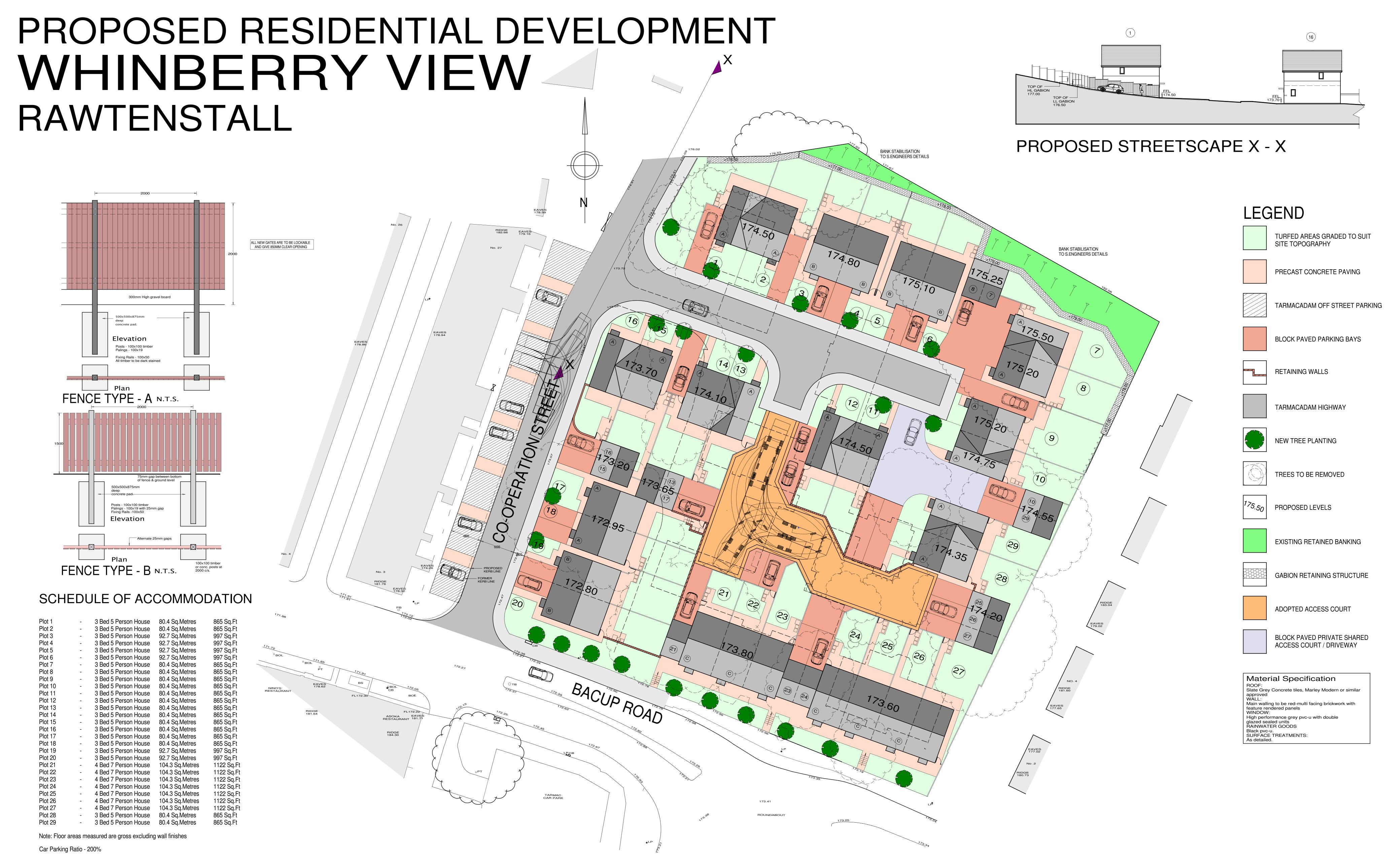


SITE LOCATION PLAN Scale 1:1250

nicol thomas

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/iew, Rawt	.AN			4	2014	
Whinberry \	LOCATION PL		M2814.L1	1:1250 @ A	OCTOBER	S
Job:	Drawing title:	Drawing Number:	(Job number)	Scale:	Date:	Drawn by/ checked by:
	Job: Whinberry View, Rawtenstall	ing title:	Whinberry View, Rawtenstall Wegute: LOCATION PLAN	Whinberry View, Rawtenstall wag tete: LOCATION PLAN manber: M2814.L1	Whinberry View, Rawtenstall LOCATION PLAN member: LOCATION PLAN M2814.L1 1:1250 @ A4	Whinberry View, Rawtenstall Working MZ814.L1 1:1250 @ A4 OCTOBER 2014



PROPOSED SITE LAYOUT

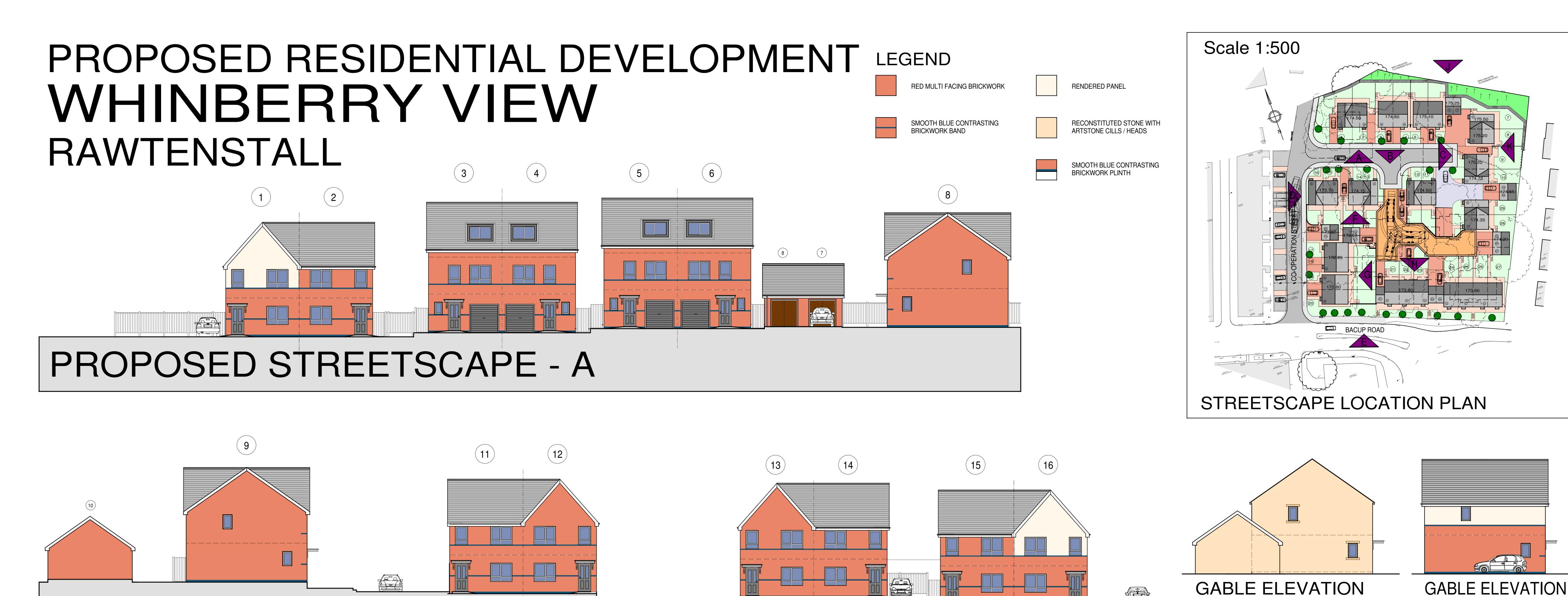
A 13.02.14 Tree from highway removed. B 10.07.14 Boundary Wall adjacent plot 20 amended. Streetscape X-X added C 30.09.14 Site Area extended to incorporate 166 Bacup Road D 09.10.14 Highway modifications

