

APPLICATION DETAILS

1. SITE

This application relates to a site of 0.5ha in area that is located to the NE side of Bacup Road (A681).

Formerly used as a depot by United Utilities Electricity PLC, the site is bounded to the north and east by the River Irwell and to the south by a terrace of residential properties (known as Rostrons Buildings). Several of the properties in this terrace have their front elevations facing towards the application site and are reliant for parking on the hard-surfaced area to their front. The terraced block on the opposite side of the main road to the site is in residential use apart from that property nearest to Highfield Road, which is occupied by a mortgage broker.

Behind the row of large/old cherry trees running along the site frontage is a 2.4m high metal palisade fence. Beyond this are self-seeded trees growing amidst large areas of concrete hardstanding, with 4m high red brick walls to the sides and rear.

Vehicular access to the former depot was via the gated entrance which can still be seen at the SE corner of the site and leads on to an un-adopted road connecting to the main road on the south side of Rostrons Buildings and which continues to serve a large electricity sub-station. Although the site is relatively flat, there is a drop of 4m-5m to the river, the embankment and bank-top possessing a dozen or so mature trees and a mix of scrub and grassland.

The site lies within the Urban Boundary of Rawtenstall, as designated in the Rossendale District Local Plan. Whilst the Local Plan contains no site-specific allocation for the application site, the land on the opposite side of the main road was identified as part of an Existing Employment Area (but Policy J3 is not a 'saved' policy).

2. RELEVANT PLANNING HISTORY

2006/134 Erection 12 Dwellings (Outline)

Refused and dismissed on Appeal; the Inspector concluded that to grant permission for the development proposed would cause unacceptably harm to the ability of the Council to manage the supply of housing land within the Borough.

2008/629 Temporary Compound & Construction of a Permanent Highway Access
Approved; extant until November 2011.

2009/334 Erection of 20 dwellings (Outline)

This application proposed erection of ten 2-storey houses, a bungalow and nine apartments in a 3-storey block, with a new access to Bacup Road, but was withdrawn by the Applicant prior to determination in order that they could address concerns raised by LCC (Ecology).

3. THE PROPOSAL

Considering that they have now resolved the ecology issue, the current application is essentially a re-submission of 2009/334. It seeks Outline Permission for the erection on the site of 20 dwelling units, together with details of Access, Layout and Scale. The matters of Appearance and Landscaping have been reserved for later consideration.

The main elements of the scheme are as follows:

- Construction of a new road that leaves Bacup Road towards the western boundary of the site before sweeping along the bank-top to the River Irwell and then turns south, terminating in a turning-head short; the old vehicular access is to be closed.
- Erection to the south side of the access-point of a terrace of four 2-storey houses - that house nearest to the main road to face towards it and the others to face towards the river.
- After the new road has turned southwards from the river a further six 2-storey houses will be erected to its west side and a bungalow and 3-storey block of eight apartments to its east side.

Each of the apartments is to be 2-bedroomed, contained within a building having an eaves height of 8.5m and a ridge height of 14m. It is to be served by communal garden / parking areas, with 13 parking spaces and a communal cycle-store and bin-store.

Each of the dwellings is to be 3-bedroomed and possess its own private garden space, to contain a shed/cycle-store. The houses would have an eaves height of 6m and a ridge height of 10m, whilst the bungalow would have an eaves and ridge height of 2.5m and 6m respectively. Eight parking spaces are to be made available to meet the needs of residents/visitors of the four terraced houses near the access-point, not all within their curtilages. The bungalow and 3 pairs of semi-detached houses will be provided with 12 off-street parking spaces, not all within their curtilages.

The Application is accompanied also by:

- A Design & Access Statement
- A Flood Risk Assessment
- A Ground Condition Report
- A Noise Assessment
- A Tree Report
- An Ecology Report

The Design & Access Statement states *“The scheme will make a contribution to affordable housing in as much as the Client will provide this in accordance with the Interim Housing Policy Statement”*. The Application is accompanied by a Draft S.106 Obligation indicating the affordable housing units will be passed to a Registered Social Provider in order that they can be made available as Social Rented Housing. The

Draft S.106 Obligation also refers to a Community Contribution, the Applicant having determined their site/proposal should make a contribution of £27,500 towards Transport Improvements to accord with the LCC Planning Obligations Policy.

