 2 contains an illustrative layout which shows that 14 dwellings can easily be accommodated on the site, however to allow some flexibility we request that the allocation allows for **up to 16 dwellings**. Residential development in this location is considered appropriate in order to facilitate the viable regeneration of the site.
- 4.8 We contend that this would properly reflect Paragraph 22 of the Framework which seeks to avoid the long term protection of employment uses where there is no reasonable prospect of a site being used for that purpose. In such circumstances, more appropriate and viable uses, such as housing, should be acceptable.

5. PROPOSED HOUSING ALLOCATION: WAVELL HOUSE

DRAFT POLICY HS1 – MEETING ROSSENDALE’S HOUSING REQUIREMENT

- 5.1 Draft Policy HS1 sets out the Council’s approach to ‘*Meeting Rossendale’s Housing Requirement*’. It states that at least 3,180 additional dwellings will be provided over the plan period (2019-2034). The draft policy also seeks to deliver over 30% of new dwellings on previously developed land across the Borough.
- 5.2 In this context, land at Wavell House could make an important contribution towards meeting the Borough’s residential development needs, particularly as it is recognised within the explanatory text that brownfield sites within the urban area are limited. This would be in accordance with Paragraph 47 of the Framework which requires Councils to “**significantly boost the supply of housing**”.

SUSTAINABLE HOUSING ALLOCATION

- 5.3 The site is very sustainable being brownfield land located in the urban boundary and within easy access to a range of amenities. In allowing an appeal for 74 dwellings on the opposite side of Holcombe Road to the east of the site³, the Inspector dealt with the sustainability credentials of that site as follows:

“9. The site lies on the western limits of the built up area in the valley adjacent to the Ogden river. The land rises to the east to what appears to be the centre of the settlement at the roundabout crossroads of Helmshore Road and Gregory Fold/Broadway with its shops and schools nearby. There is a convenient footpath to the north of the site linking the site to Gregory Fold. It is only a short 5-10 minute walk to the shops/primary schools. The National Cycle Route 6 adjacent to the eastern boundary of the site means journeys by bicycle are also convenient. Access to these facilities by road is, however, rather more circuitous. It involves travelling south on Holcombe Road before turning north at the B6214 Helmshore Road.

10. For a short stretch the footpath to Gregory Fold is rather steep and this would discourage journeys on foot to the shops/schools by some people who are either unable or unwilling to tackle the slope. However there is also a shop along Holcombe Road which can be reached without any steep inclines and the No.11 bus would provide access by public transport (a couple of minutes ride) to those facilities on higher ground and also to the wider bus network operating along Broadway and Helmshore Road.

³ Appeal reference APP/B2355/A/11/2159598 - Land at Holcombe Road, Helmshore

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brilie Properties Ltd**

11. *In addition, information provided by the appellants indicates a range of services/employment is available within easy reach of the appeal site which can be accessed by a variety of means of transport and those which are not, such as health facilities and a supermarket are within a reasonable travel distance in Haslingden. It has been said that health facilities and the like are oversubscribed, but no empirical evidence was submitted to the inquiry to substantiate that view.*

12. *The Council's Interim Housing Policy 2010 encourages the provision of housing within the defined urban area of Haslingden (which includes the appeal site) if, amongst other things, the development would reuse brownfield land, would contribute to affordable housing and would be built at an appropriate density. The appeal scheme satisfies these criteria. It uses previously developed land and would provide 15 affordable units and would have a density of 34dph.*

13. *The combination of the above leads to the conclusion that because the site is a brownfield one within the built up area which has reasonable access to a variety of goods and services by different modes of transport, its redevelopment would, in principle be, acceptable for residential development.”*

5.4 The same conclusions on sustainability grounds should be reached in relation to the Wavell House site. As mentioned previously, it should be noted that the entire site could be converted to residential use under Permitted Development rights subject to a Prior Approval procedure. However we would prefer for the site to be allocated for housing to allow a flexible redevelopment of the site.

5.5 The site is not identified in the SHLAA 2018 Update. There is a reference to Wavell House (SHLAA16298) in Table 1 as a site being excluded due to having planning permission. However, it is assumed that this relates to the adjoining site to the north which benefits from Prior Notification Approval to be converted to apartments.

ILLUSTRATIVE LAYOUT

5.6 The below illustrative layout shows how the site could be redeveloped for housing. This demonstrates that 14 dwellings could comfortably be delivered within the site with access taken off Holcombe Road.



Figure 5.1 Illustrative Layout for residential development at Wavell House.

DELIVERABILITY OF DEVELOPMENT

- 5.7 Once the existing tenants leave the site at the end of the year, the site will be available for development, subject to the employment allocation being removed.
- 5.8 As discussed above the site is suitably placed to access shops and services on foot, by cycle and by bus thereby helping to reduce reliance on a car.
- 5.9 There are no environmental or statutory designations or other technical considerations that would prejudice the residential development of the site.
- 5.10 To conclude, for the reasons discussed above, in our view the site at Wavell House should be allocated for housing in the emerging Local Plan.

6. CONCLUSIONS

- 6.1 The starting point for consideration of the Council’s Local Plan is the well-established principle embodied in Paragraph 158 of the Framework that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 6.2 The Framework is clear at Paragraph 22 that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Paragraph 160 outlines the importance of local planning authorities having a clear understanding of business needs within the economic markets operating in and across their area.
- 6.3 It has been highlighted in this Representation that the Wavell House is going to become vacant with Rossendales terminating their lease at the end of 2018. As a result, and in order to future-proof the site, removal of the proposed employment allocation is recommended, and a residential allocation should be considered in order to promote sustainable residential development. Land at Wavell House has an opportunity to contribute to the delivery of housing over the Plan period on a site which comprises previously developed land within the Urban Boundary.
- 6.4 In conclusion, Local Plan Policy EMP2 should be modified to remove reference to EE20 Wavell House and the site should be allocated for housing for up to 16 dwellings under Policy HS1. The Proposals Map should be amended to reflect this
- 6.5 The site is available, deliverable and achievable, subject to the above provisions.

Appendix 1

Mr Brian Jones

31 July 2018

Dear Brian,

Further to our phone conversation, I am writing to request that Rossendales is permitted to terminate its Wavell House lease on 31 December 2018. This is due to changed business requirements.

Apologies for the short notice, but I would be grateful if we can meet to negotiate terms for an early surrender.

I hope that you will look favourably on our request. In any event, we will not be in a position to extend the current lease on expiry.

I look forward to hearing from you in due course.

Best wishes,

Gareth Hughes
Chief Executive

Appendix 2



Appendix 3



Appeal Decision

Inquiry held on 6 March 2012

Site visit made on 6 March 2012

by D L Burrows DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 March 2012

Appeal Ref: APP/B2355/A/11/2159598

Land at Holcombe Road, Helmshore, Rossendale BB4 4NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Calvert/Mr Richard Lever, Taylor Wimpey/Urban Regen against the decision of Rossendale Borough Council.
 - The application Ref 2011/0046, dated 25 January 2011, was refused by notice dated 20 July 2011.
 - The development proposed is a change of use from an existing derelict warehouse to a residential development consisting of 74 dwellings made up of 2 bedroom apartments and 2, 3 and 4 bedroom houses.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from an existing derelict warehouse to a residential development consisting of 74 dwellings made up of 2 bedroom apartments and 2, 3 and 4 bedroom houses on land at Holcombe Road, Helmshore, Rossendale BB4 4NB in accordance with the terms of the application, Ref 2011/0046, dated 25 January 2011, subject to the conditions set out in the schedule attached to this decision.

Application for costs

2. At the inquiry an application for costs was made by Taylor Wimpey and Urban Regen against Rossendale Borough Council. This application is the subject of a separate decision.

Background/Clarifications

3. During the Council's consideration of the proposal various amendments were made to the scheme as originally proposed and a number of plans were superseded by the time the application was refused. The Council's decision was based on the amended plans.
4. The day before the inquiry the appellants sought to make further minor changes to the development. The changes relate to the substitution of 4 dwellings in the centre of the site. The alterations do not affect the number or nature of the houses. The four units would remain a pair of semi-detached and 2 detached houses. The layout would also remain the same. Given these circumstances it seems to me that consideration of these additional amendments would not prejudice the interests of any party. The plans are numbered 02-01K and 10082(PI)115, 116, 250A, 260. As a consequence the

conclusions below are based on the development proposed at the time of the Council's decision as changed by the 5 plans listed above.

5. By the time of the inquiry the Council had withdrawn its reasons for refusal and did not oppose the granting of planning permission for the development. It produced no evidence against the proposal and only participated in the inquiry proceedings to provide factual information and discuss conditions and the s106 undertaking provided by the appellant. During the course of the Council's determination of the proposal letters objecting to the scheme were received from members of the public. There were more written representations in response to the inquiry notifications and at the inquiry itself concerns about the development were also expressed by a number of local people. These have all been taken into account in reaching the conclusions below.

Main issue

6. Given the circumstances of the appeal, it seems to me that the main issue to consider is whether the proposal accords with national and development plan policies which seek to promote sustainable development including matters such as the principle of the development and the effects of it on the character, appearance and services of Helmshore.

Reasons

7. The development plan consists of the North West of England Plan Regional Spatial Strategy to 2021 (RSS) and the Rossendale Core Strategy Development Plan Document 2011-2026 (CS) together with the amended proposals map November 2011. I note that insofar as the main issue in this appeal is concerned there is no fundamental conflict between RSS and national policy.
8. Whilst the A56/M66 corridor is rural in character it is straddled by substantial settlements. Helmshore lies to the west of the A56 dual carriageway which separates it from Haslingden which is mostly to the east of the A road. Helmshore contains a range of housing and employment opportunities and an assortment of local facilities and services. On the amended proposals map it is shown within the settlement boundary. It is a large, vacant and somewhat neglected rectangular piece of land with a 2 storey brick office building at the front, facing Holcombe Road and a smaller warehouse/workshop building along the rear (eastern) boundary.
9. The principle of development - The site lies on the western limits of the built up area in the valley adjacent to the Ogden river. The land rises to the east to what appears to be the centre of the settlement at the roundabout crossroads of Helmshore Road and Gregory Fold/Broadway with its shops and schools nearby. There is a convenient footpath to the north of the site linking the site to Gregory Fold. It is only a short 5-10 minute walk to the shops/primary schools. The National Cycle Route 6 adjacent to the eastern boundary of the site means journeys by bicycle are also convenient. Access to these facilities by road is, however, rather more circuitous. It involves travelling south on Holcombe Road before turning north at the B6214 Helmshore Road.
10. For a short stretch the footpath to Gregory Fold is rather steep and this would discourage journeys on foot to the shops/schools by some people who are either unable or unwilling to tackle the slope. However there is also a shop along Holcombe Road which can be reached without any steep inclines and the No.11 bus would provide access by public transport (a couple of minutes ride)

to those facilities on higher ground and also to the wider bus network operating along Broadway and Helmsshore Road.

11. In addition, information provided by the appellants indicates a range of services/employment is available within easy reach of the appeal site which can be accessed by a variety of means of transport and those which are not, such as health facilities and a supermarket are within a reasonable travel distance in Haslingden. It has been said that health facilities and the like are oversubscribed, but no empirical evidence was submitted to the inquiry to substantiate that view.
12. The Council's Interim Housing Policy 2010 encourages the provision of housing within the defined urban area of Haslingden (which includes the appeal site) if, amongst other things, the development would reuse brownfield land, would contribute to affordable housing and would be built at an appropriate density. The appeal scheme satisfies these criteria. It uses previously developed land and would provide 15 affordable units and would have a density of 34dph.
13. The combination of the above leads to the conclusion that because the site is a brownfield one within the built up area which has reasonable access to a variety of goods and services by different modes of transport, its redevelopment would, in principle be, acceptable for residential development. The proposal would therefore be in accord with the objectives of national policy guidance in particular PPS 1: Delivering Sustainable Development and PPS3: Housing, development plan policies RSS policies DP1, DP4, DP5 and L5, CS policies 1, 3 and 4 and the Council's Interim Housing Policy 2010. In reaching this view I have taken account of the frequency of buses and their routes.
14. Education provision - The Council's second reason for refusal related to the predicted shortage of primary school places to serve the proposed development. The full correspondence between the parties in respect of education provision was not provided to the inquiry. However it appears that the situation in respect of school places changed during the Council's dealings with the application. Briefly, before the application was submitted it was not considered there would be a shortage, but by the time of the decision a shortfall had been identified and financial contributions to assist in their provision were sought, whilst after submission of the appeal further information indicated there would be no shortfall. As a result of these circumstances the reason for refusal was withdrawn.
15. At the inquiry it was still the view of some parties that there would be a problem with accommodating children from the development in local schools. However there was no substantive evidence from any party to seriously challenge the County Council's figures/conclusions that spaces would be available.
16. Evidence was submitted by the appellants which sought to demonstrate that the County Council's figures were flawed and at no time would there have been a shortfall. However by the time of the inquiry there was no longer an issue. By whatever means both parties had reached the conclusion that there would not be a shortfall of spaces. No detailed information from the County Council was available at the inquiry itself to indicate how it had arrived at this conclusion. As a result it is not possible to come to any meaningful conclusion about whether its methodology was flawed. Nor in my view is it necessary to do this, given the agreement by the parties that there would not be a problem

- in relation to the availability of school places. From the information before me I am satisfied that the proposal would not overburden the education system by the demand for primary school places and would accord with RSS policy L1.
17. Employment land – The appeal site is shown as an existing employment area on the proposals map. In order to foster the economy, amongst other things, CS policy 10 seeks to safeguard/encourage the reuse of existing employment sites. The policy sets out criteria which must be met to justify the loss of existing sites. I am told that the appeal site has been vacant and/or marketed for about 8 years. In that time there has been some interest shown in developing the site, but nothing has come to fruition. A 2006 application (2006/17) for residential, industrial and commercial development was approved, but was not proceeded with.
 18. Evidence provided by the appellant demonstrates why the site has and will continue to prove unattractive to the market for employment purposes. It is in a poor location both in terms of surrounding uses and distance from the main arterial roads in the locality. There is also ample other, better located land available. The Rossendale Employment Land Study 2009 commissioned by the Council generally supports the appellants' findings. At paragraph 9.19 it recognises that the appeal site has limited market attractiveness and recommends that a flexible approach to redevelopment for various uses including residential (paragraph 9.22).
 19. From the information before me I see no reason to differ from the tenor of views expressed in the various reports. I appreciate that a number of residents believe the land could be put to a variety of other uses, but I have seen no information which supports the view that there is either serious interest in such uses or that they would be financially viable on the appeal site. I am satisfied that the loss of the site for employment purposes would generally meet the criteria in CS policy 10 and the objectives of RSS policies DP1, DP4 and W3 and those in PPS3 and PPS4: Planning for Sustainable Economic Growth.
 20. Character and appearance - Holcombe Road is characterised by variety. There are strong reminders of the industrial heritage of the area with the Textile Museum (which is a listed building) to the north of the appeal site and the rows of stone terrace houses set at back of pavement or built very close to the road. These houses are interspersed with more modern residential units and there are former mills and other commercial/industrial units scattered along the roadside. The buildings vary in height and number of storeys and the external materials extend from stone, through brick to render. The building at the appeal site is of no particular merit, but the river frontage fringed by vegetation is a major positive factor in the street scene which links into the open landscaped land to the north around the museum.
 21. To the south of the site, at the southern end of 352-374 Holcombe Road, the riverside with its greenery is again clearly seen from Holcombe Road and Station Road. There is a green corridor on all sides of the appeal site and this would remain. The footpath/cycleway to the east of the river loops round the southern and eastern sides of the site linking into the footpath from Holcombe Road to Gregory Fold.
 22. The appeal scheme would retain and enhance the river frontage. Behind the frontage landscape, instead of an office building and car park would be

detached, semi-detached and terraced houses. They would generally face Holcombe Road and be served by a combination of minor pedestrian/vehicular accesses, not the main estate road. The houses would be primarily faced in artstone with the terrace of 5 properties at right angles to the road built in brick. In my view the public perception of the scheme would be of a modern development which reflects aspects of the existing built form without slavishly mirroring the existing properties in the locality. Along the north, south and eastern boundaries, with the exception of 3 units there would be garden/green areas between the properties and the boundaries. Moreover, the raised footpath/wooded slope to the east of the site would remain.

23. The proposal would undoubtedly change the appearance of the locality and I acknowledge that some of the views across the site would be lost. However I do not believe the changes proposed would result in a degree of change which would materially harm the visual amenity of the area.
24. It has been suggested that the proposal would result in overdevelopment of the site, but the proposed density would be 34 units per hectare. This would be an acceptable compromise between seeking to make the most efficient use of land which is required by policy at all levels whilst remaining sympathetic to the character and appearance of the locality. It is evident from the numbers and ages of properties that Helmsore has over the years become accustomed to new development. It is a relatively large settlement which to my mind can satisfactorily absorb the proposed number of units, even when taking into account the recent building which has taken place. There is no substantive evidence which demonstrates that the proposed development would fundamentally change the character of the settlement. It would replace employment use with residential, but the information before the inquiry indicates that the likelihood of redevelopment or reuse for employment purposes would be extremely remote. The combination of the above leads to the conclusion that the proposal would be in accord with the objectives of PPS1 and PPS3, RSS policies DP2, DP7 and EM3 and CS policy 23 in this respect.
25. Living conditions - The proposed layout would meet the Council's standards for space about buildings and would have an acceptable relationship with neighbours. I have looked in particular at 300 Holcombe Road. The front of this property faces south along Holcombe Road. Its garden abuts the footpath to Gregory Fold. Whilst there would be residential units to the south of the footpath, they would be set much further away from Holcombe Road. There would be no direct overlooking and the eastern elevation of the proposed block would have no openings. Given the separation, design and orientation of the existing house and the proposed units, I do not consider there would be an unacceptable impact in terms of privacy, light or overbearing impact between neighbours.
26. Similarly the existing properties to the east and south of the appeal site are at a higher level. The significant difference in ground levels between them and the proposed units, together with the rear boundary treatment of the existing properties would ensure a satisfactory relationship with these dwellings. The backs of the houses in the terrace numbered 352-374 Holcombe Road look out over the appeal site across the river Ogden. In terms of the Council's standards the separation between the new dwellings and the existing houses would be tight. However, there would only be 3 new units behind the terrace. And whilst the house to the north and south would front the backs of the

existing houses, they would only partially overlap the terrace and there would be the river in between. The middle unit would only have a side gable facing the terrace. There would also be large gaps between the new dwellings. Given these circumstances I do not consider the proposal would have an unacceptable impact on the living conditions of these residents. I find the proposal would comply with the objectives of CS policy 24.

27. Highways - Holcombe Road (B6235) is a minor road running from north to south and linking to Helmshore Road (B6214) in the south and Grane Road (B6232) in the north. The appellants carried out a traffic survey for 3 days in November 2011 which indicates that even in the peak hours (08.00-09.00 hours and 17.00-18.00 hours) the two way traffic flow on Holcombe Road was in the region of 350 vehicles. This is a relatively low level of traffic for a road of the nature of Holcombe Road. And given that the estimated number of trips generated by a development of 74 houses would add in the region of some 45-50 additional vehicles in the peak periods, the total usage of the road would remain relatively low.
28. Concerns have been raised about the impact of additional traffic on the junctions of Holcombe Road with the B6214 and the B6232. I do not doubt that at peak times it can be difficult to make turning movements at these junctions. However, it is not uncommon to have queues at junctions at peak times. The accident statistics for the past 5 years provided by the appellants indicate that there were 4 accidents at the Grane Road/Holcombe Road junction within that period. Three of them involved cars where the injuries were recorded as slight and the fourth a single pedal cyclist where the injuries were serious. There was also anecdotal evidence of an accident along Grane Road which involved a fatality in the summer months of last year, but no details were available as to the exact location or what vehicles were involved.
29. At the junction with the B6214 there were 2 accidents recorded, 1 involved 2 cars and 1 involved 1 car. In both the injuries were recorded as slight. I do not doubt that there have also been a number of bumps and scrapes which have gone unrecorded within that period. It is a matter of fact that there is always the potential for accidents when travelling by car and that at junctions when drivers have to exercise a degree of judgement there is room for human error, even when all relevant standards of road configuration are met.
30. I have also looked at the location of and the sight lines at the entrance to the appeal site together with its proximity to the drive at 352 Holcombe Road. Manual For Streets 2 recognises that whilst the Y distance at a junction should be based on the stopping sight distance, unless there is local evidence to the contrary, and a reduction in visibility below the recommended levels would not necessarily lead to significant problems. There is therefore flexibility in what is considered satisfactory visibility for drivers.
31. I saw at my visits that unrestricted on-street parking in the locality at times obscures visibility for some drivers when joining Holcombe Road. The vicinity is therefore one where visibility is already restricted for motorists and the accident statistics show it has not resulted in a high risk of collisions. It is the intention, as part of the development, to secure the restriction of on-street parking to both the north and south of the site entrance and this would ensure sight lines were not obscured by parked cars. Moreover in this case Lancashire County Council, as highway authority, were consulted on the development and they had no objections to the proposals in terms of highway safety. From my

- inspections of the site and the nearby road junctions at different times of day, the present and predicted traffic flows together with the recorded accident statistics, I am satisfied that approval of the proposal would not result in material harm to highway safety.
32. The proposal would therefore accord with the objectives of PPG13: Transport, RSS policies RT1, RT2 and RT4, and CS policy C8. I note that the proposed use would generate less traffic than the former offices and the previously permitted mixed use scheme.
33. Other material considerations - I acknowledge that a previous appeal on the site for a mixed use office and residential development was dismissed in 2004, but from reading that decision it appears that the situation has changed somewhat since then. In particular, in the present appeal, the site has been vacant for 8 years, there is no uncertainty about the bus services nor is there any suggestion that the proposal would add unnecessarily to the short term supply of housing land. Moreover it has been demonstrated that the site is unattractive and poorly located for employment uses and that there is ample better located land available.
34. I am required to assess the merits of the scheme before me, that is, whether or not the proposed development is acceptable in planning terms. My remit cannot include making a judgement on vague/non-specific alternative schemes which take account of individuals' preferences for different housing layouts/lower density nor any scheme which is not before me for determination. A number of other concerns raised about land contamination, drainage/flooding and the like could be addressed by appropriate conditions. There have been no objections from the Environment Agency on these counts. Similarly the provision sufficient/adequate open space, improvements to cycle, walkways and bus facilities, ensuring safe visibility at the access and providing affordable housing is dealt with by the legal undertaking provided by the appellant. As a consequence these matters would not preclude approval of the proposal. Factors such as the impact on property values are not planning matters.
35. The Council suggested a number of conditions which for the most part were agreed by the appellant in principle before the inquiry. I have looked at and amended those conditions in the light of Circular 11/95. I consider them all to be necessary apart from removing permitted development rights to convert garages into ancillary domestic accommodation. It is not necessary because alternative parking would be generally available at properties and any on-street parking would be likely to be within the confines of the estate. It would not cause congestion or impede the free flow of traffic on Holcombe Road.
36. For the avoidance of doubt it is necessary to specify the approved plans. Approval of materials would be in the interests of visual amenity, as would the protection of retained trees, implementation of the landscaping scheme and a riverside buffer together with details of future management including the treatment of Japanese knotweed. Site investigations and remediation of possible sources of land contamination would safeguard public health and approval of floor/ground levels together with surface water details would reduce the risk of flooding. Provision of parking and a satisfactory standard of road/footpath construction would be necessary in the interests of highway safety and orderly site development, as would the provision of suitable wheel washing facilities during construction. Improvements to the footpath/cycleway

- on the eastern boundary of the site, together with a travel plan will encourage travel by sustainable means of transport.
37. The provision of a fish pass would protect and enhance ecological interests and bat activity surveys would ensure the development did not harm this protected species. Providing for an element of renewable energy/reduction in energy consumption within the scheme would be in the interests of sustainable development, whilst restricting the hours of use would safeguard the living conditions of neighbours.
38. The appellants have produced a s106 unilateral undertaking dealing with various matters. Such undertakings must be necessary to make a development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. CS policy 22 sets out the types of matters which are likely to be included in an undertaking when there is an acknowledged deficiency or improvements need to be made. It also says that where the proposals involve the development of previously developed land, only those contributions deemed essential to help deliver the site and/or provide benefits to the immediate community. Guidance on such matters is set out in a variety of documents including the County Council's Planning Obligations in Lancashire Policy (updated September 2008) and the Council's Open Space and Play Equipment Contributions SPD 2008.
39. In terms of encouraging sustainable travel and highway safety, the s106 undertaking includes provision for the upgrading of the bus stop (providing a shelter) outside the appeal site together with a contribution towards its future maintenance, a contribution towards the running of the No.11 bus and a contribution towards a traffic regulation order to limited on-street parking near the access to accord with the objectives of CS policies 1 and 9; the provision of 15 affordable housing units to meet the requirements of the Council's Interim Housing Policy Statement 2010 and CS policy 4; and a contribution towards the provision of open space commensurate with the scale of the development. I am told the expenditure would be used in Helmshore in accord with the Council's open space strategy. I consider the provisions of the s106 are necessary to meet the requirements of planning policy, directly related to the development and commensurate in scale.
40. Conclusion – I have taken account of all the other matters raised including wildlife interests and the appellants' conclusions on the 5 year supply of housing land. I note in respect of the latter that the issue of oversupply of housing land was not raised as an issue by the Council either in its reasons for refusal or its inquiry statement. When taken together none change the overall conclusion that the proposal would, subject to appropriate conditions and the s106 undertaking, be acceptable and would meet the general requirements of national and development plan policies in so far as they seek to encourage sustainable development, ensure the infrastructure of an area is not overburdened, and protect interests of acknowledged importance such as the character and appearance of an area, the living conditions of neighbours and the like. I shall allow the appeal.

