

Application Number:	2012/539	Application Type:	Full
Proposal:	Erection of 39 houses	Location:	Site of Facit Mill, Market Street, Whitworth
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	12 February 2013
Applicant:	Countryside Properties & Calico Housing Group	Determination Expiry Date:	15 February 2013
Agent:	JASP Planning Consultancy Ltd		

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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 Application

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 Permission be Granted subject to a S.106 Obligation and the Conditions set out in Section 12.

2. THE SITE & ITS SURROUNDINGS

This application relates to a site of approximately 0.85ha in area that was until relatively recently occupied by Facit Mill, a red-brick multi-storey textile mill building.

The site is situated to the east side of Market Street (A671), to the opposite side of which are commercial premises, most of which are setback behind a car park. To the north side the site is bounded by Cheetham Hill, an unadopted Road, which gives access to the grounds of The Grange, a residential property on its north side. To the north-east it is bounded by houses belonging to Green Vale Homes and accessed from Grange Road. It does not itself have a long frontage to Grange Road as the belt of land extending down to Edward Street is also owned by Green Vale Homes and this grassed area and the trees upon it are to remain. To the south side is Edward Street, which gives access to the residential on the east side of Grange Road, south side of Edward Street and of Longacres, together with Whitworth Cemetery.

All the buildings on the site have been cleared, except for an electricity sub-station on the Market Street frontage. The only trees of note within the application site are located on that part of the site with a frontage to Grange Road. A culvert runs diagonally beneath the site (from the NE to SW), containing the Hud Clough watercourse; it formerly ran beneath the mill building.

The site lies within the Urban Boundary of Whitworth.

3. RELEVANT PLANNING HISTORY

2011/616 Notification of intention to demolish Facit Mill

4. PROPOSAL

The application proposes the erection of 39 2-storey houses. All are to be provided as Affordable Housing for social-rent, 16 to be 2-bedroomed and the others 3-bedroomed.

The submitted Layout proposes :

- Construction of a new cul-de-sac taking access from Market Street which requires relocation of the electricity sub-station midway along this frontage to the Edward Street frontage.
- A series of semi-detached houses are to be erected that face towards Market Street, but served by communal car parks to their rear taking access from the cul-de-sac; the roadways giving access to these parking spaces will be backed by a retaining wall of approx 1.8m in height. The proposed houses to face the cul-de-sac are to have in-curtilage parking.
- A further 8 houses are proposed that will face towards Edward Street (occupying land formerly occupied by buildings) and 2 houses to face towards Grange Road (construction of which will require felling of the most noteworthy trees within the application site), each of these houses to have in-curtilage parking.
- All of the dwellings will be constructed to achieve Level 3 of the Code for Sustainable Homes and to Lifetime Homes standards.

- The houses are to be constructed of brick with grey tiled roofs. Those to face Market Street and Grange Road will have gardens bounded to the front by 1.1m high hoop-topped metal railings, whilst the rear gardens of houses will be bounded by 1.5m-1.8m high concrete post/timber panel fences.

The application is accompanied by the following documents :

A Planning Statement

It refers to the Employment Land Study commissioned by the Council which concluded that Facit Mill was no longer viable for employment uses and that the site should be released for either an alternative use (including residential) or a mixed use. It further advises that the owners of the mill engaged King Sturge in June 2008 to market the premises for sale or let on an 'All Enquiries' basis but the only expression of interest was for a short-term let from a paint-ball type operator that would have occupied only a small part of the building. All of the proposed dwellings will be provided as Affordable Houses and are of a size and tenure for which there is a local need. The accompanying viability assessment demonstrates that the proposal does not provide the normal contractors' margins - the viability identifies a deficit of around £90,000 (to be covered by Homes & Communities grant). Accordingly, the proposal cannot afford to provide any contributions for off-site works. Nevertheless, it should be permitted as it secures development of a neglected, brownfield site in a prominent location in an attractive manner that provides much-needed affordable housing.

Ground Condition Reports

They indicate the site to contain a series of plateau which appear to have been cut into a slope rising up from Market Street. There are a number of retaining walls and made-ground has been encountered across the site, within which are a number of relic structures. No significant concentrations of methane, carbon dioxide or other gases of concern were recorded. Asbestos fibres have been identified in made ground in 4 exploratory holes located towards the E and NE of the site and it will need to be removed from site or isolated from future users beneath buildings, paved areas or 1m of clean soil. Slightly elevated concentrations of arsenic and copper have been identified in ash and clinker made-ground, and a hotspot of lead, which may be retained beneath buildings, paved areas and 0.6m of clean soil. Crushed demolition material present on site should be suitable for use in construction of the highways. It concludes that any Permission will need to be the subject of a Condition to ensure investigations/assessments adequately define the remediation works to be undertaken and ensure their implementation/validation.

