

Application Number:	2012/156	Application Type:	Full
Proposal:	Demolition of existing buildings and erection of 16 dwellings	Location:	Ashley Court, John Street, Whitworth
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	12 June 2012
Applicant:	Green Vale Homes	Determination Expiry Date:	27 June 2012
Agent:	BYA Ltd Architects		

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

1. RECOMMENDATION

That Committee be minded to grant Planning Permission subject to a Legal Agreement to secure delivery of the dwellings as Affordable Housing & payment of £2,500 for a Traffic Regulation Order, and the Conditions set out in Section 11.

2. SITE

This application relates to a site of approximately 0.4ha in area that is presently occupied by a flat-roofed / brick-built block of flats of 2 and 3-storeys height.

Constructed in the 1970's as 24 bedsits, the building is now vacant.

The existing building faces towards John Street, on the opposite side of which is the Swimming Pool. To its north side is Elm Street, with terraced houses and bungalows that face towards it. To the south side is a further road, which gives access to Our Lady & St Anselm's RC Primary School, with steps at the end which rise up to Cowm Park Way North, with bungalows and houses on the opposite side.

The site is broadly rectangular in shape, with 3 mature trees on the bank rising up to the 1m high hedge on the frontage to Cowm Park Way North, with trees of less size in the footway/verges that extend down the northern and southern boundaries. Such is the difference in level between the site and Cowm Park Way South that the existing flat-roofed building is below the level of the hedge on this frontage.

The site is located within the Urban Boundary of Whitworth.

3. RELEVANT PLANNING HISTORY

None.

4. THE PROPOSAL

The application proposes demolition of the now-vacant block of flats and erection on the site of 16 dwelling units, to comprise of 4 1-bed flats, 4 2-bed houses and 8 3-bed houses.

The submitted scheme proposes :

- Construction of a short cul-de-sac taking access directly from John Street midway along the site frontage.
- To each side of this cul-de-sac will be a line of 2-storey buildings, the dwellings to have off-street parking to the front and rear gardens that extend up to Elm Street and the street to the south.
- The buildings are to be constructed in buff-coloured brick, with grey concrete roof tiles. For added interest the fronts will be rendered at first-floor level, with a canopy over each front door. Gables elevations to John Street and Cowm Park Way North include windows.

The Design & Access Statement accompanying the application states that:

- The scheme will deliver 16 new affordable homes, all to be at 'affordable rent', and will help meet the demands for affordable housing in Whitworth.
- The scheme has been designed to comply with the Homes & Communities Agency's Design & Quality Standards, Code for Sustainable Homes Standards Level 3 and to meet Secured by Design requirements.
- The site layout is in the traditional street/close form, in keeping with the area, and provides 20m separation window-to-window with existing dwellings.
- To avoid the front gardens appearing unduly hard-surfaced, each property will have a tarmaced drive and to its side a secondary car space with permeable re-inforced grass surface. Rear gardens are generally of 9m in length, more than adequate for bin-storage

and a shed (for cycle storage), bounded by 1m high brick walls topped by 1m high timber-boarded fences between brick piers.

- The site is located in a highly sustainable location, only a short walk away from Town Centre facilities and the frequent bus services that run along Market Street.

The application is also accompanied by :

A Flood Risk Assessment

It concludes the site to be suitable for the proposed development from a flood risk point of view.

A Ground Condition Assessment

It concludes that although the site is presently in residential use, a Phase 2 ground investigation & assessment should be undertaken prior to redevelopment of the site and its findings used to inform foundation design/remediation.

A Tree Report

It indicates 6 trees for removal - for the most part ornamental plantings and of which 3 are said to be of moderate value, 2 of low value and one unsuitable for retention regardless of the proposal. [Some have already been removed]

An Ecological Assessment

Whilst the existing building offers limited potential to support bats, its roofing materials/soffits should be removed with care and, where possible, trees/hedges retained and opportunities explored for enhancement of bat roosting/bird nesting opportunities.

5. POLICY CONTEXT

National Planning Policy Framework (2012)

- Section 4 - Promoting Sustainable Transport
- Section 6 - Delivering a Wide Choice of High Quality Homes
- Section 7 - Requiring Good Design
- Section 8 - Promoting Healthy Communities
- Section 10 - Meeting the challenges of climate change, flooding & coastal change
- Section 11 - Conserving & enhancing the Natural Environment

Development Plan

Regional Spatial Strategy for the NW of England (2008)

- Policy DP1 Spatial Principles
- Policy RDF1 Spatial Priorities
- Policy L1 Health, Sport, Recreation, Cultural & Education Services Provision
- Policy L4 Regional Housing Provision
- Policy L5 Affordable Housing
- Policy RT2 Managing Travel Demand
- Policy RT4 Managing the Highway Network
- Policy EM1 Integrated Enhancement & Protection of the Region's Environmental Assets
- Policy EM2 Remediating Contaminated Land
- Policy EM5 Integrated Water Management
- Policy EM16 Energy Conservation & Efficiency

Rossendale Core Strategy DPD (2011)

- AVP1 Area Vision for Whitworth, Facit & Shawforth

Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 4	Affordable and Supported Housing
Policy 19	Climate Change & Low Carbon & Zero Carbon Sources of Energy
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

RBC Open Spaces & Play Equipment Contributions SPD

6. CONSULTATION RESPONSES

RBC (Strategic Housing)

The scheme supports the objectives and priorities within the Pennine Lancashire Housing Strategy by meeting :-

Objective 1: To ensure a sufficient quantity, quality, and appropriate type of housing supply, to meet the economic growth aspirations and social needs of Pennine Lancashire: &

Objective 2: To develop sustainable neighbourhoods that can retain and attract successful households reducing disparities between neighbourhoods and providing linkages to economic growth and employment opportunities; improving the economic performance of the sub-region.

