

<b>Application Number:</b>	2016/0267	<b>Application Type:</b>	Outline
<b>Proposal:</b>	Outline application with all matters reserved except for access, for demolition of existing buildings and structures, and replacement with residential development of up to 107 units	<b>Location:</b>	Reeds Holme Works Burnley Road, Rawtenstall, BB4 8LN
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	13/12/16
<b>Applicant:</b>	Allied Textiles Ltd	<b>Determination Expiry Date:</b>	Extension of time agreed until 16/12/16
<b>Agent:</b>	CBRE Ltd		

<b>Contact Officer:</b>	Lauren Ashworth	<b>Telephone:</b>	01706-238637
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	✓
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	✓
<b>Other (please state):</b>	

## 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 Committee be minded to approve Planning Permission subject to a S106 Agreement to secure the planning obligations and subject to the conditions set out in Section 10.

## 2. SITE

The site extends to 3.2ha and contains 4no. industrial buildings and associated plant, parking and areas of hardstanding. The northern half of the site contains buildings in active use by Coatings Application Group, who manufacture PVC and PU coated fabrics. The southern half comprised the site of a 19<sup>th</sup> century industrial building that has recently been demolished, with only the 2m high stone wall frontage remaining. The northern half of the site contains a historic “Reeds Holme Works” plaque situated in a landscaped area which faces Burnley Road on the corner of the site entrance. The site also contains a variety of vegetated habitats including broadleaved woodland, grassland, tall ruderal and perennial vegetation. Existing vehicular access is from two points along Burnley Road and a third secure access is located on the northern boundary onto Hollins Way. The site is relatively flat except along the eastern boundary where levels are elevated by around 10m. The raised area is predominantly undeveloped rough grassland with heavily wooded areas.

There is a small pond located in the far eastern corner of the site which feeds a partly culverted stream which runs along the southern boundary and discharges into Limey Water approximately 10m from the site to the west of Burnley Road.

Located outside of the site, immediately to the west and adjacent to Burnley Road, lies a former graveyard which falls within the Council’s ownership. From discussions with the Council’s legal team, the Council covenanted to use the land as a resting place and garden for the benefit of the public and no building or buildings of any description shall be erected thereon. Officers understand that the last burial in the graveyard was in 1958, however it is unclear whether the remains have been removed from the graveyard.

The site is located approximately 1.3 km to the north of Rawtenstall Town Centre and approximately 700m to the south of Crawshawbooth. It is bounded to the north and east by Hollin Way which serves a number of residential properties, and to the south by a large retail unit ‘Novak’s’ along with open space and further residential development. Immediately to the west of the site is Burnley Road. The majority of housing on Burnley Road is Victorian and of large proportions and constructed from natural stone and slate. The road is tree-lined and there are a number of stone boundary walls fronting the highway.

The site is shown on the Adopted Proposals Map (1995) as an ‘Employment Site’ however this policy was not saved by the adopted Core Strategy (2011). The site is within the Urban Boundary of Rawtenstall and is ‘brownfield’ in planning terms. It is not within a Conservation Area nor does it contain listed buildings or Tree Preservation Orders.

## 3. PROPOSAL

Outline planning permission is sought for the demolition of all buildings and structures on the site to allow for the erection of up to 107 residential units. The application is submitted in outline, with only details of access for approval. All other matters are reserved.

An indicative site layout has been submitted with the application which demonstrates how a residential scheme could be incorporated within the site. It includes a mix of house types including apartments, semi-detached and detached. Private parking is shown indicatively for all dwellings.

The layout provides details of access which consists of the retention of the existing vehicular access from Burnley Road to the north of the cemetery, and an additional access from the

same road but to the south of the cemetery but for emergency use only. Pedestrian and cycle access is available from the two vehicle accesses on Burnley Road, and a third onto Hollin Way to the north. A footpath link is also provided from the site onto Burnley Road at the south-west part of the site. Within the site itself a footpath is also provided through the woodland along the eastern part of the development.

The existing pond is proposed to be retained in the south east corner as is the associated watercourse. Additional planting is shown indicatively along the southern fringe to act as a barrier.

