

**Application No:** 2006/411

**Application Type:** Full

**Proposal:** Outline Application for the Demolition of Mill Buildings and Erection of 41 Dwellings.

**Location:** Irwell Vale Mill and Land West of Aitkin Street, Irwell Vale Ewood Bridge

**Report of:** Team Manager Development Control

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 19th October 2006

**Applicant:** Mr E Oldham

**Determination Expiry Date:** 25 OCT 2006

**Agent:** Mr J Cowpe

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation** Yes

**Member Call-In** No  
Name of Member:  
Reason for Call-In:

**More than 3 objections received** Yes

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.

**APPLICATION DETAILS**

**1.1 The Site and the Proposal**

The application site which forms Irwell Vale Mill lies to the north of the River Ogden whilst the land to the west of Aitkin Street lies to the south of the River Ogden, Irwell Vale.

The site measures 1.37 hectares and has a perimeter of 693 metres and is occupied by Irwell Vale Mill which is a simple single storey building constructed in brick with a fibre glass profiled roof. The Offices which stand to the south of the complex partly spanning the River Ogden are constructed in stone on the ground floor with a mock-Tudor first floor. There is an L-shaped car park forming the southern part of the site and a boiler house which has been subdivided into 2 parts one of which forms part of the application site and is to be demolished. The Mill is currently used by Sigma Soaps to produce cleaning products for the Health Service and domestic use. The majority of the buildings are used for production although the offices and part of the production floor are vacant due to the scaling back of production at the site.

The application site falls within 3 areas of policy designation in the Local Development Plan. Firstly, the main body of the of the mill and car park lies within the Urban Boundary for Irwell Vale, the part of the site lying to the south of the River Ogden lies within the Conservation Area whilst the open land to the north of the existing mill building stands within the Green Belt.

The application is submitted in outline with all matters to be considered except Landscaping. The proposed development would involve the demolition of the existing mill buildings, offices and boiler room and the erection of 41 dwellings. The scheme would involve 2 detached houses on the land to the south of the River Ogden with the remainder of the development to the north. This would involve the construction of 17 houses and 22 apartments. The apartments would be accommodated in a four storey block with undercroft parking whilst the houses would be a mixture of 2 storey semi-detached and 3 storey townhouses.

The applicant has submitted the following supporting documents: 1) Planning Statement, 2) Design Statement, 3) Contaminated Land Assessment, 4) Flood Risk Assessment and 5) Transport Assessment.

The applicant's agent highlights the emerging RSS policy which increases the housing figures for Rossendale, that the site is on Brownfield land and that the Conservation Area has not had an appraisal carried out on its character. The applicant's agent also explains that the existing bridge over the River Ogden is in need of replacement and that the applicant is willing to pay for the replacement of the bridge as part of a legal agreement. The agent then cites policy DS4 in the Local Development Plan as stating that development in the Green Belt should not be prevented if it "contributes to the solution of particular local problems".

## **1.2 Relevant Planning History**

No previous relevant planning applications.

## **1.3 Policy Context**

## Rossendale Local Plan

### LJSP (Lancashire Joint Structure Plan)

Policy 5 – Development Outside of Principal Urban Areas, Main Towns and Key Service Centres

Policy 6 – Green Belts

Policy 7 – Parking

Policy 12 – Housing Provision

Policy 20 – Lancashire Landscapes

Policy 22 – Water Resources

Policy 24 Flood Risk

#### **1.4 Other Material Planning Considerations**

PPS1 -

PPG 2 – Green Belts

PPG 3 – Housing

PPS 7 –

PPS 17 – Recreation...

PPS 23 – Pollution?

PPG 25 – Flood Risk

#### **2. INTERNAL CONSULTATIONS**

Forward Planning – highlight that this site does not lie within the bounds of the Area Action Plan nor does the scheme provide for Affordable Housing and as such is in conflict with the Council's Housing Position Statement on Housing Oversupply. The scheme should also avoid deleterious impact on the neighbouring Conservation Area and Green Belt.

Environmental Health – no response received – any adverse comment will be reported to Committee via the Late Items Report.

#### **2.1 EXTERNAL CONSULTATIONS**

##### Lancashire County Council

Planning – consider that the scheme is not justified in terms of meeting local housing need or in assisting rural regeneration. The scheme would further add to housing oversupply in the Borough. The site's proximity to National Cycle Route 6 is underlined and a request is made for cycling and cyclists to be accommodated within the scheme.

Highways – raise a number of issues relating to improving highway safety along Irwell Vale Road including passing places, speed restrictions, visibility splay improvements and traffic calming measures.