4. POLICY CONTEXT

National

PPS1 Sustainable Development
PPS3 Housing
PPS4 Economic Growth
PPS9 Biodiversity & Geological Conservation
PPG13 Transport
PPG14 Unstable Land
PPG17 Sport & Recreation
PPS23 Pollution Control
PPG24 Noise
PPS25 Flood Risk

Development Plan Policies

Regional Spatial Strategy for the NW (2008)

DP1-9 Spatial Principles
RDF1 Spatial Priorities
L1 Health, Sport, Recreation, Cultural & Education Services Provision
L4 Regional Housing Provision
L5 Affordable Housing
RT2 Managing Travel Demand
RT4 Management of the Highway Network
RT9 Walking and Cycling
EM1 Environmental Assets
EM2 Remediating Contaminated Land
EM3 Green Infrastructure
EM5 Integrated Water Management

Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Criteria
DC3 Public Open Space
DC4 Materials
E4 Tree Preservation
E6 Ground Instability
E7 Contaminated Land

Other Material Planning Considerations

LCC Planning Obligations in Lancashire (2008)
RBC Submitted Core Strategy (2010)
RBC Interim Housing Policy Statement (2010)
RBC Strategic Housing Land Availability Assessment (2009)
RBC Strategic Housing Market Assessment (2009)
RBC Affordable Housing Economic Viability Assessment (2010)
RBC Open Space & Play Equipment Contributions SPD (2008)

5. CONSULTATION RESPONSES

Environment Agency

No objection in principle, subject to conditions.

Flood Risk:

The application site is located within Flood Zone 2. The previous application (2009/0334) was submitted with a Flood Risk Assessment that confirmed fluvial flood risk to the development would be acceptable based on minimum finished floor levels of 182.10m Above Ordnance Datum. A Condition to this effect is again recommended, together with a Condition to ensure discharges of surface-water to the river are limited to no more than the equivalent greenfield rate.

Ecology:

Notwithstanding the Recommendations set out in the submitted Ecology Report, to ensure best environmental practice and preserve and enhance the ecological value of the buffer zone alongside the River Irwell it seeks a Condition for its protection during construction and for its subsequent enhancement and management.

In addition, it : a) draws attention to the harm that may be caused by excessive lighting near to the river corridor (affecting the activity rhythms of both plants and animals, particularly bats); b) expresses concern about the suggestion of deadwood relocation; & c) provides advice on the need to treat Japanese knotweed.

LCC (Ecology)

In respect of the Ecology Report accompanying Application 2009/334 it concurred with its conclusions that site survey work had not been undertaken at the optimum time(s) of year and, consequently, there was a need to undertake further survey work. In particular, LCC (Ecology) considered the submission lacking in regard to survey work for the presence of *Otters* (a Protected Species), the Applicant's Ecologist having found potential holt and laying up areas near to the site, and was not satisfied that survey work had given adequate regard for *Open Mosaic Habitats on Previously Developed Land* (added to the latest list of Habitats & Species of Principal Importance).

It remains to be satisfied on these matters since the current application is accompanied by the same Ecology Report.

LCC (Highways)

No objection, subject to the funding by the Developer of a Traffic Regulation Order to ensure a 'no waiting at any time' restriction at the junction of the new road with Bacup Road.

LCC (Planning Contributions Officer)

Has requested a contribution of £82,879 towards the provision of additional Primary School Capacity and £9,600 towards Waste Management.

The development is considered likely to generate a need for 7 primary school places and, whilst there is presently no shortage of places, the Education Department forecast a shortfall in such places locally in 5 years time. The contribution towards

Waste Management has been calculated in accordance with the Policy Paper methodology and will be used to comply with significant new requirements and investments to minimise the need for landfilling of waste.

RBC (Regeneration)

To accord with the Council's Interim Housing Policy Statement 20% of the units on this site must be provided as Affordable Housing. Their provision for Social Rent through a Registered Social Provider is to be welcomed.

RBC (Environmental Health)

In respect of the Ground Condition Report accompanying Application 2009/334 it concurred with its conclusions that pollutants associated with historical activities on the site (and most particularly ash and clinker waste) may need to be dealt with prior to residential re-development. However, it was then satisfied that Outline Permission could be granted subject to a Condition to ensure that development does not proceed in advance of intrusive surveys/landfill gas monitoring to establish the need for and extent of any remediation/mitigation measures required.

The current application is accompanied by the same Ground Condition Report.

RBC (Drainage)

Has raised no objection to the proposed development.

Electricity North West Ltd

No objection in principle.

The development is adjacent to Electricity North West operational land or electricity distribution assets and must not encroach on / interfere with 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.

United Utilities

No objection in principle. A condition is recommended to ensure the site is drained on separate systems with only foul drainage connected to the foul sewer.

7. REPRESENTATIONS

To accord with the General Development Procedure Order the application has been publicised by way of a press notice on 17/12/10, site notices posted on 9/12/10 and 42 neighbouring properties were notified by letter on 17/12/10.

No comments have been received.