The following have been submitted:

- Design and Access Statement
- Planning Statement
- Flood Risk Assessment and Surface Water Drainage Strategy
- Transport Assessment
- Framework Travel Plan
- Preliminary Ecological Appraisal
- Bat Activity Surveys
- Statement of Community Involvement
- Phase 1 and 2 Site Investigation
- Arboricultural Impact Assessment

#### 4. **PLANNING HISTORY**

2013/0503 - Installation of new exhaust ventilation and abatement system including 18m high replacement flue stack. Approved 23/12/2013.

2012/0290 – Screening Opinion for EIA for demolition of buildings. Approved 18/06/2012.

2012/0323 - Prior notification of proposed demolition of vacant industrial buildings. Approved 25/07/2012.

2010/0269 - Erection of a Regenerative Thermal Oxidiser Unit including a 16.5m high flue. Approved 06/07/2010.

x/2005/417 - Erection of 6 chimneys. Approved 07/09/2005.

x/2001/312- Proposed single storey extension to form gatehouse. Approved 05/10/2001.

x/2001/042 - Use of ground floor for retail purposes up to a maximum of 1295m<sup>2</sup> of retail sales floor space for the retail sale of clothes and other specified items. Approved 25/07/2001.

#### 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
- Section 12 Conserving and Enhancing the Historic Environment

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

- AVP 4 Rawtenstall
- 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 10 Provision for Employment
- Policy 16 Preserving and Enhancing Rossendale's Built Environment
- 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)
- Planning Practice Guidance

## **6. CONSULTATION RESPONSES**

<b>Consultee</b>	<b>Response</b>	<b>Conditions recommended?</b>
RBC (Forward Planning)	No objection	No
RBC (Conservation Officer)	No objection subject to conditions.	Yes
Contaminated Land Officer	No objection subject to conditions.	Yes
LCC (Highways)	No objection subject to conditions.	Yes
Ecology Consultant	No objection subject to conditions.	Yes
LCC (Planning Contributions)	Request for education contribution.	No

United Utilities	No objection subject to conditions.	Yes
Lancashire County Council (Lead Local Flood Authority)	No objection subject to conditions	Yes

## 7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 15/07/2016, site notices were posted on 12/07/2016 and 77 letters were sent to neighbours on 07/07/2016.

4 letters of objection and 1 letter of support have been received. The key areas of concern are summarised below:

- Concerns over the impact the development will have on local schools (primary and secondary).
- The development should include a school within the scheme.
- The local highway network has not been upgraded and is gridlocked – careful consideration is needed before granting this application.
- Trees should be retained wherever possible.
- The existing pond and watercourse needs careful consideration to ensure it does not overflow.
- An ancient right of way has been blocked by metal railings on the existing site. This is an ancient packhorse track which leads to Reeds Farm and should connect to the main road. Should this be reinstated if the new development is approved?

The following comments in support have been raised:

- Residential properties will certainly be better than the current commercial property.

## 8. ASSESSMENT

The main considerations of the application are:

### Principle

#### *Loss of employment*

The site is shown on the Adopted Proposals Map (1995) as an 'Employment Site' however this policy was not saved by the adopted Core Strategy (2011). The site is within the Urban Boundary of Rawtenstall and is 'brownfield' in planning terms. The site is currently in active employment use and therefore Policy 10 of the Core Strategy is relevant. It states that the loss of existing employment sites and buildings to non-employment generating uses will only be supported where certain criteria are met:

*“(a) re-development for employment uses has been adequately demonstrated to the satisfaction of the Council to be economically unviable and the site is unlikely to be used for existing or future employment purposes, or  
(b) the access to the site is poor and cannot be adequately improved, or  
(c) the current, or any alternative employment, use has a significant adverse impact on the neighbouring land uses, or*

*(d) the site and/or buildings are significant heritage assets and their re-use or development is the most appropriate means to secure and maintain an acceptable and viable use that is consistent with their conservation, and in all cases:*

*(e) the site has been marketed for 12 months, or less in exceptional circumstances, using a methodology agreed by the Council, and*

*(f) the development will have no unacceptable adverse impacts on surrounding land uses. The re-use and retention of suitable buildings, including those in rural areas, for appropriate employment generating uses will be supported where:*

