

<b>Application No:</b>	2007/484	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 76 NO. Apartments, 489.5 sq m Retail Floorspace and 1103.25 sq m Office Floorspace	<b>Location:</b>	Albion Mill Bacup Road Rawtenstall BB4 7NU
<b>Report of:</b>	Development Control Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	16 October 2007
<b>Applicant:</b>	Clifford Developments and Tomlinson Footwear Holdings Ltd.	<b>Determination Expiry Date:</b>	18 <sup>th</sup> October 2007
<b>Agent:</b>	Robert Turley Associates		

**REASON FOR REPORTING**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:  
Reason for Call-In:

**More than 3 objections received**

Other (please state) .....

**APPLICATION DETAILS**

**1. The Site**

1.1 The application site lies to the south of Bacup Road and north of Bocholt Way, Rawtenstall. The site is occupied by the former Tomlinson Footwear Works also known as Albion Mill. To the south-east of the site runs the River Irwell over which runs Fall Barn Bridge. To the west of the site stands the 6-storey high Ilex Mill and the 3-storey high Weavers' Cottages both of which are Listed Buildings, whilst to the east of the site stands a row of 2-storey terraced houses along the south side of Bacup Road. To the north-east of the site stand a row of 2-storey semi-detached houses, directly to the north is a 2-storey Health Care Centre and to the north-west Worswick Memorial Cricket Ground.

1.2 The buildings on the site are bounded to the north by a 5 metre high stone wall with castellations on the top. Behind the wall stands the main mill building which is single storey with an external roof height of around 4 metres. The north light roof over the northern part of the mill building is enclosed and thus

obscured by a stone wall on 3 sides. To the south stands a more modern industrial building with the lower part of the building constructed in block work and the upper part of the building clad in corrugated metal sheeting. This southern building and remaining open land to the south of the site is visible from Bocholt Way.

- 1.3 The allocations of the site within the adopted Rossendale Local Development Plan designate the site as Employment Land which would normally afford the site an element of protection from consent being granted for other uses, the site adjoins but is outside of the Rawtenstall Town Centre Boundary and Rawtenstall Town Centre Conservation Area Boundary and part of The Valley Way runs through the site.
- 1.4 The Rawtenstall Town Centre Area Action Plan – Revised Preferred Options Report, published in March 2006 identifies the application site as suited to a mixed use development, giving an indicative threshold of 55 dwelling units, 490 square metres of retail and 1835 square metres of office accommodation. The supporting text highlights that any future development should respond to Ilex Mill, Weavers' Cottages and the terraced houses to the south of Bacup Road. Particular consideration should be given to the views of the building from Bocholt Way as well as to the massing, architectural composition and materials to be used in the construction of the proposed development. Provision should also be made for a public waterside space and route along the River Irwell. The development would also have to pay close attention to the wider residential planning policies operating across the County and Region.

## **2. Relevant Planning History**

- 2.1 A previous application was submitted, reference 2005/370, for the erection of 522 square metres of retail space and 100 apartments. The application preceded the publication of the Rawtenstall Town Centre Area Action Plan – Revised Preferred Options Report. The application was recommended for refusal by the case officer at the 10<sup>th</sup> November 2005 Development Control Committee but was withdrawn before a decision could be made. The application was recommended for refusal on the following grounds:
  1. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Housing Position Statement (August 2005). Although the application site lies within the Rawtenstall Town Centre Area Action Plan the proposal does not provide satisfactorily for the regeneration of the site in terms of the scale and mix of uses proposed, nor has the Applicant shown how the proposal meets an identified local housing need, contrary to Criteria D and E of the Position Statement.
  2. The retail element of the proposal fails the sequential approach to site selection, in that there exist better located Town Centre and edge-of-centre opportunities for retail development, that would better support the existing town centre shopping function and the applicant has failed to demonstrate that the proposal would not adversely affect the vitality and viability of Rawtenstall Town Centre. Therefore,

the proposal is contrary to PPS6: Planning for Town Centres and Policy 16 (Retail, Entertainment and Leisure Development ) of the Joint Lancashire Structure Plan 2001-2016.

3. The proposal does not fully accord with the 'preferred options' of the emerging Rawtenstall Area Action Plan, nor has it been demonstrated that the proposal will deliver the regeneration or other material planning benefits to justify an exception to the policies referred to above.

2.2 In September 2006 Clifford Developments submitted a further application on the Albion Mill site for the erection of 82 apartments, 942 sq m of retail floor space and 696 sq m of office floor space. The application was recommended for refusal by Officer's on the following grounds:

1. The applicant has not demonstrated that there is justification for a reduction in employment provision on the site and an increase in retail and residential development, nor has the case been made for an exception to the policy to be made. As such, the proposal does not fully accord with the 'Revised Preferred Options Report' of the emerging Rawtenstall Town Centre Area Action Plan, Joint Lancashire Structure Plan and the Council's Housing Position Statement.
2. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Housing Position Statement (August 2005). Although the application site lies within the Rawtenstall Town Centre Area Action Plan the Applicant has not shown how the proposal meets an identified local housing need. The proposal is thereby contrary to Criteria C, D and E of the Council Housing Position Statement.
3. The proposed development, by reason of its size, height and design, would detrimentally affect the setting on the Rawtenstall Town Centre Conservation Area and the visual amenity of the street-scene along Bacup Road and Bocholt Way. As such the proposed development conflicts with PPG 15 – Planning and the Historic Environment, Policy 21 - Lancashire's Natural & Man-Made Heritage and Policies DC1 – Development Criteria and HP1 – Conservation Areas of the adopted Rossendale Local Development Plan.
4. The application forms, supporting documents and submitted plans contain inadequate information in relation to Flood Risk, Wildlife Survey, security measures, servicing arrangements, hours of operation, bin cycle and storage, uses of the proposed units and possible extra ducting and sound insulation, to enable the scheme to be properly assessed and is thereby contrary to PPS 9 – Biodiversity and Geological Diversity, PPG 25 – Development and Flood Risk, Policies LJSP and Policies E12 – Noise Attenuation, E13 – Noise Sources and DC 1 – Development Criteria of the Rossendale Local Plan.

