

Application Number:	2013/171	Application Type:	Full
Proposal:	38 house re-plan of part of scheme approved under Planning Permission 2010/667, resulting in the addition 12 houses	Location:	Orama Mill, Hall Street, Whitworth
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	18 June 2013
Applicant:	Persimmon Homes	Determination Expiry Date:	10 July 2013
Agent:			

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	YES
Other (please state):	MAJOR

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That Committee be minded to grant Permission subject to a Deed of Variation to the S.106 Obligation accompanying Planning Permission 2010/667 and the Conditions set out in Section 9.

2. Background

At its meeting in June 2011 Committee considered a report in respect of Application 2010/667, from Persimmon Homes, seeking permission to erect 85 houses on the Orama Mill site. In accordance with the Officer Recommendation permission was granted.

The approved scheme is progressing on-site and provides for redevelopment of a site of 3.4 hectares, through which runs the River Spodden, with a variety of house types that range between 2 and 5 bedrooms.

The Permission and associated S.106 Obligation require that 12 of these dwellings are provided as 'affordable housing' - amounting to 14% of the total number of units. The S.106 Obligation requires also that the sum of £116,110 (ie. £1,366 per dwelling) is given to the Council to expend on off-site Public Open Space/Play Provision &/or access thereto, together with £96,200 towards off-site Highway works/Transport improvements and £30,000 towards provision of Youth & Community facilities/services.

3. Proposal

Implementation of the approved scheme has progressed to the point that approximately 2 dozen houses are complete and a number of others are part-built.

Having gained an appreciation of what house types are presently selling, and not wishing to close the site down until market conditions make the sale of the bigger/detached units more likely, permission is sought for a re-plan of parts of the site enable construction of more of the smaller/semi-detached units.

The consequence of this proposal is to increase the total number of dwellings on the site from 85 to 97, utilising house types that have already been approved for use on other plots. Changes occur on the party-boundary only with Whitworth Community High School and Millers Gutter (owned by Lancashire County Council).

4. Policy Context

National

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 Policies

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 18 Biodiversity and Landscape Conservation

Policy 22 Planning Contributions

Policy 23 Promoting High Quality Designed Spaces

Policy 24 Planning Application Requirements

Other Material Planning Considerations

LCC Planning Obligations in Lancashire (2008)

RBC Open Space & Play Equipment Contributions SPD (2008)

5. Consultation Responses

LCC Highways

No objection.

The proposed additional units are spread across the development and result in the alteration of 4/5 bedroom houses to create pairs of 3 bedroom semi-detached houses. The correct number of off-street parking spaces has been provided for each additional and amended property.

Environment Agency

No objection subject to compliance with the recommendations of the Flood Risk Assessment submitted with Application 2010/667 and the same Conditions in relation to levels, remediation, provision/management of the river corridor in the interests of biodiversity, etc.

RBC (Environmental Health)

No objection subject to the same Conditions as the Permission for Application 2010/667 in relation to remediation and management of the construction phase.

6. Notification Responses

To accord with the General Development Procedure Order a press notice was published on 3/5/13, 6 site notices were posted on 17/5/13 and letters were sent to neighbours on 25/4/13.

Hallfold United Reformed Church advises that it operates a nursery that makes use of the church garden and 10 houses are to be constructed close to it. It has no objection in principle to the changes now proposed but seeks assurance its grounds will be suitably screened from overlooking.

A local resident has stated that one of the amendments put forward by Persimmon will effectively close the potential safe route from the Valley of Stone Greenway (Cowm Park Way North at this point) to Whitworth Community High School.

7. ASSESSMENT

The main considerations of the application are :

- 1) Principle; 2) Housing Policy; 3) Visual Amenity;
- 4) Neighbour Amenity; 5) Access/Parking; & 6) Planning Contributions.

Principle

The site is within the Urban Boundary of Whitworth and has permission for residential development. Accordingly, there is no objection in principle to the proposed amendments.

Housing Policy

There is no objection in principle to an increase in the number of dwellings on this site. Indeed I welcome the fact that as a result of this re-plan the number of 3-bedroomed units is increased, whilst the number of 4 and 5-bedroomed units is reduced; upon completion of the development there will be 42 units of 2/3 bedrooms and 45 of 4/5 bedrooms.

