

Application Number:	2014/0355	Application Type:	Full
Proposal:	Demolition of all buildings, erection of 29 dwellings & associated works, including provision of off-street parking facilities to the rear of 1-27 Wheatholme Street	Location:	Site of Whinberry View Home for the Elderly & 166 Bacup Road, Rawtenstall
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	16 December 2014
Applicant:	B & E Boys	Determination Expiry Date:	19 December 2014
Agent:	Hourigan Connolly		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
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.

1. RECOMMENDATION

That Permission be granted subject to completion of a S.106 Obligation and the Conditions set out in Section 11.

2. Background

At its meeting in January 2014 Committee was due to consider Application 2013/0532, which proposed the demolition of Whinberry View Home for the Elderly and erection on its site of 23

houses and associated works, including provision of off-street parking facilities to rear of 1-27 Wheatholme Street.

The Officer Recommendation was for refusal of the application for the following reasons :

1. The Council do not consider that the applicant has adequately demonstrated that provision of affordable housing/other contributions cannot be viably provided. In the absence of the following contributions :
 - a) the Council's costs of £1,000 (plus disbursements) to progress the revocation of the Hazardous Substance Consent for the storage of Natural Gas at Cloughfold Gasholder site, considered essential if the residential re-development of the site is to proceed;
 - b) the £1,200 to facilitate making of a Traffic Regulation Order;
 - c) the £47,522 contribution sought by LCC Education to provide the 4 primary school places this development is considered to require;
 - d) the £1,366 per dwelling required to accord with the Council's Open Space & Play Equipment Contributions SPD; &
 - e) the 20% of units as Affordable Housing units;the proposal is contrary to Policies 1 / 2 / 4 / 8 / 9 / 17 / 22 / 24 of the Council's adopted Core Strategy DPD (2011), LCC Planning Obligations in Lancashire (2008) and RBC Open Space & Play Equipment Contributions SPD (2008), and the comments of the Health & Safety Executive (Hazardous Installations Directorate), LCC Highways and LCC Education.
2. For this prominent 'gateway' site, viewable from the Bacup Road/Bocholt Way mini-roundabout, it is considered that the frontage to Bacup Road requires building of substantial size/presence in the street-scene. The terraced block being proposed adjacent to 166 Bacup Road is considered of appropriate height/bulk to serve this purpose but ought to be continued or duplicated over that half of the frontage nearest to Co-operation Street, rather than have dwellings on this corner face the side-street. This arrangement would also have the virtue of safeguarding proposed rear gardens from traffic noise, distancing drives serving proposed houses from this junction and closing-off from such public view from the main road houses to be constructed in brick/render and the rear elevation of the existing terrace of houses that fronts to Wheatholme Street. The distance the gable of the brick/render house on Plot 16 will stand from Co-operation Street is also of some concern, as too is use of gabion-baskets of stone to construct the retaining wall so near Co-operation Street, in terms of the character and appearance of the area. Accordingly, the proposed scheme is not considered to accord with the principles of 'good design of Section 6 and 7 of the National Planning Policy Framework (2012) and Policies 1 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

Prior to consideration of the application by Committee it was withdrawn by the Applicant.

The Applicant has recently acquired 166 Bacup Road, formerly occupied by Rossendale Re-start. The application now submitted relates to a site that has been extended to embrace 166 Bacup Road.

3. The Site

The application site is located to the east of Rawtenstall town centre, on the north side of the mini-roundabout at the junction of Bacup Road with Bocholt Way.

The site has an area of approximately 0.7ha and is occupied by buildings, of brick/concrete tile construction, last used as a Home for the Elderly (vacant for some years) and Rossendale Re-start (recently vacated), together with Co-operation Street. The Whinberry View building facing/nearest to Bacup Road is 1-storey, but those to the rear are of 2 and 3-storeys. The Rossendale Re-start building faces the roundabout and is of 2-storeys in height.

There are a number of trees on the application site; half a dozen or so feature in the street-scene to the front and west side of the buildings, the majority on rising land towards the rear boundary.

By inclusion of 166 Bacup Road the application site has been made of more regular shape and is now bounded :

- to the West by the backs of terraced houses (of stone / slate construction) that front to Wheatholme Street;
- to the East by detached dwellings (of more modern house type and artificial stone construction) that front Lambton Gates; &
- to the North by rising land that is wooded.

To the other side of Bacup Road to the site is a public car park serving Ashoka Restaurant (which occupies a 3-storey building of stone / slate construction), whilst to the other side of the roundabout at the junction of Bacup Road/Bocholt Way is the Gasometer site. Although the Gasometer does not presently contain gas the site continues to possess a Hazardous Substances Consent enabling it to do so.

The site is located within the Urban Boundary of Rawtenstall. There are no site-specific policies in relation to most of the site. However, that part of the site to the north side of the buildings (approximately a quarter of the land to be developed), and the rising land extending to the north side is designated as Greenlands.

4. Planning History

2003/497 Outline Application for private residential development, including demolition of existing buildings - Whinberry View

In July 2006 Committee considered the application and was minded to grant Outline Permission for residential re-development, with all matters of detail reserved for later consideration, subject to a S.106 Obligation to ensure payment of £1,000 per dwelling be paid to the Council for improvement/maintenance of a nearby recreational area.

