

Application No: 2007/763	Application Type: Full
Proposal: Erection of 16 dwellings	Location: Land to the rear of Holly Mount House, St Mary's Way, Rawtenstall
Report of: Director of Regulatory Services	Status: For Publication
Report to: Development Control Committee	Date: 11 March 2008
Applicant: Hurstwood Developments Ltd	Determination Expiry Date: 24 March 2008
Agent:	

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

HUMAN RIGHTS

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

Article 8

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

Article 1 of Protocol 1

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

The Site

Holly Mount House is a Grade II listed building, which lies within the boundary of Rawtenstall Town Centre Conservation Area. Dating from the Georgian period, it was constructed by the Whitehead Brothers (owners of the adjacent mill) as three houses.

The building occupies an elevated position, facing towards St Mary's Way. Views of it from this highway are broken by mature trees.

The land to the rear of Holly Mount House lies beyond the boundary of the Conservation Area. At the time of construction of Holly Mount House the land to the rear was laid out as part of its grounds, each of the three houses having their own range of outbuildings and a 2-storey coach-house/stables. In October 2006 none of this was evident. Immediately behind Holly Mount House was to be seen an expanse of tarmac (used for parking in association with use of Holly Mount House as offices), beyond which was the remains of a warehouse (the Amtrack Building). Beyond this the land rises up steeply towards housing fronting Haslingden Old Road, this land being within the same ownership.

The current application relates to the land which rises up steeply towards the housing fronting Haslingden Old Road. This irregularly-shaped site has an area of approximately 0.5 hectares, rising in height from its southern to its northern boundary by 10m over a distance of 90m. The site is bounded to the west by housing fronting Schofield Close and to the east forms part of the wooded embankment that runs to the rear of ASDA. The application site was itself well-wooded until 2-3 years ago when a significant number of mature trees were felled. There remain pockets of mature trees, most notably towards the north-west corner of the site and to the rear of 9/11 Schofield Close, together with a belt of small trees/bushes that extends along the party-boundary with the Schofield Close properties; re-growth on the stumps of the felled trees has also begun.

Relevant Planning History

At its meeting on 10 October 2006 the Development Control Committee considered the following two applications :

Application 2006/320, seeking Planning Permission to convert Holly Mount House from offices to 15 apartments, together with the construction of 38 new-build units of residential accommodation, and for the associated car parking & landscaping works. Vehicular and pedestrian access to the site was to be by means of the newly-constructed road that serves the ASDA store which stands immediately to the east. Condition 9 of this Planning Permission requires that the site of the current application be landscaped.

Application 2006/322, seeking Listed Building Consent for the conversion of Holly Mount House from offices to 15 apartments.

In accordance with the Officer recommendation, both applications were approved. Their implementation has begun.

For the front garden of Holly Mount House Permission 2006/320 proposed no significant development beyond retention/reinstatement of the hard & soft-landscaping and construction of a new flight of steps adjacent to St Mary's Way.

A number of applications have since been dealt with that were seeking to amend the new-build apartment blocks, and construction of the new-build element of the scheme is underway. Applications have also been dealt with that proposed the construction of

an 18-space car park to the front of Holly Mount House, the Applicant considering that if the existing building was to be retained as offices (rather than converted to the 15 apartments permitted) its occupiers would require additional parking. These applications were refused on the grounds that the proposed car park, and other works associated with it, would have a significant adverse impact upon the character and appearance of a Grade II listed building located within a Conservation Area, not least by reason of loss/significant damage to mature trees that are of high visual amenity value and highly visible from the public highway. The decision from the Planning Inspectorate in relation to the Appeal lodged against the refusal of Application 2007/460 is awaited.

In August 2007 an application was received that proposed the erection of 16 houses on the site of the current application (2007/524). The layout then submitted differs from that of the current application most particularly in that it proposed the formation of a footpath/cycleway from the site to Haslingden Old Road. Application 2007/524 was withdrawn by the Applicant.

The Proposal

The current application seeks Full Permission for residential development of the site.

The submitted drawings propose the erection of 16 split-level houses, each to have 3 bedrooms. The proposed houses are to be constructed of natural stone, with slate roofs. They are to be erected in pairs and terraces of three, arranged around a cul-de-sac that connects with the road network that is to serve the residential development presently underway on the land immediately to the rear of Holly Mount House. The new cul-de-sac will first run between the 2 apartment blocks permitted by Planning Permission 2006/320 and then rise up the application site with a gradient of 1 in 13. Parking spaces will be provided to the fronts/sides of the houses in the ratio of 2 per dwelling. Each house will give a hard-surfaced area immediately to its rear, those with their backs facing towards existing properties on Schofield Close and Haslingden Old Road having more extensive areas of garden.

Implementation of this scheme will result in the loss of a number of the existing trees (most notably the pocket of mature trees to the rear of 9/11 Schofield Close) and necessitate some regarding of the site. The Applicant advises that no material will be removed or brought on to the site to achieve the proposed levels. The submitted cross-sections show the maximum depth of cut to achieve the desired slab-levels for the houses is approximately 3.5m (relating to the terrace of 3 houses nearest the north-west corner of the site). The terrace of 3 houses nearest the south-east corner of the site, and their associated yard and parking areas, will most noticeably require raising of ground-levels, with the construction of walls/retaining walls of up to 2.5m in height facing towards and visible from the ASDA car park.