nicol thomas
architects project managers construction cost consultants CDM
co-ordinators
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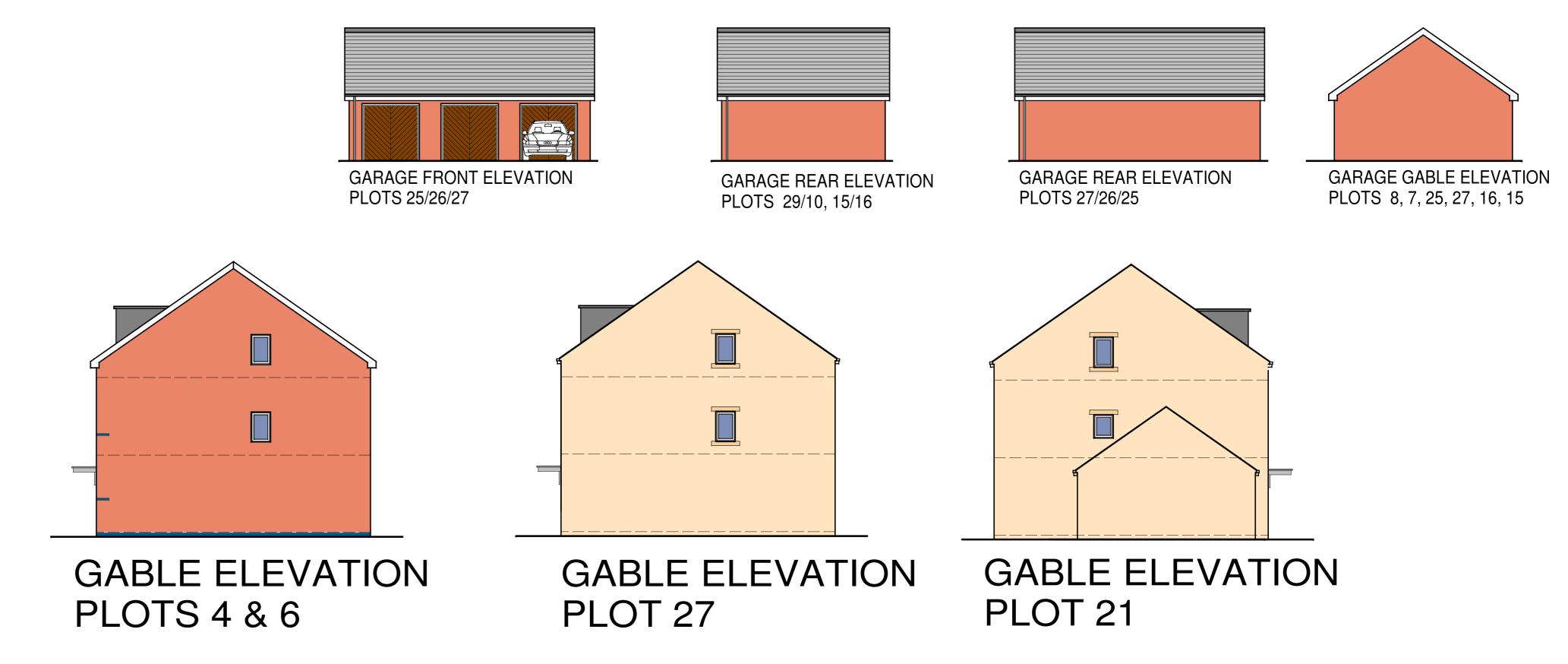
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Client:	B & E BOYS	
Job:	Whinberry View, Rawtenstall	
Drawing title:	Proposed Site Layout	
Drawing Number: (Job number)	M2814.PL.20	Revisior D
Scale:	1:200@A1	
Date:	10.09.13	





PROPOSED STREETSCAPE - B



PLOT 18

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PLOT 29

Revision	Date	Details
Α	28.01.14	FACING MATERIAL UNITS 17-23 AMENDED
В	10.07.14	STREETSCAPE D & LOCATION PLAN AMENDED
С	30.09.14	DRAWING GENERALLY AMENDED
D	10.10.14	DRAWING GENERALLY AMENDED

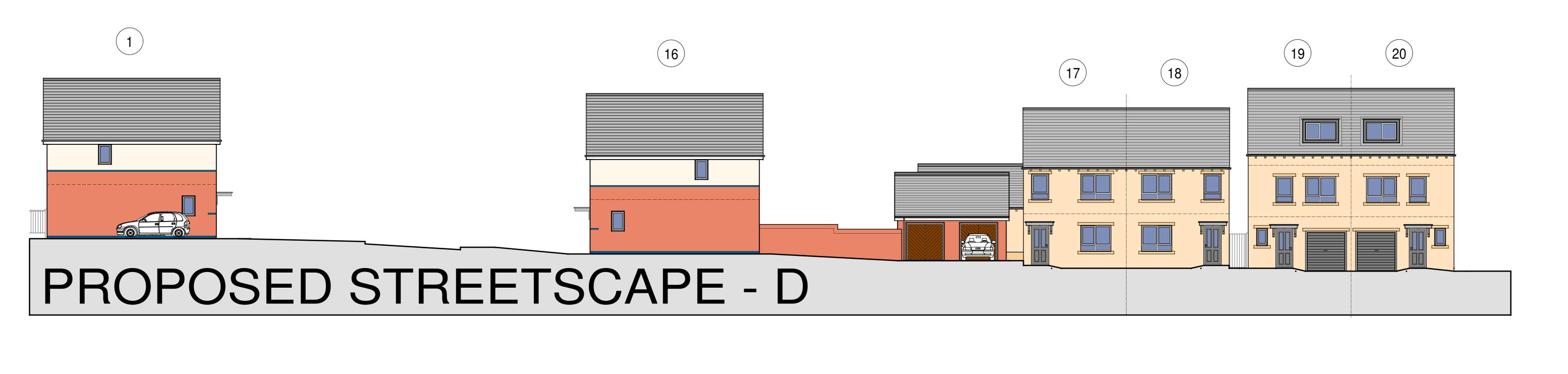
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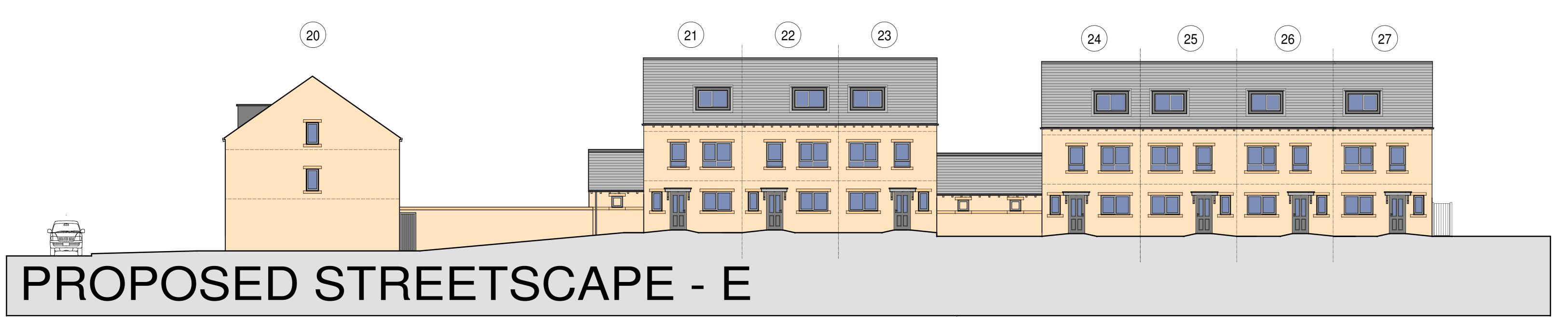
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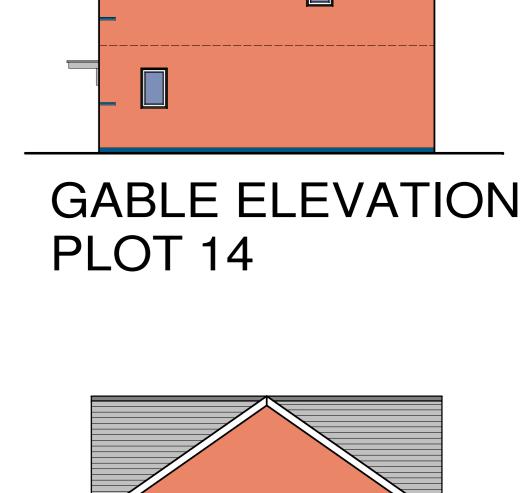
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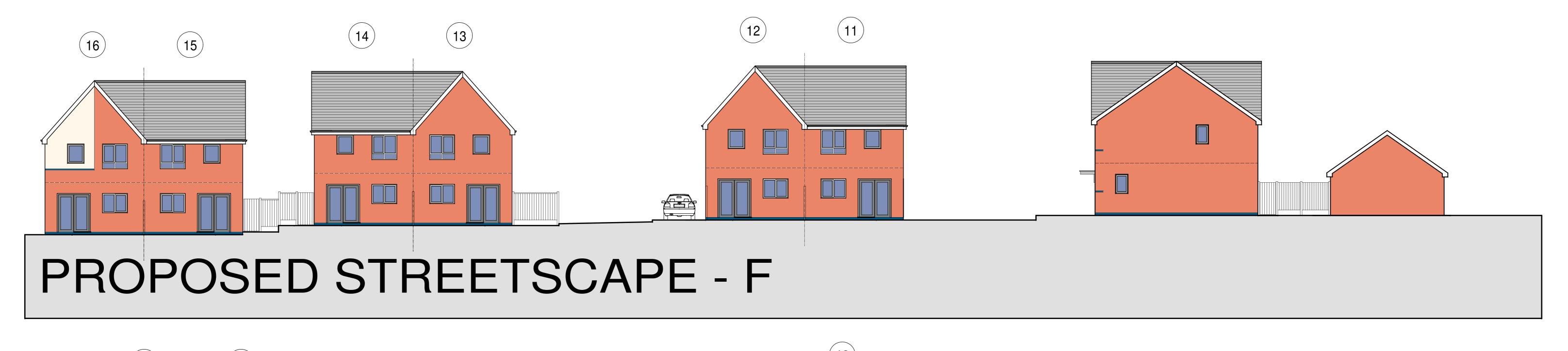
Client:	B & E BOYS	
Job:	Whinberry View, Rawtenstall	
Drawing title:	Proposed Elevations S	heet 1
Drawing Number: (Job number)	M2814.PL.22	Revision
Scale:	1:100 / 1:500@A0	
Date: 16.10.13		