When application 2010/667 was submitted the Council's Interim Housing Policy Statement (May 2010) indicated a residential development on this site should provide 20% of its units as Affordable Housing. Having regard to viability, and the other contributions then being sought from the Developer, Committee agreed that it was appropriate for Permission to be granted on the basis of 12 Affordable units being provided (ie 14% of the total).

Policy 4 of the Core Strategy indicates that residential development of this site should result in 20% of the units being provided as Affordable Housing. As the proposal increases the number of units proposed for the site from 85 to 97 to comply with the policy in full 19 Affordable units should be provided. The applicant proposes no increase to the 12 Affordable units required by Permission 2010/667. This matter is returned to below, in the Section of the Report relating to Planning Contributions.

Visual Amenity

There has been no significant change to the site or the surroundings since the previous permission, and this re-plan proposes no change to the previously permitted road layout.

Whilst the number of dwellings on the site is being increased, no new house types are being proposed and the Council's spacing standards are not compromised. Subject to construction of the proposed dwellings with facing materials to match those previously permitted I am satisfied that the development will be of satisfactory appearance.

Neighbour Amenity

This re-plan does not result in any changes for plots adjacent to existing dwellings or Hallfold United Reformed Church. Whilst changes of house type are proposed for a number of plots adjacent to Whitworth Community High School its grounds are at a significantly higher level. I do not consider this proposal will result in a materially different to the previously permitted scheme for any neighbour.

Access / Parking

The Highway Authority is satisfied that the local highway network can accommodate the traffic likely to be generated by the residential development proposed for the site without further off-site works. It is also satisfied that adequate off-street parking is being proposed for the new dwellings.

A local resident has stated that one of the amendments being proposed will effectively close the potential safe route from the Valley of Stone Greenway (Cowm Park Way North at this point) to Whitworth Community High School.

To avoid cyclists travelling between Cowm Park Way and Hall Street having to use this busy junction Permission 2010/667 requires provision of a 3m wide cycle/footpath link. The submitted re-plan does not have any implications for provision of this link.

I understand Whitworth Community High School to be reluctant to have a direct link from the housing, for site-security reasons not wanting a further entrance. LCC Highways has advised that :

"There has been some discussion about the construction of a cycle path from the site to Whitworth Community High School....two proposed routes cross land owned by LCC. The amended layout would mean one of these routes would not now be possible. I would support the introduction of this direct pedestrian/cycle link into the school however without the support of the school do not feel that this matter can be dealt with under this application."

As it remains the case that the previously permitted cycle/footpath link between Cowm Park Way and Hall Street must be provided I consider the proposed re-plan to be acceptable in terms of access/parking.

Planning Contributions

Permission 2010/667 and its associated S.106 Obligation require that 12 dwellings on the Orama Mill site are provided as 'affordable housing', with sums of £116,110 for off-site Public Open Space/Play Provision &/or access thereto, £96,200 towards off-site Highway works/Transport improvements and £30,000 for provision of Youth & Community facilities/services.

Having regard to viability, and the other contributions then being sought from the Developer, Committee agreed that it was appropriate for Permission to be granted on the basis of 12 Affordable units being provided (ie 14% of the total rather than the 20% to fully accord with policy).

To fully accord with Policy 4 of the Core Strategy 20% of the proposed units should be provided as Affordable Housing. To accord with the Councils Open Space & Play Equipment Contributions SPD a further £16,392 should be paid to reflect the increase in dwellings on the site from 85 to 97. LCC has sought no further monies towards off-site Highway works/Transport improvements or Youth & Community facilities/services.

The Applicant is proposing no further Affordable Housing units or other contributions. They have indicated that permission is sought for this re-plan to enable construction of more of the smaller/semi-detached units having gained an appreciation of what house types are presently selling, and not wishing to close the site down until market conditions make the sale of the bigger/detached units more likely.

I consider it beneficial that more of the smaller units are built on the site, and consequently more units in total. Nor would I wish development of the site to be slowed or stop before completion.

Having regard to the previous assessment of viability, and the current economic climate, I consider it appropriate for permission to be granted for this re-plan without the need to secure Affordable Housing or contributions beyond those required by the S.106 Obligation accompanying Permission 2010/667.

8. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle in the Urban Boundary of Whitworth and, subject to the accompanying S.106 Obligation and Conditions, the resulting development will secure the regeneration of a derelict/brownfield site in a manner that goes some way towards meeting local housing needs and will not detract to an unacceptable extent from visual and neighbour amenity or highway safety.

