

**TITLE: APPLICATION 2005/370
MIXED USE DEVELOPMENT COMPRISING 522 SQ M OF RETAIL
SPACE AND APPROX 100 RESIDENTIAL APARTMENTS (OUTLINE)
AT ALBION MILL, BACUP ROAD, RAWTENSTALL**

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 10 NOVEMBER 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

**APPLICANT : CLIFFORD DEVELOPMENT LTD
& TOMLINSON FOOTWEAR HOLDINGS LTD**

DETERMINATION EXPIRY DATE : 25/11/2005

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.

Site

This application relates to a site of approx 0.6ha in area, located to the east of Rawtenstall Town Centre. Formerly used for industrial purposes, the buildings which occupy the site are now vacant and are not of pleasing appearance.

On the back-edge of the footway to Bacup Road the buildings present a stone-faced wall of approx 65m in length and 5m in height. With few door and window-openings and a castellated top, this wall is of rather plain and forbidding appearance. As viewed from Bocholt Way, across the unkempt yard, is to be seen an equally displeasing modern-building, clad in profiled metal-sheeting. The yard extending behind houses fronting Bacup Road is overgrown, but screened in large measure from the view of residents by their own garages and a 5m high conifer hedge.

Fall Barn Road runs to the west side of the site, giving vehicular access also to Weavers Cottage and Ilex Mill and to a pedestrian crossing-point on Bocholt Way. Weavers Cottage and Ilex Mill are both Grade II listed buildings, and Greenbank Lower Lodge (just to the other side of Bacup Road, between the cricket ground and the health centre) is also of local heritage interest.

Proposal

Outline permission is sought to demolish the existing buildings on the site and re-develop it with a ground-floor retail unit of 522 sq m floor-area to front Bacup Road and with approx 100 residential apartments.

At this stage permission is being sought for the means of access, with the matters of siting/design/appearance/landscaping reserved for later consideration. The applicant is proposing to provide vehicular access to the site via Fall Barn Road, which is to be up-graded by pushing its junction with Bacup Road slightly to the east, thereby providing the opportunity to widen the carriageway, and the footway and driver visibility-splay to each side of it.

Consultation Responses

LCC (Planning) :

HOUSING POLICY

It objects to the application on the basis that the proposed residential units are contrary to Policy 12 of the adopted Structure Plan as they will contribute to housing over-supply within the borough.

It draws particular attention to Paragraph 6.3.13 of the supporting statement in respect of this policy, which reads :

“.....Where there is a significant over-supply of housing permissions, planning applications for further residential development may not be approved unless 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. Any such project should be compatible with, and help achieve, the regeneration objectives of Local Authority. Districts may identify, through the Local Plan/Local Development Framework process, other circumstances where it may be appropriate to approve residential development in a situation of housing oversupply, such as the conservation benefits of maintaining an existing building worthy of retention.”

It concludes that “while it is noted that the application is to provide a mixed use development, and that the site has been discussed as part of the wider Area Action Plan for Rawtenstall your Council will need to determine whether the proposed development is justified by these reasons and would aid the regeneration objectives of your Local Authority”.

TRANSPORT POLICY

The proposed development should not provide more car parking spaces than indicated within LCC’s adopted Parking Standards; in the absence of precise details about the number of dwelling units, and their bedroom numbers, it is unable to calculate a precise figure at this stage.

Policy 1 of the Structure Plan requires (amongst other things) that development will “contribute to achieving high accessibility for all by walking, cycling and public transport”. To that end it considers that a “significant contribution” should be sought from the developer to be expended on the construction of the new Bus Station proposed for Rawtenstall and, thereby, encourage the use of public transport/benefit those without access to a private car; it suggests that £1,000 per on-site car parking space be sought.

ARCHAEOLOGY

No objection. However, it recommends a condition to require recording of the architectural/historical interest of the buildings occupying the site prior to any demolition works.

LCC(Highways)

It is satisfied that, with up-grading in general accordance with the submitted scheme, Fall Barn Lane will be able to accommodate the traffic likely to be generated by the proposed development, together with its existing traffic. Furthermore, as these works relate in part to the adopted highway, the finer details of their design will need to be agreed with it before they are undertaken and may entail widening of the footway of Bacup Road and relocation of a bus stop/shelter at the applicants expense.

Environment Agency

No objection in principle, subject to conditions to ensure : a) any contamination of the land resulting from its previous uses is identified and appropriately dealt with; & b) new buildings have a floor-level to minimise flood-risk.