D L Burrows

INSPECTOR

APPEARANCES

Rossendale Borough Council did not oppose the granting of planning permission. The extent of its participation in the inquiry was limited and it set out below.

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Leader	Counsel (in relation to the session on conditions /s106 undertaking and to respond to the costs application)
Mr S Stray	Planning Manager Rossendale BC (in relation to the conditions/s106 undertaking)
Ms C Ridge	Assistant Planner Rossendale BC (in relation to the conditions/s106 undertaking)

FOR THE APPELLANT:

Mr P Village	Queens Counsel
He called	
Mr B O’Herlily	Preston O’Herlily
Mr C Self	CSa Environmental Planning
Mr D Boswell	David Boswell and Associates Ltd
Mr R Barton	HOW Planning LLP

INTERESTED PERSONS:

Mr D Williams	Local resident
Mr A Woods	Local resident
Mrs G Garriff	Local resident
Mr J McManus	Local resident
County Councillor P Evans	Lancashire County Councillor

DOCUMENTS

- 1 Attendance list
- 2 Notifications of inquiry 29 December 2011 and 19 January 2012
- 3 Planning Obligations in Lancashire Policy
- 4 Open Space and Play Equipment Contributions SPD
- 5 Breakdown of transport contributions requested by RBC
- 6 5 March 2012 HOW letter to RBC requested plan amendments and new condition
- 7 S106 undertaking
- 8 Mr Williams email 8 February 2012
- 9 Emails submitted with RBCs response to costs application
- 10 Papers submitted with appellant’s final submissions on costs application
- 11 RBC response to costs application

PLANS

- A 5 plans submitted with 5 March 2012 HOW letter 02-01K, 10082(PI)115, 116, 250A and 260A

**SCHEDULE OF CONDITIONS for planning permission
APP/B2355/A/11/2159598**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the annex attached to this permission.
3. Notwithstanding the details shown on the approved plans and prior to development commencing, samples of the facing materials to be used in the construction of the external elevations and roofs of the buildings/walls hereby permitted shall be submitted to and approved in writing by the local planning authority. The buildings/walls shall be constructed using the approved materials.
4. No development shall take place until a site investigation of the nature and extent of contamination of the site has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The methodology shall incorporate measures for a verification plan to validate all aspects of the remediation works. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site (including timing of works) to render it suitable for the development permitted shall be submitted to and approved in writing by the local planning authority before development begins. The site shall be remediated in accordance with the approved measures. If, during the course of development, any contamination is found which has not been identified in the site investigation, construction/development works on the contaminated area shall cease until such time as additional measures (including timing of works) for the remediation of this source of contamination have been submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
5. No development shall take place until details of the proposed floor and ground levels have been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved floor/ground level details.
6. No development shall take place until details of the drainage of the site have been submitted to and approved in writing by the local planning authority. The submitted details shall include a surface water regulation system and a separate foul water system. The development shall be carried out and completed in accordance with in accordance with the timing of provision included in the approved drainage details.
7. Prior to occupation of any dwelling the associated drive and/or parking space(s) to serve it shall be surfaced with a hard permeable material and shall thereafter be kept available for the parking of vehicles.
8. Development shall not commence until details of the estate roads construction and improvement of the bridge crossing of the river Ogden to a standard to enable them to be adopted by Lancashire County Council have been submitted to and approved in writing by the local planning authority.

- The submitted details shall include the timing of the proposed road works. The works shall be carried out in accordance with the approved details.
9. Development shall not commence until details of improvement works to the footpath situated adjacent to the northern boundary of the site have been submitted to and approved in writing by the local planning authority. The approved works shall be completed prior to occupation of the first dwelling.
 10. Prior to the occupation of the first dwelling hereby permitted, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented, updated and audited in accordance with the approved details.
 11. Development shall not commence until all the trees within or overhanging the site (with the exception of those trees clearly shown to be felled on approved plans c-673-01 and 02) have been protected in accordance with tree protection measures which have been previously submitted to and approved in writing by the local planning authority. The approved measures shall remain until the development is complete and no work, including any form of drainage or storage of materials, earth or top soil shall take place within those areas unless first approved in writing by the local planning authority.
 12. A programme for the implementation of the approved landscaping scheme (including fences, walls, gates and hardstandings) shall be submitted to and approved in writing by the local planning authority before development commences. The approved programme shall be implemented concurrently with the development. Any trees or shrubs removed, dying or becoming severely damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of similar size or species to those originally required to be planted, unless the local planning authority has agreed otherwise in writing.
 13. Development shall not commence until details of a buffer zone alongside the river Ogden have been submitted to and approved by the local planning authority. The details shall include a schedule of works and their timing, a detailed method statement for the removal and long term management/eradication of Japanese knotweed and a riparian management plan. The riverside buffer shall be provided and managed in accordance with the approved details.
 14. Development shall not commence until details of a new fish pass (as identified on approved plan 02-01K) have been approved in writing by the local planning authority. The details shall include long term management and maintenance schedules, together with a programme for construction of the pass. The development shall be carried out in accordance with the approved details.
 15. Prior to the demolition of the existing buildings on the site a bat activity survey shall have been carried out between May and October and the results of the survey provided to the local planning authority. If signs of bats are found, details of demolition including timing of such works shall be submitted to and approved in writing by the local planning authority. Demolition shall take place in accordance with the approved details.

16. Development shall not commence until details of the facilities within the development to provide for 10% of total energy usage from renewable sources or a 10% reduction in energy usage through energy efficiency measures, or a combination of the two have been submitted to and approved by the local planning authority. The details shall include the timing of the provision of these measures. The development shall be implemented in accordance with the approved details.
17. Prior to the commencement of demolition, remediation and/or construction works, facilities for the washing/cleaning of the wheels of vehicles using the site shall be provided and maintained on the site until the development is complete.
18. Demolition, remediation and/or construction works in connection with the development hereby permitted shall only take place only between 07.00 to 19.00 hours Mondays to Fridays, 08.00 to 13.00 hours on Saturdays and at no time on Sundays, public or bank holidays.

ANNEX

approved plans

1. Site plan 10082(PI)010
2. Planning Layout 02-01K
3. Massing diagram 10082(PI)020
4. Gable detail diagram 10082(PI)021A
5. Materials, fencing and bin store diagram 10082(PI)030A
6. Survey of existing TPO trees c-673-01
7. Tree protection and special construction details c-673-02
8. Soft landscaping proposals c-673-03
9. Typical bin store detail BST-01
10. Plans D1227V-WD 10082(PI)101
11. Plans D1251-WD 10082(PI)102
12. Plans D1216-WD 10082(PI)103
13. Plans AA22 10082(PI)104
14. Plans AA31 10082(PI)105
15. Plans AB41 10082(PI)106
16. Plans PA32M 10082(PI)107
17. Plans PA34 10082(PI) 108
18. Plans PA42 10082(PI)109
19. Plans PD41 10082(PI)111
20. Plans PD43 10082(PI)112
21. Plans H908 10082(PI)114

22. Plans H1089 10082(PI)115
23. Plans PD41 10082(PI)116
24. Elevations AA22 Art Stone River 10082(PI)201
25. Amended elevations AA22 Brick 10082(PI)202D
26. Amended elevations AA31 Brick 10082(PI)203D
27. Amended elevations AB41 Brick 10082(PI)204D
28. Amended elevations D1227V-WD Art Stone 10082(PI)205B
29. Amended elevations D1227V-WD Art Stone River 10082(PI)206B
30. Amended elevations D1227V-WD Brick 10082(PI)207D
31. Amended elevations D1251-WD Art Stone River 10082(PI)208B
32. Amended elevations D1251-WD Brick 0082(PI)209D
33. Amended elevations H908 Art Stone 10082(PI)210A
34. Amended elevations H1216-WD Brick 10082(PI)211C
35. Amended elevations H1216-WD Brick 10082(PI)212A
36. Amended elevations PA32M Art Stone River 10082(PI)213A
37. Amended elevations PA32 Art Stone River 10082(PI)214A
38. Amended elevations PA32 Brick 10082(PI)215D
39. Amended elevations PB32 Brick 10082(PI)217C
40. Amended elevations PS 32 Brick 10082(PI)218A
41. Amended elevations PD41 Art Stone 10082(PI)219A
42. Amended elevations PD43 Art Stone 10082(PI)220A
43. Amended elevations PD43 Brick 10082(PI)221C
44. Amended elevations PD46 Art Stone River 10082(PI)223A
45. Amended elevations PD46 Brick 10082(PI)224D
46. Amended elevations H1089 Art Stone 10082(PI)250A
47. Amended elevations PD410 Art Stone 10082(PI)260A
48. Apartment block A Floor Plans 10082(PI) 141
49. Apartment Block A Option 10082(PI) 242A
50. Apartment Block A Elevations 10082 (PI)241D
51. Street scenes 10082(PI) 281B
52. External Plans 02-01DH
53. Additional Landscape Proposals c-673-04
54. External Screening Details – Fence 4 (Fence 4)
55. Planning Layout/Parking Provision 02-03

ROSSENDALE BOROUGH COUNCIL

DRAFT LOCAL PLAN

REGULATION 19 CONSULTATION

CLIENT:

Brother Investments Ltd

SITE:

Forest Mill, Burnley Road East, Water

DATE:

05 October 2018

Report Drafted By	Report Checked By	Report Approved By
NM	DC	DC
24.09.18	05.10.18	05.10.18

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CONTENTS

	PAGE NUMBER
1. INTRODUCTION	2
2. LEGISLATIVE & POLICY CONTEXT	5
3. POLICIES PROPOSED IN THE DRAFT LOCAL PLAN.....	12
4. SOUNDNESS ASSESSMENT	15
5. PROPOSED HOUSING ALLOCATION: FOREST MILL	17
6. CONCLUSIONS.....	19

Appendices

Appendix 1 SHLAA 2018 Update Extract

1. INTRODUCTION

- 1.1 Rossendale Borough Council (RBC) is preparing a new Local Plan which will guide the future planning and development of the area. A previous consultation on the draft Local Plan (Regulation 18) was undertaken in summer 2017 in which Hourigan Connolly submitted representations in relation to the Forrest Mill site. This Representation is in relation to the Council's Publication Pre-Submission version of the Plan (Regulation 19). The consultation period ran from Thursday 23 August 2018 to Friday 5 October 2018. Once adopted the Local Plan will replace the Core Strategy (2011).
- 1.2 Within the draft Local Plan, sites have been proposed for development (for housing, employment, retail uses etc), for environmental protection and for recreation uses, as identified on the Draft Policies Map. Changes are also proposed to the existing Green Belt and the Urban Boundary. Also, four additional Conservation Areas, along with an extension to an existing Conservation Area, are being considered.
- 1.3 There are a number of documents which form part of the Evidence Base in support of the Council's Publication Pre-Submission version document and where relevant, these have been considered and referred to in this Representation.

BACKGROUND

- 1.4 Hourigan Connolly is instructed by Brother Investments Ltd. to review and comment on the emerging Local Plan in relation to the Forest Mill site in Water. The site is allocated for employment use under draft Policy EMP2 and given the Employment Allocation Reference EE41. This Representation sets out why the Council should reallocate the land for housing.

SITE CONTEXT

- 1.5 The site lies on the western side of Burnley Road East in the area of Water, approximately 3 km north of Waterfoot and approximately 5 km north east of Rawtenstall.
- 1.6 The site is in single land ownership, being solely within the ownership of Brother Investments Ltd, and comprises a mixture of single and multi-storey mill buildings with limited vehicle access to the front and rear single storey section. The site is in an existing employment use however many of the units are vacant.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brother Investments Ltd (Forest Mill, Water)**

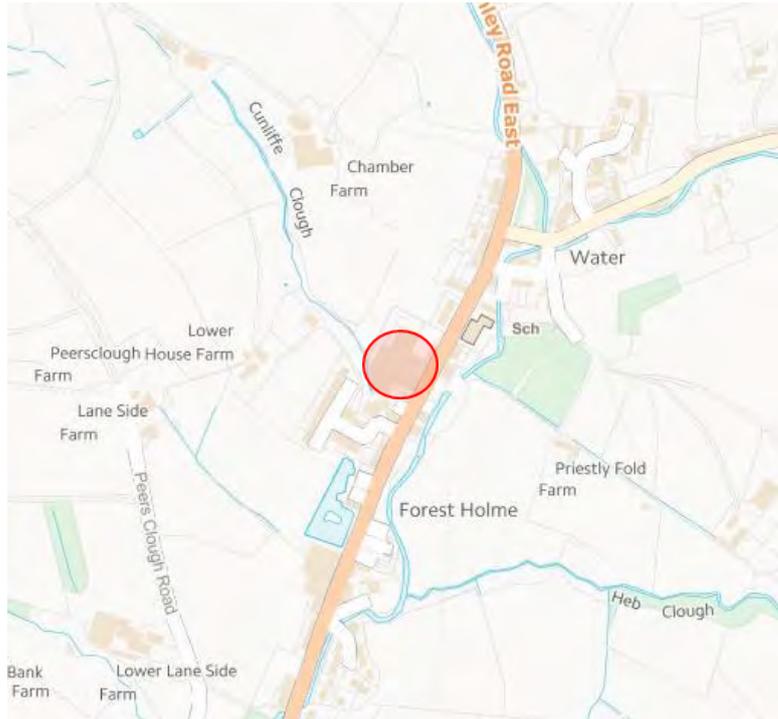


Figure 1.1 Location of subject site, Forest Mill, Burnley Road (circled in red).



Figure 1.2 Street view showing Forest Mill looking south along Burnley Road East

SCOPE

- 1.7 In preparing these submissions we have reviewed the documents mentioned above as well as other documents forming the evidence base that underpins the emerging Local Plan.
- 1.8 This document follows earlier Representations by Hourigan Connolly in relation to the Regulation 18 version of the Draft Local Plan. In addition to this earlier Representations were made by Mr Brian Boys as part of previous Local Plan, albeit that parts of the Local Plan were subsequently halted in favour of a complete new Local Plan.

OVERVIEW

- 1.9 The starting point for consideration of the emerging Local Plan document is the well-established principle embodied in Paragraph 158 of the National Planning Policy Framework (hereafter referred to as the Framework) that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 1.10 The emerging Local Plan will be examined by an independent inspector whose role is to assess whether the plan is sound. We will demonstrate in this Representation that the Plan is not sound as draft Policy EMP2 has not been positively prepared, is not justified, is not effective and is not in accordance with national policy.

2. LEGISLATIVE & POLICY CONTEXT

INTRODUCTION

- 2.1 In this Chapter we set out the relevant legislative and policy context before going on to examine the Council's Local Plan document.

LEGISLATIVE CONTEXT

- 2.2 Part 2 of the Planning & Compulsory Purchase Act 2004 (As amended) deals with Local Development.
- 2.3 The RBC Local Plan is being brought forward following changes to the Development Plan making system in England which are set out in the Localism Act 2011. Part 6 Sections 109 – 144 of the Localism Act deal with Planning.
- 2.4 Following revocation of the North West Regional Strategy (RS) in May 2013, Council's such as RBC will set their own housing and employment targets against objectively assessed needs.
- 2.5 The Town & Country Planning (Local Planning) (England) Regulations (SI No. 767) came into force on 6 April 2012 and guide the preparation of Local Plans.

MINISTERIAL STATEMENTS

- 2.6 In his Written Statement of 23 March 2012 the then Minister for Decentralisation and Cities the Rt. Hon Greg Clark MP referred to a pressing need to ensure that the planning system does everything it can to help England secure a swift return to economic growth. He urged local planning authorities to make every effort to identify and meet the housing, business and other development needs of their areas.
- 2.7 The National Planning Policy Framework (hereafter referred to as the Framework) (see below) was subsequently published on 27 March 2012 and urges local planning authorities to boost significantly the supply of housing.
- 2.8 In his Written Statement of 6 September 2012 the Secretary of State for Communities and Local Government the Rt. Hon Eric Pickles MP noted an increase in house building starts between 2009 and 2011 but said that there was far more to do to provide homes to meet Britain's demographic needs and to help generate local economic growth.
- 2.9 There can be no doubt that house building is a driver of the local economy besides providing homes for local people.

FRAMEWORK REQUIREMENTS

- 2.10 It is noted that a new Framework was published in July 2018, however this section refers to the Framework published in 2012 as we understand from the Council that the Plan will be submitted to the Inspector before 24 January 2019.¹ Should that position change, we reserve the right to make further representations.
- 2.11 Paragraphs 150 to 185 of the Framework deal with Plan-making. The importance of the Local Plan is identified as the key to delivering sustainable development and a cornerstone of the development management process (Paragraph 150 refers).
- 2.12 The requirement for Local Plans to be prepared with the objective of contributing to the achievement of sustainable development is embodied in Paragraph 151 of the Framework and stems from the requirements set out under Section 39(2) of the Planning & Compulsory Purchase Act 2004. Local Plans must also be consistent with the principles and policies of the Framework.
- 2.13 Paragraph 152 of the Framework requires local planning authorities to seek opportunities to achieve and secure net gains for each of the three dimensions of sustainable development. These three dimensions are defined in Paragraph 7 of the framework as economic, social and environmental. According to Paragraph 7 of the Framework these dimensions give rise to the need for the planning system to perform a number of roles:
- *“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
 - *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
 - *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.*

¹ Paragraph 214 of the 2018 Framework states that policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brother Investments Ltd (Forest Mill, Water)**

- 2.14 Paragraph 8 of the Framework states that the roles mentioned in Paragraph 7 should not be undertaken in isolation, because they are mutually dependant and should be sought jointly and simultaneously through the planning system.
- 2.15 The importance of Local Plans taking into account local circumstances is highlighted in Paragraph 10 of the Framework to ensure that they respond to the different opportunities for achieving sustainable development.
- 2.16 Paragraph 152 of the Framework goes on to deal with adverse impacts on any of the dimensions of sustainable development and sets out three tests:
- Firstly significant adverse impacts on any of the dimensions should be avoided, and where possible, alternative options which reduce or eliminate such impacts should be pursued.
 - Where adverse impacts are unavoidable, measures to mitigate the impact should be considered.
 - Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
- 2.17 Paragraph 154 of the Framework requires Local Plans to be aspirational but **realistic** and address the spatial implications of economic, social and environmental change.
- 2.18 The requirement for local planning authorities to set out strategic priorities for their areas in their Local Plans is established in Paragraph 156 of the Framework. Such policies are required to deliver:
- *“the homes and jobs needed in the area;*
 - *the provision of retail, leisure and other commercial development;*
 - *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
 - *the provision of health, security, community and cultural infrastructure and other local facilities; and*
 - *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape”.*
- 2.19 The importance of using a robust and proportionate evidence base for Plan making is dealt with in Paragraphs 158 to 177 of the Framework. Paragraph 158 is of particular relevance to these submissions:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brother Investments Ltd (Forest Mill, Water)**

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”.

2.20 A number of topics are discussed and for the purpose of this document we will focus on housing (Paragraph 159), business (Paragraphs 160 – 161), infrastructure (Paragraph 162) and environment (Paragraphs 165 – 168).

HOUSING

2.21 Paragraph 159 outlines the importance of preparing a Strategic Housing Market Assessment (SHMA) to assess **full** housing needs and a Strategic Housing Land Availability Assessment (SHLAA) to establish **realistic** assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

2.22 Of particular importance is the requirement for the SHMA to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the Plan period which:

- *“meets household and population projections, taking account of migration and demographic change;*
- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand”.*

BUSINESS

2.23 Paragraph 160 of the Framework outlines the importance of local planning authorities having a clear understanding (from a robust evidence base) of business needs within the economic markets operating in and across their area.

2.24 Paragraph 161 of the Framework establishes the importance of understanding business needs (both quantitative and qualitative) and ensuring that sufficient suitable land (both existing and future) is available to meet needs.

INFRASTRUCTURE

2.25 An objective of government policy is the delivery of growth. Central to this objective is ensuring that infrastructure has the capacity or can be enhanced to deliver growth. A number of factors are outlined in Paragraph 162 of the Framework which need to be considered at a local level including transport, water, foul drainage, energy, telecommunications, waste, health, social care, education, flood risk and coastal change management.

ENVIRONMENT

2.26 Paragraphs 165 to 168 of the Framework deal with environmental matters and set out the requirement that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

SOUNDNESS

2.27 Paragraph 182 of the Framework deals with the examination of Local Plans. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. Local planning authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- **Justified** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- **Effective** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- **Consistent with national policy** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.*

NATIONAL PLANNING PRACTICE GUIDANCE – LAUNCHED 6 MARCH 2014

2.28 On 28 August 2013 the government launched its draft National Planning Practice Guidance (NPPG). The draft NPPG was subject to consultation for 6 weeks and was launched on 6 March

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brother Investments Ltd (Forest Mill, Water)**

in its final form. The NPPG replaces some 230 planning guidance documents but will result in no amendments to the Framework.

- 2.29 The Housing and Economic Land Availability Assessment section of the NPPG is worthy of specific mention in relation to this Report, in particular paragraph 030 (reference ID: 3-030-20140306 confirms):

“Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.”

- 2.30 The NPPG deals with deliverable sites as follows at paragraph 031 (Reference ID 3-031-20140306):

“WHAT CONSTITUTES A ‘DELIVERABLE SITE’ IN THE CONTEXT OF HOUSING POLICY?”

Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgments on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust five-year housing supply.”

- 2.31 In regards to how often a Local Plan should be reviewed, the NPPG states at paragraph 008 of the section titled ‘Local Plans’ (Reference ID 12-008-20140306) that:

“HOW OFTEN SHOULD A LOCAL PLAN BE REVIEWED?”

To be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within five years of the date of adoption.”

GOVERNMENT CONSULTATION ON STANDARDISED METHODOLOGY FOR HOUSING NEED (SEPTEMBER 2017)

- 2.32 On 14 September 2017 the Government announced a consultation on a Standardised Methodology for Assessing Local Housing Need, the basis of which was included in the White Paper (February 2017) and is aimed at helping local authorities plan for the right homes in the right places.
- 2.33 As the consultation document sets out, the root cause of the dysfunctional housing market in the UK is that for too long we have not built enough homes. The Government is aiming to deliver 1.5 million new homes between 2015-2022 and is attempting to create a system which is clear and transparent for local authorities. The new methodology will apply to all future plans, with the exception of those which have been submitted or will be submitted before 31 March 2018.
- 2.34 The standard methodology is principally aimed at tackling problems of affordability as the proposed formula simply uplifts the household projections figure, based on market signals.
- 2.35 For Rossendale the proposed standard methodology has little impact on the annual housing requirement (which, it is suggested should be 212 rather than the current 265 dwellings per annum). However, it should be noted that the proposed standard methodology is currently on consultation and may therefore be subject to changes in due course. It is also worth noting the heavy speculation that the proposed methodology focuses on growth in the south east to the detriment of other parts of the UK, in particular the north west.
- 2.36 Crucially the link between housing growth and economic activity must be recognised and therefore the current consultation is considered to be relevant to this Representation in relation to land at Forest Mill.

3. POLICIES PROPOSED IN THE DRAFT LOCAL PLAN

PROPOSALS MAP

3.1 The below image shows the site in the draft Proposals Map. The proposed employment allocation is annotated as EE41 (light purple hatching). The site is also within the Urban Boundary (red edge).

