

Application No: 2010/435	Application Type: Full
Proposal: Demolition of existing service station and erection of 3-storey block of 9 apartments and 2-storey terrace of 7 houses	Location: Fernlea Service Station, Rochdale Road, Britannia
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 18 October 2010
Applicant: St Vincent's Housing Association	Determination Expiry Date: 17 November 2010
Agent: Street Design Partnership	

REASON FOR REPORTING

Tick Box

Member Call-In

Name of Member:
Reason for Call-In:

X

3 or More Objections

Other (please state)

MAJOR / DEPARTURE

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 HISTORY

At the meeting on 3 August 2010, Committee considered a Report in respect of Planning Application 2010/262 for erection on the service station site of 9 apartments and 7 town houses.

The Report advised that the Environment Agency had objection to the submitted scheme, but it was otherwise considered to be satisfactory subject to Conditions and a S.106 Obligation.

In accordance with the Officer Recommendation, Committee decided as follows :

That Permission be granted, subject to:

- a) The Environment Agency having withdrawn its objection to permission by 5/8/10.
- b) Completion of a S.106 Obligation to ensure the dwellings are provided as Affordable Housing, Council land to the south & east of the application site is the subject of landscaping at the applicants expense, and the applicant funds making of a Traffic Regulation Order & associated works.
- c) Various Planning Conditions.

In the event that the Environment Agency had not withdrawn its objection to permission being granted by 5/8/10 Officers be authorised to refuse the application on the grounds that it has not been demonstrated that the proposed development avoids unacceptable risk of flooding and pollution of controlled waters.

The Applicant not having persuaded the Environment Agency to withdraw its objection by 5/8/10 the decision notice refusing permission for the following reason was issued :

“The Contaminated Land Reports submitted with the application do not fully assess the risks of pollution to controlled waters or provide adequate assurance that remediation measures can be put in place to deal with unacceptable risks as required by Planning Policy Statement 23 (PPS23). The submitted reports do not therefore, provide a suitable basis for assessment to be made of the risks of pollution to controlled waters arising from the proposed development. Accordingly, the proposal is contrary to the provisions of PPS23 and Policies E7/DC1 of the Rossendale District Local Plan.”

The application now before you is a re-submission of Application 2010/262, differing only in the details/documentation necessary to address the previous objections of the Environment Agency. The Environment Agency now has no objection to the proposal, subject to conditions.

APPLICATION DETAILS

1. SITE

This application relates to the site of Fernlea Service Station, which is located on the south side of Rochdale Road near to its junction with New Line.

The site is L-shaped and comprises land currently occupied by the now un-used service station buildings/forecourt and haulage vehicle yard. The site is relatively level other than the westerly end, which falls away in the south-westerly direction and is occupied by a number of willow trees.

An access track runs through the easterly section of the site, leading to a farm on the rising land to the south. The access track incorporates a public right of way.

The site is bounded to the west by residential properties facing, but at a much lower level, than New Line. To the east is a well-maintained amenity open space owned by the Council, beyond which is a terrace of houses on the back edge of pavement. To the south the land slopes steeply down to the former railway line, now owned by the Council and forming a long-distance recreational route. On the opposite side of Rochdale Road are residential properties of varying design and facing materials.

The application site lies within the Urban Boundary of the settlement of Britannia, except for that portion of it which projects further back from Rochdale Road. The later part of the site, though hard-surfaced and used as a vehicle parking area, is within the Green Belt. The long-distance route on the old railway line is identified in the Local Plan as a Valley Way.

2. RELEVANT PLANNING HISTORY

2006/116: Outline application for residential development
Approved

2007/342: Erection of 3 storey block of 9 apartments & 7 two-&-a-half storey houses (Reserved Matters)
Withdrawn

2010/262: Demolition of existing filling station and the erection of 9 apartments and 7 town houses
Refused

3. THE PROPOSAL

St Vincent's Housing Association is seeking permission for the erection of a 3-storey block of 9 apartments and 2-storey terraced block of 7 houses on the site. Each apartment would possess 2 bedrooms and the houses would have 3 bedrooms. The existing access track running through the site would be improved to serve the apartment block to be erected to its east side and the terrace to be erected to the west of it.

