

Application Number:	2011/125	Application Type:	Outline
Proposal:	Demolition of existing buildings and erection of 46 dwellings accessed from Warth Old Road	Location:	Land adjacent to Warth Mill, Bacup Road, Rawtenstall
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	12 July 2011
Applicant:	Mr J Walsh	Determination Expiry Date:	3 August 2011
Agent:	PPY Design Ltd		

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input checked="" type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input checked="" type="checkbox"/>
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.

RECOMMENDATION
To refuse as per the reasons detailed in section 8 of this report.

1. SITE

1.1 The Applicant owns a substantial area of employment land on the south side of Bacup Road (A681), opposite the premises of James Ashworth Joinery. It comprises of:

- a broadly triangular site occupied by the multi-storey stone building and ancillary buildings formerly a Railway Goods Depot/latterly occupied by TNT and others, and which can be accessed directly from the main road, although the principal access is from the rear via Warth Old Road; &
- a further area of land of irregular shape and 1.9 ha, that is located to the south of the triangular site and is at a lower level than it. Accessed via Warth Lane, it is occupied by Buckhurst Plant Hire and contains a vacant house near the access-point, substantial 1-storey commercial buildings, areas of hardstanding used for the storage of JCBs/tractors/ trailers/hoists/dumpers/etc, together with quite steeply-sloping grazing land that rises up to a pond and wooded areas towards its southern boundary.

- 1.2 The application relates to the irregularly-shaped area of land approximately 1.9 ha and (where not bounded on its north side by the triangular area) bounds to the River Irwell and is bounded to the east side by the concrete-making works of Bardon Concrete.
- 1.3 Buckhurst Plant Hire presently employs 20 full-time staff, operating out of buildings having a floor area of 2,240sq m. There are within the application site a number of mature trees, principally bounding the river or on/fringing the steeply sloping bank rising on the south side of the buildings/hardstandings.
- 1.4 Whilst the application site and the land to the north of it are (for the most part) within the Urban Boundary of Waterfoot, the land to the south of it is designated as Countryside in the Rossendale District Local Plan.
- 1.5 The Applicants land forms part of a more substantial Existing Employment Area. However, Policy J3, which seeks to give the needs of industry & commerce priority over housing on such sites, is not a 'saved' policy. The Local Plan shows a Valley Way skirting the western tip of the application site, Policy C10 of the Local Plan seeking to protect/improve/extend these major linear routes for the benefit of wildlife, visual amenity, recreation and access to the countryside.

2. **RELEVANT PLANNING HISTORY**

1999/326 Change of use of car sales & repair centre to use as plant hire, plant & tractor sales, haulage and formation of additional hardstanding

In November 1999 this application from Buckhurst Plant Hire was granted permission. It relates to the buildings and areas of hardstanding used now by Buckhurst Plant Hire, but did not include steeply-sloping bank to their south side (which is included within the current application site).

2009/635 Outline Application for erection of 50 residential units, including access & layout

In April 2010 this application was withdrawn, in order that objections/concerns from various consultees (including the Environment Agency and LCC Ecology) could be addressed.

3. **PROPOSAL**

- 3.1 The application now submitted is again seeking Outline Permission for the residential re-development of the site and for the intended access and layout; the matters of scale, appearance and landscaping have been reserved for later consideration. It is proposing the erection of 46 dwellings rather than the 50 referred to in Application 2009/635, but in terms of layout is broadly similar.

3.2 The Application Form indicates that of the 46 dwellings proposed 9 are to be 2-bed, 23 3-bed and 14 4-bed. All of the existing buildings on the site are to be demolished, the new houses and roads to serve them occupying essentially the same area as presently occupied by buildings and hardstandings. However, the rear gardens of approximately 2 dozen of the proposed houses will comprise for the most part of steeply-sloping embankment lying outside the authorised boundary of Planning Permission 1999/326, though still within the Urban Boundary.

3.3 The Design & Access Statement accompanying the application states:

Amount of development:

Forty-six new houses are proposed, constructed on the previously developed parts of the site. The lower levels of the existing site are to be raised above the flood level.

The grassed areas around the perimeter are steeply sloping and are to be retained.

