

Application Number:	2016/0228	Application Type:	Full
Proposal:	Demolition of existing buildings, erection of 11 residential dwellings with associated garages and parking along with associated engineering works including the infilling of the filter beds.	Location:	Croft End Mill Bolton Road North Edenfield Bury BL0 0NA
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	17 January 2017
Applicant:	Eccleston Homes Ltd and Turnbull & Stockdale Ltd	Determination Expiry Date:	Extension of time agreed until 23 rd December 2016
Agent:			

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	<input type="checkbox"/>
Other (please state):	

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

Refuse full planning permission for the reasons set out in Section 10.

2. **SITE**

The site extends to approximately 0.4 hectares and is rectangular in shape. It is occupied by a large, visually prominent mill building and yard, with filter beds which are located on the opposite side of Dearden Brook. The brook passes through the middle of the site and forms the boundary between Bury Metropolitan Borough Council and Rossendale Borough Council. The filter beds and associated vegetation are located in the borough of Bury and the remainder of the built development is in Rossendale. There is a significant drop in levels from Bolton Road North to the site.

The mill was originally constructed in the 1800s as a bleach works, and comprises a two storey building of coursed and random stone facades and brick with a slate roof. It is accessed from Bolton Road North, which leads to a small car park adjacent to the brook. There is an access to the south west of the site, which is a Public Right of Way and the River Irwell is beyond. There are mature trees to the east with open fields beyond. There are residential dwellings to the north east and open fields to the north west.

The site is in a prominent position being sited close to the roadside, at right angles to Bolton Road North which is the main thoroughfare leaving Ramsbottom travelling towards Rossendale. The site is visible from a number of public rights of way in the local area including public footpath 104 which runs immediately adjacent to the site alongside the River Irwell. Footpath 113 is located directly opposite the site and runs alongside the river through Chatterton, within the Chatterton and Strongstry Conservation Area. Footpath 111 runs through Rosebank just to the north of the site

The area is characterised by traditional Victorian terracing to the west of the site of stone and slate construction, windows of vertical proportions, with very simple building forms, and orientated to face Bolton Road North. Towards the east of the site along Rosebank the dwellings are much larger and are set within large plots, with parking and landscaped gardens. The dwellings in this development are also of stone and slate construction but with more architectural detailing. Further along Bolton Road North to the north, the predominant house type is a traditional Victorian cottage with very simple building forms, again of stone and slate construction. Boundary treatments in the area comprise low stone walling, occasionally with painted railings above.

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 and is 'brownfield' in planning terms. It is not within a Conservation Area however it is located immediately to the south of the Chatterton and Strongstry Conservation Area and immediately to the south of the Green Belt boundary. The mill provides a historical link between the conservation area past activities, which was predominantly focussed around textile production. The building is not listed, and the site does not contain protected trees.

3. **PROPOSAL**

Full planning permission is sought for the demolition of the existing building, removal of hardstanding and remnant structures and erection of 11 dwellings, associated infrastructure including roads, footways, filling in of filter beds, and landscaping. The filter beds would be infilled using inert material and the area landscaped. The filter beds would be accessed from within the site.

This application relates to the works within Rossendale and a separate application has been submitted to Bury. The application at Bury was heard at the Planning Control Committee on 20 December 2016 and approved. For the avoidance of doubt, the works assessed by Bury are the infilling of the filter beds and the landscaping to the south of the brook and the remainder of the development i.e. the erection of dwellings, roads and gardens is subject to this application within Rossendale.

The proposed mix consists of four and five bedrooms dwellings. The density is approximately 24 dwellings per hectare. All dwellings have private gardens.

Vehicular access is proposed to be from Bolton Road North. The new estate road will consist of a main spine road with four dwellings being accessed directly from the road. Two private drives located off the spine road will provide access to the remaining dwellings. All properties have car parking on driveways or integral garages.

4. PLANNING HISTORY

2004/556 – Proposed printing facility and storage. Approved August 2004.
2000/38 – Factory extension. Approved March 2000.