In the interests of sustainability the submitted scheme was said to have been designed to provide more than a 10% energy saving by the use of the appropriate white-goods/bathroom-fittings/light-fittings, energy-efficient heating system (one with a ground source heat pump) , orientation of dwellings to ensure larger windows face south-west than north-west, and solar-panels on the roofs. In the interests of ensuring financial viability of the scheme the Applicant has since advised that it has been necessary for them to delete the solar-panels.

The application is accompanied by :

- A Planning Policy Statement and a Regeneration Statement
- A Statement of Community Involvement
- A Statement of S.106 Heads of Terms
- A Design & Access Statement and a Sustainability Statement
- A Landscaping Scheme
- A Contaminated Land Report
- A Transport Statement & Accessibility Questionnaire
- A Bat Report

In support of the proposal the Applicant has made the following points :

- The proposal seeks to make effective and efficient use of previously-developed land, the site being suitable for residential development that can be delivered in the next 5 years, will help meet the increased housing targets for Rossendale in the emerging Draft Regional Spatial Strategy and entails build at a density of 32 dwellings per hectare, in line with the requirements of PPS3.
- The site forms part of the Lower Mill site which was always conceived as being one site and this proposal would represent a mix of uses in conjunction with the ASDA supermarket.
- By virtue of the proximity of the site to the town centre the occupiers of the houses would shop locally, thereby boosting the local economy as well as keeping the town centre lively and vibrant at night.
- The proposal meets a specific need for 3-bedroom family homes - there is no other land available in Rawtenstall in such a central, sustainable and accessible location.
- The proposal accords with the exception criteria contained in the Council's Revised Interim Housing Position Statement - the scheme proposes the erection of 16 houses on previously-developed land that will make an essential contribution to the supply of affordable housing - it is willing to enter into a S.106 Agreement to make available 2 of the houses permitted on the adjacent site under Planning Permission 2006/320 as shared equity affordable housing (or on the site of the current application), together with £30,000 for the Council to spend on the provision of other affordable housing in the ward/borough.
- The proposed dwellings are of high-quality - incorporating sustainable/energy efficient devices to accord with the aims and objectives of PPS22 and the recent Green Paper in respect of climate-change, of a design to reflect the on-going residential development it is undertaking on the adjacent land, entailing construction of stone-built houses with generous garden space.
- Whilst the proposal will result in loss of existing trees the submitted Landscaping Scheme proposes the planting of two significant belts of trees - the first on the party-boundary with the properties on Schofield Close/Haslingden Old Road and the second between the terrace of 3 houses (and associated parking areas) nearest the south-east corner of the site and the site boundary here).

- It is willing to enter into a S.106 Agreement to pay to the Council £16,000 (ie. £1k per dwelling) to enhance play facilities at Whitaker Park or for the Council to use this sum elsewhere on the provision of affordable housing or for environmental improvements in Rawtenstall town centre.

4. Policy Context

4.1 National Planning Guidance

- PPS1 - Sustainable Development
- PPS3 - Housing
- PPS7 - Rural Areas
- PPS9 - Biodiversity & Geological Conservation
- PPG13 - Transport
- PPG15 - Historic Environment
- PPG17 - Sport & Recreation

4.2 Development Plan Policies

Regional Planning Policy

RPG13

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 2 - Main Development Locations
- Policy 7 - Parking
- Policy 12 - Housing Provision
- Policy 20 - Lancashire's Landscapes
- Policy 21 - Lancashire's Natural & Manmade Heritage

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- DC1 - Development Criteria
- DC3 - Public Open Space
- DC4 - Materials
- HP1 - Conservation Areas
- HP2 - Listed Buildings
- E4 - Tree Preservation
- E7 - Contaminated Land

4.3 Other Material Planning Considerations

- Draft RSS
- LPOS Planning Obligations Paper
- LCC Landscape & Heritage SPG
- LCC Access & Parking SPG & Standards
- RBC Core Strategy
- RBC Interim Housing Policy Statement (December 2007)
- RBC Housing Market Assessment (September 2007)

Consultations

LCC(Planning)

The proposed development is considered to be contrary to the adopted Joint

Lancashire Structure Plan.

In amplification it advises :

Policy 12 gives priority to re-use or conversion of existing buildings followed by use of previously-developed sites. The proposal is located on the site of the former Lower Mills so is therefore previously-developed land.

Policy 12 also sets out the provision of new housing units to 2016, for Rossendale stating that there should be a maximum provision of 1,920 over the Plan period 2001-2016. On the basis of the information available to it for the Plan period up to 1 April 2007 1,087 dwellings had been completed, a further 1,417 were under construction or had planning permission and an additional 73 awaited completion of S.106 Agreements. Based on these figures it concludes that there are sufficient residential planning permissions to meet the Borough's housing requirement to 2016.

Paragraph 6.3.13 of the text accompanying Policy 12 states that in situations of oversupply additional housing units may be permitted where "*they make an essential contribution to the supply of affordable or special needs housing or form a key element within a mixed-use regeneration project*".