Layout:

The layout utilises one existing means of access for vehicles, and is designed using separation distances between accommodation windows of 21 metres, and 13 metres to a blank gable.

Scale:

The scale of the dwellings is a reserved matter. It is assumed the 2 bed dwellings would be designed over 2 storeys, while the 3 and 4 bed dwellings would be 3 storey, or have bedrooms designed within the roof space.

Landscaping:

A tree survey has been carried out by Mulberry Tree Management, which includes an arboricultural impact study and a method statement for the protection of trees. The proposed landscaping of the scheme is a reserved matter.

Appearance:

The design of the dwellings is a reserved matter.

Access :

Currently the site is accessed solely along Warth Lane, which is very narrow and unsatisfactory for heavy goods vehicles. Warth Old Road provides access for heavy goods vehicles to Warth Mill, and is in the same ownership as the plant hire business.

The proposal is to alter the access from Warth Old Road, to allow two-way traffic into both Warth Mill, and into the proposed housing development.

A safe and attractive pedestrian route is planned from the housing, along the edge of the Warth Mill yard, to reach Bacup Road.

Warth Lane would remain two-way, allowing limited access to the service area of the adjacent business, Kidderminster Carpets. Beyond this point, there would be access only for emergency vehicles. Along the lane, line-marking would indicate a safe route for pedestrians.

Within the site, all car parking spaces will be level with the proposed houses, allowing easy access to all entrance doors for the disabled.

Irwell Sculpture Trail :

At present, the route of the Irwell Sculpture Trail does not follow the side of the river, as the nature of the plant hire business is too dangerous to allow the public through the site. Walkers are made to cross the stone bridge[to the west of the application site] and walk through an industrial unit (again dangerous) to reach Bacup Road and re-gain the course of the river.

The proposal is to extend the Irwell Sculpture Trail alongside the proposed housing to continue safely alongside the river.

3.4 The applicant has submitted a letter indicating that they are willing to enter into a S.106 Obligation to ensure the following:

- 1) Provision of 4 two-bed, 3 three-bed and 2 four-bed properties at 25% below market value.
- 2) Payment to the Council of an open space contribution of £62,836.
- 3) Payment to the Council of a transport contribution of £77,220.
- 4) Sign over to the Council the land required to enable the Irwell Sculpture Trail to continue alongside the river.

3.5 The application is also accompanied by:

- Ground Condition Reports - The reports conclude that, subject to conditions to properly define the remediation scheme to be undertaken, the site is capable of redevelopment for residential purposes without undue risk for residents or for groundwater/watercourses.
- Flood Risk Assessment - The report concludes that the western part of the site is presently at a level which would put houses at a risk of flooding, but this risk can be adequately mitigated by raising this part of the site by up to 2m in height.
- Transport Assessment/Travel Plan Framework - The reports have been prepared having regard to this proposal for erection of housing on the site occupied by Buckhurst Plant Hire and the applicants wish in the future to redevelop the TNT site essentially for office purposes. They conclude that the application site can be developed in the manner proposed without unacceptable harm to highway safety subject to the vehicular access to the proposed houses being from Warth Old Road (and not Warth Lane) and provision on the site of off-street parking facilities that accord with LCC's Parking Standards.
- Ecology Surveys - Timing of the survey was not the optimum for identifying/evaluating all of the sites ecological features (most particularly the presence of vegetation and bats). Much of the river bank in the vicinity of the site is vertically-sided wall, with limited potential and no sightings of water vole or otters. Likewise, the pond to the south of the site is unsuitable for great crested newts. Whilst evidence of bat roosts within the buildings was not found, they have the potential for such use and the trees on the river bank and fringing the site to the south site provide foraging opportunities for bats. The wooded area to the south-east of the site provides good bird habitat for breeding birds, containing a heronry, and potential for badgers. Re-survey should be undertaken between May & September and extended to include the area of woodland lying beyond the south-eastern corner of the site.