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

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

Chatterton Strongstry Conservation Area Character Appraisal and Management Proposals Plan (2011)

LCC Planning Obligations in Lancashire (2008)

RBC Open Space & Play Equipment Contributions SPD (2008)

Planning Practice Guidance

6. CONSULTATION RESPONSES

Consultee	Response	Conditions recommended?
RBC (Forward Planning)	No objection	No
RBC (Conservation Officer)	Objection	No
Contaminated Land Officer	No objection	Yes
LCC (Highways)	No objection	Yes
Ecology Consultant	No objection	Yes
LCC (Planning Contributions)	No objection subject to education contribution	No
United Utilities	No objection	Yes
Lancashire County Council (Lead Local Flood Authority)	No objection	Yes
Environment Agency	No objection	Yes
Bury MBC	No objection	No
Lancashire Constabulary	No objection	Yes

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 24/06/2016, site notices were posted on 21/06/2016 and 149 letters were sent to neighbours on 17/06/2016. The following responses have been received towards the initial round of consultation:

Support – 1

Support with comments - 2

Objection - 4 (including Ramsbottom Heritage Society and Rossendale Civic Trust)

Concerns but no objections - 1

The areas of concern relate to the following:

- Any redevelopment should retain or add to the special area character of this location.
- The best use of the mill would be continued employment uses or conversion to apartments, or live / work units.
- This is a significant gateway site into Rossendale and is the boundary between the urban character of Ramsbottom in the south and the more rural Pennine Lancashire. It is on the Sculpture Trail tourist route and a well-used public footpath.
- A Heritage Assessment is required.
- The mill is part of the original riverside development pattern, linked both visually and historically to the Chatterton and Strongstry Conservation Area and this needs to be reflected in any redevelopment.
- The mill has more connection with the development and appearance of the area than the application gives credit for.
- The proposed 11 suburban style dwellings are not a compact group as found in the local villages which would be more suitable for this location.

- Blind bend and speeding on Bolton Road North is a concern.
- Rosebank should not be used for parking of construction vehicles.
- Concern with traffic congestion on Bolton Road North and safety concerns with children from the primary school.
- Potential for flooding.
- Concern regarding loss of trees and loss of wildlife.
- 11 houses appears a lot for the size of this site.

On 1 December 2016 further comments were received from the Ramsbottom Heritage Society confirming:

“...essentially having reflected on the possibility of the application failing and the real prospect of having an abandoned old mill becoming through time weather and vandalism ever more derelict in a prominent position on one of the major gateways into Ramsbottom. The conservation group unanimously voted to withdraw our objection to phase one of this application i.e the demolition of the old mill.

However the same concern extended to what was to replace the old mill in phase two i.e the proposed design and choice of materials for the 11 new dwellings and echoed many of the sentiments & concerns made by your in-house conservation officer over the past few months.

And to that end would we suggest the following conditions are attached to the approval document:-

- *That all the properties, not just simply Nos 1 & 11 (at the front) be built using natural stone with slate roofs 'which reflect the local character of the area and respect the the adjacent Conservation Area' to quote the NLP letter of the 26.08.16.*
- *Rather than using reconstituted 'Olde Heather Black Split Faced Stone' with 'Rivius Antique Slate' on the ones behind Nos 1 & 11 for to do so we think smacks not only of 'smoke and mirrors' but double standards as well*
- *In fact a much better idea instead of recycling the stonework off the old mill to rebuild the front retaining wall, reuse to it to build the houses instead.*
- *We also think its somewhat disingenuous of NLP to use the half dozen adjacent but mainly out of site 'Rosebank' properties to justify their design and material choices*

and conveniently ignore the features of much more numerous terraced cottages both to the south and the north of the site.

- We also think the stone version of the Whittington house should be adopted, if not already, in the Haigh and Mawdesley units as rendered walls are totally incongruous in this location and will stick out like a sore thumb as are the 'mock tudor' effect below the peaks on the front elevations of all 3 house types.*
- All window frames to be recessed 4"to 5" to match the ones the full length of the village street and on the terraced row of cottages on the right going up to Edenfield.*
- A final gesture to raising the quality of the build to the adjacent conservation area standard would be to insist all windows and doors be in wood."*

As a result of meetings with officers, on 19 December 2016 re-consultation was undertaken on the following additional / amended information:

- Structural report (new document)
- Comments from Heritage Consultant (additional information)
- Amended planning layout (ref 102 Rev B)
- Amended housetypes Rimington, Stoneyhurst, Stoneyhurst Render and Waddington.