5. The proposed development, by reason of the non-completion of a section 106 agreement, does not make adequate provision for Public Open Space or Affordable Housing and is thereby contrary to PPG 17 – Planning For Open Space, Sport and Recreation and PPG 3 – Housing and Policy 12 of the Joint Lancashire Structure Plan.

2.1 The application was withdrawn by the applicant prior to determination by Committee.

### **3. The Current Proposal**

- 3.1 The applicant has been in discussions with Officers for 10 months prior to the submission of the application which has involved redesigning the form and layout of the scheme.
- 3.2 The application currently proposes 76 apartments, 4 no. 1 bed, 66 no. 2-bed, 6 no. 3-bed; 3 retail units providing 489.5 sq m of floorspace and 1103.25 m of office spread over 4 blocks.
- 3.3 Block 1 would be situated on the corner of the realigned Fall Barn Fold and Bacup Road opposite the Weavers' Cottage. The building would be set back from the entrance road forming Fall Barn Fold creating a hard-landscaped area for public use, described by the applicant as a "civic presence". Block 1 would be a part 4 storey and part 3 storey building with a small amount of accommodation at fourth floor level in the roof. The building is proposed are subject to confirmation but on the application are described as lignacite and grey marley modern roof tiles. Block 1 would provide accommodation at ground floor level for commercial space which would continue to the top floor for part of the block whilst the remainder of Block 1 from the first floor upwards would accommodate 4 two-bedroom apartments.
- 3.4 Block 2 would be attached to the eastern elevation of Block 1 and would be a 3-storey building with varying height pitched roofs and recessed and projecting elevations at first floor level providing balcony areas. Block 2 would accommodate 3 retail units on the ground floor with 4 one-bedroom and 10 two-bedroom apartments at first and second floor level. The materials proposed are to be confirmed but are described on the application form as lignacite and grey marley modern roof tiles.
- 3.5 Block 3 would be sited in the south-western corner of the site and would be part 6 and part 5-storeys high with a flat roof. There would be Juliette style balcony details on the external elevations and a mixed palette of materials, however, these are as yet to be confirmed by the architect but are described on the application form as lignacite and grey marley modern roof tiles. There would be an underground car park to this block.
- 3.6 Block 4 would be sited in the south-eastern corner of the site and would be 5 storeys high on its western-most part, closest to the town centre, descending to 4 and then 3 storeys high at the eastern end. The building would have a flat roof and is proposed to be constructed in a mixed palette of materials, although

these are awaiting confirmation from the architect, they are described on the application form as lignacite and grey marley modern tiles.

- 3.7 The proposal includes 57 surface level parking spaces and 3 disabled parking spaces together with 25 subterranean parking spaces under Block 3, totaling 85 car parking spaces together with 12 cycle parking spaces. The proposal includes bin stores and areas of grassed landscaping with trees. The row of Leylandii trees to the south of the terraced houses on Bacup Road, would be removed, the applicant has confirmed verbally.
- 3.8 The applicant is proposing to contribute a total of £76,000 towards public open space, breaking down into £45,000 towards providing the “civic presence” to the west of Block 1 with the other £31,000 towards the upgrading of play areas elsewhere in the Borough. Also, the applicant is offering 18 apartments on an affordable basis. All of these contributions would be secured via a section 106 agreement.

#### **4. Policy Context**

##### **4.1 National Planning Guidance**

PPS1 - Sustainable Development  
PPS3 - Housing  
PPG4 - Industrial & Commercial Development  
PPS6 - Town Centres  
PPG13 - Transport  
PPG15 - Historic Environment  
PPG17 - Sport & Recreation  
PPS 22 – Renewable Energy  
PPS 23 – Planning and Pollution Control  
PPG 24 – Noise  
PPG25 - Flood Risk

##### **4.2 Development Plan Policies**

Regional Spatial Strategy for the North West

###### Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy  
Policy 2 - Main Development Locations  
Policy 7 - Parking  
Policy 12 - Housing Provision  
Policy 16 - Retail, Entertainment & Leisure Development  
Policy 17 – Office Development  
Policy 21 - Lancashire’s Natural & Man-Made Heritage  
Policy 24 - Flood Risk

###### Saved Policies of the former Rossendale District Local Plan (Adopted 1995)

DS1 - Urban Boundary  
E7 - Contaminated Land  
HP1 – Conservation Areas  
HP2 - Listed Buildings

DC1 - Development Control  
DC3 - Public Open Space  
DC4 - Materials

Rossendale Core Strategy – Preferred Options Report (March 2006)  
Rawtenstall Area Action Plan - Revised Preferred Options Report (March 2006)  
Rossendale Core Strategy and Rawtenstall Area Action Plan – Preferred Options Addendum Report (October 2006)

#### 4.3 **Other Material Planning Considerations**

Rossendale BC Revised Interim Housing Position Statement (January 2007)  
Rossendale BC Affordable Housing Position Statement (January 2007)

Lancashire CC – Planning Obligations Paper  
Lancashire CC - Parking Standards

### 5. **CONSULTATIONS**

#### 5.1 **INTERNAL CONSULTATIONS**

Conservation Officer – considers the overall scheme to be acceptable but this is subject to further information on materials being submitted and agreed..

Environmental Health – Contaminated Land – final comments awaited –  
Pollution – recommend that a condition be attached requiring sound attenuation measures be fitted to the proposed residential units.