Affordable housing is recognised as an important element in consideration of new schemes throughout Policy 12. The application submission states that two of the dwellings proposed will be "shared equity" affordable housing with an additional contribution of £30,000 towards affordable housing elsewhere in the Borough. This equates to a total overall contribution of 12.5%, which conflicts with the figure of 25% stated in the Planning Policy Statement submitted by the Applicant. PPS3 also expresses a preference for affordable housing contributions to be made on-site wherever possible. It notes that the Interim Housing Position Statement adopted by this Council in December 2007 seeks a contribution of 42% affordable housing, which is significantly higher than the level proposed by this scheme. This Council should therefore satisfy itself that the level of affordable housing proposed is sufficient to override the oversupply objection to the proposal.

The development is not in itself a mixed-use development.

Accordingly, it considers the scheme is not justified with respect to Paragraph 6.3.13.

With respect to other matters it advises as follows :

In terms of the site's accessibility by means of travel other than the private car it calculates the site to have "medium" accessibility, not the "high" accessibility the Applicant states. As a consequence of its calculation of the site as having an accessibility score of 31, and as the scheme proposes the erection of sixteen 3-bedroomed dwellings, the Developer ought to make a financial contribution of approximately £18,000 towards the encourage means of travel by other modes than the private car.

The proposal will provide car parking and secure cycle parking that accords with the approved Parking Standards.

Policy 21 seeks to protect Lancashire's natural and man-made heritage. With the exception of the bat survey, the application does not include any other information on existing ecological interest, ecological impacts, or mitigation/compensation for such impacts. There is therefore insufficient information to determine whether or not it meets the requirements of the above policy. The site is adjacent to Rawtenstall Town Centre Conservation Area. The design proposed reflects this setting.

Policy EM17 of the Draft RSS requires that all residential developments of 10 or more units should incorporate renewable energy production to provide at least 10% of the development's predicted energy requirements. It notes that the application as first submitted included a number of innovative sustainability measures such as solar panels and maximising passive solar gain. It considered that the RSS 10% target would be met by the development. It is disappointed that the intention to install solar heating in the proposed houses has now been deleted.

LCC(Highways)

It is satisfied the local road network and shared-access with ASDA can accommodate the additional traffic the proposed dwellings will generate. The carriageway and turning-head to be formed to serve the proposed dwellings are not considered to be unduly steep and are of appropriate design/dimensions. However, the submitted drawings show the footway to be formed each side of this carriageway with flights of steps at various points, which is not considered acceptable. Whilst the number of parking spaces shown on the submitted drawings (at 32 for 16 dwellings) is acceptable, the arrangement of certain of them around the turning-head is not. Furthermore, it advises that quite a number of those spaces are of inadequate length.

Accordingly, whilst it has no objection in principle to the proposal, the details of the scheme are unacceptable in a number of respects.

United Utilities

A water supply can be made available to the site. No objection subject to conditions to ensure separate foul and surface-water drainage systems are installed.

RBC(Environmental Health)

Comments awaited.

RBC(Conservation Officer)

The Conservation Officer considers that the approved scheme at the rear of Holly Mount House will to a degree mask part of the proposed development from many vantage points, including the context / setting of the listed building and conservation area. Views from below appear to be restricted largely to the narrow gap between the retaining wall to the Holly Mount site and the Asda car park. The view of the proposed dwellings from the ASDA car park will be seen against a hillside partially hidden by trees, and this is a common sight in the valley area. The sectional drawings, if correct, show that the development will not rise above the existing skyline.

However, the conservation officer considers that it is essential that the existing key groups of trees are retained and supplemented to protect short and long distance views. The scheme will not retain all of the existing key groups of trees.

The current proposal would be severe with building and retaining wall dominating, particularly for a long period before the planting has some impact. For some views, the arrangement of buildings and walls will act against the planting ever being able to provide a screen. The most severe impact appears to be at the lower end of the development site, closest to the Asda car park.

Notification Responses

The occupier of a property fronting Haslingden Old Road has written in support of the application. They consider the erection of housing on this site to be appropriate, the proposed houses to be of a density/design sympathetic to its surroundings and would serve to enhance and make more secure the boundaries of their property.

ASSESSMENT

In dealing with this application the main issues to consider are : 1) Principle; 2) Housing Oversupply; 3) Heritage Interest / Visual Amenity; 4) Neighbour Amenity; & 5) Traffic & Parking.

Principle

The application relates to a site within the Urban Boundary of Rawtenstall, which is the area the Structure Plan, Local Plan and LDF Core Strategy identify as being the focus for most built development. To this extent the development of the site is appropriate in principle.

The application site has for the most part never been occupied by built-development, and had mature trees and vegetation covering it until they were felled recently. The applicant, however, considers the site formed part of the curtilage of Holly Mount House/Lower Mills and is therefore brownfield, and has submitted evidence of land title to support this argument. However, it is officers' opinion that, that in itself does not mean the land forms part of the curtilage, but instead demonstrates land ownership. There is therefore doubt as to whether the land should be considered brownfield, notwithstanding comments by Lancashire County Council. However, it should be noted that even if the land were considered brownfield, PPS3 states : "There is no presumption that land that was previously-developed is necessarily suitable for housing development nor that the whole curtilage should be developed". It will be recalled that the approval of 2006/320 and 2006/322LBC provide for the conversion of Holly Mount House to apartments and for the erection of new-build dwelling units on the flat area immediately to its rear. These applications, which were submitted by Hurstwoods, neither proposed or intimated an intention for built-development to occupy the steeply-sloping site of the current application. Furthermore, a condition of that Planning Permission, and which is now being implemented, is that the site of the current application is landscaped.