Following completion of the S.106 Obligation by B & E Boys the decision notice granting Outline Planning Permission was issued on 30 June 2008, Condition 1 requiring implementation commence within 3 years.

2010/238 To extend the time limit by which implementation of Outline Planning Permission 2003/497 must commence - Whinberry View

Recognising that it would not commence implementation of Planning Permission 2003/497 by the date specified in Conditions 1 Boys submitted this application seeking to vary it.

In July 2010 Committee considered this application and, in accordance with the Officer Recommendation granted Outline Permission for residential re-development of this site, with all matters of detail reserved for later consideration, bound by the earlier S.106 Obligation to pay £1,000 per dwelling for the improvement/maintenance of a nearby recreational area and requiring commencement of development before 30 June 2013.

2013/0532 Demolition of all buildings, erection of 29 dwellings & associated works, including provision of off-street parking facilities to the rear of 1-27 Wheatholme Street - Whinberry View
Withdrawn

5. Proposal

The application seeks permission to erect upon the site 29 houses - 22 to be 3-bedroomed and 7 4-bedroomed - following demolition of all the existing buildings. The proposed houses are to have an eaves height of 5m-6m and ridge height of 8.5m-9.5m - all to be 2-storey, although some have living accommodation within the roof void.

The submitted layout proposes houses that face towards Bacup Road and Co-operation Street, with houses behind them that are served off a new cul-de-sac extending from the northern end of Co-operation Street.

On the frontage to Bacup Road there are to be two terraces of town-houses, linked by a pair of garages, each house with a box-dormer of modest size in its front roof-plane. The garages/parking to serve these town-houses is to be provided/accessed from the rear, not directly from the main road. The pair of semi-detached houses on the corner of Bacup Road and Co-operation Street present a gable to the main road, their front elevations possessing dormers that face Co-operation Street and their rear gardens screened from the main road by a wall ranging between 1.5m & 2.4m in height. These houses are to be constructed with artificial stone, with grey concrete roof tiles.

The houses to face towards the cul-de-sac to be constructed are to have living accommodation over 2 floors and are to have external walls of red brick (some with a rendered panel at first-floor level), with grey concrete roof tiles.

Due to the way in which the rear portion of the site picks-up in level, and the applicants wish for the new houses to be nearer to the northern boundary than the existing buildings, excavation is intended and construction of a gabion retaining wall of approximately 2m in height at its western & eastern ends and 3m high midway along.

Off-street parking spaces are to be made available to serve the 29 houses proposed, in the form of integral, attached or detached garages and parking spaces.

Recognising that significant parking of vehicles presently occurs on Co-operation Street, and this would interfere with access to/from the cul-de-sac to be constructed, the applicant is proposing that the verge to the west side of the existing carriageway be slightly widened and used to provide additional areas of hardstanding as parking for existing residents of the houses fronting Wheatholme Street. It is also intended that a footway to adoptable standard is formed to the east side of the carriageway of Co-operation Street.

The Agent has provided the following summary of the benefits of the proposal :

- The redevelopment of a sustainably located, vacant, previously developed site.
- The regeneration of a derelict gateway location with development of high quality design.
- The provision of new off-street parking spaces for existing residents.
- The provision of high quality family housing that not only responds to current market demand and identified local needs, but also reflects the character of the neighbouring residential areas.
- New employment opportunities during construction.

- Support for existing trades and building suppliers in Rossendale during construction.
- The creation of a new community with genuine prospects at reducing reliance on the private motor vehicle given the proximity of public transport and shop and services to meet day-to-day needs.
- Support for shops and services in Rawtenstall given the proximity of local facilities.
- A New Homes Bonus payment of circa £158,890 for Rossendale and a further £39,722 for Lancashire County Council, which the Council could use in accordance with local priorities.

6. Policy Context

National

National Planning Policy Framework (2012)

Section 1	Building a Strong Competitive Economy
Section 4	Promoting Sustainable Transport
Section 6	Delivering a Wide Choice of High Quality Homes
Section 7	Requiring Good Design
Section 8	Promoting Healthy Communities
Section 10	Meeting the Challenges of Climate Change, Flooding, etc
Section 11	Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP4	Area Vision for Rawtenstall, Crawshawbooth, Goodshaw & Loveclough
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 4	Affordable & Supported Housing
Policy 8	Transport
Policy 9	Accessibility
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

LCC Planning Obligations in Lancashire (2008)

RBC Open Space & Play Equipment Contributions SPD (2008)

7. Consultation Responses

Health and Safety Executive (Hazardous Installations Directorate)

By reason of the Hazardous Substance Consent for the storage of Natural Gas at the nearby Gasholder site, and the specific consultation areas the HSE has previously provided to the Council, it was necessary to seek its advice on the current application.

Its response is as follows :

The Health and Safety Executive (HSE) gives planning advice only for certain types of developments and then only if they are within specific consultation areas that have previously been advised to the appropriate Planning Authority (PA). Such areas are often identified by a PA on their 'development constraint maps'.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using PADHI+, HSE's planning advice software tool, based on the details input by HSE. The assessment indicates that the risk of harm to people at the proposed development is such that **HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.**

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If you decide to refuse planning permission on grounds of safety, HSE will provide the necessary support in the event of an appeal.