4. **POLICY CONTEXT**

National

- PPS1 Sustainable Development
- PPS3 Housing
- PPS4 Economic Growth
- PPS9 Biodiversity & Geological Conservation
- PPG13 Transport
- PPG14 Unstable Land
- PPG17 Sport & Recreation
- PPS23 Pollution Control
- PPG24 Noise
- PPS25 Flood Risk

Development Plan Policies

Regional Spatial Strategy for the NW (2008)

- DP1-9 Spatial Principles
- RDF1 Spatial Priorities
- W1 Strengthening the Regional Economy
- W3 Supply of Employment Land
- W4 Release of Allocated Employment Land
- L1 Health, Sport, Recreation, Cultural & Education Services Provision
- L4 Regional Housing Provision
- L5 Affordable Housing
- RT2 Managing Travel Demand
- RT4 Management of the Highway Network
- RT9 Walking and Cycling
- EM1 Environmental Assets
- EM2 Remediating Contaminated Land
- EM3 Green Infrastructure
- EM5 Integrated Water Management

Rossendale District Local Plan (1995)

- DS1 Urban Boundary
- DC1 Development Criteria
- DC3 Public Open Space
- DC4 Materials
- C10 Valley Ways
- E4 Tree Preservation
- E6 Ground Instability
- E7 Contaminated Land

Other Material Planning Considerations

- LCC Landscape Strategy for Lancashire
- LCC Planning Obligations in Lancashire
- LCC Parking Standards
- RBC Submitted Core Strategy (2010)
- 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)

5. **CONSULTATION RESPONSES**

5.1 **LCC (Highways)**

Before it can recommend this application for approval from a highways perspective the following matters would need to be satisfactorily addressed:

- The access to the cement depot is located on the junction of the access road, increasing the flow of traffic by erecting houses could compromise the safety of vehicles exiting the depot.
- The entrance to Fielden Factors is located immediately adjacent to the junction of the access road, the visibility between the entrance and the access road is restricted and increasing the flow of traffic by erecting houses could be to the detriment of highway safety.
- The drives which are situated between two houses are too narrow, each should be at least 3m wide otherwise occupants will be unable to open car doors, which could lead to cars being parked on the highway
- The first shared use road on the left (if driving southbound into the estate) is too close to another junction
- The second shared use road on the right (if driving southbound into the estate) is located too close to a bend which compromises visibility of motorists exiting the shared road
- Footways should extend passed the speed humps into the shared use area before they can be terminated.
- The location of the driveway of the house at the end of the cul-de-sac would encourage motorists to use a large section of the footway to turn around in.
- A turning head should be provided at the end of the north/south cul-de-sac as a bin lorry would have to reverse a long way to turn around which could compromise road safety
- The staggered drives of the houses being proposed to the south of the junction of the main estate road and the north/south cul-de-sac would have restricted visibility when cars are parked there
- The proposed zebra crossing is not required as traffic and pedestrian flows should not be of a volume to warrant a controlled crossing.

In reference to the 106 monies for the above planning application I can confirm that the maximum that LCC can ask for is £59,600.

5.2 **LCC (Contributions)**

Education:

Using the LCC Planning Obligations Paper, a yield of 0.35 primary and 0.25 secondary pupils per house has been used. Therefore there is a possible yield of 16 primary and 12 secondary aged pupils.

Primary School Places

Forecasts show that the numbers in local schools are rising and that a shortfall of places is already anticipated in the next five years. We would therefore seek a contribution for the full potential pupil yield of this development i.e. 16 places. Using the adjusted DCSF cost multiplier (£12,257 x 0.9 x 1.0733 per place = £195,422).

Secondary School Places

There are forecast to be sufficient secondary school places to accommodate the potential yield of this development. Therefore we do not seek a contribution for secondary places.

Waste Management:

Since each and every new house wherever it is in the County, has to be provided with this basic service and the Council has to comply with the significant new requirements relating to the management of waste and wishes to invest in an early switch away from land-filling, it is considered that the Council is justified in requesting a contribution towards waste management. Based upon the Policy Paper methodology for Waste Management, the request would be £22,080.

5.3 LCC (Ecology)

From the proposed site layout, these proposals appear broadly similar to the earlier application (2009/0635). I commented on that application in April 2010 to the effect that the proposals had the potential for adverse impacts upon biodiversity and advised of the need for further surveys for protected and priority species and habitats (as recommended by the submitted ecology report) before a permission could be granted.

