

<b>Application No:</b> 2010/667		<b>Application Type:</b> FULL	
<b>Proposal:</b>	Erection of 87 dwellings and associated garages, bridge over river, roads & landscaping	<b>Location:</b>	Orama Mill, Hall Street, Whitworth
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	21 March 2011
<b>Applicant:</b>	Persimmon Homes Lancs	<b>Determination Expiry Date:</b> 8 April 2011	
<b>Agent:</b>			

**REASON FOR REPORTING** **Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:  
Reason for Call-In:

**3 or More Objections received**

**Other** (please state) ..... **Major/Council Land**

**HUMAN RIGHTS**

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

**Article 8**

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

**Article 1 of Protocol 1**

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

**APPLICATION DETAILS**

**1. The Site**

This application relates to a site having an area of 3.4 hectares, through which runs the River Spodden.

The principal part of the application site (2.5ha) is situated to the west side of the river. It was until recently occupied by Orama Mill, comprising of early 20<sup>th</sup> Century red-brick buildings ranging in height up to 5 storeys and later buildings of more modern design/facing materials. The only part of these buildings now remaining is the tower on which telecommunication apparatus is attached. This part of the application site takes vehicular access from Hall Street via a road shared with Hallfold United Reformed Church (& its childrens nursery/playgroup) and is bounded by the complex of buildings at Whitworth Community High School on the higher ground to the west and by the school playing fields on the higher ground to the north.

The remainder of the application site (0.9m) is situated to the east side of the river. The Council owns part of this relatively long and thin belt of land, which extends up to Cowm Park Way South and contains a belt of mature trees that fronts Hall Street. Although this area appears 'green' in character when viewed from beyond its boundaries, there is a hardstanding within it that was formerly used for car parking by the mill on the opposite side of the river.

## **2. Relevant Planning History**

### Application 2007/375

At its meeting on 18 September 2007 Committee considered an application for this site from Redrow which sought Outline Permission for its residential redevelopment with 123 dwellings, and for their layout, scale and access arrangements; only the matters of appearance and landscaping were reserved for later consideration.

In short :

- The scheme proposed erection of 9 1-bedroomed apartments, 28 2-bedroomed apartments, 46 3-bedroomed townhouses, 17 4-bedroomed townhouses and 23 4-bedroomed detached houses, none of which were to be 'affordable housing'.
- The dwellings to the west side of the river were to be contained within buildings ranging between 2 and 3 storeys in height, and were to be served by a road joining Cowm Park Way South (requiring construction of a bridge over the river), the existing vehicular access to Hall Street retained as an emergency-access.
- To the east side of the river dwellings were to be contained within two buildings of 3/4 storeys in height, one to each side of the new estate road, to be served in one case by an access to Hall Street and in the other case by two accesses to Cowm Park Way South.

In accordance with the Officer Recommendation, Application 2007/375 was refused for the following reasons :

1. The proposed development would contribute towards an inappropriate excess in housing supply provision and would provide no affordable housing.

2. The proposed development would result in the loss of an existing employment site, to the detriment of employment land supply within the Borough.
3. The proposed development would contribute to an inappropriate excess of housing, fail to maintain a balance between employment and housing in Whitworth, contrary to the hierarchy of settlements of the Joint Lancashire Structure Plan.
4. Insufficient evidence has been provided to demonstrate that the proposed development would not result in an unacceptable risk to flooding.
5. The proposed development incorporates insufficient internal separation distances between properties, resulting in unacceptable overlooking.
6. The proposed access onto Hall Street would be unduly close to its junction of Hall Street with Cowm Park Way South and would have sub-standard visibility splays.
7. Insufficient evidence has been submitted to demonstrate that adequate provision for public open space either within the site or through an off-site financial contribution would be provided.
8. The proposal is contrary to the Planning Obligations Policy Paper (2006) adopted by Lancashire County Council and Rossendale Borough Council as no S.106 contribution towards Transport and Library provision is being proposed.

