

Application No: 2006/464	Application Type: Full Application etc
Proposal: Erection of 3-storey block of 18 apartments, three 3-storey houses & seven 2-storey houses, Formation of access to Booth Rd & closure of Burnley Road East access to vehicles	Location: Mill End Mill, Burnley Road East, Waterfoot
Report of: Development Control Team Manager	Status: For Publication
Report to: Development Control Committee	Date: 7 November 2006
Applicant: Seddon Homes Ltd	Determination Expiry Date: 13 November 2006
Agent: Trinity Architecture & Design Ltd	

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

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

APPLICATION DETAILS

1.1 The Site

This application relates to an irregularly-shaped site which is bounded to the north by Bridge Street, to the east by Whitewell Brook, to the south by Booth Road and to the west by a terrace of houses and a row of commercial properties fronting Burnley Road East. The lawful use of the building which occupies the site is for industrial purposes,

but it is now little/un-used. The older part of the building is of stone construction, although a substantial part is brick-faced. It is of 2-storey construction and of poor appearance, something which impinges upon the outlook of the houses bounding the site on the west side, but less so on the street-scene as it is set significantly below the level of the adjacent highways. Vehicular access to the site is by means of a narrow and steeply-sloping roadway that runs between the terrace of houses and block of commercial properties that front Burnley Road East, and greatly restrict visibility at the access-point. While areas of hardstanding run around the building, behind the commercial properties fronting Burnley Road East the site tapers. This area is something of a dumping-ground, except for an area which bounds to Bridge Street.

1.2 The Proposal

Permission is sought to :

- Demolish the existing building on the site and remove a small number of self-seeded trees that have grown-up around it.
- Close the existing access to Burnley Road East to vehicles and form a new vehicular access to Booth Road, entailing a raising of the ground at this point by approximately 2m.
- Erect between the new access-point and the river a 3-storey apartment block, which is to have a slate roof and walls of artificial stone.
- Erect on the other side of the access-point a pair of semi-detached houses and to the north side of the apartment block a further eight houses. The houses are to be of 2-storey construction, except where a change in ground levels is to be utilised to make the three most northerly dwellings 3-storey on the river frontage.
- The triangle of land remaining (which runs between the river and commercial properties fronting to Burnley Road East is to be 'soft landscaped', the unmade track running to the rear of these properties to be reduced to a 1.5m wide path.

In support of the proposal the applicant states:

1. This is a 'brownfield' site in a sustainable location
2. The site is inappropriate for industrial use, by reason of its sub-standard access and having regard to its residential neighbours.
3. This regeneration scheme delivers significant environmental improvements

1.3 Policy Context

Rossendale District Local Plan (Adopted 1995)

DS1	-	Urban Boundary
E4	-	Tree Preservation
E7	-	Contaminated Land
DC1	-	Development Criteria
DC2	-	Landscaping
DC4	-	Materials
J3	-	Existing Employment Areas

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1	-	General Policy
Policy 2	-	Main Development Locations
Policy 7	-	Parking
Policy 12	-	Housing Provision

- Policy 14 - Business & Industrial Land Provision
- Policy 20 - Lancashire's Landscapes
- Policy 22 - Protection of Water Resources
- Policy 24 - Flood Risk

Other Material Planning Considerations

PPS1
PPG3
PPG4
PPG13
RPG13

Draft RSS
LCC Parking Standards
RBC Housing Position Statement (Aug 2005)
RBC Housing Land Position Monitoring Report (May 2006)

2. CONSULTATIONS

LCC(Planning) considers that the proposed development is contrary to Policy 12 of the Structure Plan and will contribute unacceptably to housing oversupply in the borough. It further advises that the proposal appears to accord with the adopted Parking Standards, but a contribution of £31,110 should be sought from the developer to address specific transport and accessibility issues, most particularly to enhance/retain evening and Sunday bus services. Its Archaeological Unit recommends that a record be taken of the site prior to demolition of the existing mill buildings.

LCC(Highways) raises no objection in principle to the application. Its objection to the layout first submitted with this application has resulted in deletion of a dwelling near to the site access to Booth Road, thereby facilitating improved visibility at the junction and reducing the likelihood of on-street parking in its vicinity. It recommends the imposition of conditions to ensure the new junction/access road are constructed to adoptable standard, the old access to Burnley Road East is closed to vehicles in an appropriate manner, and the intended parking provision is made available/maintained.