If, nevertheless, you are minded to grant permission, your attention is drawn to paragraph A5 of the National Assembly for Wales Circular 20/01, or paragraph A5 of the DETR Circular 04/2000. These state that:

"...Where a local planning or hazardous substances authority is minded to grant planning permission or hazardous substances consent against HSE's advice, it should give HSE advance notice of that intention, and allow 21 days from that notice for HSE to give further consideration to the matter. During that period, HSE will consider whether or not to request the [Assembly / *Secretary of State for the Environment, Transport and the Regions] to call-in the application for [its / his] own determination" (* Now 'Communities and Local Government' in England.)

National Grid

Our Cloughfold Gasholder has been decommissioned and the Hazardous Substance Consent for the storage of Natural Gas on the site is no longer required.

National Grid has no objection to the Hazardous Substances Consent being revoked.

RBC (Environmental Health)

No objections.

There is no objection in relation to noise as long as all the noise mitigation as detailed in the Miller Goodall Environmental Services Noise Assessment (dated 11th July 2014), such as acoustic double glazing, acoustically attenuated ventilation etc, is carried out.

However, there is potential for nuisance eg noise/dust/etc to the surrounding residential properties during the demolition and construction phase. The application should be restricted to standard reasonable working hours during daytime only, with no work or deliveries etc outside of the permitted hours/days, in order to protect residential amenity.

LCC (Highways)

No objection in principle.

The access to Co-operation Street from Bacup Road has adequate visibility and there is not a significant accident record in the vicinity of the site; care should be taken that any planting to the south of the site does not impact adversely on visibility for vehicles exiting Co-operation Street. The site has a reasonable accessibility score but parking provision within the site should be in line with that set out in the Council's approved Parking Standards. In order to minimise the possibility of on- street parking in the future a condition is sought that all garages should be retained for that use in the future.

The primary access road to the site should be built to an adoptable standard and will be subject to a section 38 agreement with the Highway Authority. A street lighting plan will need to be agreed with the Highway Authority as part of this process. There is also a need to move an existing Traffic Regulation Order on Co-operation Street and this work should be subject to a section 106 contribution.

Given the likely increased vehicle movements there is some concern around traffic turning right into Co-operation Street from Bacup Road and it is suggested that this could be improved through minor off site highway works. This will require the creation of a right turn lane, of at least 10m, on Bacup Road to ensure right turning traffic does not create an obstruction for other users. This work will be subject to a Section 278 agreement.

I would recommend the following amendments to the plan for highway safety and sustainability :

- Plots 19 and 20 should have 2 off street parking spaces, this will require the widening of the driveway to allow 2 vehicles to park side by side, rather than the 1 shown on the plan. This is essential to ensure that vehicles are not parked on Co-operation Street close to the junction of Bacup Road, which will hinder movements at the junction. Also manoeuvring into and out of the new off street parking bays associated with the existing housing on Wheatholme Street will be hindered by vehicles parking on Co-operation Street.
- Previously I stated that there was an overall shortfall in the number of off street parking spaces as detailed within our parking standards which could be absorbed within the development without detriment to the highway network.
- However the additional 4 x 4 bedroom properties which have 2 off street spaces provided and are served off the private drive will result in obstructive parking on the private drive which will be of detriment to the general access requirements of the residents.

- It will be necessary to increase the number of off street spaces on the development particularly to serve the 4 bedroom properties plots 22 - 27.
- A bin collection area should be designated for plots 24 - 27 as the refuse wagon cannot gain access to their properties.
- The Highway Authority would usually seek to adopt an access road which serves 5 or more properties and the access road coloured yellow on the amended plan now serves 9 properties. However in its current form we would not adopt the access road in question which serves 9 properties plots 13, 17 and 21 - 27 due to its layout. We would seek a more standardised highway layout to the rear of plot 23 which provides radius kerbs rather than short angled kerbed sections. We would accept a shared surface.
- The dwellings without garages will require a secure cycle store.

A contribution of £1,500 will be required for Lancashire County Council to pursue TRO amendments on Co-operation Street and Bacup Road.

A joint Section 38 and 278 Agreement under the Highways Act 1980 will be required for the construction of the new access road, the alteration works on Co-operation Street and the alteration works on Bacup Road which include the provision of a right turn lane, shortening of the central island and re-location of dropped kerbs.

In addition to my previous comments a highway stopping up order under Section 247 of the Town and Country Planning Act 1990 will be required for the proposed area of hard-standings to the rear of the properties 3- 27 Wheatholme Street.

Environment Agency

We have no objection in principle to the proposed development and would like to offer the following comments :

The submitted Flood Risk Assessment (FRA) identifies the site as being within Flood Zone 1. However, our Flood Map shows that part of the site adjoining Bacup Road is within Flood Zone 2 and could be affected by an extreme 0.1% annual exceedance probability (AEP) flood. Accordingly, referring to section 4.11.1 of the FRA, it is incorrect to relate the "extreme flood" to one of 1 in 100yr return period. As the majority of the site rises above the extreme flood extent and floor levels are above the 0.1% AEP level, we would not raise any concerns relating to this. However, the local planning authority and the developer should be aware that the main access to the development at its junction with Bacup Road could be flooded in an extreme flood event.

