

Application No: 2005/729	Application Type: Full
Proposal: Erection of a 3 storey office building and 15 houses	Location: Higher Mill, Millgate Road, East Parade, Rawtenstall
Report of: Head of Planning Legal and Democratic Services	Status: For Publication
Report to: Development Control Committee	Date: 10 th April 2007
Applicant: Brother Investments Ltd	Determination Expiry Date: 17 th February 2007
Agent: Mr J Partington	

REASON FOR REPORTING

Outside Officer Scheme of Delegation Yes

Member Call-In

Name of Member:

Reason for Call-In:

More than 3 objections received

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

1.1.1 The application site was previously occupied in part by Higher Mill. It is now occupied by derelict, run down buildings. It is in close proximity to the main shopping area of Rawtenstall and is surrounded by terrace and semi-detached dwellings. The whole site falls within the Urban Boundary and the former Higher Mill part of the site falls within the Rawtenstall Conservation

Area, Town Centre and Employment Site boundary and the Rawtenstall Town Centre Area Action Plan boundary.

- 1.1.2 To the north of the site are a mainly two and three storey terraced houses. To the south are residential terraces fronting East Parade with the Newchurch Road town center car park beyond. To the west lies a range of commercial buildings, a church and two storey terraces beyond. Number 25 Newchurch Road (Springside Cottage), adjacent to the development boundary, is a grade II listed building. To the east, are two storey post war semi-detached houses and open space.
- 1.1.3 The proposal seeks to erect a three storey B1 office building to the rear of Springside Cottage. Basement car parking would provide 53 car parking spaces. Access to the basement level would be from Millgate and would utilise the natural relief of the site. The main entrance to the office accommodation would be from the elevation fronting East Parade. At this point the main elevation of the office building would be 23.2m from the residential properties on East Parade. Additional car parking would also be provided at ground level adjacent to the south (facing East Parade) elevation and east elevation of the office building. A total of 24 car parking spaces would be provided at ground level, 77 car parking spaces in total for the proposed offices.
- 1.1.4 The proposed office would be three storey above ground level with the second storey set back from the main external elevations. The footprint is largely rectangular and would measure 41m X 18m. Due the change in levels across the site the height of the building above ground levels varies on each elevation. The height of the building at the proposed vehicular access is the highest point above ground level and would be 13m. The south elevation (fronting East Parade) would range from 10m to 11.6m
- 1.1.5 The materials for the office building would be a mix of smooth art stone, which would match the window detailing of the proposed houses, and natural stone (split faced). The attic storey which is set back would be finished with a western red cedar.
- 1.1.6 A new Layby would be constructed off East Parade to facilitate delivery and drop off. The car parking spaces in this location would be set back approximately 400mm from the line of the existing wall.
- 1.1.7 A total of 15 houses would also be provided on the site to the east of the proposed office accommodation. Six houses and detached garage provision for four cars would be provided in the location of the former garages. The remaining eight houses would be located to the south of the side to the rear of 2 – 8 Grange Road.
- 1.1.8 The office provision would be located within the conservation area and the residential accommodation would be located adjacent to the Conservation Area.

- 1.1.9 The design of the proposed houses would comprise of three different house types, type A, B and C. House type A would be two and half storey in appearance. They would be 6.4m in height at the eaves and 10m in height at the ridge. They would each provide four bedrooms with bedrooms 2, 3 and 4 located partially within the roof space. Two small dormer elements would be provided within both the front and rear elevations. The living rooms would be provided at first floor and would have access onto a balcony which would project 2m from the rear elevation and would be 4.5m wide.
- 1.1.10 House type B would also be two and half storey in appearance. They would be 6.4m in height at the eaves and 9.6m in height at the ridge. They would each provide three bedrooms with bedrooms 2 and 3 located partially within the roof space. Two small dormer elements would be provided within the front elevation and two velux windows would be provided in the rear elevations. Each would have a small front porch that would project 900mm X 2.4m and would have a pitched roof. There are no habitable rooms with rear facing aspects. Bedroom two is located to the rear of house type B with aspect and light provided by velux window.
- 1.1.11 Type C would be identical to Type A without the rear dormers and balcony.
- 1.1.12 All house types would be constructed of natural stone facings, slate and stone head and cil detailing.
- 1.1.13 Each dwelling would have off street car parking provision and secure cycle stores. House type A includes an integral garage and drive space. The type B dwellings are located around a new turning head. Garage provision is provided in a garage block. The type C dwelling would be located on plots 1, 2 and 3.