- it assists diversification of the existing employment base, or*
- it supports the creation or growth of a local business, or*
- it retains buildings of significant architectural, historic or artistic interest, or*
- it contributes to a wider regeneration initiative, and in all cases*
- The proposal promotes the enhancement of the environment and accessibility provision, minimises transport impacts and makes best use of the existing space.”*

The applicant has submitted a Planning Statement within which it assesses the proposed development against the relevant policies including Policy 10. It states that the site is currently occupied by Allied Textiles Ltd who manufactures PVC and PU coated fabrics for specialist sectors including protective workwear, hot air balloon fabrics, tent fabrics and leisure inflatables (the southern half of the site is vacant). The statement explains that over recent years complaints have been received from local residents in relation to the manufacturing elements of the site including noise, odour and fumes. The applicant maintains that despite investing significantly (approximately £267,000) in solutions to address the problems since 2013, there remains a conflict between the residential and manufacturing uses. The Planning Statement (Section 4.) explains that due to the nature of the operations associated with their coatings applications business, it would be better suited to an area away from residential properties. The applicant considers therefore that the proposal complies with criterion (c) of Policy 10 whereby “*the current, or any alternative employment, use has a significant adverse impact on the neighbouring land uses.*” The Council’s Environmental Health Officer has confirmed that they have received complaints from local residents and also they have reduced in the recent past, a small number do continue.

Policy 10 also requires the submission of marketing evidence to demonstrate that the site has been advertised to the market for its current use and has not received viable interest. The applicant has submitted six months of marketing details as agreed with Council Officers. The Planning Statement explains that this began in January 2016 and comprised various methods including a marketing board on site, a marketing particulars brochure, a direct email to North West Industrial agents, a mailshot to 500 local occupiers, and advertisements on 5 websites. The marketing is ongoing however at the time of submitting the planning application (June 2016) 7 enquiries have been made, of which 5 were from property agents on behalf of developers seeking residential development, and 2 from manufacturing businesses, neither of which found the site suitable for their budget.

Concerns were raised by Officers about the price the site was marketed at as the applicant requires a set price to enable the business relocation and as such Officers requested that the applicant follow up the enquiries made by the interest businesses but who did not find the site suitable for their budget. On 1 December 2016 the applicant provided a ‘Marketing Update Note’. The applicant’s agent contacted Linemark on 18 November querying whether they were still interested in the site for their business. They confirmed this may be the case (subject to price) however the northern part only, not the entire site. The agent followed this up with emails and plans were provided, however no further responses have

been received. Foremost Furniture was contacted via telephone on the 18th November, but the call was not answered. A phone message was left, but no response has been received. The note concludes that despite undertaking additional marketing of the site by way of contacting previously interested parties, no offers have been received. Whilst Linemark expressed some interest this is only for the northern part of the site, and at the time of writing no further contact has been made with the Industrial Agents.

Accordingly, Officers are now satisfied that the applicant has adequately marketed the site, explored any interest in continued employment uses and therefore demonstrated that there is little prospect of future employment uses on this site as required by Policy 10.

### *Proposed residential development*

The Council cannot currently demonstrate a five-year supply of deliverable housing sites based on Full Objectively Assessed Need (FOAN), and therefore certain Core Strategy policies concerned with the supply of housing cannot be considered up-to-date (in line with paragraph 49 of the NPPF). Notwithstanding this, Policy 1 directs new development to the Urban Boundary and requires individual planning applications to make the best use of under-used, vacant and derelict land and buildings. Policies 2 and 3 are supportive of housing development on previously developed land within the Urban Boundary, and the largest number of houses will be targeted towards the Rawtenstall area.

In terms of sustainability, the site is well located on the X43 main line bus service running regularly between Skipton and Manchester. There are bus stops located north and south bound within close walking distance of approximately 100 metres from the centre of the site. However, the nearest Primary Schools are St Paul's Constable Lee C of E which is located 1.2km to the south and Crawshawbooth Primary which is 1.4km away to the north, which is significantly further than the desirable walking distance of 200 metres and the preferred maximum walking distance of 800 metres which is stated in the IHT Acceptable walking distances to local facilities. This is considered further in the highways section of this report.