The site is not far removed from Rawtenstall town centre, nor unduly inaccessible by means of travel other than the private car. However, the Applicant has not offered the financial contribution of approximately £18,000 towards the encourage means of travel by other modes than the private car required to comply with the LPOS Planning

Obligations Policy Paper endorsed by Lancashire County Council and this Council.

Housing Oversupply

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

PPS3 sets out Government guidance on a range of issues relating to the provision of housing. Paragraph 3 states that *“One of the roles of the planning system is to ensure that new homes are provided in the right place and at the right time, whether through new development or the conversion of existing buildings. The aim is to provide a choice of sites which are both suitable and available for housebuilding. This is important not only to ensure that everyone has the opportunity of a decent home but also to maintain the momentum of economic growth”*. Paragraph 8 goes on to say *“It is an essential feature of the plan, monitor and manage approach that housing requirements and the ways in which they are to be met, should be kept under regular review. The planned level of housing provision and its distribution should be based on a clear set of policy objectives, linked to measurable indicators of change...Reviews should occur at least every five years and sooner, if there are signs of either under or over-provision of housing land”*.

Consistent with housing policy contained in national and regional guidance, Policy 12 of the Joint Lancashire Structure Plan (adopted March 2005) has resulted in a housing allocation requiring a reduced rate of provision for several Lancashire Districts over the period 2001-2016, including Rossendale. Policy 12 states that 1,920 dwellings are required to be built within the Borough between 2001 and 2016 in order to adequately house the Borough's population. It further states that these are to be provided at the rate of 220 dwellings per year until 2006 and 80 per year thereafter. Having regard to the number of dwellings which have been built since 2001, and to the number for which permission exists, Lancashire County Council (Planning) is of the view that this Council should rigorously enforce a policy of restraint on proposals coming forward that will create additional dwelling units.

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

At its meeting in June 2006, Cabinet received a Housing Land Monitoring Report, setting out the latest position in relation to provision of housing. The report to Cabinet says of the Monitoring Report: *“It shows that the number of dwellings which have a valid planning approval exceed the requirements of the Joint Lancashire Structure Plan (JLSP). Anticipated completions have also been considered and this will significantly exceed the provisions of just 80 that the JLSP requires on an annual basis for the period 2006 to 2016”*. The Draft Regional Spatial Strategy has not progressed to the stage that its contents can have a greater weight than Policy 12 of the adopted Structure Plan and the Regional Guidance it was founded upon.

A Revised Interim Housing Position Statement and an Affordable Housing Position Statement were approved by Council in January 2007. However, the need to continue

to constrain the supply of housing land was considered again in December 2007 by Cabinet and these documents have now been revised as the Interim Housing Policy Statement. This document sets out somewhat wider criteria for making an exception to Policy 12 of the Structure Plan.

The Council's Interim Housing Policy Statement (December 2007) accepted the contention that the Council would over-shoot its housing allocation and the permissions now granted should be limited to those it set out :

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

- a) The replacement of existing dwellings, provided 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 building 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 settlements within the Borough (i.e. Rawtenstall including Bacup and Haslingden) where the number of units is 4 or less.*
- e) New build proposals on previously developed land (PDL) within the urban boundary of the main development location (Appendix C) but excluding the Action Plan Areas; where the number of units is 20 or less. These proposals will only be acceptable where they make an essential contribution to the supply of affordable housing as interpreted in Appendix B.*
- f) Proposals on previously developed land (PDL) within the regeneration priority areas of Rawtenstall Town Centre AAP or Bacup, Stacksteads and Britannia AAP that will deliver regeneration benefits. Where proposals are for 15 or more dwellings, the Council will seek to obtain 30% affordable housing (where there is a clear need as demonstrated through the Housing Needs Assessment). A reduction in the affordable housing requirements will only be acceptable where the applicant pays for the Council to approach an independent specialist to test their arguments on viability.*
- g) Developments that are solely for affordable or special needs housing will be supported where they address local need and are appropriate in terms of their scale and location.*
- h) Within the urban boundary of the main development location or the regeneration priority areas where residential development is part of a mixed-use scheme that will have essential regenerative benefits for the Borough. Where proposals include 15 or more dwellings, the council will seek to obtain 42% affordable housing (where there is a clear need as demonstrated through the Housing Needs Assessment). A reduction in the affordable housing requirement will only be acceptable where the applicant pays for the Council to approach an independent specialist to test their arguments on viability.*

The current application neither satisfied the previous Revised Interim Housing Position Statement or the criteria of the latest Interim Housing Policy Statement. With respect to the latter, the application proposal:

- Does not represent the replacement of existing dwellings.

- Is not in relation to agricultural or forestry activities.
- Does not relate to a Listed Building or important building in a Conservation Area.
- Does not relate to conversion or change of use of a building.
- Whilst this is a new-build proposal on previously developed land (PDL) within the Urban Boundary of the main development location of Rawtenstall, and the number of units proposed is less than 20, the proposal will not make an essential contribution to the supply of affordable housing, as is required of a site outside an Area Action Plan boundary.
- The site does not lie within either the regeneration priority area of Rawtenstall Town Centre AAP or Bacup, Stacksteads & Britannia AAP.
- Does not relate to development providing solely affordable or special needs housing.
- Whilst the site is within the Urban Boundary of the Main Development Location of Rawtenstall the proposed residential development is not part of a mixed-use scheme, nor adequately provides regenerative benefits. The proposal is for 15 or more dwellings but does not propose 42% affordable housing and the Applicant has not adequately demonstrated that there is not the need for this affordable housing or provision beyond that offered would make the scheme unviable.