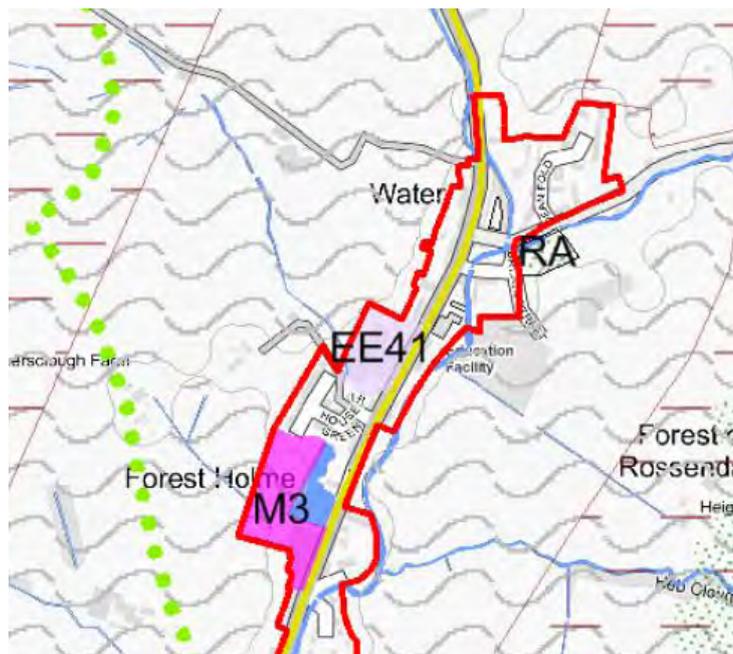


Figure 3.1 Extract from Draft Proposals Map

DRAFT POLICY EMP2: EMPLOYMENT SITE ALLOCATIONS

3.2 Draft Policy EMP2: Employment Site Allocations identifies all sites within the Borough which have been allocated for employment development. For each site allocated, site area, available area for development and proposed use class is set out within the allocations table.

3.3 The Forest Mill site is identified as Employment Allocation Reference EE41 as shown below. It is classed as an ‘existing employment’ site and is considered suitable for B1, B2 and B8 uses.

Employment Allocation Ref.	Site name	Gross Area (ha)	Estimated Net Developable Area (ha)	Use Class	Policy
EE41	Forest Mill	0.65	0.00	B1, B2, B8	EMP2

Figure 3.2 Extract from Site Allocations Table (Policy EMP2)

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brother Investments Ltd (Forest Mill, Water)**

- 3.4 We support the aims of the Local Plan to identify key development sites which are central to the delivery of the overall strategy for new and existing employment assets and the Borough's economy. Crucial to the economy is the delivery of appropriate uses in the right locations. Unfortunately this is not the case with Forrest Mill.
- 3.5 As an employment site, Forest Mill is poorly located, being over 8 km north east of the A56. The owners have been very fortunate over the years to have been able to obtain some very long standing tenants, although they have just recently lost their biggest tenant with regard to space occupied and rent achieved.
- 3.6 In order to attract any form of occupancy, the owner will have to offer substantial rent reductions. There are major works required to make Forrest Mill more attractive to businesses. The goods lift needs major refurbishment (costed at roughly £80k) to meet current regulations and the roofs all need completely re-roofing (costed at roughly £600k).
- 3.7 Due to the above, many of the units are vacant despite continual advertising with "To Let" signs being clearly visible on the front of the building (refer to figure 1.2).
- 3.8 Given the nature and location of the premises and the recent loss of tenants at Forest Mill, we do not consider that the proposed allocation for B1, B2 and B8 uses will secure viable use and investment in the site going forward. As referred to in the Policy Explanation, much of the committed supply of employment sites is not considered to be fit for purpose, and is often in the wrong location with sites to the west of the Borough being more attractive due to better links to the A56 and M66. This is the case with the subject site.

EMPLOYMENT LAND REVIEW 2017

- 3.9 The Council's Employment Land Review 2017 scores the site poorly against the various employment criteria and gives an overall rating of Poor as shown below.

Site reference	Site name	Gross area (ha)	Net area (ha)	Status and recommendation	Strategic road access	Local accessibility	Proximity to urban areas and local services	Compatibility of adjoining uses	Developmental and environmental constraints	Market attractiveness	Overall site rating
EMP20	Forest Mill	0.65	0	Existing Site - retain	Poor	Average	Very Poor	Poor	Average	Poor	Poor

Figure 3.3 Extract from Employment Land Review 2017

- 3.10 This further demonstrates that the site is not suitable for employment purposes. Despite scoring poorly, the Employment Land Review recommended that the site is retained for employment which is not justified and is not a positive strategy for the Council.
- 3.11 To this end we consider that it would be more appropriate for the employment allocation to be removed and for the site to be allocated for residential development. The site comprises

**Rosendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brother Investments Ltd (Forest Mill, Water)**

brownfield land in a sustainable location, within the urban area, and is therefore considered to be entirely appropriate to contribute towards the Borough's housing need over the plan period.

4. SOUNDNESS ASSESSMENT

INTRODUCTION

4.1 As mentioned in Chapter 2 above Paragraph 182 of the 2012 Framework deals with the examination of Local Plans. Local Planning Authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.

4.2 In this section we consider the soundness of the Draft Local Plan Policies against the four key tests set out under Paragraph 182 of the 2012 Framework. It should be noted that for a Plan to be found sound it must comply with **all** of the four tests set out under Paragraph 182 of the Framework.

POLICY EMP2: EMPLOYMENT SITE ALLOCATIONS

POSITIVELY PREPARED

4.3 As demonstrated in Chapter 3 the site is not suitable for employment purposes. The site is only partly occupied and needs major works to bring it up to modern standards which is financially unviable. It is located poorly for an employment use. It is our view that Policy EMP2 has not been positively prepared by allocating the Forest Mill as an existing employment site under reference EE41. On this basis alone, the Council's Plan is unsound.

JUSTIFIED

4.4 Policy EMP2 fails to plan for the proper growth of Water as it allocates the site for employment use where there is no reasonable prospect of the site being used for employment in the long term. In addition to our Representations that the site is not suitable for continued employment use, the

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brother Investments Ltd (Forest Mill, Water)**

Council's own Employment Land Review in 2017 gives an overall site rating of Poor therefore the policy has not been justified.

EFFECTIVE

- 4.5 The preceding sections of this document have explained how Forest Mill is not suitable for employment use; it is therefore not effective.

CONSISTENT WITH NATIONAL POLICY

As we have set out that there is no reasonable prospect the site being used for employment use therefore Policy EMP2 is not consistent with Paragraph 22 of the Framework:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

PROPOSED MODIFICATION

- 4.6 The Council is respectfully requested to remove the current employment allocation EE.41 from Policy EMP2 and allocate the site for residential development under draft Policy HS2. Residential development in this location is considered appropriate in order to facilitate the viable regeneration of the site.
- 4.7 We contend that this would properly reflect Paragraph 22 of the Framework which seeks to avoid the long term protection of employment uses where there is no reasonable prospect of a site being used for that purpose. In such circumstances, more appropriate and viable uses, such as housing, should be acceptable.

5. PROPOSED HOUSING ALLOCATION: FOREST MILL

SITE CONTEXT

- 5.1 The site at Forest Mill represents an opportunity to deliver truly sustainable residential development.
- 5.2 The site is in single land ownership, being solely within the ownership of our client. The site is located on Burnley Road East, roughly 7.5km to the north east of Rawtenstall. It is dominated by a three storey mill building which is positioned at the back of the pavement on Burnley Road East.

DRAFT POLICY HS1 – MEETING ROSSENDALE’S HOUSING REQUIREMENT

- 5.3 Draft Policy HS1 sets out the Council’s approach to ‘*Meeting Rossendale’s Housing Requirement*’. It states that at least 3,180 additional dwellings will be provided over the plan period (2019-2034). The draft policy also seeks to deliver over 30% of new dwellings on previously developed land across the Borough.
- 5.4 In this context, the Forest Mill site could make an important contribution towards meeting the Borough’s residential development needs. In particular, as it is recognised within the explanatory text that brownfield sites within the urban area are limited.

SUSTAINABLE HOUSING ALLOCATION

- 5.5 The site is located in a sustainable location being close to a range of amenities. There are bus stops immediately to the south of the site and the Number 483 provides a regular service to Burnley and Rawtenstall.
- 5.6 Water Primary School is located adjacent to the site on the opposite side of Burnley Road East. A convenience store and public house is located to the north roughly 500m from the site.

SHLAA 2018 UPDATE

- 5.7 The site is included in the SHLAA 2018 update under reference SHLAA18424 (see **Appendix 1**). This concludes that the site is developable in the medium term (within 6-10 years) and can deliver 16 dwellings.

SUMMARY

- 5.8 The Representation presents an opportunity to contribute to the delivery of sustainable housing over the next 15 years, i.e. during the current Plan period, or beyond. The subject site comprises previously developed land, within the Urban Boundary, in a sustainable location and therefore

**Rosendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brother Investments Ltd (Forest Mill, Water)**

would accord with the principles of sustainable development as set out in the Framework, for which there is a presumption in favour of.

- 5.9 To conclude, for the reasons discussed above, in our view the site at Forest Mill should be allocated for housing in the emerging Local Plan.

6. CONCLUSIONS

- 6.1 The starting point for consideration of the Council's Local Plan is the well- established principle embodied in Paragraph 158 of the Framework that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 6.2 The Framework is clear at Paragraph 22 that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Paragraph 160 outlines the importance of local planning authorities having a clear understanding of business needs within the economic markets operating in and across their area.
- 6.3 It has been highlighted in this Representation that the site at Forest Mill is no longer appealing to modern businesses and indeed there has been a notable loss of tenants in the building in recent months. The site is poorly located for an employment use and this is backed up by the Council's Employment Land Review 2017 which concludes that the site is "Poor".
- 6.4 As a result, and in order to future-proof the site, removal of the proposed employment allocation is recommended, along with consideration of the site for sustainable residential development. Land at Forest Mill has an opportunity to contribute to the delivery of housing over the Plan period on a site which comprises previously developed land within the Urban Boundary.
- 6.5 In conclusion, Local Plan Policy EMP2 should be modified to remove reference to the Forest Mill site to allow a more flexible approach for redevelopment of the site over the plan period. Further, the site should be considered for allocation under draft Policy HS2 for residential development.

Appendix 1

GENERAL INFORMATION

Site Ref **SHLAA18424** Most Recent Source **Draft Local Plan Reg 18** Comment Site Gross Area (ha) **0.61**

Site Name **Forest Mill, Water**

Greenfield versus Brownfield **Brownfield** Designations **None**

Site Location - Urban Area, Countryside or Green Belt **Urban Boundary**

Current Land Use **Employment and retail use**

Characteristics of the site reducing the development area

Area available for development **0.61** Net Development Area (ha) **0.55** Density **30 dwellings per hectare**

Yield calculated **16** Yield proposed by applicant Current planning permission



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AVAILABILITY

Land ownership **single ownership**

Comments Private ownership

Intentions of landowner **developer/landowner willing to deliver residential units in the short term (next 5 years)**

Comments Landowners expressed an interest to change the use of the site from employment to residential.

Legal constraints / ownership issues **no legal or ownership constraints known**

Comments

SUITABILITY

Topography **flat site or very gentle slope**

Comments

Vehicular access **good access or adjacent to road**

Comments Access off Burnley Road East

Distance to strategic road network **greater than 5.5km (approximately 3.5 miles)**

Comments

Access by public transport **medium frequency bus service (hourly) or low frequency (less than hourly) bus service within 400m (0.24 miles)**

Comments Within 100m to bus stops with service 483 to Burnley and Rawtenstall

Access to primary school **access within 500m (0.31 miles)**

Comments	Rawtenstall Water Primary School across Burnely Road East
Access to secondary school	access within 5km (approximately 3 miles)
Comments	4km to Bacup Rawtenstall Grammar School and Fearn's College
Access to GP surgery	no access within 3km (1.8 miles)
Comments	4.5km to Waterfoot Health Centre
Access to a local centre or convenience shop	access within 500m (0.31 miles)
Comments	Within 200m to local shop within Water
Access to a park or play area	access within 300m (0.18 miles)
Comments	Within 300m to playground off Dean lane
Flood risk	more than 50% in flood zone 2 or affected by medium surface water flood risk, or more than 10% in flood zone 3 or affected by high surface water flood risk
Comments	10% of the site at high risk of surface water flooding
Ecological value	not located in or adjacent to a Biological Heritage Site, Local Geodiversity Site or Core Area or Stepping Stone areas
Comments	Spring adjoining the site
Recreational value	no recreational value
Recreational value comme	
Heritage assets	site does not contain or adjoin a Listed Building and site is not within or adjoins a Conservation Area
Comments	
Landscape value	low landscape impact
Comments	Within Settled Valleys landscape character type. Previously developed land.
Land contamination	potential contamination issues or known issues but capable of remediation
Comments	Potential contamination from previous use
Mineral sterilisation	if entirely within or partly within a Mineral Safeguarding Area or surface coal area
Comments	May require further site investigation
Land instability	if no known issues and situated in a low risk development area
Comments	
Proximity to dangerous structures	not within any HSE consultation zones
Comments	

Bad neighbour **site in mixed-use area (employment and residential area)**

Comments Surrounded by residential properties except scrap yard across the road.

Constraints due to utilities **no known utilities infrastructure on site**

Comments

ACHIEVABILITY

Extra costs of development **if some extra costs required**

Comments Demolition or conversion costs. Surface water flooding mitigation.

Market area **medium value market area (£170/sqm)**

Comments

CONCLUSION

Availability summary **Available now**

Justification The landowner has expressed an interest to change the use of the site from employment and retail to residential. The site is considered available in the short term.

Suitability summary **Suitable in medium to long term**

Justification The site is a brownfield site currently in employment and retail use within the urban area. It has good access from Burnley Road East but is situated far away from a strategic road network. The site is situated in proximity to a primary school and a local shop. However, the closest medical centre is situated 4.5km away. There is a high risk of surface water flooding on site and potential land contamination from previous use. Provided that flood risk can be mitigated and land contamination assessed and adequately mitigated if required, the site is considered suitable for residential use.

Viability and achievability summary **Achievable in medium to long term**

Justification Extra costs are likely due to demolition and flood risk mitigation. The site is within a medium value market area and is likely to be viable. Development is considered achievable in the medium to long term.

Conclusion **Developable in the medium to long term (within 6 to 10 years, or after 10 years)**

Justification The site is available for development and is considered suitable subject to surface water flood risk mitigation and a land contamination report. The development can be delivered within the medium term.

Delivery (next 5 years) Delivery (6 to 10 years) Delivery (11 to 15 years)

ROSSENDALE BOROUGH COUNCIL

DRAFT LOCAL PLAN

REGULATION 19 CONSULTATION

CLIENT:

Haslingden Cricket Club and B&E Boys Ltd

SITE:

Haslingden Cricket Club, Haslingden

DATE:

04 October 2018

Report Drafted By	Report Checked By	Report Approved By
BM	DC	DC
03.10.18	04.10.18	04.10.18

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CONTENTS

	PAGE NUMBER
1. INTRODUCTION	2
2. LEGISLATIVE & POLICY CONTEXT	5
3. POLICY HS2: HOUSING SITE ALLOCATIONS.....	12
4. SOUNDNESS ASSESSMENT	14
5. PROPOSED REVISIONS TO THE LOCAL PLAN – MIXED-USE POLICY.....	16
6. CONCLUSIONS.....	21

Appendices

Appendix 1 SHLAA Entry: Reference SHLAA16284

1. INTRODUCTION

- 1.1 Rossendale Borough Council (RBC) is preparing a new Local Plan which will guide the future planning and development of the area. The most recent consultation on the draft Local Plan was undertaken in summer 2017 and comprised the Regulation 18 stage. This Representation is submitted in response to the Council's current Publication Pre-Submission version of the Plan (Regulation 19). The consultation period runs from Thursday 23 August 2018 to Friday 5 October 2018. Once adopted the Local Plan will replace the adopted Core Strategy (2011).
- 1.2 Within the draft Local Plan, sites have been proposed for development (for housing, employment, retail uses etc), for environmental protection and for recreation uses, as identified on the Draft Policies Map. Changes are also proposed to the existing Green Belt and the Urban Boundary. Also, four additional Conservation Areas, along with an extension to an existing Conservation Area, are being considered.
- 1.3 There are a number of documents which form part of the Evidence Base in support of the Council's Publication Pre-Submission version document and where relevant, these have been considered and referred to in this Representation. For clarification, the Council's Errata to the Publication (Pre-Submission) version of the Local Plan (dated 03 September 2018), has been noted but it does not relate to the matters pertinent to this particular Representation.

BACKGROUND

- 1.4 Hourigan Connolly is instructed to review and comment on the emerging Local Plan in relation to land at Haslingden Cricket Club off Private Lane, Haslingden. This Representation is submitted on behalf of Haslingden Cricket Club and B&E Boys Limited who have a legal agreement in place to enable the delivery of the redevelopment proposals set out in this Statement.
- 1.5 Part of the site has been allocated for residential use under Policy HS2 and given the residential allocation reference H52. Whilst principle of a proposed housing allocation is supported, this Representation seeks a revision to the Local Plan to include a specific stand-alone policy which would encompass both a housing allocation and improvements to cricket facilities. In short, the housing allocation will deliver the necessary improvements, the two are intrinsically linked.
- 1.6 This unique Local Plan policy would provide for the delivery of a residential-led, mixed-use proposal which would not only result in the delivery of around 30 dwellings but would also directly result in the retention and enhancement of the existing facilities at the cricket club to the benefit of the local community.
- 1.7 For the purposes of transparency and positive planning, discussions regarding the detail of these Representations and the intentions of the two parties have taken place with various Officers of the Council prior to this Representation being submitted. Discussions have also taken place

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Haslingden Cricket Club and B&E Boys Ltd**

between the two parties¹, Sports England and the ECB to ensure that Sports England is fully apprised of the proposals. Discussions have also taken place with Haslingden High School with regards to the relocation of the practice pitch which is currently located on that area which is proposed for the housing allocation. The nature of these discussions is set out in further detail in Chapter 5.

- 1.8 The cricket ground is known as Bent Gate and measures an area of circa 2.75 ha. The ground can be found within the bend of the A56 Haslingden bypass dual carriageway which leads northwards to the town of Haslingden. Vehicular access to the ground is taken from Private Lane, off Broadway. Vehicles can be parked within the ground to the west of the existing pavilion, and in a small overspill area to the east of the ground which is accessed via a secondary vehicular access off Clod Lane.



Figure 1.1 Location of subject site, Haslingden Cricket Club (approximate area circled in red).

- 1.9 As part of the Council's previous 'Call for Sites' exercise, Haslingden Cricket Club made representations promoting part of the site for housing development. The submissions at that time promoted an area of land located between the rear of the pavilion and the rear of the properties on Grasmere Road. The site was included in the Council's Strategic Housing Land Availability Assessment (SHLAA) Update 2018, being recorded as Site Reference SHLAA16284. The SHLAA concluded that the promoted area of land was available, suitable and deliverable for around 30 houses. The SHLAA entry is contained at Appendix 1 to this Statement.
- 1.10 Following this exercise, the site has been included in the Local Plan as a proposed housing allocation referenced as Policy H52.

¹ Haslingden Cricket Club and B&E Boys Ltd

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Haslingden Cricket Club and B&E Boys Ltd**

- 1.11 Since the submission of those representations by the cricket club, and since the publication of the Council’s Regulation 18 Local Plan document, the club has held discussions with B&E Boys Ltd and a legal agreement has been negotiated. This legal agreement between the two parties secures the future of the cricket club by ensuring that the new housing allocation will directly result in the delivery of a series of benefits at the cricket ground. In summary, the housing is essential to assist in the financial security and continuation of the cricket club, and the housing cannot be delivered unless the benefits to the cricket ground are realised.
- 1.12 As part of the Joint Venture between the two interested parties, these Representations seek to modify the Local Plan to ensure that it includes a specific and unique policy which delivers benefits to the cricket club, as well as the delivery of new housing; the two distinct development elements are intrinsically linked and a stand-alone policy for a residential-led mixed use development would secure their successful and swift delivery.
- 1.13 This Representation sets out how the policy would deliver a new pavilion in a relocated position to serve the existing cricket club, the re-organisation of the cricket pitch to improve the standard of the playing area, the relocation of the practice pitch off-site to land at Haslingden High School (for use by the School and club) the provision of around 30 dwellings in the same area as that proposed under the current H52 allocation, and a new and improved vehicular access points.

SCOPE

- 1.14 In preparing these submissions we have reviewed the documents mentioned above as well as other documents forming the evidence base that underpins the emerging Local Plan.

OVERVIEW

- 1.15 The starting point for consideration of the emerging Local Plan document is the well-established principle embodied in Paragraph 158 of the National Planning Policy Framework (hereafter referred to as the Framework) that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.

2. LEGISLATIVE & POLICY CONTEXT

INTRODUCTION

- 2.1 In this Chapter we set out the relevant legislative and policy context before going on to examine the Council's Local Plan document.

LEGISLATIVE CONTEXT

- 2.2 Part 2 of the Planning & Compulsory Purchase Act 2004 (As amended) deals with Local Development.
- 2.3 The RBC Local Plan is being brought forward following changes to the Development Plan making system in England which are set out in the Localism Act 2011. Part 6 Sections 109 – 144 of the Localism Act deal with Planning.
- 2.4 Following revocation of the North West Regional Strategy (RS) in May 2013, Council's such as RBC will set their own housing and employment targets against objectively assessed needs.
- 2.5 The Town & Country Planning (Local Planning) (England) Regulations (SI No. 767) came into force on 6 April 2012 and guide the preparation of Local Plans.

MINISTERIAL STATEMENTS

- 2.6 In his Written Statement of 23 March 2012 the then Minister for Decentralisation and Cities the Rt. Hon Greg Clark MP referred to a pressing need to ensure that the planning system does everything it can to help England secure a swift return to economic growth. He urged local planning authorities to make every effort to identify and meet the housing, business and other development needs of their areas.
- 2.7 The National Planning Policy Framework (hereafter referred to as the Framework) (see below) was subsequently published on 27 March 2012 and urges local planning authorities to boost significantly the supply of housing.
- 2.8 In his Written Statement of 6 September 2012 the Secretary of State for Communities and Local Government the Rt. Hon Eric Pickles MP noted an increase in house building starts between 2009 and 2011 but said that there was far more to do to provide homes to meet Britain's demographic needs and to help generate local economic growth.
- 2.9 There can be no doubt that house building is a driver of the local economy besides providing homes for local people.

FRAMEWORK REQUIREMENTS

- 2.10 It is noted that a new Framework was published in July 2018, however this section refers to the Framework published in 2012 as we understand from the Council that the Plan will be submitted to the Inspector before 24 January 2019.² Should that position change, we reserve the right to make further representations.
- 2.11 Paragraphs 150 to 185 of the Framework deal with Plan-making. The importance of the Local Plan is identified as the key to delivering sustainable development and a cornerstone of the development management process (Paragraph 150 refers).
- 2.12 The requirement for Local Plans to be prepared with the objective of contributing to the achievement of sustainable development is embodied in Paragraph 151 of the Framework and stems from the requirements set out under Section 39(2) of the Planning & Compulsory Purchase Act 2004. Local Plans must also be consistent with the principles and policies of the Framework.
- 2.13 Paragraph 152 of the Framework requires local planning authorities to seek opportunities to achieve and secure net gains for each of the three dimensions of sustainable development. These three dimensions are defined in Paragraph 7 of the framework as economic, social and environmental. According to Paragraph 7 of the Framework these dimensions give rise to the need for the planning system to perform a number of roles:
- *“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
 - *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
 - *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.*

² Paragraph 214 of the 2018 Framework states that policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Haslingden Cricket Club and B&E Boys Ltd**

- 2.14 Paragraph 8 of the Framework states that the roles mentioned in Paragraph 7 should not be undertaken in isolation, because they are mutually dependant and should be sought jointly and simultaneously through the planning system.
- 2.15 The importance of Local Plans taking into account local circumstances is highlighted in Paragraph 10 of the Framework to ensure that they respond to the different opportunities for achieving sustainable development.
- 2.16 Paragraph 152 of the Framework goes on to deal with adverse impacts on any of the dimensions of sustainable development and sets out three tests:
- Firstly significant adverse impacts on any of the dimensions should be avoided, and where possible, alternative options which reduce or eliminate such impacts should be pursued.
 - Where adverse impacts are unavoidable, measures to mitigate the impact should be considered.
 - Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
- 2.17 Paragraph 154 of the Framework requires Local Plans to be aspirational but **realistic** and address the spatial implications of economic, social and environmental change.
- 2.18 The requirement for local planning authorities to set out strategic priorities for their areas in their Local Plans is established in Paragraph 156 of the Framework. Such policies are required to deliver:
- *“the homes and jobs needed in the area;*
 - *the provision of retail, leisure and other commercial development;*
 - *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
 - *the provision of health, security, community and cultural infrastructure and other local facilities; and*
 - *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape”.*
- 2.19 The importance of using a robust and proportionate evidence base for Plan making is dealt with in Paragraphs 158 to 177 of the Framework. Paragraph 158 is of particular relevance to these submissions:

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Haslingden Cricket Club and B&E Boys Ltd**

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”.