Whilst the site is not vacant as it is currently in use, the proposal has been found to accord with Policy 10 in relation to loss of employment land. In addition, the site is within a sustainable and accessible location within the Urban Boundary of Rawtenstall, and re-development for residential purposes would be more compatible with the surroundings than the current use. In addition, Officers are satisfied that the scheme being for up to 107 new dwellings would make a significant contribution to reducing the shortfall in housing supply for the Borough over the plan period. Accordingly Officers attach significant weight in favour of the proposal in respect of its contribution to housing supply.

At the national level paragraph 14 of the Framework contains a presumption in favour of sustainable development. It states that development proposals that accord with the development plan should be approved without delay. Based on the findings above, Officers are satisfied on balance that the proposal is compliant with the development plan in so far as the loss of employment land, and proposed residential development in a sustainable location are concerned.

### **Other considerations**

#### **Contamination**

The application is accompanied by a Phase I and Phase II Geo-Environmental Site Investigation and Preliminary Ecological Appraisal which have been reviewed by the

Council's Contaminated Land Officer. The Officer has found that the site investigations to date have been limited due to access restrictions and the submitted report recommends a further phase of post demolition sampling works prior to development of the remediation strategy. The report also states that a detailed development layout had not been prepared at that time.

A number of potentially contaminating land uses have been identified from both historical and current activities including a refuse tip. A list of potential contaminant sources has been produced including Metals; Chlorinated Solvent; PCB's; Hydrocarbons (various); Asbestos and gas including Radon. A number of recommendations are made within the report with which the Officer concurs. Materials on site are reportedly unsuitable to be used as surface soils and a 600mm cover system is proposed together with gas/radon protection. Where significant contamination or asbestos is to be left on site the developer should be encouraged to consider a visible geotextile membrane and/or a hard to dig layer to discourage access to the soils beneath. Installation of a garden pond or mature tree for example is likely to exceed 600mm. If tree planting will take place then measures may need to be adjusted at these locations. The developer is aware of the potential issues on site and there is acknowledgement that further investigation and assessment work is required and that remediation is needed.

The Contaminated Land Officer is satisfied that the proposed residential development is acceptable in principle subject to a planning condition requiring a full site investigation report and details of remedial works to be submitted for approval.

#### Flood risk and drainage

The site extends to 3.2ha and is located predominantly within Flood Zone 1, with the west portion of the site within Flood Zone 3. The application is accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy which have been reviewed by the Lead Local Flood Authority and United Utilities. No objection has been raised by either consultee subject to planning conditions requiring the submission of a surface water drainage scheme, and full details of SUDS and SUDS management.

Subject to conditions, the scheme is considered acceptable in principle with regards to flood risk and drainage.

#### Transport and access

Full details of access are sought for approval as part of the outline application. The application is accompanied by a Transport Assessment, an illustrative masterplan / layout and a Framework Travel Plan. The layout provides details of access which consists of the retention of the existing vehicular access from Burnley Road to the north of the cemetery, and an additional access from the same road but to the south of the cemetery for emergency vehicles only. Pedestrian and cycle access is available from the two vehicle accesses on Burnley Road, and a third onto Hollin Way to the north. A footpath link is also provided from the site onto Burnley Road at the south-west part of the site. Within the site itself a footpath is also provided through the woodland along the eastern part of the development.

Lancashire County Council Highways has been consulted on the application and their comments are summarised below:

The site is well located on the X43 main line bus service running regularly between Skipton and Manchester. There are bus stops located north and south bound within close walking distance of approximately 100 metres from the centre of the site. However the bus stop facilities are poor, with no bus shelter northbound and a sub-standard style shelter southbound. It will be necessary to upgrade the facilities to quality bus stop standards to accommodate the bus passengers generated by the development and to promote public transport as an alternative to the private car. The nearest Primary Schools are located approximately 1.2km away which is significantly further than the desirable walking distance of 200 metres and the preferred maximum walking distance of 800 metres which is stated in the IHT Acceptable walking distances to local facilities.

An initial objection was raised in relation to the signalised four arm junction 'Tup Bridge' where there is queuing on the Burnley Road arm southbound at the am peak and northbound on St. Marys Way in the pm peak as this had not been assessed in the Transport Assessment. The Highway Authority requested further information to determine the impact of the development traffic on the network and the level of mitigation required.

