

# Rossendale Local Plan Examination

## MATTERS, ISSUES AND QUESTIONS (MIQs)



### **Matter 6 – Provision for retail and other town centre uses**

***Issue – Does the Plan set out positively prepared policies for protecting and enhancing town centres and supporting retail growth, which are justified, effective and consistent with national policy?***

**[Policies R1 – R6]**

#### **Questions**

##### **a) Are Policies R1 to R6 justified by robust up to date evidence?**

6.1 Policies R1 to R4 are supported by the Town Centre, Retail, Leisure and Tourism Study [EB037](#) (hereafter referred to as the WYG Study) prepared by WYG Planning and published in April 2017. This study updates the previous Retail and Town Centre Study from 2009 and constitutes the evidence base which supported the preparation of these policies. The study drew upon new empirical evidence and the most recent Experian population and expenditure base data in order to establish the up-to-date position regarding both convenience and comparison goods capacity. This is a comprehensive study which considers all appropriate town centre uses and therefore it is considered to be robust.

6.2 Policy 5 on Hot Food Takeaways was prepared with Public Health Lancashire and is based on statistical evidence. However, an error has been identified in the fourth bullet point of the Submission version. This currently states "where more than 22% of Reception class age pupils" and should actually be 10%.

6.3 Policy R6 on Shopfronts has been included within the Local Plan on the advice of the Borough's Conservation Officer in order to add extra weight to the decision-making process. The Council has an existing Supplementary Planning Document (SPD) but is continuing to receive enforcement complaints.

#### **Particularly:**

##### **i) Has account been taken of retail development at New Hall Hey (Policy NE4 and EMP7)**

6.4 It is the Council's understanding that this question is asking whether any retail development has taken place at NE4 - Extension to New Hall Hey, Rawtenstall. NE4 is allocated for B1, B2, B8 employment uses (as set out in the

related site-specific policy EMP7) and no retail development has been granted permission or taken place on this site.

6.5 For information, the following commentary relates to recent permissions / development on land adjacent to NE4, which includes New Hall Hey Retail Park.

6.6 To the north/east of NE4 (within existing employment allocation EE24), planning permission for B-Class industrial use (2016/0221) is currently under construction.

6.7 With regards to retail development on New Hall Hey Retail Park, Chapter 7 of the WYG Study – Retail Needs in Rossendale – takes account of planning permissions granted under Phase I & Phase II of the development scheme for the retail park and are noted as extant planning commitments. Consented amendments to the approved planning permissions have been permitted since the WYG Study was published and these are listed in Appendix 1. However, the relevant permissions have not increased the total retail floorspace available and only relate to alterations to the size of the units and variation in the range of goods that can be sold.

6.8 Table 1 below provides information on the approved planning applications relating to New Hall Hey Retail Park:

<b>Planning Application Ref.</b>	<b>Location</b>	<b>Decision Date</b>	<b>Description of Development</b>	<b>Status</b>
<b>2016/0544</b>	Land Off A682 Swanney Lodge Road Rawtenstall Rossendale	22/03/2017	Variation of conditions 2 (list of approved drawings), 5 (use of Unit B2 to be restricted to the sales of frozen food only), 6 (use of Unit B3 restricted to the sales of comparison goods only and to be re-named Unit B4), 7 (preliminary risk assessment), 8 (materials), 15 (construction method statement), 16 (phasing and highway plan), 18 (pedestrian/ cycle link), 20 (drainage), 21 (drainage management), 24 (Construction Environmental Management Plan) and 25 (Arboricultural Method Statement) attached to Planning Approval: 2016/0129	Complete
<b>2017/0217</b>	Land Off New Hall Hey, New Hall Hey Road, Rawtenstall	12/07/2017	Full application for the subdivision of Unit B2 (which has planning permission for A1 use) to create two separate units for use as A1 (retail) and A5 (hot food takeaway) purposes, and associated external alterations and extraction equipment.	Complete

<b>2018/0505</b>	Unit 3A Swanney Lodge Road Rawtenstall Rossendale Lancashire BB4 6HD	03/01/2019	Variation of Condition 5 (floor space used for food sales) pursuant to planning approval 2014/0384, to enable the sale of convenience goods from Unit 4.	Complete
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**ii) Have any significant developments been committed or taken place which have not been taken account of in the retail evidence base? If so what are they and what are the implications for the Local Plan?**

6.9 Table 2 below shows the existing commitments which RBC identify as being significant developments which are not taken account of in the retail evidence base.

