



**Application Application Type:** FULL

**Number:** 2006/489

Proposal: Mixed-use Development of 82 Location: Albion Mill

apartments, 941.6 sq metres
retail floor space, 696 sq
metres office floor space and

Bacup Road
Rawtenstall

parking

Report of: Development Control Manager Status: For Publication

**Report to:** Development Control **Date:** 7<sup>th</sup> November 2006

Committee

**Applicant:** Clifford Developments Ltd & **Determination** 

associated landscaping and car

Tomlinson Footwear Limited **Expiry Date**: 3<sup>rd</sup> DEC 2006

**Agent:** Robert Turley Associates

REASON FOR REPORTING Tick Box

Outside Officer Scheme of Delegation No

Member Call-In No

Name of Member: Reason for Call-In:

More than 3 objections received No

Other (please state) ...... Major Application

### **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 Site and the Proposal

The application site lies to the south of Bacup Road and north of Bocholt Way, Rawtenstall. The site is occupied by the former Tomlinson Footwear Works

also known as Albion Mill. To the south-east of the site runs the River Irwell over which runs Fall Barn Bridge. To the west of the site stands the 6-storey high Ilex Mill and the 3-storey high Weavers' Cottages both of which are Listed Buildings, whilst to the east of the site stands a row of 2-storey terraced houses along the south side of Bacup Road. To the north-east of the site stand a row of 2-storey semi-detached houses, directly to the north is a 2-storey Health Care Centre and to the north-west Worswick Memorial Cricket Ground.

The buildings on the site are bounded to the north by a 5 metre high stone wall with castellations on the top. Behind the wall stands the main mill building which appears to be single storey but an external roof height of around 4 metres. The north light roof over the northern part of the mill building is enclosed and thus obscured by a stone wall on 3 sides. To the south stands a more modern industrial building with the lower part of the building constructed in block work and the upper part of the building clad in corrugated metal sheeting. This southern building and remaining open land to the south of the site is visible from Bocholt Way.

The allocations of the site within the adopted Rossendale Local Development Plan designate the site as Employment Land which would normally afford the site an element of protection from consent being granted for other uses, the site adjoins but is outside of the Rawtenstall Town Centre Boundary and Rawtenstall Town Centre Conservation Area Boundary and part of The Valley Way runs through the site.

The Rawtenstall Town Centre Area Action Plan – Revised Preferred Options Report, published in March 2006 identifies the application site as suited to a mixed use development, giving an indicative threshold of 55 dwelling units, 490 square metres of retail and 1835 square metres of office accommodation. The supporting text highlights that any future development should respond to Ilex Mill, Weavers' Cottages and the terraced houses to the south of Bacup Road. Particular consideration should be given to the views of the building from Bocholt Way as well as to the massing, architectural composition and materials to be used in the construction of the proposed development. Provision should also be made for a public waterside space and route along the River Irwell. The development would also have to pay close attention to the wider residential planning policies operating across the County and Region.

# 1.2 Relevant Planning History

A previous application was submitted, reference 2005/370, for the erection of 522 square metres of retail space and 100 apartments. The application preceded the publication of the Rawtenstall Town Centre Area Action Plan – Revised Preferred Options Report. The application was recommended for refusal by the case officer at the 10<sup>th</sup> November 2005 Development Control Committee but was withdrawn before a decision could be made. The application was recommended for refusal on the following grounds:

 The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Housing Position Statement (August 2005). Although the application site lies within the Rawtenstall Town Centre Area Action Plan the proposal does not provide satisfactorily for the regeneration of the site in terms of the scale and mix of uses proposed, nor has the Applicant shown how the proposal meets an identified local housing need, contrary to Criteria D and E of the Position Statement.

- 2. The retail element of the proposal fails the sequential approach to site selection, in that there exist better located Town Centre and edge-of-centre opportunities for retail development, that would better support the existing town centre shopping function and the applicant has failed to demonstrate that the proposal would not adversely affect the vitality and viability of Rawtenstall Town Centre. Therefore, the proposal is contrary to PPS6: Planning for Town Centres and Policy 16 (Retail, Entertainment and Leisure Development) of the Joint Lancashire Structure Plan 2001-2016.
- 3. The proposal does not fully accord with the 'preferred options' of the emerging Rawtenstall Area Action Plan, nor has it been demonstrated that the proposal will deliver the regeneration or other material planning benefits to justify an exception to the policies referred to above.

# 1.3 Proposal

The current scheme proposes the erection of 82 apartments together with 942 square metres of retail floor space and 696 square metres of office space. The development would be broken into 4 blocks, 2 would be contiguous fronting Bacup Road whilst the remaining 2 would front Bocholt Way.