1.2 Relevant Development Control History

- 1.2.1 Members will recall that a similar mixed use outline application which sought consent for the siting and means of access for the erection of a B1 office building and 15 dwellings on this site was minded approve by this Committee in June 2006 subject to the provision of a legal agreement (Planning application 2003/744).
- 1.2.2 The Section 106 agreement has been drafted which requires that the Council to enter into a legal agreement with the developer (relative to the improvement and maintenance of the Mill Row Recreation Area and the making of a traffic regulation order). Whilst the agreement has now been drafted and agreed by both parties, the applicant has been working with and negotiating with officers on this current full application. The Council are currently awaiting final comments from the applicants solicitors.
- 1.2.3 The main differences between the 'minded to approve' outline application (siting and access) and this current scheme are summarised below:
- The detail is now sought

- The separation between the office and East Parade was 21m on the outline and 23.2m on this current application
- The siting of plots 1 – 5 is similar. However, with the inclusion of detail the balconies would be 2m closer to the rears of those properties on Grange Road than what was 'minded to approve'
- Plots 9, 10 and 11 are 3m closer to the properties directly to the rear on Grange Road. These proposed plots would not have any habitable windows within the rear elevation facing the existing neighbours
- The inclusion of the garage provision to the rear of properties on Grange Avenue
- Plot 12 (referred to as plot 12a on previous application) has an increase in separation to the existing residential property to the rear by 1m.
- In total, 2 additional car parking spaces would be provided on the current scheme than the outline application
- The footprint of the office building has been reduced and sited further away from the listed building.

The changes between the two schemes and the detail contained in this current proposal is considered later in this report.

1.3 Policy Context

1.3.1 The Development Plan within Rossendale comprises the Local Plan (adopted 12th April 1995), the Joint Lancashire Structure Plan 2001-2016 (adopted 31st March 2005) and RPG 13 (which became RSS and part of the development plan on 28th September 2005). It can be observed that the Local Plan is now over 10 years old whereas the other two elements of the development plan are much more recent in origin. A statement of non-conformity with the Adopted Structure Plan with respect to certain Local Plan policies was issued on 6th July 2005. One of the policies which is said to be not in conformity with the Structure Plan by the County Council is policy H3 which allocates housing sites.

1.3.2 I will discuss the prevailing policy framework below and any other relevant material planning considerations.

Regional Spatial Strategy

1.3.3 Regional Planning Guidance was adopted in March 2003 and following the commencement of the new Planning and Compulsory Purchase Act is now the Regional Spatial Strategy for the North West (RSS). RSS has formed part of the Development Plan for Rossendale since 28th September 2005.

1.3.4 The key objectives of relevance to this proposal in RSS include:

- achieving greater economic competition and growth with associated social progression;
- to secure an urban renaissance in the cities and towns of the north west;
- to ensure active management of the Region's environmental and cultural assets;
- to secure a better image for the Region and high environmental and design quality; and

- to create an accessible Region with an efficient and fully integrated transport system

1.3.5 Policy DP1 requires that development plans adopt the following sequential approach to meet development needs, taking into account local circumstances: the characteristics of particular land uses, and the spatial development framework; the effective use of existing buildings and infrastructure within urban areas particularly those which are accessible by public transport, walking or cycling; the use of previously developed land particularly that which is accessible by public transport walking or cycling; and thirdly development of previously undeveloped land that is well related to houses, jobs and so on and can be made accessible by public transport, walking or cycling.