2.20 A number of topics are discussed and for the purpose of this document we will focus on housing (Paragraph 159), business (Paragraphs 160 – 161), infrastructure (Paragraph 162) and environment (Paragraphs 165 – 168).

HOUSING

2.21 Paragraph 159 outlines the importance of preparing a Strategic Housing Market Assessment (SHMA) to assess **full** housing needs and a Strategic Housing Land Availability Assessment (SHLAA) to establish **realistic** assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

2.22 Of particular importance is the requirement for the SHMA to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the Plan period which:

- *“meets household and population projections, taking account of migration and demographic change;*
- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand”.*

INFRASTRUCTURE

2.23 An objective of government policy is the delivery of growth. Central to this objective is ensuring that infrastructure has the capacity or can be enhanced to deliver growth. A number of factors are outlined in Paragraph 162 of the Framework which need to be considered at a local level including transport, water, foul drainage, energy, telecommunications, waste, health, social care, education, flood risk and coastal change management.

ENVIRONMENT

2.24 Paragraphs 165 to 168 of the Framework deal with environmental matters and set out the requirement that a sustainability appraisal which meets the requirements of the European

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Haslingden Cricket Club and B&E Boys Ltd**

Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

SOUNDNESS

2.25 Paragraph 182 of the Framework deals with the examination of Local Plans. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. Local planning authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- **Justified** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- **Effective** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- **Consistent with national policy** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.*

NATIONAL PLANNING PRACTICE GUIDANCE – LAUNCHED 6 MARCH 2014

2.26 On 28 August 2013 the government launched its draft National Planning Practice Guidance (NPPG). The draft NPPG was subject to consultation for 6 weeks and was launched on 6 March in its final form. The NPPG replaces some 230 planning guidance documents but will result in no amendments to the Framework.

2.27 The Housing and Economic Land Availability Assessment section of the NPPG is worthy of specific mention in relation to this Report, in particular paragraph 030 (reference ID: 3-030-20140306 confirms):

“Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Haslingden Cricket Club and B&E Boys Ltd**

dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.”

- 2.28 The NPPG deals with deliverable sites as follows at paragraph 031 (Reference ID 3-031-20140306):

“WHAT CONSTITUTES A ‘DELIVERABLE SITE’ IN THE CONTEXT OF HOUSING POLICY?”

Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgments on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust five-year housing supply.”

- 2.29 In regards to how often a Local Plan should be reviewed, the NPPG states at paragraph 008 of the section titled ‘Local Plans’ (Reference ID 12-008-20140306) that:

“HOW OFTEN SHOULD A LOCAL PLAN BE REVIEWED?”

To be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within five years of the date of adoption.”

GOVERNMENT CONSULTATION ON STANDARDISED METHODOLOGY FOR HOUSING NEED (SEPTEMBER 2017)

- 2.30 On 14 September 2017 the Government announced a consultation on a Standardised Methodology for Assessing Local Housing Need, the basis of which was included in the White Paper (February 2017) and is aimed at helping local authorities plan for the right homes in the right places.
- 2.31 As the consultation document sets out, the root cause of the dysfunctional housing market in the UK is that for too long we have not built enough homes. The Government is aiming to deliver 1.5 million new homes between 2015-2022 and is attempting to create a system which is clear and transparent for local authorities. The new methodology will apply to all future plans, with the exception of those which have been submitted or will be submitted before 31 March 2018.
- 2.32 The standard methodology is principally aimed at tackling problems of affordability as the proposed formula simply uplifts the household projections figure, based on market signals.
- 2.33 For Rossendale the proposed standard methodology has little impact on the annual housing requirement (which, it is suggested should be 212 rather than the current 265 dwellings per annum). However, it should be noted that the proposed standard methodology is currently on consultation and may therefore be subject to changes in due course. It is also worth noting the heavy speculation that the proposed methodology focuses on growth in the south east to the detriment of other parts of the UK, in particular the north west.
- 2.34 Crucially the provision of the right type of housing in the right locations is considered to be relevant to this Representation.

3. POLICY HS2: HOUSING SITE ALLOCATIONS

INTRODUCTION

3.1 Policy HS2: Housing Site Allocations identifies all sites within the Borough which have been allocated for residential development. For each site allocated, site area, capacity, delivery timescales and the type of residential allocation is identified.

3.2 Part of the site has been allocated for housing, being identified as Housing Allocation Reference H52 as detailed in Table 1 of the Policy HS2: Housing Site Allocations in the draft Local Plan³:

Housing Allocation Ref.	Site name	Net developable area (ha)	No. of units proposed	Density (dwellings per hectare)	Delivery Timescale	Greenfield/Brownfield	Allocation	Policy
Haslingden and Rising Bridge								
H52	Land to the rear of Haslingden Cricket Club	0.74	30	41	Years 1-5	Greenfield	Housing	HS2

Figure 3.1 Extract from Table 1 of the Local Plan – Housing Allocation H52

3.3 The extent of the boundary of proposed allocation H52 is identified below:

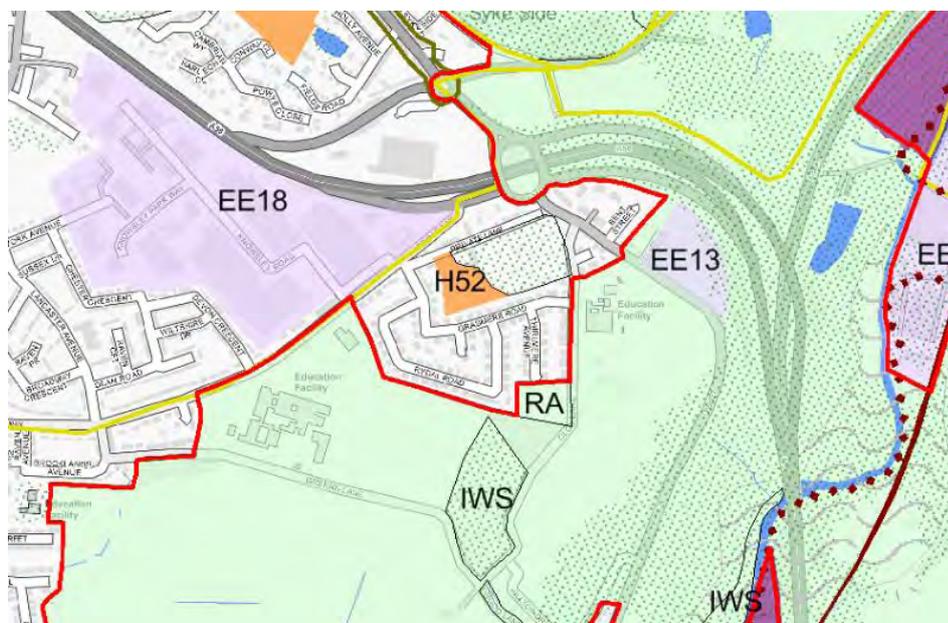


Figure 3.2 Extract from Draft Policies Map – Housing Allocation H52

³ The extract of the Table 1 has been taken from the Council’s Errata document dated 03 September 2018

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Haslingden Cricket Club and B&E Boys Ltd**

- 3.4 We support the aims of the Local Plan to identify key development sites which are central to the delivery of the overall strategy for new housing. We also support the principle of the proposed residential allocation for around 30 houses at the cricket club site. However, we seek a modification to the Local Plan so that it includes a stand-alone residential-led mixed-use policy which delivers not only housing (as currently proposed), but also allows for improvements to the cricket ground. The inclusion of this all-encompassing policy will facilitate a holistic approach to the overall development of the site.
- 3.5 In addition, Sport England has indicated they would object to the loss of the cricket strip, which sits within the area of HS2, unless provision is made for replacement facilities. The policy as it stands makes no reference to such facilities.

SUGGESTED MODIFICATION

- 3.6 As stated in Chapter 1 of this Representation, we wholly support the proposed housing allocation at the land to the west of the existing cricket pitch and within the ownership of Haslingden Cricket Club. However, to deliver a holistic and comprehensive approach to the upgrading of the existing cricket club facilities, we request that the Local Plan be revised to include a specific and unique policy which enables a mixed-use development at the cricket club to include the following:
- New, purpose-built cricket pavilion and local community function room to be positioned in a new location in the east of the site adjacent to the new access off Clod Lane.
 - Re-organisation of the cricket pitch to improve the standard of the playing area.
 - Provision of practice nets.
 - The relocation of the practice pitch off-site to land at Haslingden High School.
 - Provision of dedicated car parking spaces.
 - Delivery of up to 30 dwellings in the same area as that proposed under the HS52 Allocation to the west of the site.
 - New vehicular access from Clod Lane to serve the cricket club.
- 3.7 The policy would be residential-led which would be in accordance with Paragraph 47 of the Framework which requires Councils **“significantly boost the supply of housing”**.

4. SOUNDNESS ASSESSMENT

INTRODUCTION

4.1 As mentioned in Chapter 2 above Paragraph 182 of the 2012 Framework deals with the examination of Local Plans. Local Planning Authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.

4.2 In this section we consider the soundness of the Draft Local Plan Policies against the four key tests set out under Paragraph 182 of the 2012 Framework. It should be noted that for a Plan to be found sound it must comply with **all** of the four tests set out under Paragraph 182 of the Framework.

STRATEGIC POLICY HS2 AND POLICY H52: HOUSING SITE ALLOCATIONS

POSITIVELY PREPARED

4.3 Since the drafting of the previous version of the Local Plan (Regulation 18), the owners of the site have secured a legal agreement which intrinsically links the delivery of any housing at the cricket ground to the direct delivery of a number of improvements of the cricket facilities, for the benefit of the cricket club. As a consequence of this and as it stands currently, the Local Plan has not been prepared positively as the 30 houses in housing allocation H52 would not be delivered. This is because as part of a legal agreement between the owners and another party, the housing can only be delivered in conjunction with the delivery of the other elements of development that have been detailed in the previous Chapter 3.

4.4 Unless and until the Local Plan has been modified to incorporate the holistic approach to redevelopment at the cricket club, which would result in the delivery of houses in the first five years of the Plan, the Local Plan cannot be found sound.

JUSTIFIED

- 4.5 Policies HS2 and H52 fail to plan for the proper growth of the Borough as they do not acknowledge that there is no reasonable prospect of the allocated housing being brought forward unless the Local Plan makes explicit reference to the other development proposed in this Representation.

EFFECTIVE

- 4.6 As set out above, policies HS2 and H52 as currently drafted will not be effective because the housing will not be delivered unless and until the Local Plan has been modified to incorporate the holistic approach to redevelopment at the cricket club; the Local Plan is therefore not effective.

PROPOSED MODIFICATION

- 4.7 To be consistent with national policy, the Council is respectfully requested to revise the housing allocation H52 to make it clear that the delivery of housing at Haslingden Cricket Club is to be delivered as part of a holistic approach. This approach would include a number of elements of additional new development which would result in the upgrade and improvement of the whole cricket ground.
- 4.8 To enable development across the whole site to be delivered through the Local Plan, including the residential proposals, and for the Local Plan to be found sound, we are suggesting that the Local Plan include a specific policy unique to the site at the cricket club. The draft wording of such a proposed policy is set out in the following Chapter 5.

5. PROPOSED REVISIONS TO THE LOCAL PLAN – MIXED-USE POLICY

- 5.1 Haslingden Cricket Club and B&E Boys Ltd have entered into an agreement to promote the redevelopment of Haslingden cricket ground through the Local Plan process. This Joint Venture between the owners of the site, i.e. the cricket club, and B&E Boys Ltd secures an agreement for the successful delivery of the residential element of the proposals.
- 5.2 Bent Gate cricket ground is located within the urban boundary in Haslingden, being surrounded in all directions by existing built development. Residential properties adjoin the immediate boundaries of the site. The character of the wider area is urban, with a large residential area and associated facilities and amenities all located within close proximity.
- 5.3 The SHLAA entry (Appendix 1) identifies that the site is very sustainable with every-day amenities and facilities being within close proximity, as outlined below:

Amenity / Facility	Distance to site
Access to public transport	High frequency bus service (half hourly or more frequent). Bus stop is less than 100m on Broadway Road with access to several services including the 464 and X41.
Primary School	Broadway Primary School located within 230m
Secondary School	Haslingden High School Specialist Arts College located within 410m
GP Surgery	1.6 km to nearest GP
Supermarket	Tesco superstore located within 600m
Recreation	Cricket club immediately on site and children's play area located at the end of Thirlmere Avenue less than 200m away

Figure 5.1 Table of Amenities and Distances to the Site

- 5.4 Unlike many sites in the Rossendale Borough the site is flat in its topography, which is unsurprising given the nature of the current use.
- 5.5 There are no environmental or statutory designations or other technical considerations that would prejudice either the residential development of part of the site, or the development which would benefit the cricket club facilities. Issues of access and loss of cricket facilities is discussed in further detail below.

ACCESS ARRANGEMENTS

- 5.6 There are some inaccuracies in the SHLAA entry with regard access that need to be clarified to understand the current position regarding the availability and deliverability of the site.
- 5.7 The site is currently accessed directly from an unclassified highway, Private Lane; for the avoidance of doubt, the highway is not in private ownership, but is called Private Lane.



Figure 5.2 Map to show the road status surrounding the site

(Source: MARIO Maps, Lancashire County Council)

- 5.8 There is also a secondary access off Manchester Road (in the north east corner of the site) which provides access to an overspill car parking area and is used for access for emergency vehicles.
- 5.9 The promoters of the site have taken technical advice from a highways consultant and have been advised that the following arrangements would be suitable for the redevelopment proposals: the residential element would utilise the current access off Private Lane, subject to improvements, and the cricket club would be accessed from a new access point to be created off Clod Lane on the western boundary of the site.
- 5.10 The intention is, rather than traffic associated with the cricket club travelling down Private Lane past a number of residential properties (which is the current situation), cricket traffic would simply access the site directly from the A56 / Manchester Road roundabout onto Clod Lane and into the ground. Only the proposed new houses would be served via Private Lane.
- 5.11 The new pavilion would be located close to existing secondary access (in the north east corner of the site), with car parking to be provided wholly within the boundaries of the ground, around the perimeter of the pitch. The precise layout of the proposals would be discussed and agreed with the Council prior to any planning application for development being submitted.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Haslingden Cricket Club and B&E Boys Ltd**

5.12 In conclusion, access is not a constraint to the proposed development.

IMPACT ON CRICKET FACILITIES

5.13 Haslingden Cricket Club uses the whole of the existing site for match play and practice sessions and the pavilion is used for local community functions as well as operations associated with the cricket club. The ground is also used by other sections of the community, including local primary and secondary schools, for the purposes of cricket development; a combined Rossendale Schools team uses the facility on a regular basis.

5.14 The club is a focal point of the community and the only cricket club in Haslingden and Helmshore. The club has attained ECG (English Cricket Board) Club Mark status which was renewed in September 2014, an award only given to cricket clubs for their outstanding contribution to the development of junior cricket. The club is therefore an important part of the local community delivering both social and health benefits and has ambitions to continue to improve and enhance the facilities to secure its future.

5.15 The development of part of the site for housing and the Joint Venture partnership with B&E Boys Ltd presents a fantastic opportunity to realise the club's future ambitions. These ambitions will not be to the detriment of the provision of quality cricket facilities and it has been important to the club that any development proposals secure future progress in cricket development. As such, Haslingden Cricket Club has been in early discussions with Sport England to seek to ensure that the proposals for redevelopment meet the necessary criteria for the continued provision of cricket facilities at the site.

5.16 Sport England and the ECB have been made aware of the proposals and are supportive in principle as set out in this Representation and continues to offer its support to the club. Whilst the allocation and development of part of the site for housing would result in the loss of an area currently used for cricket practice sessions, an alternative site for the practice sessions has been identified and agreed in principle. This area is located off-site within the grounds of Haslingden High School which is located circa 400 m west of the cricket ground on Broadway. The high school is in agreement with this proposal and any policy in the Local Plan would be worded in such a way to secure this arrangement.

5.17 This would achieve a fully compliant junior cricket pitch very close to this cricket club site. The school has space within its existing playing fields for an all-weather strip a strip, as seen on Google earth. A synthetic strip would be a straight forward investment with a low maintenance cost for the school. It would allow a school, which we understand previously has played competitive cricket, to again play and teach the sport on a synthetic surface. It would also create a strong school- sports club link and clear access route for junior players into the community club.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Haslingden Cricket Club and B&E Boys Ltd**

- 5.18 Therefore, on the face of it, the redevelopment proposals would result in the loss of an area of the ground which is currently used by both the club and other sections of the local community for practice sessions. However, an alternative area of land will be provided off-site less than 450m away from the cricket ground, which will provide for a much-improved standard of practice play and this has been agreed in principle with Sport England and Haslingden High School. There would therefore be no loss in any cricket facilities and there would be no constraint to development in that regard.
- 5.19 Similarly, the proposals for the site would not result in any loss of quality of the main field. There may be a requirement to reorganise the boundaries of the main field to allow for vehicle access to car parking areas, however the size and orientation of the current field is such that this could be accommodated without detriment to the quality and standard of the playing facilities.

PROPOSED POLICY – MIXED-USE DEVELOPMENT

- 5.20 Taking all of the above into account, the following wording is suggested for the inclusion of a unique policy in the Local Plan:

Haslingden Cricket Club, land off Private Lane

Haslingden Cricket Club is allocated for residential-led mixed-use development including around 30 houses. Development proposals for the site must:

1. Retain adequate land and facilities for the continued operation of Haslingden Cricket Club including the provision of a pitch, practice net area, and an element of car parking to serve the cricket club.
2. Include for the provision of a new, relocated pavilion to serve the cricket club and other local community functions.
3. Provide for the relocation of the practice pitch off-site to land at Haslingden High School.
4. Provide satisfactory measures to protect both the proposed dwellings and surrounding existing dwellings from the risk of ball strike from the adjacent cricket pitch, where adequate safety margins are not in place.
5. Deliver around 30 houses in the western part of the site to the rear of the existing properties on Grasmere Road.
6. Provide satisfactory vehicular access to the new residential properties off Private Lane.
7. Provide a satisfactory new vehicular access from Clod Lane to serve the cricket ground.

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Haslingden Cricket Club and B&E Boys Ltd**

8. Provide a safe and convenient pedestrian footpath access to the site, linking it to the footpath network.

5.21 The extent of the land to which the Policy would relate is shown overleaf at Figure 5.3



Figure 5.3 The cricket club with the extent of the site boundaries edged in red

- 5.22 This holistic residential-led mixed-use policy would be in accordance with Paragraph 47 of the Framework which requires Councils to **“significantly boost the supply of housing”**.
- 5.23 To conclude, the site is very sustainably located. The land included within the housing allocation is available and deliverable and we therefore support the identified delivery timescale of 1-5 years and we support the proposed allocation for up to 30 units. However, the housing will only be delivered if the cricket facilities are upgraded and therefore a modification is necessary to the Local Plan to facilitate the residential-led mixed use development at Haslingden Cricket Club.

6. CONCLUSIONS

- 6.1 The starting point for consideration of the Council's draft Local Plan document is the well-established principle embodied in Paragraph 158 of the Framework that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 6.2 We support the principle of the proposed housing allocation (H52) under Strategic Policy HS2. However, this support is subject to a modification to the Local Plan to enable the inclusion of a stand-alone and unique policy which would deliver a holistic approach to the redevelopment of Haslingden Cricket Club.
- 6.3 A draft policy which deals with the redevelopment proposals specific to the subject site has been proposed in the preceding Chapter. As part of a Joint Venture between Haslingden Cricket Club and B&E Boys Ltd, the draft policy would not only deliver around 30 houses within the first five years of the Plan, but it would also deliver improvements to the provision of cricket facilities in the Borough.
- 6.4 The site is available and deliverable now, subject to the above provisions.

Appendix 1

APPENDIX E – SITE ASSESSMENTS
2018 UPDATE

SHLAA16100	Western Road, Stacksteads
SHLAA16101	Heath Hill Drive, Stacksteads
SHLAA16105	Waterbarn Chapel, Rakehead Lane and adjoining land, Stacksteads
SHLAA16107	Land north of Blackwood Road, Stacksteads
SHLAA16108	Land off Rakehead Lane, Stacksteads
SHLAA16109	Land at Blackwood Road, Stacksteads
SHLAA16110	Shadlock Skip, Stacksteads
SHLAA16112	Glen Mill, 640 Newchurch Road, Stacksteads
SHLAA18418	Land east of 119 Booth Road, Stacksteads
SHLAA18420	Brearley Street Garage Site

Haslingden & Rising Bridge

217

Greenfield

218

SHLAA16276	Land off Blackburn Road, Ewood Bridge
SHLAA16280	Land at Holme Lane, Haslingden
SHLAA16281	Land east of Tor View School, Haslingden
SHLAA16282	Clod Lane, Haslingden
SHLAA16283	Clod Lane South, Haslingden
SHLAA16284	Land Rear Of Haslingden Cricket Club, Haslingden
SHLAA16307	Land to rear of Helmshore Road, Helmcroft
SHLAA16308	Land Adjacent Park Avenue/Cricceth Close, Haslingden
SHLAA16310	Pike Law Quarry, Haslingden
SHLAA16319	Land at Kirkhill Avenue, Haslingden
SHLAA16320	Pike Law, Haslingden Old Road, Haslingden
SHLAA16323	Land To Side And Rear Of Petrol Station, Manchester Road, Haslingden
SHLAA16325	Land Off Highfield Street, Haslingden
SHLAA16326	Land West Of B6232, Haslingden
SHLAA16364	20 Grane Road, Haslingden
SHLAA16395	Land at Moorland Rise, Haslingden
SHLAA18415	Land between and behind 119 and 129 Manchester Road

GENERAL INFORMATION

Site Ref **SHLAA16284** Most Recent Source **SHLAA 2015**

Site Gross Area (ha) **0.74**

Site Name **Land Rear Of Haslingden Cricket Club, Haslingden**

Greenfield versus Brownfield **Greenfield**

Designations **Greenland and Recreation Area**

Site Location - Urban Area, Countryside or Green Belt **Urban Boundary**

Current Land Use **Openspace, cricket practice area and car park area adjoining Haslingden Cricket Club**

Characteristics of the site reducing the development area **Practice area**

Area available for development **0.5** Net Development Area (ha) **0.45** Density **30 dwellings per hectare**

Yield calculated **13** Yield proposed by applicant **Current planning permission**

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AVAILABILITY

Land ownership **single ownership**

Comments **Unregistered land in the land registry, however comments received during the summer 2017 consultation informed us that the site was in private ownership.**

Intentions of landowner **developer/landowner willing to deliver residential units in the short term (next 5 years)**

Comments **The stakeholders of the Cricket Club are willing to release part of the site for housing (comments received during the summer 2017 consultation on the draft Local Plan).**

Legal constraints / ownership issues **no legal or ownership constraints known**

Comments

SUITABILITY

Topography **flat site or very gentle slope**

Comments

Vehicular access **access is a major constraint and significant new infrastructure is required**

Comments **Narrow private lane to access the site.**

Distance to strategic road network **within 1.5km (approximately 1 mile)**

Comments **235m to the A56/ Manchester Road junction**

Access by public transport **high frequency bus service (half hourly or more frequent) within 400m (0.24 miles)**

Comments **Less than 100m to bus stop on Broadway road with access to several services including 464 and X41.**

Access to primary school **access within 500m (0.31 miles)**

Comments 230m to Broadway Primary School

Access to secondary school access within 1.5km (approximately 1 mile)

Comments 410m to Haslingden High School Specialist Arts College

Access to GP surgery access within 3km (1.8 miles)

Comments 1630m to nearest GP

Access to a local centre or convenience shop access within 1.5km (approximately 1 mile)

Comments 600m to supermarket

Access to a park or play area access within 300m (0.18 miles)

Comments Adjacent to cricket ground

Flood risk less than 50% in flood zone 2 or affected by medium surface water flood risk

Comments Small area at medium risk of surface water flooding

Ecological value not located in or adjacent to a Biological Heritage Site, Local Geodiversity Site or Core Area or Stepping Stone areas

Comments

Recreational value site within or contains park, play area or playing pitch currently in use

Recreational value comment Playing Pitch Strategy indicates that all cricket facilities should be retained

Heritage assets site does not contain or adjoin a Listed Building and site is not within or adjoins a Conservation Area

Comments Woolpack Inn is a listed building (grade II) situated on Manchester Road, approximately 200m from the site. Not adjoining the site.