Block 1 would front Bacup Road and would be 3 storeys high, constructed in stone and slate forming a pitched roof and would provide 3 shop units on the ground floor with 6 apartments on the two floors above.

Block 2 would be attached to Block 1 and would turn the corner of Bacup Road and Fall Barn Fold. Facing the Weavers' Cottages, the building would be 4 storeys high with a shop unit on the ground floor and office space over fronting Bacup Road with a commercial unit in the southern part of the block with 4 apartments over. The building would be constructed in stone and slate with a pitched hipped roof.

Block 3 would be 6 storeys high constructed in stone with a flat, parapet roof in an irregular shape providing purely residential development totally 24 apartments. Parking would be provided underneath the building.

Block 4 would be partly 4 and partly 5 storeys high in a rectangular shape. The building would again be purely residential, providing 40 apartments and would be constructed in stone with flat, parapet roof.

The buildings themselves are situated close to the boundary of the site with Blocks 1 and 2 hard up against the northern boundary with Block 3 the most set in from the boundary in the south-western corner and Block 4 against the southern boundary. The car parking is a dominant feature of the scheme although an attempt has been made by the architect to shield this from outside of the site by the buildings. In the main the landscaping has been fitted around

the buildings and car parking on the land that was left over. However, in the case of the space adjacent to Block 2 (although labelled Block 1 by the architect on the layout plan) an area of hard landscaping is proposed with a feature which helps to separate and maintain the character of the Weavers' Cottages. There is a landscaped footway which runs southwards from the main access to the proposal down to the river although this does not run along the River Irwell, no open space to site or linger is proposed and there is no accommodation made for pedestrians or cyclists along the Valley Way.

In terms of Affordable Housing, the applicant is offering 6 ground floor flats at a 25% market discount and is willing to enter into discussions on Public Open Space contributions.

The applicant submitted with the plans a Planning Statement, Design and Access Statement, Traffic and Transport Statement, Contaminated Land Assessment, a bat survey and a further supporting letter covering the retail impact of the scheme.

# 1.4 Policy Context

### **Development Plan Policies**

Rossendale District Local Plan (Adopted 1995)

DS1 - Urban Boundary

E7 - Contaminated Land

E13 - Noise Sources

HP2 - Listed Buildings

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 - Main Development Locations

Policy 7 - Parking

Policy 12 - Housing Provision

Policy 16 - Retail, Entertainment & Leisure Development

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

Policy 24 - Flood Risk

#### Other Material Planning Considerations

PPS1 - Sustainable Development

PPG3 - Housing

PPG4 - Industrial & Commercial Development

PPS6 - Town Centres

PPG13 - Transport

PPG15 - Historic Environment

PPG17 - Sport & Recreation

PPG 24 - Noise

PPG25 - Flood Risk

RSS for the North West LCC Parking Standards

Rossendale BC Housing Position Statement

Rawtenstall Area Action Plan - Revised Preferred Options Report (March 2006)

#### 2. INTERNAL CONSULTATIONS

Forward Planning – in relation to the Housing Position Statement, the proposal falls within the boundary of Rawtenstall Town Centre Area Action Plan and therefore needs to balance the issue of Housing over-supply with the regeneration benefits of the scheme.

The revised Rawtenstall Town Centre AAP (Area Action Plan) is also a material consideration and obviously looks to deliver planned regeneration for Rawtenstall. I would therefore take the view that the proposals need to be consistent with the revised AAP in order to achieve wider regeneration benefits. Consequently, I would suggest the appropriate mix and appearance of the proposals need to be in general accordance with the revised AAPs comments for Tomlinson's works as identified on pages 22 and 56 in order to be acceptable.

Environmental Health – do not object to the proposal and request that a condition be attached to require the remediation of any contamination found on the site.

Conservation Officer – the final comments are awaited and will be reported via the Late Items Agenda but the initial comments refer to the poor quality of the plans and that a number of amendments would be needed in relation to the size, height and design of the scheme in order to reduce its impact on the setting of the Town Centre Conservation Area and visual amenity of the street-scene.

### 2.1 EXTERNAL CONSULTATIONS

Lancashire County Council -

Planning – consider that the scheme is contrary to Policy 12 of the Joint Structure Plan on grounds of housing oversupply.

Ecology – highlight that bats could be roosting in the vicinity and that the applicant should demonstrate that the development would avoid any detrimental impact on breeding birds. The landscaping scheme should provide opportunities to deliver beneficial biodiversity.

