

Application Number:	2011/400	Application Type:	Full
Proposal:	Erection of 12 houses	Location:	Millgate Road / East Parade / Higher Mill Street, Rawtenstall
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	15 November 2011
Applicant:	B & E Boys	Determination Expiry Date:	25 November 2011
Agent:	Nicol Thomas Ltd		

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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

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.

RECOMMENDATION
Approval, subject to the conditions detailed in Section 10 of the report.

1. SITE

This application relates to a broadly rectangular plot of land, of approximately 0.25ha, with frontages to Millgate Road, East Parade and Higher Mill Street. It was previously occupied by buildings forming part of Higher Mill, but has been cleared of buildings, leaving it with a ground level which in places is approximately 2m lower than the surrounding land. It is at present largely screened from public view by temporary hoardings.

To the north side the site is bounded by a 2-storey building of traditional design/materials, which is a Grade II listed building; formally occupied by a restaurant it is now vacant and in the Applicants ownership. To the south of the site is an area that was also previously part of Higher Mill and the Applicant is in the process of building houses upon it; the first of them have been completed and sold, whilst others are yet to be started. On the opposite sides of East Parade and Higher Mill Street are terraces of houses.

The application site lies adjacent to Rawtenstall Town Centre, as designated in the Council's Core Strategy, and is just within the Rawtenstall Town Centre Conservation Area.

2. RELEVANT PLANNING HISTORY

2005/729 Erection of a 3-storey office building and 15 houses

The Applicant applied for and obtained planning permission in August 2007 for erection of 15 houses on the area to the south of site of the current application and for erection of a 3-storey office block on the site of the current application; by virtue of having commenced the houses the permission for the office block remains alive.

3. THE PROPOSAL

No longer wishing to erect the office block, the Applicant seeks permission to erect 12 houses on the site.

The submitted layout proposes :

- 2 pairs of semi-detached houses facing Millgate Road;
- a further pair of semi-detached houses and couple of garages facing East Parade, one of these houses having living accommodation bridging over a drive giving access to a parking court and garages to be provided to the rear; &
- 3 pairs of semi-detached houses facing town-houses recently built by the Applicant that front Higher Mill Street, these semis to have drives to the front of them and appear 2-storey as viewed from the front, but 3-storey at the rear, thereby utilising differences in levels across the site.

Eleven of the houses are to have 3 bedrooms and the other 4 bedrooms. A total of 23 off-street car parking/garage spaces are proposed. The houses and garages are to be built with coursed natural stone walls and slate roofs, with white upvc window frames, matching the adjacent town-houses recently built by the Applicant. The scheme will also require provision/making good of significant lengths of public footway around the site.

4. POLICY CONTEXT

National

PPS1 Sustainable Development

- PPS3 Housing
- PPS4 Economic Growth
- PPS5 Historic Environment
- PPG13 Transport
- PPS23 Pollution Control
- PPG24 Noise

Development Plan

Regional Spatial Strategy (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
- EM2 Remediating Contaminated Land

RBC Core Strategy DPD (2011)

- AVP4 Rawtenstall
- Policy 1 General Development Locations & Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 4 Affordable & Supported Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 10 Provision for Employment
- Policy 16 Preserving & Enhancing the Built Environment
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

Rossendale District Local Plan (1995)

- DS1 Urban Boundary

Other Material Planning Considerations

- Draft National Planning Policy Framework (2011)
- LCC Planning Obligations in Lancashire (2008)
- LCC Historic Town Assessment Report for Rawtenstall (2006)
- RBC Draft Rawtenstall Town Centre Conservation Area Character Appraisal (2011)
- 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 Employment Land Study by NLP (2009)
- RBC Open Space & Play Equipment Contributions SPD (2008)

5. CONSULTATION RESPONSES

LCC (Highways)

Following receipt of amended drawings it has withdrawn its original Objection, subject to various conditions to ensure provision/retention of the parking/garaging facilities proposed and

the making-good/provision of carriageways/footways/lighting to an adoptable standard on the highways adjacent to the site.

RBC (En Health)

A remediation scheme was agreed for the residential element of Planning Permission 2005/729 (including provision of ground-gas protection measures and a 0.6m deep clean-soil cover layer for gardens). It considers that a Condition is necessary to ensure the previously approved remediation scheme is implemented in respect of the site of the current application.

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 2/9/11, site notices were posted on 6/9/11 and the relevant neighbours were notified by letter on 6/9/11.

7. ASSESSMENT

The main considerations of the application are :

- 1) Principle; 2) Loss of Employment Land; 3) Housing Policy; 4) Visual Amenity/ Heritage Interest; 5) Neighbour Amenity; 6) Access/Parking; 7) Open Space Provision & 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 is relatively near to Rawtenstall Town Centre.

Accordingly, the proposal is considered appropriate in principle.