RBC Environmental Health

No objection

LCC Highways

Do not object to the above planning application on highway grounds subject to the following conditions.

- 1) All demolition and construction movements on the highway network should cease at school dropping off and picking up times to ensure the safety of the pupils and the free flow of the highway network.
- 2) The driveways should be 6 metres in length.
- 3) Addition of a rumble strip at the entrance to the development.

The proposed works within the highway require that the Developer enter into a Section 38 agreement with it.

At the pre-application stage the Applicant was advised to undertake a parking survey on John Street, Elm Street and the unnamed street adjacent to St. Anselms School is required in an evening and on a weekend day, to determine the level of on-street parking at present as the 2 new properties adjacent to John Street had only 1 off-street parking space, below the standard set out in our parking standards. In the absence of this information it requests a TRO at the junction of John Street and the new access road to ensure that sightlines are maintained.

United Utilities

No objection provided that :

- The site is drained on a separate system, with only foul drainage connected to the foul system.
- Highway drainage not connected to the public wastewater network.

It further advises that :

- There is a public sewer which crosses the site and it will not permit building over it.
- A separate metered supply to each unit will be required at the applicant's expense.

Whitworth Town Council

Requests a Condition that the development is built in reconstituted stone, and not brick as per the application.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a press notice was published, 4 site notices were posted on 13/4/12 and neighbours were notified by letter on 2/4/12.

Two objections have been received from local residents:

- One states that the applicant is to be commended for making provision for safe cycle storage with each residence, but there is need to provide a link from the site to the immediately adjacent cycle route (NCN 92 - Rochdale tram station to Rawtenstall railway station), entailing replacement of the existing steps up to Cowm Park Way North with a ramp & new steps, with widened footway at the top.
- The other, bearing 7 names of residents of Elm Street, expresses concern about parking problems that may arise, the swimming pool presently giving rise to much on-street parking even when many parking spaces on the Riverside public car park are available.

8. ASSESSMENT

In dealing with this application the main issues which need to be considered are :

- 1) Principle
- 2) Housing Policy
- 3) Contamination & Ground Stability
- 4) Design & Appearance
- 5) Neighbour Amenity
- 6) Access/Parking

Principle

The site lies within the Urban Boundary of Whitworth, near to Town Centre services/facilities/a quality bus route and the proposal entails no change in the use of the site from residential or any intensification in use.

Accordingly, the proposed development is considered appropriate in principle.

Housing Policy

The proposal will result in all the units on the site being provided as 'affordable housing' and will provide accommodation for occupiers of the proposed dwellings with the amenities they could reasonably expect to enjoy.

Contamination & Ground Stability

The Phase 1 Desktop Study accompanying the application considers the site to be of a moderate environmental risk for the intended end use and recommends a preliminary Phase 2 Intrusive Site Investigation be carried out to determine the status of contamination and to determine the geo-technical properties of the ground for foundation design. The Council's Environmental Health Unit concurs with the need for further ground investigation before construction proceeds. A Condition to this effect is recommended.

Design & Appearance

The scale and form of the proposed development is more in-keeping with the surrounding buildings than the existing building. Implementation of the scheme will result in two 2-storey brick-and-render fronted houses in place of the 2 and 3-storey flat-roofed brick building presently to be seen. Other elevations of these dwellings are to entirely of brick. Whilst Whitworth Town Council favours use of reconstituted stone, rather than brick, I do not consider the proposed development will look unduly prominent or intrusive as now proposed. It is considered appropriate to require submission of a sample of the intended facing brick for construction of the houses and boundary walls.

Likewise there is a need to by way of a condition that ensure landscaping/boundary treatment s will be appropriate. This will include retention and addition to the street-trees and making good of verges and footways bounding the site. The trees which have/are to be removed to facilitate the development were/are not the subject of a Tree Preservation Order and their loss will not result in significant harm to visual amenity.

Neighbour Amenity

I am satisfied that the proposed development will not detract to an unacceptable extent from the amenities of any neighbours.

Whilst the scheme will result in a greater spread of buildings across the site, it entails replacement of a building of greater height, bulk that comes nearer to Elm Street and the unnamed Street to the other side of the site. The proposed dwellings accord with the Council's spacing standards of 13m window to gable and 20m window to window.

The concerns expressed by objectors are addressed below.

Access/Parking

The highway authority has not objected to the proposed development. There are certain matters of detail it wishes to address by way of condition.