#### Application 2008/386

At its meeting on 19 August 2009 Committee considered a re-submitted application for this site from Redrow which sought Outline Permission for its residential redevelopment with 105 dwellings, and for their layout, scale and access arrangements; only the matters of appearance and landscaping were reserved for later consideration.

In short :

- The scheme proposed erection of 39 2-bedroomed units, 38 3-bedroomed units and 28 4-bedroomed units. The 2-bedroomed units were to take the form of bungalows, flats and mews dwellings, whilst the 3 and 4-bedroomed units were to take the form of mews and detached dwellings.
- Twenty-one of these dwellings were to be provided as 'affordable housing', 17 in the form of 2-bedroomed flats and 4 4-bedroomed houses. The affordable housing to be provided on the site - amounting to 20% of the total number of units, but with a cap on the subsidy for them of £750,000 - were to be passed to a Registered Social Landlord for occupancy on a shared-ownership basis.
- The dwellings to the west side of the river were to be contained within buildings ranging between 2 and 4 storeys in height. The 3 and 4 storey buildings were for the most part sited along the western boundary where they would be backed by land that rises steeply up to Whitworth Community High School and included

apartments. These dwellings were to be served by a road joining Cowm Park Way South (and requiring construction of a new bridge over the river), the existing vehicular access to Hall Street retained as an emergency-access.

- To the east side of the river nine bungalows were to be erected, three to be sited to north of the new estate road and served off a single access to Cowm Park Way South and the others to be sited to the south of the new estate road and served off two accesses to Cowm Park Way South.
- The scheme had been amended in a manner which the Environment Agency considered addressed its previously-expressed concerns regarding flood risk and the need to preserve/enhance the wildlife and landscape value of the River Spodden corridor. This and the other open spaces to be provided within the site were to be maintained by the Applicant's own management company.
- The sum of £105,000 (ie. £1k per dwelling) was to be given to the Council to expend on off-site Public Open Space/Play Provision.
- Notwithstanding that the Highway Authority had accepted the conclusions of its Transport Assessment, which showed the local road network to be capable of accommodating the traffic generated by the development without causing undue delay for other road users, it offered to the Council the sum of £105,000 towards off-site Highway works/Transport improvements (including improvement works at the junction of Hall St/Market St) , and a further £30,000 towards enhancement of Library/Youth & Community facilities/services.

The Officer Recommendation in respect of Application 2007/375 was for refusal for 2 reasons :

1. The proposal does not accord with the Council's Interim Housing Policy Statement (July 2008), which sets out the housing policy for Rossendale in respect of housing land supply and the requirements to provide affordable housing. Most particularly the application does not propose adequate and appropriate affordable-housing provision. As such it is contrary also to PPS3 and Policy 12 of the Joint Lancashire Structure Plan.
2. The proposed development would be contrary to the hierarchy of settlements (which seeks to ensure that development within Whitworth reflects its position within the hierarchy below the "main development location" of Rawtenstall / Haslingden / Bacup), failure to maintain the balance between employment and housing within Whitworth and, as such, represents an unsustainable form of development, not least by reason of the inadequate local needs/affordable housing it proposes and consequential travel movements it will generate. The proposed development is therefore contrary to PPS1 & PPG13 and Policies 1 & 5 of the Joint Lancashire Structure Plan.

In amplification of Reason for Refusal 1, the IHPS of July 2008 indicated a requirement for 30% of the units proposed for the site to be Affordable Housing, rather than the 20% being offered. Furthermore, Officers were not satisfied that with a cap of

£750,000 upon the subsidy to be applied towards the provision of the affordable units being offered they would be truly 'affordable' for those in local housing need. The Committee decided to defer decision upon the application to a future meeting to enable the Applicant to submit more detailed information to show that when this level of subsidy was spread across 20% of the units on the site they would be truly affordable for those in local housing need. Redrow submitted no further information to address this concern.

### **3. Proposal**

This application from Persimmon seeks Outline Permission for residential redevelopment of the site with 87 dwellings, and for their layout, scale and access arrangements; only the matters of appearance and landscaping are reserved for later consideration.