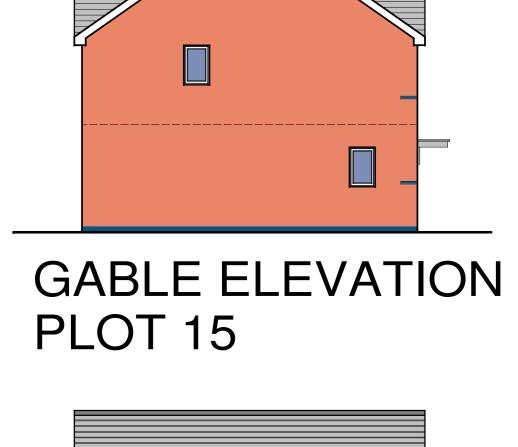


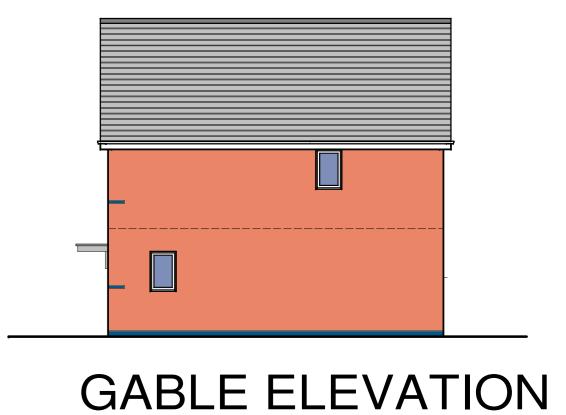


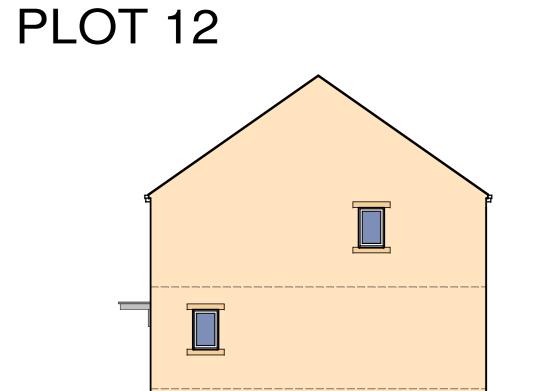














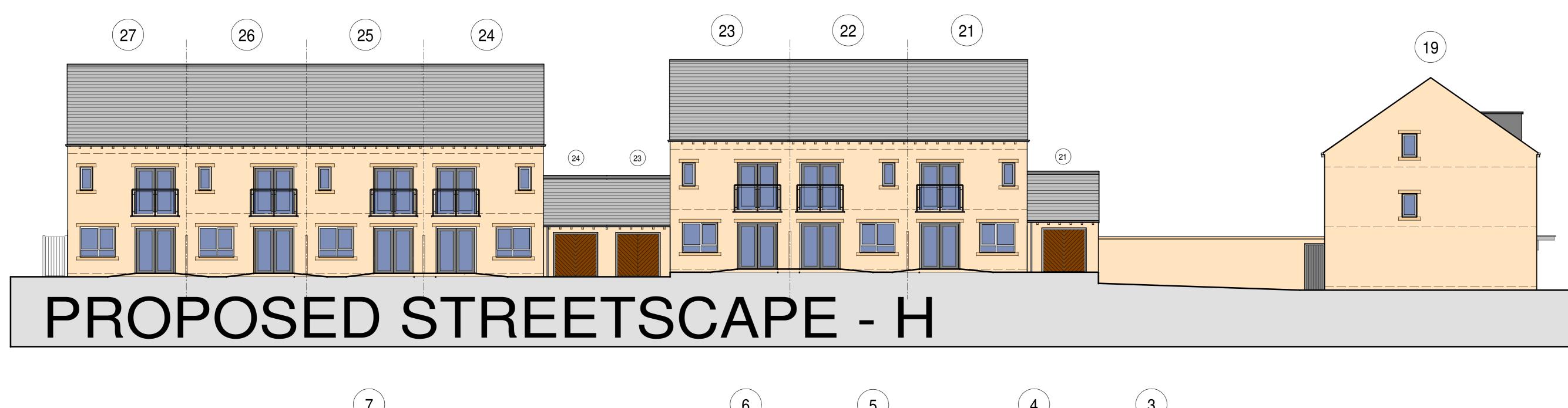
PROPOSED STREETSCAPE - G

Details Det

Revision	Date	Details	nicol thomas architects project managers construction cost consultants CDM co-ordinators	LEGEND
Α	29.01.14	FACING MATERIAL TO PLOTS 17-23 AMENDED	Registered in England and Wales. Reg No. 2140639 Quality Assured to BS EN ISO 9001:1994 Certificate Number GB 4723	
В	11.07.14	STREETSCAPE E AMENDED	·	RED MULTI FACING BRICKWORK RENDERED PANEL
С	30.09.14	GENERAL AMENDMENTS	Heyside House Blackshaw Lane Heyside Royton Oldham OL2 6NS t:01706 290088 f:01706 290099 e:oldham@nicolthomas.com	RED MULTI FACING BRICKWORK REINDERED PANEL
			Also at Birmingham (Registered office)	
			Do not scale from this drawing. All dimensions must be checked and verified before preparing production drawings or commencing works. This drawing and its design is the copyright of Nicol Thomas Ltd and may not be reproduced in any form whatsoever without their prior express written consent.	SMOOTH BLUE CONTRASTING BRICKWORK BAND RECONSTITUTED STONE WITH ARTSTONE CILS / HEADS

Client:	B & E BOYS		
Job:	Whinberry View, Rawtenstall		
Drawing title:	Proposed Elevations Sheet 2		
Drawing Number: (Job number)	M2814.PL.23	Revision: C	
Scale:	1:100@A0	-	
Date:	16.10.13		
Drawn by/ checked by:	S		

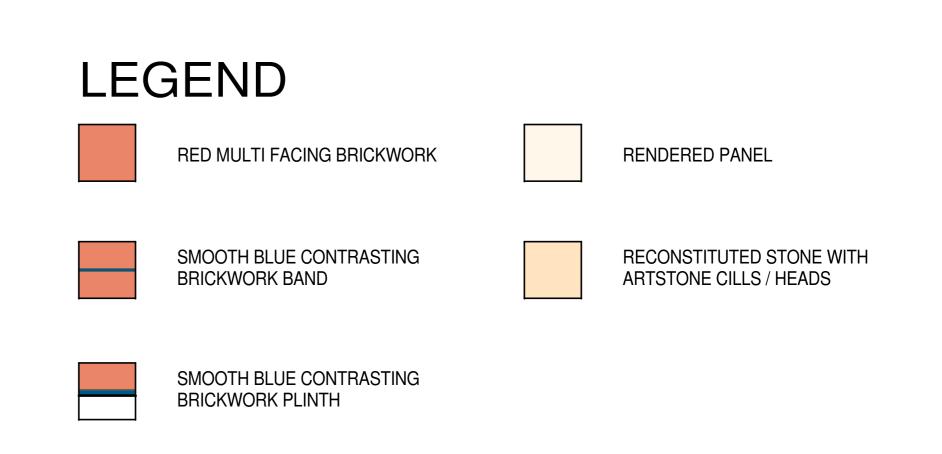
PROPOSED RESIDENTIAL DEVELOPMENT WHINBERRYVIEW RAWTENSTALL











nicol thomas

Revision	Date	Details	architects project managers construction cost consultants CDM
Α	10.10.14	LOCATION PLAN AMENDED	co-ordinators Registered in England and Wales. Reg No. 2140639 Quality Assured to BS EN ISO 9001:1994 Certificate Number GB 4723
			Heyside House Blackshaw Lane Heyside Royton Oldham OL2 6NS t:01706 290088 f:01706 290099 e:oldham@nicolthomas.com
			Also at Birmingham (Registered office)
			Do not scale from this drawing. All dimensions must be checked and verified before preparing production drawings or commencing works. This drawing and its design is the copyright of Nicol Thomas Ltd and may not be reproduced in any form whatsoever without their
	,		prior express written consent.