A Design & Access Statement

It states that the site is in a highly sustainable location, with good access to shops and services, and is located on a main road along which runs a quality bus service. The proposed layout provides an appropriate density of development. At 2-storeys, the proposed houses will reflect the height of surrounding buildings. Use of red brick and render for construction of external walls of the houses is appropriate having regard to the red brick mill that until recently occupied the site and surrounding houses being of brick, render and stone. The houses on corners fronting Market Street have principle windows in each of these elevations and hipped roofs to enhance the appearance of the development.

A Noise Report

A PPS24-compliant noise assessment of the site has been carried out and, having regard to the noise from traffic on Market Street, it concludes that it is possible for the houses to achieve BS8233 'good' internal noise levels with suitably constructed facades, including acoustically-rated faced ventilators and double-glazing.

A Tree Survey

The survey relates to the application site and land immediately to the east belonging to Green Vale. Whilst it identifies the dispersed trees on the mown area of Green Vale land extending around the corner of Edward Street/Grange Road, the trees of better quality are identified as being on that part of the application site which fronts to Grange Road and a further bit of Green Vale land west of 30/31 Grange Road.

An Ecological Assessment

It identifies no significant wildlife interests or constraints that would affect the principle of development of the site and makes recommendations to secure ecological enhancement, including provision of landscape planting in a linear arrangement to improve habitat connectivity and installation of 3 Starling-boxes & 3 House Sparrow terrace boxes on suitable building facades.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- 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 challenge of climate change, flooding & coastal change
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Regional Spatial Strategy for the NW (2008)

- DP1-9 Spatial Principles
- RDF1 Spatial Priorities
- W1 Strengthening the Regional Economy
- 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
- EM18 Decentralised Energy Supply

Rossendale Core Strategy DPD (2011)

- AVP1 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 & Supported Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation

- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

- LCC Landscape Strategy for Lancashire (2006)
- LCC Planning Obligations in Lancashire (2008)
- RBC Open Spaces & Play Equipment Contributions SPD (2008)

6. CONSULTATION RESPONSES

RBC (Health & Housing Manager)

Housing

Rossendale Borough Council's 2008 Strategic Housing Market Assessment (SHMA) incorporated a Housing Needs Survey across the Valley. This statutory piece of work identified the number; type and tenure of properties, both Market and Affordable, which are required across Rossendale to provide a balanced housing market. This work acts as a baseline evidence for all future planning and housing strategies and policies.

The scheme will provide 39 affordable housing units which would be supported by the SHMA and the Council's Choice Based Letting Software which provides an indication of aspiration for affordable housing units within an area. The CBL scheme shows that Rossendale is in high demand for affordable properties across Pennine Lancashire. Demand data shows that 625 of these applicants are bidding for 2 and 3 bed properties. The Pennine Lancashire Choice Based Lettings system shows the number of applicants who are actively bidding per affordable house within the Shawforth and Whitworth over the last 6-month period only three, 2 and 3-bed properties have become available for let these properties received between 17 and 25 applicants per property from the Choice Based Letting Scheme to rent these properties from those in need on the waiting list.

The scheme sits on the boundary of Shawforth and Whitworth (and is considered as a rural area highlighted within the Homes and Community Agency's Rural Gazetteer). The development will meet the objectives of the Pennine Lancashire Housing Strategy through the provision of a balance of housing type, form, quality and tenure within this area as well as bringing a redundant, derelict, brownfield site back into use and contributing to the overall neighbourhood and environmental street scene of Market Street, Shawforth.

This scheme has been identified as part of the Homes and Communities Agency Affordable Housing Programme 2011 - 15 and has secured funding to enable delivery. The contractor and Registered Provider have a similar scheme in Stacksteads providing good, quality affordable housing and have actively engaged with the Strategic Housing team to ensure that a local lettings policy advocating a robust, local connection policy is in place and enforceable. In order to secure this funding and draw down the necessary allocation the scheme needs to have secured planning permission before March 2013.

The applicant has submitted a financial appraisal in support of their proposal. This demonstrates that the normal margins and returns expected are well below what can be described as normally accepted levels. As such I concur with the applicant that the viability margins of their proposal are very tight, a consequence of which is that the scheme can genuinely not sustain any infrastructure payments. I have no reason to doubt any of the information presented. It must also be noted that the Registered Provider in question is one of

the Council's approved partners, and having acted to secure public subsidy we can be assured that the scheme economics will have already been subjected to extensive scrutiny in the bidding and subsequent award of funding process (by the Homes and Communities Agency). It must also be acknowledged that the developer in question also has a track record of delivery of similar proposals within the Borough and will have themselves been subject to detailed scrutiny by our approved partner Registered Provider

Ground Conditions

The 'Preliminary Geo-environmental Investigation', dated November 2011, indicates that the former use of the site is considered to have given rise to some localised ground contamination.

It concurs with the recommendation of the subsequent Geo –environmental Assessment, dated July 2012, that any Permission will need to be the subject of a Condition to ensure further investigations/assessments are adequately define the remediation works to be undertaken and ensure their implementation/validation.