In short :

- The scheme proposes erection of 10 2-bedroomed units, 14 3-bedroomed units, 55 4-bedroomed units and 8 5-bedroomed units. All of the houses are to be 2 or 2 1/2-storeys in height, with 12 semi-detached and the rest detached.
- Twelve of the units are to be provided as 'affordable housing' (ie 14% of the total number of units), to be in the form of 8 2-bedroomed and 4 3-bedroomed houses. The affordable housing is to be secured via a S.106 Agreement that ensures its first and subsequent sale is at 70% of open market value to families meeting a local needs test.
- The dwellings to the west side of the river are all to be detached buildings, some with integral garages and others with freestanding garages. These dwellings are to be served by a road joining Cowm Park Way South (requiring construction of a new bridge over the river). The existing vehicular access to Hall Street is to be retained as an emergency-access for vehicles, but serve at other times only as a pedestrian/cycle route that runs alongside the river before connecting to Cowm Park Way South via the main estate road. The houses nearest to the river will face towards it.
- To the east side of the river, rather than the 9 bungalows proposed by the last scheme, this application proposes erection of 20 houses, including the 12 semi-detached houses. Six of the houses are to be sited to north of the new estate road and served off a single access to Cowm Park Way South, with their fronts facing towards the river and their rear elevations/rear gardens/parking facilities nearer to Cowm Park Way South. The other 14 houses are to be sited to the south of the new estate road and served off two accesses to Cowm Park Way South and 1 to Hall Street. Half of these houses will face towards the river and, although requiring felling of a significant number/proportion of the belt of trees bounding Hall Street, will largely retain a line of trees to hide their rear elevations/rear gardens from public view from Hall Street and Cowm Park Way South. The other half of these houses vary in their orientation to the river and Cowm Park Way South.
- The Application Form and Design & Access Statement indicate the intention is to construct the houses with 2 variations of red brick, under grey tiled roofs.

Security is to accord with the recommendations of 'Security by Design'. Each house will have a private rear garden and to the front a clearly-defined semi-private space. Likewise, car parking is to take place within garages or made safe through natural surveillance from the house/highway. The scheme averages 2 parking spaces per house with a minimum of 1 space per 2-bedroomed dwelling and generally 2 spaces for dwellings of 3+ bedrooms.

The application is accompanied by various Reports :

#### Transport Assessment

It concludes that the local highway network (most particularly the Market St/Hall St junction) presently has the capacity to accommodate the additional traffic generated by the proposed development without causing undue delay for other traffic, and this will remain so with erection of the 45 houses permitted at the Eastgate site (Outline Permission 2010/433) and projection of the traffic flows forward by 10 years. The proposed access-points are satisfactory in terms of highway safety and the internal road network accords with LCC (Highways) standards and specifications. This Report includes LCC's Accessibility Questionnaire which identifies the site to be of 'medium' accessibility to town centre shops/services/schools by means of travel other than the private car.

#### Flood Risk Assessment

It concludes that part of the site is within Flood Zones 2 & 3. To adequately minimise/mitigate flood risk from the River Spodden and Millers Gutter there will be a need to :

- Set minimum levels for the houses and bridge-crossing proposed.
- Modify the river channel and walls upstream of the bridge-crossing.
- Regulate the rate at which surface-water runs from the site to the river.

#### Ecology Report

It states that the application site is not a statutorily Protected Site, although Healey Dell Nature Reserve is not far away. In terms of Protected Species, no evidence was found of Otters, Water Voles or Badgers, although the river and adjacent woodland hereoffer low/moderate opportunities for Bats and good nesting and feeding opportunities for Birds. Accordingly, it concludes that the site can be developed for residential purposes provided the appropriate mitigation measures it sets out are followed (including use of a box-culvert to form the bridge-crossing). To enhance the ecological value of the river corridor and its associated woodland it recommends, amongst other things : incorporating bat roosting boxes beneath the bridge-crossing; formation of a fish-pass within the river; treatment/control of alien species (eg Japanese Knotweed); development stand-off Millers Gutter by a minimum of 3m; and trees be retained as far as practicable, except for replacement of Sycamores with riverside/woodland edge planting of value for bat foraging/breeding birds.

