

**REPORT TO: CABINET**

**DATE: 29<sup>TH</sup> NOVEMBER 2006**

**REPORT OF: COUNCILLOR BRIAN ROBERTS (DEPUTY LEADER, COMMUNITY SERVICES)**

**REPORT BY: PLANS AND ENVIRONMENT MANAGER**

**CHURCH OSWALDTWISTLE GATEWAY  
SUPPLEMENTARY PLANNING DOCUMENT**

**1. PURPOSE OF REPORT**

- To report on the outcome of consultation on the draft Supplementary Planning Document and accompanying sustainability appraisal.
- To present the final Supplementary Planning Document for adoption by Cabinet.

Approval of the report is not a key decision.

**2. RECOMMENDATIONS:**

That Cabinet adopt the final Supplementary Planning Document which has been revised as a result of responses to the consultation.

**3. BACKGROUND**

3.1 The Church Oswaldtwistle Gateway Supplementary Planning Document (SPD) is being prepared to explain planning policy for the area in more detail, particularly for land uses, heritage, urban design and access matters. It will help developers prepare successful schemes for the area and help the local community to understand the potential for change. Once adopted it will form part of the Local Development Framework and be a material consideration when determining planning applications. A sustainability appraisal of the social, economic and environmental effects of the guidance in the SPD has also been undertaken.

3.2 Cabinet approved the document for consultation at its meeting on 10<sup>th</sup> July this year.

**4. CONSULTATIONS**

4.1 Consultation on the SPD and the sustainability appraisal was carried out in accordance with the Council's Statement of Community Involvement over a 5 week period from 7<sup>th</sup> August to 8<sup>th</sup> September. 18 responses were received to the consultation, 16 of which were from external bodies, groups and individuals. The comments are summarised on the attached sheet along with the proposed responses.

4.2 The majority of the comments supported the guidance, particularly the focus on heritage-led regeneration and the importance of the canal and historic buildings. The Environment Agency, English Heritage, Lancashire County Council and Friends of the Earth requested more explanation of and emphasis on natural and historic environment issues. One local business objected to the guidance and two other businesses and the Chapel raised concerns. Key concerns and causes of objection included :

- The pressing need to solve highway problems
- providing adequate resources and priority attention to the area's regeneration
- the operation of Blythe's Chemicals and relevance of the Health and Safety Executive guidance
- the need to recreate a local retail centre
- retaining the Market St terraces
- retaining premises for local businesses
- improved green space provision
- avoiding poor quality design

The guidance has been revised to include more detail and emphasis on environmental issues and to address the concerns raised where possible – the attached summary sheet refers

4.3 The sustainability appraisal has been carried out by independent consultants aided by a panel representing social, economic and environmental interests. The guidance has been refined to reflect the points raised and the final appraisal concluded that the resultant SPD is more comprehensive, holistic and sustainable document than the initial document.

4.4 The Development Plans Working Group considered the responses to the consultation at its meeting on 8<sup>th</sup> November. Any comments on the final document will be reported verbally to Cabinet

4.4 A paper copy of the final Supplementary Planning Document and accompanying sustainability appraisal will be available in the Members Room.

## **5. REASONS FOR RECOMMENDATIONS**

The initial draft guidance has been the subject of comprehensive consultation. It has been revised and improved to reflect the comments received. All the responders supported the main objectives of the guidance, particularly the use of the local heritage as the basis for regenerating the gateway. The proposed final document is now considered to provide appropriate guidance to developers and the local community on the regeneration of the area.

## **6. ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION**

None

## **7. CURRENT AND FUTURE FINANCIAL IMPLICATIONS**

There are no costs to the Council as a result of producing the guidance other than those of producing the documents and making them available to interested parties.

## **8. LINKS TO CORPORATE PRIORITIES**

The SPD will assist in promoting sustainable development within the HMR area, tackle the problems of derelict and neglected sites, encourage the use of brownfield sites for development and is included within the Local Development Scheme.

## **9. LEGAL IMPLICATIONS**

SPDs do not form part of the statutory development plan but do provide detailed explanation of development plan policy or policies.

**10. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Background Papers

Planning File R18.2/9/1 Church Canal Gateway Project

Planning File R18.2/9/3 Church Canal Gateway SPD

Church Canal Gateway Feasibility Study - GVA Grimley July 2005

## **SUMMARY OF RESPONSES TO CANAL GATEWAY DRAFT SPD**

### **Statutory consultees**

#### **A -- Environment Agency**

Concur with key issues and opportunities. Proximity to greenspaces and Foxhill Bank Local Nature Reserve and Newbarn Rishton Church Biological Heritage Site (BHS) gives potential to enhance canal as wildlife corridor. Improvements to biodiversity of canal would be beneficial. Biodiversity of brownfield sites must be considered in development proposals. Contamination of sites and buildings will need to be investigated. Seems appropriate to reconnect Commercial St to Blackburn Rd to improve permeability and enhance access. Support use of SUDS and encouragement of sustainable construction techniques, micro-renewable energy schemes and waste reduction. Flood risk on site is not a risk but surface water management to reduce floodrisk downstream is important.

