

<b>Application No:</b> 2005/519	<b>Application Type:</b> Full
<b>Proposal:</b> Part Demolition of Kearns Mill; Retention and Conversion of Building to Create 19 apartments and Erection of 20 Dwellings	<b>Location:</b> Kearns Mill Cowpe Road Cowpe Waterfoot
<b>Report of:</b> Development Control Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 19 <sup>th</sup> October 2006
<b>Applicant:</b> Hurstwood Developments	<b>Determination Expiry Date:</b> 2 <sup>nd</sup> December 2005
<b>Agent:</b> As Above	

REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	Yes
<b>Member Call-In</b>	No
Name of Member:	
Reason for Call-In:	
<b>More than 3 objections received</b>	<b>Yes</b>
Other (please state) .....	Major

**HUMAN RIGHTS**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

**Article 8**

The right to respect for private and family life, home and correspondence.

**Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

**APPLICATION DETAILS**

**1.1 The Proposal and the Site**

The application was deferred at the December 2005 meeting of the Development Control Committee. This was in order for Officers to negotiate changes to the scheme relating to the number of new dwelling units, the proportion of dwellings arising from conversion as against new build and the design and appearance of the overall scheme.

Further to negotiations the applicant has revised the application so that the scheme has deleted 7 dwellings and the proportion of new dwellings to those from conversions has been reduced. The application now proposes to create 23 dwellings via conversion of Blocks A2, A4 and B and plot 8, with the construction of 16 new build dwellings, totaling 39 units. The design of the proposal has been altered so that the development retains more of the historic fabric of the mill and features such as the partial retention of the chimney has been deleted. The houses are of a modern design but use traditional materials.

The applicant's revised supporting statement highlights the revised planning contributions via the legal agreement. The total amount proposed has been proportionally reduced in line with reduction in housing numbers. The applicant proposes contributions towards a Dial-a-Ride bus service and improvements to the highway including signage and lighting totaling £54,000.

The application site lies at the head of Cowpe Road, Cowpe and is occupied by the former Kearns Mill. The site lies within the Countryside as designated within the Local Plan. The site lies in a fold in the land and is bounded to the south by Cowpe Reservoir.

The previous Committee report is attached for clarity and ease of reference.

## **1.2 Relevant Planning History**

As stated in previous report.

## **1.3 Policy Context**

### **Rossendale District Local Plan (Adopted 1995)**

DS5 - Development Outside the Urban Boundary & Green Belt

E7 - Contaminated Land

E13 - Noise Sources

DC1 - Development Control

DC2 - Landscaping

DC3 - Public Open Space

DC4 - Materials

J3 - Existing Employment Sites

T6 - Pedestrians

### **Joint Lancashire Structure Plan (Adopted 2005)**

Policy 1 - General Policy

Policy 2 - Development Outside of Principal Market Towns, etc

Policy 7 - Parking

Policy 12 - Housing Provision

Policy 20 - Lancashire's Landscapes

Policy 21 - Lancashire's Natural & Man-Made Heritage

Policy 24 - Flood Risk

## **1.4 Other Material Planning Considerations**

PPS 1 - Sustainable Development  
PPG 3 - Housing  
PPG 4 - Industrial & Commercial Development  
PPS 7 - Rural Areas  
PPG 13 - Transport  
PPG 15 - Historic Environment  
PPS 23 - Pollution Control  
PPG 24 - Noise  
PPG25 - Flood Risk  
RSS for the North West  
LCC Parking Standards  
Rossendale BC Housing Position Statement

## **2. INTERNAL CONSULTATIONS**

Environmental Health – Contaminated Land – no updated response received  
any adverse comment will reported via the Late Items Agenda.

### **2.1 EXTERNAL CONSULTATIONS**

#### LCC (Planning) :

The Director of Planning restates the County's view that the scheme is in conflict with Policy 12 of the Structure Plan and would result in housing oversupply. In relation to archaeology, the County recommend a condition requiring a programme of recording work prior to the commencement of demolition and development.

Responses awaited on landscape and ecology; any adverse or updated comments will be reported via the Late Items Report.

#### LCC(Highways)

Do not object to the proposal but raise a number of minor amendments which could be controlled by condition.

#### Environment Agency

Have commented verbally that they do not raise an objection in principle but final comments will be reported via the Late Items Agenda.

#### United Utilities

Recommends that if the scheme is recommended for approval a condition should be imposed requiring the scheme be drained on a separate system of drainage.

## **3. REPRESENTATIONS**

- 3.1** Further neighbour notification has been carried out on the amended plans received in September. 10 responses have been received, 2 letters in support and 8 letters objecting to the proposal.