Table 2: Significant retail developments not taken account of in the retail evidence base

<b>Planning Application Ref.</b>	<b>Location</b>	<b>Decision Date</b>	<b>Description of Development</b>	<b>Status</b>	<b>Use Classes</b>	<b>Proposed Floor Area (SQM GIA)</b>
<b>2017/0617</b>	Rawtenstall Town Square, Bank Street, Rawtenstall	27/03/2018	Full planning application for the redevelopment of the former Valley Centre site for a mixed use development comprising leisure, hotel, housing and commercial uses (including Use Classes A1, A2, A3, A4, B1, C1, C3 and D2 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015) including the creation of an area of public open space with associated landscape and highway works.	Unimplemented	A1	1402.01sqm
<b>2017/0633</b>	Bacup Hub (Formerly Bacup Leisure Hall), Burnley Road Bacup	28/03/2018	Full application for demolition of existing building and erection of a 5 pump petrol filling station with canopy, a single storey retail store with attached food retail drive-thru, 2 x jet wash with air and vacuum, electric charging point, and associated car parking, hardstanding and landscaping (Resubmission of application reference 2017/0338)	Unimplemented	Mixed use	485sqm (This is the combined floor space of the petrol filling station/retail building and retail drive-thru. The net retail floorspace was not provided at application stage.)

6.10 The scheme granted permission under planning application 2017/0617 is the second phase of the 'Spinning Point' town centre redevelopment project of Rawtenstall Town Centre and proposes a mixed use development comprising a range of town centre uses. While the planning permission did not form part of the Study's retail evidence base, paragraph 5.18 of the WYG Study makes reference to the future phases of the 'Spinning Point' town centre redevelopment and the anticipation of a mixed-use scheme encompassing a range of 'main' town centre uses during 2017.

6.11 Alongside the proximity of larger retail centres in areas such as Bury, Rochdale and Burnley, the WYG Study recognises that Rawtenstall Town Centre has a relative lack of appropriately sized modern retail units which likely contributes to the lack of demand for floorspace in Rawtenstall Town Centre from national multiples.

6.12 The WYG Study recognises that Rawtenstall is well served in terms of convenience goods shopping, but notes, after taking account of extant permissions on New Hall Hey Retail Park, need for future comparison goods provision will arise by 2029 of the Plan period. As such, the WYG Study recommends future comparison goods provision should be provided within Rawtenstall town centre's Primary Shopping Area (PSA) and the Emerging Local Plan proposes to include the 'Spinning Point' town centre redevelopment within the town's PSA.

6.13 The mixed-use scheme granted permission in Bacup under planning application 2017/0633 proposes provision of a retail store and food retail drive-thru alongside the main use of a petrol filling station.

**b) Does Policy R1 define a soundly based network and hierarchy of town centres?**

6.14 The Retail hierarchy set out in Policy R1 is largely based on the recommendations of the WYG Study which was prepared in accordance with national policy at the time of its production, and based on a health check analysis of the identified centres.

**c) How and when were the boundaries/extents of the Centres, Parades, Primary Shopping Areas and the Rawtenstall Future expansion defined? Are they justified and consistent with national policy?**

6.15 The boundaries/extents of the Centres, PSAs and the Rawtenstall Future expansion were assessed as part of WYG's Study, which was published in April 2017. The recommended boundaries of Centres, PSAs and the Rawtenstall Future expansion are included in Appendix 6 of the study.

6.16 WYG considered the wording of Annex 2 of the NPPF (2012) in delineating the boundaries based on the following definitions:

**Town Centre** – Comprises areas predominantly occupied by 'main town centre' uses within or adjacent to the Primary Shopping Area;

**Primary Shopping Area** – Is the defined area within a centre where retail development is concentrated;

**Primary Frontages** – Include a high proportion of retail uses which may include food, drinks, clothing and household goods (within the Primary Shopping Area); and

**Secondary Frontages** – Provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses (within the Primary Shopping Area).