Forward Planning – consider that the proposed development accords with current national planning guidance and Local Plan and Local Development Framework policies in relation to housing, retail and transport.

It is noted that an offer of 24% affordable housing has been made by the applicant. However, the requirement arising from the Housing Market Needs Assessment 2007 using the pressure modeling of demand for rented and intermediate tenure, shows that the 18 affordable units should be split down to provide 11 Shared Ownership units and 7 Affordable Rent units. This is because in this Rawtenstall housing market there is more demand for Owner Occupation rather than Social Rented. In detail, this breaks down as follows: For Shared Ownership, it would be 9 two bedroom flats and 2 one bedroom flats and for affordable rented, it would be 2 one bedroom flats and 5 two bedroom flats.

It is therefore of concern to the council that the provision of a 100% intermediate tenure scheme is not fully meeting the demand identified in the Housing Market Needs Assessment

Landscape Practice – Final comments awaited on the detailed landscape scheme submitted.

Street-scene and Liveability – Final [comments](#) awaited.

## 5.2 EXTERNAL CONSULTATIONS

Environment Agency – object to the proposal on the grounds that the Flood Risk Assessment submitted with the application does not properly assess the site.

Lancashire Constabulary – request that the scheme complies with Secure By Design Standards.

Lancashire County Council

Highways – object to the proposal as originally submitted raising a number of technical issues which need addressing. The points have been made to the applicant and amended plans are awaited.

Strategic Planning – do not object to the proposal and state that RBC needs to establish that the principle of additional housing in this location would be acceptable and that the level of affordable housing provision is considered to be acceptable. In terms of accessibility, the site is considered to fall into the “medium” category given its close proximity to the Bus Station, Accrington-Bacup-Rochdale bus route, soon to be upgraded to a Quality Bus Corridor and the scheme is in conformity with the Lancashire Parking Standards. The development falls below the threshold for requiring a transport assessment.

Natural England – recommend a condition ensuring the mitigation of the development to protect any bats roosting at the site.

United Utilities – do not object to the proposal subject to it being drained on a separate system of drainage. They also highlight the presence of a sewer in the north-west corner of the site requiring an easement.

## 6. REPRESENTATIONS

6.1 A press advertisement was placed in the 27<sup>th</sup> July 2007 edition of the Rossendale Free Press; site notices were posted and letters were sent to neighbours. 5 letters and a 7-signature petition have been received objecting to the proposal on the following grounds:

- Too heavily weighted towards residential development
- Size, height and design would be inappropriate within the Conservation Area
- Contravenes the Council’s Housing over-supply policy
- Contravenes the Rawtenstall Area Action Plan policies
- Would constitute an unacceptable loss of employment land
- The retail element of the proposal fails the PPS6 sequential test
- The scheme would undermine the Council’s regeneration efforts at the Valley Centre

- The petition signatories all occupants of Ilex Mill object to any units in the scheme being used as hot-food take-aways
- Increased problem of parking in front of the development

## **7 REPORT**

- 7.1 The main considerations of the application are the principle of the development in terms of loss of employment land, housing supply and new retail development and flood risk as well as the detail relating to the impact of the development on the historic environment, visual and residential amenity and highway safety. In addition, consideration must also be given to the requirement for affordable housing and recreation open space provision.
- 7.2 The application site was formerly in an employment generating use identified in the former Rossendale District Local Plan. However, following a letter from Government Office for the North West, only a list of “saved policies” exist from the former Local Plan. The site remains one whose last use was Employment generating, however, the Rawtenstall Town Centre AAP whilst of limited weight owing to its position in the process to adoption, does propose a mixed-use redevelopment of on site. The principle of a mixed-use is therefore considered to accord with the principle of regenerating of the site in the AAP and would provide continuing opportunities for employment on the site.
- 7.3 The application site is identified within the Rawtenstall AAP (Area Action Plan) as sites 13 & 23. Site 13, broadly is the square shape bounded by Bacup Road, Fall Barn Fold and Bocholt Way, is described as being suitable for a scheme comprising high quality mixed-use employment and residential development together with animated uses to the frontage along Bacup Road in the form of retail. The Rawtenstall AAP makes reference to 55 residential units being provided on the site, with 490 sq metres of retail and 1, 835 sq metres of office space. Site 23, effectively the rectangle of land to the rear of the terrace properties on Bacup Road, makes reference in the supporting text of the AAP to site being suitable for residential although the table in Appendix 2 makes reference to 87 sq m of retail space.
- 7.4 The proposed scheme consists of 76 apartments, 1,103.25 sq m office space and 489.5 sq m of retail floor space. In relation to the parameters set out in the Rawtenstall AAP, in reverse order, the amount of retail floorspace proposed equates to that set down. The amount of office space is 731.5 sq m less than envisaged in the AAP. The number of dwellings set down in the AAP identifies 55 units on site 13 and the use of the site 23 for residential development. If PPS3 target densities are used to measure the density of the proposed scheme, then the capacity of the site for residential development is slightly less than proposed. However, these targets would include dwelling houses, whereas schemes for apartments frequently have a much higher density. Moreover, this site is well located in terms of public transport and proximity to the Town Centre, indeed the site fronts a Quality Bus Corridor and Outer Core of Rawtenstall Town Centre. In addition, the amount of development allocated to site 13 in the AAP has been redistributed by the current scheme, so that whilst the residential element has increased, the amount of retail development has decreased. Furthermore, there is no development proposed on site 23



other than car parking for the proposal. It is therefore considered that the site can accommodate the density of development proposed in principle.