The main concern which objectors and LCC highways has raised arises as a result of existing levels of on-street parking that occurs in the vicinity of the site. The scheme of redevelopment proposed will result in a reduction in the number of dwellings within the site. Nevertheless, the two units nearest to John Street will possess only one off street parking space rather than the two which the highway authority would wish to see. However, the pre-application scheme proposed, which showed the dwellings to be 3 bedroomed are now proposed on the submitted plans to be 2 bedroomed. I concur with the view of LCC highways that there is a need for the applicant to fund a Traffic Regulation Order (TRO) to prevent on-street parking at the junction of the access with John Street.

The suggestion of an objector that the existing steps from the site up to Cown Park Way North be upgraded and a ramp provided may be desirable, but it is not considered necessary or proportionate to the proposed development.

Planning Contributions

To accord with the Council's approved open space and play equipment contributions SPD , it would require the developer to contribute £1,366 for each of the 16 dwelling units proposed. However, the applicant advises that it is unable to make such a contribution for viability reasons. In this instance, I do not consider it would be appropriate to recommend refusal of the application in the absence of such a payment as all the proposed dwellings to be provided are "affordable housing" and having regard to the recreation facilities / equipped play area available at the nearby Festival Park.

10. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle for a site presently in residential use located within the Urban Boundary of Whitworth and reasonably near to its Town Centre and a 'quality' bus service. Subject to the Conditions, the scheme will not detract to an unacceptable extent from visual and neighbour amenity or highway safety. The development has been considered most particularly in light of Policies RDF1/L4/L5/RT2/RT4/EM1/EM2/EM5 of the Regional Spatial Strategy and Policies AVP1/1/2/3/4/23/24 of the Rossendale Core Strategy DPD (2011).

11. RECOMMENDATION

That Permission be granted, subject to:

- a) Completion of a Legal Agreement(s) to ensure that the 16 dwellings proposed are provided as Affordable Housing and payment to the Council of £2,500 to fund 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: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the commencement of construction :
 - a. Details of the Phase II investigation to be carried out shall be agreed with Local Planning Authority and the results submitted and approved in writing by the LPA.
 - 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 LPA.
 - c. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with approved details.
 - d. Should remediation be required a Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to and approved in writing by the LPA prior to the first occupation of that part of the development hereby approved.
Reason : To ensure the site is properly remediated and any risk to human health and controlled waters is minimised, in accordance with the recommendations of the submitted Ground Condition Report and Policy 24 of the RBC Core Strategy DPD (2011).
3. Prior to the commencement of construction samples of facing materials to be used in the elevations and roofs of the proposed houses, and any retaining walls, shall be submitted to

and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved materials.

Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

4. No development shall take place until a scheme of landscaping/boundary treatment has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The submitted scheme shall provide details of : a) walls/fences/gates/hard-paved areas; b) the protection to be afforded during construction to planting on the site and in adjacent highway verges/footways, to be retained; c) the types and numbers of trees and shrubs to be planted on the site and in adjacent highway verges/footways, and their size and distribution; & d) any changes of ground level or landform.

Reason : In the interests of visual and neighbour amenity and highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

5. All hard-surfaced areas/walls/fences/gates forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to occupation of the dwelling to which they relate/are nearest, unless otherwise agreed in writing with the Local Planning Authority. All approved measures for protection of planting to be retained shall be adhered to. All new planting, seeding or turfing forming part of the approved scheme of landscaping/boundary treatment shall be carried out in the first planting and seeding seasons following substantial completion of the dwelling to which they relate/are nearest. Any trees or plants in the approved scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason : In the interests of visual and neighbour amenity and highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

6. Prior to first occupation of the dwellings hereby permitted their car parking areas shall be provided with a hard permeable surface, with a length of not less than 6m, and thereafter kept freely available for use as such.

Reason: In the interests of highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

7. Prior to first occupation of any of the dwellings hereby permitted the proposed cul-de-sac shall be made-up to a standard that would enable its adoption by LCC (Highways) in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of :
 - a) The form of the rumble-strip to be formed near the junction with John Street; &
 - b) Street lighting.

Reason: In the interests of highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

8. Any demolition/remediation/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 and 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 24 of the Rossendale Core Strategy DPD (2011).

9. Prior to first occupation of any of the dwellings hereby permitted the existing vehicular accesses to the site shall be permanently closed and the highway verges/footways bounding the site shall be made good in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

Reason : In the interests of visual and neighbour amenity and highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

10. Prior to any demolition works, ground contamination remediation works or construction works associated with the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority providing details of :

- a) The siting of the Construction Compound;
- b) The routing to be used by lorries associated with the construction of the development hereby permitted and means by which the wheels of those vehicles will be cleaned before leaving the site.

The approved scheme shall be implemented.

Reason: To protect the amenities of neighbours and avoid the possibility of the public highway being affected by the deposit of mud and/or loose material, in accordance with Policy 24 of the RBC Core Strategy (2011).

11. Any demolition works, ground contamination remediation works or construction works associated with the development hereby approved shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm 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 24 of the RBC Core Strategy (2011).