

<b>Application No:</b> 2008/83	<b>Application Type:</b> FULL
<b>Proposal:</b> Erection of 80 Houses, entailing diversion of Public Footpath No 486, Bacup	<b>Location:</b> Land off Rockcliffe Road Bacup
<b>Report of:</b> Planning Unit Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 1 <sup>st</sup> July 2008
<b>Applicant:</b> Persimmon Homes (Lancs) Ltd & Barnfield Contractors (UK) Ltd	<b>Determination Expiry Date:</b> 10 <sup>th</sup> July 2008
<b>Agent:</b> Sedgwick Associates	

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

**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.

**Background**

This application relates to a site with Planning Permission for the erection of 90 houses, granted following re-consideration of Application 2004/143 by Committee in July 2006.

## 1. **The Site**

- 1.1 This application relates to a site which is located to the south of Bacup town centre, between the A681 Market Street, the A671 Rochdale Road and the A6066 New Line. It can be reached by vehicles entering Rockcliffe Road from Rochdale Road. However, the vehicular traffic visiting the site is most likely to enter Rockcliffe Road from Market Street, before passing through an essentially residential area along River Street/Bold Street/Grafton Villas.
- 1.2 The site is of approximately 3.4 hectares in area and is of irregular shape, bounded :
- to the North by bungalows that front Grafton Villas & Anderson Close and long-standing industrial premises at the end of River Street;
  - to the West by the River Irwell and the backs of extensive industrial premises;
  - to the East by Rockcliffe Road, a garage-court & housing served off Pine Street, a field and the grounds of St Saviours Community Primary School; &
  - to the South by a flat/overgrown area of land formerly occupied by a railway line and beneath which runs a stream called Trough Syke, beyond which the land rises up towards New Line.
- 1.3 Whilst it can be said that the site slopes down from Rockcliffe Road in the east towards the western and southern boundaries, it does not do so in a uniform way. From Rockcliffe Road and the garage-court & housing served off Pine Street the site slopes down steeply to a more gently-sloping plateau [henceforth called Plateau A] that extends from the bungalows on Grafton Villas & Anderson Close to a steeply-sloping bank down to the flat land formerly occupied by the railway line on the southern boundary. This plateau is bounded to the west by a steeply-sloping bank on a NE-SW axis, at the base of which is again a gently-sloping plateau [henceforth called Plateau B] that extends to the south of the industrial premises at the end of River Street and alongside the River Irwell.
- 1.4 A Public Footpath allows pedestrians to walk from Rockcliffe Road down the eastern boundary of the site as far as the grounds of the School before cutting across the site towards the south-western boundary of the site; the path continues on to New Line after passing through a short tunnel situated just beyond the site boundary (the railway line once bridging over it). One public sewer cuts across the site having passed down Verax Street and between the bungalows that front Anderson Close on a N-S axis, whilst another runs from the end of Anderson Close towards the River Irwell on an E-W axis.

## 2. **Relevant Planning History**

- 2.2 Planning Permission 2004/143 remains valid until April 2010 and its implementation would result in the erection of 90 houses (comprising of 23 2-bedroomed units, the rest to be of 3 or 4 bedrooms). To be served by roads extending from Grafton Villas and Anderson Close, the approved layout proposes the erection of largely 2-storey linked-detached and 2-storey terraced

houses, with a landscaped margin extending completely around the eastern/southern/western boundaries of the site, broadened in two places, to accommodate : 1) the public footpath where it departs from the eastern boundary to cross the site; & 2) to stand new housing away from the party-boundary with the industrial premises at the end of River Street & provide a riverside footpath capable of extension to link the site to River Street. The layout also proposes fingers of landscaping that extend into the site from the landscaped-boundaries to create 'pockets' of housing, the largest of these public open spaces broadly aligned with the steeply-sloping bank between Plateau A and Plateau B.

- 2.3 The application was first considered by Committee in July 2004 and, in accordance with the Officer recommendation, it was minded to grant permission subject to a S.106 legal agreement first being entered into. The legal agreement not having been signed and the decision notice issued prior to adoption of the new Structure Plan by the County Council in March 2005 it was considered necessary to report the application back to Committee for re-consideration in light of prevailing planning policy and, most particularly, the change in policy in relation to housing provision.
- 2.4 In accordance with the Officer Recommendation, at its meeting on 10 July 2006 Committee decided that, despite the housing oversupply situation within the Borough, the circumstances existed to warrant the grant of permission given the regenerative benefits that would accrue from development of this site within the Urban Boundary of Bacup and the boundary of the emerging Bacup, Stacksteads & Britannia AAP. The submitted scheme was considered to propose areas of open space to adequately compensate for loss of land defined as Greenlands, and would not unduly affect highway safety, visual or neighbour amenity or any other material planning consideration.
- 2.5 Thus, Outline Permission was granted subject to conditions and a S.106 legal agreement being entered into that requires : five of the houses be provided as social-rented accommodation; and payment of financial sums to both improve public transport facilities in the vicinity and to fund future maintenance of public open space to pass to the Council.