In amplification:

The Applicant has argued that the site of the current application is previously-developed land, it was always its intention to bring forward this part of the site for development, and this should be looked upon as part of the mixed-use development of the Holly Mount House/Lower Mill site as a whole. However, I concur with the view expressed by LCC(Planning) that the current proposal cannot be looked upon as a mixed-use development. The Lower Mill site has already been developed (and is occupied by ASDA) and the Holly Mount site is in the course of development as a result of the approval of 2006/320 and 2006/322LBC. These applications, which were submitted by Hurstwoods, neither proposed or intimated an intention for built-development to occupy this steeply-sloping site. Their implementation has begun and provide for the site of the current application to be landscaped.

LCC(Planning) has concluded that, out of a total of 16 dwellings, the proposed contribution of 2 affordable dwellings plus the sum of £30,000 is too small to be the “essential contribution” to meet the terms of Paragraph 6.3.13. Paragraph 6.3.13 of the text accompanying Policy 12 states that in situations of oversupply additional housing units may be permitted where “*they make an essential contribution to the supply of affordable or special needs housing*”. Equally, this offer of affordable housing falls short of what would be required to meet criteria (h) of the Council’s Interim Housing Policy Statement. The applicant has referred to other schemes for residential development (submitted by itself and others) which have been approved by Committee without a contribution of 42% affordable Housing. However, these applications were submitted prior to adoption of the latest Housing Policy Statement in December 2007.

The Applicant has sought to make a case that a reduction in the affordable housing requirement should be accepted on viability grounds. It agreed to pay for the Council to approach an independent specialist to test their arguments on viability. It is Officers view that the Applicant has not adequately demonstrated that, for reasons of viability, the scheme could not support a greater contribution towards the provision of affordable housing. Nor are Officers satisfied that the current offer of affordable housing and other 'benefits' referred to by the Applicant amount to the "*essential regenerative benefits*" required by criteria (h) if the proposal is to warrant approval in the situation of housing oversupply the Council is currently in. A condition of the Planning Permission now being implemented in respect of Holly Mount House and the flat area immediately to its rear requires that the site of the current application is landscaped.

Thus the proposal is considered to be contrary to the general thrust of Housing policy to be applied in a situation of housing oversupply. LCC(Planning) is not satisfied the proposal accords with the circumstances to warrant approval in a situation of oversupply set out in the text accompanying Policy 12 of the Structure Plan. Nor does the proposal meet the criteria of this Council's Interim Housing Policy Statement. The affordable housing offer and other 'benefits' the Applicant has referred to are not considered sufficient to tip the balance in favour of granting a permission as an exception to Policy 12 of the Council's own Interim Housing Policy Statement.

As such, it is stressed that due to the presence of the Elevate Pathfinder Area and regeneration priority areas (AAPs) within the borough, the Council through the Interim Housing Policy Statement is applying paragraph 69 of PPS3 by ensuring "*proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues*".

Heritage Interest / Visual Amenity

Although the site of the current application lies beyond the boundary of the Rawtenstall Town Centre Conservation Area, it is necessary to consider what impact the proposal will have upon the setting of Holly Mount House as it is a Grade II listed building and on the Conservation Area.

The design and facing materials of the proposed dwellings reflect those of the new-build dwelling units permitted by 2006/320 in a position nearer to Holly Mount House. By reason of the topography of the current site, however, the proposed dwellings are to be split-level and will be more prominently viewed by the public from the ASDA car park /access in particular. Of greater concern to me than the proposed house-types themselves is the overall impact of the development as a result of the series of associated walls/retaining walls towards the south-western side of the proposed carriageway to support it and the gardens/parking areas of the three houses to be erected to this side of the carriageway. This will add to the 'hard' appearance of the development as viewed by the public from the ASDA car park /access in particular. Even with time, the proposed planting will go only some way towards reducing that impact. Likewise, the felling of trees by the Applicant that until recently stood close to the party-boundary of the ASDA site means the pair of houses proposed at the end of the cul-de-sac will be more prominently viewed. At my request the Applicant has re-considered whether it will be possible to retain trees on their site which the originally

submitted drawings showed for retention. As a consequence, the Applicant has acknowledged that the pocket of trees to the rear of 9/11 Schofield Close cannot be retained. Whilst the submitted Landscaping scheme shows that significant planting would be undertaken along the party-boundaries with Schofield Close/Haslingden Old Road they do not appear to have had proper regard for the belt of small trees/bushes that presently extends within their site along the party-boundary with the Schofield Close properties, the existing planting on/near the boundaries of the properties fronting Haslingden Old Road, and the pressure that may come from neighbours to remove the proposed boundary trees as they mature.

Having regard to the above, and to the fact that the Planning Permission now being implemented by Hurstwoods in respect of Holly Mount House and the flat land immediately to its rear requires landscaping of the site of the current application, Officers do not consider that the proposed development will serve to enhance the character and appearance of the Listed Building/Conservation Area or area in general. The detriment to the character and appearance of the Listed Building/Conservation Area arises principally from the loss of the pocket of trees presently to be seen to the rear of 9/11 Schofield Close. I do not consider this alone would warrant refusal of the current application but does contribute to my concerns about the overall proposal.