Noise

In relation to noise issues from the site and the submitted 'Residential Planning Noise Report' , dated 29 October 2012, it agrees that 'Good' internal noise levels in all the proposed properties can be achieved by double glazing, acoustic ventilators etc and recommend a condition is attached stating that:

As the design progresses, a more detailed facade sound insulation assessment will need to be performed and submitted and approved by the LPA to ensure that the overall performance requirements will be met.

It also recommends a condition stating that any plant noise must operate at least 5dB below those set out below :

Time of day	Maximum sound pressure level at noise sensitive premises (dB)
Daytime (07:00 - 23:00)	49
Night-time (23:00 - 07:00)	38

LCC (Highways)

No objection to the above planning application on highway grounds subject to the following :

- The new access road should be built to adoptable standards and the layout on the plan is acceptable.
- Plots 21 and 14 are located either close to a junction or within the turning head and the residents would cause an obstruction if they had a second car and therefore it is necessary to widen the driveways to accommodate 2 vehicles to prevent this.
- Plots 30-37 are fronting Edward Street. Recommend that 2 spaces are provided with each dwelling. I do acknowledge that the additional vehicles could be accommodated on Edward Street and that the existing residents do have off street parking. The cost of widening certain of the driveways here would be small in relation to the benefit to the existing highway network for highway users and the residents alike.
- Each dwelling should have a secure covered cycle store.

- A pedestrian link should be provided from the development (between plots 10 and 11) to the Grange Road housing complex to the north east of the site. This will provide an improved link to Market Street to access local amenities and the public transport system.
- A TRO should be investigated on Market Street along the frontage of the development to ensure that traffic flow is maintained along Market Street and the safety of pedestrians and other highway users are protected. A 106 agreement contribution is required to cover the cost of £1,500.
- A pedestrian refuge is required on Market Street close to the junction of the new access road to reduce vehicle speeds and assist pedestrians across the road to access the local amenities and public transport. A 278 agreement with Lancashire County Council will be necessary to facilitate the works.
- A 106 contribution for accessibility of £48,800 will be necessary to enable improvements to the cycle network through Whitworth in the vicinity of the development. This figure is based upon the number of properties and bedrooms per property.

The visibility splays onto Market Street from the new access road and Edward Street are acceptable.

The Flood Risk Management Team have made the following comments :-

1. The presence of a culverted watercourse under the site has not been taken account of in the proposed layout. Any alterations or construction works to ordinary watercourses require the consent of Lancashire CC as the Lead Local Flood Authority.
2. There is no Flood Risk Assessment for this site which would be required due to the proximity of watercourses under the site or adjacent to it and the associated risks. This is in accordance with the PPS25 requirement to consider any source of flooding.
3. No buildings are to be erected over any watercourse or within a clearance distance to be determined based on the risks.
4. The location and condition of any culverts, pipes etc under the site should be determined and measures identified to ensure that satisfactory hydraulic and structural performance is maintained.

In response to the comments of the Flood Risk Management Team the Applicant has submitted drawings/documents indicating that the existing 0.9m diameter culvert running beneath the site is to be replaced by a new pipe of 1.2m diameter, with a slightly different alignment in order to avoid any of the houses being within 3m of its centre-line; Environment Agency consent is required for this work. LCC comment on this information is awaited.

LCC Education

This consultation response seeks to draw the Council's attention to impacts associated with the above development and proposes mitigation for these impacts through a planning obligation. Failure to secure the contributions sought would mean that the County Council cannot guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes.

Latest projections for the local primary schools (within 2 miles of the application site) show there to be a 71-place shortfall in 5 years' time having regard to existing school capacity and existing housing and implementation of other residential schemes already permitted. The 39 houses proposed can be expected to have a primary school age population of 14. Therefore, a contribution of £166,326 is sought to add 14 places to primary school capacity in the local area.

Latest projections for the local secondary schools (within 3 miles of the application site) show there to be 55 places available in 5 years' time. The 39 houses proposed can be expected to have a secondary school age population of 10. Therefore, no contribution towards secondary school capacity in the local area is sought.

United Utilities (Water)

With reference to the above planning application,

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

- No surface water from this development is discharged either directly or indirectly to the combined sewer network.
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a SUDS system to meet the requirements of the National Planning Policy Framework (PPS 1 (22) and PPS 25 (F8)) and part H3 of the Building Regulations.

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.

Whitworth Town Council

It resolved that the following comments be made:

- Given that the application suggests that no S106 monies will be forthcoming for this development, a request that the planners protect the area of green land adjacent to the site, on the corner of Edward Street and Grange Road as a public open space by way of a condition attached to any approval given.
- Residents' concerns regarding Highways issues need consideration, and a full Highways assessment of Edward Street, Market Street and Grange Road, including out-of-office hours assessment, is requested. This specifically relates to the following issues:
 - That the properties exiting onto Edward Street will not have enough parking bays to satisfy demand, resulting in parking on-road, causing issues for current residences;
 - That parking issues around the bottom end of Grange Road may be exacerbated by the dwellings planned for parts of the green land area;
 - That in inclement weather, Edward Street especially can become problematic and residents of Longacres Drive and Grange Road currently use Edward Street to park on as their roads become inaccessible.
 - Any parking needs to meet LCC Highways parking standards, which it is believed is 2 per property; as 10no properties only have 1 parking space there is a concern that this will not be adequate.
- A request that the substation currently proposed for Edward Street be moved to the other side of the development, away from existing properties.
- A request that a small floral display on the corner of Edward Street and Market Street be included within the plans, close to plot no 29. This could be maintained by our local

Garden Centre and would act as a splendid marker for the business and would improve the area of the town significantly.