The applicant does not appear to have submitted any further ecological information in support of the current application. Therefore, it is considered that the comments previously given are still relevant i.e. in order to demonstrate compliance with relevant legislation, biodiversity planning policy and guidance, the applicant should be required to carry out further survey work to clarify potential impacts upon protected and priority species and habitats, and if damaging impacts are likely will also need to submit proposals to demonstrate that adequate mitigation and compensation will be delivered as part of these proposals.

5.4 LCC (Archaeology)

It advises that the first Ordnance Survey (of 1844-47) shows the site as being occupied a textile mill. The site and land surrounding it has since been the subject of various changes in use and occupation by buildings/structures. Consequently, it recommends that a condition be attached to any permission requiring a programme of archaeological recording prior to construction of the new development.

5.5 Environment Agency

Flood Risk:

It has reviewed the submitted Flood Risk Assessment, which identifies the sources of flood risk to the development, and has suggested mitigation measures that are broadly agreeable.

Conditions are recommended to address 3 matters:

The FRA states that floor levels will need to be approximately 2m above existing ground levels at the lower parts of the site in order to limit flood risk to dwellings. The potential raising of levels by 2m should be shown to be feasible whilst not impacting on the riverside sculpture trail.

Small watercourses/drains on the southern boundary will need to be intercepted and routed through the development to the river. Whilst there are no objections to the principle of this, it has not been provided for on the layout.

In terms of surface water run-off, it sees no reason to accept anything other than greenfield rate of run-off as the basis of the detailed scheme of drainage design required.

Land Contamination:

It has reviewed the submitted reports provided to assess possible risks to controlled waters from development of the site in the manner proposed and agrees with their conclusions that, whilst the site has not yet been fully characterised due to the buildings/hardstandings upon it, the information submitted appears to indicate that the ground may not pose a significant risk to controlled waters however, the site still appears to be occupied and buildings remain.

It recommends any permission is conditioned to ensure more complete site investigation (particularly of the areas presently occupied by buildings/hardstandings) and the findings of this used as the basis of the remediation scheme to be submitted and approved prior to the commencement of development.

Biodiversity:

Land alongside the river is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

It has reviewed the submitted reports and is satisfied that the development will not have an unacceptable impact on the river corridor so long as a condition is imposed to ensure submission and approval of a satisfactory scheme for an 8 metre undeveloped buffer alongside the River Irwell and for the levels/form of the new route for the Irwell Sculpture Trail and adjacent houses/gardens.

5.6 Lancashire Police

Requests the development is carried out in a manner to achieve Secure by Design Certification and thereby assist with crime reduction by taking on-board the principles of “designing out crime”.

5.7 RBC (Regeneration)

The application site is part of Warth Lane Industrial Estate. This is designated as Employment Land and its suitability for use as such re-assessed in 2009 on the Council’s behalf by Nathaniel Lichfield & Partners. Its recommendation is to retain its existing employment status.

5.8 RBC (Env Health)

Bardon Concrete operate from premises immediately adjacent to, and elevated somewhat above the level of, the application site. Open generally from 7am to 5pm Monday- Friday and 7am to 1pm on Saturday, they make concrete for use on building / construction projects, themselves operating 3 delivery vehicles.

Whilst the Bardon Concrete are not presently a source of complaint, being bounded by other commercial premises, the proposal will result in a mix of heavy industry and residential use that is not appropriate, residential neighbours likely to have reason to complain from time to time about the concrete-making works in particular.

6. NOTIFICATION RESPONSES

- 6.1 To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice on 20/5/11, site notices posted on 18/5/11 and letters sent to the relevant neighbours on 23/5/11.
- 6.2 Fielden Factors has expressed concern about the mixing of housing and commercial traffic that this proposal will result in. It states that Warth Old Road is used to access several businesses, many of their vehicles being large articulated lorries that wait and turn on the highway, and on busy days the road becomes congested. If this development goes ahead there will be some 100 extra cars trying to get out on to Bacup Road, resulting in safety issues/mayhem at peak times and preventing the businesses function properly.
- 6.3 Objections/adverse comments have also been received from the Horse + Bamboo Theatre and 3 local residents. They relate principally to the fact that traffic on Bacup Road has increased considerably over the years and it is now difficult/dangerous for vehicles to exit to it from side roads and drives and for pedestrians to cross it, and the proposed development will add to the problems.