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the submitted FRA are implemented and secured by way of the following conditions :

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Betts (ref: FRA237), dated October 2014, and the following mitigation measures detailed within the FRA : Limiting the surface water run-off to 14.9 l/s for the 1 in 1yr storm and maximum of 31.4 l/s for the 1 in 100yr storm so that it will not exceed the run-off from the pre-development site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason : To reduce the risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

United Utilities (Water)

Drainage Comments :

In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way.

Building Regulation H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the drainage options in the following order of priority:

- a) an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practicable
- b) a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable
- c) a sewer (approval must be obtained from United Utilities)

To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

United Utilities will have no objection to the proposal provided that the following conditions are attached to any approval :

Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 32 l/s. The development shall be completed, maintained and managed in accordance with the approved details.

Reason : To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Water Comments :

The water main supplying properties 3 to 27 Wheatholme Street inclusive (odd numbers only) passes through the area marked for development. As we need access for operating and maintaining it, we will not permit development in close proximity to the main; an access strip of no less than 5 metres, measuring at least 2.5 metres either side of the centre line of the pipe, will be needed.

A domestic water supply can be made available to the proposed development.

General :

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

Electricity North West

We have considered the above planning application submitted on 11/11/14 and find it could have an impact on our infrastructure.

The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

Other points, specific to this particular application are :-

Within the footprint of the proposed development there is a 3c185 ASN main LV cable which feeds two single phase services and two three phase services. This cable will have to be made safe via a cut and bottle end off site before any demolition works begin.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment at any time of day or night.

Rosendale Civic Trust

It has commented as follows :

- We would like to see an appropriate and early redevelopment of this site in order to provide housing in what is a non-contentious Gateway location, with good local facilities.
- Gateway Location : Policy 23 of the Core Strategy seeks to ensure that new developments considered by the Council are designed to a high quality in order to create attractive and easy to use development across the Borough, and states that all new developments should promote the image of the Borough, through the enhancement of gateway locations and key approach corridors.

It is this point - where the road splits into a by-pass and the old town main road - where there's the archetype gateway, and it needs a 'statement', not a bland cliché.

The Applicant does not seem to have explored fully the opportunities of having a larger and simpler shaped site as a result of inclusion of 166 Bacup Road. RCT remain disappointed, as what's offered does not match the mass of Cawl Terrace Co-op, and a gable end looks too close to No 2 Lambton Gates.

- Design : The houses themselves are not that controversial, and we have seen much worse applications. However, as far as appearance is concerned we don't think there is enough detail on those facing Bacup Road and certainly not on the gable next to them to make a good 'gateway' effect. They say they have noticed the detail on the gables lower down Bacup Road and then do nothing to theirs; the window on the gable could be a small bay or an oriel, and a date stone would be nice touch. Continuing the wall to link with the garage is OK but it needs a bit more embellishment, perhaps a curve where it meets the house wall.

Cawl Terrace Co-op building (now Ashoka Restaurant), the Ashworth Arms and above all the Listed former St. John's Church are all significant local Landmark Buildings on Bacup Road and have stonework detailing which should inform the design for the proposed

houses, especially the ones facing Bacup Road. They are proposing horizontal format windows - these are only to be seen on Lambton Gates properties, the terraced houses all around have typical 19th century vertical windows.

Facing Materials : Bacup Road frontage MUST be in stone, or a convincing reconstituted stone, with a sample panel for Officers and Members to inspect and approve; it should complement that of Ashoka and the rest of Bacup Road.

- Cloughfold Greenland : Policy 17 of the Core Strategy seeks to protect, enhance and expand the Green infrastructure network (including Greenland). The existing buildings at Whinberry View come very close to the Cloughfold Greenland, and its landscaped grounds to the north side (and in particular a group of trees) have been included in this area of Greenland.

To follow the precedent of Permission 2010/47, for a future No 10 Lambton Gates, only the gardens should be inside this Local Plan boundary to the Greenlands.

Gardens in Greenlands are to be cut into the slope up to the Rossendale Borough Council's boundary, and there are proposals for Gabion Retaining Walls and Bank Stabilisation. Besides the shading of these north facing gardens and their views towards the stone in wire cages of the gabions, there will also be the overhanging branches of the dense tree planting of the Rossendale Borough Council's section of the Cloughfold Greenland.

This land is some 3 to 6 metres above the proposed houses. Will the responsibility to maintain structural support to this adjoining land be conveyed to these houses? We understand that gabion walls are not acceptable to Lancashire CC in connection with highways proposed for adoption, and that soil acidity could affect their steel cages. This adds to our previous concerns about their proposed use, where the site levels rise up to the wooded land of RBC's Cloughfold Greenway. Will parents like their children to be playing under so many large maturing trees so close to these gabion retaining structures?