Archaeology – recommend a condition requiring that an archaeological record of plans, drawings and photographs be made prior to the commencement of demolition.

Transport – the levels of parking are considered to meet the County's adopted car parking standards although provision should be made within the scheme for mobility parking, bicycles and motorcycles. A payment of £188, 718.88 should be sought from the developer towards transport improvements based on an accessibility assessment of the site. The possibility of a link for cyclists from the south side of Bocholt Way to the site could be pursued.

Highways – do not object to the proposal but highlight a number of improvements to be made such as aligning the access road and works to be carried out to the footpath on Fall Barn Road.

Lancashire Constabulary – does not object to the proposal but recommends a number of measures which include but are not restricted to, limiting public access to the rear of the buildings, there should be an access control system to the apartments, offices and underground car park, bin and cycle stores should have lockable doors and the proposed footpath should have no planting below 2 metres high to aid visibility and increase the feeling of safety.

United Utilities – do not object to the proposal provided that the scheme is drained on a separate system of drainage but highlight the presence of a surface water sewer which cannot be built over and requires a 3 metre easement either side of the sewer.

Natural England – is the new organisation which incorporates English Nature. The response highlights that the survey did not cover a number of important areas where bats might be found. Unusually, the consultation response from Natural England explained that the company who undertook the survey are currently under investigation by the Police.

Rossendale Civic Society – awaiting response – any adverse comments will be reported via the Late Items Agenda.

#### 3. **REPRESENTATIONS**

- 3.1 One letter has been received to the development from a resident of Grange Avenue objecting to the proposal on the following grounds:
  - Is there any need for further development in Rawtenstall?
  - Block 3 would be too high
  - Ilex Mill does not set a precedent for tall buildings in Rawtenstall
  - Disagrees with national planning policy on car parking

#### 4. REPORT

4.1 The main considerations of the application in relation to the principle of the development are the loss of employment land, the proposed mixture of uses on the site, the principle of retail development, housing over-supply, land contamination and flood risk; whilst in relation to the detail of the scheme the

- issues are of form, detail, provision of public access along the Valley Way and the impact of the proposal on wildlife.
- 4.2 The application site is recognised in the adopted Local Plan as an employment area which is afforded an element of protection by policy J3. The site is also recognised in the emerging Rawtenstall Area Action Plan (2006) as a site suitable for redevelopment for a mixture of uses including employment and an element of residential. Usually more weight would be given to the adopted Local Plan rather than an emerging AAP, however, in this instance planning policy has changed direction in relation to this site to reflect more recent planning policy and circumstances on the site. Thus, in relation to the acceptable uses of the site, the AAP has already given consideration as to what might be acceptable and has therefore been accorded more weight. The applicant's agent is not correct in saying that there is no demand for employment uses on this site or re-use on this site and it is usual for a Local Planning Authority to request details of the marketing of the site to prove there is no longer any demand. The applicant has not supplied this information and so their claim remains unsubstantiated. Nevertheless, the Area Action Plan does suggest a mixed use redevelopment of the site which should include an element of employment. The scheme does propose a small element of office floor space although given that the Area Action Plan suggests that an area of 1835 square metres should be provided the applicant should then provide a justification as to why two thirds of this amount has not been proposed. As such the applicant has not provided this information and the justification for the lack of employment floor space on this scheme is considered inadequate.
- 4.3 In relation to Retail, the previous Officer report argued that the site failed the sequential test for new retail development as it was too far from Rawtenstall Town Centre. However, the principle of retail on this site is considered to have been established by the text in the Area Action Plan which recommends some retail use would be acceptable on the site. However, again the agent has not justified why the amount of retail floor space has doubled from the figures set down in the Area Action Plan. Again, the Area Action Plan suggests a figure of 55 apartments on the site, the applicant proposes 82 and no justification has been made for the additional 27 dwellings on the site. As such, inadequate information has been provided to justify the proposed scheme.
- 4.4 The additional number of dwellings on the site has implications for Housing over-supply despite the sustainable location of the site and that the land is previously developed. The agent's Planning Statement makes no reference to the exceptions set out in Policy 12 of the Joint Structure Plan or the Council's Housing Position Statement and does not make any justification along the lines of the exceptions. Rather, reference is made to the need to general national and regional guidance on the re-use of brownfield land and undue weight is given to the emerging Regional Spatial Strategy rather the adopted Regional Spatial Strategy which should be given more weight at this time. As such, it is considered that the proposed development would contribute further to the Borough's position of Housing over-supply without an appropriate case being made forward to justify a grant of permission.
- 4.5 Policy 12 of the Joint Lancashire Structure Plan whilst limiting Housing land supply, does make an exception for residential developments which would make an "essential contribution to the supply of affordable or special needs housing or form a key element within a mixed-use regeneration project. Any

