

LATE ITEMS REPORT

FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 16 OCTOBER 2007

ITEM B2. ALBION MILL, BACUP ROAD, RAWTENSTALL

Further consultee responses have been received.

Internal Consultees

Conservation Officer - has confirmed that the proposed plans contain sufficient detail for the Council to control the precise nature of the various materials in order to reach a successful mix suited to the context of Listed Buildings and the Town Centre Conservation Area.

In particular, the colour, facing and source of the material is important, which a correctly worded condition would be able to secure. Moreover, this would include the large areas of artificial stone proposed on buildings which would front the setting of the Town Centre Conservation Area. The Conservation Officer considers that the current wording on the plans and appropriate condition would enable a sensitive treatment to be negotiated to the western elevations of the Blocks fronting the Conservation Area, Weaver's Cottage and Ilex Mill.

Environmental Health - do not object to the proposed development on grounds of land contamination but request conditions be attached requiring a more detailed desk-top study to be submitted and site investigations to be undertaken and to be approved prior to the commencement of development on site.

External Consultees

Environment Agency - have withdrawn their objection to the proposal subject to a condition requiring details of surface water drainage works to be submitted and approved prior to the commencement of development.

Natural England - there are no known nationally designated landscapes or statutory areas of nature conservation in the locality although a condition is recommended to protect any bats found during demolition and construction work.

Lancashire County Council (Highways) - confirm that all outstanding matters can be addressed via a Section 278 agreement relating to Traffic Regulation Orders and the Stopping up of Highways.

Neighbour Response

A 27 signature petition (with 20 signatures from Bacup Road residents) has been received. The petition states :

- The size, height and design of the proposed development is too large, achieving heights of 6 storeys
- The development would appear overbearing to the existing dwellings
- The high number of apartments proposed would compete with the Valley Centre redevelopment proposals
- The proposed development would cause parking problems

Case Officer's Comments

Following discussions with the Conservation Officer, I am satisfied that, with the annotations on the plans and the condition covering materials below, the scheme can be suitably controlled to ensure a high quality finish to the elevations of the scheme forming the setting of the Rawtenstall Town Centre Conservation Area and listed Ilex Mill and Weaver's Cottage.

Responses have been received from Environmental Health accepting that the land contamination issues can be resolved by condition and from the Environment Agency withdrawing their objection to the scheme, subject to conditions being imposed which are included below.

A draft Section 106 agreement has been sent to the applicant for their consideration. The applicant has agreed to provide 18 residential units on an affordable basis. This breaks down into 7 social rented units (2 x 1 bed flats , 5 x 2 bed flats) and 11 intermediate or shared equity units (2 x 1 bed and 9 x 2 bed). The Public Open Space Contribution would be £76,000, to be spent either on a play area in the vicinity of the development or channeled towards improvements at Whitaker Park.

In response to the petition received, the Agent has been requested to bring a line- drawing to pass to Members detailing the height of the proposed development in relation to Ilex Mill, Weaver's Cottage and terrace houses along Bacup Road. This should assist Members in assessing the height and impact of the proposed development. It is considered that the proposed Blocks 3 & 4 which would be adjacent to Bocholt Way would reflect the distribution or massing of the blocks at Ilex Mill and would be less bulky. The relationship between Blocks 1/2 and the terrace houses fronting Bacup Road, would result in the proposal being higher than the existing wall and existing houses. However, the proposed height of the development has been offset by a profile ridge line and parts of the upper floors being over to balconies that reduce the actual built form by providing open space. As such, the impact of Blocks 1 & 2 is considered to be acceptable.

The view that there is a surfeit of apartments in Rawtenstall Town Centre has been raised. Ilex Mill is sometimes cited as an example of where there are units unoccupied. However, no evidence has been tabled for the reasons for high levels of presumed vacancies within Ilex Mill, which could be due to a number of

factors. The Rawtenstall Town Centre AAP allocates a number of residential units to sites in the Town Centre, which include the application site and the Valley Centre. Any additional dwellings proposed over and above the levels in the Rawtenstall AAP could be argued to lead to over-supply. It is considered not within the remit of the determination of this application to establish the appropriate number of apartments that the market could support within the whole of Rawtenstall Town Centre. However, it is considered that in terms of housing supply the number of units proposed can be justified in terms of housing policy which would bring appropriate regeneration benefits to the Rawtenstall AAP area.