### Lancashire Constabulary

Does not raise a direct objection to the scheme but notes that the application was not submitted with a Security Schedule and that the drawings indicate little detail of boundary treatment. A comprehensive list of security measures are recommended in the letter including robust perimeter fencing, lockable gates, audio-visual access control on the flats and comments relating to landscaping and street furniture.

### Environment Agency

No response received at 9<sup>th</sup> October 2006 – any adverse comments will be report to Committee via the Late Items Report.

### English Nature

Comment that they are not aware of any sites of statutory nature conservation importance that would be significantly affected by the scheme.

The importance of bats and the need for a survey prior to demolition is emphasised and conclude that insufficient information has been included in the application to enable a proper assessment.

### English Heritage

Does not consider that the application falls within their remit to comment upon.

## **3. REPRESENTATIONS**

- 3.1** 1 letter received from Janet Anderson MP which is essentially covers a further letter from a resident expressing their support for the scheme owing to the improvements to Ogden Bridge and the provision of parking spaces for local residents.

Representations received from Philip Naylor on behalf of Irwell Vale and Lumb Residents' Association. The covering letter submitted by Mr. Naylor summarises the responses to a survey conducted by the Residents' Association in which he claims of the 77 responses received a total of 83% of Irwell Vale residents object to the proposed development.

The following issues were raised by the respondents:

For:-

- Demolition of the soap works
- Redevelopment limited to the existing foot print of the site
- Upgrading of Ogden Bridge
- Additional parking for village residents

Against:-

- 4 storey buildings will dominate the area and would be out of keeping with the predominance of 2 storey dwellings in Irwell Vale
- Layout of the development is too dense
- Inadequate parking
- Too many houses which would change the character of Irwell Vale
- Flood Risk
- Highway safety implications
- Harm to the character of the Conservation Area
- Inaccuracies in the plan
- The development does not lie in a sustainable location
- To permit the scheme would contravene the Housing Supply policies in the Lancashire Joint Structure Plan

36 standard letters received from local residents – 13 in favour of the scheme but with reservations, the remaining 23 did not support the proposal.

Comments made by those in support of the application included:

- Should have been limited to 2 storeys high
- More houses and fewer apartments
- Still requires highway improvements

Comments made against the scheme included:

- Too many new dwellings
- Too high
- Impact on the character of the Conservation Area
- Loss of the character of a Lancashire Village
- Lack of highway improvements i.e. pavements and traffic calming
- Increase in traffic
- Effect on wildlife
- The proposed development is out of keeping with the surrounding area
- The mill is part of the history of Irwell Vale and would be a loss

2 individual letters received reiterating concerns expressed above although additional comments not previously stated that a character appraisal for the Conservation Area is underway.

## 4. REPORT

4.1 The main considerations of the application are the principle and detail of the development and in particular its impact on the openness of the Green Belt and character of the Irwell Vale Conservation Area.

### Principle

4.2 The principle of the application hinges on the issues of the loss of an employment use in a rural area, housing oversupply, impact on the Green Belt, contaminated land and flood risk issues.

4.3 The proposed development would result in the loss of local employment provision as the mill is still in use for the production of soap products. The LJSP states that such loss of employment provision will not be permitted unless it can be demonstrated that it is no longer required by the Community. No evidence

has been submitted by the applicant to demonstrate that the employment provision is no longer required. This is particularly difficult given that the manufacturing use is still operational. Nevertheless, it is common for Local Authorities to require applicants to prove that the site is no longer suited to employment use by demonstrating the site and buildings have been marketed for a period of time, often between 18 to 24 months with evidence of a marketing strategy and also of advertisements either on the site or in professional journals. As such, the site is still in an active employment use, no evidence has been submitted to prove that the community no longer needs the employment use and no evidence of marketing of the site has been carried out to substantiate the redundancy of the site.