- Badgers & Bats : The Planning Statement says "There was no signs of Badger activity at the site when the habitat survey was carried out", however the Habitat and Bat Scoping Survey adds "although the surrounding woodland was not subject to a survey". A badgers' preferred run has obliged a resident of Lambton Gates to create a hole in their rear garden fence onto the site of Whinberry View. So there could well be a badger sett within 30m of the site boundary. In addition bats are regularly seen at dusk in summer, over Nos 7, 8 and 9 Lambton Gates.
- Access : The Proposed Site Layout shows what appear to be the existing dimensions of Co-Operation Street. However in the 2003/497 Outline Planning Permission there is a Condition that states "*The access to this development shall be via Co-operation Street and this street shall be widened by 3 metres along its easterly edge before any of the houses hereby approved are occupied.*"

Does the now extended turning head provide BS 5906:2005's preferred maximum 12 metre distance for a refuse vehicle to reverse into? It proposes a shared space with no areas defined by kerbing to indicate pedestrian areas, and the swept path diagram shows reversing into spaces adjacent to private gardens where young children could be expected. It's also proposed for adoption; RCT are unaware of LCC as Highways Authority accepting such a tight layout.

- Parking Spaces and Garages : Many look to be remote and out of clear view from the house windows. Is this an issue for Secured by Design? There would also be a need, with its potential for neighbour disputes, for maintenance access via someone else's property, to reach a garage roof.
- Financial Viability Appraisal : The land cost for Whinberry View is stated as £420,000, which for 23 houses is £18,260 per plot. In comparison a single house plot in Lambton Gates has a Land Registry cost of £55,000.
- Alternative Layout : As an alternative to the proposed Layout it suggests that the Applicant look at the option of 3 long terraces that parallel Bacup Road and take access from Co-operation Street, which would result in more 2 more houses than now proposed, more "frontage" building onto Bacup Road but, as they do not push so far back, avoid buildings in Greenlands/ cutting into slope

8. Notification Responses

To accord with the General Development Procedure Order a press notice was published, 3 site notices were posted on 13/11/14 and letters were sent to 29 neighbours on 11/11/14.

No comments have been received.

9. ASSESSMENT

The main considerations of the application are :

- 1) Principle; 2) Greenland; 3) HSE Advice; 4) Housing Policy; 5) Visual Amenity/Ecology;
- 6) Neighbour Amenity; 7) Access/Parking; & 8) Planning Contributions.

Principle

The site is within the Urban Boundary of Rawtenstall and that part occupied by Whinberry View has had a previous permission for housing redevelopment. Furthermore, the site constitutes previously-developed land for the most part and is in a sustainable location, fronting a main road along which runs a 'quality' bus service. To this extent the proposal is appropriate in principle.

Greenlands

Whilst there are no site-specific policies in relation to most of the application site, that part of the site nearer to the northern boundary than the main Whinberry View buildings (approximately 20% of the land to be developed) is designated as Greenlands, the Proposals Map of the Rossendale District Local Plan (adopted in 1995) having shown it as such.

Policy E4 of the Rossendale District Local Plan read as follows : "The Council will seek to protect and enhance the Greenlands - a comprehensive network of public and private land - within urban areas and linking with countryside and other recreational features, where only development appropriate to the functions of the Greenlands will be permitted".

Policy 17 of the Council's adopted Core Strategy seeks to protect, enhance and expand the Green infrastructure network (including Greenland).

Nevertheless I am satisfied that its residential re-development now will not unduly affect the extensive area of Greenland that lies beyond the application site boundary.

Members of Committee may re-call an application reported to the meeting in March 2010 that proposed erection of 4-bedroomed detached dwelling to the north side of 8 Lambton Gates.

Application 2010/0047 similarly included part of the Greenland. Nonetheless, permission was granted by Committee (and implementation of the permitted scheme has begun) .

In respect of the current application I consider the case for permitting the proposed development despite the inclusion of Greenland similar, the land obviously forming part of the curtilage of the former Elderly Persons Home, rather than simply part of the hitherto undeveloped wooded bank to the rear - the application site comes up to, but does not cross, the boundary of the Council's land ownership.

Health and Safety Executive Advice

The application site is located within consultation areas the Health and Safety Executive (Hazardous Installations Directorate) has previously provided to the Council for the nearby Gasholder site, by reason of the Hazardous Substance Consent for the storage of Natural Gas. It has stated in unequivocal terms that there are sufficient reasons on safety grounds for advising that permission should be refused for the proposed development. However, the owners of the Cloughfold Gasholder (National Grid) say it has been decommissioned and the Hazardous Substance Consent for the storage of Natural Gas is no longer required and it would have no objection to the Consent being revoked.

I concur with the view of the HSE that the proposed development should not be allowed to proceed unless and until the Hazardous Substance Consent for the storage of Natural Gas at Cloughfold Gasholder site has first been revoked. In light of what National Grid has said there is a reasonable prospect of the Hazardous Substance Consent being revoked. The Local Planning Authority can initiate the revocation procedure. The Legal Section advises that the Council would incur costs in the order of £1,000 (plus disbursements) in respect of this matter. I consider it appropriate that the applicant meet these costs.