#### Tree Report

It maps and assesses 52 individual trees and 17 groups of trees on the site, indicating no tree to be of more than Category C value - that is to say of a condition/value to enable/merit retention until replacement planting is established (10+ years). It indicates the proposed scheme to result in removal of 15 trees, and 6 groups in total and 5 groups in part, some by reason of their condition/species suitability within the context of the development and some to accommodate it. With respect to those trees

to be retained the Report details Root Protection Zones if harm to them is to be avoided by the development.

In support of the proposal the Applicant states :

- The case for retention of the Orama Mill site for employment has been the subject of much reporting and assessment in relation to previous applications and these reports concluded it not to be an economically sustainable solution.
- The residential development of this site will help the Council meet its annualised RSS housing allocation and accord with its requirement to minimise use of Greenfield land.
- It is likely that construction of the 87 houses proposed would take place over 4 years and, accordingly, still allow other housing development in Whitworth to proceed without undermining the strategy for the distribution of new housing set out in the Council's Submitted Core Strategy (December 2010).
- The application proposes a density of housing that is appropriate having regard to the constraints on the site, a mix of house sizes/types appropriate for the area and, having regard to the current economic climate, the affordable housing being offered is also appropriate.
- The scheme has been designed having regard to the constraints and features of the site, including the drainage easement adjacent to Cowm Park Way South, the opportunity to have housing facing the river and enhancement of its ecological value and the retention of existing trees as screening and for their amenity value.

#### **4. Policy Context**

##### **National Guidance**

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

##### **Development Plan**

###### **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
EM1	Environmental Assets
EM3	Green Infrastructure
EM5	Integrated Water Management

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

DS1	Urban Boundary
E4	Tree Preservation
E6	Ground Instability
E7	Contaminated Land
DC1	Development Criteria
DC3	Public Open Space
DC4	Materials
H3	Land for Residential Development
T14	Roads in Major Residential Sites

### **Other Material Planning Considerations**

DfT	Manual for Streets (2007)
LCC	Creating Civilised Streets (2009)
LCC	Planning Obligations in Lancashire (2008)
RBC	Submitted Core Strategy DPD (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)
RBC	Employment Land Study by NLP (2009)

## **5. CONSULTATIONS**

### **Environment Agency**

#### **Object**

The Flood Risk Assessment by WYG dated December 2010 is broadly acceptable in terms of identifying flood risks to the proposed development. However :

Section 2.2 has identified that there is no information in relation to the route, size, condition or capacity of the culverted part of Millers Gutter. The FRA states that the culvert is not within the application site but identifies the need to ensure that potential overland flows need to be considered in the design of the development.

Section 2.3.1 notes that information from the Environment Agency river model had not been received at the time the FRA was written. However, WYG have assessed the risk based on their own localised model. Whilst we have no objections to this, it would be advisable to compare results with the EA model before any proposed floor levels are set.

If your Council is minded to approve the above application despite our OBJECTION, we request that we are able to make further representation on **Flood Risk and Land Contamination**.

Additionally we OBJECT to the proposed development due to **Ecological concerns** based on the submitted site layout (drwg. 2405-100 Rev.D) because there is an inadequate buffer zone to the River Spodden wildlife and wooded corridor in the south east portion of the site, specifically unit 20 and the access road to this.

This current layout is also seemingly contradictory to the submitted ecological

assessment of the Orama Mill site (ERAP, Dec 2010), whose overall emphasis is about protecting and enhancing the River Spodden corridor and linking woodland; the main ecological asset of the site.

### **United Utilities**

No objection in principle provided the following conditions are met :

1. No foul water to drain other than to a foul sewer, and no surface water to discharge to a foul or combined sewer.
2. A public sewer crosses the site and is not to be built over. It will require an access strip width of 13m (ie 6.5m either side of its centre line).
3. A public water main crosses the site. Its operation and maintenance require that development not occur in close proximity to it. A modification of the site layout, or diversion of this main (at the applicant's expense), may be necessary.