- There are no details of the hours of working within the document; Council is keen to be reassured that they will be considerate to the local population.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice on 7/12/12, and site notices were posted on 5/12/12 and letters sent to the relevant neighbours on 27/11/12.

Twenty one letters/emails of objection have been received, principally from residents of properties on Edward Street, Grange Road and Longacres Drive. In summary, the points raised are as follows :

- To make for a 'sustainable community' the site should be developed in a manner providing employment opportunities for the Whitworth residents &/or social/community uses, not housing.
- The proposal is contrary to Core Strategy policy, which indicates this site should be brought forward for mixed-use, not all housing.
- Has it been demonstrated that for viability reasons that no part, if not all, of the site could be developed for employment purposes.
- There are already many vacant houses in the village for sale or rent - are there Whitworth people in need of the proposed houses / will their construction mean existing properties remain empty.
- Single tenure housing is inappropriate, unsustainable and likely to impact significantly upon the character of the area - to accord with planning policy developments are supposed to contribute to "maintaining and creating sustainable and inclusive communities".
- Will add to traffic congestion/problems, with only one main road giving entry/exit to the village and it is not safe for cyclists.
- Lack of capacity in GP/dentist services / local schools / no sixth form college - and on-going private and affordable housing developments in Whitworth will add significantly to demand for services / traffic.
- The Council should look at developing this area for children to play.
- Do not want repetition of the disruption from demolition when exit routes were blocked and there was unacceptable noise, dust and view of rubble.
- Demolition of the high mill wall opposite them and building of the affordable rented properties will affect the saleability / value of their own properties.
- Loss of privacy/outlook - direct view from/at windows of their own properties (including bedroom windows) vis-à-vis ground floor windows of proposed houses.

- Some houses facing them have only 1 parking space - inadequate - and on-street parking will block access to houses / cemetery
- Having houses face Edward Street means existing residents and their visitors will not be able to park on-street.
- After snow lots of vehicles park on Edward Street as unable to get to Grange Road / Longacres.
- Lacking adequate off-street parking of their own residents of Grange Road have to park vehicles on-street - the provision of the two houses to face Grange Street will displace their parking to less suitable/safe locations and give difficulty for some elderly residents by extending walking distances.
- The density/house-types proposed will result in noise/disturbance from children and noise/fumes from cars within what is presently a quiet area.
- Noise and electromagnetic radiation from relocation of the electricity sub-station nearer to housing.
- The development will adversely affect the culvert beneath the site - problems with it have previously resulted in flooding of Facit Mill and Grange Road sites.
- The modern design of the development is not compatible with the existing local properties which are generally of stone - as the site sits next to the main road the development should reflect heritage and be built in stone.
- The Whitworth and Irwell valleys are promoted by the Council as 'The Valley of Stone', reflecting the extensive quarrying in the area and use of stone as the principal local building material - the proposed use of red brick is to totally disregard the character of Rossendale.
- The site is a short distance from Whitworth Cycleway (which forms part of the Rawtenstall to Rochdale Greenway) and the current plans for Facit Mill do not provide safe means of crossing the busy and dangerous Market Street to access it - there is an opportunity to improve the Edward St/Market St junction with a controlled crossing.
- The scheme entails over-development as it involves building on the open amenity area / is not in keeping with a semi rural area - to allow building of two houses on the amenity area will put at risk development of the rest of it.
- Felling of numerous large trees

Additionally, the occupier of The Grange, the house of the former owner of Facit Mill standing within impressive grounds to the north side of Cheetham Hill, has expressed the following concerns that :

- The oil tanker will not be able to deliver to the rear of their house via Cheetham Hill if no room is left for it to turn
- Pile driving may destabilise Victorian garden features
- A dis-used mill lodge in their garden discharges its water to the culvert beneath the application site and proper provision needs to be retained for this.