6.17 In the study WYG noted that smaller centres may not have areas of predominantly leisure, business, and other main town centre uses adjacent to the Primary Shopping Area and therefore the delineation of such centres may not extend beyond a single boundary. The same principle applies to primary and secondary frontages, with these of more relevance to larger 'town' and 'city' centres - which have extensive Primary Shopping Areas - than smaller centres where it is not possible to differentiate between different commercial 'zones' within the Primary Shopping Area. Indeed, as explained below, it is not considered that any of the Primary Shopping Areas identified in Rossendale's centres comprise clear 'primary' and 'secondary' frontages, given their size.

6.18 In **Rawtenstall** the key changes are to extend the PSA to the north from Bank Street to include Rawtenstall market and the immediately surrounding retail uses. The rationale for this is that the market represents an important retail anchor and appeared to be a key footfall driver.

6.19 The other suggested change to the Primary Shopping Area is the removal of the site of the former Valley Centre, given that this is currently occupied by temporary public realm, ahead of its future redevelopment as part of the Spinning Point scheme. It is now demarked as a 'Future Primary Shopping Area Extension', in order to ensure that when the forthcoming phases of Spinning Point are realised, they are seen as providing for a natural extension to Rawtenstall's Primary Shopping Area and as such can be regarded as 'in-centre' development which need not demonstrate compliance with the sequential or impact tests (a supporting local planning policy should clarify this).

6.20 The main change proposed to **Bacup's district centre** boundary from the position set out in 2011's Core Strategy is an extension to the south to encompass the Morrisons foodstore on Lee Street, which was not operational at the time of the Core Strategy's preparation in 2011. In addition to this, the Primary Shopping Area is extended to the south to encompass 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. The main reason for this is that during their visits to the centre this area, which contains predominantly retail uses, this area appeared to sustain the greatest level of footfall, largely because of the attraction of the B&M Bargains unit.

6.21 **Haslingden** District Centre shows only minor changes to the delineation of the centre's boundary, involving a reduction to the northern fringe to remove residential properties and modest extensions to the south and west, to include retail units which are considered to form part of the centre's core offer. Haslingden's Primary Shopping Area is extended to include the Nisa Extra foodstore on the eastern side of Deardengate as well as unit shops on Pleasant Street and Hindle Street, both of which immediately adjoin Deardengate on its eastern side. Finally, several retail units on Blackburn Road (opposite the Market)

are included within Haslingden's Primary Shopping Area, given that footfall within this part of the centre was particularly strong during site visits and the shops appeared to be performing well.

6.22 **Waterfoot Local Centre** reflects the boundary set out within the 2011 Core Strategy. The only amendment of note is the inclusion of the Horse and Bamboo theatre on Bacup Road, given its important role as a leisure attraction serving the Waterfoot area and the fact that it forms part of an existing parade of retail units which are already included within the centre's boundary. A Primary Shopping Area for Waterfoot has not been defined given its limited scale and role as a large local centre.

6.23 As a local centre containing some 25 units, a single boundary has been defined for **Whitworth**, containing all of its interrelated 'main town centre' uses. The approach adopted reflects the 2011 Core Strategy and indeed WYG's advised boundary (which has been taken forward) is broadly reflective of that currently set out on the adopted proposals map.

6.24 **Crawshawbooth** was not defined as a local centre as part of the Rossendale Core Strategy. A suggested centre boundary has been defined, which is linear in form and and comprises 33 units bounding Burnley Road.

6.25 Under the definition of a 'Town Centre' in Annex 2 of the NPPF, it is noted that "shops of purely neighbourhood significance" are excluded from references to town centres and as such neighbourhood parades do not have the same formal standing in national policy. Nevertheless, Government guidance such as 'Parades to be Proud of: Strategies to support local shops' (June 2012) highlights the key role local parades of shops provide to their respective areas, through supporting the local economy and local community.

6.26 Accordingly, the Council considers it appropriate for these centres which fall under the definition of "neighbourhood parade" to be afforded some protection by Rossendale Borough Council in order to support their vitality and viability. Therefore, the boundaries of the four neighbourhood parades were based on the research undertaken as part of the WYG Study's health check assessments for such centres and the location of the services each centre has to offer.