**Response** – All points raised have been included in the revised document

#### **B – English Heritage**

Support inclusion of design and refurbishment principles. Suggest emphasis on protection and enhancement of historic environment. Likely to be remains of industrial archaeological interest to address. Character of wider area should be appraised as well as site. Support conservation led approach to regeneration of area including retention and reuse of historic buildings. Design and Access Statements should include character appraisals.

**Response** – All points raised have been addressed in the revised document

### **Consultation August 7<sup>th</sup> to September 8<sup>th</sup> 2006**

#### **Reference no. 4 and 6 -- Countryside Agency**

No comment

**Response** -- Noted

#### **Reference no. 7 -- Highways Agency**

No specific comments. Support locating development in sustainable areas. Welcome involvement in development that may affect capacity of network

**Response** -- Noted

#### **Reference no. 11 -- Lancashire County Council**

General Comments:

Supported and welcomed.

Proposed replacement housing conforms with Policy 13 Joint Lancashire Structure Plan (JLSP). Reference should be made to emerging Policy EM3 in Regional Spatial Strategy regarding canal. Links with strategic objectives of Central Lancashire City Region and 'Green City' concept in The Northern Way – draft Central Lancashire Development Plan.

Reference should be made to JLSP Supplementary Guidance 'Landscape and Heritage'.

Detailed comments:

Built Heritage: Heritage-led approach to regeneration welcomed but should have more emphasis.

The historic building analysis (Appendix 5) should be more detailed and there is a need to consider further research or recording of the area and buildings. Refer to 'Informed Conservation' guidance.

The four key historic buildings need recording and analysing prior to granting planning permission at Level 3 for all except Globe Works. Also consider recording canal features.

Natural Heritage: Should identify/evaluate/quantify biodiversity or natural heritage features and promote opportunities for enhancing biodiversity – refer Planning Policy Statement 9. Should have a separate section on natural heritage.  
Need further consideration of biodiversity as part of design and sustainable development. No protected species should be adversely affected

**Response --** All points raised have been addressed in the revised document.

**Reference no. 14 -- British Waterways (BW)**

Generally supportive.

Successful regeneration of area depends on canal providing attractive setting for development and pedestrian links via towpath and bridge. Essential that canal is respected by and integrated with new development or reuse of buildings. Document should specify that it is necessary for developers to contribute to improvement of this stretch of canal and towpath through Section 106 Agreements. Essential that ground floor uses of canalside buildings introduce vitality eg pubs, cafes ,retail should be orientated to canal

Extension of wharf for access or seating should not adversely affect navigational width of canal.

Moorings on towpath side may be a possibility.

Canalside open space design should respect status of canal as a BHS. Planting should be kept back from the canalside and surface water drainage to canal must be agreed with BW.

**Response --** Reference has been made to the points raised in the revised document. The suggested need for a Section 106 Agreement has been included but as a matter to be considered when a scheme is proposed. The nature of the scheme will determine whether it is appropriate to negotiate an Agreement for contributions to the improvement of the canal and towpath.

**Reference no. 15 – United Utilities**

Various services in area which should be protected from development. Also Commercial Street Substation.

Support the encouragement of resource demand management. Raise issue of demand for other natural resources especially potable water and water efficiency. Guidance opportunity to demonstrate responsible green vision for future.

**Response --** Noted

**Reference no. 1 -- Mr. Pearson, Lion St., Church**

Supports the guidance

**Response --** Noted

**Reference no. 2 – Mr. Turner, TAGI Ltd., Bridge St., Church**

Supports the guidance. Questions the continued impact of Blythes Chemicals on the local area.

**Response --** Noted. Storage at Blythes Chemicals is closely regulated to meet current standards. The assessment of risk is monitored and updated to reflect changes at the plant.

**Reference no. 8 – Hyndburn Local History Society**

In general support of guidance. Supports retention and reuse of Warehouse, Wharf and Hotel. Suggest provision of secure moorings to aid regeneration of the area.

**Response --** Noted.

**Reference no. 9 -- Sanderson Weatherall (Agent Royal Mail Group plc)**

Support regeneration initiatives for area.

Wish to protect operational use of post office at 9a Market St.

Require 24 hour access to property

Consider building to be aesthetically pleasing and its loss would have a negative effect on area.

**Response** – Noted. The need to consider the future of the post office operation has been included as in the guidance. The need to assess the impact of demolition of the building on the character and appearance of the area as part of any development scheme has been included

**Reference no. 10 – West Accrington Residents Association**

Support the guidance. Suggest that Europlast Mill (Globe Works) and buildings adjoining it have reached end of their useful life and should be demolished.