8. RESPONSE OF AGENT

The Agent has responded to requests of your officers and the comments of consultees and neighbours as follows :

- The application proposals are for affordable housing to meet an identified need for this type of accommodation arising from the immediate area. The proposals are not for the relocation of residents from elsewhere and, as set out in the affordable housing statement, future occupiers will be selected through the Councils own Choice Based Lettings scheme.
- The proposals will not result in the loss of any identified public open space, although it is accepted that the proposals will be adjacent to the greenspace currently managed and maintained by the RSL with responsibility for properties in Grange Way. It is assumed that they will continue to maintain this area and the proposed development will have no direct impact upon it.
- In terms of materials, the mill building which existed on the site was a substantial and prominent brick built structure. The proposed development is for a combination of brick and render which reflects the buildings which used to exist on the site. The introduction of stone would have a significant cost implication for those properties, and one which the viability will not allow. To provide you with some reassurance on the brick, boards displaying the intended brick will be provided for Committee Members to view - one board shows the buff brick to be used for houses fronting Market Street and Grange Road and the other board shows the red brick to be used for the other houses.
- In terms of the layout, whilst I appreciate that the two houses to face Grange Road are isolated from the remainder of the development they have been designed so as to relate to the existing adjacent properties. We therefore do not consider that they will be out of context or character with the surrounding area. Having reviewed this element of the scheme they can be amended to have hipped-roofs and their boundary treatments/garden landscaping revised to better relate them to the neighbouring properties and adjacent greenspace.
- To relocate the houses proposed on plots 38 and 39 to land immediately to the side of the houses proposed fronting Edward Street is not possible as this land is not within the application site and more importantly, not within the control of the applicant. Whilst we originally undertook the public consultation exercise on the basis of a scheme with this land and the rest of the adjacent greenspace being developed, having reached an understanding with the RSL that owns it, public objection to loss of this space was such that the third party land was omitted from the scheme.
- Furthermore, it is important to note that grant funding from the HCA has been secured for the development as proposed and therefore it is desirable to retain the proposed number of dwellings. Whilst I appreciate that there is some moderate loss of trees as a result of this approach, there is currently no alternative, and the scheme has the benefit of the retention of the adjacent informal open space and delivery of much needed affordable housing.
- In terms of the other points of detail, formation of a pedestrian footpath link from the proposed cul-de-sac head to the adjacent greenspace/Grange Road is not possible as we have no rights to access/use the land of the RSL that owns it and there are levels differences that would necessitate changes of layout/engineering works impacting upon the viability of the scheme. To improve permeability of the site provision of a pedestrian link from the cul-de-sac direct to Edward Street will be investigated.

- The proposed layout has been designed to ensure that interface distances between the proposed dwellings and existing dwellings around the site are met. At 19m the interface distance between the houses proposed on plots 17 and 34 is just shy of the 20m sought but is considered a minor transgression.
- In terms of highways, there are no known highways issues in the immediate vicinity of the site. The proposals will improve visibility between the junctions of Market Street and Edward Street.
- In terms of the query of LCC Highways in relation to the size of certain parking bays, I see no reason not to apply the same considerations as enabled the parking arrangements proposed by my Client at Acre Mill and recently approval by the Council.
- The existing culvert which crosses the site is in a poor state of repair. The development will ensure the structural integrity of the culvert is maintained and enhanced, with a capacity equal to or greater than the existing culvert, and will not result in any increased risk of flooding either within the site or elsewhere.
- The location of the substation is constrained by the requirements of Electricity Northwest. The proposed location has been agreed with Electricity Northwest and situates the substation within close proximity to the existing High Voltage apparatus within Market Street.
- The County Council has sought a contribution towards primary school places. There are however 5 primary schools within 2 miles of the site. The request for funding towards the capital costs of provision of primary school places pays no regard to the existing local authority and government grant and other funding towards meeting this cost. In addition, the estimated pupil yield it suggests for the development is considered to be significantly greater than other authorities and is not considered representative. Irrespective of this point, evidence has already been provided regarding the viability of the scheme. As a consequence it is not considered that the scheme can make provision for this or any other contributions. However, in accordance with govern guidance and policy statements, it is considered that the benefits arising from the development outweigh any possible harm arising from the inability to make the requested financial contributions.
- My client is a considerate contractor and will liaise with residents regarding any issues during the construction phase including with noise, disturbance and contractor parking and will undertake all reasonable measures to ensure that any adverse impacts are kept to a minimum.
- It is imperative for my client, bearing in mind the contractual position between them, the Registered Provider and the HCA, that they are able to get on site at the beginning of March. I can only therefore stress the importance to them of this application being considered at Committee on the 12th of February.
- It is considered that there is sufficient provision within the site for the parking of vehicles of its residents, such that there is no reason why the proposals will result in any adverse impacts on the surrounding roads.

9. **ASSESSMENT**

The main considerations of the application are :

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1) Principle; 2) Flood Risk/Contaminated Land; 3) Housing Policy; 4) Design/Visual Amenity; 5) Neighbour Amenity; 6) Access/Parking; & 7) Planning Contributions.

1) Principle

The site lies within the Urban Boundary of Whitworth, fronts a main road along which runs a quality bus route and is reasonably close to its town centre services/facilities. To this extent re-development of this largely brownfield site is appropriate.

