

Application No: 2006/17

Application Type: Outline

Proposal: Application for Outline  
Permission for Residential,  
Industrial and Commercial  
Development

Location: Land off Holcombe Road,  
Helmshore

Report of: Development Control Manager

Status: For Publication

Report to: Development Control  
Committee

Date: 19 October 2006

Applicant : Modus Homes  
Agent : Matthews & Goodman

Determination Expiry Date:  
20 March 2006

**REASON FOR REPORTING**

**Tick Box**

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:  
Reason for Call-In:

More than 3 objections received

Other (please state) .....

DEPARTURE

**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.

**1.1 APPLICATION DETAILS**

The Site

This application relates to a broadly rectangular site of approaching 2 hectares in area.

Relatively modern detached and semi-detached residential properties occupy the higher land to the east and south of the site. The River Ogden and a terrace of houses fronting Holcombe Road (B6235) are situated to the west of it, with other residential properties and commercial premises (including those of Musbury Fabrics) to the other side of the main road. To the north side is a well-used public footpath which runs between the main road and the residential quarter to the east.

The site has been un-used for some years. Occupied by a derelict office building (2,200 sq m) and extensive hardstandings. The sole vehicular access to it is by means of a bridge over the river.

Whilst the site is overlooked to some extent from the backs of residential properties that surround it, mature trees bounding the river make views into the site from the main road very limited except at the vehicle access-point. There are also views across the site from the public footpath running along the north side.

### The Proposal

Outline permission is sought for a mixed-use scheme of re-development to provide 1,110 sq m of industrial space, 2,432 sq m of office space, 53 apartments and 18 houses. At this stage permission is sought for the access arrangements and layout of the site.

Although the matters of scale, appearance and landscaping are reserved for later consideration, the accompanying Design Statement and an illustrative drawing give a good impression of the overall form and appearance of the intended development.

The existing bridging-point will serve as the sole means of vehicular access. The access road having crossed the river will fork to the north and south. The arm projecting south will serve a courtyard-style residential development, with 2-storey houses to the rear of the existing terrace of houses fronting Holcombe Road and a 3-storey apartment block to the rear of the housing on Kingston Crescent.

The arm of the road projecting north will pass three blocks containing largely Commercial space (that block nearest the river also to contain a number of apartments), terminating in front of an Industrial unit with its back to the public footpath running to the north of the site.

The applicant has indicated that it is proposed to utilise a mix of traditional and contemporary materials, to give the proposed development an aesthetic character and identity that is unique, but complements its setting. Most of the trees bounding the river will be retained, a footpath being formed to its east side to connect the public footpath running to the north of the site with one running to the south of it. Tree/shrub planting is intended the north side of the proposed industrial building to help screen it from view from the public footpath.

## **1.2 Relevant Planning History**

In December 2003 an application proposing erection of six office blocks and 86 dwellings on the site was refused (2003/594). An appeal was subsequently dealt with

in respect of this matter. The appeal Inspector considered the determination of the appeal should turn on three main issues :

- a) The effect of the proposed housing development on the availability of land for employment purposes;
- b) The effect of development on the supply of housing land; and
- c) The suitability of the site for housing having regard to national planning guidance regarding access by modes other than the car.

In October 2004, following a public inquiry, the appeal was dismissed. The Inspector concluded upon the three main issues as follows :

- a) *"...although there is a surplus of employment land, there is insufficient evidence to show whether or not this particular site could be deleted without causing harm to the future interests of the local economy."*
- b) *"...I consider that planning permission on the appeal site would add unnecessarily to the short term supply of housing land in Rossendale."*
- c) *"...the distances to local services are not so great as to rule out housing development although I also consider that uncertainties about bus services are not adequately addressed ..."*

### **1.3 Policy Context**

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

DS1

E4

E7

E9/E10

E12

DC1

DC2

DC3

DC4

J3

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

Policy 1

Policy 2

Policy 7

Policy 12

Policy 14

Policy 17

Policy 20

Policy 22

Policy 24

#### Other Material Planning Considerations

PPS1

PPG3

PPG4

PPG13

PPG23

PPG24

PPG25  
RPG13

Draft RSS  
LCC Parking Standards  
RBC Housing Position Statement (Aug 2005)  
RBC Housing Land Position Monitoring Report (May 2006)  
RBC Housing Needs & Market Assessment 2004/2005

## 2. CONSULTATIONS

LCC (Planning) has no comment on the industrial unit proposed.