Landscape value low landscape impact

Comments

Land contamination no known issues

Comments

Mineral sterilisation not within a Mineral Safeguarding Area or surface coal area

Comments

Land instability if no known issues and situated in a low risk development area

Comments

Proximity to dangerous structures not within any HSE consultation zones

Comments

Bad neighbour **site in residential or retail area**

Comments Within residential area with cricket ground to the east

Constraints due to utilities **no known utilities infrastructure on site**

Comments

ACHIEVABILITY

Extra costs of development **no extra costs to what is normally required (e.g. planning conditions, affordable housing, planning obligations)**

Comments

Market are **high value market area (£190 to £210/sqm)**

Comments

CONCLUSION

Availability summary **Available now**

Justification Halsingden Cricket Club stakeholders are willing to release the western part of the site for housing development. The eastern part of the land has been granted planning permission for a cricket practice area in 2016.

Suitability summary **Suitable in medium to long term**

Justification The site has a planning permission for a cricket practice area. The Playing Pitch Strategy indicates that all cricket facilities should be retained, therefore the development is subject to Sports England agreement. The remaining part of the site appears suitable for housing development, although if the development occurs on the car park it can lead to highway issues in terms of access and safety. The vehicular access to the site is also via a private lane which restraints the access. The site is considered suitable for housing development subject to Sports England and Lancashire County Council Highways agreement.

Viability and achievability summary **Achievable now**

Justification The development is likely to be viable. The site can be delivered in the short to medium term.

Conclusion **Developable in the medium to long term (within 6 to 10 years, or after 10 years)**

Justification The site is available although the south-eastern corner has a planning permission for a cricket practice area and the northern part is currently used as a car park for the cricket club. The site is suitable for a housing development subject to Sports England and Highways agreements due to concern on cricket pitch availability in the Borough and loss of car parking.

Delivery (next 5 years) 0 Delivery (6 to 10 years) 13 Delivery (11 to 15 years) 0

Rossendale Borough Council,
Futures Park,
Bacup, Rossendale
OL13 0BB

Phone: (01772) 530696
Fax:
Email:
Your ref:
Our ref: MH/RLP
Date: 05 October 2018

Dear Sir or Madam

ROSSENDALE LOCAL PLAN - REG 19 VERSION: CONSULTATION

Thank you for consulting Lancashire County Council on the Rossendale Local Plan - Reg 19 version: Consultation. LCC has reviewed the information provided and has the following comments:

1- School Planning Team

Lancashire County Council School Planning Team received notification from Rossendale Borough Council of their latest emerging Local Plan consultation. Regulation 19 Pre-Submission Publication Local Plan Version 2019 – 2034. Also included for consultation is the Revised Statement of Community Involvement 2018. It is the intention of School Planning to respond to both consultations within the one response, this will be coordinated by LCC Planning.

Education Strategy

Section 14 of the Education Act 1996 dictates that Lancashire County Council's statutory obligation is to ensure that every child living in Lancashire is able to access a mainstream school place in Lancashire. Some children have Special Educational Needs for which they access school provision outside of Lancashire. Special Educational Needs provision is managed by LCC's SEND Team and is not covered by this response. The [Strategy for the provision of school places and school's capital investment 17/18 to 19/20](#) provides the context and policy for school place provision and schools capital strategy in Lancashire. Over the coming years, Lancashire County Council and its local authority partners will need to address a range of issues around school organisation in order to maintain a coherent system that is fit for purpose, stable, and delivering the best possible outcomes for children and young people.

Pressure for additional school places can be created by an increase in the birth rate, new housing developments, greater inward migration and parental choice of one school over another. If local schools are unable to meet the demand of a new development there is the potential to have an adverse impact on the infrastructure of its local community, with children having to travel greater distances to access a school place.

In a letter from the DfE to all Chief Executives, the Minister of State for Housing and the Parliamentary Under Secretary of State for Schools jointly stated that 'where major new housing developments create an additional need for school places, then the local authority should expect a substantial contribution from the developer towards the cost of meeting this requirement.'

The SPT produces an [Education Contribution Methodology document](#) which outlines the Lancashire County Council methodology for assessing the likely impact of new housing developments on school places, where necessary mitigating the impact, by securing education contributions from developers.

In order to assess the impact of a development the School Planning Team consider demand for places against the capacity of primary schools within 2 miles and secondary schools within 3 miles. These distances are in line with DfE travel to school guidance and Lancashire County Councils Home to School Transport Policy.

Planning obligations will be sought for education places where Lancashire primary schools within 2 miles and/or Lancashire secondary schools within 3 miles of the development are:

- Already over-subscribed,
- Projected to become over-subscribed within 5 years, or
- A development results in demand for a school site to be provided.

Response to the consultation

The School Planning Team has responded to previous consultations leading up to the present stage, including Regulation 18 October 2017 and the Draft Infrastructure Delivery Plan July 2017. The responses included links to the Strategy for School Place Provision and Capital Investment 15/16 and 17/18. At this point this information was supplied The School Planning Team embarked on consultation of the strategy for 17/18 and 19/20, this is now in place and should be referred to using the link above.

The School Planning Team have been in regular contact through the Local Plan process, attending face to face meetings, providing updated information and forecasted pupil projections across the district schools, and providing housing assessments for planning application received, both outline and at reserved matters.

Information provided was used in setting out the infrastructure Delivery Plan (IDP) required to support future housing and employment growth. School Planning provided updates through e-mail exchange to be included in the revised IDP August 2018 accompanying the pre-submission Regulation 19. Included were indicative costs of a potential new schools, and additional class rooms on existing schools.

The figures are based on average costs from projects completed across the county by LCC in recent years. The information provided is caveated and any scheme would require full feasibility and cost analysis. The figure of approximately 4 million was based on a standard one form entry primary school. The indicative costs for additional class bases at existing schools is also caveated. The figure would be a guide of a basic standard constructed classroom excluding any additional facilities including toilets/ cloakrooms and storage.

The situation reported on for the Regulation 18 consultation remains fluid across the district and the planning areas used by School Planning to forecast future need. Primary Schools are grouped into 5 distinct planning areas.

- Bacup and Stacksteads
- Rawtenstall

- Haslingdon
- Ramsbottom
- Whitworth

Reported in 2017, the situation of a projected shortfall remains the same for the areas of Rawtensatall and Ramsbottom within the next 5 years. The area of Whitworth is already showing a shortfall across the planning area. Haslingdon, Bacup and Stacksteads show there to be a level of capacity across the planning area, however individual schools may be operating at their net capacity.

The district remains under review with advice from LCC School Admissions Team taken into consideration of plans to mitigate the impact of developments, and other factors impacting school capacity.

The district as a whole is taken for the provision of secondary education with a number of distinct schools including grammar, the response provided in 2017 indicated surplus provision across the district. However, individual schools are operating at their net capacity or above in some cases. The situation one year on remains the same and continues to be monitored.

Expansion of existing schools is still a preferred choice recognising the infrastructure and management already in place. However, potential expansion of any school requires a number of factors to be considered, firstly the school is prepared to expand, and secondly the school has the capacity and land to expand set out by DfE Section 77 of the School Standards and Framework Act 1998.

If a school does not have existing land to facilitate expansion, options of adjacent land could be identified with assistance from the Local Planning Authority (LPA). If this is not possible LCC would look to the LPA for land with the ability to provide a new minimum 1 form entry primary school in the area of need.

At the present time the School Planning Team are not actively seeking a new site for primary or secondary schools. However, in the case of the strategic site at Edenfield in the Ramsbottom planning area, the proposal of approximately 500 new homes would have a significant impact on the immediate schools.

Discussions regarding the strategic site are in the early stages, it is understood that Rossendale planning officers are in discussions with the developers regarding issues and the requirement of master plan for the site. The School Planning Team advised of the impact of such a development to include the addition of a minimum 1 form entry school within the site at Edenfield. The location of a school would be integral to the master plan process

The School Planning Team welcome the earliest opportunity to engage in the process of master planning process to ensure the financial contributions are secured through s106 agreement, or through Community Infrastructure Levy (CIL) if this is the route chosen by Rossendale BC to secure contributions. It also enables feasibility of a site to ensure the land is suitable, not contaminated or subject to flood risk and that access to the land is in place at the earliest opportunity.

The timing of a new school and the period of time required to plan and delivery to support new housing is crucial to avoid destabilising existing schools, but meet the pupil yield of the early phasing of a strategic development. It is feasible in the early phasing of the strategic site to increase the numbers on roll, potentially as a bulge or permanent basis.

Understanding of the masterplan, detailed phasing and bedroom mix will enable The School Planning Team to forecast the point of need.

The locality of the district to neighbouring councils does have an impact on inward and outward migration of pupils, this is more apparent with the secondary schools and selective grammar schools. Colleagues across the Pupil Access team are aware of this and monitor the situation closely with The School Planning Team.

In conclusion, the school Planning Team remain committed to ensuring there are enough places within mainstream schools across the District of Rossendale to reduce the impact of housing development to be delivered, and the external pressures from surrounding districts and those beyond the boundary of Lancashire.

Statement of Community Involvement 2018

Throughout the process of the emerging Local Plan, The School Planning has been consulted with at the various stages requiring a formal response regarding education including each regulation stage.

Formal face to face meetings with planning officers and attending group that includes district planning officers from border districts and e-mail/telephone exchanges have been entered into, sharing information have been welcomed by School Planning.

The face to face meetings have enabled us the opportunity to provide up to date information of the education provision across the district. We have been able to discuss in detail emerging issues i.e. school expansion/closure, migration, financial/land contributions and any strategies to mitigate the impact. It is accepted that all councils are required to evidence their Duty to Cooperate. We consider this to be a good working practice and the sharing of information has been open and transparent.

As indicated in the SCI consultation document there are great benefits to the engagement however, there are also weaknesses. Staff resourcing at District and County Council level is under great financial pressure and the resources required to respond to requests have reduced over a number of years.

With a number of Local Plans and multiple developments across the county coming forward has made it difficult to respond to last minute requests. These include housing assessments, naming infrastructure projects for committee, attending local plan public examination and meetings at short notice.

Although it is the nature of The School Planning Team to assist planning authorities with queries and information sometimes at short notice request that a reasonable and practicable timescales are agreed at the point of enquiry to ensure that dedicated time is allocated to the matter, ensuring that the information requested is accurate and reflects the current position. In conclusion The School Planning Team appreciate the involvement and opportunity to respond and exchange information, supporting Rossendale Borough Council to achieve the next stages of the local plan adoption.

2- Highways

With regards the Rossendale Local Plan and one team response I am happy to comment as below.

The Rossendale Local Plan proposes 1477 residential dwellings be delivered in the first 5 years 2019-2024 with an additional 2545 residential dwellings being provided in year 5-15 (2024-2034). This is in addition to 27.37 Hectares of new gross area employment and 5.87 hectares of re-developed employment sites.

The development aspiration of Rossendale, as identified in the developing Local Plan, will place additional demand on the highway network. It is critical to ensure that the implications of development on highway infrastructure is fully understood, to enable adequate mitigation measures to be planned for.

Rossendale Borough Council have employed Mott MacDonald to provide a number of studies and these include Technical Note 399721 001A (Employment Site Access Review) and the Rossendale Local Plan Highway Capacity Study (HCS) to support the local plan evidence base. With regards the HCS an executive summary is found on page 2 of the study document suggests "the road network in Rossendale can accommodate the full build out of the Local Plan". Although I would not completely disagree with this statement it is obvious that a significant amount of additional work is required to mitigate the highway impacts of development associated with the Local Plan proposals. Alternatively a re-evaluation of Local Plan provision in terms of quantum of development or location should be considered.

In the document a number of junction analysis identify that the first 5 years of the Local Plan can be accommodated before mitigation measures are required. Some of these conclusions are supported and some are not. However it is not clear from the report which sites are highlighted for development in the first 5 years. Consequently it is unclear which junctions and routes are likely to be influenced in the initial Local Plan period. If available clarification on this would be useful. Where possible development should be located where it can best utilise public transport services and sustainable transport infrastructure.

A number of the study junctions are highlighted as having existing capacity issues and consequently will result in additional congestion and potential safety concerns. Of particular concern are the safe and efficient operation of the Rawtenstall gyratory system (and associated St Marys Way corridor), Haslingden Road (Tesco) roundabout and the A681 Rawtenstall to Bacup corridor.

Junction 1 - Rawtenstall Gyratory.

As identified within the study the gyratory system is considered one of the most important junctions within Rossendale, providing connecting links to the east, west, north and south and on to the strategic road network, managed by Highways England (HE), of the A56 and M66 beyond. The gyratory itself offers significant influence to the operation of both the Tup Bridge and Asda road junctions located directly to the north of the gyratory system along the St Marys Way corridor. Operational analysis provided within the study indicates that the gyratory will operate over theoretical capacity on the Bury Road approach in the 2019 baseline am peak, whilst other arms operate within capacity, bar A681 Bocholt Way approach which has a suggested degree of saturation of 93.3%. The evening peak highlights further capacity issues on a number of junctions in the 2019 baseline.

As would be expected the 2024 and 2034 background growth model indicates a worsening of these capacity issues. Consequently Local Plan traffic will provide significant impact on the gyratory which will require mitigation.

Another consideration is the impact of additional congestion on air quality, where the gyratory falls within an air quality management area.

Mott Macdonald have recognised these issues within the study and undertaken an optioneering exercise detailing 16 options, identified by three types:-

- I. Do Minimum.
- II. Roundabout.
- III. Signalised Corridor.

Of the 16 options presented, 3 have been identified as being the most eligible for consideration, one for each type. It should be noted that Highways England have questioned the validity of the modelling and Mott MacDonald are in the process of addressing the concerns highlighted by the HE.

Option 3 Do Minimum Cost Circa £900,000

Option 3 offers some benefit in terms of mitigating local transport traffic impacts. The report suggests pm Peaks are broadly similar (to base models and therefore can be considered to mostly mitigate impacts. This does appear to be the case. Unfortunately there are notable increase in the am peaks over baseline models with rises in in Degree of Saturation (DoS) and Mean Maximum Queue (MMQ) on a number of arms.

In addition option 3 appears to have a detrimental effect on the A682 St Mary's Way North Approach Ahead Right. This would be a concern.

However the proposal does have merit. Option 3, or derivative, does provide a degree of mitigation relief, does not rely on the relocation of the fire station, is low cost and consequently would appear to have potential for implementation. I would suggest that this option could be explored and developed further with a view to maximise capacity, especially with regards the identified am peak issues.

Nevertheless further consideration should be given to incorporating improved sustainable transport options within a modified design. For example the access from the gyratory towards Bacup Road could be examined as a bus (and cyclist) priority lane for feeding the new Rawtenstall Bus Station.

As presented the design does not provide any significant improvements for cyclists or pedestrians, or obvious casualty reduction benefits. These should be examined as the Local Plan develops.

Option 6 Roundabout Design Cost Circa £3.2 Million

Option 6 does not perform as well as option 1 in the base analysis, or any of the proposed alternative scenarios of congestion relief, facilitation of bus provision or public realm enhancement. The option is significantly more expensive than option 3 and would likely require the relocation or rebuild of the existing fire station.

There appears to be no benefit to further exploring option 6 as option 3 provides greater benefit at lower cost.

Option 12 Signalised Corridor Cost Circa £5.5 Million

Option 12 is a high cost option that, as would be expected, brings the greatest level of mitigation benefit to Local Plan traffic and actually provides some improvement on baseline background growth conditions for some arms of the junction. However the proposal is not a perfect solution

and modelling does highlight potential issues with the operation of the Bocholt Way junctions with a predicted DoS of 183.4% and 236.9% for the am and pm peaks with subsequent severe queueing issues.

It would appear that the potential benefits over option 3, certainly in terms of congestion relief, do not seem to be of significant a level to indicate good value for money. However other benefits, such as pedestrian access, public realm, freeing up development land etc. are evident.

Funding will undoubtedly remain a significant challenge for all proposals. The use of section 106 is unlikely to be able to fund the required infrastructure and Rossendale Borough Council does not currently operate with CIL, with little prospect of this stance altering. Consequently I would suggest Rossendale Borough Council will need to demonstrate how a chosen mitigation solution can be delivered.

No solution as presented provides complete congestion relief to the gyratory (or St Marys Way corridor). However the junction is so pivotal to the operation of Rawtenstall and the Borough as a whole then a balanced view needs to be adopted as clearly Rossendale needs to develop its Local Plan.

Consequently I would suggest that option 3 and option 12 could both be further examined in order to provide as much mitigation to the Local Plan proposals as possible. In terms of value for money and deliverability option 3 would appear the most deserving of further examination. However mitigation should be delivered sooner rather than later in the life of the Local Plan.

Junction 2 – roundabout by Hardmans Mill.

The modelling provided suggests this junction operates with significant spare capacity on all assessments, during both the am and pm peaks, including the 2034 Local Plan scenario. Consequently the influence of traffic associated with the Local Plan on this junction would not be a concern to the county council.

Junctions 3 and 4 St Marys Way Corridor

Vehicle flows through the Tup Bridge and Asda junctions are influenced by queue lengths formed from the gyratory system. However the two junctions actually run MOVA in isolation and are not directly linked to each other or the signals on the gyratory, as is suggested in the report. Consequently the signalised junctions cannot be modified to run more efficiently. The main influencing factor is queue lengths resulting from congestion around the gyratory.

Modelling identifies that junction 3, the Asda signalised junction, can facilitate 2024 Local Plan traffic however 2034 Local Plan traffic sees significant capacity issues during both the am and pm peaks. Consequently I would agree that this indicates 5 year Local Plan traffic could be accommodated by the junction. However further growth would result in significant and severe congestion issues without the intervention of mitigation measures.

Junction 4 however is more problematic. Modelling indicates a number of arms suffering from congestion, both in the am and pm peaks, from the baseline of 2019. As would be expected these baseline issues are exacerbated in future year scenarios both baseline and Local Plan. In the am peak both the A682 Burnley Road approach and Newchurch Road approach show significant MMQ results and capacity issues for the 2024 Local Plan scenario. In the pm peak the Haslingden Old Road approach show significant MMQ results and capacity results for the 2024 Local Plan scenario. 2034 Local Plan modelling shows severe congestion on multiple approaches for both am and pm peaks.

The 2024 Local Plan modelling results indicates mitigation will be required to relieve congestion at the discussed junctions. Alternatively a carefully phased approach to the delivery of development sites which may influence these junctions will need to be implemented to ensure the safe and effective operation of the highway network at this location.

Junctions 5a – Haslingden Road, Tesco's Roundabout

The 2019 baseline scenario indicates a number of arms of the junction are approaching capacity, which is exacerbated in the 2024 reference case with the A681 Haslingden Road approach to exceed capacity in the evening peak.

The study highlights that the difference between the 2024 reference and 2024 Local Plan is minimal. Although this is recognised we do have concerns regarding the increase in predicted queue lengths along A681 Haslingden Road in the pm peak. Nevertheless it seems likely the junction operation will permit 2024 local plan delivery.

The 2034 Local Plan scenario indicates theoretical capacity being exceeded and significant queue lengths and congestion on a number of approaches during both am and pm peak periods. Included within this is the A56 off-slip managed by Highways England (HE) which would have potential operational and safety concerns for the effectiveness of the A56 eastbound route. Mitigation measures will undoubtedly be required for the operation of Junction 5a, or a reduction in delivered development which influences the junction.

A number of mitigations options have been explored by Mott Macdonald as part of the report. Option 1 provides a left turn free flow slip road from A680 Manchester Road to A681 Haslingden Road. I would have safety concerns regarding pedestrian / vehicular conflict as the slip road passes the existing signalised pedestrian crossing. If this proposal is pursued a close examination of the interaction between pedestrians and vehicular traffic will be required, including an assessment of pedestrian desire lines.

Option 2 provides a flare from A56 off-slip which provides additional capacity on the approach to the junction. I would have no objection to this in principal however it should be noted that there is an informal pedestrian desire line across the junction. The A56 off slip is managed by Highways England (HE) and I would expect comment will be provided on this proposals.

Modelling is provided for both options along with details of a hybrid of the two. However none of the options presented provide an ideal solution. In each case capacity is exceeded with subsequent queuing issues for the 2034 Local Plan scenario. However the hybrid solution most closely mirrors the 2034 reference case scenario. On this basis it appears further work would be required to mitigate the impacts of Local Plan traffic on the junction or limit the level of development coming forward which may impact the junction. However a development of the hybrid solution seems to be the most logical progression.

Junctions 5b – A56 Haslingden Roundabout

Modelling of junction 5b indicates that for the 2024 reference case the junction operates within capacity for all approaches and can accommodate Local Plan traffic. This view is accepted. Modelling for the 2034 Local Plan scenario indicates a worsening of the operation of the overall junction. Consequently mitigation measures are proposed.

The junction is further discussed in chapter 6 of the study where mitigation solutions are offered. The junction facilitates access from / to the A56 and the mitigation strategy will likely influence movements along the strategic route. Consequently Highways England (HE) may offer concerns regarding this issue as part of their comments to the study.

Junction 6 – Rising Bridge

Modelling results indicate that a number of approaches are operating close to the theoretical capacity at the 2019 baseline. All future scenarios, including baseline and local plan, show capacity issues.

The outputs produce suggest that the local highway network, managed by Lancashire County Council can accommodate the first 5 years of Local Plan growth up to 2024. This could be acceptable to the county council. However mitigation will be required to accommodate the following 10 years of Local Plan growth between 2024 and 2034, or a reduction in development to come forward which may influence this junction. This is due to both Blackburn Road approaches to the roundabout exceeding theoretical capacity in either the am or pm peaks period with the inclusion of Local Plan traffic.

The A56, including the signalised roundabout, form part of the strategic highways network managed by Highways England (HE). Modelling indicates a number of capacity issues on the strategic network. HE will likely provide feedback on these issues, however any mitigation proposals put forward will need to carefully consider the impact on the local highway network links from Blackburn Road (both sides).

Junction 7 – Todd Hall

This junction is a simple left in left out from / to the A56. Modelling indicates no significant queueing or capacity issues along Todd Hall Road which is within the jurisdiction of Lancashire County Council. Consequently the operation of the junction would not be a concern to the council. However we are aware that the junction feeds in to traffic which can queue along the A56 during peak time. Consequently HE may offer concerns regarding this issue as part of their comments to the study.

Junction 8, 9a and 9b Grane Road Corridor

The junctions have been modelled using VISMM software unlike other junctions which have utilised PICADY software for modelling. The report highlights this deviation from study methodology was required because the initial assessment did not adequately reflect on-site behaviour.

The modelling results indicate that all junctions operate satisfactorily in all assessment scenarios. The report further clarifies that average speed traffic cameras will have a moderating effect on vehicle speeds along Grane Road which will provide a positive effect in terms of traffic management and control.

Our view is that the operation of junctions 9a and b (Grane Road / A56) are likely to offer adequate capacity to facilitate traffic associated with the Local Plan.

However we do not agree with the assessment that junction 8 (Grane Road / Holcombe Road) can provide adequate capacity to facilitate development traffic. Peak time vehicle movements along Grane Road result in it being extremely difficult to undertake turning movements out of Holcombe Road, especially for right turning vehicles heading towards the A56. Consequently although MMQ may not be particularly significant, delay can still be considered severe. The council has also received complaints that the moderation of vehicle speeds along the Grane Road corridor has resulted in fewer gaps for emerging traffic to utilise. Although anecdotal in nature this does add additional weight to concerns. Our view is that mitigation will be required in the form of controlled junction operation in order to facilitate development in area of Grane Road and Holcome Road and this view should be extended to inclusion within the Local Plan.

Junction 10 - A56 / M66 Junction 0, Edenfield

The modelling provided suggests this junction operates with significant spare capacity on all assessments, during both the am and pm peaks, including the 2034 Local Plan scenario. The amount of indicated junction capacity within all scenarios means the influence of traffic associated with the Local Plan on this junction would not be a concern to the county council.

Junction 11 - Rochdale Road / Market Street / Bury Road, Edenfield

The modelling results provided for the junction indicate that the Bury Road (south) approach will be approaching theoretical capacity by the 2034 reference in the evening peak. All other approaches will operate with some, albeit limited, capacity. The model corroborates the proposal that the first 5 year of the Local Plan can be supported. However the information provided shows that the influence of Local Plan traffic on the junction will see all arms operating over theoretical capacity in either the am or pm peak.

I would suggest that a mitigation proposal should be developed for the junction to facilitate Local Plan traffic. Alternatively the quantum of development should be reduced and modelling undertaken for the junction to identify the amount of development which can realistically come forward based on the existing junctions operation (or a hybrid of the two). I would suggest in order to be thoroughly robust the model should assume 100% distribution through the junction.

