

**TITLE: APPLICATION 2005/519
CONVERSION/EXTENSION OF MILL BUILDING B TO CREATE 18
APARTMENTS, DEMOLITION OF OTHER BUILDINGS AND ERECTION
OF 28 HOUSES
KEARNS MILL, COWPE ROAD, COWPE**

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 6 DECEMBER 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

APPLICANT : HURSTWOODS DEVELOPMENTS

DETERMINATION EXPIRY DATE : 2 DECEMBER 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 1.8ha in area at the head of Cowpe Brook valley. The site is occupied by a series of traditional stone-built mill buildings, with later alterations/additions and other ancillary buildings, totalling 10,300 sq m of floorspace. Besides these buildings, which vary in height up to 3-storeys, there is a 50m high chimney stack and a lodge which occupies broadly a third of the site.

This complex is prominent as viewed from Cowpe Road, to which the application site has a 300m frontage on the north side, from a lane running along its west side and from the rising open land around it. From the lodge flows a watercourse which is for the most part culverted as it runs through the application site, with Mill Building B bridging over it. This building is located close to the lodge, measures 23m x 35m x 14m in height, with accommodation on three floors, stone-walls and a series of hipped-pitched roofs. To its west side is attached a 2-storey addition, clad in corrugated sheeting.

The applicant advises that the premises are now vacant, use as a dye works having ceased recently.

As the site is approached down Cowpe Road a number of terraces of houses are passed, whilst there are other dwellings and farms scattered across the landscape of this essentially rural area to the south of Waterfoot.

Proposal

Permission is sought to :

- Demolish the majority of buildings on the site, together with the chimney, to leave only Building B.
- To convert Building B to 18 apartments, entailing principally : removal of the addition clad in corrugated sheeting; conversion of the ground floor to provide car parking for 18 vehicles; the two floors above to contain apartments around a central atrium, with a 14mx 14m extension of modern design to the east side which is topped by penthouse with a gull-wing roof projecting above the height of the existing building.
- To be served off the same access road as the apartments are to be 13 new detached and semi-detached houses of 3-storey construction.
- Further to the east another cul-de-sac is to be constructed around which 14 more detached and semi-detached houses of 3-storey construction are to be arranged.
- At the eastern tip of the site another 3-storey dwelling is to be erected, taking direct access from Cowpe Road.
- Retain the existing lodge as an amenity for residents and anglers, whilst also enhancing its wildlife value.

The application is accompanied by a number of documents, namely :

1. A Marketing Report indicates that in their present condition there is little prospect of finding employment occupiers for other than the ground floor space within the various buildings, and it could only command a very low rental.
2. Structural Reports express the view that the condition of the chimney stack has deteriorated to the point it is beyond repair and the other traditional buildings are either in equally poor physical condition or beyond economic repair.
3. An Ecological Report indicates that evidence was found in one of the buildings to be demolished of use by a Tawny Owl, whilst three buildings provide opportunities for bats to roost, though none were found.
4. A Land Contamination Report details the history of past working of the site, findings from borehole and other surveys and makes recommendations about the remediation of the site necessary for its residential development.
5. A Flood Risk Assessment proposes the measures needing to be taken to ensure that neither future occupiers of the site or existing neighbours will be endangered.
6. A Design Statement setting out the principles which have guided the design of the scheme now submitted, in order to ensure it provides residential units attractive to present needs, providing for sympathetic conversion of Building B and new-build units that complement it and the rural-setting.

7. A Traffic Appraisal that shows the proposed development will not generate traffic-movements beyond those that the authorised use of the existing buildings could generate, with the benefit of a reduction in lorries.

In support of the application the applicant states that :

- “The proposal comprises a commercially balanced mix of conversion and new building. The retention of one of the main elements of the existing mill will make provision for its conversion to 18no apartments, whilst on the footprint of the cleared site of the remainder will be erected 28 new houses. To ensure a quality development which blends with its attractive surroundings as well as serving the interests of sustainability, the facing stonework from the demolished buildings will be retained for use throughout the new development.”
- The proposal entails ‘brownfield’ development and will deliver a positive and substantial local regenerative impact, with attendant enhancement of the areas image and attractiveness.
- They are willing to make a contribution of £25,000 towards the provision of a new bus shelter/a new bus and bus services serving Cowpe, together with a contribution of £53,000 towards improvement of Cowpe Community Hall.

Relevant Development Control History

This application is a re-submission of 2004/662, which was withdrawn.

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.

TRANSPORT

The proposed development does not comply with the adopted ‘Parking Standards’. The “Parking Standards” indicate that for residential properties in excess of 30 dwellings 1.5 parking spaces per dwelling should be provided per dwelling.