Loss of Employment Land

On the Proposals Map of the Rossendale District Local Plan the application site was designated as a Proposed Employment site, for office/service industry development. However, Policy J2 was not a 'saved' policy.

The Council had Nathaniel Lichfield & Partners consider its suitability for employment development in 2009 as part of a Borough-wide Employment Land Study. It considered the location of the site to give it good access to local services, public transport and strategic road links and to have a reasonably high profile, though acknowledging it to be surrounded by residential development and local roads constrained by on-street parking. Having regard to on-going implementation of the mixed-use development permitted by Planning Permission 2005/729 it recommended that this site be retained for employment development.

The application is accompanied by documentation from chartered surveyors & property consultants that sets out how the site was marketed in the buoyant property market which existed in 2007/2008 for the permitted office development, without any expressions of interest being received. It goes on to say that now, and for the foreseeable future, there is/will be no demand for this site for any scale of office development, let alone the large-format office scheme for which permission exists.

I do not have reason to doubt this assessment of the likelihood of demand that will secure office development on the site and am also mindful of other sites the Council favours for large-format office development (eg New Hall Hey). Nor do I consider industrial development of this

site would be appropriate having regard to the surrounding residential development and standard of local roads, prominence the development would have in terms of the conservation area, etc. Accordingly, I do not consider it would be appropriate to refuse the current application in order to safeguard the site for employment purposes.

Housing Policy

The application site is located within a Main Development Location, wherein the Council's Interim Housing Policy Statement (2010) states that 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.

The site is previously developed land and the proposal will result in its development at an appropriate density. The current IHPS states that within a Main Development Location residential developments of more than 15 units should provide 20% of them as Affordable units. In combination with the houses permitted by Planning Permission 2005/729 the current proposal will result in 27 dwellings. Planning Permission 2005/729 was not the subject of a S.106 Agreement requiring provision of any of the permitted dwellings as affordable housing. I am satisfied that the Higher Mill site has not then artificially sub-divided in order to avoid the need to provide affordable housing. As the current application proposes 12 dwellings it does not trigger the need for any to be provided as affordable houses.

I am satisfied that the scheme proposes dwelling types/sizes making for an appropriate mix in the area.

Visual Amenity/Heritage Interest

The submitted courtyard-layout will result in houses that face Millgate Road, East Parade and Higher Mill Street, whilst much of the parking/garaging to serve them is to be tucked behind the houses. Accordingly, the layout plays proper regard for the character of the area to the north and west sides, which lies within the Conservation Area.

Likewise, I am satisfied that the scale/design/facing materials of the proposed houses is in-keeping with Springside Cottage (the adjacent vacant restaurant/Listed Building) and the terrace of houses on the opposite side of East Parade. Unlike the rest of the proposed houses, the houses to face south are not 'true' 2-storey buildings. However, by utilising a difference in levels across the site to accommodate an additional floor to the rear, their greater bulk and other design features will ensure they adequately reflect the character of the recently-built houses they will face.

Neighbour Amenity

The proposed houses for the most part attain the 13m window-to-gable and 20m window-to-window separation distances between existing and proposed dwellings normally sought. However, the 17 terraced houses on the opposite side of East Parade are of modest height and sit on the back-edge of the footway. The separation distances between the gables of 2 of

the proposed dwellings and 4 of the existing terraced houses will fall 0.5m to 1.5m short of the distance normally expected and the separation distances between the front elevation of 2 of the proposed dwellings and 3 of the existing terraced houses will fall 3.5m short of the distance normally expected.

For the proposed buildings to be pushed back sufficiently to attain in full the separation distances normally sought would, in my view, result in a form of development on the site less in-keeping with the character of the area/Conservation Area. Furthermore, the loss of light/outlook/overbearing that will result from the current proposal is less than that which would arise from building of the multi-storey office block previously permitted. Permission still exists for erection of this office block which, if implemented, would result in a 3-storey flat-roofed building that presents to East Parade an elevation of 41m in length and between 10 and 11.6m in height. The proposed dwellings, though to stand somewhat nearer to East Parade than the office block, would have eaves heights no greater than 5.4m and ridge-heights no greater than 8m.

Access/Parking

The 12 houses now proposed will generate less traffic movements and need for less off-street parking than would the previously-permitted multi-storey office block (for which 77 parking spaces were proposed, principally in the basement).

As a result of the receipt of amended drawings that address initial concerns it expressed about details of the scheme, the Highway Authority is now satisfied that adequate off-street parking is being proposed to meet the needs of residents of the proposed development and their visitors.

Open Space Provision & Other Financial Contributions

Planning Permission 2005/729 was accompanied by a S.106 Agreement requiring that prior to commencement of development of the site the Council be paid £15,000 for improvement/maintenance of Mill Row Recreation Area and £3,000 towards the cost of a Traffic Regulation Order.