Neighbour Amenity

The proposed houses are generally on lower land than the existing housing fronting Schofield Close and Haslingden Old Rd. Although the proposed houses are to be of split-level the elevations of them that face towards the neighbouring house are to be of two storeys and at a distance of 20+m from those fronting Schofield Close and considerably more than this from those fronting Haslingden Old Rd. My principal concern in relation to neighbour amenity arises because the submitted Landscaping scheme shows that significant tree planting is to be undertaken along/very close to the party-boundaries with Schofield Close/Haslingden Old Road properties, without proper regard for the existing planting on/near these boundaries of the properties and the pressure that may come from neighbours to remove the proposed boundary trees as they mature.

Traffic & Parking

The Highway Authority is satisfied the local road network and shared-access with ASDA can accommodate the additional traffic the proposed dwellings will generate. Although the topography of the site makes the achievement of suitable gradients/parking provision difficult, it has arrived at the view that the carriageway and turning-head to be formed to serve the proposed dwellings are not unduly steep and are of appropriate design/dimensions.

However, I concur with its view that details of the scheme are unacceptable in a number of respects. Most notably, by reason of the flights of steps shown on the submitted drawings in the footway to be formed each side of the carriageway to be formed, the arrangement of certain of the parking spaces around the turning-head and the length of a number of the parking spaces.

Ecology

Lancashire County Council's Ecologist advised that, although the application was

accompanied by a Bat Report, the submission was deficient in not being accompanied by information on any other ecological interest of the site, how the proposal would impact upon this interest, and what would be done to mitigate/compensate for that harm.

LCC's Ecologist concurred with the conclusions of the submitted Bat Survey that : 1) there are no trees/structures on the site likely to be in use as roosts; 2) the trees on and around the site are likely to be used for feeding; & 3) the loss of vegetation that would result from the proposed scheme not be likely to be detrimental to bats in light of the compensatory planting proposed.

However, since the Bat Report was written and commented upon by LCC's Ecologist the Applicant has acknowledged that the pocket of mature trees to the rear of 9/11 Schofield Road originally shown for retention will have to be felled if the scheme is proceed.

In the absence of complete/up-to-date information about how the proposal will impact on bats and other ecological interests I concur with the view of LCC's Ecologist that there is insufficient information to determine whether or not the application accords with Policy 21 and adequately protects Lancashire's natural and man-made heritage.

Recommendation

That permission be refused for the following reasons :

1. The proposal does not meet any of the criteria laid down in the Council's Interim Housing Position Statement (December 2007), which sets out the housing policy for Rossendale in a position of housing oversupply. It is considered that the development is not required to meet the housing requirements of the Borough. The proposal is therefore contrary to the provisions of PPS3 and Policy 12 of the adopted Joint Lancashire Structure Plan 2001-2016 and Rossendale Council's Interim Housing Position Statement (Dec 2007). The Applicant has not adequately demonstrated that the land is brownfield and that there is not the need for the affordable housing referred to in the criterion of the latter or that provision beyond that offered would make the scheme unviable.
2. The application fails to make provision for a financial contribution towards Public Transport contrary to the Lancashire Planning Officers Society's Planning Obligations Policy Paper of July 2006.
3. By reason of the topography of the current site, however, the proposed dwellings are to be split-level and will be more prominently viewed by the public from the ASDA car park /access in particular. Of particular concern is the 'hard' appearance the development will have as a result of the series of associated walls/retaining walls towards the south-western side of the proposed carriageway to support it and the gardens/parking areas of the three houses to be erected to this side of the carriageway. The proposed development would

lead to the loss of mature trees, to the detriment of the character and appearance of Holly Mount House (a Grade II listed building) and the setting of Rawtenstall Town Centre Conservation Area and the area in general. Furthermore, the submitted Landscaping scheme shows that significant tree planting is to be undertaken along/very close to the party-boundaries with Schofield Close/ Haslingden Old Road properties, without proper regard for the existing planting on/near these boundaries of the properties and the pressure that may come from neighbours to remove the proposed boundary trees as they mature. Even with time, the proposed planting will go only some way towards reducing that impact of the proposal for the setting of the Listed Building/Rawtenstall Town Centre Conservation Area and the area in general as the development is viewed by the public from the ASDA car park /access in particular. Consequently, the proposal is considered contrary to Policy 21 of the adopted Joint Lancashire Structure Plan, and saved Policies E4/HP1/HP2 and the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.

4. The applicant has failed to demonstrate that the proposed development would not be detrimental to highway safety, most notably by reason of the flights of steps the submitted drawings show within the footway to be formed each side of the proposed cul-de-sac, the layout of parking spaces in the vicinity of the cul-de-sac head and the inadequate length of quite a number of the parking spaces proposed. Consequently, the proposed development would be contrary to Policy 7 of the adopted Joint Lancashire Structure Plan and the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.
5. The applicant has not demonstrated that the proposed development adequately protects ecological heritage. Consequently, the proposal is considered contrary to PPS9 and Policy 21 of the adopted Joint Lancashire Structure Plan.