Policy 1b) of the Structure Plan requires development to contribute to achieving high accessibility for all by walking, cycling and public transport. The scheduled bus service to Cowpe has recently been withdrawn. The only bus service is the Dial A Ride service. The site has poor accessibility and is not in line with this Policy. Accessibility should be enhanced if the development is to meet the requirements of Policy 1b) of the aJLSP. It is recommended that the development should contribute £1,000 per dwelling to support the operation of the Dial A Bus service. This would provide the necessary public transport link from this development into Rawtenstall.

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 the submitted Traffic Appraisal properly models the likely traffic-movements from the proposed development. It raises no objection to the application subject to the Applicant :

- a) Contributing £20,000 to partially-fund construction of a mini-roundabout at the junction of Cowpe Road with Bacup Road, where there is an existing accident-cluster.
- b) Contributing £15,000 for works at points on Cowpe Road to improve pedestrian safety (eg signs, lines and footway-construction where the footway is presently lacking).
- c) Contributing £35,000 towards the promotion of dial-a-ride bus services, to address the deficiencies in accessibility of the area by sustainable means of travel.

Environment Agency

The Environment Agency originally had objection to the submitted scheme but, having received further information, has withdrawn that objection. It recommends a number of conditions in order that the site is remediated in a manner that will satisfactorily protect the river and future residents from harm, and the scheme incorporates the measures necessary to guard residents against unacceptable flood risk.

United Utilities

No objection in principle.

Notification Responses

Comments have been received from the occupiers of 26 properties.

Four express support for the proposal for the following reasons :

1. Favour housing development to industrial units, entailing less of an increase in traffic.
2. This is the best use for a site which is becoming a derelict eyesore.

Twenty four express objection for the following reasons :

1. There is no need for more housing in Cowpe or Rossendale, and the proposed houses will not be affordable by local people.
2. As the village of Cowpe presently has 112 houses the addition of 46 more dwellings will profoundly change its appearance and community.
3. The infrastructure of the area (in terms of sewers, gas, electric & schools) is insufficient to support a development of the scale proposed.
4. The proposal will exacerbate existing problems with drains and flooding.
5. This is not a scheme of sympathetic conversion of part of Rossendale's proud industrial heritage - demolishing all but one building and the chimney, and providing a substantial element of new-build of modern appearance, which is not in-keeping.
6. The new buildings spread across a greater area than those to be demolished and are to be 3-storey, although the surrounding residential properties are mostly 2-storey terraced.
7. Comparison of the proposed traffic generation of this development with that of the existing mill buildings in full use is spurious as the mill has not generated significant traffic for 20 years and the existing buildings are not likely to do so again.
8. The site is more a mile from a main road and Cowpe Road is narrow/twisting/poorly surfaced/sections lacking a footway. It is inadequate for the HGV traffic remediation of the site/construction will generate and the

additional car-traffic subsequently will endanger pedestrians and horse-riders, and also inconvenience existing users.

9. The proposal will adversely affect wildlife, most particularly bats and owls, which are protected species.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

- DS5 - Development Outside the Urban Boundary & Green Belt
- E7 - Contaminated Land
- E13 - Noise Sources
- 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 - Development Outside of Principal Market Towns, etc
- Policy 7 - Parking
- Policy 12 - Housing Provision
- Policy 20 - Lancashire's Landscapes
- 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
- PPS7 - Rural Areas
- PPG13 - Transport
- PPG15 - Historic Environment
- PPG23 - Pollution Control
- PPG 24 - Noise
- PPG25 - Flood Risk

RSS for the North West

LCC Parking Standards

Rossendale BC Housing Position Statement

Planning Issues

In dealing with this application the main issues to consider are : 1) Retention as Employment Site; 2) Housing Policy; 3) Neighbour Amenity; 4) Character & Appearance of the Area; 5) Access/Parking; & 6) Regeneration Benefits.

RETENTION AS EMPLOYMENT SITE

Having regard to the standard of the approach road and (relatively) remote/rural area in which the site is located, I do not consider that there are grounds for resisting the redevelopment of the site for residential purposes in order that the site can be retained/redeveloped in employment use.

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 to have resulted in contamination which will prohibit its residential re-development, nor should the occupiers of the development be at unacceptable flood-risk.
- The site is of a size/shape making it possible to produce a scheme that will afford its occupiers with adequate accommodation, and the lodge and land adjacent to it could be made available as amenity open space/play space.

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 result in additional dwelling units - 36 in total.
- Does not lie within the boundaries of either of the identified urban regeneration areas.
- Will not harm the character of any Listed Building or Conservation Area, etc.
- 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, and has given no indication that any of them will be provided/retained in perpetuity as affordable housing.