The applicant provided Technical Notes to address the points above on 4 October 2016 and 20 October 2016. Lancashire County Council Highways confirmed that the development traffic will not have such a significant impact upon the Tup Bridge junction to justify an objection however they note it will be necessary to include minor mitigation measures as a condition of any approval. The proposed minor mitigation works would include the validation of the MOVA system on the Tup Bridge traffic signals which will optimise the operation of the junction with the development traffic. These works will be included as part of a S278 agreement for off-site highway works. The following additional off-site highway works have been requested and will be secured through a Section 278 Agreement between the developer and Lancashire County Council:

- The development site access is a simple T junction which should be upgraded to a T junction with a ghost island provision to accommodate right turning vehicles to the development site in line with the DMRB geometric design of major/minor priority junctions. Currently a narrow ghost island type arrangement exists at the primary access and there is sufficient road width on Burnley Road for this to be widened and enhanced accordingly to accommodate the development traffic.
- The secondary emergency/cycle/pedestrian access should be provided as a shared space with a footway crossover arrangement to Burnley Road and removable bollards to restrict vehicular access to the public.
- The remaining two former vehicular access points along the Burnley Road site frontage should be reinstated to full height footway.
- Upgrade the facilities to quality bus stop standards on Burnley Road to accommodate the bus passengers generated by the development and to promote public transport as an alternative to the private car.
- The pedestrian and cycle links from the development site should be enhanced to encourage sustainable modes of travel to schools.
- The link from the development site to Hollin Way adjacent to 15 Poplar Terrace should be upgraded to adoptable standards.

No objection is raised to the proposed development subject to the mitigation measures (off-site highway works) and the use of planning conditions in Section 10 of this report. It is noted that local residents have raised concern with the capacity of the highway network to accommodate the development however Officers note that this has been considered in full by the Highway Authority. For the reasons above Officers are now satisfied that the

proposal will not result in severe cumulative impacts on the highway network in accordance with the Framework and Core Strategy Policy 8.

### Layout and design

The illustrative masterplan submitted with the application is for indicative purposes only and is not for approval. It shows how 107 units can be accommodated on the site and are arranged in 7 'pockets', connected by streets and paths. It demonstrates that all properties benefit from outdoor amenity space either in private gardens or areas of public open space to serve the apartments. Private parking is shown indicatively for all dwellings.

Section 2.1 of the Council's Alterations and Extensions to Residential Properties SPD contains guidance on separation distances between habitable room windows. It specifies that there should be a minimum of 20m between habitable room windows in properties that are directly facing each other. The layout of the development will be finalised at reserved matters stage, however the indicative layout demonstrates compliance with this guidance.

The Council's Conservation Officer has provided detailed comments in relation to layout and design and the developer would be expected to incorporate these wherever possible at the reserved matters stage. They are summarised below:

- The layout of the housing as shown does not appear as congruous as it could with the surrounding area. The plots are arranged around "islands" of green space and as a consequence the street layout doesn't reflect the locality, which is an important requirement in this location as it is surrounded by Victorian housing stock. This is particularly important towards the front of the site (west, facing Burnley Road). There are approximately 11 houses facing Burnley Road to the south of the green space, but some are set at right angles to the road, which interrupts this linear flow. Consideration should be given to a more linear, fluid (slightly curving) layout running through the site in a north-south direction, at least to the front and centre of the site (with more leeway to the rear where modern housing stock dominates) which would better reflect the existing layout.
- The use of terraces and semi-detached dwellings is supported as this is a strong character of the area.
- Opposite the site 370-380 Burnley Road are a mixture of 19th century houses, of varying style and sizes, but all unified by use of stone and slate roofs. Variation of storeys on this site could be acceptable due to the varying height, sizes and ages of surrounding stock (19<sup>th</sup>-early 20<sup>th</sup> century), but even the smallest existing terraced houses are of fairly generous proportions, and this should be mirrored here.
- To the north of the site, the roads appear to dominate, and the three storey gabled apartments could be re-sited to a more suitable location than behind the green space, as space "leakage" occurs in this area, which would benefit from tightly defined boundaries and spaces. Consideration should be given to focussing three storey apartments to the rear of the northern end of the site, and to the rear of the southern end of the site.
- The existing stone façade of former Reeds Holme works whilst having great presence in the street scene appears to be out of scale with the proposed development so it is difficult to determine how this could be incorporated into any

new scheme. Consideration should however be given to its incorporation in the scheme.