- 4.4 The proposed development would further contribute the Borough's position of Housing Oversupply. Regional Planning Guidance clearly encourages restraint on the house building in order to direct regeneration to particular places which in Rossendale include Housing Market Renewal Areas and the within the bounds of the Rawtenstall Area Action Plan. This proposal would detract from those stated objectives by directing new residential development away from the designated regeneration areas. Furthermore, as the County Council highlights, the scheme is not required for regeneration purposes. The applicant's agent highlights the emerging Regional Spatial Strategy, but as this is not adopted, only very limited weight can be given to it. Indeed greater weight should be applied to the adopted Regional Spatial Strategy and adopted Structure Plan.
- 4.5 Another route to overcome housing oversupply is a substantial element of Affordable Housing is to be provided but the applicant has not indicated that any provision for this would be made.
- 4.6 The proposed development would result in the construction of enabling development in the Green Belt. The appropriate uses within the Green Belt are stated in planning policy as being development in connection with agriculture or forestry, development essential to outdoor recreation, limited extensions to existing dwellings and limited infilling in settlements in the Green Belt. The majority of the development would lie within the Urban Boundary of Irwell Vale. However, the proposed access road, bus turning area and recreational open space would all be within the Green Belt. It is considered that the access road and bus turning area constitute inappropriate development in the Green Belt and are therefore unacceptable. The recreational open space is perhaps more in keeping with Green Belt policy but the provision of a children's play area and other paraphernalia associated with a conventional park is considered to harm the openness of the Green Belt and is again considered unacceptable.
- 4.7 A Contaminated Land Assessment has been submitted by the applicant as has a Flood Risk Assessment which enables the suitability of the site for residential development to be considered. As yet no response has been received from Environmental Health or the Environment Agency for a conclusion to be reached.
- 4.8 The applicant has not given a reasoned justification as to why a mixed use development on the site has not been explored which is promoted by PPS1 and PPS7.
- 4.9 The principle of the development is considered to be unacceptable.

## Detail

- 4.10 The matters for consideration by this application are siting, design, access and external appearance with landscaping reserved for later consideration.
- 4.11 Phase 1 - The form of the scheme in relation to the design, roof style fenestration and impact on residential amenity could be improved by negotiation. However, the size and height of the proposed apartment blocks and town houses would be considerably higher than the majority of the surrounding dwellings in Irwell Vale. The applicant's agent highlights that the size of the apartment block draws on the monolithic dimensions of a traditional Lancashire mill. However, it should be noted that Irwell Vale Mill is not a tall structure and rarely, if at all, does it exceed 2 storeys high. Thus Phase 1 of the proposed development is considered to have an unacceptable visual impact on the surrounding area including the Green Belt, open Countryside and Irwell Vale Conservation Area.
- 4.12 The layout of Phase 1 appears to make adequate provision for car parking for the houses in relation to driveway lengths and 2 spaces. 1 space per apartment is provided. There appears to be adequate separation between properties with a reasonable level of private amenity space for each property together with the proposed recreation space in the Green Belt. Nevertheless, County Highways have not indicated whether they would be willing to adopt the proposed highway layout.
- 4.13 In relation to Phase 2, the form of the proposed development, the design and layout of the proposed dwellings do not pick up adequately on the character of the Conservation Area. In fact, the details on the submitted plans are inconsistent and inaccurate. The layout of the houses could perhaps better reflect the traditional character of Irwell Vale.
- 4.14 In relation to details, the applicant has not submitted a bat survey, has not submitted plans which either show the existing site and elevations or super-impose the proposed elevations over the existing mill. No finished floor levels have been submitted which prevents the proper assessment of the visual impact of the scheme and whether the flood risk has been correctly addressed. Bin storage and cycle parking provision has not been indicated on the plans nor has any reference been made to enabling equal access for all, renewable energy or energy efficiency. No information has been submitted as to the maintenance of the area of open space adjacent to Ogden Bridge.
- 4.15 Negotiations with the applicant which could have addressed these corrections were not conducted as the application has a number of flaws. Negotiations would ultimately have lead to abortive work.

## **5. CONCLUSION**

- 5.1 The proposed development is unacceptable in principle, due to the applicant failing to demonstrate that the site is no longer required for employment use by the community and that there is an argument to override Housing Oversupply. The scheme in parts constitutes inappropriate development in the Green Belt and the applicant has failed to explore and justify why a mixed use development of the site was not viable. The detail of the project is unacceptable as the development would harm the visual amenities of the surrounding area

and character of the Irwell Vale Conservation Area. Certain information is lacking in the application whilst some plans are inconsistent and contradictory.