9. RECOMMENDATION

That Committee be minded to grant Permission subject to :

- a Deed of Variation to the S.106 Obligation accompanying Planning Permission 2010/667; &
- the Conditions set out below.

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 Prior to commencement of development samples of the facing materials to be used in the elevations and roofs of the buildings and any retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with those details approved, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to accord with Policy 24 of the RBC Core Strategy DPD.

3 Prior to the commencement of development approved by this permission the following components of a scheme 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:

i) 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.

ii) 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.

iii) The results of the site investigation and 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.

iv) 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.

Reason: To address risks to human health and prevent pollution of controlled waters, in accordance with Policy 24 of the Council's Core Strategy DPD.

4 The development hereby permitted shall not be commenced until such time as details of the proposed floor and external levels has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved details.

Reason: To reduce the risk of flooding, in accordance with Policy 24 of the Core Strategy DPD.

5 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface-water regulation system has been submitted to and approved in writing by the Local Planning Authority. Foul-water shall drain to a separate system. The scheme shall be completed in accordance with the approved plans.

Reason: To reduce the risk of flooding, in accordance with Policy 24 of the Core Strategy DPD

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order amending or revoking and re-enacting that Order), garages forming part of the development hereby permitted shall be retained for the parking of a vehicle(s) without the submission and approval of an application for planning permission.

Reason: To ensure the retention of adequate off-street parking facilities, in the interests of highway safety and to accord with Policy 24 of the Core Strategy DPD.

- 7 Prior to the occupation of any dwelling the drive/parking space(s) to serve it shall have been provided with a hard permeable surface and thereafter kept freely available for the parking of vehicles.

Reason: To ensure adequate off street parking, in the interests of amenity and highway safety, to accord with Policy 24 of the Core Strategy DPD

- 8 The new estate roads, bridge-crossing, emergency access, footpaths/cycleways within and bounding the site shall be improved/constructed to the standards and specifications to enable adoption by LCC (Highways) in accordance with a programme to be agreed in writing with the Local Planning Authority prior to commencement of the development. The development shall be undertaken in accordance with the agreed programme.

Reason: To ensure safe and satisfactory access arrangements, in accordance with Policy 24 of the Core Strategy DPD

- 9 Prior to first use of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed and carried out in accordance with the details approved, and will be updated and audited at intervals as approved and that approved shall be carried out.

Reason: To ensure a multi modal transport provision for the development and reduce traffic impact on the local road network in the interests of Highway Safety and sustainability, in accordance with Policy 24 of the Core Strategy DPD

- 10 No development shall be commenced until all the trees within or overhanging the site (with the exception of those trees clearly shown to be felled on the submitted plan) have been protected in accordance with the submitted tree protection measures and shall remain as such until all development is completed and no tree pruning or other work, including any form of drainage or storage of materials, earth or topsoil, shall take place within those areas except as first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with Policy 24 of the Core Strategy DPD.

- 11 Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside Millers Gutter shall be submitted to and agreed in writing by the Local Planning Authority. It shall include a detailed method statement for the removal or long-term management/eradication of Japanese knotweed. Thereafter the development shall be carried out in accordance with the approved scheme and management plan adhered to, and any subsequent variations

shall be agreed in writing by the Local Planning Authority.

Reason: To protect ecological, recreation and amenity interests by providing a buffer between the development and watercourses, in accordance with Policy 24 of the Core Strategy DPD.

- 12 Prior to the commencement of development a landscaping scheme, including details of boundary treatments and planting within the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved fences/walls/gates/hardstandings shall be implemented prior to first occupation of the dwelling to which they relate /are nearest; and the approved planting scheme shall be implemented in the first planting season thereafter. Any trees or shrubs removed, dying or becoming severely damaged or diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted, unless the Local Planning Authority has otherwise agreed in writing.

Reason: In the interests of visual amenity and in accordance with Policy 24 of the Core Strategy DPD

- 13 Any demolition works, ground contamination remediation works or construction works associated with the development hereby approved shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours, in accordance with Policy 24 of the Core Strategy DPD

- 14 The development shall be undertaken in accordance with Proposed Site Layout Plan Drwg No LW/HWW/PL1, unless otherwise required by the above conditions or first agreed in writing by the Local Planning Authority.

Reason : For the avoidance of doubt.