The amount of parking within the scheme is considered to accord with central government advice for accessible sites close to town centres.

As such, the reasons for refusal on the original report are considered to be overcome by the applicant.

Recommendation

That Committee be Minded to Approve the application subject to the conditions below and the satisfactory completion of a legal agreement to secure the provision of affordable housing and commuted sum payment towards recreation open space provision. If such an agreement has not been completed by 17 October 2007 authority is sought to delegate the refusal of the application to the Head of Planning, Legal and Democratic Services.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
2. This decision relates to the drawings date stamped 12/10/07 and the development shall not be carried out except in accordance with the drawings hereby approved or as subsequently amended and approved in writing by the Local Planning Authority.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of design, pursuant to policies of the adopted Joint Lancashire Structure Plan and adopted Rossendale District Local Plan.
3. Notwithstanding any details shown on the previously submitted drawings and specifications, the development hereby approved shall not commence until full details of the materials to be used in the construction of the external facings, surfaces and roofs of the proposed development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in

accordance with the approved materials and thereafter remain as such.

REASON: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

4. Prior to the commencement of development on site, a finalised landscaping scheme, including details of boundary treatment, street furniture, rainwater goods and surface materials to the shared access areas and planting, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme should provide for the removal of the existing leylandii hedge, unless otherwise first agreed in writing by the Local Planning Authority. The approved scheme of hard-landscaping shall be completed prior to first occupation of any of the permitted buildings, unless otherwise first agreed in writing by the Local Planning Authority. The approved scheme of soft-landscaping shall be implemented not later than 12 months from the date the building(s) is first occupied; and any materials, trees or shrubs removed, dying or becoming severely damaged or diseased within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted, unless otherwise first agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

5. The garages forming part of the development hereby permitted shall not be converted to additional living accommodation, nor shall they be used for any other purpose than as a domestic garage.

REASON: To ensure adequate car parking provision is retained, in the interests of highway safety and to prevent the garages from being occupied by a business use detrimental to residential amenity; to accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

6. Prior to the commencement of development on site, the applicant shall submit and have had approved by the Local Planning Authority a scheme/timetable detailing the renewable energy facilities to be provided within the development to provide 10% of the development's energy requirements. The renewable energy facilities shall be implemented in accordance with the approved scheme/timetable and thereafter maintained.

REASON: In order to encourage the use of renewable energy sources, in accordance with the aims and objectives of PPS1 and PPS22 and Policy 1 of the adopted Joint Lancashire Structure Plan.

7. Any construction works associated with the development hereby approved shall not take place except between the hours of 8:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
REASON : To safeguard the amenities of nearby residential properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
8. Prior to the commencement of development on site, the applicant shall submit to and obtain approval from the Local Planning Authority for a scheme detailing the security measures to be included in the development hereby approved. The approved scheme shall be implemented prior to the development hereby permitted first being occupied and shall thereafter be maintained.
REASON: In the interests of security for the future occupiers of the dwellings
9. Prior to the commencement of development on site, the applicant shall submit to and obtain approval from the Local Planning Authority for details of the colour, facing and source of the natural stone, artificial stone, render, facing masonry, fenestration, metal and timber throughout the development in accordance with those shown on the approved plans. The development shall be constructed in the approved materials and shall thereafter be maintained as such in perpetuity.
Reason: To ensure that the highest quality finish is achieved to the development to ensure that it does not detract from the character and setting of Ilex Mill, Weaver's Cottage and Rawtenstall Town Centre Conservation Area nor the visual amenity of the street-scene along Bacup Road pursuant to PPS1 – Delivering Sustainable Development, PPS3 – Housing, PPG 15 – Planning and the Historic Environment, Joint Lancashire Structure Plan Policy 21 – Lancashire's Natural and Manmade Heritage and saved Policies HP1 – Conservation Areas, HP2 – Listed Buildings and DC1 – Development Criteria of the Rossendale District Local Plan.
10. No development approved by this permission shall be commenced until details of the proposed ground and floor levels have been submitted to and approved by the Local Planning Authority. The design must comply with the principles determined within the Flood Risk Assessment as undertaken by Michael Lambert Associates and the levels shown on drawing numbers 071009 SK 1/1 to 1/4. The scheme shall be constructed and completed in accordance with the approved details and thereafter maintained.