### 3. **Proposal**

- 3.1 The current application proposes the erection of 80 houses (comprising 2 of 2 bedrooms, 46 of 3 bedrooms & 32 of 4 bedrooms). To be served by roads extending from Grafton Villas and Anderson Close, the scheme proposes that the houses be of more varied type/height and will result in built-development that is not so obviously broken-up into 'pockets' by fingers of landscaping that project into the site from a landscape belt that extends so completely around the eastern/southern/western boundaries of the site. Sixteen house-types are proposed ranging between 2-storey detached and 3-storey terraced, with others that are of intermediate height or split-level. With respect to landscaping, there will be three parcels of open space each located on a site boundary.
- 3.2 In short, the submitted scheme entails :

- The steeply-sloping bank extending from Rockcliffe Road and the garage-court & housing served off Pine Street down to Plateau A being retained free of buildings.
- Plateau A having 2-storey detached houses at its northern end (ie facing the existing bungalows on Grafton Villas and Anderson Close); more bulky split-level and 3-storey terraced-houses in the central area; and 2-storey detached houses at its southern end, those houses nearest to the steeply-sloping bank down to the flat land formerly occupied by the railway line elevated somewhat above the existing bank-top and with their front elevations facing towards New Line.
- The steeply-sloping bank to the west side of Plateau A being included in the rear gardens of houses, but the steeply-sloping bank to the south being outside gardens and to form part of the extended parcel of public open space to be provided here.
- Plateau B having at its northern end a terrace of houses, containing 4 of the 5 affordable housing units proposed on the site, elevated above and with their backs directly facing towards the industrial premises at the end of River Street; 2-storey detached and semi-detached houses in the central area, though to stand away from the river by 7+m; and towards the southern end the third parcel of public open space, beneath which will be an underground tank to attenuate the rate at which surface-water from the site will discharge to the River Irwell and with a foul-water pumping station on its edge.

3.3 When the application was submitted it was accompanied by the following :

A Design & Access Statement which says that :

1. The site is in a highly sustainable location, is in parts previously-developed land/of poor appearance, and its development will be beneficial to the regeneration of the wider area and assist in supporting the local economy and the towns facilities.
2. There is no issue of 'housing oversupply' in light of recent Government pronouncements, emerging RSS housing allocations and as the current proposal is for less than the 90 houses for which permission exists.
3. It has become apparent that there are substantial engineering issues to resolve requiring re-appraisal of the layout permitted if the development is to be implementable. Its Contamination & Ground Stability investigations recommend : a) the steeply-sloping bank descending from Rockcliffe Road to Plateau A is neither built upon or disturbed during construction works, and the long-term stability of the steeply-sloping banks between Plateau A & Plateau B and at the southern end of Plateau A are enhanced, possibly by use of gabions or crib-walls; b) while the majority of the site may be developed using traditional strip-foundations, the significant depth of ash that has been deposited towards the southern end of Plateau A will necessitate the use of trench-fill or vibro-replacement stone columns to support the foundations; c) the presence of this ash deposit in Plateau A and of peat in part of Plateau B raise issues of contamination/gas generation requiring remediation/mitigation to safeguard public health and groundwater/watercourses; & d) whilst extensive site investigations have been

undertaken, and there is high confidence that the layout now proposed can be adhered to, the full scope of engineering works will only become apparent when site preparations begin.

4. To comply with Environment Agency wishes that surface-water run-off to the River Irwell remains at the 'greenfield' rate following development it is necessary to construct a large underground attenuation-tank.
  5. The current application incorporates these essential revisions, resulting in a reduction in the total number of houses proposed by 10. Despite this and the abnormal costs inherent in developing the site it is nevertheless proposing to provide an equal number of affordable housing units as the recent permission and will provide across the site a wider variety and size of house types. The scheme will not support any additional affordable housing and the Council has no adopted Supplementary Planning Document requiring its provision.
  6. The wider area is one of mixed development and there is little design consistency in the nearby housing. Whilst there is a preponderance of traditional terraced houses of stone and slate, the housing is of varied age and form, with render/brick/pebbledash and concrete tile present in the immediate vicinity. The design process has had proper regard for 'By Design' (the companion guide to PPS1) and has resulted in a bespoke scheme for the site, the proposed house types re-elevated to reflect the simple character of the houses in the vicinity, but incorporating attractive detailing. The external walls are to be of brick, with stone sills and lintels for doors and windows, and the roofs of concrete tile. This will achieve a high design quality without significant use of expensive stone products and is an approach recently adopted by the Council in the large and more visible housing estate on Rochdale Road now being constructed by Wainhomes.
- 3.4 A Geoenvironmental Site Investigation Report detailing the findings of its desk-top and intrusive investigations with regard to environmental and geotechnical aspects of the development and providing recommendations to address issues in relation to contamination and ground condition/stability.
- 3.5 An Ecological Assessment concluding that :
1. The application site contains no statutorily protected habitats, and the development proposal is unlikely to impact upon any protected species.
  2. The only mature trees on the site are 3 sycamores in a cluster towards the eastern boundary that are not a priority for retention for purposes of visual amenity.
  3. While the majority of the site is characterised by relatively species-poor rough grassland and tall herb/scrub vegetation, Plateau B contains an area of more species-rich semi-improved grassland, including orchid-rich turf. It recommends that some of the species-rich vegetation is retained within the open space proposed adjacent to the river and that orchids in areas to be lost to development are directly translocated into retained sections and managed to ensure the value of these areas is ecologically maximised.