### **RBC (Environmental Health)**

The Consultant employed by the Environmental Health Section to review the Ground Condition information accompanying the application advises that :

- The submission has identified several sources of contamination (including tanks and an in-filled reservoir within the western part of the site and a refuse tip within the eastern part) with unknown wastes in terms of their nature and scale.
- The submitted report does not provide sufficient information to demonstrate that the risks from contamination for residential re-use of the site are understood and can be reduced to an acceptable level.

Therefore, in line with PPS23, it **recommends refusal** of the application.

### **RBC (Housing)**

Discussion has taken place with the Applicant regarding the costs of 'clean-up' associated with the re-development of the site and provision of a bridge over the river, etc. Having regard to these matters, and the present economic climate, it is not considered unreasonable for the Applicant to have offered to provide 14% of the units on the site as Affordable Housing (rather than the 20% required to accord fully with the Council's Interim Housing Policy Statement) so long as the S.106 Obligation secures delivery of not less than 12 units of the size/form and tenure/terms discussed :

- 8 2-bedroomed and 4 3-bedroomed houses.
- First and subsequent sales to be at 70% of open market value to families meeting a local housing needs test.

### **Whitworth Town Council**

No objection to the application. However, should the application be approved, it seeks assurance that any associated S.106 monies are to be spent within Whitworth and requests that the Town Council be involved in decisions about how they are spent.

### **LCC (Highways)**

With respect to the earlier applications for the site referred to above (including that for 123 dwellings), the Highway Authority advised that it was satisfied that the local road network could accommodate the traffic likely to be generated by residential re-development of the site, but would have concerns about its suitability for redevelopment for a use generating HGV movements.

Written comments on the current application are awaited in relation to both :

- a) if/what financial contribution towards off-site Highway works/Transport improvements (including improvement works at the junction of Hall St/Market St, and bus/cycleway improvements) may be required by the development now proposed; &
- b) the form of the development now proposed on the site.

In respect of the former, the last application would have resulted in payment of a sum of £105,000. In respect of the latter, in recent discussions with the Applicant LCC(Highways) advised that the submitted scheme was unacceptable. Whilst a number of its concerns could be easily addressed by clarifications/adjustment, others would require more substantial amendment of the scheme. Most particularly, it would at present have to **recommend refusal of the application for highway safety reasons** on the basis of the number/positions of access-points now being proposed to Cowm Park Way South/Hall Street and due to the inadequate number/sub-standard form of parking spaces

#### **LCC (Contributions)**

The last application would have resulted in payment of a sum of £30,000 towards enhancement of Library/Youth & Community facilities/services.

Written comments on the current application are awaited.

## **6. REPRESENTATIONS**

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice on 21/1/11, site notices posted on 13/1/11, together with letters to occupiers of neighbouring properties on 13/1/11.

#### **Hallfold United Reformed Church**

In favour of residential re-development of the Orama Mill site. However :

- The Church is in daily use as a pre-school nursery play group and after-school club, and at weekends as a place of worship.
- Any increase in traffic movements in the vicinity of the Church would lead to an increased risk in injury. The new bridge being proposed should be constructed as early as practicable and used to access the site for construction vehicles/ staff vehicles.
- It is noted that the Developer intends to connect to the foul sewer in Hall Street by construction of a connecting sewer beneath the access road running to the side of the Church. Arrangements will need to be made to ensure that vehicular access is maintained for Church services, weddings and funerals. No construction work should be allowed on the site during services.

- It is not clear whether the Developer is aware of the culvert that runs beneath the Church and then joins the river, and which the proposed foul sewer will cut across.