- If this is not possible, reuse of the stone for the boundary walls of the site, which should be clear and strong facing Burnley Road. This could also incorporate the Reedsholme Works emblem. Piecemeal boundaries should be avoided as this could interrupt any linear flow and enclosure of the site.
- Facing Burnley Road, all houses (all sides) should be natural local stone. The site is visible from Cribden Hill and so the roofs should be natural slate so far as possible, and certainly along Burnley Road.
- Complex roofscapes should be avoided, and should be focussed on simple, gabled roofs, with no pediments, gables or dormers, including on the three storey apartments which should be simple and graceful in proportion, avoiding small gabled/wing projections, particularly to the front elevations, which can create an overcomplicated/contrived design in an area dominated by simple design.

Overall and subject to conditions, Officers are satisfied that the key principles shown on the illustrative masterplan are acceptable in principle.

#### Housing mix and quantum

The development proposes a density of 33 units per hectare, or a net density of 46 units per hectare. Policy 2 states that 30 dwellings per hectare should be achieved as a minimum, and that this can exceed 50 in sustainable locations. Overall Officers consider the density appropriate for this site.

The housing comprises a mix of 2, 3 and 4 bedroom houses in the form of terraces, semi-detached, detached, in addition to 1 and 2 bedroom apartments. Although officers are mindful that the proposed mix is indicative and will only be fixed at reserved matters stage, officers are satisfied that the mix is appropriate in principle.

#### Landscaping

Landscaping is a reserved matter and therefore not for determination at this stage. However, the illustrative masterplan shows around 27% of the site has been retained as open space, with landscape buffers along the south and eastern boundaries. The applicant's Design and Access Statement summarises the key principles of proposed landscaping within the site:

- tree retention along the south and eastern edges of the site and supplementary planting in these areas;
- there are significant opportunities for new tree planting and landscaping within the site, both within private gardens and within the public realm;
- creation of a linear greenspace along the southern boundary incorporating the existing watercourse;
- generous rear gardens; and
- clear hierarchy of public open space.

With regards to landscaping the illustrative masterplan is acceptable in principle however the landscaping scheme to be submitted at reserved matters stage should reflect the key principles set out in the Design and Access Statement.

## Ecology

The Council's Ecologist has reviewed the Preliminary Ecological Survey, bat survey, reptile survey, and badger survey. The bat surveys found no bat roosts on site at the time of survey and no further surveys are recommended. However as bats are highly mobile creatures the ecologist has recommended that if the buildings on site are not demolished within 12 months, a further check of the building for bats should be required immediately prior to demolition. A condition to this effect should be attached to any permission. The survey report also recommends that all lighting associated with the development should be low-level and directional and avoid illuminating the woodland areas on the boundaries of the site. A condition is recommended which requires the submission of a lighting design strategy prior to occupation of the development.

The Preliminary Ecological Survey found that the site provided opportunities for nesting birds within vegetated areas and also several of the built structures. A planning condition is recommended which prevents works taking place during the main bird-breeding season, which is 1st March and 31st July inclusive.

Evidence of badger activity has been found within the site, full details of which are confidential for species protection reasons. It is unclear from the information submitted if all the areas used by badgers will be retained by the proposals. Given the findings of the survey and the mobile nature of badgers, it is recommended that an updated badger survey be submitted with any reserved matters application.

In terms of ecological enhancement within the site, both the bat survey and the Preliminary Ecological Survey provided recommendations for biodiversity enhancement measures that could be incorporated into the final design of the scheme, in line with the requirements of the Framework. Full details of these measures should be submitted with any reserved matters application as part of the proposed landscaping scheme.

Finally, the Council's Ecologist has recommended that an invasive species survey should be conditioned to be submitted with any reserved matters application.

Subject to the conditions above, officers are satisfied that the proposed residential development is acceptable in principle having regard to ecological considerations.

## Statement of Community Involvement

The Framework emphasises the importance of engaging local residents early in the process. In this regard the application is accompanied by a Statement of Community Involvement which sets out the consultation undertaken with Council Officers, members of the public and local Councillors. The statement explains that the feedback received is positive, with the majority of attendees at the public exhibition stating their preference for the site to be redeveloped for housing, to remove the visual and amenity issues associated with the existing use, and the proposed density and layout was generally supported.