- 7.5 In terms of housing oversupply Policy 12 in the JLSP whilst limiting Housing land supply, does make an exception for residential developments which would make an

*“essential contribution to the supply of affordable or special needs housing or form a key element within a mixed-use regeneration project. Any such project should be compatible with and help achieve the regeneration objectives of the Local Authority...[another circumstance] where it may be appropriate to approve residential development in a situation of Housing oversupply [could be where there are] conservation benefits of maintaining an existing building worthy of retention”.*

- 7.6 The Structure plan makes reference to possible exemptions for additional residential development in situations of housing oversupply, which include an essential contribution to the supply of affordable housing or housing which forms a key element in a mixed-use regeneration scheme. It is considered that whilst the total number of dwellings proposed exceeds the allocation in the Rawtenstall AAP, the residential units do form a key element within the mixed used regeneration scheme. Moreover, an element of the housing proposed would be provided on an affordable basis. The basis on which the housing would be provided on an affordable basis is discussed later in the report. The proposal is considered to accord with Policy 12 of the Structure plan.

- 7.7 Council’s Revised Interim Housing Position Statement January 2007 states the following:

*Applications for residential development in Rossendale will be acceptable in the following circumstances:*

- a) The replacement of existing dwellings, providing that the number of dwellings is not increased.*
- b) The proposal can be justified in relation to agricultural and forestry activities.*
- c) In relation to listed buildings and important buildings in conservation areas, the applicant can demonstrate the proposal is the only means to their conservation.*
- d) Conversion or change of use of buildings within the urban boundary of the main development location within the Borough (ie Rawtenstall including Bacup and Haslingden) where the number of units is 4 or less.*
- e) The conversion to 5 units or more, or for new build developments of 1 unit or more on previously developed land, where it can be demonstrated the proposal lies within and will deliver regeneration benefits within the Regeneration Priority Areas of Rawtenstall Town Centre or Bacup, Stacksteads and Britannia (Elevate) Pathfinder.*

- 7.8 The Town Centre AAP allocates 55 residential units to site 13 and whilst on site 23 no figure is referenced, the site could accommodate an additional 7 units at 50 dwellings to the hectare, giving a total of 62 units allocated by the AAP. There is thus 13 additional dwellings proposed by the scheme. The proposed

development would be constructed on previously developed land and would deliver regeneration benefits within the Rawtenstall Town Centre AAP Area. As such, the proposed development would accord with the Council's Revised Interim Housing Position Statement.

- 7.9 The Council's Interim Affordable Housing Position Statement states the following

*In determining applications for residential development of 15 units or more, the Council will seek to negotiate on site a minimum of 45 % of the units to be affordable housing where justified by the Housing Market Needs Assessment.*

*Exceptions to this policy will only be considered where clear evidence can be shown to demonstrate that the required level of affordable housing provision would not be viable due to strategic or significant wider regeneration and commercial benefits.*

*A minimum of 10% of the affordable provision will be of intermediate tenure unless the Housing Market Needs Assessment indicates a higher requirement.*

- 7.10 The current offer made by the applicant is for all 18 units available on the basis shared equity. While the 24% affordable housing contribution is considered acceptable with this scheme the mixture of tenure does not meet the identified local need. In general, there is a requirement for 10-20% of affordable housing provision to be of intermediate tenure, para (3.1) of the Interim Affordable Housing Position Statement. However, in this housing market area, there is a higher requirement for Owner Occupation. Nevertheless, the 100% intermediate tenure/ shared equity does not address the need within the area for affordable rented housing. According to the 2007 Housing Market Needs Assessment, the current scheme should provide affordable housing in the following way: the 18 affordable units should be split down to provide 11 Shared Ownership units and 7 Affordable Rent units. The 11 Shared Ownership units should be in the form of 9 two bedroom flats and 2 one bedroom flats and for affordable rented, it would be 2 one bedroom flats and 5 two bedroom flats. The affordable housing provision has not been agreed with the applicant and therefore forms the basis for refusal.
- 7.11 Since the site is identified within the Rawtenstall Town Centre AAP for retail and office development. As such, there is no requirement for the applicant to demonstrate need for the retail and office space in relation to PPS6 nor to apply the sequential test.
- 7.12 Application 2005/370 was never determined as it was withdrawn by the applicant prior to Committee and thus a decision was not reached. The application for 100 apartments and 522 sq m of retail floor space was recommended for refusal by officers on housing over-supply and mix of uses, that the retail element failed the sequential test and that the scheme did not accord with the preferred options in the AAP and had not demonstrated that the proposal would deliver regeneration or other benefits to make an exception to the policy. The current scheme provides an improved mixture of uses with a significantly increased amount of office floor space whilst a decrease in retail floor space 32 sq m and reduction in residential units of 24. The current scheme has been submitted in full rather than outline and demonstrates a high

quality design and the applicant is offering 24% affordable housing. Reference to the need and tenure split is referred to above .