8. ASSESSMENT

The main considerations of the application are:

- 1) Principle;
- 2) Loss of Employment Land;
- 3) Housing Policy;
- 4) Access;
- 5) Layout;
- 6) Scale;
- 7) The Reserved Matters;
- 8) Contaminated Land;
- 9) Flood Risk;
- 10) Ecology;
- 11) Open Space Provision;
- & 12) Other Financial Contributions.

Principle

The site is located within the Urban Boundary of Rawtenstall, a Main Development Location, wherein the Council seeks to locate most new development. Furthermore, the site constitutes previously-developed land and fronts a main road, along which runs a 'quality' bus service.

Accordingly, the proposal is considered appropriate in principle.

Loss of Employment Land

On the Proposals Map of the Local Plan the application site is not designated as an Existing Employment site. However, having regard to its former use and designation of the land on the opposite side of Bacup Road as an Existing Employment site, the Council had Nathaniel Lichfield & Partners consider its suitability for employment development in 2009 as part of a Borough-wide Employment Land Study. It recommends that the site not be allocated for employment purposes in the preparation of the Local Development Framework.

Housing Policy

The application site is located within a Main Development Location, wherein the Council's Interim Housing Policy Statement (May 2010) states new residential development will be encouraged where:

1. It uses existing buildings/previously developed land; and
2. It makes an essential contribution to affordable housing; and
3. It is built at a density between 30 and 50 dwellings/hectare (where appropriate the higher density of 50 dwellings/ha will be expected);

OR

4. It is for solely affordable and/or supported housing.

In this instance the site is previously developed land and the proposal will result in its development at an appropriate density. The IHPS states that within a Main Development Location residential developments of more than 15 units should provide 20% of them as Affordable units (i.e. 4). Having regard to the mix/size of units proposed on the site it is considered appropriate to require that two be apartments and two be individual dwellings.

The Applicant has not yet confirmed that they are willing to provide this number of Affordable Units, but has submitted a Draft S.106 Obligation indicating their willingness to pass to a Registered Social Provider some units to be made available by them to local people as Social Rented Housing, the tenure favoured by the Council's Regeneration Delivery Manager.

I am satisfied that the scheme will result in a suitable mix of dwelling types/sizes/tenures, subject to the delivery of two of the apartments and two of the individual dwellings as Social Rented Housing the proposal will accord with Housing Policy.

Access

The Highway Authority considers the existing vehicular access to the site sub-standard and welcomes its closure. It is satisfied that the submitted scheme is proposing the optimum point on the Bacup Road frontage for formation of a new access. It seeks funding by the Developer of a Traffic Regulation Order to prevent parking/waiting in the vicinity of the new access-point. This will need to be referred to in the S.106 Obligation.

Layout

I am satisfied with the proposed layout. It ensures that those dwellings nearest to Bacup Road present their front elevations to public view, whilst the overall development satisfies the Environment Agency's wish for buildings and back gardens to stand 8+m from the bank-top of the River Irwell.

The submitted Tree Report identifies the row of Flowering Cherry trees on the frontage of Bacup Road to be the most prominent trees on the site. However, I concur with its view that they are reaching the end of their safe useful life expectancy and, as a result, are not particularly suitable for retention. The scheme will result in their loss. The report also refers to a row of trees along the north-westerly perimeter of the site that provide useful screening. Whilst the poplars in this group are said to be in a moribund state or dead, and therefore recommended for removal, the scheme allows for retention of the others. The self-seeded Birch and Willow saplings growing within the heart of the site are to be removed.

The Highway Authority is satisfied that adequate off-street parking is being proposed to meet the needs of residents of the proposed development and their visitors.

Scale

The buildings for the most part are to be of a height/bulk matching the traditional 2-storey housing in the vicinity. The houses within Rostrons Buildings will have outlook from their front windows directly towards the windows of the terrace of houses proposed near to the access-point. The separation distance of 20+m accords with the Council's normal spacing standards. The only building being proposed which will exceed 2-storeys is the 3-storey apartment block. To stand at the end of the site furthest from Bacup Road, it will not impinge upon the existing street-scene and will be 30m from the end house in Rostrons Buildings. This being the case I am satisfied the resulting development will not detract to an unacceptable extent from the character and appearance of the area or the amenities neighbours could reasonably expect.

The Reserved Matters

The matters of Appearance and Landscaping have been reserved for later consideration.

However, with respect to facing materials the Design & Access Statement indicates that the intention is to construct the terrace near to Bacup Road in natural stone, and the other buildings with artificial-stone, all under slated roofs. It is also stated that, whilst detailed design of the buildings construction is yet to be completed, it is the Client's aim to produce dwellings with an energy consumption of 25% less than required by the Building Regulations; the proposals will have BREEAM rating of either 3 or 4.