The following comments have been received:

- Objection from the Association of Industrial Archaeology on the grounds that the complete demolition of the mill and replacement with modern housing will result in the loss of the link with the industrial heritage of the area, including with the mill-workers' cottages within Stubbins, and therefore paragraph 135 of the Framework applies. Although the buildings are not listed, they have some local historical significance and are a non-designated heritage asset. There are examples of other industrial buildings including mills that have been / are being successfully converted and have addressed issues of energy conservation. Objection to the complete demolition of the mill. If permission is granted, a number of conditions are recommended.
- Local resident – no objection to the development/application however at present it is very dangerous exiting Chatterton Rd on to Bolton Road North. There could be a serious accident, it is a very blind exit due to the bridge wall inhibiting vision.

In total the Council has received:

- 5 x objections (including Conservation Officer, Association of Industrial Archaeology and Rossendale Civic Trust)
- 6 x letters of concern but not raising an objection to the development in principle
- 2 x letters of support.

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 virtually vacant, however the owners are undertaking a limited amount of activity within the buildings in the interests of keeping the building secure. As the building is in use for employment purposes, and when last occupied fully, was for employment uses, Core Strategy Policy 10 is relevant. It states that the loss of existing employment sites to 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 application is accompanied by a Planning Statement, and also a Marketing Report and supplementary letter which have been prepared by Nolan Redshaw Ltd. The documents set out the marketing that has been undertaken from 2008-2010 and from May 2015 onwards, and how the proposal has been assessed against Policy 10 of the Core Strategy. In April 2008 the site was marketed to let / for sale, the premises were in a reasonable condition and in the process of being vacated as the manufacturing facility undertaken by the owners (Turnbull Designs / Edward Turnbull and Company Ltd) was being moved elsewhere. The marketing was relatively low key and produced few results. In December 2008 the marketing scope was widened with a view to finding an occupier for the whole site. With no interest the decision was taken to market the site as being suitable for sub division. Two enquiries were made however both were inconclusive. The report explains that in January 2010, primarily due to the lack of interest and deterioration of the building, the owners chose to reinvest in the premises by re-occupying them, and they were taken off the market. The report states that after almost two years of marketing, no conclusive interest had been received.

The report goes on to state that Turnbull Design made the decision to relocate from the premises due to their age, layout, levels, difficulty of HGV access and significantly high energy costs. The most recent marketing to have been undertaken began in May 2015 when the site was marketed for sale at a price of £850,000 - being the market value at that time. Marketing boards were erected on the site and at the adjacent Rosebank housing development. A mail shot was undertaken to local and regional agents and details placed on various web portals. The marketing information put forward was considered insufficient by Planning Officers and in August 2016, at the request of Officers, the site was placed on

the Council's Commercial Property Register, although this has not led to any further serious enquiries. The marketing undertaken, which was updated in November 2016, includes details of the enquiries that have been received, of which there were 7, although no offers were made. The only offer made remains to be from the applicant Ecclestone Homes. The report concludes that as a result of the age, layout, height, access and energy performance, the premises are no longer suitable for modern manufacturing needs.

In addition to the above, the site was considered in the Council's Employment Land Study (ELS) (December 2009) and scored 25 out of 50. The study states "*Overall the site was identified as being of poor quality by the assessment due to its site constraints and proximity to residential dwellings.*" The ELS goes on to state... "*housing is considered to be a more appropriate use for the site.*"

Having regard to the factors above, Officers are now satisfied that the applicant has adequately marketed the site, and 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 Framework). 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. Policy AVP 5 sets out the vision for the south west of Rossendale, and states that limited residential development on previously developed land and infill sites in Edenfield, Ewood Bridge and Stubbins will be supported. In addition, as stated above, the ELS of December 2009 found housing to be a more appropriate use for this site.

In terms of sustainability, the site is reasonably sustainably located being adjacent to and opposite bus stops in north and south bound directions (273 – Rawtenstall to Bolton, 484 – Accrington to Bury and X35). Stubbins Primary School is located approximately 300m to the north east of the site. A limit number of local facilities can be accessed on foot in Stubbins which is around 190m to the south west. The distances are either within or marginally 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.