- 7.13 As such the current proposal is considered on balance to form an exemption to over supply by the reduction in residential units and affordable housing contribution, the site is identified within the current version of the Rawtenstall Town Centre AAP which post-dates the previous decision, so that the retail element of the scheme is not required to take the sequential test and the scheme is considered to accord with the AAP and would deliver regeneration benefits sufficient to outweigh the loss of office accommodation.
- 7.14 Application 2006/489 again no decision was reached as the application was withdrawn prior to being heard by the Development Control Committee. This application was recommended for refusal by the case officer on the grounds that the proposed retail and employment elements did not accord with the AAP, housing oversupply, size, height and design of the proposed development, insufficient information in relation to flood risk, wildlife, security measures, bin and cycle storage, proposed uses and hours of operation and the non-completion of a 106 agreement for POS and affordable housing. The current scheme has increased the amount of office floor space from 696 sq m to 1,103 sq m, reduced the amount of retail floor space from 916 sq m to 489.5 sq m and reduced the number of residential units from 82 to 76 as well as making 18 of the residential units available on an affordable basis. Thus the scheme would accord more closely with the AAP in terms of retail and office floorspace and would not contribute to housing over-supply in the Borough. The design of the current proposal has reduced the height of the blocks have been reduced through a mixture of more sensitive roof treatment and reducing the number of apartments. The design of the proposed blocks has also improved significantly by the introduction of profiling of the front elevation and mixture of materials. The applicant has supplied more detailed information with the current application which has overcome the previous reason for refusal in terms of insufficient information and the applicant has been actively seeking to enter into a section 106 agreement to provide affordable housing on the site and make a commuted sum payment towards public open space provision. However the tenure offer on the affordable housing is currently not agreed
- 7.15 The Environment Agency has objected to the scheme on the grounds that the Assessment submitted by the applicant has not properly assessed Flood Risk on the site, particularly in relation to managing the risk and considering the implications of loss of flood plain storage. This objection has not been lifted the Agency as of 08/10/07 which implies that the applicant has not demonstrated that the principle of developing the site in the way proposed is acceptable in principle. As such, the application should be refused on the grounds of flood risk. The applicant has submitted a Phase I contaminated land assessment and noise survey both of which are considered acceptable by Environmental Health.
- 7.16 The application is considered acceptable in principle in terms of mixture of uses, density and amount of floorspace, housing over-supply, contaminated land and noise. However, the application has not demonstrated that the Floor Risk has been adequately assessed or can be acceptably addressed. The principle of the development is therefore unacceptable in terms of Flood Risk until such time as the applicant can demonstrate to the contrary.

- 7.17 The detail of the scheme has been revised significantly from the previous application 2006/489. The overall height of Block 1 has been reduced by altering the roof style which involves raised and lowered sections of roof. Block 2 has an overall reduction in roof bulk and volume by utilising mono-pitch roofs. The elevations of Blocks 1 and 2 would be constructed in a mixture of materials to include rock-face natural stone, render and a smooth faced either natural stone or artificial equivalent. The applicant is to confirm details of materials prior to Committee. The elevation fronting Bacup Road would be profiled with areas of natural stone protruding whilst the smooth faced natural/artificial stone would be recessed. The shops fronts along Bacup Road would form part of the overall elevations with an area to display the shop name incorporated into the transom light of the shop window. Block 2 would incorporate the entrance to the office element of the scheme which would face the Weaver's Cottage. Block 2 has been set back and recessed to respect the setting of both the Listed Weaver's Cottage and the Rawtenstall Town Centre Conservation Area and is considered acceptable.
- 7.18 Block 3 has been reduced 1 metre in height from the previous application and has also had part of the 5<sup>th</sup> floor deleted in order to reduce its bulk. The elevation drawings indicate a mix of materials including natural rock-faced stone, a smooth-finish natural/artificial stone and a grey facing material to the top floor. The size and height of the Block seeks to reflect the height of Ilex Mill in part but by reducing the top floor, does not compete with the older Mill.
- 7.19 Block 4 is the same height at its highest point adjacent to Block 3, however, part of the 4<sup>th</sup> floor has been deleted and is now 4 storeys high and the eastern most section of the 3<sup>rd</sup> floor has been deleted and is now 3 storeys high. A mixture of materials are indicated on the elevation drawings including render, natural stone, smooth-faced natural/artificial stone and a grey facing material on the top floor to match Block 3. The applicant has submitted a comprehensive landscape scheme which is considered acceptable subject to condition which would complement the proposal.
- 7.20 The design of the scheme is considered to be a significant improvement on the previously refused scheme. Moreover, the elevation drawings show a well designed and considered scheme which could greatly assist in the regeneration of the Rawtenstall Town Centre AAP area. However, the applicant has not submitted adequate details of materials for the scheme to be properly assessed and has indicated that some unacceptable materials could be used. The materials proposed are considered not to constitute high quality design, would be discordant with the design of the building and out of keeping with the character of the setting of the Listed Weaver's Cottage and Rawtenstall Town Centre Conservation Area. Neither would the proposed materials reinforce local distinctiveness. Thus whilst the overall design integrity of the scheme is considered acceptable the materials used could undermine the scheme as a whole.
- 7.21 The proposed development would be adequately separated from Ilex Mill and the terraced houses fronting Bacup Road so as not to incur a loss of light, privacy or outlook. There are no other dwellings adjacent to the site. In an email dated 23<sup>rd</sup> August 2007, the applicant confirms that they are willing to be bound by conditions restricting the use of the retail units to Class A1 and A2, shops and offices visited by the public, respectively. The hours of operation of the retail units and offices can be limited by condition. As such, the noise and

disturbance from the proposed commercial units would not result in unacceptable levels of noise and disturbance to neither occupiers of adjoining properties nor future occupiers of the proposed residential development.

- 7.22 The proposed level of parking for both cars and cycles is considered to be in conformity with the Joint Lancashire Structure Plan Parking Standards.
- 7.23 The final comments of the Environmental Health team are awaited in relation to Contaminated Land. The applicant has not completed a section 106 agreement securing the proposed affordable housing nor the commuted sum payment towards public open space.

## **8. HUMAN RIGHTS**

- 8.1 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.

## **9. CONCLUSION**

- 9.1 The application is unacceptable in principle owing to the inadequate Flood Risk Assessment and the validity of the Contaminated Land Assessment has not been established. The scheme is also unacceptable in detail in relation to materials and the legal agreement has not been completed.
- 9.2 At this stage the application is recommended for refusal. However, if information is submitted by the applicant to establish the principle of the development, acceptable materials agreed and the legal agreement completed the application could be recommended for approval.