The site was allocated in the Rossendale District Local Plan as an Employment Site to be retained. To assist in the production of the Core Strategy to replace the Local Plan the Council commissioned an Employment Land Study. In respect of Facit Mill (which was then standing) it states :

“This vacant building is semi-derelict and although marketed by King Sturge, there would appear to be limited market interest for this old building which does not appear to meet many modern employment space requirements. The building does have redevelopment potential, but its market attractiveness is likely to be restricted to fulfilling a local need for employment buildings due to the site’s location some distance from a strategic road and within a relatively remote part of the Borough. The site is adjacent to residential uses and it may be appropriate to release this site for alternative development or for mixed use development.”

The Core Strategy has now superseded the Employment policies of the Local Plan. The Area Vision for Whitworth set out in the Core Strategy says (amongst other things) : *“Under-used and vacant land and buildings, particularly mill buildings and complexes(eg Facit, Albert and Orama mills), will be actively supported for alternative uses - preferably mixed use, where they are no longer viable for their existing use...”*. Policy 4 of the Core Strategy seeks to ensure adequate Affordable and Supported Housing is delivered.

Accordingly, I do not consider there to be reason to resist re-development of the site with all the units to be provided as Affordable Housing.

2) Flood Risk/Contaminated Land

The site does not lie within an area the Environment Agency considers to be at particular risk of flooding and United Utilities has not raised objection to the drainage arrangements for the proposed development. However, a sizeable culvert presently runs beneath the site, taking water from the Hud Clough Catchment Area to the River Spodden. The submitted scheme proposes replacement of that length of the culvert running within the site, with the proposed houses to stand clear of it by 3m. This is considered an arrangement which will not compromise drainage of up-stream areas; the detailed scheme of works would require the consent of the Environment Agency.

The submitted Ground Condition Reports indicate the former uses of the site mean that there is a need for remediation of the site in order that it can be brought in to residential use. The Council’s Environmental Health Officer concurs with the conclusions of the submitted reports that the site can be adequately remediated but that the Permission will need to be the subject of a Condition to ensure further investigations/assessments are undertaken to better define the remediation works necessary and ensure their implementation/validation.

3) Housing Policy

Policy 4 of the Core Strategy indicates that on brownfield sites for which more than 15 dwellings are proposed 20% of the units should be provided as Affordable Housing and *“a relaxation to the above requirements will only be considered if it is demonstrated that this would result in the*

development being financially unviable based on the findings of an economic viability assessment submitted to and approved by the Council”.

In this instance the application proposes all of the dwellings be provided as Affordable Housing for rent, with rather more than half the units to have 3 bedrooms and the others 2 bedrooms.

The Council’s Regeneration Manager has advised me that there is a local need for this number of Affordable units of this tenure/size.

4) Design/Visual Amenity

The scheme proposes the erection of 39 houses in the form of semis or short terraces, all to be of 2-storeys in height. The submitted Layout is for most part considered appropriate.

It is considered entirely appropriate to provide 12 of the houses facing towards Market Street, 8 facing towards Edward Street and a further 17 arranged around a cul-de-sac to their rear.

The remaining pair of semis are to front to Grange Road and, as acknowledged by the Agent, do not read as part of that development, though to be of similar house-type and facing materials. The applicant does not consider that they will be out of context or character with the surrounding area, providing a further degree of enclosure with buildings around the communal vehicle parking/turning area at the end of Grange Road. My concern is that the construction of these 2 houses will necessitate the felling of several mature trees towards the back of the plots and loss of the open grassed area towards the front connecting this area seamlessly with the open space extending up to the corner of Grange Rd/Edward Street, thereby diminishing the appearance of the street-scene generally and most particularly the amenities of the residents of the 33 dwelling units grouped around the communal parking/turning area at the end of Grange Road. Whilst the Applicant has indicated that they can reduce the bulk of the building here somewhat by hipping the roof, and the boundary treatments/garden landscaping of these plots can be revised to better relate them to the neighbouring properties and adjacent greenspace, this does not completely allay my concerns about this aspect of the development.

The Applicant wishes to build those houses facing towards Market Street and Grange Road in buff brick and the other houses with red brick. The substantial mill building which until recently occupied the site was of red brick, and the residential units extending up Edward Street and Grange Road are not of traditional design and materials. This being the case I consider it appropriate for more than two-thirds of the proposed houses to be constructed of brick, with tiled roofs. However, the buildings that front each side of Market Street in the vicinity of the site are predominantly of stone / slate and it would be preferable for the 12 houses to face the main road to be of the same materials or good substitutes for them. Sample boards showing the intended brick will be displayed at the meeting for the consideration of Members. Likewise, there is a need to ensure boundary treatments / retaining walls visible from Market Street are of ‘traditional’ appearance.

5) Neighbour Amenity

I am satisfied that the proposed dwellings will provide their residents with the amenities they could reasonably expect. Each of the houses will have adequate private garden space and the interface distances between the proposed dwellings accords with the Council’s spacing standards except between the houses proposed on plots 17 and 34 where the gap is 19m rather than 20m.

I am satisfied that the proposal will not detract to an unacceptable extent from the amenities neighbours could reasonably expect to enjoy in terms of overbearing / privacy, the Council’s spacing standards being met fully in relation to proposed and neighbouring properties.