## 6. RECOMMENDATION(S)

6.1 That the application be refused.

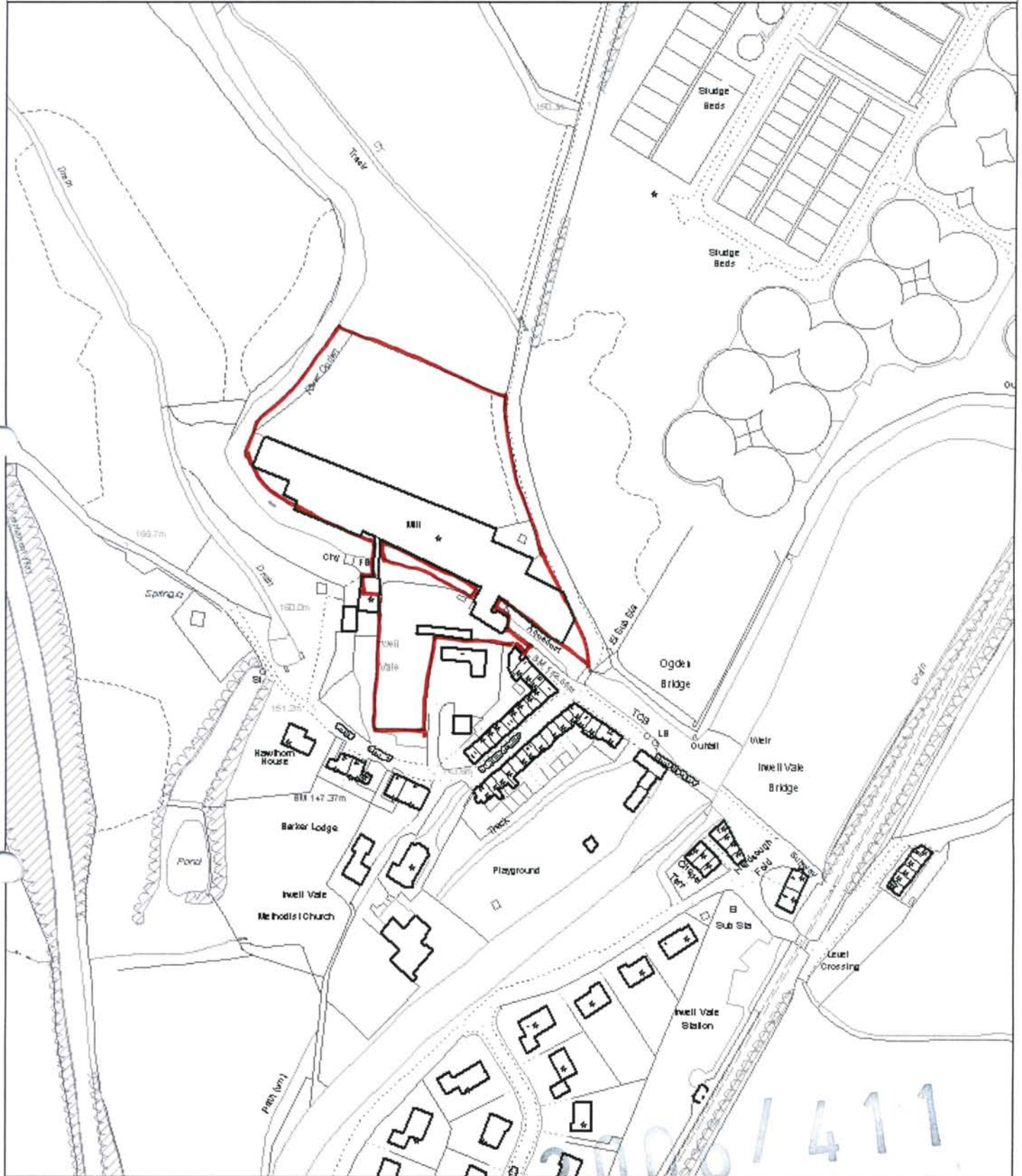
## 7. REASONS FOR REFUSAL

1. The applicant has not demonstrated to the satisfaction of the Local Planning Authority that the site is no longer needed by the Community as employment provision. The proposal thereby conflicts with Policy 5 of the Joint Lancashire Structure Plan.
2. Housing oversupply reason.
3. The proposed development, by reason of the tarmacadam access road, bus turning area and paraphernalia associated with a children's play area, would respectively constitute inappropriate development in the Green Belt and harm the openness of the Green Belt and thereby conflicts with Policy 6 – Green Belts of the Joint Lancashire Structure Plan and Policy ??? of the Rossendale Local Plan.
4. The proposed development, by reason of its size, height, design and layout would detrimentally affect the visual amenities of the surrounding area including the Green Belt, surrounding countryside and would harm the character of the Irwell Vale Conservation Area. As such the proposed development would conflict with Policies 6 – Green Belts, 20 – Lancashire's Landscapes and Policy 21 – Lancashire's Natural and Manmade Heritage of the Joint Lancashire Structure Plan.
5. The application contains inadequate and inconsistent information, in relation to the submitted plans and for it to be properly assessed.

<b>Contact Officer</b>	
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# Irwell Vale Mill, Irwell Vale



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Scale 1:2500 Date: 12/06/2006

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Rossendale Borough Council