### Local Residents

Occupiers of The Manse, which bounds the site on the south side, express the following concerns :

- There are already in excess of 180 properties in Whitworth presently for sale. Reducing the scale of the development and phasing it over a number of years would help address this.
- Will significantly increase the population of Whitworth. Services in Whitworth are already 'stretched' in relation to Doctors, Dentists, Police & Local Schools. The nearby primary school is understood to have no playing fields - could part of the Orama Mill site be used to address this.
- The road system will be unable to cope and safety issues arise. In the immediate vicinity of the site is a high school, a primary school, a playgroup and after-school club. There are sections of Hall Street where not only is the footpath narrow on one side, but it is non-existent on the other. The access proposed to Hall Street is just yards from the junction with Cowm Park Way South.
- Would not wish their security diminished by removal of the 8-9ft high Orama Mill fence near the party-boundary, nor others endangered by its removal where parallel to Millers Gutter (the watercourse extending along the southern boundary of the site).
- One of the proposed dwellings is close to their boundary, where the ground is lower. Appropriate measures will be required to avoid subsidence, with implications also for their boundary hedge and trees next to it.
- The proximity of proposed houses and gardens to them is a cause of concern with regards to privacy and security. A garage appears to stand over a culverted section of Millers Gutter immediately adjacent to them, which is considered unsafe and impractical.
- The development will have immediate effect on the natural habitat, most particularly, areas of woodland, and there may be badgers on the site.

Another local resident comments that :

- The development is too large and will irrevocably alter the character of this part of Whitworth.
- Whitworth has been the subject of too much new development recently and there is no need for more - many of these properties remain empty/unsold after many years.

- It will place intolerable pressure upon the road system/infrastructure.
- While some development of the site is probably desirable this should be no more than, say, 30 homes.

The owner of a small plot of open land on the opposite side of Cowm Park Way seeks assurance that the Developer will not make use of it, and that the development will not narrow the river/cause flooding or diminish the value of his land. They also question “what added value is the developer contributing to the benefit of the Whitworth area” - the nearest play area is quite a distance away. They also ask how likely is it that a mobile phone mast will need to be erected nearby.

## 7. ASSESSMENT

Since the last application for the residential re-development of this site (2008/386) was reported to the meeting of the DC Committee in August 2008 the Policy Context has changed in a number of respects. Most particularly :

- a) the Regional Spatial Strategy (September 2008) has replaced the Joint Lancashire Structure Plan;
- &
- b) this Council has undertaken/commissioned work to up-date its understanding of housing provision/needs and employment provision/needs and used their findings to up-date the Interim Housing Policy Statement (May 2010) and Submitted Core Strategy DPD (December 2010).

The main considerations of the application are :

- 1) Principle; 2) Loss of Employment Land; 3) Housing Policy; 4) Flood Risk / Contaminated Land; 5) Visual Amenity; 6) Neighbour Amenity; 7) Access / Parking; 8) Ecology; 9) Open Space Provision; & 10) Other Financial Contributions.

### 1) Principle

The site is located within the Urban Boundary of Whitworth, is not far from its centre and a main road along which runs a ‘quality’ bus service, and constitutes previously-developed land.

To this extent, the proposal is considered appropriate in principle.

### 2) Loss of Employment Land

On the Proposals Map of the Local Plan the bulk of the application site is designated as an Existing Employment Area and, as such, Policy J3 expressed a presumption in favour of this use remaining. However, Policy J3 is not a ‘saved’ policy. Furthermore, 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 be released for alternative use on the basis that, although of

good size/shape, it lacks a main road frontage (limiting its visibility) and is close to sensitive uses, including a school.

Since consideration of the last application by Committee most of the buildings on the site have been demolished. I am also mindful that the site is not well-served by roads that are designed for HGV use (or could easily be made so).

Having regard to the above I do not consider a refusal of the current application on the basis that the proposal will result in loss of an employment site could be substantiated.

### 3) Housing Policy

Policy 3 of the recently Submitted Core Strategy DPD identifies Rawtenstall for the largest number of additional houses (30%), but nevertheless identifies Bacup/Haslingden/Whitworth for a significant number of additional houses (48% of the Borough's overall requirement). This being the case I do not consider the provision of the 87 units that will result from the proposed development to be inappropriate for Whitworth.