The Environment Agency initially expressed concerns about the level the development would need to be at to mitigate the risk of flooding and the arrangements to be made to facilitate access by them to Whitewell Brook. However, it now raises no objection to the application provided that finished floor levels for the dwellings and the access road remain at the level in the latest drawings and Flood Risk Assessment. It also recommends conditions to ensure appropriate treatment of the land bounding the watercourse and in respect of drainage arrangements.

RBC Environmental Health has assessed the Contaminated Land Report submitted on behalf of the applicant and is satisfied that if its conclusions and recommendations are followed the site is suitable for residential development.

3. REPRESENTATIONS

Three letters have been received from occupiers of one of the commercial properties lying between Burnley Road East and the application site. Two express concern, and the other objection, to the application as it will reduce in the width of the access which runs to the rear of their property from a vehicular access to

a pedestrian access, thereby impinging on their servicing arrangements and precluding its use by fire/emergency vehicles; one of the letters acknowledges that they do not own any of the land concerned.

B & E Boys Ltd (owners/occupiers of premises in the immediate vicinity of the application site) indicate that they have no objection in principle to the residential redevelopment of the site but do have objection to:

1. The site being accessed from Booth Road - this will add to congestion/danger in the vicinity of the Booth Road/Burnley Road East junction.
2. The proposed dwellings will not have sufficient parking to avoid the parking of vehicles on Booth Road and/or Burnley Road East, to the detriment of highway safety.
3. The proposed development limits access to rear doors of the commercial properties 125-143 Burnley Road East, and the parking/unloading facility that has been enjoyed for 20+ years.

It also says that the applicant is wrong in stating that the mill is vacant - weekly deliveries/dispatches are still made from the premises.

4. ASSESSMENT

In dealing with this application the main issues to consider are :

- 1) principle of the development
- 2) employment policy
- 3) housing policy
- 4) visual impact
- 5) neighbour amenity
- 6) highways/parking

Principle of Development

The application site is 'brownfield' land and lies within the Urban Boundary of Waterfoot, with shops/other local services nearby. As it fronts Burnley Road East and Booth Road, along which run relatively frequent bus services, it is reasonably accessible by means of travel other than the private car. To this extent the development of the site is appropriate in principle.

Employment Policy

The application site is allocated in the adopted Local Plan as an Existing Employment Site to be retained. This being the case it is necessary to consider whether its redevelopment (in whole or part) for other than employment purposes should be resisted in order to avoid harm to the future interests of the local economy.

Following adoption of a new Structure Plan, LCC advised in July 2005 that the Rossendale District Local Plan allocates too much new land for industrial/office development for the borough as a whole. There will remain significant employment floorspace/land within Waterfoot which is not cheek-by-jowl with residential properties.

Furthermore, the form/physical condition of the building now to be seen on the site, and its grossly sub-standard vehicular access, give me no reason to doubt the applicant when they say there is little prospect of it ever being refurbished and brought back into full use for employment purposes. Any such proposal (though not requiring planning permission) would be likely to result in significant detriment for residents of neighbouring houses and obstruct/endanger other users of Burnley Road East. Any

proposal which came forward for the redevelopment of the site for employment purposes, and seeking to utilise the existing access, would raise similar concerns. To form a satisfactory access to Booth Road to serve an employment redevelopment of the site would be extremely difficult, if not impossible, due to the difference in levels.

Accordingly, I do not consider there to be grounds to resist the application in order to retain the site for employment purposes.

Housing Policy

The main issue which needs to be considered in relation to Housing Policy is that of housing over-supply.

Consistent with housing policy contained in national and regional guidance, Policy 12 of the Joint Lancashire Structure Plan (adopted March 2005) has resulted in a housing allocation requiring a reduced rate of provision for several Lancashire Districts over the period 2001-2016, including Rossendale. Policy 12 states that 1,920 dwellings are required to be built within the Borough between 2001 and 2016 in order to adequately house the Borough's population. It further states that these are to be provided at the rate of 200 dwellings per year until 2006 and 80 per year thereafter. Having regard to the number of dwellings which have been built since 2001, and to the number for which permission exists, LCC (Planning) is of the view that this Council should rigorously enforce a policy of restraint on proposals coming forward that will create additional dwelling units.

In the supporting statement following Policy 12 of the Structure Plan it states that :
"Where there is a significant oversupply of housing permissions, planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project".