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Client:	B & E BOYS		
Job:	Whinberry View, Rawtenstall		
Drawing title:	Proposed Elevations Sheet 3		
Drawing Number: (Job number)	M2814.PL.25	Revision:	
Scale:	1:100@A0		
Date:	30.09.14		
Drawn by/ checked by:	S		



Application Number:	2013/0532	Application Type:	Full
Proposal:	Demolition of existing buildings and erection of 23 houses and associated works, including provision of off-street parking facilities to rear of 1-27 Wheatholme Street	Location:	Whinberry View Home for the Elderly, Bacup Road, Rawtenstall
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	25 February 2014
Applicant:	B & E Boys	Determination Expiry Date:	18 March 2014
Agent:	Hourigan Connolly		

Contact Officer:	Neil Birtles	Telephone:	01706-238645
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In	
Name of Member:	
Reason for Call-In:	
3 or more objections received	YES
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.

1. **RECOMMENDATION**

That Permission be refused for the reasons set out in Section 9.

2. The Site

The application site is located to the east of Rawtenstall town centre, on the north side of the miniroundabout at the junction of Bacup Road with Bocholt Way.

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The site has an area of approximately 0.6ha (1.5 acres) and is occupied by buildings, of brick/concrete tile construction, last used as a Home for the Elderly but which have now been vacant for some years, together with Co-operation Street. The building facing/nearest to Bacup Road is 1-storey, and those to the rear are of 2 and 3-storeys. There are a number of trees on the site; half a dozen or so to the front and west side of the buildings, the majority towards the rear boundary. The site rises quite steeply towards its north-eastern corner.

The site would be of regular shape but for the 2-storey building at 166 Bacup Road (Rossendale Restart), and land around and to the rear of it, and is bounded:

- to the West by terraced houses (of stone / slate construction) that front to Wheatholme Street:
- to the East by detached dwellings (of more modern house type and artificial stone construction) that front Lambton Gates; &
- to the North by rising land that is wooded.

To the other side of Bacup Road to the site is a public car park serving Ashoka Restaurant (which occupies a 3-storey building of stone / slate construction), whilst to the other side of the roundabout at the junction of Bacup Road/Bocholt Way is the Gasometer site. Although the Gasometer does not presently contain gas the site continues to possess a Hazardous Substances Consent enabling it to do so.

The site is located within the Urban Boundary of Rawtenstall. There are no site-specific policies in relation to most of the site. However, that part of the site to the north side of the buildings (approximately a quarter of the land to be developed), and the rising land extending to the north side is designated as Greenlands.

3. Planning History

2003/497 O

Outline Application for private residential development, including demolition of existing buildings

This application was submitted by Lancashire County Council, then owners of the site. In July 2006 Committee considered the application and was minded to grant Outline Permission for the residential development of this site, with all matters of detail reserved for later consideration, subject to the Landowner first entering into a S.106 Obligation to ensure that if development proceeded pursuant to this permission (or any renewal thereof) payment of £1,000 per dwelling would be made to the Council to be expended on the improvement/maintenance of a nearby recreational area.

Following completion of the S.106 Obligation by B & E Boys (who had become owners of the site) the decision notice granting Outline Planning Permission was issued on 30 June 2008, subject to various conditions. Condition 1 required implementation to have commenced within 3 years of the date of decision (30 June 2011) and Condition 4 required application for approval of the Reserved Matters to be made within 2 years of the date of decision (30 June 2010).

2010/238 <u>To extend the time limit by which implementation of Outline Planning Permission 2003/497 must commence</u>

Recognising that it would not wish to submit the details for reserved matters approval/commence implementation of Planning Permission 2003/497 in accordance with the timescales referred to in Conditions 1 & 4, Boys submitted an application seeking to vary them.

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In July 2010 Committee considered this application and, in accordance with the Officer Recommendation granted Outline Permission for the residential development of this site, with all matters of detail reserved for later consideration, bound by the earlier S.106 Obligation to pay £1,000 per dwelling to the Council for the improvement/maintenance of a nearby recreational area and subject to Conditions requiring the development be begun before 30 June 2013.

4. Proposal

The application_seeks permission to erect upon the site 23 houses - 20 to be 3-bedroomed and 3 4-bedroomed - following demolition of all the existing buildings. The proposed houses are to have an eaves height of 5m-6m and ridge height of 8.5m-9.5m, conventional height for 2-storey houses, although some have living accommodation within the roof void.

The submitted layout proposes houses that face towards Bacup Road and Co-operation Street, with houses behind them that are served off a new cul-de-sac extending from the northern end of Co-operation Street.

On the frontage to Bacup Road, adjacent to 166 Bacup Road (Rossendale Re-start), there is to be a terrace of 3 houses, each with a dormer in its front roof-plane. The house on the corner of Bacup Road and Co-operation Street is to present its gable to the former, its front elevation possessing a dormer that faces Co-operation Street and its rear garden screened from the main road by a 2.2m high brick wall.

As first submitted the application proposed that all the houses be constructed of red brick and with grey concrete roof tiles, some are to have a rendered panel at first-floor level, (including the gable of the houses on the corner of Bacup Road and Co-operation Street). The scheme has since been amended to show that the houses to face Bacup Road and Co-operation Street will be constructed with artificial stone, those to be served off the new cul-de-sac to be red brick, some to have a rendered panel at first-floor level.

Due to the way in which the rear portion of the site picks-up in level, and the applicants wish for the new houses to be nearer to the northern boundary than the existing buildings, excavation is intended and construction of a gabion retaining wall of approximately 2m in height at the northwestern corner and 4m at the north-eastern corner.

The application form indicates that 46 off-street parking spaces are to be made available to serve the 23 houses proposed, in some instances in the form of integral garages, attached or detached garages. The houses to face Bacup Road are to have their garages/parking accessed from the rear.

Recognising that significant parking of vehicles presently occurs on Co-operation Street, and this would interfere with access to the new dwellings, the applicant is proposing that the wide verge to the west side of the existing carriageway be used to provide additional parking for existing residents. A footway to adoptable standard will also be formed to the east side of the carriageway.

The Agent has provided the following summary of the benefits of the proposal:

- The redevelopment of a sustainably located, vacant, previously developed site.
- The regeneration of a derelict gateway location with development of high quality design.
- The provision of new off-street parking spaces for existing residents.
- The provision of high quality family housing ensuring a diverse range of housing in Rawtenstall and the wider Rossendale Area.
- New employment opportunities during construction.

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		- 3 -	

- Support for existing trades and building suppliers in Rossendale during construction.
- The creation of a new community with genuine prospects at reducing reliance on the private motor vehicle given the proximity of public transport and shop and services to meet day-today needs.
- Support for shops and services in Rawtenstall given the proximity of local facilities.
- A New Homes Bonus payment of circa £158,890 for Rossendale and a further £39,722 for Lancashire County Council, which the Council could use in accordance with local priorities.

5. Policy Context

National

National Planning Policy Framework (2012)

Section 1 Building a Strong Competitive Economy

Section 4 Promoting Sustainable Transport

Section 6 Delivering a Wide Choice of High Quality Homes

Section 7 Requiring Good Design

Section 8 Promoting Healthy Communities

Section 10 Meeting the Challenges of Climate Change, Flooding, etc.

Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP4	Area Vision for Rawtenstall	, Crawshawbooth,	Goodshaw & Loveclough
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Policy 1 General Development Locations and 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 17 Rossendale's Green Infrastructure

Policy 18 Biodiversity and Landscape Conservation

Policy 19 Climate Change and Low & Zero Carbon Sources of Energy

Policy 22 Planning Contributions

Policy 23 Promoting High Quality Design & Spaces

Policy 24 Planning Application Requirements

Other Material Planning Considerations

LCC Planning Obligations in Lancashire (2008)

RBC Open Space & Play Equipment Contributions SPD (2008)

6. Consultation Responses

Health and Safety Executive (Hazardous Installations Directorate)

By reason of the Hazardous Substance Consent for the storage of Natural Gas at the nearby Gasholder site, and the specific consultation areas the HSE has previously provided to the Council, it was necessary to seek its advice on the current application.

Its response is as follows:

The Health and Safety Executive (HSE) gives planning advice only for certain types of developments and then only if they are within specific consultation areas that have previously been advised to the appropriate Planning Authority (PA). Such areas are often identified by a PA on their 'development constraint maps'.

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The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using PADHI+, HSE's planning advice software tool, based on the details input by HSE. The assessment indicates that the risk of harm to people at the proposed development is such that HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If you decide to refuse planning permission on grounds of safety, <u>HSE will</u> provide the necessary support in the event of an appeal.

If, nevertheless, you are minded to grant permission, your attention is drawn to paragraph A5 of the National Assembly for Wales Circular 20/01, or paragraph A5 of the DETR Circular 04/2000. These state that:

"...Where a local planning or hazardous substances authority is minded to grant planning permission or hazardous substances consent against HSE's advice, it should give HSE advance notice of that intention, and allow 21 days from that notice for HSE to give further consideration to the matter. During that period, HSE will consider whether or not to request the [Assembly / *Secretary of State for the Environment, Transport and the Regions] to call-in the application for [its / his] own determination" (* Now 'Communities and Local Government' in England.)

National Grid

Our Cloughfold Gasholder has been decommissioned and the Hazardous Substance Consent for the storage of Natural Gas on the site is no longer required.

National Grid has no objection to the Consent being revoked.

RBC (Environmental Health)

No objections.

However, there is potential for nuisance eg noise/dust/etc to the surrounding residential properties during the demolition and construction phase. The application should be restricted to ensure reasonable working hours/daytime only, with no work/ deliveries etc outside of the permitted hours/days, in order to protect residential amenity.

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LCC (Highways)

No objection in principle.

However, there are a number of issues that still need to be clarified / finalised. The access to Cooperation Street from Bacup Road has adequate visibility and there is not a significant accident record in the vicinity of the site. The site has a reasonable accessibility score but parking provision within the site should be in line with that set out in the Council's approved Parking Standards.

Co-operation Street and the land to the west of it will remain adopted highway and the footway to the east of Co-operation Street will be adopted. The adopted land to the west of Co-operation Street will provide parking for houses on Wheatholme Street. However as it is adopted highway the spaces cannot be allocated to specific houses and parking spaces will need to be constructed to an appropriate standard. Usually there is a requirement that there should be 6m to the rear of a parking space to enable vehicles to manoeuvre into and out of spaces safely. In this case there is only 5.5m but this has been demonstrated as acceptable through the provision of an appropriate swept path analysis.

The submitted plan shows some new planting of trees, including one in the carriageway of Bacup Road which is not acceptable. Care should also be taken that any planting to the south of the site does not impact adversely on visibility for vehicles exiting Co-operation Street.

The primary access road to the site should be built to an adoptable standard and will be subject to a section 38 agreement with the Highway Authority. A street lighting plan will need to be agreed with the Highway Authority as part of this process. There is also a need to move an existing Traffic Regulation Order on Co-operation Street and this work should be subject to a section 106 contribution.

Given the likely increased vehicle movements there is some concern around traffic turning right into Co-operation Street from Bacup Road and it is suggested that this could be improved through minor off site highway works. This will require the creation of a right turn lane, of at least 10m, on Bacup Road to ensure right turning traffic does not create an obstruction for other users. This work will be subject to a Section 278 agreement.

Within the site there is some concern over the proposed parking layout and the proximity of parking places to the associated houses. For example parking associated with plot 22 appears to be located such that it will lead to on-street parking to the rear of the property, creating a narrowed carriageway for vehicles entering and leaving that section of the development. Also with the parking for this property it appears that there are only 2 spaces proposed and given that it is a 4 bedroom property this should be increased to 3. Other parking provision appears to be in line with the levels required. In order to maintain the parking provision and minimise the possibility of onstreet parking in the future a condition is sought that all garages should be retained for that use in the future.

Environment Agency

The submitted Flood Risk Assessment (FRA) identifies the site as being within Flood Zone 1. Our Flood Map shows that part of the site adjoining Bacup Road is within Flood Zone 2 and could be affected by an extreme 0.1% annual exceedance probability (AEP) flood. Accordingly, referring to section 4.11.1 of the FRA, it is incorrect to relate the "extreme flood" to one of 1 in 100yr return period. As the majority of the site rises above the extreme flood extent and floor levels are above the 0.1% AEP level, we would not raise any concerns relating to this. However, the local planning authority and the developer should be aware that the main access to the development at its junction with Bacup Road could be flooded in an extreme flood event.

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The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the submitted FRA are implemented and secured by way of the following conditions:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Betts Associates (ref: FRA237, November 2013) and the following mitigation measures:-

Limiting the surface water run-off to 14.1 l/s for the 1 in 1yr storm and maximum of 31.4 l/s for the 1 in 100yr storm so that it will not exceed the run-off from the pre-development site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

United Utilities (Water)

No objection to the proposal provided that the following conditions are met: -

- No surface water from this development is discharged either directly or indirectly to the combined sewer network
- 1. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the nearby 225mm surface water sewer located in Bacup Road at a rate not exceeding 15 l/s to meet the requirements of the National Planning Policy Framework (PPS 1 (22) and PPS 25 (F8) and part H3 of the Building Regulations.
- 2. A water main supplying the properties in Wheatholme Street crosses the site boundary at Cooperation Street. As we need access for operating and maintaining it, we will not permit development in close proximity to the main. A modification of the site layout, or diversion of the main at the applicant's expense, may be necessary and will need an access strip of 5m (measuring 2.5m from the centre-line of the pipe).
- 3. The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

A domestic water supply can be made available to the proposed development.

Electricity North West

We have considered the above planning application submitted on 27/12/13 and find it could have an impact on our infrastructure.

The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over 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.

Other points, specific to this particular application are:

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- There are multiple LV services to the existing buildings which will need to be made safe prior to demolition.
- There are also LV service cables in the footpath on Bacup Rd and along the path to the rear of the properties of 1 – 27 Wheatholme St.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by them. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment at any time of day or night.

LCC Education

This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a planning obligation. The contribution described is directly linked to the development described above and would be used in order to provide education places within 3 miles of the development for the children expected to live on the development.

The latest information available at this time was based upon the 2013 annual pupil census and resulting projections. Based upon the latest assessment, LCC would be seeking a contribution for 4 primary school places. However, LCC would not be seeking a contribution for secondary school places.

Latest projections for the local primary schools show there to be a shortfall of 59 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission.

With an expected yield of 4 places from this development the shortfall would increase to 63. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 4 places.

When assessing the need for an education contribution from this development Lancashire County Council consider primary school provision within a 2 mile radius of the proposed site. Details of these schools are provided below:

Number on Roll (May 2013) = 2202 Future Planned Net Capacity (2018) = 2339 Projected Pupils in 2018 = 2398 Projected places in 5 years = -59

Calculated at the current rates, this would result in a claim of £47,522.

Lancashire Constabulary

A crime and incident search of this policing incident location for the period 02/01/2013 to 02/01/2014 has been done. There have been reported crimes and incidents including theft from a vehicle and burglary in a dwelling whereby the offenders gained access to the property via the rear. In order to prevent the opportunity for crime and disorder at the proposed development such as burglary, below are recommendations for consideration:-

1. This housing development should be built to Secured By Design Security Standards as Part of the Code for Sustainable Homes Application. In particular Part 2 of Secured By Design - physical security should be incorporated into the scheme.