The principal elements of the scheme are as follows:

- The existing access track would be improved, the carriageway to be 5.5m wide, flanked by a 1.8m wide footway on each side, and would provide access to a 10-space car park and bike store to be formed to the rear of the apartment block and to a 16-space car park to be formed to the side of the terrace. Thus, access to the farm to the rear of the site and the existing right of way would be retained.
- The terrace of 7 houses would face towards Rochdale Road, setback from the main road by 8 to 12m, pedestrian access to them being from the car park rather than directly from Rochdale Road. The front elevation of the

terrace would be of reconstituted stone, the side and rear elevations rendered, with grey-slate pitched-roofs and canopies over the front doors. Each dwelling would have a level area of garden to the rear, the small area of open space to its front enclosed with 0.9m high railing.

- The apartment block would face towards Rochdale Road, setback from the main road by approximately 2m. Its front and west elevation at ground level would be built in reconstituted stone, with the upper parts of these and the other elevations for the most part rendered but with stone detailing (e.g. for quoins and lintels) and with a grey-slate hipped-roof. The small area of open space to its front would be enclosed with 0.9m high railing.

The application is accompanied by a number of reports :

Land Contamination Report

The report concludes that the site is (in part) made-ground and the former use as a petrol filling station/repair garage to have resulted in the presence of contaminants. The potential pollutant linkages identified are more of a risk to controlled waters than for future residents.

Transport Assessment

The report points out that the site is accessible by non car modes of transport, with bus stops located close to it. The submitted scheme includes provisions to cater for the needs of cyclists/pedestrians and as such would not place significant additional demands on the existing highways network.

Ecological Survey

The survey concludes that, in relation to protected species or general wildlife, there are no apparent implications that would prevent the proposed development. However, site clearance should avoid the main nesting season for birds (March – August).

Tree Survey Report

The report recommends the removal of 13 Goat Willow trees from the site which contain significant defects/ of poor quality and are of low amenity value when judged against the accepted practices and relevant standards.

4. CONSULTATION RESPONSES

LCC (Highways)

The Highway Authority has not raised objection to the proposed access/parking arrangements but has recommended a Section 106 Obligation to secure provision of a Traffic Regulation Order restricting waiting at any time on the south side of Rochdale Road/New Line in the vicinity of the site access.

LCC (Planning)

In accordance with the LCC Planning Obligations Policy, it requests Financial Contributions be sought from the Applicant in respect of the following matters :

Education: £71,039 to fund provision of 6 Primary School Places

Waste Management: £7,680 to fund provision of Waste Management Services

LCC (Natural & Historic Environment Service)

No objection subject to conditions.

LCC (Archaeology)

There are no significant archaeological implications in respect of this application.

RBC (Land Drainage)

No objection subject to the submission of a scheme for the provision of satisfactory means of surface water disposal.

RBC (Environmental Health)

Raises no objection to the grant of permission but recommends condition be imposed to ensure proper remediation of contamination.

Environment Agency

The Agency has reviewed the submitted reports in respect of the risks of flooding and pollution of controlled waters. It has no objection to the proposed development subject to conditions requiring that before development proceeds further detail/schemes be submitted and approved to deal with the risks associated with contamination of the site, to divert the culverted watercourse that crosses the site and for the provision of surface water drainage works.

5. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order site notices were posted on 26 May 2010 and the relevant neighbours notified by letter on 17 May 2010.

In addition to eight letters and a petition (signed by 24 people) received during the consideration of the previous application, a further nine letters raising objection to the proposal have been received in respect of this application. The comments made are:

- The application should be refused on the grounds of the previous decision.
- Part of the site is Green Belt.
- Britannia is being over-developed for the amount of services available (Doctors, Dentists, Hospital beds etc).
- The nearby church has been converted into apartments. The majority of these apartments are still vacant after 2 years.
- If houses are to be built on this site, would it not be better for the Council to build and increase its housing stock.
- The proposed development is not in-keeping with the character of the area. There is no building in the area of the size or mass of the proposed block of apartments.
- The proposed flats would cause amenity related problems for the residents living opposite.
- This is a small village and Rochdale Road is already busy and unable to cope with the current traffic level. The proposed development would increase traffic/parking problems in the area and add to noise, pollution etc.
- Owls, bats, badgers, foxes and other wild birds make use of the site; birds have nests and live in the trees proposed for removal.