**Response** -- Noted. The condition of the buildings will be a factor in considering whether to grant consent for any development proposals which include their demolition.

**Reference no. 12 – Ernest Street Baptist Chapel**

Concerned about financial sustainability of regeneration plans which have to follow guidance. Query role of Elevate in promoting regeneration of area.

Need to address highway problems and the funding of solutions to attract development. Need to enable pedestrians to cross the junction easily.

Need to give regeneration of the area priority in Council's political, financial and staff resource allocation.

Not enough emphasis has been given to all modes of transport links.

The canal, heritage and Oswaldtwistle Mills provide key opportunities to attract developers.

Property owners and interested parties should be kept involved as plans are developed.

Land between Chapel and Commercial Hotel should be considered for other uses than parking.

Suggest that there is a need to recreate a local retail centre at the Gateway to support social and economic regeneration of the area. Opportunities for food and speciality shopping and markets should be pursued.

Suggest challenge Health and Safety Executive (HSE) constraints in view of past levels of activity in area.

**Response** – Consideration of schemes will take a realistic approach when balancing the requirements of the guidance with financial viability.

Elevate supports regeneration of the gateway; it's financial support is targeted at improving the range and quality of housing provision.

Car parking on land in front of the Chapel is only one possible use of the area; schemes may develop other uses within the guidance.

Higher level guidance sets the criteria for assessing the scale of retail development appropriate to this location.

The HSE limitations are open to discussion when the details of a scheme are known.

Other comments have been addressed in the document or noted.

**Reference no. 13 – Shaw Electronic Development Company, Market Street, Church**

Objects to the guidance. Describes changes in character, condition and use of the area resulting from demolitions, infrastructure installations, highway redesign, new building and anti-social behaviour.

Opposes demolition of terraced properties on Market St. given amount of historic environment already lost.

Identifies transport infrastructure as major cause of commercial failure – congested roads and junctions, closed streets, poor access into parking areas, noise, pollution. Should resolve traffic problems as priority in regeneration area.

Suggests high quality manufacture appropriate use in area. Warns against erection of 'tin sheds' to house industrial uses.

Shops and offices need parking and green spaces; area provides opportunity to open up green spaces especially by the canal.

Stone buildings are great asset and should be reused and restored. Canal should be incorporated into designs.

Suggests above approach more cost effective than guidance proposals. Need more imaginative solutions to regenerate area.

Main objections:

No ideas for easing traffic flows, loss of post office and electronic business, no ideas for rebuilding, potential for poor quality design and construction

**Response –** Noted. The guidance aims to encourage prospective developers to tackle the problems identified and attract a high quality scheme as outlined. Developers have been invited to submit proposals for imaginative solutions to regenerate the area within the guidelines set out. The design within the guidance is merely illustrative of a potential approach and does not preclude other solutions. The need to assess the impact of demolition of the Market St. buildings on the character and appearance of the area as part of any development scheme has been included. The need to consider the future operation of the existing electronics business has been included.

#### **Reference no. 16 – Hyndburn and Ribble Valley Friends of the Earth**

Support regeneration of area; sustainable community concept leading project; heritage-led design; greater use of canal for leisure and environmental work; improvement of unsafe, polluting barrier formed by road junction. Suggest landscaped roundabout.

Propose support for socio economic character of area through maintaining variety of housing provision and not focussing solely on commercial role. Support retention and reuse of Hotel as a landmark and post office as a community facility. Support realising potential of canal, historic buildings and wider heritage in regenerating area. Urge strong commitment to enhancing natural environment as means of transforming area and creating attractive gateway; to pedestrianising the area, providing safe, navigable cycleways and considering park and ride with high quality public transport links.

Suggest potential to link with Foxhill Bank Nature Reserve with green corridor, paths, cycleways to encourage wildlife and pedestrian use.

Recognise impact of Blythes chemicals and support improvement of operation regarding safety and pollution.

**Response --** Noted.

The design within the guidance is illustrative of a potential approach and does not preclude other solutions. Developers have been invited to submit proposals for imaginative solutions to regenerate the area within the guidelines set out. Discussions with the highway authority will explore possible designs including roundabouts.

Other matters raised have been addressed in the guidance with the exception of park and ride facilities which are not considered appropriate within this historic area regeneration. However a rapid transit bus service is being pursued for Blackburn Rd.

#### **Reference nos. 3 and 5 – Hyndburn Borough Council internal consultation**

Suggestions to make consultation more user friendly and effective. Otherwise no comment.

**Response --** Noted

#### **Verbal Comment – Leeds and Liverpool Canal Society**

Suggest include Bridge Mill in SPD to complete historic grouping around canal.

**Response –** Included as suggested.