With respect to the proposed offices, it states that Policy 17 of the Structure Plan requires that such development be located within or adjoining town centres, or at transport hubs or public transport accessibility corridors within urban areas. The application site is located towards the edge of the settlement boundary of Haslingden and is not well-served by public transport. Accordingly, the proposal contravenes Policy 17 unless it can be shown that there are no sequentially preferable sites available.

With respect to the residential element of the scheme, it advises that the proposal is contrary to Policy 12 of the Structure Plan and, on the basis of the information before it, will contribute unacceptably to housing oversupply. It draws attention to Paragraph 6.3.13 of the Structure Plan, which reads as follows : “... *Where there is a significant oversupply of housing permissions, planning applications for further residential development may not be approved unless they 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 the Local Authority...*”. While noting that the current proposal is for a mixed-use development, it indicates that this Council needs to determine whether the proposal is justified in terms of these reasons.

In terms of landscape impact, it advises that : a) the site would be improved to an extent by the removal of the deteriorating building and present hardstandings; b) the general scale and layout of the development is appropriate to the character of the area; & c) although the plans show replacement tree-planting to the N, E & S boundaries, and within the site, the proposal still entails loss of a number of mature trees and will result in large areas of hardstanding for car parking/servicing within the development.

It further advises that, if permission is to be granted, a financial contribution of £172,584 should be sought from the applicant to address specific public transport and accessibility issues.

LCC (Highways) raises no objection in principle. However, it expressed concern about the adequacy of the existing bridge to serve the proposed development. It considers the scale/nature of uses proposed to require the provision of a carriageway to adoptable standard of a 7.3m in width, with a 2m wide footway to each side, and has at the junction with Holcombe Road visibility-splays of 4.5m x 90m in both directions. The existing bridge has a 6.3m wide carriageway, with a 1.5m footway to

one side and 0.5m wide verge to the other. It also considered the carriageway width/kerb radii at the point the proposed access road turns north to be inadequate for use by the HGV's that will need to make use of it. To address these matters an amended plan has been submitted which would result in the full width of the existing bridge being used as carriageway and a new pedestrian footbridge over the river provided to its north side. It also shows a more generous carriageway width/kerb radii at the point the proposed access road turns north. It remains to be satisfied that the existing bridge is of such structural integrity it would be suitable for adoption.

The Environment Agency initially objected to the application. However, having received an amended plan it has now withdrawn its objection, subject to conditions being imposed to avoid pollution of the river during the construction phase, ensure the buildings are constructed at a level to minimise the risk of flooding, and regulate works/planting in the vicinity of the river to enhance its wildlife value.

### **3. REPRESENTATIONS**

Helmshore Residents Association and a resident of Kingston Crescent have objected to the application, in part because of

what is proposed and in part because of lack of detail in respect of certain matters.

The following points are made :

- Lack of certainty about building heights/facing materials, so there is no way of knowing if this development will be in-keeping.
- The type of industrial/office use is not specified, and uncertainty about whether there will be any retail space.
- A courtyard-style development will serve to amplify noise disturbance for neighbours.
- Lack of certainty about building heights, although indicative cross-sections suggest the development will impinge on outlook from the ground-floor windows of houses on Kingston Crescent.
- Loss of 8 trees.
- They question the applicants contention that the site has good access to public transport and amenities.

Three other letters have been received from local residents, one with a petition bearing 13 signatures/8 addresses, expressing support for the proposal on the grounds that : the site is derelict; in desperate need of redevelopment; the current proposal is for a better balance of uses; & will assist a firm employing local people.

One further letter has been received from a local resident. They consider the reasons the Council and Planning Inspectorate refused Application 2003/594 are still valid. With respect to the current outline application, it is difficult to establish what is proposed - mention has been made of a public house.

Musbury Fabrics has written to formally record its support for the proposal, indicating that :

- The site is of poor appearance and has been a problem for local residents and them.
- As an employer of 75 people, its existing premises to the other side of Holcombe Road are not ideal for certain of their manufacturing and warehousing needs and wish to expand on a nearby site. Terms have been

agreed, subject to contract, to acquire the main industrial unit that is proposed. Its acquisition will strengthen the existing business and potentially create 8 new jobs.