Housing Policy

The Council's Core Strategy states that housing development within the Urban Boundary is not inappropriate and Rawtenstall is identified as the settlement in the Borough to have the largest number of additional houses to meet the Council's Housing Requirement for the period 2011-2026. The Core Strategy also expresses a preference for use of brownfield sites such as this, rather than greenfield sites; the target is for 65% of the overall amount of new dwellings to be on previously developed land. Accordingly, residential development of the site is considered appropriate.

Since approval of Application 2010/238, to extend the time limit by which implementation of Outline Planning Permission 2003/497 must commence, the Council has adopted the Core Strategy. Policy 4 requires that 20% of units on a brownfield site over 15 dwellings should be provided as Affordable Housing. As a total of 29 houses are being proposed the current scheme has a need for 6 units to be affordable to fully accord with this policy. For viability reasons the Applicant is proposing none of the units as Affordable Housing; this matter will be returned to below in the Section of the report entitled Planning Contributions.

Visual Amenity

There has been no significant change to the site of Whinberry View or its surroundings since the previous permission, beyond further deterioration of the buildings and growth of vegetation in unmaintained parts of the grounds.

Whilst the development of the site will entail removal of a number of trees, some sizeable, that are visible from Bacup Road I do not consider them to be so important to the character and appearance of the area as to require retention and some are of species which are not capable of retention in such close proximity to proposed houses. Trees/shrubs towards the rear of the site to

be removed are not of significant visual amenity and their removal will still leave a substantial wooded area rising up the bank beyond the rear boundary of the site. The applicant is proposing tree planting on the Bacup Road frontage which, with time, will go some way towards compensating for this tree loss.

Removal of tree and shrub cover towards the rear of the site will also, to a degree, impact on the wildlife value of the site. However, I have no reason to doubt the reports submitted by the applicant's ecologist which indicate that no bat roosts were found within the buildings to be demolished and trees removed, nor any badger setts within the site or 30m of it. This being the case, there is no reason to require retention of on-site vegetation, or compensate for its loss, for ecological reasons.

I was critical of the Layout/Design proposed by Application 2013/0532, considered that for this prominent 'gateway' site, viewable from the Bacup Road/Bocholt Way mini-roundabout, the frontage to Bacup Road required a building of more substantial size/presence in the street-scene than that scheme proposed; my suggestion was that the terraced block proposed adjacent to 166 Bacup Road be continued or duplicated over that half of the frontage nearest to Co-operation Street, rather than have dwellings on this corner face the side-street. This suggestion also had the virtue of safeguarding proposed rear gardens from traffic noise, distancing drives serving proposed houses from the Bacup Road/Co-operation Street junction and closing-off from such public view from the main road houses to be constructed in brick/render and the rear elevation of the existing terrace of houses that fronts to Wheatholme Street.

The current proposal does not take on-board my suggestion, but by acquisition of the site of 166 Bacup Road and proposing erection of a terrace of four town-houses I am satisfied that it does adequately address my wish to see building of more substantial size/presence on the frontage to Bacup Road. Whilst my preference would be for the dwellings fronting / visible from Bacup Road to be of natural stone and slate construction, I do not consider it would be unacceptable to use artificial substitutes for them so long as they are 'good' substitutes, reflecting the facing materials of the traditional buildings in the vicinity. On this basis, I consider it acceptable for the houses proposed towards the rear of the site to be constructed in brick/render - more reflective of the modern house form/facing materials of the properties on Lambton Gates - so long as the colours used are not too greater contrast.

I am not now so concerned about the use of gabion-baskets of stone to construct the retaining wall towards the rear of the site as a result of further details about its height. Most particularly that section nearest to Co-operation Street is not going to exceed 2m in height and will not be greatly seen as a result of the siting of the house on Plot 1 and the manner in which its side-garden can be screened. I consider it appropriate to require submission and approval of boundary treatments by way of a Condition.

Neighbour Amenity

I am satisfied that the development proposed on the Whinberry View land meets the Council's spacing standards and will not unduly detract from the amenities neighbours could reasonably expect to enjoy in terms of light, outlook and privacy.

With respect to Rossendale Restart land, the submitted Layout proposes the terrace of 4 town-houses has a gable 1.2m from the party-boundary with 2 Lambton Gates (at its nearest Point), whereas the existing building stands 3.2m from this boundary and is of less length and height. The neighbouring dwelling has its rear windows facing the party-boundary at a distance from it of approximately 10m and has a conservatory projecting to its rear by approximately 3m. The gable of the proposed building would be less than 12m from the rear windows of the neighbouring dwelling, contrary to the Council's spacing standards that seek a minimum separation of 13m

window-to-gable. I consider it appropriate to require that the proposed gable stand not less than 13m from the rear windows of 2 Lambton Gates. The proposed triple-garage and double-garage to have their backs to 4 and 8 Lambton Gates are to have an eaves height of 2.2m & ridge height of 4.5m and stand 0.35m & 0.45m higher than the rear gardens of the neighbouring dwellings respectively. I consider it appropriate to require that these proposed garages are not elevated above the level of the neighbours gardens to this extent.