Joint Lancashire Structure Plan 2001-2016

- 1.3.6 Policy 1b (General Policy) requires development to contribute to achieving high accessibility for all by walking, cycling and public transport.
- 1.3.7 Policy 1f (General Policy) states development proposals should contribute to achieving *“urban regeneration, including priority re-use or conversion of existing buildings and then use brownfield sites”*
- 1.3.8 Policy 2 (Main Development Locations) states that most development should be located within identified principal urban areas, which include Rawtenstall.
- 1.3.9 Policy 7 (Parking) sets out the type and amount of car parking and how it will be managed.
- 1.3.10 Policy 12 states *“that provision will be made for the construction of 1920 dwellings within the Borough within the plan period (2001-2016) 220 per year between 2001 and 2006 and 80 per year between 2006 and 2016”*.
- 1.3.11 Policy 21 states *“Lancashire’s natural and manmade heritage will be protected from loss or damage according to the hierarchy of designations of international, national, regional, county and local importance.”*
- 1.3.12 Listed buildings 1, 2* and 2 are identified in the policy as of national importance. The scheme is adjacent to Springmill cottage a grade II listed building.

Rosendale District Local Plan

- 1.3.13 Policy DS.1 (Urban Boundary) states that *“the Council will seek to locate most new development within a defined boundary – the Urban Boundary – and will resist development beyond it unless it complies with policies DS3 and DS5. The urban boundary is indicated on the proposals map”*
- 1.3.14 Policy DC1 (Development Criteria) of the Rosendale District Local Plan states that all applications for planning permission will be considered on the

basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

1.3.15 Policy H3 (Land for Residential Development) of the Rossendale District Local Plan allocates the site to meet the housing needs of the Borough.

1.3.16 Policy HP.1 of the Local Plan states that *“Proposals for development within Conservation Areas will be assessed against the following criteria:-*

- *Townscape features and roofscape*
- *Views within and out of the Conservation Area*
- *The effect upon the character of the conservation area*
- *Any trees of importance to the character of the area*
- *And compliance with policy DC4 (Materials)”*

1.3.17 Policy HP.2 of the adopted local plan seeks to safeguard listed buildings.

1.4 Other Material Planning Considerations

National Planning Guidance

1.4.1 Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development was issued in February 2005. The policy document states that sustainable development is the core principle underpinning planning. Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by: making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; contributing to sustainable economic development; protecting and enhancing the natural and historic environment, the quality of the countryside and existing communities; ensuring high quality development; and supporting existing communities and contributing to the creation of safe, liveable and mixed communities with good access to jobs and key services for all. On sustainable economic development, local authorities should recognise that economic development can deliver environmental and social benefits; that they should also recognise the wider sub regional and regional economic benefits and that these should be considered alongside any adverse local impacts.

1.4.2 Paragraph 28 of PPS1 advises that planning decisions should be taken in accordance with the Development Plan unless other material considerations indicate otherwise.

- 1.4.3 Paragraph 29 of PPS1 acknowledges that in some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated or compensated for.
- 1.4.4 Planning Policy Statement 3 (PPS3): Housing was issued in November 2007 highlights the need to develop previously developed brownfield sites and where appropriate higher densities should be considered in accessible locations.
- 1.4.5 Planning Policy Guidance note 15 (PPG15) : Historic Environment from advice on development historic environment, includes development within conservation areas and listed buildings.