#### **4. APPLICANTS CASE**

In support of the application the Applicant says :

- This un-used/prominent site has created problems with trespass/vandalism/arson and its re-development will result in visual improvement.
- The site is in a sustainable location, a bus stop in each direction within 30m of the site access. Furthermore, the applicant is willing to contribute £172,584 towards the up-grade of bus services serving the site, a new bus-shelter at each of these stops and to fund a scheme of subsidy of bus fares for new residents/employees on the site in accordance with a Green Travel Plan.
- The mix of uses proposed reflects the aspirations expressed by local residents in extensive consultations prior to submission of the application (evidenced by response questionnaires it has submitted).
- Permission will enable expansion of an important local company (Musbury Fabrics).
- The office building presently to be seen on the site is functionally obsolete and redevelopment of the whole site for employment purposes would not be commercially viable by reason of the location of the site and the abnormal costs likely to be incurred due to poor ground conditions.
- The applicant is willing to provide a percentage of affordable housing on the site.
- By comparison with the appeal proposal, the current application would result in a considerably greater amount of employment development/less housing.

#### **5. ASSESSMENT**

Having regard to the Appeal decision in respect of 2003/594 and prevailing planning policy, I consider the main issues to be considered in relation to this application are :

- 1) principle of the development;
- 2) housing policy;
- 3) residential/visual amenity; &
- 4) highway/traffic issues.

##### Principle

The application site lies within the Urban Boundary of Haslingden and, subject to the applicant entering into a Legal Agreement to ensure the financial contribution to deliver the improved bus services/facilities is obtained, I am satisfied that the site will be accessible by means of travel other than the private car. To this extent the re-development of this brownfield site is appropriate in principle and one of the reasons for dismissal of the appeal on Application 2003/594 will have been adequately addressed.

The physical condition/appearance of the building now to be seen on the site is such that I do not have reason to doubt the applicant when they say there is little prospect of it ever being refurbished and brought back into use. However, its lawful use is as offices, and the application site as a whole is allocated in the adopted Local Plan as an Existing Employment Site to be retained.

Accordingly, I do not consider there to be an objection in principle to either industrial or office development of the site, in whole or in part. Whether it is appropriate to allow residential development of the site, in whole or in part, is a matter addressed more fully in the section below, relating specifically to Housing Policy. However, it is appropriate to state at this point that the appeal Inspector did consider in Autumn 2004 whether it would be appropriate to allow any part of the application site for other than employment development and concluded "*there is insufficient evidence to show whether or not this particular site could be deleted without causing harm to the future interests of the local economy*". I am inclined to the view that the situation is now somewhat clearer than it then was, and that there is not now such a strong case against part of this site being developed for non-employment purposes. Firstly, following adoption of a new Structure Plan, LCC advised in July 2005 that the Rossendale District Local Plan allocates too much new land for industrial/office development for the borough as a whole. Secondly, other sites for development and redevelopment for employment purposes have recently been brought forward which are serving or will serve the western quarter of Haslingden (eg Kingsway and Snowking). Thus another of the reasons advanced by the Inspector for dismissal of the appeal in respect of Application 2003/594 has been satisfactorily addressed.

#### Housing Policy

The main issue which needs to be considered in relation to Housing Policy is that of housing over-supply.

Consistent with housing policy contained in national and regional guidance, Policy 12 of the Joint Lancashire Structure Plan (adopted March 2005) has resulted in a housing allocation requiring a reduced rate of provision for several Lancashire Districts over the period 2001-2016, including Rossendale. Policy 12 states that 1,920 dwellings are required to be built within the Borough between 2001 and 2016 in order to adequately house the Borough's population. It further states that these are to be provided at the rate of 200 dwellings per year until 2006 and 80 per year thereafter. Having regard to the number of dwellings which have been built since 2001, and to the number for which permission exists, LCC (Planning) is of the view that this Council should rigorously enforce a policy of restraint on proposals coming forward that will create additional dwelling units.

The Council's Housing Position Statement (August 2005) accepted the contention that the Council would over-shoot its housing allocation and the permissions now granted should be limited to those it set out :

*"Applications for residential development in Rossendale will be refused, on housing land supply grounds, in all but the following limited circumstances:*

*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."*

At its meeting in June 2006 Cabinet received a Housing Land Monitoring Report, setting out the latest position in relation to provision of housing. The report to Cabinet says of the Monitoring Report : *"It shows that the number of dwellings which have a valid planning approval exceed the requirements of the Joint Lancashire Structure Plan (JLSP). Anticipated completions have also been considered and this will significantly exceed the provision of just 80 that the JLSP requires on an annual basis for the period 2006 to 2016. The situation has not changed since the Housing Policy Position Statement, approved in August 2005."* Nor has the Draft Regional Spatial Strategy progressed to the stage that its contents can have greater weight than Policy 12 of the adopted Structure Plan and the Regional Guidance it was founded upon.