United Utilities

No objection in principle. However, it advises that there will be a need for buildings stand clear of a sewer skirting the site and a water-main crossing it unless the developer is willing to fund their diversion.

Notification Responses

Occupiers of seven houses in the vicinity of the site have objected for the following reasons :

- No need for any flats
- Extra traffic/hazard on Bacup Road, which already carries a high volume of fast-moving vehicles
- Would cause noise/traffic on vthe back street serving their properties
- Would adversely affect the value of their properties

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- E7 - Contaminated Land
- E13 - Noise Sources
- HP2 - Listed Buildings
- DC1 - Development Control
- DC2 - Landscaping
- DC3 - Public Open Space
- DC4 - Materials
- J3 - Existing Employment Sites
- T6 - Pedestrians

Joint Lancashire Structure Plan (Adopted 2005)

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

Other Material Planning Considerations

- PPS1 - Sustainable Development
- PPG3 - Housing
- PPG4 - Industrial & Commercial Development
- PPS6 - Town Centres
- PPG13 - Transport
- PPG15 - Historic Environment
- PPG17 - Sport & Recreation
- PPG 24 - Noise
- PPG25 - Flood Risk

RSS for the North West
 LCC Parking Standards
 Rossendale BC Housing Position Statement

Rawtenstall Area Action Plan - Preferred Options (June 2005)
 Having regard to the stage it has reached, significant weight cannot be given to it.
 However, under its 'site-specific' proposals it reads as follows :

Tomlinson's Works

Under the Preferred Option, this site would be redeveloped as a high quality, residential led, mixed use scheme. The design of the new development should respond its sensitive location, particularly its relationship to:

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

The appearance of the development from both Bacup Road and also Bocholt Way should be given specific consideration. In particular, careful consideration will need to be given to the massing of proposed development, its architectural composition and the use of materials. In order to retain a level of activity and animation, new development will be expected to incorporate retail, food and drink or business units along the Bacup Road elevation. Provision should be made within the development for a public waterside pedestrian route along the Irwell. The development of residential accommodation at this location (as with all such developments in the town centre) will need to be considered in respect of wider residential planning policies at a Borough, County and Regional level. These may relate to the appropriate level of residential development and the potential requirement for the provision of a proportion of affordable housing.

Planning Issues

The main issues to consider are : 1) Retention as Employment Site; 2) Housing Policy; 3) Retail Policy; 4) Townscape/Heritage Interest; 5) Neighbour Amenity; 6) Traffic/Accessibility; & 7) Regeneration Benefit.

RETENTION AS EMPLOYMENT SITE

Policy J3 of the Local Plan seeks to protect existing employment sites from redevelopment for other purposes. However, the existing premises are not presently in employment use and national guidance produced since adoption of the Local Plan attaches great importance to making optimum use of un-used and under-used employment land within urban areas. Having regard to the availability of other employment sites/premises within Rawtenstall and the Borough as a whole, and the surrounding residential properties (including those recently created by conversion of

Ilex Mill), I do not consider that there are grounds for resisting the redevelopment of the site for a use other than employment. This view is consistent with the emerging Rawtenstall Action Area Plan.

HOUSING POLICY

I have no reason to doubt that this site could be developed safely for residential purposes, and in a manner that would provide its occupiers with the amenities they could reasonably expect to enjoy. That is to say :

- The past use of the site is not considered likely to have resulted in contamination which will prohibit its residential re-development, nor should there be particular difficulties in designing a scheme to accord with the wishes of the Environment Agency regarding the minimum floor-level required to mitigate against flood-risk.
- The site is of a size/shape making it possible to produce a scheme that will afford occupiers adequate accommodation, although care will need to be taken to ensure that occupiers are not disturbed unduly by noise, etc from traffic on Bocholt Way and have access to Public Open Space. In respect of the latter, whilst it may be possible to provide adequate amenity open space within the site &/or through the improvement of public areas immediately adjacent to it, it will be necessary for a contribution to be sought to provide play facilities off-site/improve access thereto.