The Noise Report provides guidance on the need for double/acoustic-glazing, and fence specifications, to guard residents against in the houses/rear gardens of properties nearest to Bacup Road from traffic noise. The indicative details show the appropriate degree of enclosure for the front garden of the house nearest to Bacup and for rear gardens generally. There is an indication of tree planting that will be undertaken within the development.

Contaminated Land

Neither the Environment Agency or the Council's Environmental Health Unit have raised objection to the application on the grounds that the site is incapable of being developed in the manner proposed without risk of pollution of the river or risk to public health. In accordance with their wishes a condition is recommended to ensure that the development does not proceed in advance of intrusive surveys/landfill gas monitoring to establish the need for and extent of any remediation/mitigation measures required.

Flood Risk

The Environment Agency is satisfied that the site can be developed within itself being at undue risk of flooding or making flooding more likely elsewhere. Conditions are proposed to ensure the minimum slab-level for buildings it recommends and in respect of other drainage matters it and other consultees have commented on.

Ecology

The Habitat Phase 1 Extended Survey Report which accompanies this application goes beyond providing an overview of the ecological value of the site and of the wildlife habitat bordering the development area. However, it lacks survey information in a number of respects. LCC (Ecology) has reviewed the submitted Ecology Report and considers that there is need for further survey work in regarding water-related protected species, in particular otters, and habitat arising when previously-developed sites are allowed to naturally regenerate.

The Environment Agency has requested a Condition to ensure protection of the ecological value of the buffer zone alongside the River Irwell during construction, and for its subsequent enhancement and management. Compliance with this condition will require the additional survey work to be undertaken in relation to water-related protected species. Similarly, the proposed conditions will require that the additional survey work is done in relation to habitat arising on previously-developed land, and used to inform the Landscaping scheme which must be submitted and approved if residential re-development of the site is to proceed.

Open Space Provision

The proposed layout incorporates adequate ornamental open space as well as the buffer-zone bounding the river required by the Environment Agency. However, it does not provide the on-site play space to accord with the Council's approved Open Space & Play Equipment Contributions SPD. Accordingly, the SPD requires the payment of £27,320 towards provision/maintenance of off-site facilities to meet the need generated by the proposed development.

Other Financial Contributions

The Draft S.106 Obligation submitted with the application refers to a Community Contribution, the Applicant having determined their site/proposal should make a

contribution of £27,500 towards Transport Improvements to accord with the LCC Planning Obligations Policy.

Having regard to the sites position not far from Rawtenstall Town Centre, and fronting a main road along which already runs a 'quality' bus service, I consider that the Open Space & Play Equipment Contribution referred to in the preceding paragraph should be sought in lieu of the Transport Contribution. However, I do consider it appropriate that the S.106 Obligation require payment by the Developer of £1,200 to fund a Traffic Regulation Order (and associated works) to ensure a 'no waiting at any time' restriction at the junction of the new road with Bacup Road, as requested by the LCC (Highways).

LCC's Planning Contributions Officer has requested a financial contribution of £82,879 towards the provision of additional Primary School Capacity and £9,600 towards Waste Management. It has done so on the basis that the proposed development is likely to generate a need for 7 primary school places and, whilst there is presently no shortage of places, the Education Department forecast a shortfall in such places locally in 5 years time. The Waste Management contribution is said to be needed to comply with significant new requirements and investments to minimise the need for landfilling of waste.

I do not consider it appropriate to require the requested financial contributions of £82,879 towards Primary School Capacity and £9,600 towards Waste Management subject to a S.106 Obligation being entered into to ensure development of the site delivers Affordable Housing in full accordance with the Council's Interim Housing Policy Statement - that is to say two of the apartments and two of the individual dwellings.

In this instance the site is previously developed land and the proposal will result in its development at an appropriate density. The IHPS states that within a Main Development Location residential developments of more than 15 units should provide 20% of them as Affordable units (i.e. 4). Having regard to the mix/size of units proposed on the site it is considered appropriate to require that two be apartments and two be individual dwellings.

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle in the Urban Boundary of Rawtenstall and, subject to the accompanying S.106 Obligation and Conditions, the resulting development will secure the regeneration of a derelict/brownfield site in a manner that goes some way towards meeting the local housing needs and will not detract to an unacceptable extent from visual and neighbour amenity, highway safety or in respect of any other material planning consideration.

10. RECOMMENDATION

That Outline Permission be granted subject to:

- A S.106 Obligation requiring:
 - a) two of the apartments and two of the individual dwellings be provided as Affordable Housing of the tenure favoured by the Council's Regeneration Delivery Manager; &
 - b) payment of £1,200 towards making a Traffic Regulation Order (& the associated works) and £27,320) towards provision/ maintenance of off-site Play Space/Public Open Space.

- The Conditions which will be set out in the Up-Date Report.

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