

Application Number:	2012/198	Application Type:	Full
Proposal:	Erection of four dwellings	Location:	Plots 17-20 Kandel Place, Whitworth,
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	17 July 2012
Applicant:	Berkshire Homes	Determination Expiry Date:	12 July 2012
Agent:	R A Fisk & Associates		

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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 checked="" type="checkbox"/> Cllr Alan Neal The development is close to New Brighton Cottage and consideration needs to be given to the damage caused to it by piling from recent developments on the site.
3 or more objections received	<input type="checkbox"/>
Other (please state):	

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 the application be approved for the reasons set out in Section 10 of the Report

2. SITE

The application site forms part of the former Bridge Mills premises accessed from North Street.

The former mill site is bounded on its north and west sides by housing, to the south side are Whitworth Museum and commercial premises and to the east side are houses / shops with living

accommodation that in most cases front Market Street. The River Spodden runs through the middle of the site.

Following the grant of Outline Planning Permission (2003/252) for residential redevelopment of the mill site, Reserved Matters Approval for the erection of 19 houses and a block of 9 apartments was granted in January 2007 (2006/608). 12 of the permitted houses have been completed and are occupied. The apartment block intended to the SW corner of the site remains un-built, as too are houses intended immediately to the rear of existing houses fronting Brenbar Crescent.

This application relates to a site of approximately 20m x 50m that is located immediately to the rear of houses fronting Brenbar Crescent and which are elevated above the level of the application site. Permission 2006/608 permitted the residential redevelopment of this site in a form differing somewhat from the scheme originally permitted.

3. RELEVANT PLANNING HISTORY

2003/252 Outline application for residential redevelopment
Approved

2006/608 Reserved Matters for the erection of 19 houses & block of 9 apartments
Approved

2008/092 Erection of 4 dwellings (Amended scheme)
Approved 2/4/08; Condition 1 required that the development commence within 3 years.

2012/201 Erection of 7 dwellings on the site of the previously-permitted apartment block
Withdrawn by the applicant in order that they can address matters raised by LCC Highways regarding the adequacy of the proposed turning head and parking provision.

4. THE PROPOSAL

As Planning Permission 2008/092 has become time-expired permission is being sought now for essentially the same scheme of development as it permitted.

This would result in the construction of a block of four 2-storey terraced properties, and provision to their side of a 10-space car park. The properties would be built with artificial stone walls and slated roofs, with a height of 5m to eaves and 8.4m to ridge.

5. POLICY CONTEXT

National Planning Guidance

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 11 Conserving and Enhancing the Natural Environment

Development Plan

Regional Spatial Strategy for the NW of England (2008)

Policy DP1-9 Spatial Principles

Policy RDF1	Spatial Priorities
Policy L4	Regional Housing Provision
Policy RT2	Managing Travel Demand
Policy RT4	Management of the Highway Network
Policy EM1	Environmental Assets
Policy EM5	Integrated Water Management

Rossendale Core Strategy DPD (2011)

- AVP1 Whitworth, Facit and 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 8 Transport
- Policy 9 Accessibility
- Policy 17 Rossendale’s Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

RBC Alterations & Extensions to Residential Properties SPD (2008)

6. CONSULTATION RESPONSES

RBC Environmental Health

Based on recent findings of contamination on the adjoining site it is advisable that remedial measures are incorporated, including provision of a suitable membrane 0.6m below ground level with imported clean soil over. As there were elevated levels of Polyaromatic Vapours within test holes on the adjoining site it would also ask that further work is done to identify and determine ground gas deposits, followed by the necessary suitable remedial measures.

On this basis it has no objections to this application.

LCC (Highways)

No objection.

The length of access road which has been constructed to serve the houses already built will require making up to adoptable standards and formally adopting (by a Section 38 Agreement with Lancashire County Council), include bridge structures.

LCC Ecology

The proposed amendments of the approved scheme do not appear to have any significant ecological impacts, provided that the concerns of the Environment Agency can be addressed.

United Utilities

No objection to the proposal provided that the following conditions are met:

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the existing watercourse as stated on the planning application

- The applicant must undertake a complete soil survey and the results submitted to it to aid in design of future pipework and materials, to eliminate the risk of contamination to the local water supply.

A water supply for domestic purposes can be made available to the proposed development. A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

Environment Agency

We consider that planning permission could be granted to the proposed development as submitted subject to a planning condition to adequately remediate the site of pollutants that might otherwise add to water pollution.

Since the original Flood Risk Assessment (FRA) was carried out in 2003 the Environment Agency has carried out flood risk modelling for the River Spodden. The levels from our recent study in 2010 are not greatly different to that determined in the FRA. Accordingly, we have no objections to the revisions to layout and house types now proposed.

Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Spodden which, is designated a 'main river'.

7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices were posted on 30/05/2012 and 20 neighbours were consulted by letter on the 28/05/2012.