7. ASSESSMENT

- 7.1 The main considerations of the application are:

1) Principle; 2) Loss of Employment Land; 3) Housing Policy; 4) Access; 5) Layout; 6) Contaminated Land; 7) Flood Risk; 8) Ecology; & 9) Other Benefits/Financial Contributions.

7.2 Principle

The site is located within the Urban Boundary of a Main Development Location, wherein the Council seeks to locate most new development. Furthermore, the site constitutes previously-developed land is not far from a main road along which runs a 'quality' bus service or far from Waterfoot Town Centre.

Accordingly, the proposal is considered appropriate in principle.

7.3 Loss of Employment Land

PPS1 highlights the balance that must be struck between the loss of employment land and the need to provide new homes. Along with placing the responsibility on LPAs of ensuring *"that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments"*, PPS1 states that LPAs should *"Ensure the provision of sufficient, good quality, new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations, whether through new development or the conversion of existing buildings"*.

Policy W4 of the RSS states that *"Outside of a comprehensive review of commitments, when preparing plans and strategies and considering proposals and schemes there should be a presumption against the release of allocated employment sites for other uses. Sites should not be released where they provide, or have potential to provide, an important contribution to the economy of the local area. If Local Authorities are minded to release employment sites they should be satisfied before doing so that:*

- *An appropriate supply of sites is available for employment uses....*

- *If required, there are replacement sites available, of equal or better quality, or that alternative means of incorporating employment land needs have been identified. This might mean considering mixed-use developments, greater intensity of land use.... In both cases consideration should be given to the implications of releasing/retaining employment land in relation to the spatial principles in DP1-9, in particular the promotion of social and economic inclusion, sustainable travel choices and access to services...*

On the Proposals Map of the Local Plan the application site is designated as an Existing Employment site, wherein Policy J3 sought to give the needs of industry & commerce priority over housing. However, Policy J3 is not a 'saved' policy.

The Council's approved Interim Housing Policy Statement 2010 states that *"loss of employment facilities and / or other land uses to residential development will be required to provide evidence that such a loss is the most viable and beneficial option for the site; by marketing it for a variety of uses other than its current use, for a period of no less than 6 months. Loss of employment facilities and other land uses to residential development will be required to provide replacement facilities/ amenities of the same quantity and quality via a Section 106 Agreement either as an on-site contribution or equal commuted sum, to be agreed with the Local Planning Authority prior to an application being submitted"*.

The Council is preparing a Local Development Framework to replace the Local Plan. To assist it its commissioned Nathaniel Lichfield & Partners to carry out an Employment Land Study (2009), as required by Policy EC1 of PPS4. The study scores the Warth Lane industrial estate (of which the application site forms part) as 31 out of 50, and notes that *"The site is mainly occupied, fronts the A681, is well located for Waterfoot Town Centre services and appears to be meeting a local need for industrial units"*. The recommendation of the NLP study is that the site be retained for employment uses.

With regard to land for sustainable economic development, Policy EC2.1 of PPS4 encourages LPAs *"...to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use..."* and at the local level *"...where necessary to safeguard land from other uses"*.

The Council's Regeneration Unit is of the view that the application site should be retained for employment use.

The site is presently occupied by Buckhurst Plant Hire, which presently provides more than 20 full-time jobs. The applicant has not indicated whether the business will relocate and, if so, whether the jobs it currently provides will remain in the Borough.

Having regard to the above, I do not consider the case to have been made for allowing the loss of this employment site. It is also considered that if the proposed development goes ahead the proximity of the new houses to adjoining employment uses and their accesses could impinge upon the opportunities of occupiers of the nearby employment land/buildings to alter and expand their activities and maintain/add to employment.

7.4 Housing Policy

PPS3 encourages LPAs to seek *"To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community"*, and *"To improve affordability across the housing market"*.

Policy L5 of the RSS seeks *"a proportion of affordable housing on all development sites which are above the relevant thresholds"*. Policy L4 of the RSS also requires at least 65% of

new housing in Rossendale to be on previously developed land. Para 47 of PPS3 sets out a national minimum density of 30 dwellings per hectare for new developments, which is echoed in the Interim Housing Policy Statement 2010 .