The principal issue which needs to be considered in relation to Housing Policy is that of housing over-supply. 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. Having regard to the number of dwellings which have been built since 2001, and to the number for which permission exists, LCC (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. The Council's Housing Position Statement accepts the contention that the Council will over-shoot its housing allocation unless the circumstances in which permissions are now granted are limited to those set out in its Housing Position Statement :

"Applications for residential development in Rossendale will be refused, on housing land supply grounds, in all but the following limited circumstances:

- a) In any location where the proposal is a like for like replacement of an existing residential dwelling resulting in no net gain in dwelling numbers and which conforms to relevant policies of the development plan and other material considerations; or*
- b) The proposal will positively contribute to the urban regeneration of the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative areas or the Rawtenstall Town Centre Masterplan (Area Action Plan); and*
- c) The proposal will not harm the character of the adjoining areas such as conservation areas and the setting of listed buildings; and*
- d) The proposal will assist the regeneration of the site; and*
- e) The proposal meets an identified local housing need."*

The application site :

- Does lie within the boundaries of the emerging Rawtenstall Town Centre Action Area Plan.

- I am satisfied that the proposal need not harm the character of any Listed Building or Conservation Area, etc. (It being an Outline Application a further application would have to be submitted and approved in respect of the matters of siting/design/external appearance/landscaping prior to commencement.)
- The “regeneration” credentials of the proposal will be dealt with separately below.
- The Applicant has not shown how the proposal meets an identified local housing need, being silent about the size/form/tenure of the units to be created and giving no indication that any of them will be provided/retained in perpetuity as affordable housing. Thus, the proposal is contrary to Criteria E of the Position Statement.

RETAIL POLICY

The site lies beyond the boundary of Rawtenstall Town Centre as defined in the adopted Local Plan and, having regard to the later Government guidance in relation to Town Centres (contained in PPS6), it lies neither within the Town Centre or on its edge.

Paragraph 3.4 of PPS6 states that applicants should demonstrate :-

- a) The need for the development in qualitative and, particularly, quantitative terms.
- b) That the development is of an appropriate scale in relation to the role and function of the centre and the catchment it serves.
- c) That there are no more central sites for the development (in accordance with a 'sequential approach'), the first choice for development being the Town Centre, followed next by edge-of-centre locations and then out-of-centre sites.
- d) That there are no unacceptable impacts on existing centres
- e) That locations are accessible by a choice of means of travel and minimise use of the private car.

Assessed against these tests I would advise that :

- a) The need for it has not been demonstrated, there being no suggestion from the applicant that, in qualitative terms, the proposed unit will be offering anything different than does/could the Town Centre and nearest district/neighbourhood centre.
- b) The proposed retail unit is not of such size (at 522 sq m) that I have concerns about it in quantitative terms.
- c) It has not been demonstrated that there are no more central sites for the proposed unit. Indeed, there is every reason to believe that a suitable site/premises for a unit of the size proposed could be found within a reasonable time-frame within the Town Centre.
- d) It has not been demonstrated that there will be no unacceptable impacts on the vitality and viability of the Town Centre or nearest district/neighbourhood centre. Indeed, there is every reason to believe that the proposed unit will make it more difficult for the Council to secure investment in the refurbishment/extension of the Town Centre which it so obviously needs and which the Council is seeking to actively promote.
- e) I do not have a concern about the accessibility of the site by a means of travel other than the private car.

TOWNSCAPE/HERITAGE INTEREST

Besides giving consideration to the general townscape impact of the proposal, it is necessary to consider whether the proposed development will serve to

preserve/enhance the setting of Rawtenstall Town Centre Conservation Area (which extends up to Fall Barn Road) and of Ilex Mill and Weavers Cottage (as they are listed buildings).

As has previously been stated, the existing buildings on the site are undistinguished. Since they do not make a positive contribution to the character and appearance of the area I do not consider there to be reason to resist their demolition. Nor do I consider the proposed uses, in principle, incompatible with the heritage interest. The greatest of care will need to be taken with the siting/design/external appearance of buildings, and landscaping of the site, in order to protect the heritage interest.

NEIGHBOUR AMENITY

I do not consider the proposed uses to be incompatible with the interests of occupiers of neighbouring sites; with the conversion of Ilex Mill the neighbouring sites are for the most part in residential use.

This being an Outline Application a further application would, of course, have to be submitted and approved in respect of matters of detail. Consideration would need to be given at that stage to the siting/design/external appearance of buildings, and landscaping of the site, in order to protect the amenities of neighbours. There is no reason for the development to result in additional traffic using the roadway running to the rear of 163-207 Bacup Road, with consequential noise and disturbance for residents.

TRAFFIC/ACCESSIBILITY

I concur with the view of the Highway Authority that the local road network will be able to satisfactorily accommodate the additional vehicles likely to be generated by this proposal and, with the proposed junction improvement, will be able to safely enter/exit the site.