4. Japanese knotweed and Indian balsam are present on the site and the former should be eradicated, as too should the latter if the Environment Agency so advises.

3.6 A Transport Assessment concluding that :

1. The proposed development will have no more noticeable impact on operating conditions on the local road network than would implementation of Planning Permission 2004/143.
2. A payment of £40,000 should be made to provide quality bus route infrastructure.
3. The following off-site highway works should be undertaken : a) build-out of the south kerblines at the Market Street/Rockcliffe Road junction, thereby improving the visibility of drivers exiting to the main road; b) modifications to kerblines at the Rockcliffe Road/Greenhill Road junction; & c) creation of a 20mph zone between a gateway feature at the Rockcliffe Road/River Street junction and the site.

3.7 A Unilateral Planning Operation proposing that :

1. Five of the proposed houses (2 of 2-bedrooms and 3 of 3-bedrooms) be provided as 'affordable housing' to meet a local need, to be sold to a Registered Social Landlord or, on the first occasion, sold to households meeting criteria set by the Council at no more than 70% of their full market value.
2. The sum of £104,310 be paid to the Council in order that it may undertake future maintenance of the public open space to be provided on the site.
3. The sum of £40,000 be paid to the Council to be expended on the provision of quality bus route infrastructure.

4. **Policy Context**

- 4.1 The Proposals Map of the Local Plan adopted in April 1995 allocated for residential development land at Rockcliffe Road of approximately 2.5ha, together with the field immediately to the east of approximately 1ha. It shows the two allocated residential sites fringed by Greenlands. For the Rockcliffe Road site the Greenland to be provided broadly equates with Plateau B and ringing the southern end of Plateau A. The whole of this area is within the Urban Boundary of Bacup.
- 4.2 The 15 bungalows at the end of Grafton Villas and fronting Anderson Close occupy a 0.35ha part of the Rockcliffe Road site allocated for residential development. Application 2004/143 related to the remaining part of the allocated site and the Greenlands adjacent to it, as too does the current application.
- 4.3 Following adoption of a new Structure Plan in March 2005 the County Council issued a Statement of Non-Conformity identifying those policies of the Rossendale District Local Plan which did not accord with the Structure Plan and

cease to carry weight. Most particularly, it identified Policy H3 of the Local Plan (relating to the allocation of residential sites to be developed) as not according with Policy 12 of the Structure Plan.

#### 4.4 **National Planning Guidance**

- PPS1 - Sustainable Development (& companion guide)
- PPS3 - Housing
- PPS9 - Biodiversity & Geological Conservation
- PPG13 - Transport
- PPG14 - Unstable Land
- PPG17 - Sport & Recreation
- PPS23 - Pollution Control
- PPG24 - Noise
- PPS25 - Flood Risk

#### 4.5 **Development Plan Policies**

RPG13

#### 4.6 **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 24 - Flood Risk

#### 4.7 **Rossendale District Local Plan (Adopted 1995)**

- DS1 - Urban Boundary
- DC1 - Development Criteria
- DC3 - Public Open Space
- DC4 - Materials
- E1 - Greenlands
- E6 - Ground Instability
- E7 - Contaminated Land

#### 4.8 **Other Material Planning Considerations**

Draft RSS  
LPOS Planning Obligations Paper  
LCC Landscape & Heritage SPG and Landscape Strategy for Lancashire  
LCC Access & Parking SPG and Parking Standards  
RBC Core Strategy  
RBC Bacup, Stacksteads & Britannia Emerging AAP  
RBC Interim Housing Policy Statement (December 2007)  
RBC Housing Market Assessment (September 2007)  
RBC Draft Open Space & Play Equipment Contributions SPD

## 5. CONSULTATIONS

### 5.1 LCC(Planning)

It notes that Application 2004/143 permits the erection of 90 dwellings on the site and the current application proposes 10 dwellings less. Accordingly, it does not consider the proposal to raise matters of strategic significance upon which it would wish to comment.

### 5.2 LCC(Landscape)

Whilst the proposal is not contrary to sub-regional landscape planning policy, it does entail a localised level a major loss of the site's open green space to an essentially suburban landscape. It expresses particular concern about the landscape amenity impacts of major significance : a) for users of the public footpath; & b) arising from the properties to be erected nearest to the steeply-sloping bank at the southern end of Plateau A.

### 5.3 LCC (Highways)

Whilst noting that planning permission exists for residential development of the site, it comments that the proposed access via River Street/Bold Street/Grafton Street cannot be considered 'the best'; on-street parking, narrow streets, bends and junctions are such that the traffic movements generated by the development are likely to adversely affect/be affected at some times during the day.