Thus, the proposal is contrary to the criteria of the Position Statement.

NEIGHBOUR AMENITY

I do not consider the proposed use to be incompatible with the interests of neighbours. None of the proposed dwellings are so close to existing residential properties that they will detract unacceptably from the amenities of their occupiers for this reason.

CHARACTER AND APPEARANCE OF THE AREA

Development of this complex of traditional mill buildings (utilising the abundant water-supply available here), and the terraces of housing which grew up immediately adjacent to it, have created an enclave of built-development within an essentially rural area. Although this is a form of development in the countryside typical of this part of Lancashire, development of such a scale would not now accord with current planning policy which for reasons of sustainability seeks direct development of this scale to larger urban areas. I consider this proposal, which entails such a large proportion of new-build dwellings, to be of a scale inappropriate to Cowpe, which will significantly change its both its appearance and sense of community, at odds with national and Development Plan policy.

Although this complex of buildings undoubtedly has a significant presence within the local area, none of the buildings are particularly distinguished and none are listed or within a conservation area. Indeed the most prominent buildings (ie those nearest to Cowpe Road and the lane running to the west side of the site are being demolished, as too is the chimney. I have no reason to doubt the applicants assessment indicating that they are beyond economic repair. Building B, the one traditional building the scheme proposes to convert, is located well-away from these highways and, as a consequence is not a building which figures large in the character and appearance of the area. While for the most part the scheme of conversion respects its intrinsic character, the addition of the penthouse is of a design which does not. The new-built dwellings are to be constructed of materials that is in-keeping with the area. However, the intended layout and design of these houses is such that this element of the development will have a very 'suburban' feel to it, quite at odds with the existing mill buildings or the form of the residential development in the vicinity. The applicant argues that the proposed development does not spread across a greater area than do the existing buildings and hardstandings. This is, for the most part, the case. However, the length of frontage to Cowpe Road over which built-development will extend is increased. This, combined with the layout and design, reinforces my own concerns that the resulting development will appear somewhat incongruous in this location. It is also disappointing that one of the few areas of tree planting bounding the complex (a naturally re-generated area of copse towards the north-west corner) is not being retained as part of the scheme.

ACCESS/PARKING

I concur with the view of the Highway Authority that the local road network will generally be able accommodate the traffic generated by the proposal and, from a highway safety point-of-view, will be satisfactory subject to the proposed junction improvement and works to address particular deficiencies in pedestrian safety. National and (emerging) Development Plan policy give increasing weight to sustainability and the need to provide alternative means of travel to the private car. It is for this reason that LCC (Planning) has flagged-up the over-provision of car parking the scheme proposes and has requested a contribution towards the provision of bus services.

If permission is to be granted I consider it would be appropriate to ensure the on-site parking accords with the LCC Parking Standards and a contribution is made towards the provision of bus services.

REGENERATION BENEFITS

In short, as a result of consideration of the above matters I am of the view there are grounds for refusing this application for two principal reasons, neither of which can be satisfactorily addressed through conditions. Firstly, the proposal will result in a significant number of dwelling units (46), which will add to housing over-supply. Secondly, the submitted scheme will result in such a 'suburban' form of development it will detract unacceptably from the character and appearance of the area.