The development would contribute to Rossendale’s target of delivering 222 new dwellings per year, as set by Policy L4 of the RSS.

Policy 2 of the Council’s Core Strategy (currently at Examination) prioritises the development of previously developed land to meet the Borough’s housing requirement, setting a target for 65% of all new housing within the Borough to be completed on such land over the plan period to 2026.

RBC Core Strategy Policy 3 groups the settlement of Waterfoot with other smaller settlements in the Borough (including Loveclough, Goodshaw, Stacksteads, Helmshore, Edenfield, Britannia, Shawforth and Facit) to provide 20% of the Borough’s overall housing requirement over the plan period. This equates to approximately 740 houses over the plan period to 2026 within this group of settlements, which the proposed scheme would contribute towards.

Policy 24 of the RBC Core Strategy requires that residential amenity is protected from noise and light pollution, and that satisfactory outlook and privacy is maintained in all developments. In this case, it is considered that neighbouring uses (for instance the adjacent concrete-making works and lorry movements associated with the neighbouring distribution depot) may negatively affect the residential amenity of the proposed residential estate.

The application site is located within a Main Development Location, wherein the Council’s Interim Housing Policy Statement (May 2010) states new residential development will be encouraged where:

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 50 dwellings/ha will be expected);

OR

4. It is for solely affordable and/or supported housing.

In this instance the part of the site to be occupied by houses is for the most part previously-developed land and the proposal will result in its development at an appropriate density. The IHPS states that within a Main Development Location residential developments of more than 15 units should provide 20% of them as Affordable units (i.e. 9.2 units).

The applicant has indicated that they are willing to enter into a S.106 Obligation to ensure provision on the site of 4 two-bed, 3 three-bed and 2 four-bed properties at 25% below market value. The Council’s Regeneration Delivery Manager has considered the adequacy of the affordable housing offer of the applicant and advises that it is acceptable for 9 units to be provided in perpetuity at 25% below market value for those in local housing need, however the split of 2, 3 and 4 bedrooled affordable units should reflect that of the market housing to be provided on the site.

7.5 Access

The Highway Authority concurs with the submitted Transport Assessment that the existing vehicular access used by Buckhurst Plant Hire (via Warth Lane) is sub-standard and ought to be retained only as access to the neighbouring commercial premises of Kidderminster Footwear and for use by users of the Irwell Sculpture Trail.

However, it is not persuaded that the submitted scheme provides safe and satisfactory access arrangements for the proposed residential estate, entailing shared use of an access with the TNT site that joins Warth Old Road close to Stansfield Road and the access to the concrete-making works and that of Fielden Factors. Nor do I consider it possible to frame conditions that would satisfactorily address the Highway Authority's concern about the access.

7.6 Layout

All 46 of the proposed houses are to be semi-detached, arranged to front to a new estate road of a width to accord with LCC (Highways) requirements for adoption or to a short private drive, and each is to have its own in-curtilage parking. I concur with the view expressed by the Highway Authority that with a gap of just 5m between the gables of properties, and drive lengths of less than 10m for 2 cars, off-street parking facilities are deficient. These and other deficiencies with access/parking arrangements within the site which the Highway Authority has identified, and of the Environment Agency for drainage from the pond to the south of the site into the river to be provided, are capable of remedy by the Applicant.

Of greater concern to me is the relationship which results from the submitted layout between a number of the proposed dwellings and the concrete-making works and the site occupied by the TNT building; as currently proposed I am not satisfied that the residents of all the units near to the neighbouring commercial premises will have the amenities and outlook that they could reasonably expect to enjoy. Furthermore, a number of the houses proposed on the south side of the new estate road will have next to no level ground to their rear, in some cases their rear gardens projecting for 25+m up steeply-sloping embankment that does not form part of the authorised site of the plant hire firm.

7.7 Contaminated Land

Neither the Environment Agency or the Council's Environmental Health Unit have raised objection to the application on the grounds that the site is incapable of being developed in the manner proposed without risk of pollution of the river or risk to public health.