Conclusion on loss of employment land and replacement with residential development

The majority of the premises are vacant, with only a small portion in use by the owners as a means of keeping the site secure. Notwithstanding this, the proposal has been found to accord with Policy 10 in relation to loss of employment land, being a poor quality site and with little prospect of future employment uses taking place. The Council's ELS found that housing would be a more appropriate use for the site, and it has been found to be within a reasonably sustainable and accessible location, which is within the Urban Boundary and comprises brownfield land. In addition, Officers consider that the scheme being for 11 new dwellings would make a small contribution to reducing the shortfall in housing supply for the Borough over the plan period. Accordingly Officers attach moderate 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 the principal of residential development in a sustainable location are concerned.

Other considerations

Visual Amenity and Heritage Impact

As previously set out in this report, the site lies immediately to the south of the Chatterton Strongstry Conservation Area. The site itself includes the former Croft End Mill bleachworks, which dates to the 19th century with later additions. It is predominantly of stone with slate roofs and is sited close to the roadside at right angles to Bolton Road North. As such, it is a prominent feature both in the street scene and in views facing south from within the Chatterton and Strongstry Conservation Area.

The application is accompanied by a Design and Access Statement which explains the general design principles for the development of the site.

The proposal would result in the erection of 11 detached dwellings, with plots 1 and 11 at the front of the site with the front elevations facing the estate road and the side elevations (now amended to be “dual aspect” containing a number of windows) facing Bolton Road North. A section through the site demonstrates that many of the dwellings would be visible from the road. All dwellings are modern in appearance with white upvc windows with horizontal proportions, roof detailing and mock tudor effect detailing on the front elevation of all house types. Boundary treatments include a mix of stone walls, timber fencing and railings.

The Council’s Conservation Officer’s comments have been provided below in full:

“The proposal for 11 dwellings has been altered following initial comments but the changes are difficult to identify and do not allay initial concerns regarding the suitability of the scheme on this site.

These comments have been considered in light of the duty set out under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; that is, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in determining applications.

The letter dated 26 August 2016 titled Response to Heritage Comments that was submitted to support that application states “The mill buildings clearly do not serve any strategic or local heritage importance and do not contribute to the street scene of Bolton Road North, and whilst [that] the mill buildings do have historic interest, it is not enough to warrant their retention... The Map indicates that there are no important views from the Conservation Area of the proposed development site. Similarly, there are no important views directly from the site into the Conservation Area, a mature tree belt acting as a visual barrier between the two.” (p2). On page 3 it concludes that the site plays no positive role in the conservation area. I disagree with the assessment as the site is clearly visible from within the conservation area and forms part of its immediate setting due to its proximity to the conservation area and its prominence.

The development site is approximately 13 metres to the south of the Chatterton and Strongstry Conservation Area boundary and clear views south towards the mill are visible from within the conservation area. The mill site contributes to the setting of the conservation area by providing a backdrop to views facing south from the conservation area, and the adopted conservation area appraisal notes that there are also good views from Bolton Road North over the conservation area (p21). On page 29 of the appraisal, shorter views across pasture to rising land along Bolton Road North is noted as a positive feature of the conservation area.

The mill site therefore contributes to the character of the conservation area by forming part of its immediate setting. The mill is of stone with a slate roof which reinforces local distinctiveness along Bolton Road North. The mill buildings are considered to possess special interest, as noted in the heritage assessment submitted with the application, and provide a historical link between the conservation area past activities, which was predominantly focussed around textile production.

The Chatterton and Strongstry Conservation Area is characterised by its close development with the textile industry, with earlier 18th century farm buildings and later 19th century mill workers' housing being the dominant building types. A positive feature of the conservation area is noted on page 29 of the appraisal as use of coursed local sandstone for walls; stone, cast iron or wood guttering; shallow pitched roofs covered in natural slate or stone slate; and simple building forms and details.

Since initial comments, a heritage impact assessment has been submitted to support the application which finds the proposal harmful to Croft End Mill at paragraph 5.14, and the assessment does not detail any mitigation requirements. It goes on to state that "A sympathetic development should consider the sensitivity of the character and appearance of the setting as a whole."