- An 8m high sycamore tree on the site is within 5m of the property at 209 New Line and should be removed.

6. POLICY CONTEXT

National

PPS1 Sustainable Development
 PPG2 Green Belt
 PPS3 Housing
 PPS9 Biodiversity
 PPG13 Transport
 PPS23 Pollution Cont
 PPG24 Noise
 PPS25 Flood Risk

Development Plan

Rossendale District Local Plan (1995)

DS1 Urban Boundary
 DS3 Green Belt
 DC1 Development Criteria
 DC4 Materials
 E4 Tree Preservation
 E7 Contaminated Land

Other Material Planning Considerations

Regional Spatial Strategy (2008) & its Evidence Base
 LCC Landscape Strategy for Lancashire
 LCC Planning Obligations Policy
 LCC Creating Civilised Streets
 LCC Parking Standards
 RBC Emerging Core Strategy (2009)
 RBC Interim Housing Policy Statement (May 2010)
 RBC Strategic Housing Land Availability Assessment (2009)
 RBC Strategic Housing Market Assessment (2009)
 RBC Affordable Housing Economic Viability Assessment (2010)
 RBC Open Space & Play Equipment Contributions SPD

7. Planning Issues

The main issues to consider are:

- 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity;
- 5) Ground Conditions / Flood Risk; 6) Access/Parking; &
- 7) Financial Contributions.

Principle

In the adopted Local Plan the application site lies for the most part within the Urban Boundary of Britannia and is in a sustainable location, it being on a 'quality' bus route. Furthermore, it is within the Regeneration Priority Area for Bacup, Stacksteads & Britannia and the scheme will assist its regeneration and provide 100% affordable housing.

The small portion of the site within the Green Belt is existing hardstanding and has previously used for the parking of vehicles, including vans and lorries. Implementation of the submitted scheme would result in this part of the site continuing to be used for the parking of vehicles, and those vehicles are more likely to be cars. This being the case, it is considered that the use of the part of the site within the Green Belt for parking purposes would have little impact on the character of the area or the openness of the Green Belt.

It is therefore considered that the proposal accords with national planning guidance and Policies DS1& DS3 of the Local Plan and is acceptable in principle.

Housing Policy

The Interim Housing Policy Statement states that within the Regeneration Priority Area new residential development will be encouraged provided that it accords with the following criteria:

1. It uses existing buildings/previously developed land; and
2. It makes an essential contribution to affordable housing; and
3. It is built at a density between 30 and 50 dwellings per hectare (where appropriate the higher density of 50 dwellings per ha will be expected); or
4. It is for solely affordable and/or special needs housing.

It is therefore appropriate to consider the application site in relation to these criteria :

1. The application site is a former service station, and is still occupied by its associated buildings/infrastructure, and is therefore considered to be previously developed land.
2. The proposed development will provide more than 20% of the units as affordable housing, which is the minimum required to accord with this criteria.
3. The proposal is considered to be of appropriate density.
4. The proposal is for solely affordable housing.

It is therefore considered that the application conforms to and is acceptable in terms of the Interim Housing Policy Statement (July 2008).

Visual Amenity

The site occupies a prominent main road frontage, is presently un-used and detracts from the street-scene.

The proposed terrace of 2-storey houses is of a siting/size/design that is in-keeping with development in the neighbourhood and will not detract from the street-scene. Its construction will require removal of some self-seeded Willow trees towards the western boundary. Their contribution visual amenity/wildlife interest is such that they do not warrant retention.

