

**B1- App B**

**Extract from:**

**UPDATE REPORT**

**FOR DEVELOPMENT CONTROL COMMITTEE  
MEETING OF 21 MARCH 2011**

**B10 : 2010/667 - Orama Mill, Whitworth**

This application from Persimmon proposes erection of 87 houses on a site of 3.4ha that straddles the River Spodden.

The Report appearing on the Agenda refers to Comments still being awaited from a number of Consultees and work still being undertaken by the Applicant to address objections of my own and Consultees in respect of the originally submitted scheme. However, in respect of the scheme then before me the application had to be recommended for Refusal for 3 reasons :

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.
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.
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.

The Applicant has now submitted to me an amended Site Layout (reducing the number of dwellings to 84) and further information has prompted amended Comments from the Environment Agency and the Council's own Environmental Health Consultant.

Taking each of the Reasons for Refusal in turn I would now advise as follows :

**Reason 1 - Risk of flooding / harm to ecology / pollution**

The original scheme drew objection from both the Environment Agency and the Council's own Environmental Health Consultant.

**The Environment Agency has now withdrawn its objection, subject to conditions.** A copy of its latest comments/recommended conditions is appended. In short, it states :

#### Flood Risk

The FRA by WYG dated December 2010 is broadly acceptable in terms of identifying flood risks to the proposed development. 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 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.

#### Biodiversity

The amended layout now omits plot 20 and we are therefore satisfied that the proposed development maintains a suitable buffer between the development and the River Spodden.

The access road to plots 18 and 19 is still in close proximity to the River Spodden. Development that encroaches on watercourses has a potentially severe impact on their ecological value and is contrary to government policy in PPS1, PPS9 and the UK Biodiversity Action Plan.

Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

#### Land Contamination

We feel that the latest round of trial pit investigation is not sufficient to fully investigate the wider site and therefore we do not consider that section two of the condition below has not been satisfactorily address. It may also be useful to update and revise the phase 1 desk study report if necessary. We therefore recommend that any subsequent planning permission is conditioned as follows:

**The Council's Environmental Health Consultant now advises that the application can be approved, subject to conditions.** A copy of its latest comments/recommended conditions is appended. In short, it states :

Although preliminary, the additional information provides sufficient details regarding the potential risks from contamination. Based on the available information, it is considered likely that a remedial strategy can be put in place for this site and that mitigation measures are available to remove risks to end-users. It is understood that a full factual and interpretive report is to be submitted by the end of March 2011 and that gas and ground water monitoring is on-going.

**Conclusion :**

In light of the above, I do not consider that there is now reason to refuse the application due to risk of flooding / pollution of river or public health.

With respect to harm to ecology, the Environment Agency has assessed the implications of the proposal in relation to the River Spodden and, on this basis, considers deletion of the house on Plot 20 to enable it to withdraw its objection on ecology grounds. However, as its letter alludes, "the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity". The latest Site Layout will still result in loss of a substantial number of the trees/proportion of the wooded area extending away from the river up towards the corner of Hall Street/ Cowm Park Way South, with consequent detriment to habitat/ecology.

**Reason 2 - Scheme is not of good design**

The originally submitted scheme was said to be deficient in a number of respects. Most particularly the part of the scheme proposed for the east side of the river failed to retain mature trees/planting that contribute positively to public visual amenity, and unnecessarily and unacceptably proposed the provision of a multiplicity of access-points to Cowm Park Way South/Hall Street and proposed a somewhat confused arrangement of dwellings near to the main estate road to be formed. The latter dwellings would have appeared all the more prominent and intrusive as viewed from Cowm Park Way South if their external walls were entirely of red brick construction and would serve to prevent/limit public view to the fronts of the houses to the other side of the river.

The amended Site Layout has satisfactorily addressed a number of these points :

- The concern of the Highway Authority about the multiplicity of access-points to Cowm Park Way South/Hall Street has, in my view, been overcome by deletion of 1 to each frontage.
- The concern I had about the somewhat confused arrangement of dwellings near to the main estate road, and how they would have prevented/limited public view to the fronts of the houses to the other side of the river, has been overcome by deletion of 4 units from this area.

However, my concerns remain about :

The failure to retain mature trees/planting towards Hall Street that contribute positively to public visual amenity, the way in which certain elements of the development will appear in the street-scene of Cowm Park Way South (most particularly in relation to back gardens/parking for Plots 1-7) and if external walls of dwellings throughout the development are entirely of red brick construction.

### **Reason 3 - Financial contributions**

The Applicant has submitted nothing further in relation to financial contributions towards provision for public open space/play space or other matters.

The Comments of LCC (Highways) upon the latest Site Layout and Transport-related contributions are still awaited, as too are comments on the application from the LCC Contributions Officer; I hope to be in a position to report them to the meeting.

### **OVERALL CONCLUSION**

Having regard to the above, I remain of the view that the application cannot be recommended for Approval. Whilst the Officer Recommendation remains for Refusal the Reasons for this should be amended to read as follows :

1. In a number of respects the submitted scheme is not of good design and will detract to an unacceptable and unnecessary 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 in that it fails to retain mature trees/planting towards Hall Street that contribute positively to public visual amenity and biodiversity, the manner in which it proposes to provide back gardens/parking arrangements in relation to Cowm Park Way South and if external walls are entirely of red brick construction. Accordingly, the proposed development is considered to be contrary to PPS1/PPS3/PPS9/PPG13, the DfT Manual for Streets, Policies RT2/RT4/EM1/EM3 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).
2. 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).

**NEIL BIRTLES**  
**Principal Planning Officer**  
**16/3/11**