Accordingly, it is appropriate to consider the application in relation to the criteria of the Housing Position Statement. The application site :

- Does result in a significant number of additional dwelling units, comprising 18 houses and 53 apartments.
- Does not lie within the boundaries of either of the identified urban regeneration areas.
- Will not harm the character of any Listed Building or Conservation Area, etc.
- The "regeneration" credentials of the proposal will be dealt with separately below.
- The Applicant has provided written confirmation that they are willing to provide on-site 25% of the total number of units as Affordable Housing.

Thus, the proposal is contrary to certain of the criteria of the Housing Position Statement. Nevertheless, it is considered appropriate to consider whether the "regeneration" credentials and the element of affordable housing that is proposed warrant outline permission being granted in this instance as an exception to Policy 12 of the Structure Plan and the Council's own Housing Position Statement. I say this as the supporting text which follows Policy 12 of the Structure Plan reads as follows : *"Where there is a significant oversupply of housing permissions, planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project"*.

#### Affordable Housing :

The Council's own Housing Market Needs Assessment shows that there exists and will remain a significant need within the borough over the coming 4 years for Affordable Housing and special needs housing (as defined in PPG3 & Circular 6/98), which the private-sector will not of its own volition meet, nor the Housing Corporation or Registered Social Landlords be able to fund. The offer to provide on-site not less than 25% of the total number of dwelling units proposed as Affordable Housing, delivered through a Registered Social Landlord, would go a significant way towards

meeting an identified local housing need that would otherwise be unmet. It is, therefore, an important material consideration in the consideration of this application.

The Inspector in respect of the appeal for Application 2003/594 considered the provision of 86 dwellings on this site would “add unnecessarily to the short term supply of housing land in Rossendale”. That the current proposal reduces the total number of dwelling units to 71 would not of itself be sufficient to adequately address this reason for dismissal of the appeal in October 2004. However, the provision of such a significant element of those units as Affordable Housing would go a considerable way towards making a case for granting a permission as an exception to Policy 12 of the Structure Plan

#### Mixed Use Regeneration Project :

The existing buildings and hardstandings on the site detract to a degree from public visual amenity by reason of being visible for Holcombe Road through the access-point and from the public footpaths that run around it and to a greater extent from the outlook from the backs of surrounding houses. The application proposes an appropriate range of uses for the site, with each of a scale, to ensure that the proposal constitutes a mixed-use regeneration project. Implementation of the scheme in full would result in more than half the site being occupied by employment, rather than residential, uses. The applicant has confirmed terms have been agreed for Musbury Fabrics to occupy the intended industrial unit. Nevertheless, it would be necessary to condition any permission to ensure the scheme proceeds as a mixed-use development by way of a condition to preclude only the residential element of the scheme progressing.

#### Residential/Visual Amenity

I am satisfied the redevelopment of the site for residential and Class B1 industrial/office purposes, with the proposed layout, would not result in an unacceptable loss of amenity for neighbours or for the overall character and appearance of the area. Whilst the proposed layout will result in the loss of a few trees on the site, the majority are to be retained and the scope exists to undertake adequate compensatory planting.

The matters of scale/appearance of the buildings and of landscaping would, of course, be the subject of a further application.

#### Highway/Traffic Issues

The Highway Authority is satisfied that the local highway network can satisfactorily accommodate the traffic likely to be generated by the development. The matters of concern it originally raised about details of the scheme have either been addressed by way of amended drawings that have been received or can be addressed through conditions.

## **6. CONCLUSION**

Having regard to the above, I consider it appropriate to recommend that outline permission be granted for the submitted scheme as an exception to Policy 12 of the Structure Plan, subject to a S.106 and Conditions to ensure the development of the site is phased to provide a mixed-use, the Affordable Housing and the contribution towards public transport/accessibility improvements referred to above. The inter-play between issues needing to be dealt with within the S.106 agreement and Conditions is

such that Committee is requested to delegate authority to officers to formulate the wording of the their precise contents.

I would hope to be in a position to report upon the full wording of conditions on the Late Items Report, following further discussions with consultees and the applicant.

The nature and scale of the development is such that, if Committee is minded to grant a permission, before issuing the decision it will first be necessary for the application to be referred to the Government Office for the North West as a Departure in order that it may consider whether it wishes to call-in the application for its own decision.