Junction 12 - St James Square, Bacup

Mott Macdonald have taken account of the proposed townscape heritage initiative works for this junction. They have utilised the county council's AIMSUN model and output maximum virtual queue (MVQ) plots and delay plots. The modelling provided suggests Local Plan traffic will result in an increase in queues and delays over the reference position. However impacts are unlikely to be significant. Consequently the influence of traffic associated with the Local Plan on this junction would not be a concern to the county council.

Junction 13 – Waterfoot Roundabout

The operation of the A681 Rawtenstall to Bacup corridor is of concern. The route suffers from severe congestion during operational peaks, as highlighted within the study model which shows the Waterfoot roundabout junction operating over capacity in both the am and pm peaks for the 2019 baseline model. The influence of Local Plan traffic results in additional congestion issues with significant queue lengths forming in both the 2024 and 2034 Local Plan scenarios. The pm peak shows queue lengths of 267 (177 ref) in 2024 and 526 (227 ref) in 2034 along Bacup Road (west). I would not consider the difference between the base and Local Plan models to be "marginal" for the 2024 forecast year as suggested in the study. Likewise it is not agreed that the evidence suggest that 2024 Local Plan traffic can be accommodated by the junction.

The 2034 local transport impacts are significant and will likely have a severe impact on journey time reliability along the route.

The study offers the suggestion that "it could be argued that because the junction is failing in the 2034 Reference Case scenarios that no further consideration of the junction is required". This view should not be supported. The operation of the junction as presented at the 2034 reference case is significantly better than modelling suggest for even the 2024 Local Plan scenario which clearly indicates the major impact that Local Plan traffic will have on the operation of the junction, including journey time reliability along the corridor.

The junction is further discussed in chapter 6 of the study where mitigation solutions are offered. A proposal is provided to re-signalise the junction with modelling provided in table 64. The original

change from a signalised junction to a roundabout operation had strong political support and has been seen as a beneficial measure for access along the route. It is unlikely that returning to signals would be supported and would no doubt be viewed as a retrograde step by the travelling public. The modelling indicates that should the mitigation measures be introduced and a return to signals is implemented the 2034 pm peak will still operate over capacity. The HCS does identify that the mitigation does not provide required capacity for the peak period but seeks to equalise queue lengths across the three arms of the roundabout.

It should be noted that there have been a number of recorded personal injury accident (PIA) collisions at and within close vicinity to the junction. Congestion along the corridor is likely to be a contributing factor to the number and frequency of PIA's.

It is unclear from the HCS report that congestion along the A681 can be adequately mitigated against. As highlighted within the study the corridor is extremely constricted by existing development and topography. Consequently adequate mitigation may be extremely difficult to implement. Consideration should therefore be given to limiting the number of development sites which feed into the A681 corridor. We should consider it essential that mitigation measures in terms of reducing car dependency and promoting sustainable travel options be explored. For example linkages to the Valley of Stone cycleway and improvements to the route from and through potential development sites.

Junction 14 – Toll Bar, Stacksteads

The comments provided for junction 13 (Waterfoot roundabout) above are also valid for the Toll Bar roundabout which is also situated along the A681 Rawtenstall to Bacup corridor. Modelling indicates the junction will operate over capacity in the 2019 baseline scenario with significant impacts when adding Local Plan traffic. Mitigation is proposed in the form of signalling the junction, however as per junction 13 the mitigation does not provide the necessary capacity to facilitate local plan traffic.

It should be noted that there have been a number of recorded personal injury accident (PIA) collisions at and within close vicinity to the junction. Congestion along the corridor is likely to be a contributing factor to the number and frequency of PIA's.

As above (junction 13 comments) it is unclear from the report that congestion along the A681 can be adequately mitigated against. As highlighted within the study the corridor is extremely constricted by existing development and topography. Consequently adequate mitigation may be extremely difficult to implement. Consideration should therefore be given to limiting the number of development sites which feed into the A681 corridor. Mitigation measures in terms of reducing car dependency and promoting sustainable travel options should also be explored as a necessity. Again I would highlight the example of linkages to the Valley of Stone cycleway and improvements to the route from and through potential development sites.

Junction 15 – Market Street, Shawclough

The modelling provided suggests this junction operates with significant spare capacity on all assessments, during both the am and pm peaks, including the 2034 Local Plan scenario. Consequently the influence of traffic associated with the Local Plan on this junction would not be a concern to the county council.

With regards individual sites obviously the larger development sites will be subject to a full transport assessment and travel plan in accordance with National and Local Policy and the evidence collected in the Highway Capacity Study . The Highway Authority will seek a detailed

design to determine the impact upon the highway network and any mitigation measures will be investigated by the developer.

The sustainability of all sites will be a key consideration for the council as the highway authority and improvements to local public bus services and infrastructure will be requested where necessary. Existing Public Rights of Way must be integrated into any development and improved where necessary. Internal road layouts in accordance with Manual for Streets (MfS) (and Creating Civilised Streets) will be essential to maximise permeability onto the highway network with high quality pedestrian and cycle links to maximise sustainability.

The site allocations plans that we have examined for residential development have not provided details of potential access points onto the highway network so some assumptions have been made where connections exist or could be made within the land highlighted on the plans.

We have provided specific comments on a number of sites as detailed below:-

BANKSIDE LANE, BACUP - HS2:11, 12, 13 and 32 proposes to allocate land which could result in 137 new dwellings off Bankside Lane which is an unclassified road approximately 1.1km in length varying in width and gradient with several pinch points and heavy on-street parking. To the west of its junction with Thistle Street, Bankside Lane provides the sole access to circa 150 dwellings. The existing layout on Bankside Lane is broadly reflected on the 1845 historic map and would not be considered acceptable under the current standards. The land to the west of Bankside Lane is at a higher level than the road which results in high retaining structures and there are buildings on both sides of Bankside Lane at several points which abut the road with no footway provision. Where there is footway provision, the widths are sub-standard along most sections. There appears to be little opportunity for improvement works to the current road layout within the extents of the adopted highway.

Standards would seek a secondary / emergency access to be provided where more than 100 houses are proposed off a sole access such as Bankside Lane. Therefore any development land allocated off Bankside Lane should provide a secondary vehicle access point onto the highway network. The topography of the land presents difficulty in providing a suitable access route and it appears unlikely a secondary access could be achieved. Consequently we would have concerns about these sites and the ability to provide a safe and suitable access in accordance with the National Planning Policy Framework (NPPF) and adequate permeability for traffic distribution in accordance with Manual for Streets.

There are also some site specific concerns:-

- HS 2:11 – There is insufficient width at the proposed site access and visibility at the junction of the site access and Bankside Lane cannot be achieved.
- HS 2.12 – The visibility at the site access and Bankside Lane cannot be achieved and there is insufficient road space to provide a suitable swept path for a large vehicle e.g. refuse wagon. There is currently on-street parking present and we would not support the introduction of parking restrictions on Bankside Lane at this point as there are residents who have no alternative off-street parking provision.
- HS 2.32 – Subject to the provision of a secondary vehicle access to the site being provided (Lodge Lane has been reviewed and discounted due to its narrow width over a significant length and gradient), this site could be considered acceptable. A pedestrian and cycle link to Osbourne Terrace would be necessary to support the sustainability of the site and

provide a suitable walking distance to the nearest bus stops on Newchurch Road , the local Primary School and food shop.

TONACLIFFE, WHITWORTH - HS 2:106 and 109 – The sustainability of the sites is considered to be low and improvements to the pedestrian and cycle links would be required. There are ongoing concerns on Tonacliffe Road raised by the residents in relation to vehicle speeds and therefore mitigation measures to reduce vehicle speeds in accordance with the speed limit may be required. The sites could be deemed acceptable subject to a design being in accordance with Manual for Streets which provides maximum permeability and loop roads for multiple vehicle access points off the adopted highway network, rather than extensions of cul-de-sacs.

EDENFIELD – HS2:71 – Each land parcel should be linked to provide maximum permeability in accordance with Manual for Streets and should sites be brought forward piece meal they should be designed with future connectivity in mind.

HS2.71 (a) Land north of Blackburn Road – Access and visibility splay onto Blackburn Road appears achievable. Design should futureproof the site for further development to the north. Improvements at Pinfold junction to include signalised pedestrian provision and changes to speed limit on Blackburn Road are likely to be necessary.

HS2.71 (b) Land south of Blackburn Road – Access and visibility splay onto Blackburn Road appears achievable. Improvements at Pinfold junction to include signalised pedestrian provision and changes to speed limit on Blackburn Road are likely to be necessary.

HS2.71 (c) Land east of Market Street (Mushroom Farm) – site access between Horse & Jockey and 115 Market Street appears achievable. Consideration for existing on-street parking generated by residents of Market Street should be made and off-street parking created within the site should be provided if necessary.

HS2.71 (d) Land north of Exchange Street – access to Market Street (north of Horse and Jockey) via land parcel (c) is required together with secondary access from Exchange Street and Highfield Road to Bolton Road North. The mini roundabout at the junction of Market Street and Rochdale Road, Bury Road will be assessed in the highway capacity study.

HS 2:73 – Proximity of site access to J1 M66 and visibility splay requirements for actual road speed (40mph speed limit) Wood Lane are a concern. The development of the site limits the possibility of a southbound on slip road onto the M66 at J1.

HS 2:108 – Tong Lane itself is constrained in width by buildings and has poor pedestrian provision. There is a higher than average percentage of HGV traffic on Tong lane due to the Quarry to the north. The site access off Tong End is too narrow currently and requires widening and what is potentially third party land. The provision of 20 houses appears high considering the site is crossed by the reservoir spillways however the provision of any additional housing would be a concern due to the constraints of Tong Lane and the site access.

HS 2:102 - Barlow Bottoms, Whitworth – The existing access onto Market Street appears suitable and could be designed to accommodate the potential mixed use for residents and quarry traffic.

HS2.54 – The vehicular access appears limited to Dobbin Lane with a potential pedestrian/cycle access via Co-operation Street. The access may be considered suitable to accommodate a

limited number of houses, however the 55 houses that are proposed appears unlikely to be feasible. Further detailed design is required.

HS2.53 – Johnny Barn – A new access via Newchurch Road appears achievable with the loss of 2 possibly 3 mature highway trees in the verge and mature trees within the site. A pedestrian/cycle link should be provided through the site to Johnny Barn Close and the surrounding links.

HS 2:7 – Subject to more than one vehicular access onto the highway network being provided to distribute the traffic on the adjoining grid of terraced streets this site could be deemed acceptable. It would be necessary to use the football ground to provide one of the access points. Cowtoot Lane is too narrow to the east of the football ground boundary to accommodate any development traffic.

HS2.47 – Goodshaw Lane/Swinshaw – A new / widened access off Burnley Road appears achievable to include potentially the private access to Broad House and secondary/emergency, pedestrian/cycle access onto Goodshaw Lane should be provided.

Boundary change opposite Goodshaw Parish Church, Goodshaw Lane (3 or 4 houses) – Goodshaw Lane is narrow on this section and experiences on-street parking partly on the grass verge which is a concern. The Highway Authority would seek improvements to address the issues as part of any application that came forward.

HS2.64 - Vehicular access to Haslingden Old Road between 203 – 205 is unsuitable to accommodate the development traffic due to its narrow width and limited visibility splay onto Haslingden Old Road. The existing access between 191 – 193 is unsuitable for the same reasons

HS2.66 – Vehicular access is limited to the access points as detailed above for HS2.64 and therefore is unsuitable. Vehicular access via Unity Way would require access through LCC owned land (Crest Moor Childrens residential home). The additional vehicle movements are unlikely to be supported by the Highway Authority due to the existing vehicle and pedestrian movements on Unity Way in connection with the 2 primary schools, children's home and employment site.

HS2.6 – Greens Farm – Subject to vehicular access being secured via the Moorside Crescent Estate and designed in accordance with MfS to maximise permeability and distribute traffic throughout the estate, the site access would be acceptable.

With regards employment sites we have been provided plans with site access provision as part of Technical Note 399721 001A. In relation to those we would comment as detailed below:-

ADD6 CARRS INDUSTRIAL ESTATE EXTENSION

In principal the site would be acceptable however the proposed new access indicated on drawing ADD6/01 onto Hud Hey Road causes significant concerns to the extent that we believe an alternative means of access should be sought.

The local highway network surrounding the new site access has a number of constraints that cannot be obviously mitigated against and there would be a severe impact upon existing residential parking provision along Hud Hey Road itself in order to ensure adequate visibility splays would be available.

The proposed site access is from the B6236 (known as Hud Hey Road, Roundhill Road, Haslingden Road) which forms a high speed, rural, high level link road to Blackburn and M65. It runs parallel to the Grane Road B6232 which has a 7.5 tonne weight restriction in place,

implemented for safety reasons. Lancashire County Council has received numerous complaints from the residents of Hud Hey Road following the introduction of the weight restriction on Grane Road (circa 2008) that heavy vehicles have transferred onto the B6236. We believe the introduction of an Industrial Estate road as proposed would encourage HGV's from the site to travel along the B6236, rather than using the strategic road network, which would not be appropriate and would exacerbate existing concerns.

The route from the site to the A56 is via the Brook Street signalised crossroad junction which is constrained by buildings in close proximity to the road layout. The approach from Hud Hey Road is dog legged with two 90 degree bends over a short distance and a carriageway width of around 6.5 metres. The layout does not readily support an increase in heavy vehicle movements and may result in highway safety concerns should this occur. Difficulties in access would also likely encourage vehicle drivers to traverse along the B6236 which as highlighted above would be far from ideal.

The new site access would require adequate visibility splays on Hud Hey Road which would need the removal of parked vehicles and subsequently the introduction of parking restrictions along the frontage of 116-138 Hud Hey Road and on the bridge. This is likely to be very controversial and result in a number of objections from residents. Ultimately the outcome of any objection would not be an officer decision. Due the nature of the Traffic Regulation Order (TRO) process the County Council could not guarantee that visibility splays would be provided which results in safety concerns. There may be measures to partly mitigate this including the provision of off-street car parking to the rear of the properties, although this is unlikely to fully mitigate the issue as residents would lose the convenience of parking along the frontage of their properties.

Highways England have expressed concern about the new site access joining the bridge structure over the A56 and this concern is reflected by Lancashire County Council as the Local Highway Authority.

Having said all that there is potentially a point of access from Commerce Street that would be an appropriate access for HGV traffic and the vehicle movements generated by the development. This route links more directly to the strategic road network, A56 and the wider motorway network and would avoid the convoluted and unnecessary use of the local highway network and the subsequent difficulties outlined above.

EMP10/02 The access onto the existing highway network seem achievable. The route to the strategic network does pass through pockets of residential development with on street parking however these are limited in number and unlikely be a significant concern. Impacts on the A56 Bentgate roundabout would need to be factored in to the modelling proposals if this has not already been undertaken.

EMP 13 The priority junction as suggested seems acceptable in terms of an access arrangement. However the difficulties highlighted above for ADD 6 regarding access from the site to the A56 via the Brook Street signalised crossroad junction would remain a concern, specifically with regards larger HGV type vehicular traffic.

EMP 18 Futures Park. The signalised site access proposals will improve on the existing priority giveway arrangement which results in a difficult right turn manoeuvre from Futures Park. However this difficult manoeuvre is due to the volume of traffic that traverses the A681 Rawtenstall – Bacup corridor, which as highlighted above, suffers from existing congestion issues likely to be exacerbated should all local plan provisions be built out. The employment potential would need to be considered carefully in relation to catchment areas for likely employees.

EMP 2.15 – A new vehicular access onto Blackburn Road would require a major earth moving exercise and the removal of mature trees within the site. An LCC retaining wall bounds Blackburn Road and the required visibility splays would be a concern. Access via the existing Industrial Estate appears unachievable without the removal of an existing industrial building.

EMP 2.23 – An access onto Commerce Street would require additional land. The existing private access road which joins Commerce Street would require widening. Access onto Hud Hey Road cannot not be achieved due to a number of highway safety related matters.

EMP 2.26 – There is no access to the highway network. Access through the parcel EMP2.31 should be secured however the recently approved employment site significantly limits the opportunity for access.

EMP 2.34 – Access is via Holme Lane which is a concern due to the local road layout and level crossing . The junction of Bury Road and Home Lane is restricted for vehicles travelling to and from the south. Access through parcels EMP 2.26 and 2.31 should be secured.

EMP2.38 – Direct access onto Blackburn Road is proposed through a signalised junction arrangement as indicated on drawing ADD6/01. This raises concerns due to the proximity to the A56 roundabout and the potential for queuing across the roundabout junction subsequently affecting highway safety on the strategic highway network of the A56 . Major earth moving would also be required which could potentially be a concern at this location. Access onto Rising Bridge Road and the strategic network if achievable would be ok however the route towards Accrington via Blackburn Road for HGV type vehicles would be a concern due to narrow carriageways created by heavy on-street residential and staff parking.

EMP 11 + 72 – The access onto the existing highway network seem achievable however major infrastructure works would be required to free up the land.

ADD 2 + EMP 71 – the access arrangement proposes a roundabout junction on the A682 shortly after the diverge from the strategic A56. There are existing 50 mph limit along both roads however speed compliance is a major issue. Visibility into the proposed roundabout from both directions is likely to be compromised due to existing road geometry which would be a concern. These issues mean that we should not support the proposed site access strategy.

EMP 73 – It is my understanding that the location indicated on the Mott MacDonald technical note reference 399721 001A is incorrect and that the site is actually 420m to the north opposite Studd Brow. Site access at this location appears readily achievable however the site is somewhat remote from the strategic road network.

3- Public Health: Health Equity, Welfare & Partnerships, Wider Determinants

The Lancashire County Council response to the Rossendale Draft Local Plan Regulation 18 Consultation submitted on 9th October 2017 raised the issue of excess weight in young people in Rossendale and fast food takeaway density.

Since then the Lancashire County Council Director of Public Health and Wellbeing has produced the *Hot Food Takeaways and Spatial Planning Public Health Advisory Note* (See Appendix 1). This advisory note provides an overview of weight across Lancashire and the prevalence of hot food takeaways. It also provides a review of planning policy options and makes recommendations for local authorities

For the 3 year period 2013/14-2015/16 approximately 23% of reception year pupils and 34% of year 6 pupils had excess weight (www.localhealth.org.uk).

Public Health England has determined that Rossendale has seen a 27% increase in fast food outlets (which includes the A3 use) between 2012 and 2016 and has a fast food takeaway density that is significantly above the England average.

We welcome the inclusion of Policy R5: Hot Food Takeaways in the Rossendale Local Plan Publication Presubmission document and its targeted approach, focussing on takeaways near schools and in areas of high obesity. We are concerned however that the wording of the current policy is open to interpretation in relation to opening times and also defining what '*would not adversely contribute to obesity*'.

We recommend that in light of the information and evidence presented in the *Hot Food Takeaways and Spatial Planning Public Health Advisory Note*, that *Policy R5: Hot Food Takeaways* is amended to reflect the following:

1. A 400m restriction zone surrounding secondary schools

The policy benchmark of a 400m restriction zone surrounding schools (refusing applications for all new A5 use premises or a defined restriction on A5 use opening hours within the restriction zone) has been tried and tested by an increasing numbers of local authorities at this point. This exclusion approach will help to limit secondary school children's access to unhealthy food at lunchtimes and immediately after school.

2. Refusing new A5 uses within wards where more than 15% of year 6 pupils or 10% of reception pupils are classed as obese

In order for policy such as this to be adopted, there must be evidence in place to demonstrate that there is a problem to be dealt with. This approach is based on targeting those neighbourhoods which have an evident problem because they sit within the top two quintiles nationally for obesity.

Data on child excess weight and obesity at ward level is freely available through www.localhealth.org.uk and is updated every year through the National child measurement programme (which displays an indicator based on the past three years of aggregated data). North Tyneside's adopted policy (DM3.7ⁱ) is a good example of this.

3. Prevent the clustering of A5 uses in deprived neighbourhoods

Many local authorities already have policies that seek to prevent A5 clustering from the perspective of the character, function, vitality or viability of an area. However these policies are justified, they are also useful for addressing the issue of obesogenic environments.

A good example of this kind of policy can be found in Gatesheadⁱⁱ, who have adopted policies that restrict A5 uses to just 5% of total commercial uses within an area, and allow no more than two consecutive A5 uses in any one length of frontage.

I trust the above is of benefit to the progress of the Rossendale Local Plan - Reg 19 version: Consultation. I look forward to continuing our close work as the local plan progresses.

Yours Faithfully,

Marcus Hudson
Planning Manager
Lancashire County Council

Hot Food Takeaways and Spatial Planning

Public Health Advisory Note

Director of Public Health and Wellbeing, Dr Sakthi Karunanithi MBBS MD MPH FFPH

Introduction

This Public Health Advisory Note covers how local planning authorities could help to tackle the increasing health issues of excess weight and obesity within Lancashire, through stricter control of the development of hot food takeaways. It focuses on a rapid data analysis of weight levels in Lancashire and the prevalence of hot food takeaways. A review of planning policy options, application decisions and recommendations for action by local authorities is provided.

Wider Determinants of Health

The health and wellbeing of individual people and local communities is affected by a wide range of factors. Some factors concern the environment, including the built environment. Spatial planning can be used to address a range of health issues such as air quality, physical inactivity, social isolation and obesity.

Within the National Planning Policy Framework (NPPF), guidance is provided on how health should be considered by the planning system. As part of the delivery of the social dimension of sustainable development, planning has a role in supporting, and developing, strong, vibrant and healthy communities.

One of the core planning principles that underpin both plan-making and decision-taking is for planning "to take account of and support local strategies to improve health, social and cultural wellbeing for all" (paragraph 17 NPPF). In preparing the proportional evidence base for local plan-making, NPPF also states that

"Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being." (Paragraph 171)

Lancashire County Council's Director of Public Health, through the Health Equity, Welfare and Partnerships service, is collaborating with Lancashire's local planning authorities (LPAs) to take account of local health issues and considerations, through the provision of local health data and advice.

Obesity

Within Lancashire, obesity is of particular concern, with significantly high levels of overweight adults and children being recorded within the county.

Some local authorities in England have started addressing increasing obesity levels within their populations by using the planning system to restrict hot food takeaways and by extension restricting access to unhealthy food.

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. In general planning permission is needed to change from use class to another. Hot food takeaways are specified as A5 use class.

LPAs have generally pursued two options when looking to restrict A5 development for health reasons, they are:

- Refusing applications or restricting opening hours for A5 developments that fall within a prescribed proximity to secondary schools and in some cases also primary schools and youth facilities.
- Refusing applications for A5 development in deprived areas where there is already deemed to be an oversaturation of such uses – often defined as a percentage of the business uses within an area.

More recently, another form of restriction has started to emerge that takes into account the obesity rate within the surrounding area – an approach that we explore, along with the others, later in this document.

It must be recognised that spatial planning can only help reduce obesity and excess weight as part of a multifaceted approach, which should include a range of interventions and partners.

Recommendations

In light of the information and evidence presented in this document, we recommend the following principles are included in local plan policies:

4. A 400m restriction zone surrounding secondary schools

The policy benchmark of a 400m restriction zone surrounding schools (and/or a restriction on A5 use opening hours within the restriction zone) has been tried and tested by an increasing numbers of local authorities at this point. This exclusion approach will help to limit secondary school children's access to unhealthy food at lunchtimes and immediately after school and would work best if implemented alongside healthy eating policies *within* schools. This is an area in which local authorities and schools can work together in partnership for the benefit of children's health.

5. Refusing new A5 uses within wards where more than 15% of year 6 pupils or 10% of reception pupils are classed as obese

In order for policy such as this to be adopted, there must be evidence in place to demonstrate that there is a problem to be dealt with. This approach is based on targeting those neighbourhoods which have an evident problem because they sit within the top two quintiles nationally for obesity.

Data on child excess weight and obesity at ward level is freely available through www.localhealth.org.uk and is updated every year through the National child measurement programme (which displays an indicator based on the past three years of aggregated data). North Tyneside's adopted policy (DM3.7ⁱⁱⁱ) is a good example of this.

6. Prevent the clustering of A5 uses in deprived neighbourhoods

Many local authorities already have policies that seek to prevent A5 clustering from the perspective of the character, function, vitality or viability of an area. However these policies are justified, they are also useful for addressing the issue of obesogenic environments.

A good example of this kind of policy can be found in Gateshead^{iv}, who have adopted policies that restrict A5 uses to just 5% of total commercial uses within an area, and allow no more than two consecutive A5 uses in any one length of frontage.