Access/Parking

LCC Highways is satisfied that the local highway network can accommodate the traffic likely to be generated by the residential development proposed for the site. It is also satisfied that, with certain off-site highway works/an amended traffic regulation order for/in the vicinity of the Bacup Street/Co-operation Street junction, the proposal will be able to satisfactorily carry the additional traffic through the junction. Likewise it is satisfied that with slight widening of the verge to the west side of Co-operation Street and the provision here of additional areas of hardstanding for residents of the houses fronting Wheatholme Street on-street parking on the carriageway of Co-operation Street can be avoided. I concur with its view that this parking provision for existing residents needs to be made available prior to commencement of construction of the proposed dwellings.

Amendments to the proposed Layout requested by LCC Highways in the interests of highway safety and sustainability have been conveyed to the Agent. As an amended Layout has not (yet) been received that incorporates the changes requested I consider it appropriate to condition that :

- The pair of semi-detached houses to face Co-operation Street, next to its junction with Bacup Road, be provided with 2 off-street parking spaces (as they are 3-bedroomed), rather than the 1 space shown.
- The private drive shown as serving Plots 21-23 is provided in a form/to dimensions to enable its adoption by the Highway Authority, and the private drive to serve Plots 24-27 provided with a bin collection area/visitor parking spaces.
- The dwellings without garages are provided with a secure cycle store.

Planning Contributions

To accord with Policy 4 of the adopted Core Strategy 20% of the units proposed should be provided as Affordable Housing.

To accord with the Council's Open Space & Play Equipment Contributions SPD £39,614 should be paid.

Comments are awaited from LCC Education; in respect of Application 2013/532 it sought a contribution of £47,522 to provide the 4 primary school places the development of 23 houses was considered to require.

The Applicant advises that the proposed development will be unviable if required to provide contributions beyond :

- a) £1,200 to facilitate making of a Traffic Regulation Order; &
- b) £1,000 (plus agreed disbursements) to progress the revocation of the Hazardous Substance Consent for the storage of Gas at Cloughfold Gasholder site.

To substantiate this The Applicant has submitted a Financial Viability Appraisal, prepared by Eddison's.

At my request the District Valuation Office has audited the submitted Financial Viability Appraisal. In short, it has concluded that :

“.....Eddison’s Appraisal overstates the Finance costs applicable and also assumes a higher than appropriate profit aspiration.

Taking the above changes into account, in my opinion the scheme will be viable (producing a 17.94% profit on value) if Two affordable dwellings are incorporated (One Social Rented unit and One shared equity unit).”

I consider it appropriate for permission to be granted subject to a S.106 Obligation first being entered into to secure the contributions to progress the Traffic Regulation Order and revocation of the Hazardous Substance Consent and provision on the site of 2 Affordable Housing units; the latter to be of the tenure indicated and comprise of 1 3-bedroomed house & 1 4-bedroomed unit.

10. SUMMARY REASON FOR APPROVAL

The proposal entails redevelopment of a largely ‘brownfield’ site within the Urban Boundary of Rawtenstall, well related to the Town Centre and on a ‘quality’ bus route. Subject to the conditions and accompanying S.106 Obligation, the scheme will provide housing for which there is a local need without unacceptable detriment to visual and neighbour amenity, highway or public safety, or biodiversity. The proposal is considered to accord with Policies AVP4 / 1 / 2 / 3 / 4 / 8 / 9 / 19 / 23 / 24 of the Council’s adopted Core Strategy DPD (2011).

11. RECOMMENDATION

That Committee be minded to grant Permission subject to :

- a) A S.106 Obligation first being entered into to secure provision of not less than 2 of the proposed units as Affordable Housing and contributions to progress a Traffic Regulation Order and revocation of the Hazardous Substance Consent; &
- b) The Conditions below.

That, in the event that the S.106 Obligation is not entered into within a reasonable period, Officers have authority (in consultation with the Chair) to refuse permission.

Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason : Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
- 2) The construction of dwellings shall not commence until the Hazardous Substances Consent in respect of Cloughfold Gasholder has been revoked.
Reason : To ensure development of the site does not put people at unacceptable risk of harm, in accordance with the advice of the Health & Safety Executive and Policies 1 and 24 of the Council’s adopted Core Strategy DPD (2011).
- 3) Demolition of existing buildings on the site shall not commence until the Hazardous Substances Consent in respect of Cloughfold Gasholder has been revoked or, alternatively, a scheme has been submitted to and approved in writing by the Local Planning Authority for the retention/protection of the existing trees on/bounding the site and for restoration/ boundary treatment of the site until the Hazardous Substances Consent has been revoked. The approved scheme shall be implemented and adhered to.
Reason : To protect the character and appearance of the area, in accordance with Policy 24 of the Council’s adopted Core Strategy DPD (2011).

- 4) Demolition of existing buildings on the site shall not commence until there has been submitted to and approved in writing by the Local Planning Authority :
- a) A Construction Method Statement detailing the measures to be taken before and during demolition/remediation/construction works to avoid unacceptable noise, dust, vibration or other form of detriment/disturbance for neighbours and to avoid the deposit of mud/loose material on the highway; &
 - b) A Construction Management Plan detailing the siting and boundary treatment of the construction compound, material/plant storage areas and parking areas to be provided before and during demolition/remediation/construction works.