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- 2. Window should be tested and certificated to PAS 24 2012 security standards and glazing in ground floor windows should be laminated, particularly at the rear of the dwellings so as to provide greater resistance against attack. Windows should be fitted with restrictors to prevent opportunist crime. Front and rear doorsets should be doors of enhanced security tested and certificated to PAS 23/24 standards and should be fitted with a viewer and security bar/chain.
- 3. The front and rear of dwellings should be protected with a dusk till dawn lighting unit to deter potential offenders and reduce the fear of crime.
- 4. The site layout plan includes a number of rear alleyways to provide access to plots, these areas should be protected with a 1.8m lockable gating arrangement eg the rear of plot 18. Gates restricting access to the rear of dwellings should be fitted as flush to the front of the building line as possible so as not to provide access to the side of dwellings where the opportunity for natural surveillance is minimised. The rear and side of the dwellings should be secured with a 1.8m fencing arrangement.
- 5. The scheme incorporates off street parking opposite the development. Where gable ends of dwellings overlook this area a window should be incorporated so as to enhance natural surveillance eg plot 16. Where boundary and dividing fencing arrangements overlook parking areas they should incorporate a trellis topping to enhance natural surveillance eg 1.5m with 0.3m trellis topping.
- 6. The off street car parking area should be lit with British Standard 5489 lighting columns that provide an even spread of lighting across the area so as to reduce the opportunity for crime and reduce the fear of crime amongst users of the facility.

Lancashire Badger Group

No objection

4. Notification Responses

To accord with the General Development Procedure Order a press notice was published, 3 site notices were posted on 20/12/13 and letters were sent to neighbours on 27/12/13.

Local Residents

Responses have been received from 3 local residents.

One resident of Lambton Gates has indicated that:

In principle, I have no major issues with this development as the existing structure is an eyesore. However, there are a couple of issues of concern that I would like to raise:

1 - Loss of drying area. The developer is planning to make all of the grassed area to the rear of Wheatholme Street into parking area for residents. This area has been used as a drying area for all residents for over 30 years, though still highway.

2 - Parking. Parking has been a nightmare in this area since residents lost their (protected) garage colony to another development a few years ago. The street is used for parking, and yes, some residents, including myself, have paved some of the area to make a driveway. However, we still have the street to park on for residents that have more than one or two cars and for visitors. Co-operation Street is also used by residents of the other side of Wheatholme Street as overspill for when there street is full. Streets (and pavements) in the immediate vicinity are used by staff and customers from Nino's Restaurant & Ashoka Restaurant.

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- 3 Impact of added traffic existing the development onto Bacup Road. This is a massive concern. As yet (and I have no idea how!) there has not been a serious accident. When exiting Co-operation Street the view to the right is more than often blocked by vehicles parked up. Can this not be made into a no parking zone? Extra traffic will only raise the odds of an accident.
- 4 The development will be using an access road directly opposite my house. any vehicles leaving the development during evening/nightime hours will result in their headlights shining directly into my kitchen window. I am asking that the road be moved slightly to be positioned directly opposite the outhouse on my property or the garage of the neighbouring property where it will not impede on mind and my family's quality of life.

Another resident of Lambton Gates has indicated that:

We are concerned about the impact of this development on the local wildlife which inhabit the "green" land - there is, and has been for many years, a population of badgers in this area and they are regular visitors to our garden. There are also deer and foxes, plus many species of birds.

I would also like to point out that the Green Land area comes up to our garden fence and as such should not be included in the proposed building area.

A resident of Wheatholme Street has stated that:

We park our vehicles on the rear. However, some Wheatholme Street residents park their vehicles to the front side and it can be difficult to reverse a vehicle in due to the narrow space. I am aware that the Developer has included off-street parking for us residents, but if there was ever to be a fire in one of these properties it will be very difficult for the fire service to access the property if there are vehicles parked and causing an obstruction. Likewise for the ambulance service. With off- street parking on our rear it will make it difficult to access our properties from either side.

Also, there are a few households which have more than 2 vehicles, with off street parking they'll only be able to park 2 vehicles, where are they going to park the rest of them? We have parking problems as it is and it won't be made any easier for us. Where are those residents who have a street light in front of their property meant to park their vehicle?

It is virtually impossible to walk on the pavement past some properties who have off street parking already, especially as there isn't enough space because residents have their bins there due to the lack of space in their gardens. It is important to take this into consideration because there are a few properties who use prams and need to enough space to be able to walk down the pavements without any obstructions in the way.

It will also affect us properties because we will have no space outdoors to hang our washing.

Children from the local streets use the grass to play football or cricket on and without the grass they'll have nowhere else nearby to play.

The construction work will also cause trouble to us residents because some of us residents work till late and we prefer sleeping without any noises.

Rossendale Civic Trust

It has commented as follows:

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- We would like to see an appropriate and early redevelopment of this site in order to provide housing in what is a non-contentious Gateway location, with good local facilities, but with reduced use of Greenlands.
- Gateway Location: Policy 23 of the Core Strategy seeks to ensure that new
 developments considered by the Council are designed to a high quality in order to create
 attractive and easy to use development across the Borough, and states that all new
 developments should promote the image of the Borough, through the enhancement of
 gateway locations and key approach corridors.

The submitted scheme proposes red brick and white render walls, which is not suitable for this gateway location, where surrounding buildings are mostly stone-walled. We would prefer an alternative approach for this Gateway location, and that is to use a terrace, of similar scale and materials to the 3 storey "Ashoka" building, along the whole frontage onto Bacup Road. It might also give some sound shading from Traffic on the Bacup Road - Bocholt Way mini-roundabout and would shield this gateway location from views of Wheatholme Street's assorted rear elevations.

 Cloughfold Greenland: Policy 17 of the Core Strategy seeks to protect, enhance and expand the Green infrastructure network (including Greenland). The existing buildings at Whinberry View come very close to the Cloughfold Greenland, and its landscaped grounds to the north side (and in particular a group of trees) have been included in this area of Greenland.

Gardens in Greenlands are to be cut into the slope up to the Rossendale Borough Council's boundary, and there are proposals for Gabion Retaining Walls and Bank Stabilisation. Besides the shading of these north facing gardens and their views towards the stone in wire cages of the Gabions, there will also be the overhanging branches of the dense tree planting of the Rossendale Borough Council's section of the Cloughfold Greenland.

- This land is some 3 to 6 metres above these proposed houses. Will the responsibility to
 maintain structural support to this adjoining land be conveyed to these houses? Will parents
 like their children to be playing under so many large maturing trees so
 close to these Gabion retaining structures?
- Badgers & Bats: The Planning Statement says "There was no signs of Badger activity at the site when the habitat survey was carried out", however the Habitat and Bat Scoping Survey adds "although the surrounding woodland was not subject to a survey". A badgers' preferred run has obliged a resident of Lambton Gates to create a hole in their rear garden fence onto the site of Whinberry View. So there could well be a badger sett within 30m of the site boundary. In addition bats are regularly seen at dusk in summer, over Nos 7, 8 and 9 Lambton Gates.
- Access: The Proposed Site Layout shows what appear to be the existing dimensions of Co-Operation Street. However in the previous 2003/497 Outline Planning Permission there is a Condition that states "The access to this development shall be via Co-operation Street and this street shall be widened by 3 metres along its easterly edge before any of the houses hereby approved are occupied."
- Parking Spaces and Garages: Parking spaces and garages to Plots 8,10,12,13,15,16, and 22 look to varying extents to be remote from their houses and out of clear view from the house windows.

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• **Financial Viability Appraisal**: The land cost is stated as £420,000, for 23 houses £18,260 per plot. In comparison a single house plot in Lambton Gates has a Land Registry cost of £55,000.

5. ASSESSMENT

The main considerations of the application are:

- 1) Principle; 2) HSE Advice; 3) Greenland; 4) Housing Policy; 5) Visual Amenity/Ecology;
- 6) Neighbour Amenity; 7) Access/Parking; & 8) Planning Contributions.

Principle

The site is within the Urban Boundary of Rawtenstall and has had a previous permission for housing redevelopment. Furthermore, the site constitutes previously-developed land and is in a sustainable location, fronting a main road along which runs a 'quality' bus service. To this extent the proposal is appropriate in principle.

Health and Safety Executive Advice

The application site is located within consultation areas the Health and Safety Executive (Hazardous Installations Directorate) has previously provided to the Council for the nearby Gasholder site, by reason of the Hazardous Substance Consent for the storage of Natural Gas. It has stated in unequivocal terms that there are sufficient reasons on safety grounds for advising that permission should be refused for the proposed development. However, the owners of the Cloughfold Gasholder (National Grid) say it has been decommissioned and the Hazardous Substance Consent for the storage of Natural Gas is no longer required and it would have no objection to the Consent being revoked.

I concur with the view of the HSE that the proposed development should not be allowed to proceed unless and until the Hazardous Substance Consent for the storage of Natural Gas at Cloughfold Gasholder site has first been revoked. In light of what National Grid has said there is a reasonable prospect of the Hazardous Substance Consent being revoked. The Local Planning Authority can initiate the revocation procedure. The Legal Section that the Council would incur costs in the order of £1,000, plus disbursements in respect of this matter. I consider that it would be appropriate that the applicant meet these costs.