7. Presentation of local and national evidence and circumstances

This documents contains numerous signposts to data, evidence and guidance, all of which can be used to make the case for Hot Food Takeaway planning policies. Joint Strategic Needs Assessments^v, mapping exercises, research studies, and when possible, public consultations can all contribute to building a compelling, evidence

based argument. Lancashire County Council Public Health can assist in pulling together relevant local evidence.

8. Partnership Buy-in

If the planning system is to be used as a tool to improve the health of the population, the policies should be joined up with healthy weight strategies and backed by the Health and Wellbeing partnerships and boards.

It is hoped that if Lancashire Local Planning Authorities (LPAs) take account of these recommendations, that any resultant local plan policies restricting hot food takeaway developments, will be as robust as possible.

A clear evidence base and justified policy wording, should result in the policies being found to be 'sound' by the Planning Inspectorate and subsequently become the adopted policy.

It is important that any adopted policy provides strong grounds that enable the policy to be used as grounds for refusal in planning application decision making and that the decision is capable of being upheld at any subsequent appeal proceedings.

Excess weight and obesity

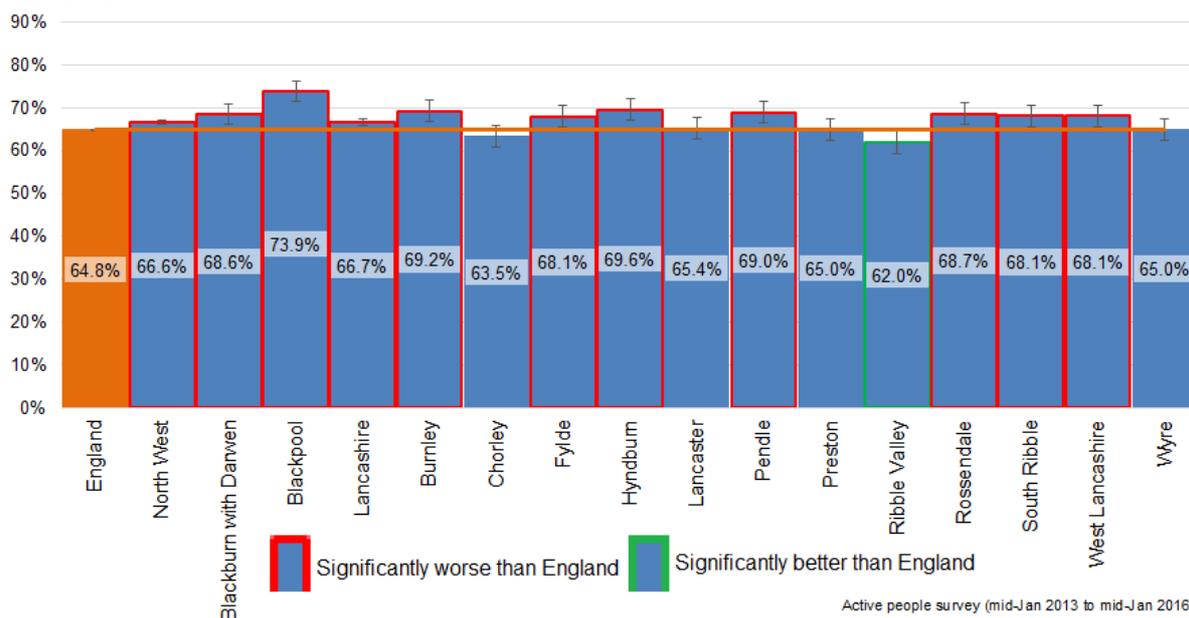
Excess weight and obesity in adults

Excess weight and obesity are important indicators of population health. The prevalence of these conditions is linked to numerous chronic physical and mental conditions, which places a burden on those people affected and also on the resources of local health services.

England has an obesity prevalence of 26.2% and one of the highest rates of unhealthy weight when compared with other western countries^{vi}. In 2014, 58% of women and 65% of men were recorded as overweight or obese. Obesity prevalence in England has increased from 15% in 1993 to 26% in 2014.

Figure 1, shows that the estimated proportion of adults with excess weight in Lancashire is significantly above the England average for the survey period mid Jan 2013 to mid-Jan 2016 (*Sport England Active People Survey*^{vii}). Within the Lancashire 12 authority areas, the survey results suggest that 66.7% of the adult population are living with excess weight. This is significantly above the England prevalence of 64.8% and when applied to the latest population estimates (2015), it equates to 649,659 people.

Figure 1: Estimated adult (16+) excess weight prevalence at a national, regional, upper tier and district level



Within Lancashire 12, seven districts have significantly higher excess weight prevalence than the national average, Hyndburn (69.6%), Burnley (69.2%), Pendle (69.0%), Rosendale (68.7%), Fylde (68.1%), South Ribble (68.1%) and West Lancashire (68.1%). Additionally, the estimates for the neighbouring unitary authorities of Blackburn with Darwen (68.6%) and Blackpool (73.9%), are also significantly higher than England.

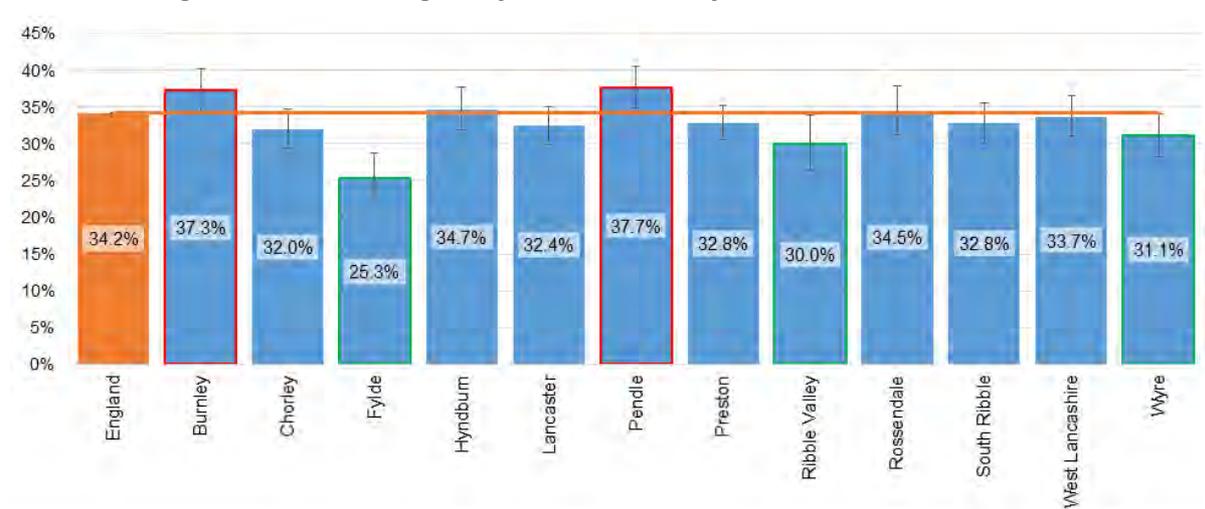
Excess weight and obesity in children

Public Health England states^{viii} that one in three children nationally are overweight or obese by the time they leave primary school and obesity prevalence in the most deprived 10 per cent of children in England is approximately twice that among the least deprived 10 per cent.

High levels of excess weight are prevalent amongst the children of Lancashire 12, with the highest prevalence figures being found in the most deprived wards in the county.

The National Child Measurement Programme (NCMP) 2015/16 found a total of 7,146 reception and Year-6 age children from across the Lancashire-12 were living with excess weight. Figure 2 displays the proportion of children with excess weight by district.

Figure 2: Excess weight in year 6 children by Lancashire district 2015/16

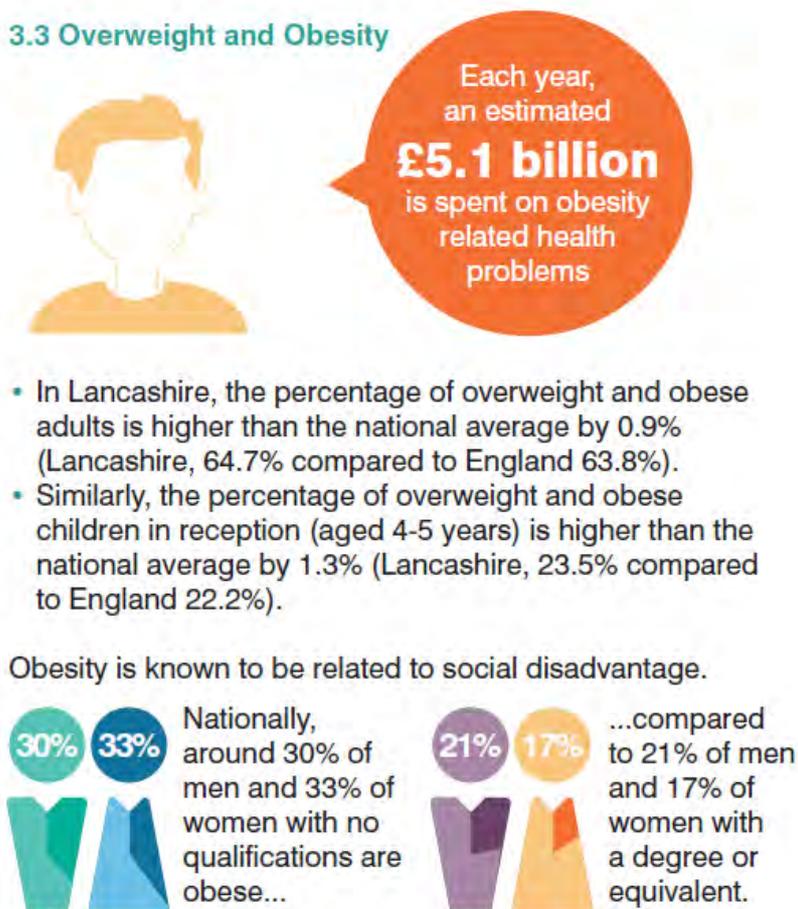


Public Health Outcomes Framework^{ix}

Public Health Interventions

Lancashire's Director of Public Health, Dr Sakthi Karunanithi, in his 2016 annual report *Securing our Health and Wellbeing*^x, identifies the need to enable sustainable behaviour and lifestyle changes as a key action. Lancashire County Council Public Health will continue to support Lancashire residents to adopt healthier lifestyles through a comprehensive behaviour change approach, including to tackle obesity and physical inactivity.

Figure 3. Excerpt from 'Securing our Health and Wellbeing' Report of the Director of Public Health and Wellbeing 2016



Lancashire County Council was the first two-tier authority to become a signatory of the Healthy Weight Declaration^{xi} which was designed by Food Active to support local government to exercise their responsibility in developing and implementing policies which promote healthy weight.

The Healthy Weight Declaration shows commitment to reducing unhealthy weight in our communities, protecting the health and well-being of staff and citizens and making an economic impact on health and social care and the local economy by striving to:

- *Engage with the local food and drink sector (retailers, manufacturers, caterers, out of home settings) where appropriate to consider responsible retailing (such as not selling energy drinks to under 18s), offering and promoting healthier food and drink options, and reformulating and reducing the portion sizes of high fat, sugar and salt (HFSS) products;*
- *Consider how commercial partnerships with the food and drink industry may impact on the messages communicated around healthy weight to our local communities. Funding may be offered to support research, discretionary services (such as sport and recreation and tourism events) and town centre promotions;*
- *Review provision in all our public buildings, facilities and 'via' providers to make healthy foods and drinks more available, convenient and affordable and limit access to high-calorie, low-nutrient foods and drinks (this should be applied to public institutions such as schools, hospitals, care homes and leisure facilities where possible);*
- *Increase public access to fresh drinking water on local authority controlled sites;*
- *Consider supplementary guidance for hot food takeaways, specifically in areas around schools, parks and where access to healthier alternatives are limited;*
- *Advocate plans with our partners including the NHS and all agencies represented on the Health and Wellbeing Board, Healthy Cities, academic institutions and local communities to address the causes and impacts of obesity;*
- *Protect our children from inappropriate marketing by the food and drink industry such as advertising and marketing in close proximity to schools; 'giveaways' and promotions within schools; at events on local authority controlled sites;*
- *Support action at national level to help local authorities reduce obesity prevalence and health inequalities in our communities;*
- *Ensure food and drinks provided at public events include healthy provisions, supporting food retailers to deliver this offer;*
- *Support the health and well-being of local authority staff and increase knowledge and understanding of unhealthy weight to create a culture and ethos that normalises healthy weight;*
- *Invest in the health literacy of local citizens to make informed healthier choices;*
- *Ensure clear and comprehensive healthy eating messages are consistent with government guidelines.*
- *Consider how strategies, plans and infrastructures for regeneration and town planning positively impact on physical activity;*
- *Monitor the progress of our plan against our commitments and publish the results.*

Lancashire County Council also commissions the Active Lives and Healthy weight services which involves five providers delivering programmes covering all 12 Lancashire districts. In every district the provider has two distinct, but often closely related, programmes.

1. **Active Lives** – a 12 week free programme of 1 session per week, aimed at getting the individual more active through a variety of ways from simple chair-based exercise, to "Couch to 5k". Sessions are either delivered in existing

Leisure Centre venues, or out in the community, for example Scout Huts or organised local events like Health Melas. Physical activity levels are tracked to show increased activity at 12 weeks (end of programme), 6 months and 12 months, to establish that activity regimes have been embedded in client lifestyles.

- 2. Healthy Weight** – similar to above with a 12 week programme designed to help clients address their weight through a variety of means. The clients are weighed before and after and there is an expectation that they will lose at least 3% and longer term 5% of their weight. Clients are weighed at the end of the 12 weeks, then at 6 months and finally at 12 months to track progress.

Hot food takeaways

Prevalence of Hot food takeaways

Hot food takeaway's fall within the A5 planning use category and are described as "for the sale of hot food for consumption off the premises".

As Figure 3 displays, Lancashire and most of its district authorities have significantly more fast food outlets per 100,000 population than England. Fast food outlets are distinctive from hot food takeaways and are defined as premises that prepare and supply food that is available quickly, covering a range of outlets including, but not limited to, burger bars, kebab & chip shops, fish & chip, and sandwich shops. It excludes outlets classed as bakeries, as well as those considered to be cafés or restaurants. However, in the case of large fast food chains, all outlets including those classified as cafes and restaurants are included in the figures.

- The districts of Burnley, Hyndburn, Pendle, Preston and Rossendale have the highest concentration of fast food outlets in Lancashire, and the concentration rates are significantly higher than the England average. The two neighbouring authorities of Blackburn with Darwen and Blackpool also recorded rates significantly above the National average.
- Every district in Lancashire has seen increases in the numbers of fast food outlets when compared with 2012, and Lancashire as a whole has seen an increase of 20%.

Public Health England has calculated that the total number of Fast Food outlets across England was 47,928, of which 1,282 were based in the Lancashire-12. Giving the area a crude outlet concentration rate of 121.85, significantly above the England rate of 87.8.

Figure 4: Fast food outlet density in Lancashire and comparisons between 2012 and 2016

LA name	2012				2016				Difference	
	Count of outlets	Rate per 100,000 population	Local rank	Significance from England	Count of outlets	Rate per 100,000 population	Local rank	Significance from England	Actual	%
England	40,486	77.5	-	-	47,928	87.8	-	-	7,442	16%
Blackpool with Darwen	163	116.4	4	High	188	128.1	5	High	25	13%
Blackpool	241	172.2	1	High	271	192.9	1	High	30	11%
Lancashire-12	1,028	87.9	-	High	1,282	121.9	-	High	254	20%
Burnley	102	119.6	3	High	132	151.2	2	High	30	23%
Chorley	89	84.4	8	-	109	97.7	11	-	20	18%
Fylde	62	81.0	10	-	79	102.5	8	-	17	22%
Hyndburn	101	124.5	2	High	114	142.1	3	High	13	11%
Lancaster	119	84.4	9	-	127	89.9	13	-	8	6%
Pendle	80	89.6	7	-	118	131.3	4	High	38	32%
Preston	151	111.8	5	High	176	125.3	6	High	25	14%
Ribble Valley	38	65.5	13	-	56	96.4	12	-	18	32%
Rosendale	63	93.5	6	-	86	124.3	7	High	23	27%
South Ribble	78	72.0	12	-	111	101.8	10	-	33	30%
West Lancashire	57	51.7	14	Low	63	56.3	14	Low	6	10%
Wyre	88	79.0	11	-	111	102.1	9	-	23	21%

Source: Public Health England^{xii}

Figure 5, demonstrates that the largest proportion (48.7%) of fast food outlets fall within the most deprived 20% of wards nationally. Giving this quintile a crude rate per 100,000 of 167.02 significantly above the Lancashire-12 average of 121.85 and significantly above the crude rate recorded for all other deprivation quintiles.

Figure 5^{xiii}: Fast food outlets in Lancashire-12, grouped by the deprivation quintile of the ward the outlet falls within.

IMD Quintile 2015 (1 = most deprived, 5 = least)	All-age population	Count of outlets	% of total	Outlets per 1,000 population	Significance from Lancashire-12
1	373,599	624	48.7%	167.02	High
2	176,248	226	17.6%	128.23	-
3	160,351	170	13.3%	106.02	-
4	209,136	178	13.9%	85.11	Low
5	132,750	84	6.6%	63.28	Low
Grand Total	1,052,084	1,282	-	121.85	-

A recent development in the mapping of food environments is Feat (Food environment assessment tool) which has been developed by the Centre for Diet and Activity Research and the MRC Epidemiology Unit at the University of Cambridge. It allows for detailed exploration of the geography of food retail access across England:

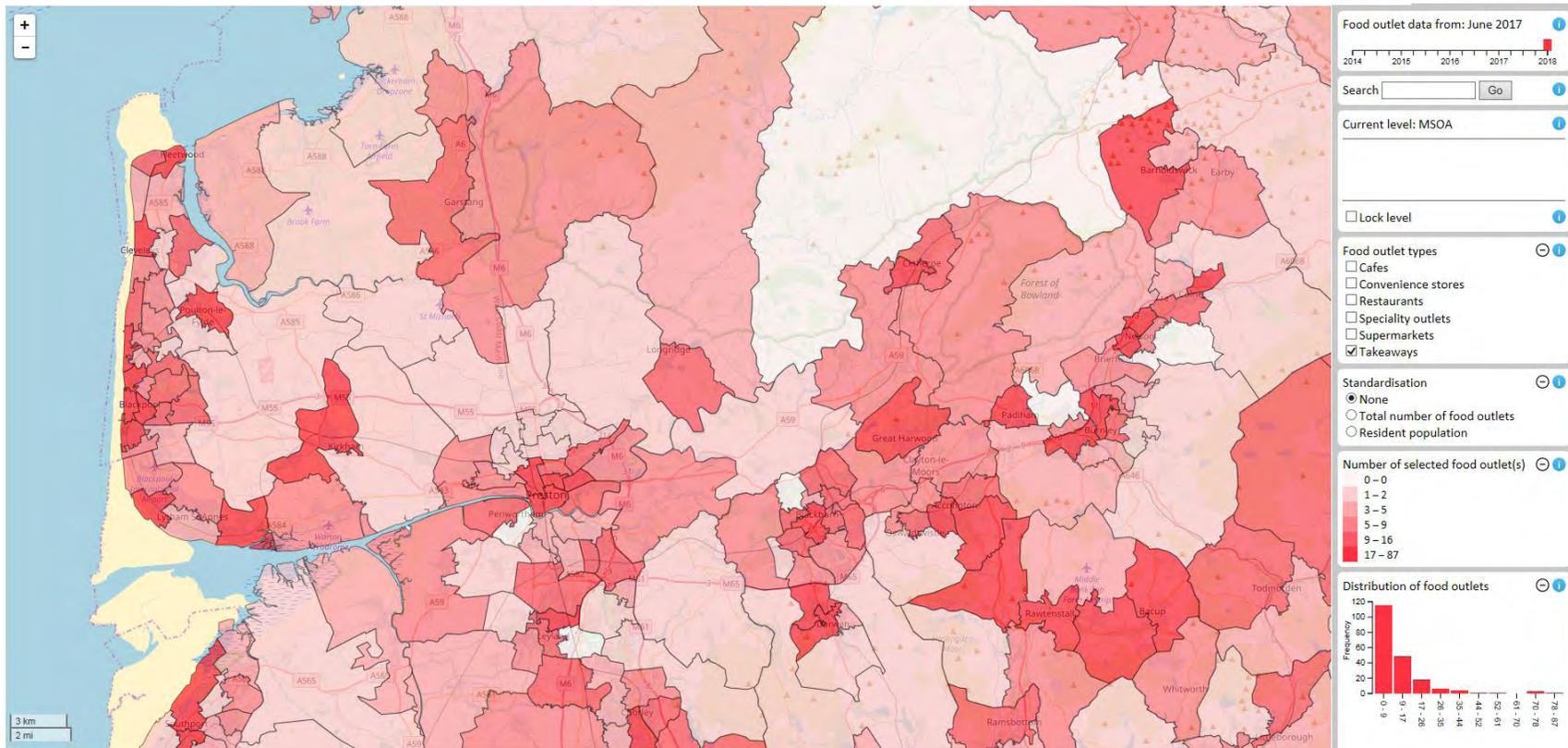
Feat is underpinned by the latest scientific evidence about how food access in our neighbourhoods affects our dietary choices, body weight and health. It will allow you to map, measure and monitor access to food outlets at a neighbourhood level, including changes over time.

It is designed around the needs of professionals in public health, environmental health and planning roles, locally and nationally. Use it to:

- *Generate local evidence for use in the development of Obesity Strategies, Local and Neighbourhood Plans, JSNAs and Strategic Planning Documents.*

- Support planning decisions
- Compare food access between neighbourhoods, and see where is changing fastest
- Target interventions, and test the effectiveness of planning policies

Figure 6^{xiv}: The Feat Tool mapping Hot Food Takeaway density at ward level



National Guidance

Government planning guidance, which is situated on the central government website^{xv}, contains a section on health and wellbeing (last updated July 2017) which states:

Planning can influence the built environment to improve health and reduce obesity and excess weight in local communities. Local planning authorities can have a role in enabling a healthier environment by supporting opportunities for communities to access a wide range of healthier food production and consumption choices.

Local planning authorities can consider bringing forward, where supported by an evidence base, local plan policies and supplementary planning documents, which limit the proliferation of certain use classes in identified areas, where planning permission is required. In doing so, evidence and guidance produced by local public health colleagues and Health and Wellbeing Boards may be relevant. Policies may also request the provision of allotments or allotment gardens, to ensure the provision of adequate spaces for food growing opportunities.

Local planning authorities and planning applicants could have particular regard to the following issues:

- *proximity to locations where children and young people congregate such as schools, community centres and playgrounds*
- *evidence indicating high levels of obesity, deprivation and general poor health in specific locations*
- *over-concentration and clustering of certain use classes within a specified area*
- *odours and noise impact*
- *traffic impact*
- *refuse and litter*

The National Institute of Clinical Excellence (NICE) states in their 2010 guidance document NICE Guidance ph25^{xvi}, on the prevention of cardiovascular diseases, that reducing salt and saturated fat intakes for the population will reduce morbidity and mortality rates from cardiovascular disease. Furthermore, sections of the population who regularly eat fried fast-food may be consuming substantially higher amounts of trans-fats (Industrially-produced trans-fatty acids) which are a significant health hazard.