If permission were to be granted it would be appropriate to ensure the on-site parking to be made available does not exceed that to accord with the LCC Parking Standards. I concur with LCC (Planning) that the Developer should undertake works/contribute financially to achieving high accessibility for people on foot (relating to footways to highways bounding the site and to the public footpath extending from Fall Barn Road to Bocholt Way). However, I do not consider that the case can be made to justify a "significant contribution" being sought from the Developer to be expended on the construction of the new Bus Station proposed for Rawtenstall. In my view it would be more appropriate encourage the use of public transport/minimise use of the private car by those residing/employed/visiting the site by means of Travel Plan.

REGENERATION POLICY

In short, as a result of consideration of the above matters there are grounds for refusing this application for two reasons, neither of which can be satisfactorily addressed through conditions. Firstly, the proposal will result in a significant number of dwelling units (approximately 100), which will add to housing over-supply. Secondly, the proposal entails retail development in a location that fails the tests of national and Structure Plan policy.

This being the case, it is necessary to assess whether the regeneration benefits of the proposed development are so significant that they tip the balance in favour of an approval.

The applicant argues that the regeneration benefits of the proposal are such as to warrant a permission. They draw particular attention to the emerging Rawtenstall Action Area Plan in terms of both its general aims and objectives for the promoting the renewal/renaissance of Rawtenstall Town Centre and in the site-specific preferred option it expresses for this particular site.

As previously stated, the weight that can be given to the Rawtenstall Action Area Plan is limited due to the stages it still has to pass through before being adopted.

However, it is undoubtedly the case that the existing premises contribute little in economic or environmental terms. I also consider it is important to secure the re-development of this site, it being of significant size, rating highly in terms of accessibility from the Town Centre/by means other than the private car, and the improvement in the general townscape/ setting of Listed Buildings and Conservation area that may thereby accrue.

That said, I am not persuaded that permission should be granted for the submitted scheme as it :

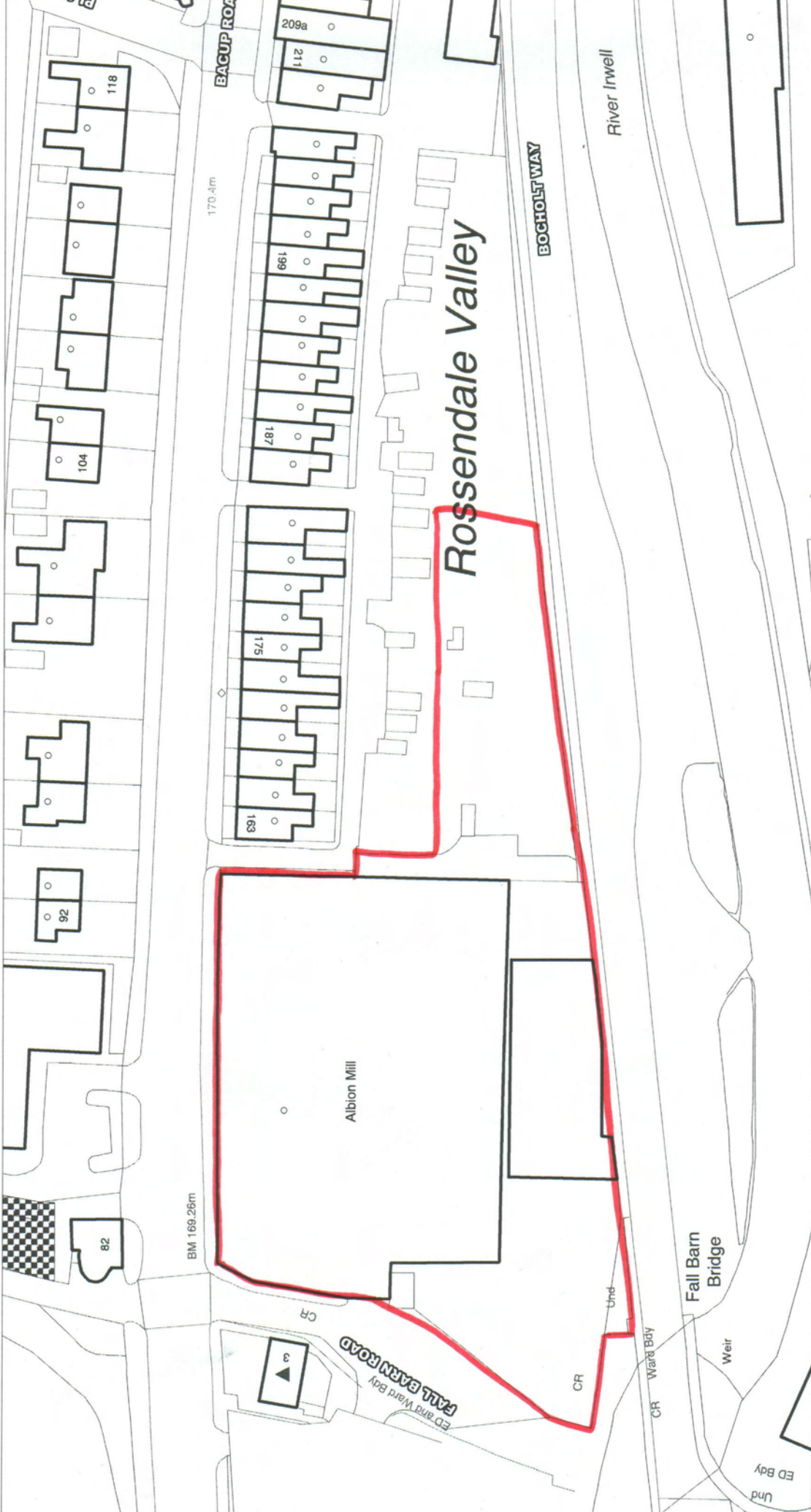
- Falls foul of the Council's Housing Position Statement and the emerging Action Area Plan in that it proposes essentially market-housing, with no element of affordable housing tailored to meet a recognised local need. It is true that the adjacent building was granted permission for conversion solely to market housing in the not to distant past. However, the application at Ilex Mill pre-dates the housing over-supply issue stemming from adoption of the new Structure Plan and, more importantly, the heritage/regeneration credentials of that scheme were very much stronger - that scheme secured the conversion of a very large and prominent building which was recognised in its own right as being of national importance in terms of its heritage interest, but a blight on the appearance of a wide area, resulting in a compelling need to permit a use capable of enabling its sympathetic repair/restoration. Whilst the buildings occupying the
- No other use to the market-housing is proposed within the mix than a retail unit, which is itself contrary to policy and may undermine the Council's ambitions for securing investment in the Town Centre that adds to its attraction, vitality and viability.