The proposed apartment block will be of 3-storeys in height and stand somewhat nearer to the main road than the proposed terrace of houses. However, unlike the existing terrace of houses to the east of the site, it does not sit on the back edge of houses. Furthermore, it is to have a hipped-roof, has a front elevation of limited width

and incorporating design features to break-up its mass. Whilst the house immediately opposite (486 Rochdale Road) is 2-storey, the proposed apartment block will have a ridge-height approximately 0.5m higher.

Accordingly, I do not consider either of the proposed buildings unacceptable by reason of their siting/size/design. Of greater concern to me is the intended facing materials, although there is variation in the dwelling types in the neighbourhood , and in their facing materials. At my request the applicant has amended the proposal to increase the amount of stonework/reduce the areas of render.

The proposed terrace is to have its front elevation entirely in stone. Subject to additional planting being undertaken on the Council land to the rear I do not consider the rendered elements of this 2-storey building will be unduly prominent or intrusive.

Whilst existing planting on the Council land to the rear of the apartment block provides a higher and more complete screen, the greater height of rendered elements of the building which will be seen from Rochdale Road remains of concern. There is scope for additional planting to be undertaken by the applicant on Council land to the east side, but this will go only a limited way towards reducing the degree to which the building will be screened from the main road. For cost reasons the applicant does not wish to incorporate more stonework.

Neighbours Amenity

I do not consider the proposed development will detract to an unacceptable extent from the amenities of any neighbours.

The proposed 3 storey apartment block would be approximately 10.5m high to ridge and located approximately 23m from the dwellings opposite and at a lower level by approximately 2.2m. In view of its position, separation distance and orientation, it is considered that the apartment block would not have an unacceptable impact on the amenities of the residents of the adjacent dwellings.

Similarly the proposed dwellings on the westerly part of the site would be located approximately 23m away from the nearest dwelling opposite on Rochdale Road and approximately 7m away from the boundary with the adjacent chalet-bungalow at 209 New Line. It is considered that the proposed terrace would not have an unacceptable impact on the amenities of residents of No 209, the existing Willow trees near the party-boundary presently limiting light to/outlook from their property.

Ground Conditions / Flood Risk

The Environment Agency is now satisfied that the proposed development, subject to the recommended condition, can proceed without causing risk of flooding or pollution of controlled waters. Likewise, the Councils own Environmental Health Section is satisfied that ground contamination can be remediated without risk for future residents of the site or neighbours.

Access/Parking

The Highway Authority is satisfied with the proposed access/parking arrangements subject to a Traffic Regulation Order to preclude parking on the south side of Rochdale Road in the vicinity of the site access.

Financial Contributions

To accord with the Council's own Open Space & Play Equipment Contributions SPD, the applicant should make a financial contribution of £21,856. Likewise, LCC has requested financial contributions towards primary school provision and waste management services, of £71,039 and £7,680 respectively.

Regarding open space/play provision, the long-distance recreational route on the Valley Way can be easily accessed from the site and Members will re-call the recent planning application for up-grade of play facilities already in-train for the site by Britannia Primary School. LCC points out that a shortfall of primary school places is expected in this area and believes that the proposed development would require 6 new primary school places and its claim for financial contribution is based on that provision. With regard to the financial contribution towards waste management, LCC points out that each new house has to be provided with basic services and its claim is justified based upon the Policy Paper methodology for Waste Management.

In response to the LCC request for financial contribution towards the educational and waste management needs, the applicant advises that to make such contributions would make the scheme unviable for 100% affordable housing.

Having regard to the need for investment to aid regeneration in Bacup, Stacksteads & Britannia, and the need for affordable housing, I consider it appropriate in this instance not to press for these contributions so long as there is a S.106 Obligation to ensure the scheme is delivered as Affordable Housing and the applicant undertakes planting beyond the boundary of their site (which will compensate for loss of trees within their site in visual/wildlife terms and also enhance the Valley Way).