Contact Officer	
Name	N Birtles
Position	Principal Planning Officer
Service / Team	Development Control
Telephone	01706-238642
Email address	planning@rossendalebc.gov.uk

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SITE SPECIFIC HAZARDS

IN ACCORDANCE WITH THE REQUIREMENTS OF THE CDM REGULATIONS 1984 THE FOLLOWING SIGNIFICANT RESIDUAL HAZARDS HAVE NOT BEEN DESIGNED OUT OF THIS PROJECT AND MUST BE TAKEN INTO CONSIDERATION BY CONTRACTORS PLANNING TO UNDERTAKE THE WORKS SHOWN ON THIS DRAWING:

REV. DATE NOTES

PROJECT
HOLLY MOUNT HOUSE
ST. MARY'S WAY
RAWTENSTALL

DRAWING TITLE
SITE LOCATION PLAN

STATUS

DATE 21-12-06 **DRAWN** MMC **CHECK** SCALE @ A4 1250

PROJECT NUMBER 7030 **UNIT / BLOCK** L 07 **TYPE & NUMBER** **REVISION LETTER**

DRAWING NO.

7030 L 07

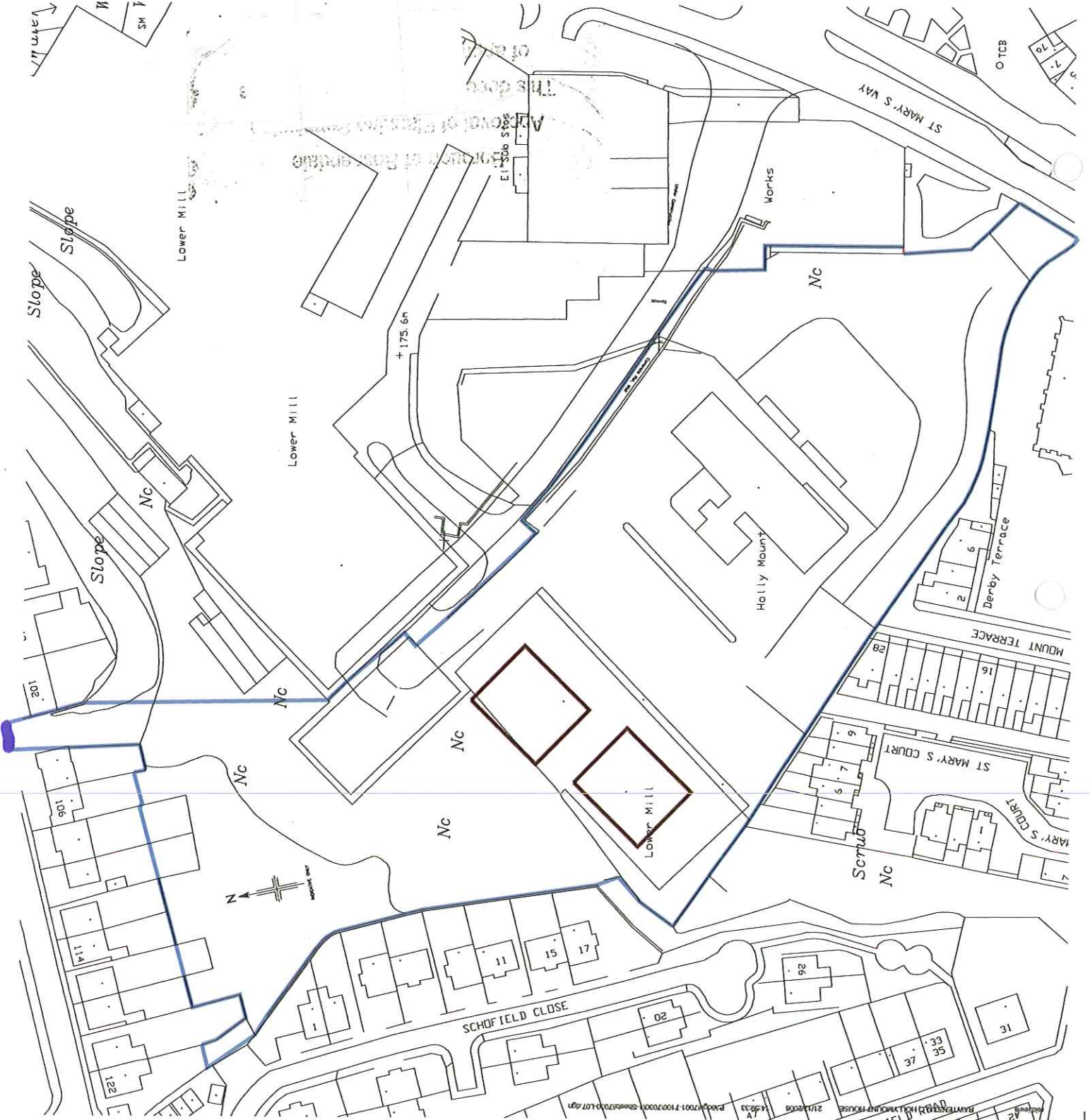
Site Location Plans L GA Plans P Elevations E
Sections S GA Plans D Details C Prefix: Colour C

