

<b>Application Number:</b>	2010/667	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 85 dwellings and associated bridge over river, roads, garages & landscaping	<b>Location:</b>	Orama Mill, Hall Street, Whitworth
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	14 June 2011
<b>Applicant:</b>	Persimmon Homes Lancs	<b>Determination Expiry Date:</b>	8 April 2011
<b>Agent:</b>			

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**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:

Reason for Call-In:

**3 or more objections received**

**Other (please state):**

**Major**

**HUMAN RIGHTS**

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

**Article 8**

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

**Article 1 of Protocol 1**

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

<b>RECOMMENDATION(S)</b>
Approve with Conditions & S.106 Obligation

**APPLICATION DETAILS**

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## 1. BACKGROUND

At its meeting on 21 March 2011 Committee considered a Report and Up-Date Report in respect of this application; both are appended.

In short, the Officer Report recommended refusal of the application for a number of reasons, not least because of objections received from the Environment Agency, RBC (Environmental Health) and LCC (Highways) in relation to flood risk, ground contamination/remediation and access/parking issues. Between publication of the Officer Report and the Meeting the applicant submitted additional/amended drawings and documents to address the matters of concern.

Accordingly, the Up-Date Report advised that the Environment Agency and RBC (Environmental Health) were not now recommending refusal of the application so long as any approval was the subject of various conditions in relation to flood risk and ground contamination/remediation. Thus, whilst the proposal then had much to commend it, the Up-Date Report still concluded that the scheme should be refused for the following reasons :

1. In a number of respects the submitted scheme is not of good design and will detract to an unacceptable and unnecessary extent from the character and appearance of the area and highway safety. Most particularly the part of the scheme proposed for the east side of the river in that it fails to retain mature trees/planting towards Hall Street that contribute positively to public visual amenity and biodiversity, the manner in which it proposes to provide back gardens/parking arrangements in relation to Cowm Park Way South and if external walls are entirely of red brick construction.
2. Insufficient evidence has been provided to demonstrate that adequate provision for public open space/play space either within the site or through an off-site financial contribution would be provided. As such, the proposed development is contrary to national and local policy and the Council's approved Open Space & Play Equipment Contributions SPD (2008).

At the meeting the applicant confirmed it was willing to pay the sum necessary to accord with the Council's approved Open Space & Play Equipment Contributions SPD (2008).

Committee resolved :

*"That the application be deferred in order to establish if design concerns could be overcome."*

## 2. ASSESSMENT

My main outstanding design concerns were about :

- the failure to retain mature trees/planting towards Hall Street that contribute positively to public visual amenity;
- the way in which certain elements of the development will appear in the street-scene of Cowm Park Way South (most particularly in relation to back gardens/parking for Plots 1-7);
- if external walls of dwellings throughout the development are entirely of red brick construction.

Officers have since met with the applicant to discuss how the design issues are best resolved. Arising from this an amended Site Layout has been received that will result in erection of 85 houses on the site as a whole. For that part of the site between Cowm Park Way South and the river it is now intended to :

- Retain rather more of the existing tree cover near to the junction of Hall Street/Cowm Park Way South, with stand-off distances between windows and gardens that makes it more likely that occupiers will not wish them removed.
- Erect 6 houses to the north of the main estate road and to face Cowm Park Way South, rather than 7 with their backs to it.
- Incorporate elements of stone detailing into those houses which will be most visible from the existing highway.

LCC (Highways) is also now satisfied that the dwellings proposed are being provided with safe and satisfactory access arrangements, and the intended in-curtilage parking is adequate to avoid overspill on to the adjacent roads.

For information, I would also advise that despite the number of dwelling on the site have been reduced from 87 to 85 in order to resolve this matters the Applicant is nevertheless proposing to still provide 12 units of affordable housing on the site, together with contributions of :

- £96,200 towards Transport - to be expended on off-site highway improvements, provision of a Traffic Regulation Order & associated works and provision/improvement of bus facilities/services in the vicinity of the site.
- £30,000 towards Youth & Community Facilities - to be expended on provision/enhancement of facilities/programmes/services for young people and the wider community.
- £116,110 towards Public Open Space - to be expended on provision/modernisation/maintenance of local play/recreational facilities, nature conservation facilities and pedestrian/cycle-links thereto.

### **3. RECOMMENDATION**

That permission be granted subject to :

- completion of the S.106 Obligation to secure delivery of the Affordable Housing and Contributions referred to above; &
- the Conditions which will appear on the Up-Date Report