Matters raised by neighbours in relation to parking are addressed below.

6) Access/Parking

LCC Highways is satisfied that the local highway network can accommodate the additional traffic likely to be generated by the proposed development. Nor does it have objection to the proposed layout in terms of the formation of a cul-de-sac joining Market street midway along the site frontage or houses facing Edward Street and Grange Road having private drives directly from these highways. Whilst broadly satisfied with the number of parking spaces being proposed, and the dimensions of those spaces, it has requested amendment of the scheme to ensure all properties with drives taking access directly from existing highways have 2 parking spaces that are of sufficient size to fully comply with its parking standards, to avoid the likelihood of vehicles overhanging footways or parked upon the road. This matter can be adequately addressed by way of conditions. I also concur with its view that there is need for a S.106 Obligation to ensure the Developer funds a Traffic Regulation Order to prevent vehicles parking / waiting where they would unduly obstruct traffic movements or driver visibility.

7) Planning Contributions

To accord with the Council's approved open space and play equipment contributions SPD would require the developer to contribute £1,366 for each of the 39 dwelling units proposed.

Additionally, financial contributions have been sought by LCC Highways (to address accessibility issues) and LCC Education (to add to primary school capacity in the local area), in line with the Planning Obligations Policy endorsed by the County Council and this Council.

The sums required to meet fully these policy requirements/requests are as follows :

Open Space / Play Space SPD contribution	-	£53,274
LCC Highways Accessibility request	-	£50,300
LCC Education request	-	<u>£166,326</u>
TOTAL	=	£269,900

For viability reasons the applicant is proposing to make no contributions. The Council's Health & Housing Manager has considered the evidence that has been provided regarding the viability of the scheme. They advise that their calculations using the HCA Model show a deficit on the scheme (without payment of the contributions), though somewhat less than the £89k contended. Accordingly, they are of the view that the scheme will not proceed without HCA grant funding and it is not considered that the scheme can make provision for any contributions.

10. Conclusion

Notwithstanding that the site was formerly used for employment purposes, and the Core Strategy suggests it should be brought forward for mixed use, I consider it appropriate for permission to be granted for its re-development with 100% of the dwellings to be Affordable Housing (39 in total).

Policy 4 of the Core Strategy indicates that on brownfield sites for which more than 15 dwellings are proposed only 20% of the units need to be provided as such (equating to 8 dwellings).

The Council's Health & Housing Manager advises that "*the scheme contributes positively to the provision of affordable housing across Rossendale and supports the objectives of the Pennine Lancashire Housing Strategy. It will provide, much needed, quality affordable housing to the borough and is being delivered by an active developing Registered Provider who have a strong, working relationship with the Council*".

Whilst I am satisfied in most respect with the layout and form of the proposed development, I do have concerns about the appropriateness of permitting the 2 houses to front to Grange Road and the intended facing materials for the houses to front Market Street. I am also mindful that the Health & Housing Manager has advised that without payment of the planning contributions the scheme is not viable without the HCA grant aid.

11. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle for a site within the Urban Boundary of Whitworth and, notwithstanding that the site was formerly used for employment purposes and the Core Strategy suggests it should be brought forward for mixed use, is considered acceptable as all of the proposed dwellings are to provided as Affordable Housing for which there is a local need. Furthermore, subject to the Conditions and accompanying S.106 Obligation, the scheme will not detract to an unacceptable extent from visual and neighbour amenity, pollution/flood risk, ecology and highway safety. The development has been considered most particularly in light of Policies RDF1/W4/L1/L4/L5/RT2/RT4/RT9/EM1/EM2/EM3/EM5/EM18 of the Regional Spatial Strategy and Policies AVP1/1/2/3/4/8/9/17/18/19/22/23/24 of the Rossendale Core Strategy DPD (2011).

12. RECOMMENDATION

That Permission be Granted subject to :

- A S.106 Obligation to secure payment of £1,500 to fund a Traffic Regulation Order in the vicinity of the site; and
- The Conditions below.

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. Within six weeks of commencement (or such longer period as may be approved in writing by the Local Planning Authority), a scheme for the provision of the development hereby permitted to be delivered as affordable housing shall be submitted to the Local Planning Authority for its written approval. No dwelling hereby permitted shall be occupied until the affordable housing scheme has been approved by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework (March 2012) or any future guidance that replaces it, unless otherwise approved in writing by the Local Planning Authority. The scheme shall include:
 - i. Confirmation of the housing tenure with the details of the locations/plots for any mix of tenure;
 - ii. The arrangements for the transfer/management of the affordable housing to an affordable housing provider;
 - iii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing (and if this housing is purchased or staircased out then the Registered Provider will use the disposal proceeds to provide a similar affordable unit within the administrative area); and

- iv. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing will be subject to a local lettings policy through the Council's Choice Based Lettings System and will provide a cascade clause which pertains to Whitworth and Shawforth first and the means by which such occupancy criteria shall be enforced.

