

<b>Application Number:</b>	2012/363	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of Seven Town Houses	<b>Location:</b>	Plots 21- 27, Kandel Place, Whitworth
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	18 September 2012
<b>Applicant:</b>	Berkshire Homes	<b>Determination Expiry Date:</b>	19 September 2012
<b>Agent:</b>	R A Fisk & Associates		

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REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input type="checkbox"/>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<input checked="" type="checkbox"/> <b>Cllr Alan Neal</b> In order for Members to take into consideration effects of piling on the site and impacts on retaining walls.
<b>3 or more objections received</b>	<input type="checkbox"/>
<b>Other (please state):</b>	

## 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). A dozen of the permitted houses have been completed and are occupied. Planning permission was granted under planning reference 2012/0198 for 4 dwellings on the site (Plots 17-21) in a varied form, to the north of the river and roughly to the south of No.15 Brenbar Crescent. Implementation of this is on-going.

This application relates to the area of the site to the west of Plots 17-21, where there is permission for the erection of the apartment block. It is bounded by Brenbar Crescent to the North, Bridge Street to the west with the River Spodden to the east and south, beyond which is an industrial building and Whitworth Historical Museum.

### **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.
- 2012/0198** Erection of four dwellings  
Approved at DC Committee July 2012.
- 2012/0201** 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**

The applicant's consider that the approved two storey block of 9 apartments is no longer financially viable and therefore seek permission to erect seven 3-bedroomed dwellings in 2 terraces.

The dwellings would be constructed in materials to match those of the houses already completed and under construction. Each of the dwellings would have garden to the rear. Access to the properties would be via a road bridging over the river and terminating with a turning head at its west end. There would be 4 car parking spaces immediately off the turning head, a further 8 in front of plots 24-26 and a new car park for 5 cars would be formed on the opposite side of the River (to the rear of Whitworth Museum).

At the nearest point the western terrace of 4 would have its gable elevation approximately 13m from the rear elevations of properties fronting Bridge Street, with the rear elevations of the properties approximately 12m from the gable of 16 Brenbar Crescent. The terrace of 3 would be

offset and set back from the terrace of 4 and would be approximately 19m from 16 Brenbar Crescent.

The Design & Access Statement accompanying this application states :

*“The poor ground conditions make the use of piling necessary. Whilst previously driven piles were used, we propose to use a shell and auger type piling system for this phase of the development to mitigate the affects of piling on the adjacent dwellings.”*

## **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**

### **LCC (Highways)**

Highlight that looking at the development as a whole there would be an overall shortage of four parking spaces. However, this shortage could be accommodated on Kandel Place without causing a highway safety problem. Parking provision for the development now proposed accords with LCC Parking Standards. Recommend that the parking area to the rear of the Museum is designated with signage to state ‘Resident Parking’.

It further advises that no footway provided should have a width less than 1.8m and the Applicant will need to pay it a commuted sum if it is to adopt the bridges on the site.

#### United Utilities

No comments received.

Previously United Utilities had 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.

#### 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.

#### 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'.

#### RBC Building Control

It advises that if the work is carried out in accordance with the submitted method statement for piling it will accord with the relevant legislation.

## **7. REPRESENTATIONS**

To accord with the General Development Procedure Order site notices were posted on 31/07/12 and 49 neighbours were consulted by letter on the 26/07/12.

Three objections to the application have been received. The concerns are summarised below:

- Loss of light, privacy and views in relation to 10 and 16 Brenbar Crescent

- Design not in keeping with nearby houses
- Plans don't show neighbouring houses properly
- Work carried out on old mill wall is unsatisfactory.
- The owner of Twin Automating Group objects on the basis that the proposed scheme would prevent them getting vehicular access to the rear of their premises (which are attached to Whitworth Museum); a copy of the letter raising this matter in respect of a planning application permitted in 2003 has been provided.

In response to the objection from Twin Automating Group to the 2003/252 application the applicant advised that they were the sole owner of the application site; it remains the case that if the firm has a private right of way over the small part of the site, as they suggest, this is, a private legal matter and not a material planning consideration.