In previous comments on this application I raised an objection on the following grounds:

Layout

- The layout does not address its location or pay regard to the surrounding character of the area.*
- The number of houses has not been reduced and the plot sizes and houses are too small for the site. Semi-detached or terraced houses should be considered.*

Design of house types

- As per previous comments, the designs of the houses are not appropriate for this location. The detail contained in each house type appears out of scale with the building itself, which is very small scale. Instead, design should be focused on either increasing the size of the building and reducing number or considering a more traditional stone cottage/terrace influenced design.*

Materials

- Artificial stone and slate are not appropriate in this location- the material palette should incorporate natural local stone and natural slate.*

In a letter dated 14 December 2016, the applicant has stated that should the Council consider stone and slate to be imperative, this could be controlled by condition.

- White PVC doors and windows with very chunky frames will be dominant in the street scene and development in general. Plastic may be appropriate but design must be improved to be less "fussy"- a simple vertically hung casement could be considered.*

- *Artificial stone for some boundary treatments-if any stone is proposed this should be natural and local to reflect the character of the area.*

The resulting appearance of the proposed development would lead to loss of views of the current mill complex, considered to contribute to the character of the conservation area, and creation of a distinctly suburban development that is at odds with the Victorian terracing to the west and larger stone houses to the east. It will also be at odds with the housing types found within the conservation area, which are noted in the appraisal as positive features. The use of artificial stone and artificial tiles will dilute the special interest of the conservation area in views facing south, and on the approach to the conservation area from Bolton Road North. Alternative options for house styles and materials have not been progressed by the applicant which could include terraced, semi-detached or simply designed stone cottages, with understated detailing to reflect the character of both the local area and the conservation area, as noted in the conservation area appraisal.

The letter addressing heritage comments submitted by the applicant states that the amended house types are to be constructed out of natural stone and natural grey slate in keeping with the materials used in the conservation area, but at page 6 of the letter that natural stone and natural slate will only be used for houses on plots 1 and 11. Use of artificial stone and artificial tiles throughout the rest of the site would cause unacceptable harm to the setting of the conservation area. The use of these materials combined with the design and layout of the development would cause unacceptable harm to the setting of the Chatterton and Strongstry Conservation Area.

Paragraph 132 of the Framework sets out that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. No justification has been provided for this harm, or demonstration that the development cannot be achieved in a way that does not cause harm. Indeed, alternative house types, designs and materials have been suggested for consideration but have been discounted by the applicant.

Similarly, paragraph 134 of the framework sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (the conservation area), this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Public benefit could be secured on this site through construction of house types that would not cause harm to the character and appearance of the conservation area, and may even provide an enhancement. This could be achieved through use of house styles and a layout that reflects the local area, with use of natural local materials such as stone with slate roofs.

Paragraph 64 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy 16 of the Rossendale Borough Council Core Strategy DPD states that “The Council will protect, conserve, preserve and enhance Rossendale’s historic built environment including Conservation Areas...Their futures, including their settings will be safeguarded and secured by:

1. Promoting the positive management of the Borough’s heritage assets, avoiding unnecessary loss and requiring appropriate mitigation of any negative impacts.

5. Ensuring that all development is:

a. Located in a way that respects the distinctive quality of the historic landscape

and setting and retains or enhances the character and context.

b. Of a high standard of design, reinforcing the local distinctiveness of Rossendale

7. Maximising the potential for the re-use of buildings of historic or local interest for appropriate uses to ensure their future longevity.”

*The reuse potential of the existing mill complex has not been explored in the submission. Reuse of these buildings could provide an enhancement to the conservation area’s setting. **The applicant has since provided a structural report prepared by a suitably qualified engineer which concludes that “...it may not be viable for the conversion of the industrial complex for domestic housing, not only for the architectural challenges of the existing format, but particularly for the costs of upgrading and repairing the existing structural layout and unit components, and in today’s housing markets I feel the costs would outweigh any potential benefits.”***

Policy 23 of the Core Strategy DPD, Promoting High Quality Design and Spaces, sets out: “The Council will ensure that Rossendale’s places and buildings are attractive, safe and easy to use, by ensuring that all new developments:

- Promote the image of the Borough, through the enhancement of gateway locations and key approach corridors*
- Are of the highest standard of design that respects and responds to local context, distinctiveness and character*
- Contribute positively to local identity and heritage in terms of scale, density, layout, materials and access.”*

Policy 24 of the Core Strategy DPD, Planning Application Requirements, states that applications will be expected to demonstrate:

“4. Positively contributes to the townscape, historic environment, local distinctiveness, landscape, biodiversity and provision of “Green Infrastructure”

5. Is compatible with its surroundings in terms of style, siting, layout, orientation, visual impact, local context and views, scale, massing, height, density, materials and detailing.”