## **10. RECOMMENDATION(S)**

- 10.1 That the application be refused for inadequate and insufficient information relating to flood risk and contaminated land, materials and the non-completion of a section 106 agreement to provide affordable housing and commuted sum payment towards public open space.
- 10.2 Should the required information be received, that Committee be Minded to Approve the application subject to the completion of a legal agreement for the provision of affordable housing and commuted sum payment towards recreation open space provision; also the receipt of a Flood Risk Assessment enabling the withdrawal of Environment Agency objections to the scheme and appropriately amended plans. If the legal agreement, Flood Risk Assessment and amended plans are not received in a form that can be approved by 17<sup>th</sup> October 2007, authority is sought to delegate the refusal of the application to the Head of Planning, Legal and Democratic Services.

## **11. REASONS FOR REFUSAL**

1. The application and supporting information have not properly assessed the potential for Flood Risk or ground contamination on the site thus preventing the proposed development from responding to the threat of flood risk and ground contamination and the proposal from being properly assessed. The application therefore conflicts with PPS 23 – Planning and Pollution Control, PPS 25 – Flood Risk and Policy 24 – Flood Risk of the Joint Lancashire Structure Plan and Saved Policy E7 – Contaminated Land of the former Rossendale District Local Plan.
2. The proposed development by reason of the proposed materials and lack of supporting information are considered to be discordant with the architectural integrity of the proposed blocks, would not constitute high quality design, would be inappropriate to the setting of the Listed Weaver’s Cottage and Rawtenstall Town Centre Conservation Area and would not reinforce the local distinctiveness of the Borough. As such, the proposed development would conflict with PPS 1 – Delivering Sustainable Development, PPS3 – Housing, PPG15 – Planning and the Historic Environment, Policy 21 – Lancashire’s Natural and Manmade Heritage of the Joint Lancashire Structure Plan and Saved Policies HP1 – Conservation Areas, HP2 – Listed Buildings, DC1 – Development Criteria and DC4 – Materials of the former Rossendale District Local Plan.
3. The applicant has failed to satisfactorily complete a section 106 agreement making provision for affordable housing or commuted sum payment towards public open space. As such, the proposed development conflicts the Council’s Interim Housing Position Statement and Saved Policy DC3 – Public Open Space of the former Rossendale District Local Plan.

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Riverstonall Town Centre Area Action Plan

- Public buildings
- Residential development
- Commercial development
- Public buildings
- Watercourse
- Green spaces
- Highways
- Other

**Area Development Project**

Ref	Project Name	Location	Phase	Start Date	End Date
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**Area Development Project**

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**Area Development Project**

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## 5 A Spatial Strategy

Guidance accompanying PPS 12 states that:

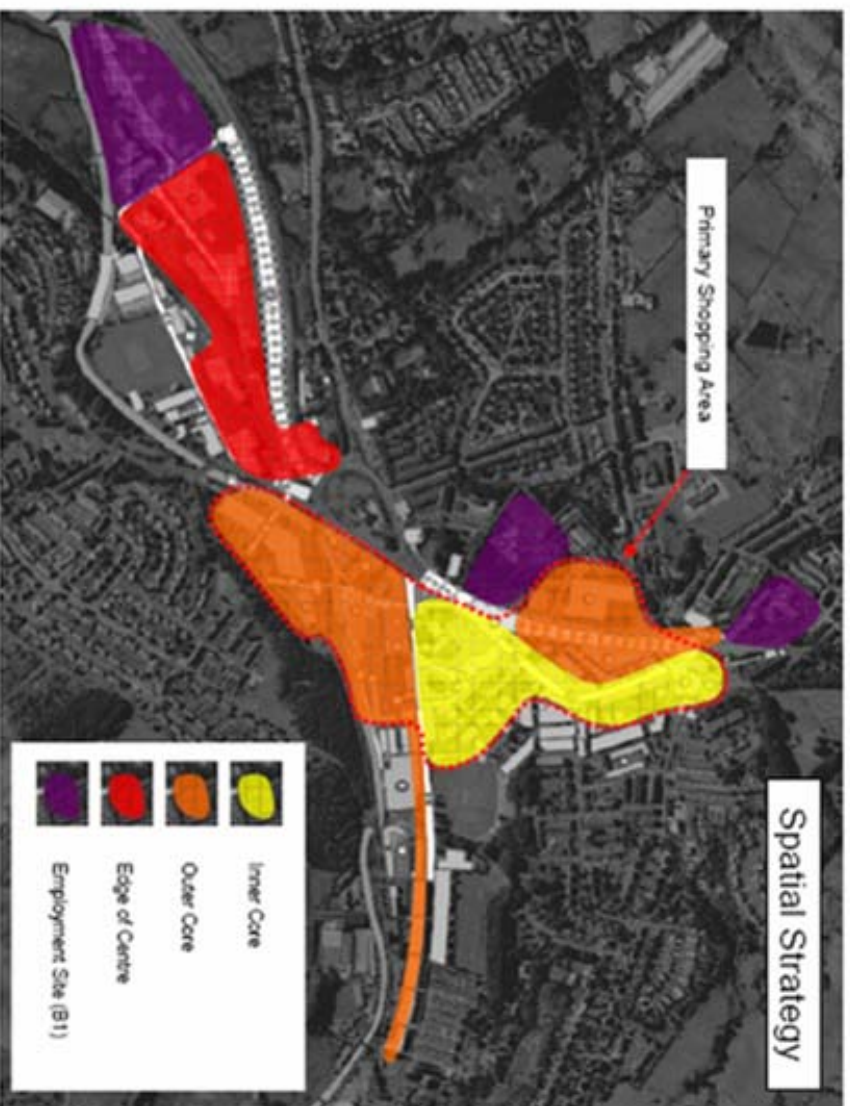
*Local planning authorities should adopt a spatial planning approach to local development frameworks to ensure the most efficient use of land by balancing competing demands within the context of sustainable development.*

*Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they function. This will include policies which can impact on land use, for example, by influencing the demands on or needs for development, but which are not capable of being delivered solely or mainly through the granting of planning permission and may be delivered through other means.*

The concept of town centre quarters was used in the Issues and Options Report to describe the overall character and qualities of individual areas of the town centre.