The Council's Open Space & Play Equipment Contributions SPD indicates that developments of 10 or more dwelling units should make a contribution of £1,366 per dwelling (amounting to £16,392 for the 12 houses now proposed).

The payment of £18,000 required by the S.106 Agreement accompanying Planning Permission 2005/729. As it has not yet been spent, and it is desirable to secure early completion of development on this site (in terms of the amenities of existing residential neighbours and the Conservation Area), I do not consider a further financial contribution should be sought. I am also mindful of the costs the applicant will incur in having to making-good/provide the footway/carriageway of Higher Mill Street from its junction with Newchurch Road in traditional materials (consistent with the Draft Rawtenstall Town Centre Conservation Area Character Appraisal).

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle in the Urban Boundary of Rawtenstall and, subject to the Conditions, the resulting development will secure the regeneration of a derelict/brownfield site in a manner that goes some way towards meeting local housing needs and is in-keeping with the Rawtenstall Town Centre Conservation Area it lies within/adjacent Listed Building and will not detract to an unacceptable extent from neighbour amenity or highway safety. The decision has been taken having regard to the policies and proposals of the Regional Spatial Strategy, Rossendale District Local Plan and Core Strategy DPD.

10. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason : Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. The development shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority :

Location Plan	M3313.L1
Proposed Site Plan/Levels	M3313/PL.14 rev D
Plans / Elevations Plots 1-6	M3313.PL.10 rev F
Plans / Elevations Plots 7-8	M3313.PL.11 rev C
Plans / Elevations Plots 9-12	M3313.PL.12 rev B
Plans / Elevations Garages	M3313.PL.15

Reason: For the avoidance of doubt and to ensure the development proceeds in accordance with the permission sought.

3. The development hereby permitted shall proceed in accordance with the ground contamination 'Remedial Strategy' of Encia Consulting Limited agreed in respect of the residential element of Planning Permission 2005/729, incorporating the variations of Urban Vision (most notably 600mm of clean-soil cover in proposed gardens/soft-landscaped areas). Prior to occupation of any dwelling a Verification Report shall be submitted to the Local Planning Authority detailing the remedial & ground preparatory works undertaken to render the site suitable for the proposed development.

Reason : To ensure the site is properly remediated and any risk to human health and controlled waters is minimised, in accordance with Policy 24 of the RBC Core Strategy DPD (2011).

4. No development shall be commenced until samples of the facing materials and details of window-frames, external doors (including garage doors) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken using the approved materials.

Reason: In the interests of visual amenity and to accord with Policies 16 / 23 / 24 of the RBC Core Strategy DPD (2011).

5. No part of the development shall be occupied unless and until its associated car manoeuvring and parking/garaging provision has been completed and is available for use. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order amending or revoking or re-enacting it, the car manoeuvring and parking/garaging provision thereby provided shall be retained and kept available for use thereafter.

Reason : To ensure the provision of adequate off-street parking/garaging facilities, in the interests of highway safety and to accord with Policies 8 / 24 of the RBC Core Strategy DPD (2011).

6. No development shall be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the works to be undertaken to make-good/provide footways/carriageways/lighting on Millgate Road (from its junction with East Parade to Newchurch Road), East Parade and Higher Mill Street to a standard adoptable by LCC(Highways), and the timetable for their completion. The approved

scheme shall be undertaken in accordance with the timetable agreed.

Reason : In the interests of highway safety and to preserve & enhance the character & appearance of Rawtenstall Town Centre Conservation Area, in accordance with Policies 8 / 9 / 16 / 23 / 24 of the RBC Core Strategy DPD (2011).

7. No development shall be commenced until a scheme of landscaping/boundary treatment has been submitted to and approved by the Local Planning Authority and the timetable for their completion. The submitted scheme shall include full details of : trees and shrubs to be planted; walls/fences/gates; hard-surfaced areas, their drainage and lighting; and any changes of ground level. The approved scheme shall be undertaken in accordance with the timetable agreed. Any trees or shrubs removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced in the next available planting season with others of the same siting/size/species unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interests of visual amenity and to accord with Policies 16 / 23 / 24 of the RBC Core Strategy DPD (2011).

8. Any works of construction and removal/reinstatement associated with the turbine shall not take place except between the hours of 8:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason : To safeguard the amenities of neighbours, in accordance with Policy 24 of the RBC Core Strategy DPD (2011).

9. Notwithstanding the provisions Classes A-E of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, or any order amending or revoking or re-enacting it, no porches, extensions or outbuildings shall be erected without first applying for and obtaining Planning Permission.

Reason : To protect the amenities of neighbours and the character and appearance of Rawtenstall Town Centre Conservation Area, in accordance with Policies 16 / 23 of the RBC Core Strategy DPD (2011).