If the development is to proceed it would wish :

1. The pavement built-out at the junction of Rockcliffe Road/Market Street.
2. The proposed 20mph scheme to extend from the gateway feature at the junction of Rockcliffe Road/River Street up to and throughout the development site.
3. The amendment of the submitted scheme for modification of the kerb-lines at the Rockcliffe Road/Greenhill Road junction
4. A financial contribution towards up-grading bus stops/facilities to Quality Bus Standard on the Hyndburn to Rochdale bus corridor.

### 5.4 LCC(Public Rights of Way)

It advises that the submitted scheme proposes diversion of part of a Public Footpath and, as the grant of planning permission does not automatically divert the right of way, this must be the subject of a separate application before it proceeds.

### 5.4 Environment Agency

It advised that the originally submitted Flood Risk Assessment contained insufficient/inadequate details on the proposed method of draining the site. Whilst the submission proposed limiting the discharge to Greenfield rate, which



is acceptable in principle, it included no calculations of existing and proposed surface-water discharge rates. In the absence of evidence of a suitable scheme for attenuating surface-water discharge to Greenfield rate it recommended refusal of the application.

As a result of the receipt of additional information it has now withdrawn its objection, being satisfied that the proposed underground-tank attenuation system will serve to slow surface-water run-off to the River Irwell to Greenfield rate. However, it expresses disappointment with the proposed design solution from an ecological perspective, saying : *“While the use of underground storage tanks is proposed, other more sustainable and environmentally friendly options such as balancing or retention ponds have not been considered further, either on their own or in conjunction with storage tanks. A more sustainable solution may offer a more effective solution of preserving and enhancing the current site’s ecological, landscape and wildlife value.”*

It has reviewed the applicant’s Geoenvironmental Site Investigation Report in relation to the risks to groundwater/watercourses posed by development of the site in the manner proposed. There are certain matters upon which it requires clarification and limited further assessment to establish whether or not the elevated concentration of contamination identified on site pose a significant risk to controlled waters.

If the Council is minded to now grant a permission it has set out conditions it would recommend are imposed in respect of : 1) surface-water regulation; 2) ecological conservation; 3) treatment of Japanese knotweed; & 4) a scheme to deal with the risks associated with contamination.

#### 5.5 Lancashire Constabulary (Architectural Liaison Officer)

It wishes the development to be built to Secure By Design principles and for the developer to make provision for the financing of a CCTV system which can be linked to the Town Centre system.

## 6 REPRESENTATIONS

6.1 The application has been publicised by way of site notices and a newspaper notice, together with letters to neighbours.

6.2 Letters have been received from the occupiers of four dwellings, objecting to the proposal for the following reasons :

- This area does not need another housing development - there are existing houses nearby standing empty.
- Lack of infrastructure, and the doctors/dentists/school provision, to cope with the increased population and cars.
- Loss of privacy and loss of light as the proposed buildings will be on higher ground.
- Traffic generated by the development will add to noise and disturbance for occupiers of houses in what is presently a quiet residential area.

- Traffic generated by the development will add to danger/congestion on narrow/steep roads which have sharp/blind bends and are at times impassible in winter.
- Loss of an area of green land and loss/diversion of a public footpath through the housing estate.

## 7. ASSESSMENT

7.1 In dealing with this application the main issues which need to be considered are:

- 1) Principle
- 2) Housing Policy
- 3) Contamination & Ground Stability
- 4) Design & Appearance
- 5) Neighbour Amenity
- 6) Traffic/Parking
- 7) Unilateral Planning Obligation

### 7.2 Principle

7.2.1 I do not consider that there is objection in principle to development of this site having regard to its location within both the Urban Boundary of Bacup and the boundary of the emerging Bacup, Stacksteads & Britannia AAP.

7.2.2 However, as the development proposed is for residential purposes, it is appropriate to consider the application in relation both to the circumstances said to warrant the granting of Planning Permission 2004/143 despite the housing oversupply situation existing in July 2006 and also in relation to changes in national, regional and local policy that have since occurred.

7.2.3 Most notably, since Application 2004/143 was considered at the meeting of Committee in July 2006 :

1. The Government has made various pronouncements regarding housing provision, the Draft Regional Spatial Strategy has progressed further towards adoption and this Council has approved a revised Interim Housing Policy Statement. In short, the latter would require 30% of the units proposed on this site be affordable housing units.
2. Lancashire County Council and this Council have both approved the LPOS Planning Obligations Policy Paper. It sets out the circumstances in which financial contributions will be sought on a greater scale/in respect of a wider range of matters than had hitherto been the case.

7.2.4 The matter of Housing Policy/affordable housing is addressed separately in the section immediately below.

7.2.5 With respect to other matters for which financial contributions would now be sought I would advise as follows. Permission 2004/143 was subject to a

requirement that £40,000 be paid towards quality bus route infrastructure improvements. The current application proposes the same contribution in this respect. Only so long as the current scheme is in a form to adequately deliver regenerative benefits, and is offering open space to compensate adequately for the loss of Greenlands, do I consider it appropriate for a permission to now be granted with a financial contribution of only the £40,000 previously secured. Whether the scheme will adequately deliver regenerative benefits and whether it is offering adequate open space are dealt with below the section of the report on Housing Policy.