The Council's Housing Position Statement (August 2005) accepted the contention that the Council would over-shoot its housing allocation and the permissions now granted should be limited to those it set out :

"Applications for residential development in Rossendale will be refused, on housing land supply grounds, in all but the following limited circumstances:

- a) In any location where the proposal is a like for like replacement of an existing residential dwelling resulting in no net gain in dwelling numbers and which conforms to relevant policies of the development plan and other material considerations; or*
- b) The proposal will positively contribute to the urban regeneration of the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative areas or the Rawtenstall Town Centre Masterplan (Area Action Plan); and*
- c) The proposal will not harm the character of the adjoining areas such as conservation areas and the setting of listed buildings; and*
- d) The proposal will assist the regeneration of the site; and*
- e) The proposal meets an identified local housing need."*

At its meeting in June 2006 Cabinet received a Housing Land Monitoring Report, setting out the latest position in relation to provision of housing. The report to Cabinet

says of the Monitoring Report : *“It shows that the number of dwellings which have a valid planning approval exceed the requirements of the Joint Lancashire Structure Plan (JLSP). Anticipated completions have also been considered and this will significantly exceed the provision of just 80 that the JLSP requires on an annual basis for the period 2006 to 2016. The situation has not changed since the Housing Policy Position Statement, approved in August 2005”*. Nor has the Draft Regional Spatial Strategy progressed to the stage that its contents can have greater weight than Policy 12 of the adopted Structure Plan and the Regional Guidance it was founded upon.

Accordingly, it is appropriate to consider the application in relation to the criteria of the Housing Position Statement. The application proposal :

- Does result in an increase in number of dwellings to be erected on the site - proposing a total of 28.
- Does not lie within the boundary of either of the identified regeneration areas.
- The proposal will not harm a Conservation Area or Listed Building.
- The “regeneration” credentials of the proposal will be dealt with separately below.
- The Applicant has not shown how the provision of these housing units will meet an identified local housing need. Nor has the applicant given any indication that the intended dwellings will be provided/retained as affordable or special needs housing (as defined in PPG3 and the Structure Plan).

Thus, the proposal is contrary to certain of the criteria of the Housing Position Statement.

Visual Impact

Neither the existing building, or the land associated with it, contribute positively to the character and appearance of the area (although they cause greater harm to the visual amenities of neighbours than to the street-scene).

I am satisfied that the proposed development is of satisfactory design and appearance. Whilst the apartment block is of significant bulk, being of 3-storey construction and possessing 18 flats, I do not consider that it will appear unduly prominent or intrusive in the street-scene. It will be viewed against the backdrop of mature trees that run along the banks of Whitewell Brook, and is to be constructed with a slate roof/artificial stone walls. The proposed houses will be of 2-storey construction, except in the case of those three at the north end which will appear 2-storey as viewed from the front but on the rear elevation (ie facing the river) are 3-storey. Accordingly, they will appear of no greater height/bulk than the existing terrace of houses immediately to the west of the site.

A small number of trees within/bounding the site will be lost as a result of the proposed development. However, they can be adequately compensated for with new planting. The greatest scope for additional tree planting is within the ‘soft landscaped’ triangle of land proposed between the commercial properties fronting Burnley Road East and the river.

Neighbour Amenity

I am satisfied that the proposed development will not detract to an unacceptable extent from the amenities neighbours could reasonably expect to enjoy. Indeed, for residents of the terrace of houses immediately to the west of the site I consider the

outlook from the rear of their houses will be improved, the proposed houses to stand further from them than does the existing 2-storey building.

I can appreciate the concern of occupiers of the commercial properties fronting Burnley Road East at the prospect of having the vehicular access running to the rear of their units reduced to a pedestrian access. However, the applicant advises that they have no right to more than this. While there are not the grounds for insisting upon the retention/provision of vehicular access to the rear of these units, it is considered appropriate to avoid the garden of the most northerly of the proposed houses narrowing the access to the 'soft landscaped triangle of land to less than 3m, to facilitate access to it by maintenance vehicles and plant/equipment the Environment Agency may wish to get to the river.

Highways/Parking

The Highway Authority is satisfied that the local highway network can satisfactorily accommodate the traffic likely to be generated by the development. The matters of concern it originally raised regarding the form/visibility of the junction of the new access with Booth Road, and the likelihood of parking in the vicinity of this junction, have been addressed by way of amended drawings. Conditions are recommended to address matters of detail it has raised.

6. CONCLUSION

Whilst the proposal does not fully accord with the criteria set out in the Council's Housing Position Statement or with Policy 12 of the Structure Plan, I consider it appropriate for permission to be granted in this instance as an exception. I have arrived at this view having regard to the benefits the scheme will deliver in terms of neighbour/visual amenity and highway safety, which stem from the extinguishment of the lawful use of the site for employment purposes and replacement of the existing buildings/hardstandings in the manner proposed to form an appropriate and sustainable form of residential development.