Draft Regional Spatial Strategy (RSS)

- 1.4.6 RSS is currently under review. The Draft RSS ('The North West Plan') was published for its first formal public consultation exercise in January 2006 and will cover the period from 2003 to 2021.
- 1.4.7 Draft RSS focuses on the needs of the region as a whole but highlights those area that need more specific guidance or a different approach. This intended to improve the coordinated and delivery of regional policy and sustainable development
- 1.4.8 Draft policy L4 Regional Housing Provision identifies a new housing provision of 4000 for Rossendale 2003 – 2021 (net of clearance replacement). The annual average rates of housing provision (net of clearance replacement) is identified as 222. The current annual provision identified in the adopted Structure Plan is 220 between 2001-06 and 80 between 2006-16).

Interim Housing Position Statement

- 1.4.9 The Interim Housing Position Statement was issued by Rossendale Borough Council on 17th August 2005. However, it should also be noted that neither the draft nor final version constitutes a statutory document and does not therefore form part of the development plan for Rossendale. However, the document provides interpretation of the reasoned justification of policy 12 of the Structure Plan and should be used as guidance in the assessment of applications for residential development in conjunction with policy 12 of the Structure Plan.
- 1.4.10 The policy document states that '*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 i.e. for 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 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*
- d) *The proposal will assist the regeneration of the site; and*
- e) *The proposal meets an identified local housing need.'*

1.4.11 It is clear that the principle of a mixed use scheme including 15 residential properties is acceptable on this through the assessment of the outline application and the resolution of this Committee. In considering the outline application (2003/744) Members considered it appropriate to assess the application against the specified criteria for residential development as outlined in the revised preferred option for this site given that members have been minded to approve this scheme previously having particular regard to parts b to e identified above. Part of the site is within the Rawtenstall Town Centre Masterplan (Area Action Plan);

The specific criteria included the following:

- Redeveloping derelict or underused sites;
- Supporting the commercial viability of a mixed use development;
- Achieving a high quality of architectural and urban design; and
- Contributing towards the provision (directly or indirectly) of wider infrastructure which is required to secure the regeneration of Rawtenstall town centre

1.4.12 It was considered that the outline proposal represented an appropriate exception to policy 12 of the Structure Plan and that there was sufficient justification to warrant the approval of the application, given the regeneration benefits that the development of this site would bring to an unused site within the Rawtenstall Town Centre Masterplan (Area Action Plan). Given the similarity of both the outline application and this current proposal (both seeking to secure 15 dwellings) I consider that the principle of this development has been acceptable. Moreover, I do not consider that there have been any changes to this position since members considered the outline application in June of 2006.

1.4.13 Therefore, this report does not reconsider the proposal with regard to the audit of housing figures as the proposal would not add further to the supply of housing in the Borough nor could both schemes (this application and the outline proposal) come forward together.

1.4.14 However, regard must be given to all others material planning considerations and policies contained within the development.

2.0 CONSULTATION RESPONSES

2.1 County Planning Officer

2.1.2 I have summarised the officers response below:

2.1.2 Advises that this proposal does not raise matters of strategic significance although concludes that there are sufficient residential planning permissions to meet the Boroughs Council's housing requirement to 2006, and for a considerable period beyond.

2.1.3 Given the previous use and the importance of textile mills in the north west a condition is recommended to provide a programme of building recording and analysis.

2.1.4 It would appear that the development complies with adopted "Parking Standards".

2.2 LCC (Highways)

2.2.1 The County Highway engineer has provided advice on a number of elements of the scheme which were considered unacceptable. The applicant has amended the scheme to address all of the elements raised by the County Highway Engineer.

2.2.2 The County Highway engineer also considers that a Framework Travel Plan be provided.

2.3 Environmental Health

2.3.1 (There is no response on file – based on previous application conditions) RBC Environmental Health advises that a site investigation study be undertaken prior to the commencement of development.

2.4 External Consultations

2.4.1 Rossendale Civic Trust raise concerns regarding the lack of information provided / recorded prior to the demolition of the former mill following a fire.

2.4.2 Rossendale Civic Trust have not objection to the proposal in principle as they consider this an excellent opportunity given the sites present condition. However, their main concerns are regarding design, especially of the main office block which is sited where the former weaving shed was located within the Conservation Area.