The applicant states that the design evolution has taken on board the feedback received and where possible design solutions have been adopted to address concerns.

Officers are satisfied that the applicant has undertaken an appropriate level of community consultation prior to the submission of the application and it is noted that the following the

Local Planning Authority's consultation of the planning application, 1 letter of support has been received and only 4 letters of objection.

### Planning Contributions and viability

Policy 22 of the Core Strategy relates to planning obligations and states that where developments will create additional need for improvements / provision of services or facilities, contributions will be sought to ensure that the appropriate improvements are made. The following contributions have been requested in relation to the proposed residential development:

- Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 41 primary school places. LCC will not be seeking a contribution for secondary school places.
- A contribution of £10,700 (£100 per dwelling) to provide refuse bins.
- £146,162 towards open space and play provision.
- 20% affordable housing in accordance with Policy 4 of the Core Strategy.

On 3 October 2016 the applicant submitted a Viability Appraisal prepared by CBRE, the purpose of which is to assess whether the proposed residential development can support the Council's policy requirements for affordable housing and S106 contributions. The report concludes that based on a fully policy compliant scheme the residual profit level equates to -4.95% on GDV. With no affordable housing and without the S106 costs, the profit equates to 5.08% on GDV. A reasonable profit level should be 18.16%. Therefore the report concludes that it is not viable to deliver either affordable housing or planning obligations.

The Council has instructed the VOA to independently review CBRE's report. The findings are summarised below:

- A planning compliant scheme of 20% affordable housing provision is not viable.
- The scheme has then been tested with 10% and 5% provision, neither of which are viable.
- The scheme can afford all of the required S106 contributions but at the expense of providing any on-site affordable housing.

The applicant has provided heads of terms which indicates their agreement to providing the contributions (education, public open space and refuse bins) and their solicitors are currently drafting the legal agreement.

Having regard to the evidence put forward in relation to viability, the guidance contained in Planning Practice Guidance on Viability, and the agreement of the applicant to provide the S106 contributions, officers are now satisfied that the proposal is compliant with Policy 22 of the Core Strategy 'Planning Contributions' and the National Planning Policy Framework 'Planning Conditions and Obligations'.

## **9. RECOMMENDATION**

That planning permission be minded to grant planning permission subject to:

- a) A S106 Agreement to secure payment of contributions towards public open space, refuse bins and education provision; and
- b) The Conditions set out below.

It is recommended that delegated authority is given to the Planning Manager to refuse planning permission in the event that the S106 Agreement is not signed by 17 February 2017.

## 10. **CONDITIONS**

1. An application for approval of the reserved matters (namely the landscaping, layout, scale, and appearance) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted for up to 107 residential units shall be carried out in accordance with the following approved plans unless otherwise required by the conditions below:

<b>Drawing Title</b>	<b>Drawing Number</b>	<b>Received</b>
Site Location Plan	-	30 June 2016
Illustrative Masterplan in so far as it relates to access only	016-003-006 Rev A	30 June 2016

**Reason:** To accord with the permission sought and granted.

3. Details of the appearance of the scheme (a reserved matter), which shall include a Materials Plan detailing all proposed materials to be used on the site (dwelling elevations, roofing materials, windows, heads, sills, doors, garage doors, rainwater goods, downspouts, and all external hard surfaces) shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters, and the development shall be carried out as approved. Notwithstanding the above, all dwellings fronting Burnley Road shall be constructed of natural coursed stone and shall have natural slate roofs.

**Reason:** The application is in outline only and is not accompanied by detailed plans, and to ensure that the development is appropriate with regard to visual amenity.

4. As part of the reserved matters application full boundary treatment details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a scheme for the re-use of the stone and date stone from the façade of the former factory known as Reeds Holme Mill to form a wall / entrance to the development, and details of how the Reeds Holme Works plaque / emblem (located on the corner of the site entrance and Burnley Road) can be incorporated into the development's entrance. The development shall be carried out in accordance with approved details prior to occupation of the dwellings.

**Reason:** The application is in outline only and is not accompanied by detailed plans, and to ensure that the development is appropriate with regard to visual amenity.