The guidance explains that food from hot food takeaways and the 'informal eating out sector' comprises a significant part of many people's diet. In recognition that LPAs have powers to control fast-food outlets, the guidance contains the following recommendations on the subject of planning restrictions:

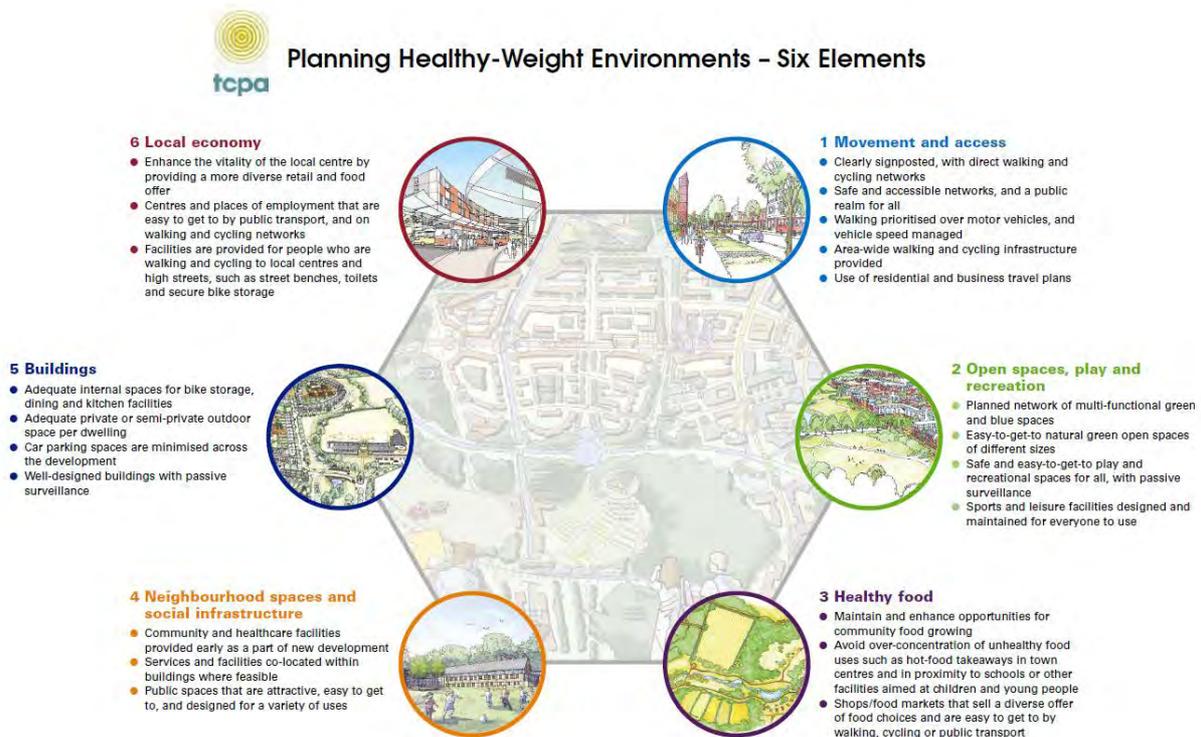
- Encourage local planning authorities to restrict planning permission for takeaways and other food retail outlets in specific areas (for example, within walking distance of schools). Help them implement existing planning policy guidance in line with public health objectives.
- Review and amend 'classes of use' orders for England to address disease prevention via the concentration of outlets in a given area. These orders are set out in the Town and Country Planning (Use Classes) Order 1987 and subsequent amendments.

In 2014 as part of the Planning Healthy Weight Environment project^{xvii} supported by Public Health England (PHE), the Town and Country Planning Association (TCPA) have identified six elements for a Healthy Weight Environment, which are shown in figure 7. The TCPA recommend a range of interventions within the planning and design of a new development, or for an existing community, that will help in creating environments which supports healthier lifestyle choices. These can be used by a range of different decision-makers and actors in policy development and in assessing planning applications for schemes.

One of the themes is healthy food environments, food growing and access to healthy food retail including the following recommendation:

"Avoid over-concentration of unhealthy food uses such as hot-foot takeaways in town centers and in proximity to schools or other facilities aimed at children and young people".

Figure 7^{xviii}



Evidence for planning controls

A number of councils around the country have sought to include policies on hot food takeaways within their development plan documents. The evidence to justify the planning policies, comes from a variety of sources, but some of the most prominently featured include the following:

Understanding the relationship between food environments, deprivation and childhood overweight and obesity. Healthy Place May 2014^{xix}

This study took a large cross sectional English sample, quantifying the association between weight status in children aged 4–5 and 10-11 years, characteristics of the food environment, and area deprivation. A positive association was found between the density of unhealthy food outlets in a neighbourhood and the prevalence of overweight and obesity in children:

A higher presence of food outlets selling unhealthy food is linked to higher levels of children who are overweight and obese, while the opposite is true for food outlets selling a range of healthier food

Associations between exposure to takeaway food outlets, takeaway food consumption, and body weight in Cambridgeshire, UK: population based, cross sectional study, March 2014^{xx}

This Population based, cross sectional study, using data on individual participants' diet and weight, and objective metrics of food environment exposure concluded that:

Exposure to takeaway food outlets in home, work, and commuting environments combined was associated with marginally higher consumption of takeaway food, greater body mass index, and greater odds of obesity.

Consumption of takeaway and fast food in a deprived inner London Borough: are they associated with childhood obesity? BMJ January 2012^{xxi}

This was cross-sectional study of 193 schoolchildren aged between 11 and 14 years old focusing on body mass index and frequency of food and drinks purchased from fast food outlets and takeaway outlets over a weekly period. This study concluded that:

Taste, quick access and peer influence were major contributing factors. These schoolchildren are exposed to an obesogenic environment, and it is not surprising that in this situation, many of these children are already overweight and will likely become obese as adults.

The association between the geography of fast food outlets and childhood obesity rates in Leeds, UK. November 2010^{xxii}.

This study covered 476 lower super output areas, with the main outcome measures being: the number of fast food outlets per area and the distance to the nearest fast food outlet from the child's home address and the weight status of the child. This study concludes that:

"There is a positive relationship between the density of fast food outlets per area and the obesity status of children in Leeds. There is also a significant association between fast food outlet density and areas of higher deprivation."

The studies included here represent a selection of some of the most recent research conducted in the UK. A range of links to other relevant studies and guidance documents have been included in the appendix.

Hot food takeaway planning policies

A number of Lancashire district councils are currently implementing or consulting on hot food takeaway policies, but for context we undertook a rapid review of a selection of non-Lancashire local authority local plans and followed these up with telephone interviews with planning officers from the relevant authorities.

It is clear that a growing number of LPAs around the country are seeking to use the planning system to restrict hot food takeaway development. Alongside considerations of highway and amenity impact, the subject of health is becoming more prominently referenced within these planning policies, as the national obesity epidemic becomes more evident.

Restrictions around schools are also becoming more common, with a 400m (approximately 5 to 10 minutes' walk) benchmark distance for creating hot food takeaway exclusion zones around schools. Secondary schools are the main focus of such exclusion zones, however there are authorities such as Bradford^{xxiii} that have written policies recommending the refusal of any new A5 uses within a 400m radius of secondary and primary schools, youth facilities, recreation grounds and parks.

Bradford

The Bradford example is interesting as it attempts to address the issue from three directions: school proximity, over concentration and opening hours; giving the LPA the power to decide whether or not the opening hours of a new establishment will be beneficial. This policy sits within a supplementary planning document and was formally adopted by the Council executive in November 2014:

With regard to proposals which fall outside the city centre, town centres, district centres and local centres, hot food takeaways will be resisted where the proposal will:

- a) *Fall within 400m of the boundary of an existing primary or secondary school or youth centred facility (e.g. YMCA, after school clubs).*
- b) *Fall within 400m of a Recreation Ground or Park boundary.*

The hours of opening of hot food takeaways will be controlled to ensure that amenity is appropriately protected.

When determining the appropriate hours of opening for hot food takeaways regard will be had to:

- a) *The likely impacts on residential amenity;*
- b) *The existence of an established late night economy in the area;*
- c) *The character and function of the immediate area, including existing levels of background activity and noise; and*
- d) *The potential benefits of the proposal for the wider community.*

Outside designated centres, within an area that is primarily residential in character, the hours of opening will be restricted to 08:00 - 23:00 on Mondays to Saturdays, with no opening on Sundays and bank holidays. Extended hours will only be permitted where it can be clearly demonstrated that there would be no unacceptable impact on residential amenity.

Gateshead

The 2017 Local Government Chronical Award for Public Health was awarded to Gateshead Council for its approach to helping curb obesity through planning restrictions. The council's Hot Food Takeaway Supplementary Planning Document (SPD) was introduced in 2015 with the aim of addressing over proliferation of hot food takeaways.

The SPD insists that the council can go beyond traditional planning considerations by taking local people's health into account.

Policy CS14

The wellbeing and health of communities will be maintained and improved by:

1. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:

- i. Creating an inclusive built and natural environment,*
- ii. Promoting and facilitating active and healthy lifestyles,*
- iii. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality,*
- iv. Providing good access for all to health and social care facilities, and*
- v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.*

2. Promoting allotments and gardens for exercise, recreation and for healthy locally produced food.

3. Controlling the location of, and access to, unhealthy eating outlets.

Planning Inspectors Martin Pike in his report^{xxiv} on the local plan had this to say concerning the policy:

I note the objection to the statement in paragraph 12.10 that the Councils will consider controlling the proliferation of unhealthy food outlets in subsequent plans. However, there is clear evidence of poor health in Gateshead and Newcastle which is partly caused by unhealthy eating, and

easy access to clusters of unhealthy food outlets exacerbates the problem. In principle, therefore, such an approach is sound.

North Tyneside

North Tyneside Council based their planning stipulations not only on clustering and school proximity, but also the percentage of overweight children within the area:

DM3.7 Hot Food Take-aways

Proposals for A5 hot food take-aways will be permitted unless:

- a) It would result in a clustering of A5 uses to the detriment of the character, function, vitality and viability of the defined centres or it would have an adverse impact on the standard of amenity for existing and future occupants of adjacent land and buildings.*
- b) There are two or more consecutive A5 uses in any one length of frontage. Where A5 uses already exist in any length of frontage, a gap of at least two non A5 use shall be required before a further A5 use will be permitted in the same length of frontage.*

To promote healthier communities the Council will:

- c) Prevent the development of A5 use within a 400m radius of entry points to all middle and secondary schools, as shown on the Policies Map.*
- d) Prevent the development of A5 use in wards where there is more than 15% of the year 6 pupils or 10% of reception pupils classified as very overweight*.*
- e) Assess on an individual basis, the impact hot food take-aways have on the well-being of residents.*

North Tyneside's hot food takeaway policy, which was adopted as part of their local plan^{xxv}, has been used to refuse applications and has been examined by the Planning Inspectorate as part of the appeals process.

In an appeal decision report^{xxvi} in September 2017, Planning Inspector Graeme Robbie had this to say concerning the policy:

I have noted the appellant's argument that they consider LP policy DM3.7 to be a flawed policy, one that amounts to a blanket approach and is 'too blunt a tool' with which to address health and wellbeing. However, the LP has recently been subject to Examination, LP policy DM3.7 modified in response, and the LP adopted since the publication of the Framework. Moreover, the National Planning Policy Framework (the Framework) sets out three dimensions to sustainable development at paragraph 7 and the need for the planning system to perform a number of roles. These include supporting strong, vibrant and healthy communities by, amongst other

things, creating a high quality built environment that reflects the community's needs and supports its health, social and cultural well-being. Section 8 of the Framework seeks to promote healthy communities and recognises that the planning system can play an important role in creating healthy and inclusive communities. Planning Practice Guidance (the Guidance) also states that the link between planning and health has long been established. I am satisfied that LP policy DM3.7 is consistent with the Framework and the Guidance in this respect.

Manchester

Manchester City Council adopted their Hot Food Takeaway Supplementary Planning Document^{xxvii} in March 2017. The document states that:

Reducing children's exposure to foods contributing towards obesity such as those sold in hot food takeaways, can reduce access to foods high in fat, salt and sugar. The aim of the policy is to ensure that during times when children are making food choices, such as lunch time and after school, the environment and availability of hot food takeaways is not encouraging unhealthy choices. The use of a 400m buffer is considered to be approximately a 5 minute walk and a reasonable distance from schools within which to control environments to the benefit of children.

Again, when an application for an A5 use was refused as a result of this policy, an appeal was made to the Planning Inspectorate. Planning Inspector Geoff Underwood included the following in his decision^{xxviii}:

Whilst I have not found material harm in respect of the development's effect on regeneration, the character and amenity of the area or parking and servicing, the avoidance of harm in these respects do not amount to positive considerations in support of the proposal. For the above reasons the development harms the area's wholesale trade function and fails to make a positive contribution to the health and wellbeing of residents, contrary to the development plan as supported by supplementary guidance. The appeal is therefore dismissed.

Appendix

Further examples of relevant studies:

Spatial Planning for Health (PHE, 2017)

An evidence resource for planning and designing healthier places.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/625568/Spatial_planning_for_health_an_evidence_resource.pdf

Health Behaviours in Lancashire (LCC, 2015 updated 2017)

A joint strategic needs assessment

<http://www.lancashire.gov.uk/media/901322/20170425-health-behaviours-in-lancashire-final-v18.pdf>

Tipping the Scales (LGA, 2016)

A collection of case studies on the use of planning powers to limit hot food takeaways, published by the Local Government Association in

<https://www.local.gov.uk/sites/default/files/documents/tipping-scales-case-studi-bff.pdf>

Waltham Forest (LGA, 2016)

Local Government Association article on restricting hot food takeaways to reduce health inequalities.

<https://www.local.gov.uk/waltham-forest-banning-hot-food-takeaways-reduce-health-inequalities>

Building the foundations: Tackling obesity through planning and development (TCPA/PHE, 2016)

Tackling obesity through planning and development

<https://www.local.gov.uk/sites/default/files/documents/building-foundations-tack-f8d.pdf>

Tipping the scales: (TCPA, 2016)

Case studies on the use of planning powers to limit hot food takeaways

<https://www.local.gov.uk/sites/default/files/documents/tipping-scales-case-studi-bff.pdf>

Planning healthy weight environments (TCPA/PHE, 2014)

A TCPA Reuniting Health with Planning Project

<https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=7166d749-288a-4306-bb74-10b6c4ffd460>

Obesity and the environment briefing (LGA/PHE, 2013, updated 2014)

Regulating the growth of fast food outlets

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296248/Obesity_and_environment_March2014.pdf

Planning healthier places (TCPA/PHE, 2013)

Report from the reuniting health with planning project

<https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=aa575f46-652d-4d21-b16f-a02332f4db92>

Takeaways Toolkit (GLA, 2012)

Tools, interventions and case studies to help local authorities develop a response to the health impacts of fast food takeaways

<https://www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf>

A Tale of Two ObesCities

(City University of New York and London Metropolitan University 2010)

Municipal Responses to Childhood Obesity Collaborative

A much cited document comparing the obesity problems of both London and New York. The restriction of hot food takeaways through planning or "zoning" is recommended:

City University of New York and London Metropolitan University (September 2010) A Tale of Two ObesCities.

https://www.monroecollege.edu/uploadedFiles/Site_Assets/PDF/childhood_obesity.pdf

ⁱ http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=569641

ⁱⁱ <http://www.gateshead.gov.uk/DocumentLibrary/Building/PlanningPolicy/SPD/Hot-Food-Takeaway-SPD-2015.pdf>

ⁱⁱⁱ http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=569641

^{iv} <http://www.gateshead.gov.uk/DocumentLibrary/Building/PlanningPolicy/SPD/Hot-Food-Takeaway-SPD-2015.pdf>

^v <http://www.lancashire.gov.uk/lancashire-insight/health-and-care/lifestyle/healthy-weight.aspx>

^{vi} <http://researchbriefings.files.parliament.uk/documents/SN03336/SN03336.pdf>

^{vii} <https://www.sportengland.org/media/11498/active-lives-survey-yr-1-report.pdf>

^{viii} (Building the foundations: Tackling obesity through planning and development)
<http://www.local.gov.uk/sites/default/files/documents/building-foundations-tack-f8d.pdf>

^{ix} <https://fingertips.phe.org.uk/profile/public-health-outcomes-framework/data#page/0>

^x <http://www.lancashire.gov.uk/media/898727/public-health-annual-report-2016.pdf>

^{xi} <http://www.foodactive.org.uk/guest-blog-lancashire-the-first-two-tier-authority-to-adopt-the-declaration/>

^{xii} <https://www.gov.uk/government/publications/obesity-and-the-environment-briefing-regulating-the-growth-of-fast-food-outlets>

^{xiii} <http://www.lancashire.gov.uk/media/902372/healthy-weight-in-lancashire.pdf>

^{xiv} <http://www.feat-tool.org.uk/>

^{xv} <https://www.gov.uk/guidance/health-and-wellbeing>

^{xvi} <https://www.nice.org.uk/guidance/ph25>

^{xvii} <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=7166d749-288a-4306-bb74-10b6c4ffd460>

^{xviii} <https://www.tcpa.org.uk/healthyplanning>

^{xix} <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4018665/>

^{xx} <http://www.bmj.com/content/348/bmj.g1464>

^{xxi} Patterson R, Risby A, Chan M-Y. Consumption of takeaway and fast food in a deprived inner London Borough: are they associated with childhood obesity? BMJ, Open 2012

^{xxii} Fraser LK and Edwards KL. The association between the geography of fast food outlets and childhood obesity rates in Leeds, UK. Health and Place. 2010
<https://www.ncbi.nlm.nih.gov/pubmed/20691630>

^{xxiii} <https://www.bradford.gov.uk/media/3039/hotfoodtakeawaysupplementaryplanningdocument.pdf>

^{xxiv} <http://www.gateshead.gov.uk/DocumentLibrary/Building/PlanningPolicy/Core-Strategy-Documents/Inspectors-Final-Report.pdf>

^{xxv} http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=569641

^{xxvi} Appeal Ref: APP/W4515/W/17/3178059

^{xxvii} http://www.manchester.gov.uk/downloads/download/6651/hot_food_takeaway_supplementary_planning_documents

^{xxviii} Appeal Ref: APP/B4215/W/17/3174366

September 2018

Forward Planning
The Business Park
Bacup

Re:- Proposed plan H74 "Grane Village"

We have lived on Grane Road for the past 33 years only having to put up with the road BUT now you want to surround our house/garden with apartments/houses and the road coming up beside our drive. Surely you can see that we will be surrounded and overlooked on these 3 sides.

Traffic leaving the estate will be constant all day, no privacy.

We are opposed to this development and the proposal of (at least 2 cars per house) exiting on to Grane Road is extremely dangerous.

Please see our enclosed map showing you the reasons we are against the unnecessary development.

This proposed land is extremely boggy, as we can tell from our garden (outside our wall) so what is it going to be like when you (hopefully not) start putting 174 houses, plus roads etc. there

We are completely against the whole idea of a housing estate on these fields.

Have you considered the impact on our schools which we believe are overflowing, transport etc.

Yours faithfully
Mrs L R Muskett



Key

- Site boundary
- Indicative building frontages
- Indicative key buildings
- Potential housing areas
- Proposed green spaces
- Proposed trees
- Existing green spaces
- Existing woodland/trees
- Existing rivers/streams
- Proposed site access
- Primary vehicular route
- Minor vehicular route
- Existing cycle route
- Existing Right of Way
- Proposed footpath links
- Existing footpath around the site
- Potential emergency access
- Potential pedestrian/cycle link
- Existing gas governor



Grane Road, Haslingden

Illustrative Masterplan

Scale: 1/2000 @ A3

20t CRANE RD.



This copy is admissible in evidence to the same extent as the original.
 minor distortions in scale.
 This title is administered by the Lytham District Land Registry.

18 NOV 1991

YOUR name: _____

Address, line 1: _____

Address, line 2: _____

Address, line 3: _____

Postcode: _____

Date: _____

Dear Sirs,

Re: ROSSENDALE DRAFT LOCAL PLAN PROPOSALS, Regulation 19 Consultation

H4 Turton Hollow Goodshaw (30 houses);

H5 Swinshaw Hall, Loveclough (47 houses)

H13 Loveclough WMC and land at rear (95 houses);

H17 Land south of Goodshawfold Road (7 houses)

I write with reference to the Local Plan proposals. As a resident, I know the area well and wish to register my objection to the proposals on the following grounds.

Whilst I am aware of Rossendale Borough Council's commitment to providing 3180 new houses over the next 15 years as required by central government, the proposal for land availability in Goodshaw Ward as stated above is inappropriate, excessive, ill-advised and, to existing residents and Council Tax payers, unacceptable.

First, what is proposed conflicts with Rossendale Borough Council's previously adopted Core Strategy, arrived at in 2011 after consultation with residents' representatives. The council has repeatedly given an undertaking that there will be no new developments west of the Burnley Road (A682) in this area. The sites in question are designated as countryside and lies outside the council's current urban boundary. Two Government Inspectors have supported this undertaking in recent times, in 2015 and again only last year, 2017. Approval of H13, and H17, a total of 102 houses would be a complete U-turn on this undertaking and, frankly, a betrayal of residents

Secondly, the sheer number of properties proposed in areas H4, H5, H13 and H17 (179 houses) is simply excessive. The destruction of amenity will be profound and will encourage speculative applications in the future.

Thirdly, the road network cannot support the additional volume of traffic. The A682 – Burnley Road – is already a very busy main road linking Burnley and Rawtenstall and the addition of further traffic has both environmental and safety implications. The proposals suggest that an additional 360 vehicles will use this road daily mainly travelling towards Rawtenstall. This would be in addition to the estimated 360 cars from the proposed new housing at The Hollins (H11, 70 houses) and Reedsholme Works (H12, 100 houses). Furthermore the geography of the area prevents any upgrading of the A682 to a suitable standard. Additionally the existing traffic bottleneck in Rawtenstall with an additional 700+ vehicles will be intensified.

Fourthly, the local primary school is already full and there are no published plans for it to expand it to accommodate an additional estimated 400 pupils. Should the school be enlarged, it would become of an educational unacceptable size as a result having to almost double in size.

Fifthly, there will be increased pressure and demand on the existing overburdened infrastructure. The sewerage system is already under pressure and this will only increase if the proposals are given the go-ahead. The increased pressure on medical and dental provision would be extreme with an additional 800 residents' need to be catered for.

Finally, interest shown in acquiring land in the vicinity of Loveclough has been high. Once permission has been granted for the western sites, Rossendale Borough is likely to be inundated with applications to build on land from the Boundary Garage to Crawshawbooth. Given that permission would have to be granted if these proposals are adopted and implemented, the Borough would have no grounds for refusing applications and thus allowing wholesale development in an area of considerable natural beauty.

I urge Rossendale Borough Council to take all the above into account when reaching a final decision on housing land availability and take steps to prevent what would almost certainly be a developmental and environmental disaster by reconsidering the proposal H13 together with H17, H4 and H5.

Signed:

This is an article from the Free Press today!
What will our road be like if you build all those houses?
364

Valley traffic is country's WORST

DOMINIC SMITHERS

CALLS have been made for an overhaul of the Valley's whole transport infrastructure after it was ranked WORST in the country by a damning new traffic study.

English areas were compared and Rossendale found to have more traffic congestion than anywhere else - excluding cities.

The report was put together by the National Infrastructure Commission, which advises the Government on issues including transport, housing and the economy.

It has brought into focus an ongoing campaign for a rail link to help ease the pressure on our roads, as well as the borough's Local Plan which includes proposals for 3,180 new homes over the next 15 years.

Longholme councillor Steve Hughes said the findings shed light on a real concern for the borough.

He said: "This is a massive issue that affects every-



● Rossendale has more traffic congestion than anywhere in the country

body in Rossendale.

"We need investment in the area to improve our transport infrastructure, including road improvements and rail improvements. And it just adds to the argument that we need rail links from Manchester to Rawtenstall.

"Rossendale is the only area that doesn't have a commuter rail link with the Greater Manchester area."

A highways capacity study, commissioned to advise on the Local Plan, currently out for consultation, identified 15 Rossendale junctions with 'significant capacity issues' beyond 2024.

Air quality is also affected by congestion and nitrogen dioxide levels on Manchester Road, Haslingden, and along Bacup Road, Rawtenstall, currently exceed allowed readings.

Greenfield councillor Granville Morris hopes the study will help bring about much needed change.

He said: "I am glad to see it is being recognised as a major issue. Our infrastructure is limited. Bringing thousands of houses to the area is going to add to the issue. What is the plan to resolve this? We need to act.

"We don't want to hear it is a long-term objective, that can be decades, we

need it in the short term."

The league table, topped by Manchester for English cities outside London, compared the times driving between two points at peak and at off-peak periods.

Those areas where the journey times of drivers varied the most were ranked the most congested.

The area defined as 'Rossendale and Accrington' did worst for non-city areas.

Rossendale MP and Northern Powerhouse minister Jake Berry said: "Our long-term ambition to restore the Valley's rail link and improve the M66 corridor connecting Rossendale and East Lancashire to Manchester remains a priority for me.

"Our transport system in East Lancashire and across the north of England as a whole has been underfunded for decades which is why our levels of congestion are so bad."

However, he added that the local highways budget in Lancashire had been increased to £50 million.

We've got worst traffic in the country

It's official...report says Valley is congested

DOMINIC SMITHERS

CALLS for action have been made after the Valley was found to have the worst traffic in England.

A damning report has brought into focus campaigning for a rail link to relieve our congested roads, as well as the controversial Local Plan, containing proposals for 3,180 new

homes. MP Jake Berry said: "Our transport system in East Lancashire and across the north of England as a whole has been underfunded for decades, which is why our levels of congestion are so bad."

Coun Steve Hughes said: "This is a massive issue that affects everybody."

● **FULL story on page five.**



● Report says Rossendale has worst traffic

Alastair Chapman with...
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official Olympics in...
in leads to a rebellion,

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held at Christmastime
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while carol singers and

visit York Christmas Festival
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