2.4.3 *"The main thing in favour of the proposed building is its size and scale; the use of the sunken site to create a basement car park, and the overall height*

being low enough not to intrude into the sky-line of the townscape. For this it is to be commended, but we do have reservations about the design of the elevations, which indeed do look as if they are deliberately pitched at a low-key anonymity to be 'planning friendly' and avoid controversy. In doing this, unfortunately, the design falls between two stools – it is neither truly modern nor good pastiche. We would have preferred to see, within the bulk of the proposed building, either a high tech modern development or a good, honest, plain stone-built without decorative panels of a different stone or the cedar cladding.”

2.4.4 A further concern is the setting of the listed Springside Cottage.

3 REPRESENTATIONS

3.1 Two letters of objection in response to the application publicity. I have also received a request from Councillor R A Neil that the application is sent to a future DC Committee so that members can have a full overview of the history of this site. The following issues have been raised:

- Inadequate car parking provision in the area
- Higher Mill Street is closed by bollards and therefore represents difficulties in vehicles passing and maneuvering
- Conditions attached to the outline application require a separation of 20m to be provided – this scheme does not maintain this distance
- Conditions attached to the outline application require that the proposed dwellings do not exceed the height of the houses on East Parade – the height of the proposed dwellings exceeds this height
- The housing does not accord with the development plan as there is a surplus of houses in the area
- Three storey houses are not in character with the area
- Loss of privacy/outlook
- Loss of light

4 REPORT

4.1 The main planning issues relating to this application are: whether the principle of the proposed development is acceptable; whether the design and layout is acceptable; whether there would be a detrimental impact on residential amenity; whether the proposal would have any impact upon highway safety; whether the proposal impact upon the setting of a listed building; whether the scheme is appropriate within the conservation area; and whether the proposed level of parking is acceptable. I shall deal with each of these issues in turn.

Principle of Development

4.2 As discussed earlier in this report, members will recall a similar outline application was considered in June 2006 by this Committee. The resolution of the Committee was to approve the scheme subject to the provision of a legal. As such, I consider that the principle of B1 office and 15 dwellings has been considered to be appropriate on this site.

- 4.3 However, given that this is a full application, the proposal must be considered against all relevant aspects of the Development Plan.

Visual Amenity / Heritage Interest

- 4.4 There is a significant change in levels across the site. However, the proposal does utilise this aspect of the site to provide basement car parking. The listed building adjacent to the site is located at a lower level. The proposal would appear to step up in height to the rear of the listed building. The proposed housing provision is sited outside of the conservation area. The proposed office building is located within the conservation area.
- 4.5 The majority of the office building is approximately 10m above ground level. However, this does vary depending upon the slope of the site. Moreover, there is also a significant change in levels within the immediate area. Newchurch Road rises in height to the north east and East Parade increases in height to the south. When viewed within the context of the surrounding area, I do not consider that this proposal would intrude on the roofscape of the Conservation Area or, in fact, the surrounding area.
- 4.6 A number of trees within the site would be removed to facilitate this proposal. However, the trees which would be removed are located in the area of plot 1 and plot 15, the siting of these plots has not changed from the outline application. Therefore, I consider that the principle of the removal of these trees has been established, although the impact of their loss can be mitigated through the inclusion of an appropriate landscaping condition.
- 4.7 The materials proposed for the residential element are generally stone and slate which is the prevailing material in the locality. The office building would also consist mainly of stone. Two types of stone are proposed, smooth artstone which is reflected in the quoin and window surround details in the area and natural stone (split faced) which is the predominate material for the surrounding houses. The second floor (attic storey) of the proposed office would be set back from the main elevation of the building. It is proposed that this element would be clad in western red cedar, however, given its position on the upper floor of the elevations it would not be prominent from the street scene although it would be visible from within the Town Centre. The Council heritage adviser has raised some concerns regarding the appropriateness of this material in this instance. The applicant has confirmed his willingness to use a different material in this location. This part of the development will be easily seen from the north and north/west, but the flat roofed office will be fairly well hidden by existing and new housing from other directions. The roof may be a strong feature when the town is viewed from the valley sides. Given that the proposed red western cedar is a strong colour, I consider that it would be appropriate to attach a condition requiring this material to be approved in writing prior to the commencement of development.
- 4.8 Whilst the residential element of the scheme is not located within the Conservation Area the design and use of materials reflects the surrounding