- such project should be compatible with and help achieve the regeneration objectives of the Local Authority...[another circumstance] where it may be appropriate to approve residential development in a situation of Housing oversupply [could be where there are] conservation benefits of maintaining an existing building worthy of retention".
- 4.6 The Council's Housing Position Statement accepts the position of Housing over-supply but again makes certain exceptions which are limited to residential developments:
  - a) In any location where the proposal is a like for like replacement of an existing residential dwelling resulting in no net gain in dwelling numbers and which conforms to relevant policies of the development plan and other material considerations; or
  - b) The proposal will positively contribute to the urban regeneration of the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative areas or the Rawtenstall Town Centre Masterplan (Area Action Plan); and
  - c) The proposal will not harm the character of the adjoining areas such as conservation areas and the setting of listed buildings; and
  - d) The proposal will assist the regeneration of the site; and
  - e) The proposal meets an identified local housing need."
- 4.7 The proposed development whilst providing a mixture of uses, the residential elements is considered not to be making an essential contribution to Affordable or special needs housing. Although the applicant has offered 6 units on an affordable basis, it is considered that an offer of 30% of all the units proposed being offered on an Affordable basis, should be a base line figure. Especially in the light of increasing pressure on the housing market in the Borough. The additional housing whilst within the AAP area is considered not to be a key element within a mixed use regeneration scheme, as it the scheme is too heavily weighted in favour of residential development, which as such means that the scheme does not meet the regeneration objectives of the Local Authority. As the scheme would harm the setting of the Town Centre Conservation Area, the proposal would not have any conservation benefits. As such the proposal is considered not to meet the exceptions in Policy 12 of the Joint Lancashire Structure Plan.
- 4.8 In relation to the Council's Housing Position Statement, the proposal does not represent a like for like replacement of residential properties but does lies within the Rawtenstall Town Centre Area Action Plan. Nevertheless, the scheme is considered to harm the setting of the Rawtenstall Town Centre Conservation Area. Owing to the unacceptable proportions of the uses proposed, the scheme is considered not to adequately assist in the regeneration of the Town Centre AAP in terms of employment generation whilst the applicant has not substantiated the housing need which the additional 27 apartments would be meeting. As such the proposed development is considered to conflict with the Council's Housing Position Statement.
- 4.9 The site appears to be capable of being redeveloped for sensitive end uses such as residential development in the light of the contaminated land assessment. However, the site lies within the Environment Agency's designated Flood Risk Zone and as such a Flood Risk Assessment should be

- submitted by the applicant. No such assessment has been submitted by the applicant and as such again insufficient information has been provided.
- 4.10 The form of the development is considered to be too high in relation to the surrounding area. Whilst the Area Action Plan states that the redevelopment of the site should make reference to Ilex Mill, Ilex Mill is the only building in the Town Centre which is this high and bulky. The majority of the area surrounding the site and indeed the Town Centre is only 2 to 3 storeys high. The relationship of Block 1 adjacent to the row of terraces is considered to be overbearing and dominant and does not relate well to the higher attached Block 2. The pitched roof on Block 2 does not sit comfortably on the building within the street-scene. Again Block 2 is considered to be too tall. Blocks 3 and 4 pay heavier tribute to Ilex Mill and indeed Block 3 is in effect taller and bulkier than Ilex Mill by being a full 6 storeys high. It would result in an inappropriate and competing presence to the Listed former mill. Blocks 3 & 4 would also be very prominent along Bocholt Way although their flat roof design is considered not to detract from their design or the visual amenity of the street scene. Overall, the proposed development is considered to be too bulky, high and dominant in the street scene, it would not relate well to the surrounding buildings and would visually challenge llex Mill which currently represents the only tall building in the Town Centre. It is therefore considered that the scheme would be detrimental to both the setting of the Town Centre Conservation Area and the visual amenity of the street scene along Bacup Road and Bocholt Way and thereby conflicts with Policy 21 of the Joint Lancashire Structure and Policies HP1 and DC1 of the adopted Rossendale Local Plan.
- 4.11 The layout of the scheme makes adequate provision for car parking although some revisions to the plans would be required regarding access into the site and a commuted sum payment of £188, 718.88 made via a section 106 agreement to provide public transport improvements. The siting of the buildings on the edge of the site forming perimeter blocks is acceptable and the siting of car parking is practical. However, additional information and revised plans will be required regarding security measures, servicing arrangements, opening hours of the proposed retail units, bin and cycle stores, extractor ducting and sound insulation between the commercial and residential properties. Furthermore, the public access along the Valley Way, cycle access and crossing over Bocholt Way, management of the open spaces proposed in the scheme, Public Open Space contributions, inclusion of energy efficiency measures and renewable energy production will all need to be addressed by the applicant. The non-completion of a legal agreement agreeing contributions towards Public Open Space and Transport improvements is technically a reason for refusal.
- 4.12 In response to the letter of objection, there is a clear need for regeneration of sites within Rawtenstall, however, it is agreed that Block 3 is too high and bulky and that Ilex Mill does not set a precedent for further tall buildings in this location. It is considered that given the proximity of the site to the Town Centre that there would adequate parking available.