7.8 Flood Risk

The Environment Agency is satisfied that the site can be developed without undue risk of flooding or making flooding more likely elsewhere. However, the need to mitigate flood risk for houses nearest the river will require the level of the site to be raised by approximately 2m. Great care will need to be taken to avoid this resulting in harm to the wildlife value of the river corridor or in the development appearing overbearing/incongruous as viewed from the new route of the Irwell Sculpture Trail.

7.9 Ecology

The Environment Agency has reviewed the submitted ecology reports and is satisfied that the residential re-development of the site is possible without unacceptable impact on the river corridor.

Likewise, I am satisfied that the applicant is in a position to enhance the wildlife value of the

pond just beyond the southern boundary of the site, but within its ownership.

However, LCC (Ecology) has concluded that further survey work is required to clarify potential impacts upon protected and priority species and habitats, in order to demonstrate compliance with relevant legislation, biodiversity planning policy and guidance, and if damaging impacts are likely will also need to demonstrate that adequate mitigation and compensation will be delivered as part of their proposal.

7.10 Other Benefits / Financial Contributions

The proposal to extend the Irwell Sculpture Trail alongside the river as far as Warth Lane is to be welcomed. It will result in a safer and more attractive route than presently runs through the neighbouring industrial premises.

Whilst the applicant has indicated that they are willing to enter into a S.106 Obligation to ensure payment to the Council of an appropriate amount to accord with policy in respect of play space/ open space provision and transport, they have not agreed to pay the £195,422 sought by the County Council it calculates necessary to address a shortfall in local primary school capacity the development will cause.

8. CONCLUSION

That Permission be Refused for the following reasons:

1. The application proposes piecemeal development that will result in an unacceptable relationship between the proposed dwellings and the Employment Area the site forms part of, with a significant risk of future residents having cause to complain about nuisance/disturbance from the adjacent industrial/commercial premises as now operating or wishing to develop. Accordingly, the proposal is contrary to PPS1/PPS3/PPS4/PP23/PPG24, and the Council's Submitted Core Strategy (2010) and the Employment Land Study underpinning it (2009).
2. The Council concurs with the view of the Highway Authority that the submitted scheme does not provide safe and satisfactory access arrangements for the proposed residential estate, by reason of shared use of an access with the TNT site that joins Warth Old Road close to Stansfield Road and the access to the concrete-making works and that of Fielden Factors. Accordingly, the proposal is contrary to PPG13, Policy RT4 of the Regional Spatial Strategy for the NW of England (2008) and Policy DC1 of the Rossendale District Local Plan (1995).
3. The Council concurs with the view of the Highway Authority that the submitted layout does not provide safe and satisfactory access/parking arrangements; eg. with a gap of just 5m between the gables of properties, and drive lengths of less than 10m for 2 cars, off-street parking facilities are deficient. The Environment Agency considers that the layout should make proper provision for drainage from the pond located just beyond the southern boundary of the site to the river. Furthermore, the Council considers the submitted layout will fail to provide residents of a number of the proposed dwellings with the amenities they could reasonably expect to enjoy such will be their relationship with the neighbouring concrete-making works and the site occupied by the TNT building and for other dwellings by reason of the size/levels/form of their rear gardens as currently proposed. Accordingly, the proposal is contrary to PPS1/PPS3/PPG13/PPS25, Policy EM1/EM5 of the Regional Spatial Strategy for the NW of England (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

4. The Council concurs with the view of the Education Authority that the proposed development will contribute to a forecast shortfall in local primary school capacity and the applicant has not agreed to make the financial contribution necessary to address this shortfall. Accordingly, the proposal is contrary to Policy L1 of the Regional Spatial Strategy for the NW of England (2008) and Lancashire County Council's Planning Obligations Policy (2008).

5. The Council concurs with the view of LCC (Ecology) that further survey work is required to clarify potential impacts upon protected and priority species and habitats in order to demonstrate compliance with relevant legislation, biodiversity planning policy and guidance and, if damaging impacts are likely the application will also need to demonstrate that adequate mitigation and compensation will be delivered as part of their proposal. In the absence of this the application is contrary to PPS9, Policy EM1 of the Regional Spatial Strategy for the NW of England (2008) and Policy DC1 of the Rossendale District Local Plan (1995).