Policy 4 of the recently Submitted Core Strategy DPD indicates that on a Brownfield site of 15 or more dwellings, such as this, there is a requirement to provide 20% of the units as Affordable Housing. The Council's Interim Housing Policy Statement accords and amplifies upon this. Within the Urban Boundary of Whitworth it indicates that residential development will be encouraged where :

1. It uses existing buildings/previously developed land; and
2. It makes an essential contribution to affordable housing (20% on brownfield sites over 15 dwellings); and
3. It is built at a density of not less than 30 dwellings per hectare; and
4. It will not undermine the focus for most residential development to be in the main development locations & regeneration priority areas;

OR

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

In this instance, the site is previously developed land, the proposed development will not undermine the focus for most residential development to be in the main development locations/regeneration priority areas and will result development at an appropriate density. The IHPS states that 20% of the dwellings should be provided as Affordable units, unless the case for provision of less than this has been made by the Applicant.

Discussion has taken place with the Applicant and RBC (Housing) regarding the costs of 'clean-up' associated with the re-development of the site and provision of a bridge over the river, etc. Having regard to these matters, and the present economic climate,

RBC (Housing) is satisfied with the Applicant's offer of 12 units on the site as Affordable Housing so long as the S.106 Obligation secures delivery of them as :

- 8 2-bedroomed and 4 3-bedroomed /5-person houses.
- First and subsequent sales at 70% of open market value to families meeting a local housing needs test.

Unlike the previous application, the current scheme proposes the erection of no apartments or buildings of 3 and 4 storeys. As a consequence the number of dwelling units proposed on the site is less. Nevertheless, I am satisfied that the scheme will result in a suitable mix of dwelling types/sizes/tenures.

#### 4) Flood Risk / Contaminated Land

Neither the Environment Agency or the Council's Environmental Health Unit/Consultant raised objection to the last application on the grounds that the site was incapable of being developed for residential purposes without unacceptable risk of flooding, pollution of the river or risk to public health.

This remains the case. However, both the Environment Agency and the Council's Environmental Health Unit/Consultant have recommended refusal of the current application due to deficiencies in the submitted scheme and the documentation to justify it.

#### 5) Visual Amenity

The buildings for the most part are to be of a height/bulk matching the traditional 2-storey housing in the vicinity, those which are not possessing a little additional height/front dormer to illuminate usable space within the roof void. Likewise, the topography of the area and limitations on public view into the site mean I am not unduly concerned with the applicants wish to use red brick for most of the units.

With respect to the part of the site to the east side of the river I am broadly satisfied with the proposed layout and house types. With respect to the facing materials I am satisfied that use of brick will not result in the development appearing unduly prominent or intrusive, so long as those units nearest to the river are more appropriately handled. Amended drawings are awaited that will address certain of my concerns and conditions could be used to address the matters then outstanding.

With respect to the part of the site between Cowm Park Way South and the river I consider the submitted layout to be unacceptable, entailing loss of too great a part of the belt of trees fronting Hall Street and a somewhat confused arrangement of dwellings near to the main estate road to be formed. The latter dwellings will relate poorly to Cowm Park Way South, will appear all the more prominent and intrusive if entirely of brick construction and will serve to prevent/limit public view to the fronts of the houses to the other side of the river and arranged to face the river/be seen over it from Cowm Park Way South

Accordingly, the submitted scheme is recommended for refusal.

#### 6) Neighbour Amenity

The site is bounded to the West and North by Whitworth Community High School, which is at a significantly greater height. Accordingly, the proposed development will not impact upon it to any significant degree.

Few residential properties bound the site. Amended drawings are awaited that will address certain of my concerns/those of the resident of The Manse to ensure the development does not result in loss/harm to the existing hedge to the NE side of their property and undue loss of outlook up Millers Gutter/overbearing due to development on its NW boundary. The development on the site will be largely hidden from view from the residential properties on the opposite side of Hall Street.

Likewise, the points made in the representation from Hallfold United Reformed Church are ones with which I largely agree. However, the points it makes are largely to do with ensuring how the development will need to be undertaken in order to avoid undue disturbance and, thus, matters to be addressed by way of conditions.

#### 7) Access / Parking

The Highway Authority raised no objection to the previous applications for residential re-development of this site, when more dwelling units were being proposed.