The letters of support made the following comments:

- Number of houses have been reduced
- The new dwellings will help to support local services including the pub and the church
- In support but raise concerns over affordable housing provision and additional water run-off from the development

The letters objecting to the proposed development made the following comments:

- Increase in traffic
- Increased pressure on local services and utilities
- Increased flood risk
- Lack of works to accommodate the traffic up to the site
- Development would be too tall
- Housing oversupply
- Something should be done with the mill but this represents an overdevelopment
- Out of keeping with the surrounding area

## **4. REPORT**

### Housing Oversupply and Regeneration Benefits

- 4.1 The application now proposes a much greater proportion of the original buildings to be retained and converted. Also, the number of units have been reduced so that the scheme would have a lesser impact on Housing Oversupply.
- 4.2 The site lies in a location that is extremely unlikely to attract further employment uses given its distance from main settlements and infrastructure and poor vehicular access. As such this means that it would difficult to find a high value end use that would raise sufficient revenue or profit to enable the site to be redeveloped and any contamination removed from the site. If the site is not developed for housing then the site is likely to fall into disrepair and become a hazard and detrimental to the visual amenity of the surrounding area and landscape setting. It would therefore appear that given the location of the site and state of the buildings that residential redevelopment is the only viable way to regenerate the site which will otherwise fall into disrepair.
- 4.3 The material alteration in the proportion of the amount of the existing buildings to be converted means that an increased amount of the historic fabric of the building will be retained. In other locations in the Borough, this is considered to be a substantial benefit sufficient to overcome the Housing Oversupply argument.
- 4.4 When viewed against the Council's Housing Position Statement the application can be seen not to conform with the stated exceptions of that statement.

However, because of the increased retention of the original buildings, the re-use of the mill, albeit for residential development and the benefits to visual amenity to the site and surrounding area, it is considered that the cumulative regeneration benefits of the scheme should be given significant weight as a material consideration, such that they are judged to outweigh the Housing Oversupply position of Policy 12 of the Joint Lancashire Structure Plan in this instance.

#### Visual Amenity

- 4.5 The visual impact of the proposed development has been reduced by reduction in height of the part of the chimney to be retained. The design and layout of the new dwellings, whilst high to accommodate the flood risk, are considered to be acceptable. The alterations and extensions to the existing mill buildings are also considered to be in keeping and thus acceptable.

#### Traffic

- 4.6 To revisit the position on traffic, the current level of traffic which would be associated with the planning permission extant on the site would be greater than the traffic movements arising from the proposed development.

#### Flooding

- 4.7 During discussions with the Environment Agency, it was highlighted that the scheme would reduce the amount of hard surfaces which leads to higher peak run-off. Indeed, the application will increase the amount of permeable surfaces. Both of which have the effect of reducing the amount of rain fall run-off from site. This is in addition to the upgraded and new culverts to be constructed under the site and a spill way also included in the scheme. As such, the scheme will actually help to reduce the amount of run-off from the application site. Neither the Environment Agency nor United Utilities have raised objections to the scheme.

#### Response to Letters of Objection

- 4.8 Of the matters not covered by the preceding discussion, United Utilities have not raised an objection on the grounds that the local infrastructure could not accommodate the proposed development. Works to accommodate the traffic flow up to the site are proposed as part of the scheme. The height of the development should be viewed against the height of the existing buildings and surrounding topography; the development is considered to acceptable in this regard. The developed area of the site has been reduced as have the numbers of houses which are considered not to be an over development of the site. The relationship of the proposed development to the surrounding area and countryside should be viewed against the back drop of what exists on the site. Those enjoying the countryside from around the site would benefit from the improved visual amenity of the site from the proposed development being granted planning permission.

## **5. CONCLUSION**

- 5.1 Thus, since the previous Officer report came before the Committee, it is considered that the nature of the proposal has materially changed such that the cumulative benefits of the scheme tilt the balance of considerations in favour of granting planning permission.

## 6. RECOMMENDATION

- 6.1 That the Committee be minded to approve the proposal subject first to referral of the application to the Government Office for the North West and to the satisfactory completion of a Section 106 agreement and the conditions listed below.
- 6.2 It is requested that authority be delegated to officers to refuse the application if the legal agreement has not been completed within 6 calendar months from the date of this decision.

## 7. REASON FOR APPROVAL/REFUSAL

The proposed development would have overriding cumulative regeneration benefits in a remote location, would not detrimentally affect visual or amenity amenity nor highway safety and would contribute towards highway improvements and a Dial-a-Ride bus service. As such, the proposed development is considered acceptable as measured against national, regional, strategic and local planning policy and is therefore recommended for approval.

## 8. CONDITIONS

1. Time limit
2. In accordance with the approved plans
3. Materials
4. contaminated land
5. landscaping - planting
6. highways
7. archaeology
8. drainage conditions – uu
9. Anti flooding measures – scheme to be submitted
10. garage condition
11. pd rights removed
12. details of boundary treatment & hard surfaces
13. Bin stores and cycle parking

The aforementioned conditions will be presented in full on the Late Items Report to allow late consultations to be taken into account and secure agreed conditions with the applicant.

<b>Contact Officer</b>	
Name	Adrian Harding
Position	Senior Planning Officer
Service / Team	West Area Team – Development Control
Telephone	01706 238646
Email address	adrianharding@rossendalebc.gov.uk

Do not scale dimensions  
if in doubt please ask



Kearns Mill, Cowpe,  
Rossendale  
for  
  
**SITE PLAN - LEVEL 5  
AS PROPOSED**

Drwg. No: 5046(1)114 Rev  
 Date: 31/05/06 Scale: 1:500 @ A2 Drawn by: EVS


**butress fuller also williams - architects**  
31-33 Princess Street, Manchester, M2 4BF - telephone + 44 (0)161 236 3303  
 fax + 44(0)161 236 3603 - web site: www.bfaw.co.uk - email: contact@bfaw.co.uk