#### **Particularly:**

**Is the Rawtenstall Primary Shopping Area the defined areas where retail development is concentrated in the town? Should it incorporate the Asda Superstore?**

**Is the Rawtenstall Primary Shopping Area the defined areas where retail development is concentrated in the town?**

6.27 The Rawtenstall Primary Shopping Area (PSA) has been identified in the WYG Study and borders Bank Street, including the site of the Rawtenstall Market at the northern end and the retail units to the south. This is where the retail is concentrated within Rawtenstall and comprises mainly independent shops.

**i. Should it incorporate the Asda Superstore?**

6.28 In the emerging Local Plan the Asda Superstore is included within the Rawtenstall Town Centre but located outside of the Primary Shopping Area (PSA).

Under the 2012 NPPF the PSA is defined as the:

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

However, 2019 the NPPF definition has been amended to be the

*"area where retail development is concentrated."*

At the Regulation 19 stage ASDA submitted a representation requesting:

*"that the superstore should be given appropriate protection from out of centre shopping to ensure that it continues to contribute towards the vitality and viability of Rawtenstall Town Centre allowing customers to make linked trips within the rest of town centre. By extending the PSA area to include the superstore, this would provide the store the appropriate protection."*

6.29 Asda had been excluded from the PSA as it is physically separated from the rest of the shopping area (generally along Bank Street) by the dual carriageway of St Mary's Way.

**ii. Should the Newchurch Road frontage of the Toll Bar Business Park (EE30) be included within the Stacksteads Neighbourhood Parade?**

6.30 The frontage of Toll Bar Business estate has been included within the Stacksteads Neighbourhood Parade, whilst land to the rear protects it for employment (EE30) for B1 B2 and B8 uses. Comments received from the landowners are that the building is not suitable for retail use and offers no active frontage. The site is partially occupied and is unfit for purpose as it does not meet the needs of modern businesses. The landowners' agent considers the only viable option being to demolish the buildings on site (including the listed building) to redevelop for housing. The Council has not supported redevelopment of this site for housing given that it contains a listed building and the land is at risk of flooding.

**d) What is the basis for the impact assessment thresholds set out in Policy R1 and are they justified?**

6.31 The WYG Study has re-considered the impact assessment thresholds for the Local Plan. The Study makes clear that impact testing threshold should apply equally to edge and out of centre retail, office and leisure developments, as required by Paragraph 26 of the NPPF (now para 89 in the 2018 NFFF).

6.32 The WYG Study identified no expenditure capacity for additional convenience goods floorspace to serve Rossendale over the Plan period of 2019-2034, and capacity for comparison goods was also noted as being limited over the medium term for Rawtenstall. In order to safeguard the vitality and viability of Rawtenstall Town Centre, the WYG Study recommends reducing the threshold for where Retail Impact Assessments are needed from 750sq.m to 400 sq.m. In WYG's view development below this scale is unlikely to result in an impact of such a magnitude that it would merit the application's refusal.

6.33 For the proposed District Centres of Bacup and Haslingden, the existing threshold of 500 sq.m within Policy 11 of the existing Local Plan was noted as having the potential to result in 'significant adverse' impacts on the vitality of two centres based on the circumstances at the date of the WYG Study, particularly Bacup as its health was noted as being relatively fragile. As a result, WYG's advice was to adopt an impact testing threshold of 300 sq.m for both Bacup and Haslingden. Developments beneath this size threshold, such as small multiple convenience stores, are unlikely to result in impacts that would have a material effect on the health of centres of this size.

6.34 With regards to the other Local Centres (Crawshawbooth, Waterfoot and Whitworth) the proposed threshold of 200 sq.m was justified as an appropriate level by the WYG Study as, from their experience, generally development of a scale greater than 200 sq.m had the potential for 'significant adverse' impact on the vitality and viability of a centre. This would mean, for example, that a 280 sq.m multiple convenience store (operated by the likes of Tesco, Sainsbury's, Co-op or similar) would need to be subject to the impact test but that smaller independent stores - which usually fall below this threshold - would not.

**e) Do Policies R3 and /or R4 apply to development and change of use within the Stacksteads Neighbourhood Parade? If not what is the approach to managing development within the Stacksteads Neighbourhood Parade?**

6.35 Policies R3 and R4 do not apply to development and change of use within the Stacksteads Neighbourhood Parade. Development proposals located within Neighbourhood Parades, including Stacksteads, will be assessed against Strategic Policy R1, which states "Development proposals will be expected to maintain or strengthen the retail offer and vitality and viability of town, district, local and neighbourhood parades".