The development shall be undertaken in accordance with the approved Statement & Plan, and the timing / phasing arrangements embodied therein, or as otherwise first agreed in writing by the Local Planning Authority.

Reason : To ensure development of the site proceeds in a safe and satisfactory form, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

- 5) Vegetation clearance works or other works that may affect nesting birds, including ground nesting birds, shall be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections, the results of which have been agreed in writing by the Local Planning Authority.

Reason : To protect ecological interests in accordance with Policy 18 of the Council's adopted Core Strategy.

- 6) Prior to commencement of construction of dwellings the following shall be submitted to the Local Planning Authority:

- a) A Contaminated Land Phase II Report to assess the actual/potential contamination risks at the site for approval by the Local Planning Authority.
- b) Should the approved Phase II Report indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.
- c) The remediation scheme in the approved Remediation Statement shall then be carried out and a Site Completion Report detailing the action taken at each stage of the works (including validation works) shall be submitted to and approved in writing by the Local planning Authority prior to first occupation of any part of the development hereby approved.

Reason : To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Contaminated Land Phase I Report, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

- 7) Prior to commencement of construction of dwellings the verge to the west side of the existing carriageway of Co-operation Street shall be widened and the additional areas of hardstanding provided as parking for existing residents of the houses fronting Wheatholme Street.

Reason : In the interests of neighbour amenity and highway safety, in accordance with Policies 1 / 8 / 24 of the Council's adopted Core Strategy DPD (2011).

- 8) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Betts (ref: FRA237), dated October 2014, and the mitigation measures detailed within the FRA limiting the surface water run-off to 14.9 l/s for the 1 in 1yr storm and maximum of 31.4 l/s for the 1 in 100yr storm so that it will not exceed the run-off from the pre-development site and not increase the risk of flooding off-site. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements

embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason : To reduce the risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with the advice of the Environment Agency and Policy 19 of the Council's adopted Core Strategy DPD (2011).

- 9) Notwithstanding any indication on the approved plans, no dwelling approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 32 l/s. The development shall be completed, maintained and managed in accordance with the approved details.

Reason : To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding, in accordance with the advice of United Utilities and Policies 19 & 24 of the Council's adopted Core Strategy DPD (2011).

- 10) Notwithstanding any indication on the approved plans :

- a. the pair of semi-detached houses on Plots 19 & 20 shall be provided with 2 off-street parking spaces each.
- b. the private drive shown as serving Plots 21-23 shall be provided in a form/to dimensions to enable its adoption by the Highway Authority, and the private drive to serve Plots 24-27 shall be provided in a more regular shape, incorporating a bin collection area/visitor parking spaces.
- c. the dwellings without garages shall be provided with a secure cycle store.
- d. the gable of the house proposed on Plot 27 shall be not less than 13m from the rear windows of the dwelling at 2 Lambton Gates, and the triple-garage and double-garage to have their backs to 4 and 8 Lambton Gates shall have a floor level not more than 0.2m higher than the level of the neighbours gardens at the boundary.

Reason : In the interests of neighbour amenity and highway safety, in accordance with Policies 1 / 8 / 24 of the Council's adopted Core Strategy DPD (2011).

- 11) The construction of dwellings shall not commence until samples of the facing materials to be used in the construction of the houses hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason : In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

- 12) The dwellings hereby permitted shall be provided with protection from traffic noise that accords with the Recommended Mitigation Measures detailed in the Miller Goodall Environmental Services Noise Assessment (dated 21/10/14), in the case of boundary treatment between Plots 20 & 21 to take the form of a 2m high wall (not a fence).

Reason : To protect the amenities of occupiers of the proposed houses, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

- 13) Prior to first occupation of any house hereby permitted the proposed highway leading to it, including the works of improvement for Co-operation Street and shortening of the central island/provision of a right turn lane on Bacup Road, shall be completed to standards & specifications enabling their adoption by LCC Highways. Furthermore, prior to first occupation of any house its drive, parking & garaging spaces shown shall be constructed, drained, surfaced and delineated in accordance with the submitted details (drives/parking

areas to have a hard permeable surface avoiding surface water run-off to the highway), and (notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995, or any amendment, revocation & re-enactment of it) thereafter kept available for the parking/manoeuvring of vehicles, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : In the interests of pedestrian and highway safety, in accordance with Policies 1 and 24 of the Council's Core Strategy DPD (2011).

14) Prior to commencement of construction of dwellings details shall be submitted to and approved in writing by the Local Planning Authority in respect of boundary walls/fences/gates/hard-surfaced external areas and external lighting to be provided. All boundary walls/fences/gates/hard-surfaced external areas and external lighting forming part of the approved scheme shall be completed prior to first occupation of any dwelling, or with the timing / phasing arrangements first agreed in writing by the Local Planning Authority. Any planting forming part of the scheme shown on TPM Landscape Drwg No 1799-04-rev B shall be carried out in the following planting season, and any trees or shrubs removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : To ensure that the development will be of satisfactory appearance, in accordance with Policies 1 and 23 of the Council's Core Strategy DPD (2011).