Two objections have been received relating to development. The concerns are summarised below:

- The height of the buildings
- That the proposal particularly the end plot will effect the privacy enjoyed by neighbours
- What will happen to the remaining factory wall and would the height be adjusted as this could effect privacy
- One letter refers to plots 15 & 16 that have an extant permission and which are not part of this planning application or the red edged site. The neighbour asks how the foundations will be put in, how they can continue to maintain the gable wall and if the gable wall would be used to support the properties on plots 15 & 16.

Whitworth Town Council

Request that the planning application go to the Development Control committee due to its close proximity to other dwellings; the Town Council also requests that, if piled foundations are required the developers drill rather than pile-drive due to the site's close proximity to properties, especially a number that do not have foundations.

8. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; and 5) Access/Parking.

Principle

The land is previously developed and within the Urban Boundary of Whitworth.

Permission for residential development of the site remains alive in respect of the scheme permitted by Outline Permission 2003/252 and reserved matters approval 2006/608.

Planning Permission 2008/0092 enabled the construction of four residential properties as now proposed.

Accordingly, the scheme is considered acceptable in principle.

Housing Policy

Since the previous approval 2008/0092 the NPPF has been introduced and the RBC Core Strategy has replaced the Rossendale District Local Plan.

The proposal is in accordance with Policy 2 and Policy 3 of the adopted Core Strategy, which encourage development on previously developed sites in Rossendale and for new housing in Whitworth.

Visual Amenity

As approved previously under planning approval 2008/0092 and the large scheme 2006/0608, the houses would be built with artificial-stone walls and roofs of artificial slate. As such, the proposed dwellings would be in keeping with the character of the recently developed buildings on the site and would not look out of place in the area. In terms of their design and appearance, the proposed dwellings are acceptable.

Neighbour Amenity

The position and form of the 4 dwellings is unchanged from the previously approved 2008/0092.

By virtue of the location/position of the site, the proposed end dwelling on the north-easterly side of the block would be constructed to the rear of 15 Brenbar Crescent. However, due to its position, the new dwelling would be located approximately 9m away from the main rear wall of 15 Brenbar Crescent and would have no window other than a bathroom window at the first floor level. A bed room window is proposed at the first floor level on the gable of the end terraced property, however due to the orientation of the house, it is not considered that the proposed development would unduly impact on the amenities of the residents of 15 Brenbar Crescent or other adjacent properties.

I am mindful of the comments raised by residents of 16 Brenbar Crescent. In response it should be pointed out that the proposed dwellings would be located approximately 20m away and due to their orientation, would have little detrimental impact on the amenities of the residents of No. 16 Brenbar Crescent. In addition concerns raised by residents of New Brighton Cottages relate to plots 15 & 16 which are not the subject of this planning application and benefit from an extant approval (2006/608).

Access/Parking

The proposal includes the provision of 10 parking spaces which is the same as that approved previously.

9. SUMMARY REASONS FOR APPROVAL

The proposed development is considered appropriate in principle within the Urban Boundary and, subject to the conditions, it is considered that it will not result in unacceptable detriment to visual & neighbour amenity or highway safety, having regard to the NPPF (March 2012), Policies DP1-

10. 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 2976-04 2976-06 and 2976-07 drawing numbered 2976-10 Rev D dated 14 February 2012 by the LPA, unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority.
Reason: To accord with the permission sought.
3. The vehicular hardstanding and parking spaces shown on the approved drawing shall be constructed and surfaced with a bound pourous material and all spaces shall be made available for use prior to first use of the dwellings hereby permitted and thereafter kept freely available for use as such.
Reason: In the interests of highway safety, and to accord with Policies 1, 8 and 24 of the Council's Core Strategy DPD (November 2011).
4. Notwithstanding the drawings and documentation submitted with the application, the facing materials shall match in colour, form and texture those properties already built under Planning Permission 2006/608, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development will be of satisfactory appearance, in accordance with Section 7 of the NPPF and Policy 24 of the adopted Core Strategy DPD.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Classes A to H or Part 2 Classes A to C, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
Reason: To enable the Local Planning Authority to control the development and to safeguard the character and visual amenities of the area and in the interests of neighbour amenity, to comply with Policy 1 and 24 of the Council's Core Strategy DPD (November 2011).
6. Notwithstanding the documentation submitted with the application, development approved by this permission shall not take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In accordance with the National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121) and in accordance with the comments from the Environment Agency.

7. No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: In accordance with the National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: In accordance with the National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121) and in accordance with the comments from the Environment Agency.

9. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.
Reason: To minimise the risk of flooding, in accordance with Policy 24 of the adopted Core Strategy DPD.
10. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
Reason: As required by United Utilities and to ensure the development has satisfactory drainage in accordance with Policy 24 of the adopted Core Strategy DPD.
11. Prior to the commencement of development full details of the measures to be incorporated in the development for the benefit of bats, together with a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved timetable.
Reason: To mitigate against the loss of ecological habitats on the site, in accordance with Policy 18 of the adopted Core Strategy.
12. 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 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 24 of the Council's Core Strategy DPD (November 2011).