## 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 site is previously developed land, is within the Urban Boundary of Whitworth and there is an extant approval for residential development. Accordingly, the scheme is considered acceptable in principle.

### Housing Policy

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

The houses would match those previously permitted elsewhere on the adjoining land in terms of appearance and the overall site layout is considered appropriate. The properties would not have a greater prominence from wider public vantage points than the previously permitted apartment block. Further information is considered to be required in respect of landscaping and surface finishes for the parking areas/roads/bridges. Subject to conditions to address these matters the scheme is considered acceptable in terms of visual amenity.

### Neighbour Amenity

There was originally concern regarding the impact and proximity of the proposed development most obviously Plot 27 for residents of existing houses fronting Bridge Street. The row of town-houses now proposed would be nearer to Bridge Street than the previously approved apartment block. However, the Agent has amended the scheme to ensure there is a minimum of 13m between the habitable room windows of properties on Bridge Street and the side elevation of the houses now proposed on plot 27. The permission for the apartment block pre-dates the adoption by the Council of the Alterations & Extensions to Residential Properties SPD setting out the spacing standards it would expect development to conform with. The current proposal accords with its required separation distance of 13m between a principal window to a habitable room in one property and a two storey blank wall of a neighbour property. The scheme is considered acceptable in relation to these neighbours.

The development would be further from the boundary with Brenbar Crescent than the previously approved scheme for apartments. The garage of No.16 Brenbar Crescent would be 12m from Plot 27 at the closest point. The plots are angled so there would not be any windows directly facing

each other. The dwellings proposed on Plots 21, 22 & 23 are 20m + from habitable room windows of No.16 Brenbar Crescent.

It is necessary to condition that a landscaping scheme is submitted to and approved in writing by the Local Planning Authority. This is consistent with the most recent approval on the neighbouring site and will ensure adequate and consistent landscaping / boundary treatments are used around the site to protect neighbour amenity.

Previously expressed concerns relating to noise/vibration resulting from the form of piling used to form foundations for the neighbouring houses were conveyed to the Agent/Agent. In response it is intended that the houses now proposed have their foundations constructed using a shell-and-auger type piling system rather than driven piles.

#### Access/Parking

There has been no objection from the Highway Authority. The scheme is considered acceptable in terms of highway safety.

### **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 (2012), Policies RDF1/L4/RT2/RT4/EM1/EM2/EM5 of the Regional Spatial Strategy for the NW of England (2008) and Policies 1 / 2 / 8 / 9 / 18 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

### **10. RECOMMENDATION**

That the application be permitted subject to 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 amended drawings numbered 2976-18 A, 2976-19 A, 2976-11 D received 31 August 2012 by the LPA and amended drawings numbered 2976-16 A, 2976-15 A, 2976-20, 2976-12 A received 24/08/2012 and drawings numbered 2976-14 and 2976-12 date stamped 25/05/2012 and using a shell-and-auger piling system as referred to in the method statement produced by MK Piling 28/08/2012, 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. Prior to first occupation of any of the dwellings hereby permitted their access and parking spaces shall be constructed, drained and surfaced with a bound porous material 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 and to protect the amenities of neighbours, in accordance with Policies 1, 23 and 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. Notwithstanding what is shown on the submitted drawings, prior to the commencement of development full details of landscaping/boundary treatments shall be submitted to and approved in writing by the Local Planning Authority, to include details of existing boundary planting to be retained and any necessary measures for the protection of planting. Any fences/walls/gates/hard-surfaced areas forming part of the approved scheme shall be completed prior to first occupation of the building hereby permitted and any new planting shall be undertaken in the first planting season thereafter, unless otherwise first agreed in



writing by the Local Planning Authority. Any of the plants which are removed, die or becomes seriously damaged or diseased within 5 years shall be replaced by others of the same siting/size/species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect visual and neighbour amenity, in accordance with Policies 1 & 24 of the adopted Core Strategy DPD 2011.

13. 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).