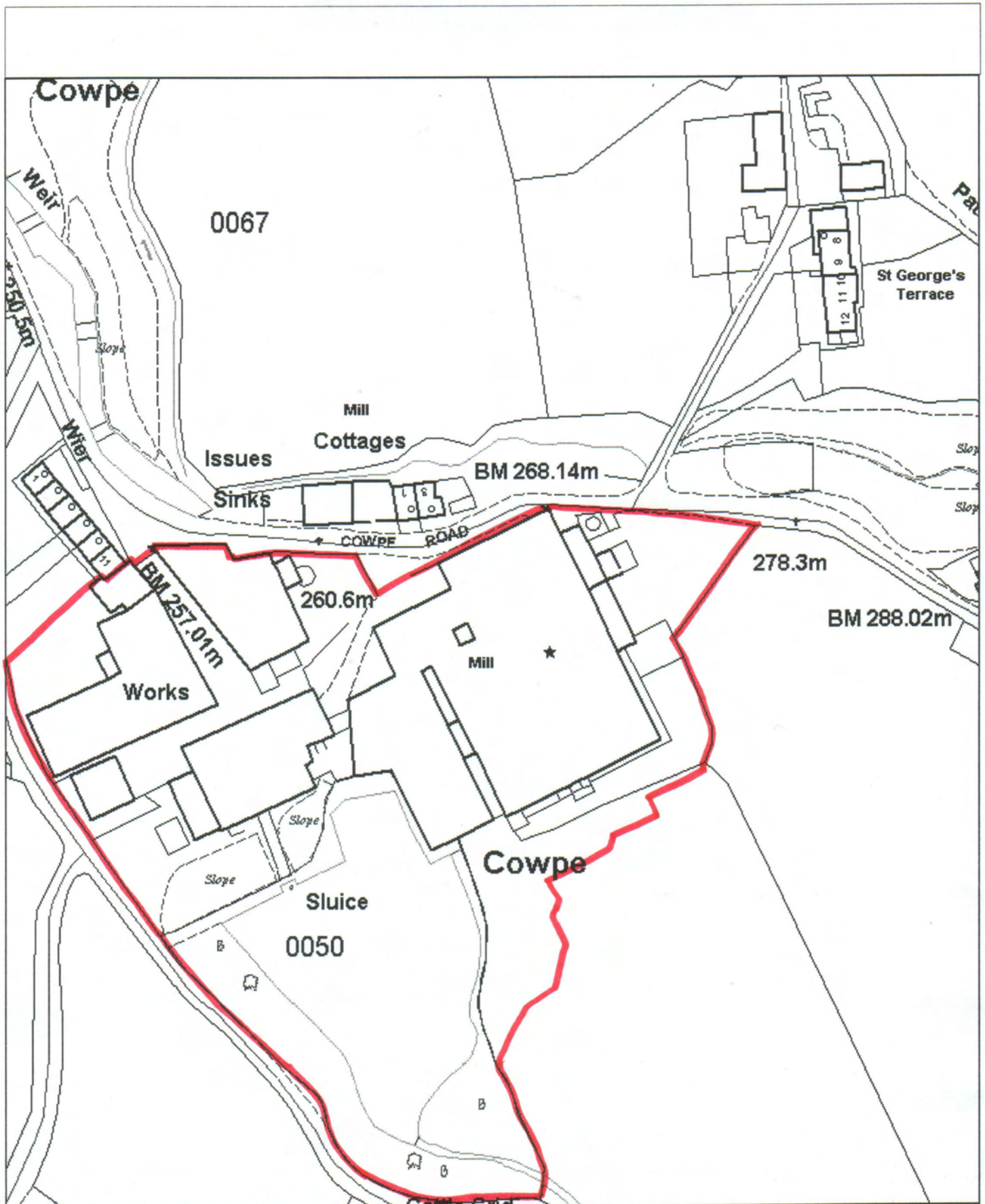
The applicant argues that the regeneration benefits of the proposal are such as to warrant a permission. However, for the reasons set out above, I do not consider the regeneration benefits of the submitted scheme to be so significant that they tip the balance in favour of an approval.

Although refusal of the application is recommended I would, nevertheless, wish to make it clear that it is undoubtedly the case the appearance of the buildings is such they do not presently contribute positively to the visual amenity of the area. Also that their physical condition is such that there is unlikely to be an improvement in this as a result of a resumption of use for employment purposes. Accordingly, I would not preclude the possibility that a scheme of conversion for Building B could be brought forward which could be considered more favourably. However, it would need to provide for the more sympathetic conversion of this building, and any associated new-build development would require to be more constrained in scale and of a layout/design better related to the area and its character, and also deliver the restoration/remediation of the remainder of the application site. If the applicant wishes to put together such a proposal I would suggest that a Design Statement first be developed in tandem with the Council, characterising the area and setting out the design principles to be followed in working-up the detailed scheme.

Recommendation

That permission be refused for the following reasons :

1. The proposal entails a scale of development, most particularly by reason of the proportion of the new-built element, that is disproportionate for this relatively remote/rural area, contrary to PPS1, PPG13, Policy 5 of the adopted Joint Lancashire Structure Plan and Policy DS5 of the adopted Rossendale District Local Plan.
2. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Housing Position Statement (August 2005). In this instance the case has not been advanced to warrant an exception to policy being made.
3. The proposed development will detract unacceptably from the character and appearance of the area, contrary to PPS1, PPS7, Policy 20 and 21 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the adopted Rossendale District Local Plan. Most particularly by reason of the scale/form of the extension proposed for Building B and the 'suburban' form of layout/design at the new-build housing, which are neither in-keeping with the character of the buildings occupying the application site, the development which grew-up around it or the dwellings erected in the wider (rural) landscape.



Reproduced from the 1996 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1:1250 Date: 29/11/2005

Map Center: 384052.7149,420577.2836



A

B

B

C

C

D

D

PHASE II

Bus Shelter

SURFACE FLOOD ROUTE

MILL COTTAGES

LOWPE BROOK

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100