### 7.3 Housing Policy

7.3.1 As Permission 2004/143 remains valid and allows erection of 90 houses (85 of them to be market-housing) it might be said that to permit the 80 houses now proposed would not contribute to housing oversupply. However, if the application is to be determined having regard to the Council's current Interim Housing Policy Statement (relating both to the issue of housing oversupply and the delivery of affordable-housing) it would have to accord with Criteria F, which reads as follows :

*“Proposals on previously developed land within the regeneration priority areas of Rawtenstall Town Centre AAP or Bacup, Stacksteads & 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 will only be acceptable where the applicant pays for the Council to approach an independent specialist to test their arguments on viability.”*

7.3.2 Criteria F would normally require 30% of the proposed houses to be provided as affordable-housing (ie 24 of the units, and not the 5 units being proposed). However, it does recognise that not all proposals may be viable if they have to provide 30% affordable units and also seeks to have regard for wider regenerative benefits. In this context, 'regeneration benefits' are defined as *“Those which go beyond simple re-development of Previously Developed Land/Buildings; having sustainable and substantiated social/environmental/economic credentials for amenities in the locality. In addition such benefits should accord with the regeneration objectives and priorities as identified by the Council”*.

7.3.3 With respect to the 'viability' issue the applicant advises that :

This application proposes 10 dwellings less than Permission 2004/143, whilst similarly proposing 5 of the units as affordable-housing.

- In developing this site for residential purposes there will be very significant 'abnormal' costs arising from the constraints encountered, particularly in relation to ground contamination and stability.
- As a consequence the scheme could not support financially more than 5 affordable housing units proposed.

7.3.4 I am of the view that there is a clear need locally for more than the 5 affordable-housing units proposed. However, I do not consider it would be appropriate in this instance to require of the developer the 24 units that would be needed to meet in full the 30% requirement set out in Criteria F so long as the scheme will adequately deliver regenerative benefits and is offering open space to compensate adequately for the loss of Greenlands. Whilst I am in no doubt that there will be very significant 'abnormal' costs arising from the contamination/ground stability issues encountered in developing the site, the applicant has not submitted the figures putting a cost to the 'abnormals' and which would enable me to subject the application to independent review of scheme viability with more than 5 affordable-housing units. Whether the 'regenerative benefits' and open space offer are adequate are matters considered in sections of the report below.

7.3.4 With regard to the 5 affordable-housing units proposed :

- There is a local need for the 2 and 3-bedroomed units the applicant proposes to erect. However, it would be preferable that they are made available on a shared ownership/social rented basis. Whilst the Unilateral Obligation the applicant has submitted would allow sale of these houses to a Registered Social Landlord or, on first sale, directly to Nominated Persons (meeting criteria set by the Council) at a price not exceeding 70% of the units open market value the former would be preferable.
- Four of the proposed affordable-housing units are within a terrace with its back facing towards the industrial premises at the end of River Street. In some respects this is the least desirable of the locations upon which housing units are proposed. By reason of the elevation of the terrace the houses within it will have outlook over the yard serving the industrial premises. Of greater concern is that the industrial premises are occupied by a metal fabrication business that emits noise. The proposed houses will stand 16+m from the site boundary. The Council's Environmental Health Officer is at present seeking to establish whether occupiers of the proposed dwellings would experience unacceptable noise disturbance.

7.3.5 With regard to the market-housing proposed :

Planning Permission 2004/143 proposed a significant proportion of 2-storey units, whilst the current application proposes for the most part houses of 3 or 4 bedrooms. However, across the site as a whole there are to be 16 different house types, providing units in a variety of forms/sizes. While it would be preferable to have rather more 2-bedroomed units, I do not consider that it would be appropriate to refuse the application for this reason alone.

## 8. Contamination and Ground Stability

8.1 The Council's Environmental Health Officer employed independent consultants to review the applicant's Geoenvironmental Site Investigation Report, and associated documents, in respect of risks to human health. Likewise, the Environment Agency has commented in relation to the risks to groundwater/watercourses posed by the proposed development. Both are

generally satisfied with the scope of the desk-top and intrusive investigations that have been undertaken to establish the nature and extent of contamination and ground stability problems. Both agree broadly with the conclusions drawn about the remediation/mitigation measures that will be required if the proposed development is to be implemented. However, whilst the applicant expresses high confidence that the layout now proposed can be adhered to, both the Council's consultant and the Environment Agency are of the view that certain matters still require clarification and limited further assessment in order that they may be satisfied the proposed development can be undertaken without posing a significant risk to public health and to controlled waters.