The proposal fails to take the opportunities available for improving the character and quality of the area and for the reasons outlined above, would cause unacceptable harm to the character and appearance of the Chatterton and Strongstry Conservation Area; and is contrary to Policies 16, 23 and 24 of the Core Strategy DPD and paragraphs 132 and 134 of the Framework.

Options suggested by Officers

With a view to seeking the most appropriate form of development on the site, Officers held meetings with the applicant, following which suggested amendments were put to the applicant in writing, having regard to the site constraints, namely access, levels, adjoining dwellings and adjacent watercourses. The suggestions consisted of the following:

- Use of stone and slate for all dwellings
- Incorporation of semi-detached properties and if possible cottages / terraced housing rather than 100% detached housing, to better reflect the traditional housing stock within the area, whilst providing a transition between surrounding housing.
- These suggestions were aimed at the site frontage. Officers suggested that the houses would appear as though the front elevation fronted onto the road with doors,

windows, a small lawned area and frontage low level wall (similar to other properties in the area) however this would be in reality the rear elevation. At the rear of the properties an area of in curtilage parking and private amenity space could be provided with the occupier being able to access their dwelling from this elevation. This would create dual aspect houses where in terms of the wider area the scheme reflects the appearance of the terraced dwellings further down but in fact the principle elevation faces into the site with parking and a private garden.

- In making this suggestion, officers were mindful that it would be a shift away from a standard layout, however given the site constraints and ensuring that there is no direct access to each individual dwelling from the road it was considered this would reflect an innovative solution for the site. This solution also means that there is no need for further level changes over those that are already proposed as the parking would still be in curtilage at the rear along with a garden area and direct access could be provided into the houses.
- The design of the dwellings should be kept simple, without hipped roofs and mock tudor effect detailing to better reflect the traditional character of the area. The applicant was provided with the basic sketch below to highlight the key differences between the traditional design expected for the site and the proposed design:

Suggested design:



Proposed design:



The applicant has considered the suggestions and has provided the following comments as to why they are not feasible:

- Layout – the options suggested by the Council give rise to a number of issues including:
 - the resultant back gardens would be only 4-7 metres deep and the usability will be significantly hampered;
 - the steps required between car parking spaces and plots 9, 10 and 11 will have to include railings
 - issues of overlooking and dominance due to increased floor levels;
 - inability to provide level access will be problematic for building regulations;
 - the layout will encourage parking on Bolton Road North which will cause a highway safety concern
 - deliverability of the scheme will be impacted upon due to increasing the cost of construction;
 - the internal layout of the dual aspect houses will not be marketable and will not compete with existing housing stock. There are significant numbers of 2 and 3 bed properties in the area already. The resale value of these units will suppress the price the applicant can achieve.
 - The layout has been designed in order to accommodate the site's shape, topography and access constraints.
- Design – the proposed design is intended to accommodate for the change in design style between the two adjacent areas of residential development. The proposed architectural features do reflect local distinctiveness and respond to the character of the area, particularly Rosebank. If the Council consider that natural stone and slate are imperative, conditions can be imposed. The amended plans now provide for dual aspect designs for plots 1 and 11.
- House types – detached housing is the most appropriate form of housing for this site for amenity reasons and due to constraints. The site is isolated from the terraced properties by the river and bridge and is best related to the detached properties to the east. A denser form of terraced housing would be inappropriate for the site and is not a form of housing the applicant wishes to pursue.
- Heritage – the submitted assessment identifies the mill as being of local interest but is not as sophisticated as other mills within the borough. Stone masonry from the existing building can be used in the proposed development.