5. As part of the reserved matters application details of a shared pedestrian cycleway link from the site to Hollin Way constructed to adoptable standards should be submitted to and agreed in writing by the Local Planning Authority. The link shall be created in accordance with the approved details prior to occupation of any of the dwellings hereby approved.

Reason: To improve permeability of the site and encourage walking.

6. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: In the interests of highway safety and residential amenity.

7. Prior to the occupation of any of the dwellings hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.

8. Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

9. Prior to the occupation of the first dwellinghouse hereby approved full details of the proposed arrangements for future management and maintenance of the communal areas and areas of landscaping within the development shall be submitted to and approved by the Local Planning Authority. The communal areas shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: To ensure that the communal areas serving the development and landscaped areas are maintained to an acceptable standard in the interest of residential / highway safety.

10.No development shall commence until a scheme for the site access and off-site highway works has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until the works have been carried out in accordance with the approved details.

Reason: To ensure that the final details of the highway scheme/works are acceptable before work commences on site.

11.Prior to first occupation of any of the dwellings hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall include (but not be limited to) the provision of and improvements to pedestrian, cycle and bus infrastructure in and around the site, electric vehicle charging points and cycle parking and welcome packs for each dwelling with information on local bus services, walking and cycling routes. The provisions of the Travel Plan shall be then implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

12.Details of secure covered cycle storage areas shall be submitted to and approved in writing by the Local Planning Authority. They shall be installed at each dwelling prior to the dwelling's occupation and retained thereafter.

Reason: To ensure that the development provides sustainable transport options.

13.No development shall commence until a Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health and the wider environment; and

The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works shall be incorporated into the development during the course of construction and completed prior to occupation of the development; and

Prior to first occupation a Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the Local Planning Authority. If, during any works on site, contamination is suspected or found, or contamination is caused, the LPA shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the Local Planning Authority.

Reason: To safeguard the health of future occupants of the land in the interests of public health and to safeguard watercourses.

14.Should the demolition of the buildings hereby approved not take place within 12 months from the date of this decision, immediately prior to their demolition a further survey of the buildings for the presence of bats should be undertaken, and the results of which (together with proposals for mitigation/compensation, if required) submitted to and approved in writing

by the Local Planning Authority. Any approved measures for the protection of bats shall be implemented in full.

Reason: To conserve and enhance biodiversity and to ensure that any bats are protected.

15. Prior to occupation of the dwellings hereby approved, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To conserve and enhance biodiversity and to ensure that lighting does not adversely impact on bats.

16. No removal of or works to any vegetation or works to or demolition of buildings or structures that may be used by breeding birds shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority for approval.

Reason: To conserve and enhance biodiversity and to protect breeding birds.

17. The reserved matters application (landscaping) shall be accompanied by an invasive species survey and an updated badger survey undertaken by an experienced ecological consultant, and shall include full details of any necessary compensation or mitigation measures.

Reason: To conserve and enhance biodiversity.

18. The reserved matters application (landscaping) shall be designed to incorporate the recommendations for biodiversity enhancement measures provided within the submitted Bat Survey and Preliminary Ecological Survey prepared by Peak Ecology Limited.

Reason: To conserve and enhance biodiversity.

19. As part of any reserved matters application or prior to the commencement of any development the following details shall be submitted to, and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority.

1. Surface water drainage scheme which as a minimum shall include:

a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change – see EA advice [Flood risk assessments: climate change allowances](#)), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) The drainage scheme should demonstrate that the surface water run-off must not exceed the existing greenfield rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

d) Flood water exceedance routes, both on and off site;

e) A timetable for implementation, including phasing where applicable;

f) Site investigation and test results to confirm infiltration rates;

g) details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained, 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 prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development, elsewhere and to future users. To ensure that water quality is not detrimentally impacted by the development proposal.

20. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the drainage for the proposed development can be adequately maintained. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

21. No development hereby permitted shall be occupied until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other

arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development. To reduce the flood risk to the development as a result of inadequate maintenance. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

22. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

### **Informatives**

1. The grant of planning permission will require the applicant to enter into a Section 278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided.
2. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
3. If a reptile is seen during construction, works should stop and an ecologist be contacted.