## 9. Design and Appearance

- 9.1 The Highway Authority has expressed no concern about the road layout proposed within the site and, generally, I am satisfied with the distribution of dwellings about the site which it will produce. The applicant has submitted not simply drawings of the individual house-types but of street-scene views, making it possible to see how they will relate to each other. Arising from this the applicant has been asked to make certain variations to the house-types/levels used on a handful of plots in order to make for a more harmonious arrangement.
- 9.2 Of greater concern to me is that the applicant wishes to construct the proposed dwellings of brick, with stone sills/lintels, and concrete roof tiles. Policy DC4 of the Local Plan seeks to ensure development in this location is of local natural stone and slate, or good substitutes for them. As housing nearby is for the most part of these materials, and as parts of the proposed development are elevated and open to public view, I do not consider the use of the materials the applicant proposes throughout their development to be acceptable. I appreciate that parts of the proposed development will not be seen adjacent to existing stone/slate dwellings, nor will be that visible from far beyond the boundaries of the site. However, there are dwellings where the use of brick would in my view be unacceptable in terms of character and appearance, most particularly on Plateau A, both at the northern end (towards Grafton Villas/Anderson Close) and towards the southern end (where elevated above the steeply-sloping bank and facing towards New Line).
- 9.3 The applicants submissions acknowledge : a) the need to enhance the stability of the steeply-sloping banks between Plateau A & Plateau B and at the southern end of Plateau A, possibly by use of gabions or crib-walls; & b) the full scope of engineering works will only become apparent when site preparations begin. This leaves a concern in my mind about the extent to which existing slopes will appear 'hard-surfaced' and the facing materials that will be used on them and for other retaining walls that are required. These matters will undoubtedly have an impact upon the overall appearance of the development from within and beyond the boundaries of the site.
- 9.4 The areas of open space to be provided differ from those proposed in Application 2004/143. The applicant has advanced good reasons for this change. Although it would certainly of benefit for occupiers of proposed and nearby houses if an equipped play were to be provided on this site, neither

implementation of Permission 2004/143 or this application will result in the provision of an equipped play area on the site. In terms purely of area, I do not consider the current proposal deficient in terms of the public open space it proposes and the areas the applicant wishes the Council to adopt as public open space can be said to be of some value for informal recreation and ornamental purposes. However, they include two steeply-sloping banks with stability issues, an area beneath which is proposed an underground tank for the purposes of attenuating the rate at which surface-water will run-off to the River Irwell and an area by the river to be managed with particular regard for ecology. That houses/gardens on Plots 68-70 interject between the latter two areas diminishes their utility and ornamental value. I can appreciate the concerns of the Head of Street Scene & Liveability about the liability the Council would be taking on if it were to adopt these areas and the adequacy of the commuted sum the applicant is proposing. Whilst Permission 2004/143 avoided Public Footpath No 486 running tight to the back of gardens of proposed houses, and included a riverside footpath capable of extension to link the site to River Street, the current scheme fails to do so.

9.5 Accordingly, in terms of design and appearance, I have concerns about various aspects of the proposed scheme. Whilst some of these matters can be readily addressed, others are more intractable. As now proposed I do not consider the scheme acceptable and to deliver the regenerative benefits it could reasonably be expected to.

#### 10. Neighbour Amenity

10.1 I do not consider the development proposed on the site will detract to an unacceptable extent from the amenities existing neighbours could reasonably expect. Likewise, whilst I can appreciate the concerns of residents of properties fronting River Street/Bold Street/Grafton Villas about the additional noise and disturbance traffic generated by the development will cause them, the current proposal will not be materially worse than the permitted scheme for 90 dwellings in this regard.

#### 11. Traffic/Parking

11.1 The Highway Authority has advised that the current proposal will not make matters materially worse than would implementation of the permitted scheme for 90 dwellings in respect of congestion/danger on the highway, but says accessing the site via River Street/Bold Street/Grafton Street cannot be considered 'the best'.

11.2 I have had discussions with the Highway Authority regarding its concerns about loading so much more traffic on to streets that are narrow, the subject of on-street parking and have tight bends. As a consequence, although Permission 2004/143 does not require this, it has been suggested to the applicant that it would be of benefit if they could amend their scheme so that if the field to the east of the application site (and which is allocated for residential development in the Local Plan) is developed traffic from their own site may exit to Lane End Road through it.

## 12. Unilateral Planning Obligation

12.1 The draft agreement submitted by the applicant relates to the issues of : 1) affordable housing; 2) adoption by the Council of proposed public open space; & 3) a contribution of £40,000 to be expended on the provision of quality bus route infrastructure. I have commented above in respect of the first two of these issues. With respect to the third, the need to improve accessibility to/from the site by means of travel other than the private car prompted the need for a contribution. Accordingly, I consider the legal agreement should not be so tightly drawn as to restrict its expenditure to bus infrastructure alone.

## 13. Conclusion

13.1 Development of this site is acceptable in principle, not least by reason of Permission 2004/143, which remains valid and allows erection of 90 dwellings. However, whilst needing to have heed of Permission 2004/143, regard must be given to prevailing policy.