Reason: To secure the provision of Affordable Housing, in accordance with the application submission, to contribute to meeting housing needs as identified in the Council's Strategic Housing Market Assessment (2008) and Policy L5 of the Regional Spatial Strategy for the NW of England (2008) and Policy 4 of the Council's adopted Core Strategy DPD (2011).

3. Prior to the commencement of construction of any of the dwellings hereby permitted:
 - 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, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, 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 Reports and Policy 24 of the RBC Core Strategy DPD (2011).

4. Notwithstanding what is shown on the approved drawings, prior to the commencement of construction of any of the dwellings hereby permitted, details of foul and surface water drainage arrangements to serve the development, and in respect of the treatment/ protection of the existing culvert and other sewers running through the site, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency & United Utilities-Water). The submitted scheme shall provide for :
 - a) The surface water from this site to discharge to the nearby surface water sewer at a rate not exceeding its existing rate; &
 - b) No buildings are to be constructed within 3m of the existing culvert or any re-alignment approved for it.

The approved scheme shall be completed prior to first occupation of any of the dwellings, or as otherwise first agreed in writing by the Local Planning Authority.

Reason : To ensure proper drainage arrangements and minimise the risk of flooding, in accordance with Policy 24 of the RBC Core Strategy DPD (2011).

5. Notwithstanding any such detail shown on the submitted drawings, prior to the commencement of construction of any of the dwellings hereby permitted full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason : To minimise flood risk, to protect the character and appearance of the locality and to protect the amenities of local residents/highway safety, in accordance with Policies EM1 / EM5 of the Regional Spatial Strategy (2008) and Policies 1 / 19 / 24 of the Council's Core Strategy DPD (2011).

6. The dwellings hereby permitted for Plots 1-4, 22-29 and 38-39 shall be constructed with the buff brick submitted on the submitted sample board and the other units and electricity sub-station housing with the red brick submitted on the submitted sample board, and with grey tiled roofs, unless a variation is first approved in writing by the Local Planning Authority.
Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).
7. Notwithstanding any such detail shown on the submitted drawings, prior to the commencement of construction of any of the dwellings hereby permitted a scheme of landscaping/boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of : a) walls/fences/gates/hard-paved areas/sheds; b) the planting on and adjacent to the site to be retained and the protection to be afforded it during construction; c) the types and numbers of trees and shrubs to be planted on the site, and their size and distribution; & d) any changes of ground level or landform and retaining structures.
Reason : In the interests of visual and neighbour amenity, wildlife value and highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).
8. All hard-surfaced areas/walls/fences/gates/sheds 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 a variation is 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).
9. Prior to first occupation of any of the dwellings hereby permitted its car parking/manoeuvring area shall be provided with a hard permeable surface that avoids run-off to the highway. Notwithstanding any such detail shown on the submitted drawings, the houses on plots taking vehicular access directly from Edward Street and Grange Road and on Plots 5 and 21 shall be provided with 2 in-curtilage parking spaces. In the case of plots with in-curtilage parking those drives of single width to provide with 2 spaces shall have a width of not less than 3m and a length of not less than 11m and in the case of drives to provide 2 spaces side-by side shall have a width of not less than 5.5m and a length of not less than 6m, unless the Local Planning Authority gives written consent to any variation.
 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order amending or revoking and re-enacting that order, the parking/manoeuvring areas thereby provided shall thereafter be kept freely available for use for the parking of vehicles.
Reason: In the interests of highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).
10. Prior to first occupation of any of the dwellings it is to serve the proposed cul-de-sac shall be made-up to a standard that would enable adoption by LCC (Highways), including street lighting, unless the Local Planning Authority gives written consent to any variation.

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

11. 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).

12. 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 means by which the wheels of lorries associated with the development of the site will be cleaned before exiting to the highway.
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)

13. Prior to the commencement of construction of the dwellings to be served off the proposed cul-de-sac the first 20m of this road (as measured from the carriageway of Market Street) shall be constructed to at least base-course, unless a variation is first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policies RT2 / RT4 of the Regional Spatial Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (2011).

14. Any plant noise associated with demolition works, ground contamination remediation works or construction works must operate at least 5dB below those set out below :

Time of day	Maximum sound pressure level at noise sensitive premises (dB)
Daytime (07:00 - 23:00)	49
Night-time (23:00 - 07:00)	38

Furthermore, the shell-&-auger method shall be used to form any piled-foundations, unless a variation is first agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbours, in accordance with Policies 1 / 24 of the Council's Core Strategy DPD (2011).

15. Notwithstanding the conclusions and recommendations of the submitted 'Residential Planning Noise Report', dated 29 October 2012, as the design progresses a more detailed facade sound insulation assessment will need to be performed and submitted and approved by the LPA to ensure that the overall performance requirements will be met, together with details of the noise protection to be afforded to the private garden space associated with the houses to front Market Street.

Reason: To protect the amenities of neighbours, in accordance with Policies 1 / 24 of the Council's Core Strategy DPD (2011).