Greenlands

Whilst there are no site-specific policies in relation to most of the site, that part of the site to the north side of the buildings (approximately a quarter of the land to be developed) is designated as Greenlands.

Policy E4 of the Rossendale District Local Plan read as follows: "The Council will seek to protect and enhance the Greenlands - a comprehensive network of public and private land - within urban areas and linking with countryside and other recreational features, where only development appropriate to the functions of the Greenlands will be permitted".

Policy 17 of the Council's adopted Core Strategy seeks to protect, enhance and expand the Green infrastructure network (including Greenland).

Members of Committee may re-call an application reported to the meeting of DC Committee in March 2010. Application 2010/0047 proposed erection of 4-bedroomed detached dwelling, with attached double garage, to the north side of 8 Lambton Gates. The site of that application abuts the site of the current application and, similarly, included part of the Greenland. Nonetheless, in accordance with the Officer Recommendation, this application was granted permission by Committee (and implementation of the permitted scheme has begun) .The Officer Report

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concluded that: "The proposed scheme will not result in the erection of building within the Greenland, the part of the site which is Greenland forming a side-garden of 8+m in width. Indeed the proposed building steps down in height as it approaches the Greenland. It is considered appropriate to preclude encroachment of building into that part of garden which is Greenland by the removal of 'permitted development' rights to erect extensions/outbuildings here".

In respect of the current application I consider the case for permitting the proposed development despite the inclusion of Greenland similar, the land obviously forming part of the curtilage of the former Elderly Persons Home, rather than simply part of the hitherto undeveloped wooded bank to the rear - the application site comes up to, but does not cross, the boundary of the Council's land ownership. Similarly, the current proposal does not entail a significant amount of building within Greenland. In this instance, as the land here is to be excavated, thereby resulting in the proposed houses being 2m-4m below the Greenland beyond the site boundary, I do not consider it appropriate to remove from any of the proposed houses the 'permitted development' rights to erect extensions/outbuildings.

Housing Policy

The Council's Core Strategy states that housing development within the Urban Boundary is not inappropriate and Rawtenstall is identified as the settlement in the Borough to have the largest number of additional houses to meet the Council's Housing Requirement for the period 2011-2026. The Core Strategy also expresses a preference for use of brownfield sites such as this, rather than greenfield sites; the target is for 65% of the overall amount of new dwellings to be on previously developed land. Accordingly, residential development of the site is considered appropriate.

Since approval of Application 2010/238, to extend the time limit by which implementation of Outline Planning Permission 2003/497 must commence, the Council has adopted the Core Strategy. Policy 4 requires that 20% of units on a brownfield site over 15 dwellings should be provided as Affordable Housing. As a total of 23 houses are being proposed the current scheme has a need for 5 units to be affordable to fully accord with this policy. For viability reasons the Applicant is proposing none of the units as Affordable Housing; this matter will be returned to below in the Section of the report entitled Planning Contributions.

Visual Amenity

There has been no significant change to the site or the surroundings since the previous permission, beyond further deterioration of the existing buildings on the site and growth of vegetation in unmaintained parts of the grounds.

Whilst the development of the site will entail removal of a number of trees, some sizeable, that are visible from Bacup Road I do not consider them to be so important to the character and appearance of the area as to require retention / are of species capable of retention within a residential development. The trees towards the rear of the site that are to be removed are not of significant visual amenity and their removal will still leave a substantial wooded area rising up the bank beyond the rear boundary of the site. The applicant is proposing tree planting which, with time, will go some way towards compensation for this tree loss. Removal of tree and shrub cover towards the rear of the site will also, to a degree, impact on the wildlife value of the site. However, I have no reason to doubt that reports submitted by the applicant's own ecologist which indicate that no bat roosts were found within the buildings to be demolished and trees removed, nor any badger setts within the site or 30m of it. This being the case, there is no reason to require retention of on-site vegetation, or compensate for its loss, for ecological reasons.

For the most part I am satisfied with the proposed road layout and distribution of buildings across the site. As first submitted the scheme proposed all buildings be constructed of red brick and with

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grey concrete roof tiles, some with a rendered panel at first-floor level. The applicant has since amended the scheme so that houses to face Bacup Road and Co-operation Street will be constructed with artificial stone, though continuing to show the other houses will be red brick, some with a rendered panel at first-floor level.

For this 'gateway' site, viewable from the Bacup Road/Bocholt Way mini-roundabout, I consider that the frontage to Bacup Road requires building of substantial size/presence in the street-scene. The terraced block being proposed adjacent to 166 Bacup Road is considered of appropriate height/bulk to serve this purpose but, in my view ought to be continued or duplicated over that half of the frontage nearest to Co-operation Street, rather than have dwellings on this corner face the side-street. This arrangement would also have the virtue of safeguarding proposed rear gardens from traffic noise, distancing drives serving proposed houses from this junction and closing-off from such public view from the main road houses to be constructed in brick/render and the rear elevation of the existing terrace of houses that fronts to Wheatholme Street. I am also somewhat concerned at the distance the gable of the brick/render house on Plot 16 will stand from Co-operation Street and use of gabion-baskets of stone to construct the retaining wall so near Co-operation Street.

Neighbour Amenity

I am satisfied that the proposed development will not unduly detract from the amenities neighbours could reasonably expect to enjoy in terms of light, outlook and privacy. The scheme meets the Council's spacing standards.

Whilst construction of the proposed houses may well cause a degree of noise and disturbance for neighbours this will be temporary.

Neighbours have raised concerns about the access/parking arrangements being proposed. This matter is dealt with below.

Access/Parking

The Highway Authority is satisfied that the local highway network can accommodate the traffic likely to be generated by the residential development proposed for the site. It is also satisfied that, with certain off-site highway works/an amended traffic regulation order for the Bacup Street/Cooperation Street junction the proposal will be acceptable.

Whilst LCC Highways has commented on certain details of the proposed parking arrangements intended for occupiers of the proposed houses, it is generally satisfied with the number of garagespaces/parking spaces proposed.

Neighbours have expressed various concerns about the adequacy of their existing access/parking arrangements, together with solution proposed by the applicant for hard-surfacing of an existing wide grass-verge that is adopted highway to provide more parking for residents of the houses fronting Wheatholme Street. I concur with the view of LCC Highways that this is an appropriate means by which to reduce the likelihood of residents of the proposed houses being able to access/exit them in vehicles due to on-street parking of vehicles by neighbours.

Planning Contributions

The Applicant has acknowledged that there is need for them to enter into a S.106 Obligation to pay £1,200 to facilitate making of a Traffic Regulation Order. However, they have not indicated that they are willing to pay:

a) the Council's costs of £1,000 (plus disbursements) to progress the revocation of the

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Hazardous Substance Consent for the storage of Natural Gas at Cloughfold Gasholder site, considered essential if the residential re-development of the site is to proceed;

- b) the £47,522 contribution sought by LCC Education to provide the 4 primary school places this development is considered to require;
- c) the £1,366 per dwelling required to accord with the Council's Open Space & Play Equipment Contributions SPD; or
- d) the 20% of units as Affordable Housing units.

An assessment has been submitted by the applicant, prepared by Eddison's, which notes that even at a profit level of less than 10% there can be no contribution towards s.106 obligations. This appraisal has been assessed using the HCA's model, varying several of the parameters, and this identifies surplus profit within the scheme. The Council's Regeneration Delivery Manager and I do not consider that the applicant has adequately demonstrated that provision of affordable housing/other contributions cannot be viably provided, having regard in particular to the assumptions in respect to build costs and house prices. There is also reason to query where the costs associated for the additional parking for neighbours is included, if there are any provisions for contingency measures, and where the actual land value included in the assessment has originated.

Conclusion

On balance, although mindful of the benefits that this proposal will bring, particularly in respect to redevelopment of a vacant gateway site, and its contribution to housing supply within an identified housing area, and bearing in mind there is no substantial objection to part of the development being sited on land designated as Greenlands, I nonetheless consider that the applicant has failed to demonstrate adequately that there is insufficient viability to provide any affordable housing or any other identified planning obligations.

Furthermore, there a various concerns about adequacy of the design that have not been addressed.