properties which are within the Conservation Area. Subject to a condition requiring the materials to be of an appropriate high quality I am of the opinion that the residential element would be an appropriate development alongside the Conservation Area.

4.9 The siting of the office building has been revised to reflect a similar position to that of the previous scheme. The applicants agent has provided details of the northern elevation which demonstrates the relationship of the proposal to the listed building. The corner of the office building would be 9m from the two storey element of the listed building. The single storey element would 5m from the office building. Due to the difference in levels between the site and the listed building, the eaves of the listed building would be level with pedestrian canopy at ground floor level with the office. Therefore, the part of the scheme visible above the height of the listed building would be part of the first floor and the recessed second floor. It is also clear that due to the changes in levels a similar size building to the listed building would appear larger than the listed building. However, in considering this relationship I am mindful of the previous use on this site and the impact the former mill would have had upon this neighbouring listed building. It is only as a result of a fire in the former mill that the cottage has become more evident to the surrounding area. The proposed office building is substantially smaller than the previous mill. The elevation to the rear of the listed building would be constructed using mainly stone.

4.10 Therefore, I am of the opinion that the siting, scale and massing and materials (subject to appropriate conditions) proposed for the office element would not detrimental effect the setting of this neighbouring listed building and would therefore comply with the policies set out in the development regarding listed buildings.

4.11 Therefore, I do not consider that the proposal would impact upon key views within the Conservation Area or of the neighbouring listed building.

Design, Scale and Massing

4.12 The proposed dwellings would be constructed utilising materials evident in the area and to match some of the materials proposed in the design of the office accommodation. Each house type would include dormers within the front elevation. House type A would also have dormers within the rear elevation and a patio leading off the lounge. House types B would include velux windows within the rear roof plain.

4.13 Of particular relevance is condition 10 attached to the planning application 2003/744 ('minded to approve') which states:

"10 The proposed dwellings shall not exceed the height of the terraced properties numbered 1 – 33 East Parade."

4.14 The proposed dwellings would exceed the height of the terraced properties on East Parade at the ridge by 600mm. However, I do not consider that from within the street the difference at ridge level would be noticeable.

However, proposed eaves would be lower than those of East Parade. As such, and given that these properties would be located outside of the conservation area, I consider that the design, scale and massing to be appropriate in this instance.