7. RECOMMENDATION

That permission be granted subject to the following conditions :

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. *Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.*
2. No works shall take place until the applicant, or their agent or successors in title, has secured the making of a record of the buildings within the application site, together with features within the grounds. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority. Upon completion the record shall be submitted to the Local Planning Authority. *Reason : To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site, in accordance with Policy 21 of the adopted Joint Lancashire Structure Plan.*
3. Prior to the commencement of construction of any of the dwellings hereby permitted the 'further investigate work' referred to in the recommendations of Geo-Environmental Report RCM4227/001R, produced 1 July 2005 by RPS,

shall be undertaken and the results submitted to the Local Planning Authority, together with a full Remediation Statement for approval by the Local Planning Authority. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with approved details. A Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by the LPA prior to the first use or occupation of that part of the development hereby approved. *Reason : To ensure the site is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development, to accord with Policy E7 of the adopted Rossendale District Local Plan.*

4. Notwithstanding any such detail shown on previously submitted plans, before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall have regard to the Flood Risk Assessment, and Environment Agency's comments upon it, and the need for the new access to have a gradient of no more than 1 in 25 for a distance of 12m measured from Booth Road and a gradient of not more than 1 in 10 thereafter. The development shall only be carried out in conformity with the approved details. *Reason: To mitigate the risk of flooding and in the interests of highway safety, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
5. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. If surface water is to discharge directly to Whitewell Brook the submitted scheme shall provide for surface water regulation. Such a scheme shall be constructed and completed in accordance with the approved plans. *Reason: To ensure a satisfactory means of drainage, in accordance with the comments of the Environment Agency and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
6. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any details shown on the previously submitted plans and specification. The development shall only be carried out using the approved external facing materials. Furthermore, notwithstanding what is shown on the drawings for the Apartment building, the balustrades shall not project beyond the face of the external wall. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
7. Notwithstanding the details shown on the submitted drawing in relation to the curtilage of House 1, an access of not less than 3m in width shall be provided to the Soft Landscaped Area. *Reason: To enable the proper maintenance of*

this area and access to the banktop of Whitewell Brook by the Environment Agency, *in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