**f) Is Policy R5 justified and effective? Is it clear with regard to opening hours? How would a proposal demonstrate it would not contribute to obesity?**

**Is Policy R5 justified and effective?**

6.36 Paragraph 91 of NPPF includes a criteria which states that planning policies should..."enable and support healthy lifestyles, especially where this would address identified local health and well-being needs". Paragraph 92 goes

on to state that policies should... “take into account and support the delivery of local strategies to improve health”.

6.37 PPG on Healthy and Safe Communities continues making it clear that 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 by supporting opportunities for communities to access a wide range of healthier food production and consumption choices. It states that planning policies and proposals may need to 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, health inequalities and general poor health in specific locations
- over-concentration of certain uses within a specified area
- odours and noise impact
- traffic impact
- refuse and litter

6.38 The Council considers the policy is justified in relation to its objective of avoiding adverse impact on the vitality and viability of town centres, in expecting high quality design, management of litter and odours, and reducing impact on local amenity, privacy and highway safety. Further guidance is provided in the existing Interim Policy Statement on Hot Food Takeaways ([SU007](#)), and this is due to be updated following adoption of the Local Plan.

6.39 In relation to tackling obesity, the Council acknowledge that this is a complex issue and the management of hot food takeaways is only one of a range of measures that could be adopted to address this. However, given the significance of this issue and the national prominence that concerns over childhood obesity in particular has, the inclusion of a policy which aims to address obesity is considered to be justified. This is particularly the case given the evidence for the need to tackle obesity in the area (see below) and the support for such policies in national policy and guidance.

6.40 LCC Public Health provided detailed consultation comments at Regulation 19, highlighting that Rossendale has seen a significant increase in fast food outlets and has a fast food takeaway density which is significantly above the England average. As of 2016 Public Health England identified a takeaway density for Rossendale which was 7<sup>th</sup> highest in Lancashire and differed significantly from the English average. This is spread across all wards rather than being concentrated in any specific towns within the Borough.

6.41 Rossendale (at 67.6%) has been estimated to have significantly higher excess weight prevalence than the national average (61.3%), which is one of the highest levels in Lancashire. Rossendale also has both a significantly smaller proportion of physically active adults and a significantly larger proportion of inactive adults than the England average.

6.42 The policy is considered to be in general alignment with the principles set out in Lancashire County Council's Hot Food Takeaways and Spatial Planning Advisory Note, which it included within its consultation response.

**Is it clear with regard to opening hours?**

6.43 With regard to opening hours the policy restricts opening hours at lunch times and school closing times where they are to be located outside of a designated town/district centre and within 400m of a school. Individual school opening hours would be provided as part of a relevant planning application.

**How would a proposal demonstrate it would not contribute to obesity?**

6.44 The Council has worked with LCC Public Health on this policy and note their comments at Regulation 19 stage which stated they had concerns that the wording of the current policy is open to interpretation, particularly in defining what '*would not adversely contribute to obesity*'. They suggest that this part of the policy should read: "Refusing new A5 uses within wards where more than 15% of year 6 pupils or 10% of reception pupils are classed as obese". The Council would endorse LCC's approach rather than the reference to, '*development for A5 use not adversely contributing to obesity*,' which is extremely difficult to define and for applicants to know what is required.

**g) Is Policy R6 effective and consistent with national policy and legislation? With reference to Conservation Areas should it refer to character and appearance?**

6.45 Historic England commented to the Regulation 19 consultation that Policy R6 should make reference to the "character and appearance" of Conservation Areas. The Council is proposing a change be made to the second paragraph of the policy and if the Inspector deems it appropriate, the suggested amendment would read (amended text underlined):

"Proposals for new shopfronts and commercial frontages and the improvement of existing frontages should reflect the character of the area. In Conservation Areas, such proposals should reflect the character and appearance of the Conservation Area. All proposals will be assessed against the policies set out in the "Shopfront design" Supplementary Planning Document, including any subsequent updates".

6.46 Following this change the Council considers Policy R6 to be effective and consistent with national policy and legislation.