Residential Amenity

- 4.14 The previous application which is 'minded to approve' is relevant in this instance. The previous application sought consent for siting and means of access. This current scheme is similar to the siting proposed by the previous application. However, the differences between both schemes and the proposed detail in this current application are relevant considerations.
- 4.15 The height of the first floor element would be 600mm higher than the eaves of the residential properties on East Parade and would maintain 20m. The outline consent provided a separation distance of 21m. The second floor, is set back a further 2m from the main elevation of the office and would be a further 2.4m higher. As such, the second floor would be 22.2m from the residential properties on East Parade. The Council's normal separation distances require 21m between two, 2 storey dwellings. Given that this is an office use to residential use, I consider that the separation distance is sufficient to justify the height of the proposal and maintain sufficient privacy for the existing residents.
- 4.16 The existing residential properties to the east of the office proposal do not front the scheme. The proposal would maintain 13.2m to the residential properties which is an increase of 0.7m on the outline scheme. As such, I am satisfied that the scheme would not have a detrimental impact upon those residents.
- 4.17 House type B has been designed so that there are no main habitable windows (dining rooms, living rooms and bedrooms) to the rear. Plots 9, 10 and 11 are 3m closer to the common boundary with No. 10 and 12 Grange Road than the outline scheme. At its closest point the separation between the proposed and existing buildings would be 16m. However, given the design solution and the angle of the existing properties I am satisfied that the scheme would not represent a loss of privacy to the existing residents.
- 4.18 House type A would be provided on plots 4, 5, 6, 7 and 8. They would be two and a half storey in height with dormers in the rear elevation. These plots would maintain 24m to the existing neighbouring properties. The balconies at first floor level would maintain 22m to the existing neighbours. As such, I am satisfied that this element of the scheme would not result in a loss of privacy to the existing neighbouring residents.
- 4.19 Across East Parade I am satisfied that the proposal would provide sufficient separation.
- 4.20 The applicant has made further amendments to plots 1 – 3. House type C would be provided on these three plots. They would be sited in the same position as those on the outline scheme. The proposal would maintain

19.5m at ground floor to the existing flats to the rear (2, 2a, 4 and 4a Grange Road) at its closest corner. The first floor would maintain 20.7m. Whilst the Council would normally expect of 21m between two storey main aspects, I am conscious that the neighbouring properties are at an angle to the proposal and therefore not directly facing. Moreover, the bedroom within the rear roofspace would include velux rear windows as such I am satisfied that existing residential amenity would be safeguarded.

- 4.21 As such, I consider that this design solution for these three plots, albeit in the same position as the 'minded to approve' scheme would provide sufficient privacy to the existing of future occupiers.

Car Parking, Access and Servicing

- 4.22 The office element of the scheme would provide a total of 77 car parking spaces at ground level and within a basement car park. Five spaces are indicated for disable provision, the majority of which are located on each side of the entrance at ground level.

- 4.23 The scheme has been amended to include a number of highway amendments. A new lay-by would be provided off East Parade to allow for delivery vehicles and taxi's. With the inclusion of the amendments I have no highway objection.

5 CONCLUSION

- 5.1 I am satisfied that the amended design is of a high quality and that the application would not have any significant detrimental effect upon the amenity of neighbouring residents or on the surrounding area in general. I am satisfied that the proposed development would contribute to the character of the conservation and improve the setting of the neighbouring listed building and enhance the Conservation Area and Town Centre. I am also satisfied that the level of on site parking is acceptable. I am satisfied that the application complies with policies of the development plan as a whole. I do not consider that there are any other material considerations which outweigh this view.

6 RECOMMENDATION

- 6.1 Therefore, it is recommended that (i) the Committee be minded to grant consent to the application subject to the conditions set out below but desire the Council to enter into an agreement with the developer under section 106 of the Town and Country Planning Act 1990 for the contributions to the improvement and maintenance of the Mill Row Recreation Area and to a traffic regulation order the completion of which shall be delegated The Head of Planning Legal and Democratic Services and (ii) on completion of such section 106 agreement the Development Control Manager or Senior Planning Officer be authorised to approved the said application subject to the conditions listed below.

7 REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to the policies and proposals in Regional Spatial Strategy, Joint Lancashire Structure Plan 2001-2016 and the Rossendale District Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance. There are no other material planning considerations that outweigh this finding:

Rossendale District Local Plan (Adopted 1995)

DS1	-	Urban Boundary
HP1	-	Conservation Areas
HP2	-	Listed Buildings
DC1	-	Development Control

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1	-	General Policy
Policy 2	-	Main Development Locations
Policy 7	-	Parking
Policy 12	-	Housing
Policy 21	-	Lancashire's Natural & Man-Made Heritage

Other Material Planning Considerations

PPS1	-	Sustainable Development
PPS3	-	Housing
PPG13	-	Transport
PPG15	-	Historic Environment
PPG16	-	Archaeology and Planning