13.2 I do not consider the current proposal adequate in terms of its Design & Appearance. Nor does it adequately deliver the regenerative benefits to warrant granting permission contrary to Policy 12 of the Structure Plan and the Council's latest Interim Housing Policy Statement (relating to housing provision and affordable housing) or the open space to compensate for loss of Greenlands. Furthermore, the Council's Environmental Health consultant and the Environment Agency are of the view that certain matters still require clarification and limited further assessment in order that they may be satisfied the proposed development can be undertaken without posing a significant risk to public health and to controlled waters.

## 14. RECOMMENDATION

14.1 That permission be refused for the following reasons :

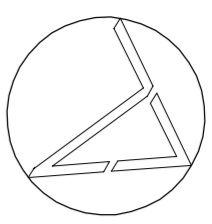
1. The proposed development is in a number of respects not of good design and fails to take the opportunities available for improving the character and quality of the area and the way it functions. The use of facing-brick to construct the proposed buildings, and the facing materials for gabions/crib-walls/retaining walls potentially required, are not considered appropriate. Nor are the proposed open spaces considered to be satisfactory in terms of their utility for movement/informal recreation or in respect of their visual/ecological value, and do not adequately compensate for the Greenlands to be lost to built-development. Accordingly, the proposal is contrary to PPS1, PPS9 & PPG17, saved Policies 1 & 20 of the Joint Lancashire Structure Plan, and saved Policies DC1, DC3, DC4 & E1 of the Rossendale District Local Plan.
2. Having regard to the advice of the independent consult commissioned to review the applicant's Geoenvironmental Site Investigation Report (and associated documents), and that of the Environment Agency, the Council is of the view that certain matters still require clarification and limited further assessment in order that it may be satisfied the proposed

development can be undertaken without posing a significant risk to public health and to controlled waters. Accordingly the proposal is considered contrary to PPG14 & PPS23, and saved Policies E6 & E7 of the Rossendale District Local Plan.



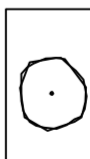
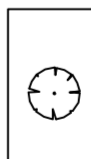
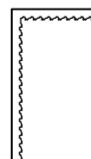
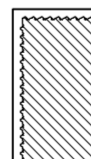
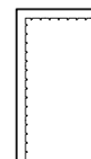
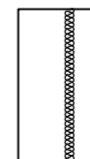


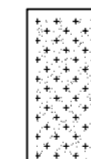

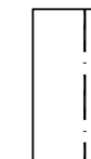

3. The proposal does not meet any of the criteria laid down in the Council's Interim Housing Policy Statement (December 2007), which sets out the housing policy for Rossendale in a position of housing oversupply and the requirements to provide affordable housing. Most particularly the application and the unilateral undertaking accompanying it do not propose adequate affordable-housing provision or adequately provide for open space and other matters to accord with the provisions of the approved LPOS Planning Obligations Policy Paper and the Council's own Draft Open Space & Play Equipment Contributions SPD. Whilst it is acknowledged development of the site will entail 'abnormal' costs to address issues of contamination and ground stability, the application is not accompanied by the information to show it would not be viable if providing more than the 5 affordable-housing units proposed and the scheme fails to deliver adequate regenerative benefits to warrant granting permission. Accordingly, the proposed development is considered to be contrary to PPS3, saved Policy 12 of the Joint Lancashire Structure Plan and the Council's Interim Housing Policy Statement (December 2007).

<b>Contact Officer</b>	
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**KEY**

-  Existing vegetation to be retained
-  Existing vegetation to be removed
-  Proposed large native trees:  
comprising species such as Quercus, Fraxinus, Fagus etc
-  Proposed small decortical trees:  
comprising species such as Populus, Betula, Prunus, Myrica,  
Pyrus, Calluna, Juniperus, and Sorbus, Taxus, Pinus
-  Proposed medium height shrub planting:  
comprising species such as Cornus, Hebe and Pernettya
-  Proposed native shrub planting:  
comprising species such as Yucca, Salix, Cotoneaster,  
monogyna and Pteris spines
-  Proposed groundcover shrubs:  
comprising species such as Calceolaria, Coral Bells,  
Eryngium, Ferns and Geranium Lyallii
-  Managed native hedgerow
-  Short mown grass
-  Grass meadow and wild flora mix
-  Bulb Planting
-  Area of semi improved neutral grassland to be  
retained and managed as rough grassland with 1  
cut per year
-  1800 high timber close board fence
-  1800 high steel palisade fencing to perimeter of  
pump station

NB Existing areas of Japanese Knotweed to be eradicated in accordance with Environment Agency guidelines

NO	REVISION	DATE	BY	DESCRIPTION	DATE	BY
B	Issue for approval	20/03/08	PAH			
A	Issue for approval	19/03/08	PAH			
	Revision description					