Accordingly, refusal of the application is recommended for the reasons set out below. However, in doing so I would wish to make clear my view that it may be appropriate for a mixed-use development-scheme for the site to contain an element of market-housing, but with other uses taking –up a more substantial proportion of the space created. This could include a further element of housing that is to meet a recognised need for affordable housing. As the Masterplanning process for production of the Area Action Plan progresses further light should be shed on other uses that could appropriately be included in the mix. If the applicant wishes to promote the re-development of the site on a shorter time-frame than this I consider that it will be necessary for them to show greater imagination in terms of the range of retail/leisure or other uses they wish to locate on the site, in order to add to the attraction of the Town Centre/enhance the regeneration credentials of the scheme. Furthermore, they should ensure any re-submission is accompanied by a Design Statement for the Council's approval, characterising the area and setting out the design principles that would be followed in working-up the detailed scheme.

Recommendation

That permission be refused for the following reasons :

1. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Housing Position Statement (August 2005). Although the application site lies within the Rawtenstall Town Centre Area Action Plan the proposal does not provide satisfactorily for the regeneration of the site in terms of the scale and mix of uses proposed, nor has the Applicant shown how the proposal meets an identified local housing need, contrary to Criteria D and E of the Position Statement.
2. The retail element of the proposal fails the sequential approach to site selection, in that there exist better located Town Centre and edge-of-centre opportunities for retail development, that would better support the existing town centre shopping function and the applicant has failed to demonstrate that the proposal would not adversely affect the vitality and viability of Rawtenstall Town Centre. Therefore, the proposal is contrary to PPS6: Planning for Town Centres and Policy 16 (Retail, Entertainment and Leisure Development) of the Joint Lancashire Structure Plan 2001-2016.
3. The proposal does not fully accord with the 'preferred options' of the emerging Rawtenstall Area Action Plan, nor has it been demonstrated that the proposal will deliver the regeneration or other material planning benefits to justify an exception to the policies referred to above.



Rossendale Valley

BACUP ROAD

BOCHOLT WAY

River Inwell

Albion Mill

Fall Barn Bridge

Weir

FALL BARN ROAD
ED and Ward Bdy

BM 169.26m

170.4m

CR

CR

CR Ward Bdy

Und
ED Bdy

118

104

92

82

163

175

187

199

209a

211

3