8. SUMMARY REASON FOR APPROVAL

The majority of the site is located within the Urban Boundary of Britannia, one of the Council's Regeneration Priority Areas, and the proposal will secure the redevelopment of prominent site with affordable housing. The small portion of the site which is within Green Belt constitutes previously developed land and the parking use now proposed for it will not erode the openness of the Green Belt. It is considered that the proposed development will not result in unacceptable detriment to visual & neighbour amenity, risk of flooding & pollution, or highway safety. It is therefore considered that the proposal accords with the provisions of PPS1/PPG2/ PPS3 /PPS9/PPG13 /PPS23 /PPS25 , Policies DS1 / DS3 / DC1 / E4 of the Rossendale District Local Plan, and the Council's Interim Housing Policy Statement (May 2010).

9. RECOMMENDATION

That Permission be granted, subject to:

- a) Completion of S.106 Obligation to ensure the dwellings are provided as Affordable Housing, Council land to the south & east of the application site is the subject of landscaping at the applicants expense, and the applicant funds making of a Traffic Regulation Order & associated works.
- b) The following Conditions.

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

- 2 The development shall be carried out in accordance with the drawings numbered PS-01, PS-02, PS-03, PS-04, PS-05, PS-06, PS-07, PS-08, PS-09, PS-10, S10-066, PS-11, PS-12 received on 18 August 2010 , unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.

Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.

- 3 No development shall be commenced until full details of a scheme for the provision of surface water drainage, including a surface water regulation system, has been submitted to and approved by the Local Planning Authority. Thereafter, the scheme shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory provision is made for the completion of essential works to the drainage system, in accordance with PPS25 and Policy DC1 of the Rossendale District Local Plan.

- 4 No development shall be commenced until a scheme to divert the culverted watercourse has been submitted to and approved by the Local Planning Authority. The scheme shall include details of the route, size, materials, depth, levels and method of construction. Thereafter, the scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the development, in accordance with PPS25 and Policy DC1 of the Rossendale District Local Plan.

- 5 Prior to the commencement of development:

- a) A Contaminated Land Phase II report to assess the actual/potential contamination risks at the site shall be submitted to and approved in writing by the Local Planning Authority.
- b) Should the Phase II investigations indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.
- c) The remediation scheme in the approved Remediation Statement shall then be carried out and a Site Completion Report detailing the action taken at each stage of the works (including validation works) shall be submitted to and approved in writing by the Local planning Authority prior to first occupation of any part of the development hereby approved.

Reason: To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Contaminated

Land Phase I report, to accord with PPS23 and Policy DC1 of the Rossendale District Local Plan.

- 6 Prior to the commencement of development samples/details of the facing materials to be used for the elevations and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and shall not be varied without the prior written permission of the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development, to accord with Policy DC1 of the Rossendale District Local Plan.
- 7 Notwithstanding the details submitted, prior to the commencement of development (including site clearance) a scheme of landscaping/ boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include : the location of all existing trees and hedgerows on the site and shall specify those that are to be retained and the measures to be taken to protect them during construction of the development; replacement native tree planting or plant species of value to biodiversity to be undertaken; the areas to be hard-surfaced; the fences/walls/gates to be erected; and any changes of ground-level proposed.
Reason: In the interests of visual & neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 8 All hard-landscaping/gates/walls/fences in the approved scheme of landscaping/boundary treatment shall be implemented prior to first occupation of the dwellings, unless the Local Planning Authority gives written consent to any variation. All planting in the approved scheme of landscaping/boundary treatment shall be implemented in the first planting season thereafter, unless the Local Planning Authority gives written consent to any variation. Any trees or plants which within a period of five years of planting die, are removed or become diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives consent to any variation.
Reason: In the interests of visual & neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 9 The bin-storage facilities, and secure/covered bike-store, hereby approved shall be provided to the satisfaction of the Local Planning Authority prior to the dwellings being first occupied.
Reason: In the interests of visual and neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 10 The dwellings/apartments hereby permitted shall not be occupied until the car parking/manoeuvring areas shown on the approved drawings have been constructed, drained, surfaced and marked-out, and these areas shall thereafter be kept freely available for use as such
Reason: In the interests of highway safety, in accordance with Policy DC1 of the Rossendale District Local plan.

- 11 Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am to 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours, in accordance with Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
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