### 5. **CONCLUSION**

5.1 The application does not accord with the Rawtenstall Area Action Plan – Revised Preferred Options Report which has been afforded additional weight

- due to it taking account of current planning policy and circumstances. However, the applicant has not made adequate justification for the loss of employment uses on the site, or for the increase in retail or residential development on the site, by comparison to the aforementioned Area Action Plan.
- 5.2 The applicant has not substantiated an exception to Policy 12 of the Structure Plan or the Council's Housing Position Statement and as such an additional 27 apartments would contribute unacceptably to Housing over-supply.
- 5.3 The scheme would be unacceptable in terms of its form and impact on the setting of the Town Centre Conservation Area and visual amenity of the street-scene along Bacup Road and Bocholt Way.
- 5.4 The application contains inadequate information regarding Flood Risk, the viability of the site for future employment use, and a number of other details which are required to assess the scheme and to ensure a high standard of living environment for the future occupiers of the residential properties as well as contributions towards public open space, affordable housing and sustainability. In addition, the Bat and Wildlife Survey would need to be carried out again by a consultant approved by Natural England.

# 6. **RECOMMENDATION(S)**

6.1 It is recommended that the application be refused on the grounds that it does not accord with the Rawtenstall Area Action Plan – Revised Preferred Options Report, it would contribute towards Housing Over-supply and thereby conflict with the Joint Lancashire Structure Plan, the Council's Housing Position Statement, that it would harm the setting of the Town Centre Conservation Area and visual amenity of the street-scene and that the application contains inadequate information to be enable it to be properly assessed and thereby conflicts the adopted Rossendale Local Plan.

#### 7. REASONS FOR REFUSAL

- 1. The applicant has not demonstrated that there is justification for a reduction in employment provision on the site and an increase in retail and residential development, nor has the case been made for an exception to the policy to be made. As such, the proposal does not fully accord with the 'Revised Preferred Options Report' of the emerging Rawtenstall Town Centre Area Action Plan, Joint Lancashire Structure Plan and the Council's Housing Position Statement.
- 2. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Housing Position Statement (August 2005). Although the application site lies within the Rawtenstall Town Centre Area Action Plan the Applicant has not shown how the proposal meets an identified local housing need. The proposal is thereby contrary to Criteria C, D and E of the Council Housing Position Statement.
- 3. The proposed development, by reason of its size, height and design, would detrimentally affect the setting on the Rawtenstall Town Centre Conservation Area and the visual amenity of the street-scene along Bacup Road and Bocholt Way. As such the proposed development

- conflicts with PPG 15 Planning and the Historic Environment, Policy 21 Lancashire's Natural & Man-Made Heritage and Policies DC1 Development Criteria and HP1 Conservation Areas of the adopted Rossendale Local Development Plan.
- 4. The application forms, supporting documents and submitted plans contain inadequate information in relation to Flood Risk, Wildlife Survey, security measures, servicing arrangements, hours of operation, bin cycle and storage, uses of the proposed units and possible extra ducting and sound insulation, to enable the scheme to be properly assessed and is thereby contrary to PPS 9 Biodiversity and Geological Diversity, PPG 25 Development and Flood Risk, Policies LJSP and Policies E12 Noise Attenuation, E13 Noise Sources and DC 1 Development Criteria of the Rossendale Local Plan.
- 5. The proposed development, by reason of the non-completion of a section 106 agreement, does not make adequate provision for Public Open Space or Affordable Housing and is thereby contrary to PPG 17 Planning For Open Space, Sport and Recreation and PPG 3 Housing and Policy 12 of the Joint Lancashire Structure Plan.

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**INSERT LOCATION PLAN HERE** 