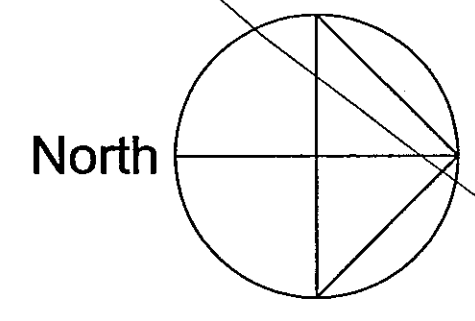
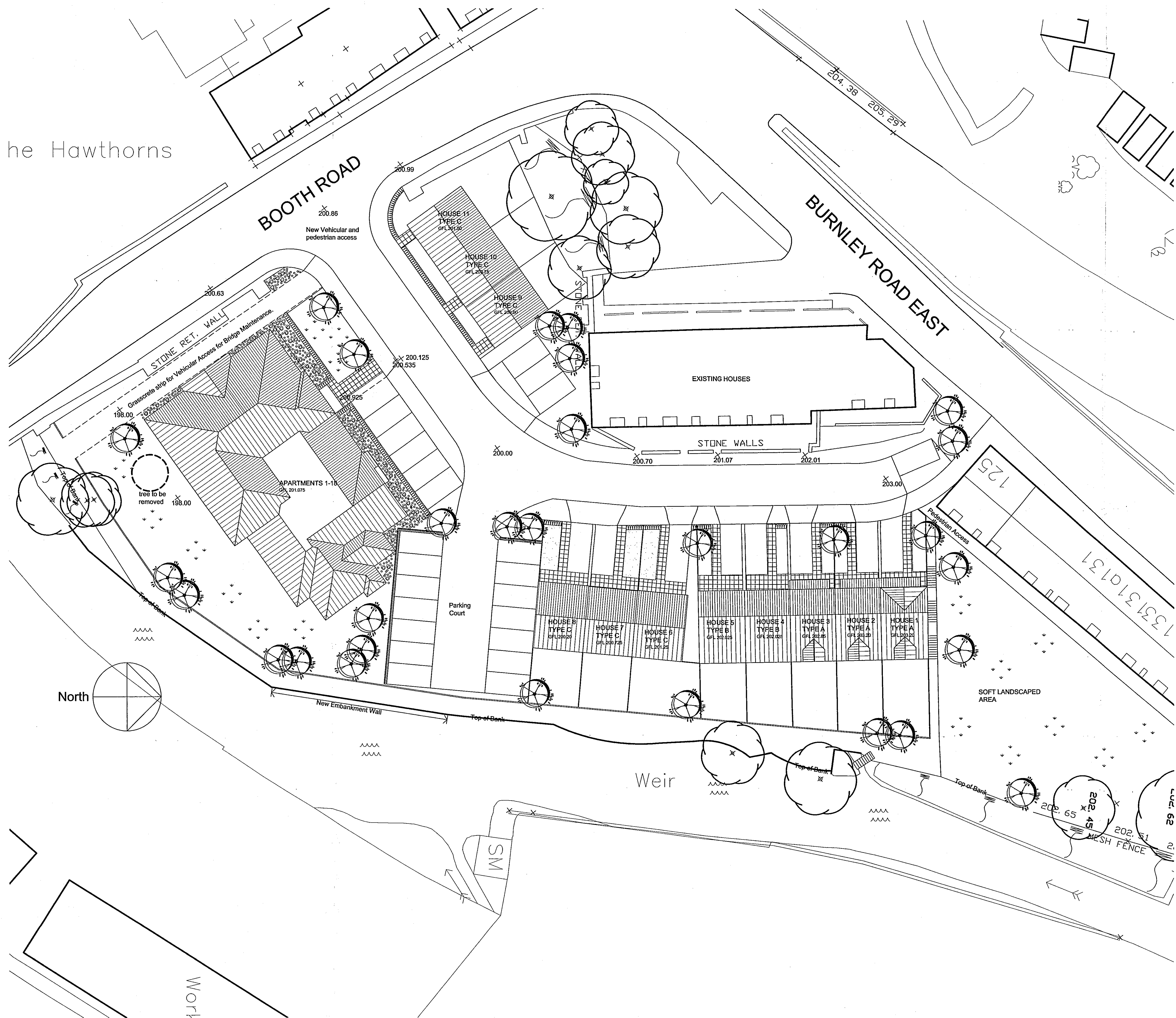
8. No development shall take place until a scheme of landscaping/boundary treatment has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The submitted scheme shall provide details of the protection to be afforded during construction to planting to be retained and of the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. *Reason: In the interests of the amenity of the area, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
9. All hard-surfaced areas/walls/fences forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to occupation of the nearest building, unless otherwise agreed in writing with the Local Planning Authority. All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building. Any trees or plants in the approved scheme of landscaping which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interests of the amenity of the area, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
10. Notwithstanding the details shown on the submitted drawing, details of the means by which the existing access to Burnley Road East shall be closed to vehicles and the design/visibility splays in respect of the proposed access-point, together with details of the form and construction of the proposed access road/parking bays, shall be submitted to and approved in writing by the Local Planning authority prior to the commencement of development. The submitted details shall provide for construction of the access road to a standard capable of adoption by the Highway Authority. The existing access to Burnley Road East shall be closed to vehicles, and the new access constructed to sub-base level for a distance of not less than 12m measured from Booth Road, prior to demolition of the building occupying the site. The approved scheme shall be implemented in full prior to first occupation of the dwellings, or as otherwise first agreed in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting the Order, there shall not at any time in connection with the development hereby permitted be erected or planted, or allowed to remain, upon the land within the visibility splays defined any building, wall, fence, hedge, tree, shrub or other device which will obstruct the view above a plane 1metre above the crown level of the adjoining highway. *Reason: In the interests of highway safety, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

11. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. *Reason: For the avoidance of doubt and to accord with the criteria of Policy DC1 of the Rossendale District Local Plan.*

Contact Officer	
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PLANNING DRAWINGS
 All dimensions are to be checked by client. Any discrepancies are to be reported to the Architect. This drawing to be read in conjunction with all associated Architects or Consultants Details & Specifications. This drawing is for illustrative purposes only and does not form part of any contract.

the Hawthorns



2006/464
 14 AUG 2006

Date	Revision	By	No.
31.07.06	Vehicular access to site amended to enter off Booth Road. Plot 9 moved to create a parking court so parking near new entrance is removed.	PGJA	C.
25.04.06	Pedestrian Access and grass hatch and note added to landscaped area. Vehicular access to site amended to include pedestrian footpath.	PGJA	B.
31.03.06	2metre access strip to top of bank by brookland Vehicular access road to bridge added.	PGJA	A.

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Proposed development at: **Mill End Mill, Burley Rd East Waterfoot**
 Client: **Seddon Homes**
 Drawing title: **Proposed Site Plan**

Status: Planning	Date: JAN 2006	Checked: TAD
Scale: 1:200	Drawn: PGJA	Revision: C
Job No. T05-06	Drawing No. 07	

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