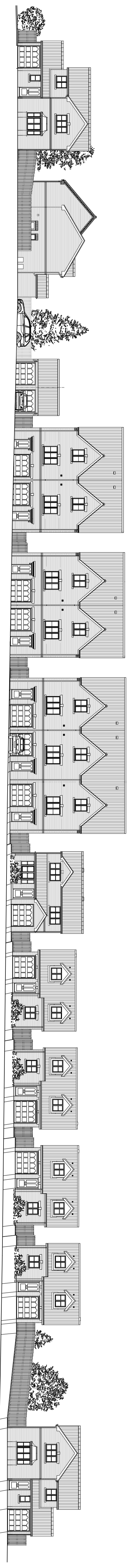
CLIENT: PERMIMON HOMES (LANCS)  
PROJECT: GRAFTON VILLAGES BACUP  
LANDSCAPE STRUCTURE: NEWTON  
DRAWING NO: B  
SCALE: 1:500  
DATE: 20/03/08

ARCHITECTS: GREENBANK / RYMOND CROSSLE LANE  
LANDSCAPE ARCHITECTS: PERMIMON HOMES (LANCS)

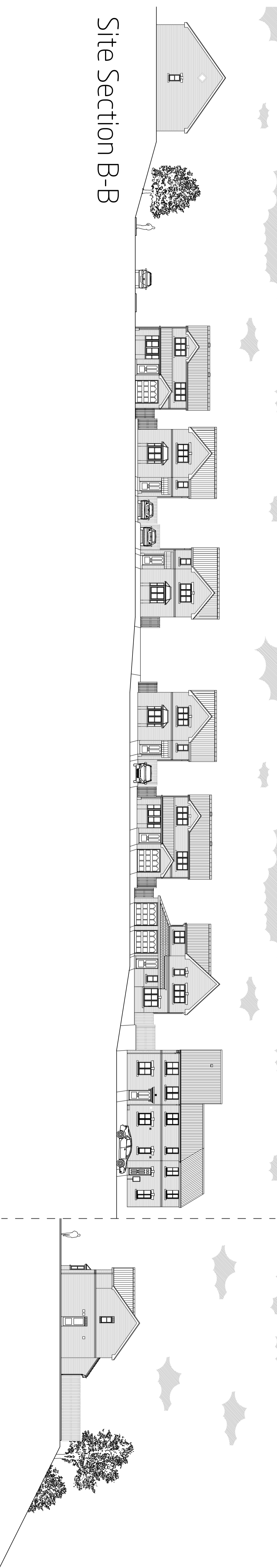
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INCORPORATING CORK TOFT PARTNERSHIP

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F1177Z 24004  
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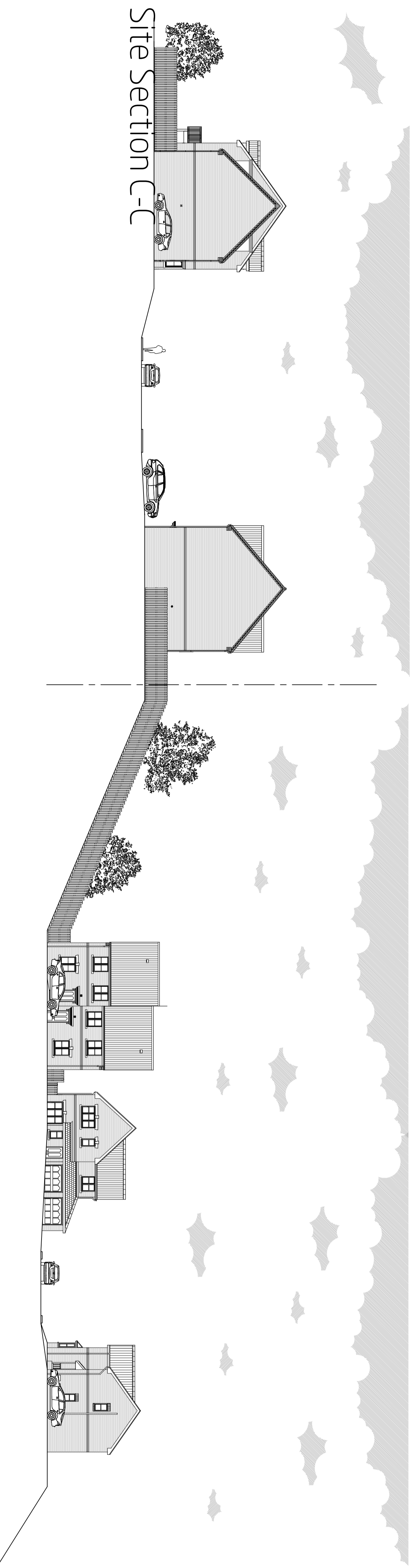
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Site Section A-A



Site Section B-B



Site Section C-C

Site sections are indicative only and based on assumed finished site levels. Engineer to advise on accurate levels; sections to be updated accordingly upon receipt.

revision	date	content	initials
B	31-03-08	Amended streetlines to suit additional revisions to site layout	MJP
A	20-03-08	Amended streetlines to match new site layout	MJP

project	Grafton Villas, Land off Rockcliffe Road, Bacup.
client	Persimmon Homes (Lancs) Ltd
title	Streetscapes Sheet 1 of 2

date	scale	format
Jan '08	1:200 @ A1	MJP
drawing number	checked	
2227/101B		

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