This remains the case. However, it has recommend refusal of the current application for highway safety reasons. Its considers the submitted scheme to detract to an unacceptable and unnecessary extent from highway safety by reason of the number/positions of access-points being proposed to Cowm Park Way South/Hall Street. Its concern about the number of parking spaces arises in part because some of the garages/spaces shown are of inadequate size to accord with the approved standards, thereby increasing the likelihood of obstruction of footways/parking on the highway.

#### 8) Ecology

Whilst the documentation accompanying the application identifies a number of ways in which the Developer can enhance the ecological value of the site (eg the fish pass, bat roosting boxes), I concur with the view of the Environment Agency that the submitted scheme provides an inadequate buffer zone to the River Spodden wildlife and wooded corridor (most particularly by reason of the loss of so great a number/proportion of the trees in the belt fronting Hall Street and lack of stand-off of development from Millers Gutter).

#### 9) Open Space Provision

To accord with the Council's approved Open Space & Play Equipment Contributions SPD (2008) a sum of £118,842 should be paid by the Developer to enable the Council to provide/maintain (or improve access to) additional recreational facilities to meet the needs of residents of the proposed development. The Applicant has not indicated that they are willing to do so.

#### 10) Other Financial Contributions

The last application would have resulted in payment of a sum of £30,000 towards enhancement of Library/Youth & Community facilities/services.

Written comments on the current application are awaited from the LCC Contributions Officer. I hope to be in a position to report them to the meeting of the Committee.

## 8. CONCLUSION

Development of this site is acceptable in principle, as the site is a previously-developed land within the Urban Boundary of Whitworth and is reasonably accessible by means of travel other than the private car. Having regard to the present appearance of the site it is also desirable that its re-development proceeds without delay. As submitted the scheme has the makings for being an attractive re-use of the site.

However, in its present form, and with the documentation that presently accompanies it, the application has drawn objection from the Environment Agency and the Council's Environmental Health Unit/Consultant on the grounds of Flood Risk / Ground Contamination / Ecology. Furthermore, the submitted scheme is not of good design in a number of respects, drawing objection from LCC (Highways) on highway safety grounds and, in my view, will not be of satisfactory appearance as viewed particularly from Cowm Park Way South. Nor has the Applicant indicated that they are willing to pay the financial contribution to accord with the Council's Open Space & Play Equipment Contributions SPD.

## 9. RECOMMENDATION

That the application be Refused for the following reasons :

### REASONS FOR REFUSAL

1. Insufficient evidence has been provided to demonstrate that the proposed development would not result in an unacceptable risk of flooding / harm to ecology and avoids unacceptable pollution of the river or risk to public health. The proposal is contrary to the advice of the Environment Agency and the Council's Environmental Health Unit/Consultant, PPS9, PPS23& PPS25, Policies EM1/EM3/EM5 of the Regional Spatial Strategy for the NW of England (2008) and Policy DC1 of the Rossendale District Local Plan (1995).
2. In a number of respects the submitted scheme is not of good design and will detract to an unacceptable extent from the character and appearance of the area and highway safety. Most particularly the part of the scheme proposed for the east side of the river fails to retain mature trees/planting that contributes positively to public visual amenity, and unnecessarily and unacceptably proposes the provision of a multiplicity of access-points to Cowm Park Way South/Hall Street and proposes a somewhat confused arrangement of dwellings near to the main estate road to be formed. The latter dwellings will appear all the more prominent and intrusive as viewed from Cowm Park Way South if their external walls are entirely of red brick construction and will serve to prevent/limit public view to the fronts of the houses to the other side of the river. Accordingly, the proposed development is considered to be contrary to PPS1/PPS3/ PPG13, the DfT Manual for Streets, Policies RT4/EM1 of the Regional Spatial Strategy for

the NW of England (2008), Policy DC1 of the Rossendale District Local Plan (1995) and LCC's Creating Civilised Streets (2009)

3. Insufficient evidence has been provided to demonstrate that adequate provision for public open space/play space either within the site or through an off-site financial contribution would be provided. As such, the proposed development is contrary to PPG17, Policy L1 of the Regional Spatial Strategy for the NW of England (2008), Policy DC3 of the Rossendale District Local Plan and the Council's approved Open Space & Play Equipment Contributions SPD (2008).

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