In relation to the above, whilst the Council can impose a condition requiring the use of stone and slate as opposed to artificial materials, the harm to the character and appearance of the area and the harm to the setting of the conservation area goes further than purely elevation and roof materials. Officers remain of the opinion that it is possible to create a layout which better addresses the street scene whilst having regard to site constraints, and have seen no evidence to suggest that the recommendation of simple and traditional architectural detailing are not feasible. Officers do not agree that the site is isolated from the adjacent terraced properties. The site has strong connections with the river and the terraced housing as a result of the former textile industry however the proposed development does not reflect this. The applicant considers that the heritage value of the mill is limited, and that the proposed development does have regard to its context, including the setting, character and appearance of the nearby conservation area. However, the Council's Planning Officer and Conservation Officer have reviewed the latest information provided by the applicant, and with regards to layout and design, it is not possible to identify

any additional minor or significant changes to the design of the proposed dwellings which would override the original objection.

Contamination

The application is accompanied by the following:

- Full Preliminary Ground Investigation Report. December 2015. REFA Consulting Engineers.
- Preliminary Ecological Appraisal. May 2016. Ascerta.

The Contaminated Land Officer has found that the investigation was limited to the car park area due to physical restrictions on site. It was noted that some soil analysis and gas monitoring has taken place. Preliminary indications are there will be a need to undertake further investigations and there is acknowledgement that the site will require remedial treatment work for it to be suitable for use as residential properties. The Officer notes that the developer should consider a hard to dig layer/membrane within their proposed cover system.

The Officer also states that the submitted report does not contain a satisfactory conceptual model and there is no apparent rationale for the site investigation sampling and analytical strategy. Future work which may include both targeted and non targeted investigations must address these shortcomings. It is noted that the developer should ensure that references are made to appropriate environmental standards when providing justification for the investigations, risk assessments and any required remediation. Justification shall also be provided for the contamination target values used and all results (including gas monitoring) shall be provided.

In summary, 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

An updated Flood Risk Assessment (Rev A) dated 2 August 2016 was submitted in response to comments from the Environment Agency. The Environment Agency has now raised no objection to the proposed development subject to a number of planning conditions relating to flood risk, land quality, fisheries, biodiversity and geomorphology. No objection is raised by the Lead Local Flood Authority (LLFA) subject to a number of planning conditions relating to surface water drainage.

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

Transport and access

The Highway Authority (Lancashire County Council) has reviewed the proposal and raises no objection subject to a number of planning conditions including:

- Submission of a construction method statement;
- Pre-commencement and post development surveys for the privately maintained unnamed road adjoining the south western boundary of the site carrying public footpath 104;

- Full engineering, drainage, street lighting and constructional details of the streets proposed for adoption;
- Section 278 Agreement (off-site highway works) for the improvement to the nearest southbound bus stop through the implementation of a shelter and road markings to Lancashire County Council quality bus standards; widening of and full width re-surfacing of the footway along Bolton Road North along the frontage of the site, including the reinstatement of the existing lowered kerb to full height; and installation of uncontrolled pedestrian crossing points with tactile paving to assist pedestrians travelling along and across Bolton Road North and into and out of the development.

Subject to the conditions above, the proposal is acceptable having regard to transport and access considerations.

Landscaping and Ecology

The application is accompanied by an updated ecological appraisal and a bat survey. The Council's Ecological Advisor at Greater Manchester Ecology has advised both Rossendale and Bury that the Dearden Brook has now been assessed ecologically. The tanks could not be fully assessed because of access and health and safety issues, however they are satisfied that enough information has now been gathered to assess the ecological value of the valley. It has been found to be relatively low for woodland being semi-mature on disturbed ground. The tanks in general appear low value and the applicant has offered to transfer any interest to the new pond. The amended landscape plans for this element on the Bury side of the development provide the ecologist with enough assurance that the ecological potential of the Brook can be maintained and that no net loss of biodiversity will result in the valley. It is therefore recommended that the landscaping of the Dearden Brook should be conditioned in line with the recommendations of the new landscape drawing and letter from Ascerta.