REASON To ensure that the development is subject to minimum risk of flooding pursuant to PPS 25- Flood Risk and Joint Lancashire Structure Policy 24 – Flood Risk.

11. No development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans and thereafter maintained.

REASON To reduce the increased risk of flooding pursuant to PPS 25- Flood Risk and Joint Lancashire Structure Policy 24 – Flood Risk.

12. No development shall take place until a scheme for the boundary treatment adjacent to the watercourse has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be completed in accordance with the approved plans.

REASON To protect/conservate the habitat/amenity value of this watercourse.

13. No development approved by this planning permission shall be commenced until:

- a) A site investigation has been designed for the site using the information obtained from the Desk Study undertaken by John Allen Consulting (September 2006). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out on the site.
- b) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority.
- c) 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. Work shall be carried 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

a) To enable:

- A risk assessment to be undertaken;*
- Refinement of the conceptual model; and*
- The development of a Method Statement and Remediation Strategy*

b) & c) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

14. The use of the retail units forming part of the development hereby approved shall remain in Class A1 – Shops or Class A2 – Financial and Professional Services and for no other use class within the Town and Country Planning (Uses Class) Order 1987.
Reason: To ensure the proposed units do not adversely affect the vitality and viability of Rawtenstall Town Centre or the amenities residential neighbours (existing and proposed) could reasonably expect to enjoy, in accordance with the provisions of PPS6 and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
15. The hours of opening of the retail units forming part of the development hereby permitted shall be limited to 7:00 am to 7:00 pm Monday to Friday and 8:00 am to 6:00 pm on Saturdays and Sundays.
REASON: To ensure a neighbourly use to occupiers of adjoining properties to maintain residential amenity by minimising noise and disturbance pursuant to Policy DC1 – Development Criteria of the Rossendale District Local Plan.
16. Prior to the commencement of development on site, the applicant shall submit to and obtain approval from the Local Planning Authority for a scheme detailing sound insulation to be provided to the residential units fronting Bocholt Way and Bacup Road and between commercial and residential units within the development. The approved scheme shall be implemented prior to the development first being occupied and shall thereafter be maintained for as long as the development remains in existence.
REASON: To ensure good levels of residential amenity to the future occupiers of the residential units pursuant to PPG4 - Industrial, commercial development and small firms
17. The bins stores and cycle parking hereby approved shall be provided on site prior to the development hereby approved first being occupied and shall thereafter be maintained for as long as the development remains in existence.
REASON: To ensure adequate bin storage and cycle parking provision within the development.
18. The dwarf wall and railing forming the boundary treatment to the development hereby approved shall be constructed using the stone reclaimed from Tomlinson's Work following its demolition. The walls and railings shall be constructed prior to the development hereby approved first being occupied and shall thereafter be maintained.
REASON: To ensure adequate security to the development and high level of visual amenity and sympathetic use of material forming the setting of the Rawtenstall Town Centre Conservation Area pursuant to

PPS1 – Delivering Sustainable Development, PPS3 – Housing, PPG 15 - Planning and the Historic Environment, Joint Lancashire Structure Plan Policy 21 – Lancashire’s Natural and Manmade Heritage and Policies DC 1 – Development Criteria and HP1 – Conservation Areas of the Rossendale District Local Plan.

19. Before the development hereby permitted is first occupied, the parking and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan and these areas shall thereafter be kept freely available for use as such.

REASON: To ensure adequate on site provision of car parking and manoeuvring areas, in and accordance with the provisions of PPG13 and Policy 7 of the adopted Joint Lancashire Structure Plan.

20. The development hereby permitted shall proceed on-site in accordance with the Recommendations of Section 8 of the Report of Bat Survey undertaken by Ecology Services UK Ltd (dated Nov 2006).

REASON : All species of bats are protected species under the Wildlife and Countryside Act 1981. It is an offence to kill or injure protected species or their young, or to intentionally damage, destroy or obstruct their places of shelter.

ADRIAN HARDING
Acting DC Team Manager
12/10/07