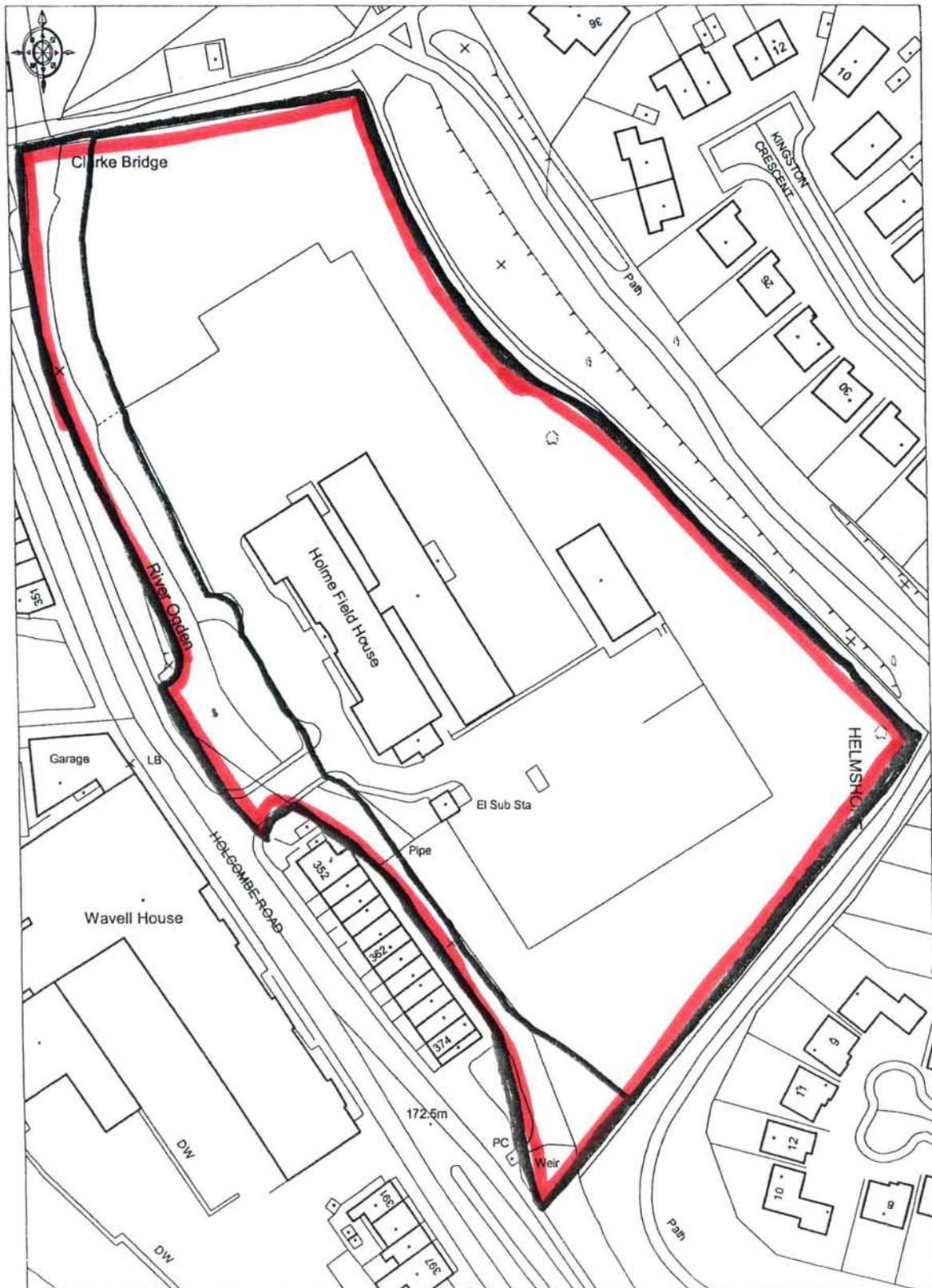
## **7. RECOMMENDATION**

- 7.1 That the Committee be minded to grant outline permission 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.
- 7.2 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 decision.

### List of Conditions

1. Time limit
2. Approved Plans
3. Submission of Reserved Matters
4. Phasing
5. Contaminated Land
6. Mitigating Flood Risk
7. Highway/Parking Matters
8. Drainage

| <b>Contact Officer</b> |                               |
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Ordnance Survey

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