In relation to bats, a common pipistrelle roost has been found in the building to be demolished. The Council's ecological adviser has noted that as this species is common compared to other bat species and the roost small, he is confident that Natural England will issue a license and therefore a planning condition is recommended. The ecologist has raised no objection

To conclude, Greater Manchester Ecology Unit has no objections to the proposed development, subject to the inclusion of conditions relating to nesting birds, Himalayan Balsam, landscaping and drainage. Therefore, the proposed development would not have a significant adverse impact upon a protected species or ecological feature.

Planning Contributions

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 4 x primary places (£53,898) and 2 x secondary school places (£40,607), giving a total of £94,505.
- A contribution of £1100 (£100 per dwelling) to provide refuse bins.
- £15,026 towards open space and play provision.

The applicant has been informed of the requests however a Section 106 Agreement has not been progressed.

Planning Balance

The Council cannot currently demonstrate a five-year supply of deliverable housing sites based on FOAN. Accordingly, under the presumption in favour of sustainable development in paragraph 14 of the Framework, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In terms of the social dimension to sustainable development, Officers recognise that the proposed development of 11 dwellings would make a beneficial contribution to the supply of housing in the area, albeit limited given the size of the overall shortfall and the significant level of housing need.

With regards to economic considerations, planning contributions have been sought in relation to education, refuse and public open space to make the development acceptable in planning terms. However, a Section 106 Agreement has not been progressed by the applicant and even if the contributions were provided, this would mitigate the impacts arising from the development and therefore the effect would be neutral.

In terms of environmental effects, whilst it would be in a reasonably sustainable location within Stubbins, this is outweighed by the harm caused by the proposal to the character of the area, including the effect on the setting of the Chatterton and Strongstry Conservation Area. Not only will the proposal lead to the loss of an important historic building, it will be replaced with a modern poor quality scheme that is incompatible with its surroundings by way of layout and design.

In the context of the Framework, significant weight should be given to the conservation of a heritage asset, and Officers have found that the proposal will cause less than substantial harm to the significance of the conservation area. In such cases, as required by the Framework, the harm has been weighed against the public benefits of the proposal, including securing its optimum viable use. It is considered that a suitable scheme could be secured on this site through the construction of house types that would not cause harm to the character and appearance of the conservation area, and may even provide an enhancement. This could be achieved through use of house styles and a layout that reflects the local area. Given that the proposal would be harmful to the character of the area and would harm the setting and views from the conservation area, it would fail to fulfil the environmental dimension of sustainable development. These adverse impacts would not be significantly and demonstrably outweighed by other benefits including the limited contribution to any shortfall in housing supply. As such the proposal would not be sustainable development, for which the Framework indicates a presumption in favour.

Other considerations

Several meetings and discussions have taken place with the applicant in order to seek improvements to the layout, design and materials proposed, having regard to the proximity of the conservation area and to ensure that a high quality scheme is secured on this site. Whilst the applicant has provided explanations of why certain layouts are not appropriate / achievable, and has stated that the Council can secure the use of stone and slate by way of condition, an acceptable scheme addressing all of the issues has not been forthcoming. Officers remain of the view that the scheme could be redesigned in terms of layout and

design of the dwellings, which would enhance the character and appearance of the area, as required by national and local policy.

9. RECOMMENDATION

Refuse.

10. REASONS

1. The proposed demolition of the 19th century mill, which lies adjacent to the Chatterton and Strongstry Conservation Area, and replacement with 11 modern dwellings of the design and layout proposed, fails to improve the character and quality of the area and the way it functions by reason of its layout and design of the individual dwellings. In addition, the proposal would lead to the loss of important views of the current mill complex from the Conservation Area, and will create a distinctly suburban development at odds with surrounding housing both within and outside of the Conservation Area. Accordingly the proposal is considered to constitute poor design in its context, causing unacceptable harm to the character and appearance of the area, and harm to the setting of the Chatterton and Strongstry Conservation Area. This harm is not outweighed by any material considerations and therefore the proposal is contrary to Policies AVP 5, 1, 2, 16, 23 and 24 of the Adopted Core Strategy 2011 and the National Planning Policy Framework.
2. The applicant has not entered into a planning obligation to secure contributions towards education, public open space and refuse. Such contributions are necessary to make the development acceptable in planning terms; therefore the proposal is contrary to Policy 22 of the adopted Core Strategy Development Plan Document, and the National Planning Policy Framework.