In the Revised Preferred Option Report we have chosen to use a 'finer grain' spatial strategy which better defines the emerging proposals and land use strategy.

The spatial strategy of the Area Action Plan seeks to create an efficient, legible and rational town centre, and to improve connectivity between individual sites and areas.



A core aim of the spatial strategy is to promote mixed use development across the town centre, in order to maintain high levels of activity, variety and animation throughout the day and into the evening. Specific guidance is set out at Section 6 of this report, outlining the specific uses which are envisaged on individual sites.

The Area Action Plan is, however, underpinned by an overall spatial strategy which has influenced and informed the development strategy for individual sites – particularly with reference to retail and leisure uses.

The Spatial Strategy identifies:

- a 'Primary Shopping Area',



**9. Transport Interchange**

The Revised Preferred Option envisages a new 'state of the art' transport interchange facility on this site – providing a high quality passenger facility.

It is envisaged that a light, glazed concourse will be developed, fronting onto Bacup Road. In addition to waiting facilities, the concourse may incorporate café and small scale retail facilities, along with passenger and visitor information kiosks.

Importantly, the interchange would provide accommodation for both the X43 and Rossendale Transport services.

The Revised Preferred Option also provides for improved pedestrian crossing facilities on Bacup Road, although it will remain open to two way through traffic.

**10. Bus Depot Site**

In order to facilitate the development of the Transport Interchange, the Bus Depot to the south of the site will be demolished.

It is envisaged that this important river front site will be redeveloped for retail, residential, leisure or mixed use development.

New development should be orientated towards the Irwell. The design of the development must ensure that pedestrian activity within the bus circulation area of the interchange is deterred.

The integration of the redevelopment of this site with adjoining Focus store should be considered. Careful consideration will need to be given to

vehicular access to the site, along with arrangements for potential service access.

A waterfront pedestrian route should be created as part of this development – providing a connection between the current Focus store, through Ilex Mill and the redeveloped Tomlinson's Works and east along the river.

In the short term, the use of the rear of the site for bus parking may be considered as an interim arrangement. This is not considered, however, to be an appropriate permanent use of this prominent site.

**11. Focus**

At present, the elevation of the Focus Store presents a poor aspect to the important pedestrian link between Bacup Road and Bochoft Way. The Revised Preferred Option seeks to encourage the remodelling or redevelopment of this frontage to create an animated and attractive streetscape.

Should proposals emerge in the longer term for this site to be redeveloped, it may be appropriate to consider a more comprehensive scheme which includes the site of the former bus depot (Site 10).

The new development would comprise a mixture of retail / leisure uses at ground floor with residential or office accommodation above.

**12. Phipps Street Car Park**

The Revised Preferred Option envisages the continued use of the rear of the Coop site as a car park.

In the longer term, it may be appropriate for a decked car park to be constructed on this site if required.

The design and appearance of this car park will require careful consideration – with the elevation to St Mary's Way in particular being a prominent townscape feature. The amenity of residential property to the south should also be given careful consideration in respect of the massing and appearance of the development.

**13. Tomlinson's Works**

Under the Revised Preferred Option, this site would be redeveloped as a high quality, mixed use, residential and employment scheme.

The design of the new development should respond to its sensitive location, particularly its relationship to:

- Ilex Mill,
- The Weavers Cottage, and
- The attractive terrace of properties along Bacup Road.

The appearance of the development from both Bacup Road and also Bochoft Way should be given specific consideration.

In particular, careful consideration will need to be given to the massing of proposed development, its architectural composition and the use of materials.

In order to retain a level of activity and animation, new development will be expected to incorporate retail, food and drink or business units along the Bacup Road elevation.

Provision should be made within the development for a public waterside pedestrian route along the Irwell.

The development of residential accommodation at this location (as with all such developments in the town centre) will need to be considered in respect of wider residential planning policies at a Borough, County and Regional level. These may relate to the appropriate level of residential development and the potential requirement for the provision of a proportion of affordable housing.

#### 14. Accrington and Rosensdale College Site

This is a key gateway development site. The Revised Preferred Option provides for the redevelopment of the former college site as a hotel and residential scheme.

It is envisaged that the hotel development would accommodate the eastern portion of the site, with residential to the west.

It is envisaged that road access to the site would be taken from the bypass.

#### 15. Burnley Road Employment Area

An established group of offices and light industrial accommodations is located to the west of Burnley Road.

Under the Revised Preferred Option this cluster of workspace would be retained and consolidated.

#### 16. Heritage Arcade and Bacup Road

A conservation based restoration scheme is proposed for these important terraces of buildings.

At the present time, many of the properties are vacant or underused.

The Revised Preferred Option envisages the refurbished buildings providing either accommodation for a new Civic Facility or alternatively for a mixture of uses comprising retail, cafes and bars, residential accommodation and offices.

#### 17. Co-op Building frontage

The demolition of the former Co-op building has left a significant gap in the retail frontage of Bank Street which detracts from its character and function as part of the town's main retail core.

Under the Revised Preferred Option a retail development, with residential / office accommodation above, is proposed on the Bank Street frontage of the former Co-op Building.

The character and design of this development should respond to its location in the town centre conservation area.

The design of the new development will need to provide for continued access to the public car park to the rear.

#### 18. Kay Street Car Park

This location has been identified as a potential site for the development of a new Civic Facility as described at Section 2.6 of this report.

Alternatively, the surface car park at Kay Street may be redeveloped as a residential led, mixed use scheme, with an active retail frontage to Kay Street.