8 CONDITIONS

- 1 The development permitted shall be begun before the expiration of three years from the date of this consent.
Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall be commenced until samples of the facing materials (including any roller shutters, signage, windows, doors garage doors) to be used for the external elevations of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken using the approved materials.
Reason: In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.
- 3 No part of the development shall be occupied unless and until its associated car parking provision has been completed and available for use. The car parking provision shall be retained and kept available for use thereafter.
Reason: To ensure the provision of adequate off street parking in accordance with PPS6, PPG13, Policy 1 of the adopted Joint Lancashire Structure Plan and Policies DC1, T4 and T7 of the Rossendale District Local Plan.

- 4 Prior to the commencement of each element of the development a scheme detailing external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Such scheme as is approved shall be implemented in full prior to first use of the development.
Reason: To safeguard the amenity of the area and Conservation Area in accordance with policies HP.1 and DC1 of the Rossendale Local Plan.
- 5 The site shall be treated in accordance with a landscape scheme which shall be submitted to and approved by the Local Planning Authority before development is started. Such scheme shall include full details of trees and shrubs to be planted, walls, fences, boundary and surface treatment and shall be carried out within 12 months; of the commencement of development and thereafter shall be maintained to the satisfaction of the Local Planning Authority. Any trees or shrubs dying within five years of planting shall be replaced to the satisfaction of the Local Planning Authority.
Reason: In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan
- 6 Prior to the commencement development a scheme shall be submitted for the written approval of the Local Planning Authority which details a programme of recording of the site's archaeology. The recording shall be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with the approved scheme. Upon completion of the programme of building recording and analysis it shall be submitted to the Local Planning Authority.
Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historic importance associated with the site and former buildings, in accordance with Policy 21 of the adopted Joint Lancashire Structure Plan.
- 7 No development approved by this permission shall be commenced until:
- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site.
 - c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority.
 - d) A Method Statement and remediation strategy, based on the information obtained from (c) above has been submitted to and

approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

- e) Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the local planning authority: unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the site is properly remediated and any risk to human health and controlled waters is minimised in accordance with Policy DC1 of the Rossendale District Local Plan.

- 8 Notwithstanding what is shown on the submitted drawings, the development shall not be commenced until full details of all the materials to be used for all the hard-surfaced external areas, together with free standing signs, bollards, benches, litter bins or other street furniture to be provided, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken using the approved materials.

Reason: To safeguard the amenity of the area and Conservation Area in accordance with policies HP.1 and DC1 of the Rossendale Local Plan.

- 9 Within 6 months of the first occupation/use of the office building hereby permitted there shall have been submitted to and approved in writing by the Local Planning Authority (in consultation with Lancashire County Council) a Staff Travel Plan (including an Implementation Plan/Programme for a period of one year). The Travel Plan shall document the measures to be pursued to reduce the number and length of car trips to the development and the active promotion of alternative methods of travel. The approved Travel Plan shall be implemented in full for a 12 month period following its approval. Within 18 months of the first occupation/use of the office building hereby permitted and every 12 months thereafter for a period of 5 years there shall have been submitted to and approved in writing by the Local Planning Authority an updated Staff Travel Plan (including an Implementation Plan/Programme for a period of one year and a monitoring/audit report detailing the achievements in carrying out the Implementation Programme for the previous one year period.

Reason: To reduce the reliance on the private car and promote alternative modes of transport in accordance with policy 7 of the adopted Joint Lancashire Structure Plan

- 10 This permission shall relate to the amended plans received 13th December 2005 and 16th February 2007 which indicate amendments to house types and materials.

Reason: For the avoidance of doubt

Contact Officer	
Name	Adrian Harding
Position	Senior Planning Officer
Service / Team	West Area Team – Development Control
Telephone	01706 238646
Email address	adrianharding@rossendalebc.gov.uk