1. RECOMMENDATION

That Permission be refused

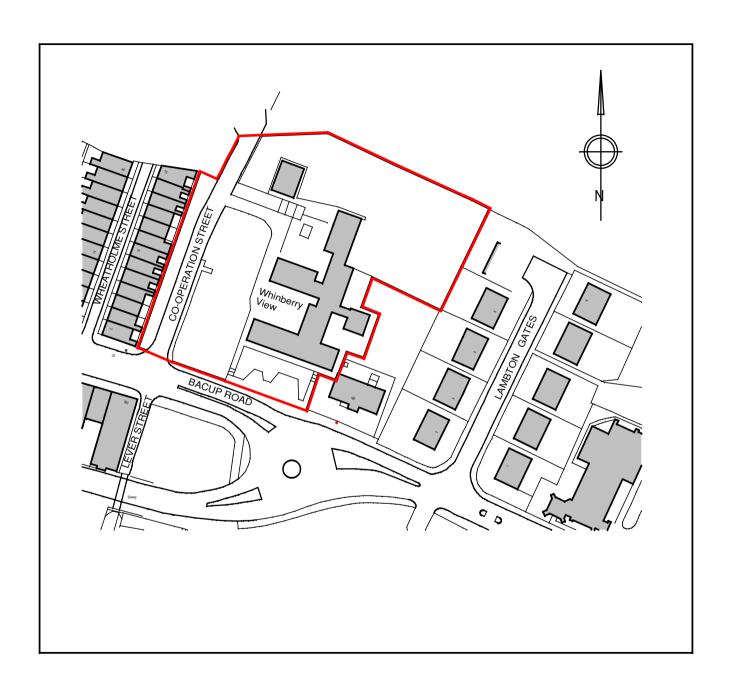
Reasons for Refusal

- 1. Notwithstanding the submitted Financial Viability Appraisal, prepared by Eddison's, which notes that even at a profit level of less than 10% there can be no contribution towards s.106 obligations, the Council do not consider that the applicant has adequately demonstrated that provision of affordable housing/other contributions cannot be viably provided, having regard in particular to the assumptions in respect to build costs and house prices. There is also reason to query where the costs associated for the additional parking for neighbours is included, if there are any provisions for contingency measures, and where the actual land value included in the assessment has originated. In the absence of the following contributions:
 - a) the Council's costs of £1,000 (plus disbursements) to progress the revocation of the Hazardous Substance Consent for the storage of Natural Gas at Cloughfold Gasholder site, considered essential if the residential re-development of the site is to proceed;

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- b) the £1,200 to facilitate making of a Traffic Regulation Order;
- the £47,522 contribution sought by LCC Education to provide the 4 primary school places this development is considered to require;
- d) the £1,366 per dwelling required to accord with the Council's Open Space & Play Equipment Contributions SPD; &
- e) the 20% of units as Affordable Housing units; the proposal is contrary to Policies 1 / 2 / 4 / 8 / 9 / 17 / 22 / 24 of the Council's adopted Core Strategy DPD (2011), LCC Planning Obligations in Lancashire (2008) and RBC Open Space & Play Equipment Contributions SPD (2008), and the comments of the Health and Safety Executive (Hazardous Installations Directorate), LCC Highways and LCC Education.
- 2. For this prominent 'gateway' site, viewable from the Bacup Road/Bocholt Way miniroundabout, it is considered that the frontage to Bacup Road requires building of substantial size/presence in the street-scene. The terraced block being proposed adjacent to 166 Bacup Road is considered of appropriate height/bulk to serve this purpose but ought to be continued or duplicated over that half of the frontage nearest to Co-operation Street, rather than have dwellings on this corner face the side-street. This arrangement would also have the virtue of safeguarding proposed rear gardens from traffic noise, distancing drives serving proposed houses from this junction and closing-off from such public view from the main road houses to be constructed in brick/render and the rear elevation of the existing terrace of houses that fronts to Wheatholme Street. The distance the gable of the brick/render house on Plot 16 will stand from Co-operation Street is also of some concern, as too is use of gabion-baskets of stone to construct the retaining wall so near Co-operation Street, in terms of the character and appearance of the area. Accordingly, the proposed scheme is not considered to accord with the principles of 'good design of Section 6 and 7 of the National Planning Policy Framework (2012) and Policies 1 / 23 / 24 of the Council's adopted Core Strategy DPD (2011)

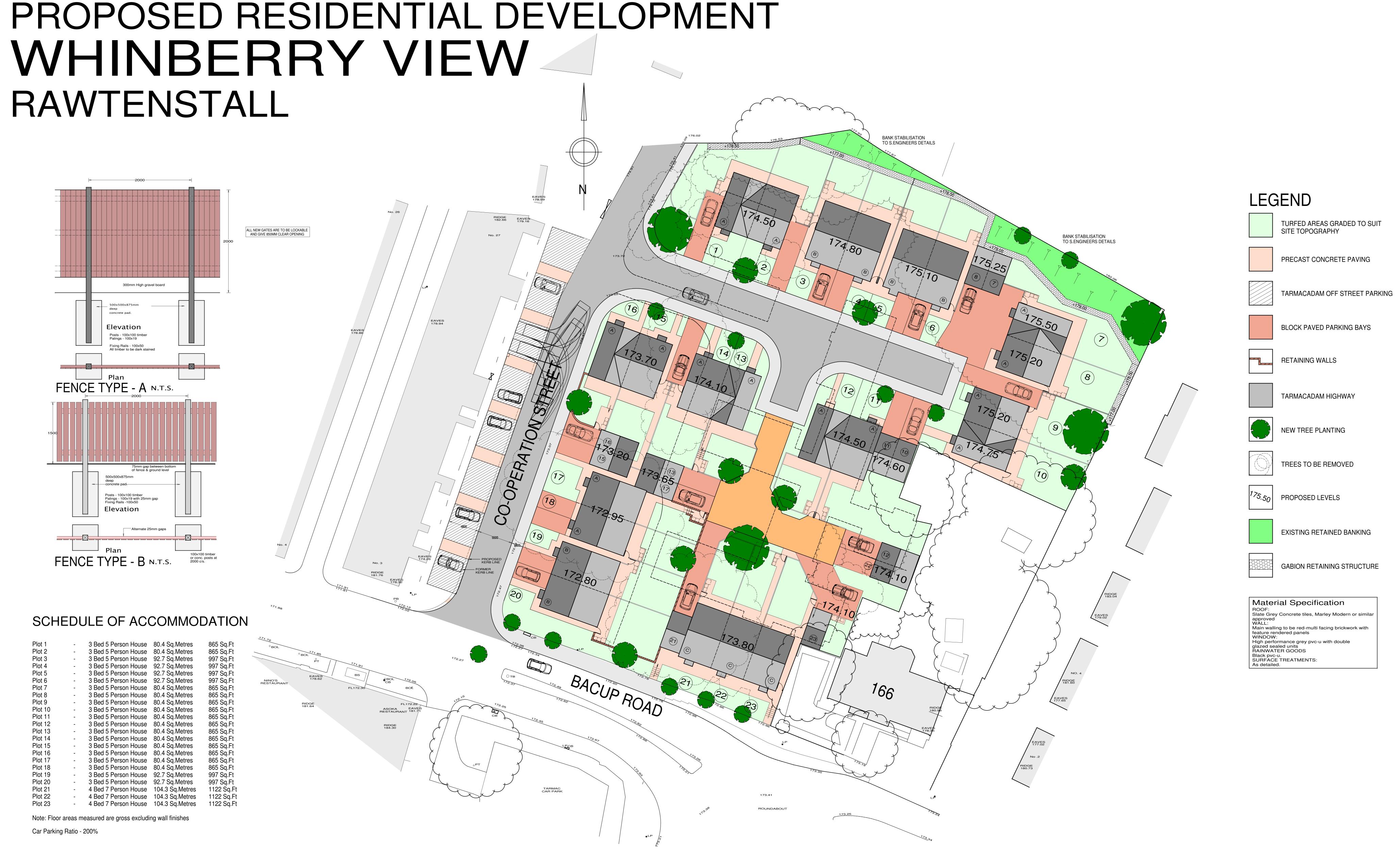
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SITE LOCATION PLAN Scale 1:1250

nicol thomas

Client:	B & E Boys Limited	Limited	
Job:	wninberry	wninberry way, Hawtenstall	
Drawing title:	LOCATION PLAN	LAN	
Drawing Number:			Revision:
(Job number)	M2814.L1		
Scale:	1:1250 @ A4	4	
Date:	OCTOBER 2013	2013	
Drawn by/ checked by:	S		



PROPOSED SITE LAYOUT

nicol thomas

Client:	B & E BOYS	
Job:	Whinberry View, Rawte	enstall
Drawing title:	Proposed Site Layout	
Drawing Number: (Job number)	M2814.PL.20	Revision:
Scale:	1:200@A1	<u> </u>
Date:	10.09.13	
Drawn by/ checked by:		