The development would require the re-provision of car parking facilities elsewhere within the town centre – potentially within the expanded Valley Centre site.

The layout and design of the scheme should consider the entrance and setting of the adjoining cricket ground and its location with the town centre conservation area.

#### 19. Newchurch Road Car Park

A further residential infill development is proposed to the frontage of the Newchurch Road Car Park site. The release of this site would be linked to the expansion of the capacity of the car park to the east of Bank Street (Project 8).

#### 20. New Hall Hey Infill

A series of potential development / refurbishment sites are identified at New Hall Hey, close to the cricket ground.

These sites may be appropriate for small scale employment or residential development.

#### 21. Bank Street South Infill Site

An infill development is proposed at the southern end of Bank Street, providing gateway to the street.

Retail development is considered appropriate at this location, potential with office / residential development above. These developments may be comprise extensions to adjoining commercial premises.

#### 22. Bank Street North Infill Sites

Two Infill developments are proposed at the northern end of Bank Street, providing gateway to the street.

Retail development is considered appropriate at this location, potential with office / residential development above.

Again these developments may be comprise extensions to adjoining commercial premises.

**23. Land fronting Bocholt Way**

This site is located to the east of to Tomlinson's Works and may be appropriate for a residential infill development, potentially as part of the redevelopment of the Tomlinson's site.

**24. Townscape Improvement area: Queen's Street / Bacup Road**

A conservation based restoration scheme is proposed for these important terraces of buildings. At the present time, many of the properties are vacant or underused.

The implementation of a high quality public realm scheme to enhance the pedestrian environment along Queen's Street will assist in attracting investment into these premises and bringing them back into active use.

The Revised Preferred Option envisages the refurbished buildings providing accommodation for a mixture of uses comprising retail, cafes and bars, residential accommodation and offices.

**6.3 Public Realm Projects**

A range of public realm projects are also proposed along with the above development projects. These are described below.

The provision of a high quality public realm should play a key role in uplifting the quality environment across the town centre. A public realm strategy should be developed which sets out a simple palette of materials, street furniture and design details which can be implemented throughout the town.

**A. St Mary's Way**

The Revised Preferred Option seeks to transform St Mary's Way into a high quality, tree lined boulevard with improved, at grade, pedestrian crossings linking Lower Mill and Holly Mount House to Bank Street.

**B. Pack Horse Trail**

The existing public footway from St Mary's Way to Bocholt Way would be upgraded. This would include improved paving, lighting, pedestrian crossings and signage.

**C. Queen's Square Gyratory**

As noted above, in the light of updated traffic surveys and model simulation, the reconfiguration of the Queen's Square Gyratory is no longer included within the Revised Preferred Option. Specific highway related improvements which are now proposed comprise:

- the installation of traffic signals to the Bocholt Way and A682 By Pass arms which will regulate traffic flow and, in particular, control movement onto the gyratory,
- localised lane widening and entry and exit modifications,
- the provision of 'spiral' lane markings, which improve traffic safety and reduce the need for drivers to 'switch' lanes as they approach their exit, and
- improvements to the right turn land within the gyratory near the Fire Station.

In addition to these works, investment to the pedestrian environment is also proposed. This will include a new public realm scheme along Queen's Street itself. This should include the resurfacing of the pavement using natural materials, new street furniture and (subject to the detailed routing of below ground services) the planting of street trees to soften the impact of traffic on the gyratory itself.

These works should tie in with wider public realm enhancements proposed along the A682 by pass, along St Mary's Way and at other locations within the town.

Other highway improvements that impact on the local network including the gyratory may be possible following the flow stabilisation within the modified network. These improvements could be determined, promoted and funded

	Site Area (sqm)	Footprint	No. of storeys	Total floor space	Approx. residential units (g.f.a. : assumes 2 bed units @65 / sqm net + 15% circulation)	Retail	Office	Leisure	Other	Parking Capacity (subject to application of parking standards)
12. Phipps Street Car Park	4000 (approx)	3800 (approx .. inc. car park tbc)	2 resi 3 deck c park	(936) (exc c/park)	11	leisure at g.f. to west)			Decked car park	285
13. Tomlinson's Works	7,244	2285	3.5	8386	55	490	1835			40
14. Accrington and Rossendale College Site	9955	3625 (2975 + 650)	2 (hotel) 4 (resi)	5950	50				2,700 (60 bed hotel)	110
16. Burnley Road	9318	2306	2	4612			4612			25
Other Key Projects										
16. Heritage Arcade	2,751	793	2.5	1611				1611		0
17. Co-op site buildings	1000 (approx)	565	2	1130 (450 +680)		1130				0
18. Kay Street Car Park	3299	824	2	1648	13			670 (pos. inc.		43

	Site Area (sqm)	Footprint	No. of storeys	Total floor space	Approx. residential units (g.f.a. : assumes 2 bed units @65 / sqm net + 15% circulation)	Retail	Office	Leisure (retail)	Other	Parking Capacity (subject to application of parking standards)
19. Newchurch Road Car Park	284	123	2	246	2	123				2
20. New Hall Hey Infill	3342	1120	2	2240			tbc			tbc
21. Bank Street (South) Infill	1087	425	2	850		850				Off site only
22. Bank Street (North) Infill	1087	425	2	850		850				Off site only
23. Land Fronting Bochoit Way	419	87	1	87		87				4
24. Townscape Improvement Area	9462.7 (1167.3 to north + 1919.5 to east + 6375.9)									
<b>Estimated Totals</b>	<b>210,000</b>	<b>60,000</b>	<b>-</b>	<b>150,000</b>	<b>390</b>	<b>34,000</b>	<b>18,000</b>	<b>9,000</b>	<b>5,000</b>	<b>1,700</b>