MANCHESTER LONDON GLASGOW LUTON
105 MANCHESTER ROAD
BURY
LANCASHIRE
BL9 0TD

T: 0161 797 6000
F: 0161 797 5255

W: www.rgp.uk.com

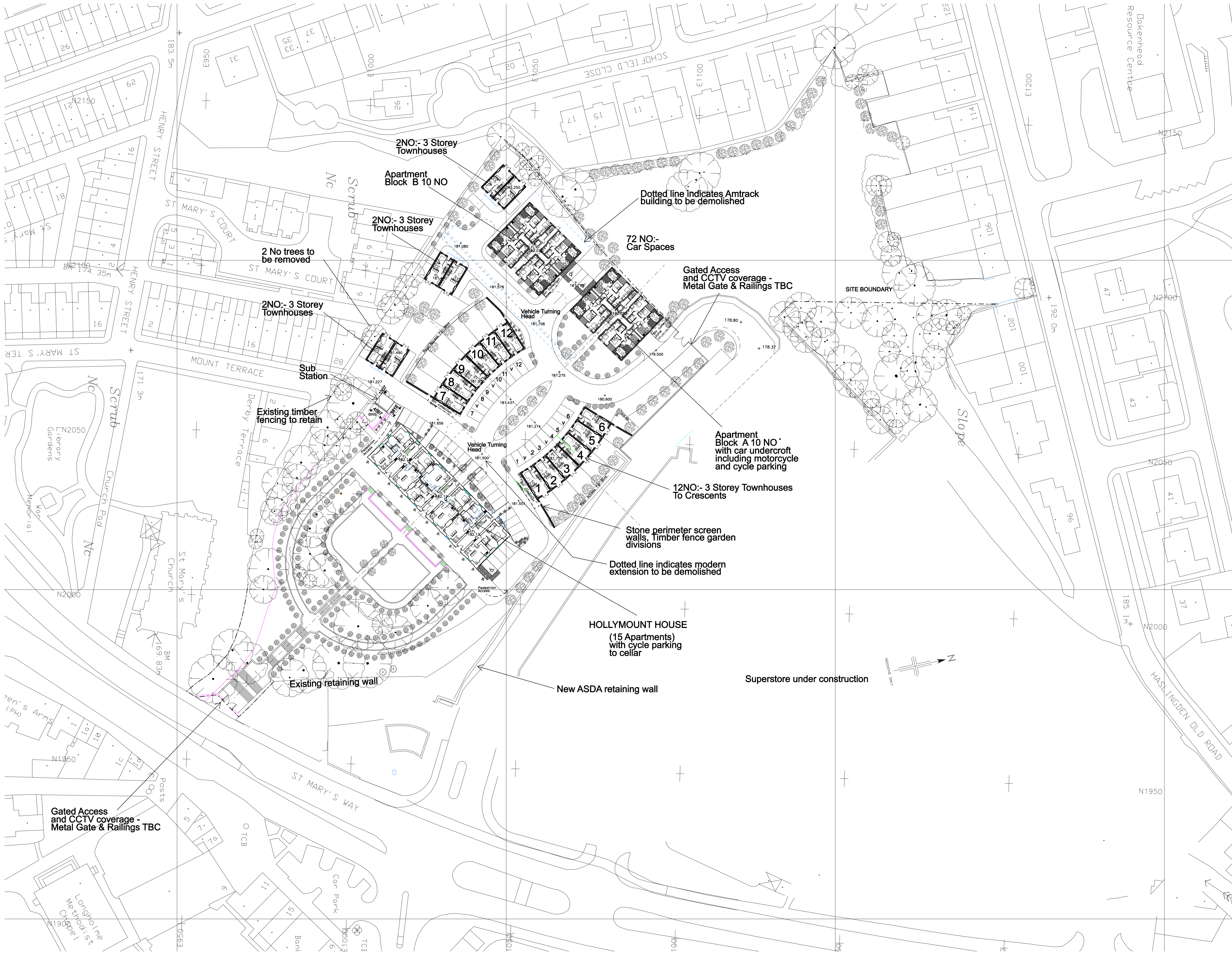
E: first.lastname@rgp.uk.com



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SITE SPECIFIC HAZARDS

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REV.	DATE	NOTES	INT.
N	09.01.07	Levels revised	A.M
M	22.11.08	Levels added, Car No's Altered	RSL
L	20.08.08	Units removed from site	RSL
K	23.08.08	General Update	RSL
J	15.09.08	Floor Levels Added	RSL
I	15.09.08	Units to substitution added	RSL
H	06.09.08	Townhouses added	WNH
G	20.09.08	General Update	WNH
F	25.09.08	Landscape Slopes Amended	WNH
E	23.09.08	Highway Details Amended	RSL
D	22.09.08	GENERAL UPDATE	RSL
A	08.09.08	GENERAL UPDATE	RSL

PROJECT
HOLLYMOUNT HOUSE
ST. MARY'S WAY
RAWTENSTALL

DRAWING TITLE
SITE PLAN

STATUS		PLANNING	
DATE	DRAWN	CHECK	SCALE @ A1
MAY '06	RSL		1:500
PROJECT NUMBER	UNIT / BLOCK	CI / I/FB CODE	TYPE & NUMBER
7030			L03 N
Site Location	Scale	GP/Plan	Revision
MANCHESTER	LONDON	GLASGOW	LUTON
155 MANCHESTER ROAD BURY LANCASHIRE BL0 0TD T: 0161 797 8000 F: 0161 797 5255 W: www.rgp.co.uk E: first.lastname@rgp.co.uk			

