

Application Number:	2013/0556	Application Type:	Full
Proposal:	Re-plan of part of scheme approved under Planning Permission 2010/667, resulting in an increase in dwellings from 18 to 25	Location:	Orama Mill, Hall Street, Whitworth
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	25 February 2014
Applicant:	Persimmon Homes	Determination Expiry Date:	20 March 2014
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 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.

That Permission, and its associated S.106 Obligation, required that 12 of the dwellings be provided as 'affordable housing' - amounting to 14% of the total number of units. The S.106 Obligation required also staged-payments to the Council amounting to £116,110 (ie. £1,366 per dwelling) to be expended on off-site Public Open Space/Play Provision &/or access thereto, £96,200 towards off-site Highway works/Transport improvements and £30,000 towards provision of Youth & Community facilities/services.

Implementation of the approved scheme was begun - resulting most particularly in construction of all the dwellings permitted between the river & Cowm Park Way South, provision of the bridge over the river and those houses to front the other side of the river.

By way of Application 2013/171 permission was sought in April 2013 for a 38 house re-plan of part of scheme approved under Planning Permission 2010/667, within the heart of the site, resulting in the addition 12 houses. The Applicant advised that having gained an appreciation of what house types were selling and, not wishing to close the site down until market conditions made the sale of the bigger/detached units more likely, permission was sought for a re-plan to enable construction of more of the smaller/semi-detached units permitted elsewhere on the site.

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

- I considered it beneficial that more of the smaller units are built on the site, and consequently more units in total.
- I did not 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 considered 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.

In accordance with the Officer Recommendation, Committee granted permission on this basis, thereby increasing the number of dwellings to be built on the site as a whole from 85 to 97.

3. Proposal

Development of the site has progressed further. Rather than implement the scheme approved under Planning Permission 2010/667 for the rear part of the site (bounding Whitworth Community High School) a re-plan is proposed here that will enable construction of more of the smaller/semi-detached units.

The consequence of this proposal would be to increase the total number of dwellings constructed on this part of the site by 7, and to increase the total number of dwellings to be constructed on the site as a whole to 104, utilising essentially the same house types as have already been approved for use on other plots.

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.

This application will not have a significant impact on the highway network over that for which planning permission was originally granted. Although there are an additional 7 houses proposed there is not an increase in the number of bedrooms proposed within the overall site, which is one of the measures that are examined when looking at parking and vehicle movement levels.

Given the overall scale of the development at this location I do not believe that the proposed new properties will have a significant adverse impact on the highway network.

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.

United Utilities (Water)

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 the nearby watercourse as stated on the planning application.

A public sewer crosses this site and we will not permit building over it. We will require an access strip width of 12m (6m either side of the centre line of the sewer) which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

A water main enters the site at NGR 388247, 417717. The main will need to be abandoned from this point on and pieced in to the new site main.

A domestic water supply 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.

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

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.

Lancashire Constabulary

I note that the Design and Access statement makes reference to the site layout giving good natural surveillance, as required by Secured by Design. This only satisfies Part 1 of Secured by Design, no mention is made of PART 2 Secured by Design (physical security intended for the properties).

I would recommend that this development is completed to Secured by Design standard incorporating the required enhanced security features as detailed in the Secured by Design application, to reduce the likelihood of residents becoming victims of crime, anti-social behaviour and also reduce the fear of crime. The immediate neighbourhood would be enhanced and crime levels would be reduced.

Should full Secured by Design standard not be an option I would ask that a minimum requirement would be Secured by Design Windows and Door sets be fitted with laminated glass to the rear ground floor of the properties also a 13 amp fused spur for a security alarm at a future date.

6. Notification Responses

To accord with the General Development Procedure Order a press notice was published on 8/1/14, 2 site notices were posted and letters were sent to neighbours on 23/12/13.

No comments have been received.

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

The following table shows how the mix of dwelling of different size has /will change as a result of the previously-permitted re-plan and that now proposed when compared with the original Approval :

<u>Applic No</u>		<u>2-bed</u>		<u>3-bed</u>		<u>4+bed</u>		<u>Total</u>
2010/667	:	10	+	14	+	61	=	85
2013/171	:	9	+	43	+	45	=	97
2013/556	:	19	+	51	+	34	=	104

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 2 and 3-bedroomed units is increased, whilst the number of 4 and 5-bedroomed units is reduced.

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. This matter will be considered below under the section entitled Planning Contributions.

Visual Amenity

This re-plan proposes no change to the previously permitted road layout. Whilst the number of dwellings on the site is being increased, no significant change in the overall character & appearance of the estate as viewed from beyond its boundaries will result 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 (other than those built by Persimmon). 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. Accordingly, I do not consider this proposal will be 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 now 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.

Planning Contributions

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).

The consequence of this proposal would be to increase the total number of dwellings constructed on this part of the site by 7 (from 18 to 25), and to increase the total number of dwellings to be constructed on the site as a whole from 97 to 104.

The Council's Interim Housing Policy Statement (May 2010) had been superseded by Policy 4 of the Core Strategy (2011), which 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 by 7 to fully comply with this policy an additional 1.4 Affordable units should be provided. Likewise, to comply fully with the Council's adopted Open Space & Play Equipment Contributions SPD a further contribution of £9,562 (£1,366 per unit) should be made.

The Applicant initially proposed no increase to the 12 Affordable units required by Permission 2010/667, nor any additional Open Space & Play Equipment Contributions contribution. Following my request for these contributions the Applicant has responded as follows :

"We are happy to provide £1,366 per unit and 20% affordable, as requested as part of policy, on the 7 extra units this re-plan will bring. We have a pair of semi-detached 2-bed houses which we are offering as part of

this. This includes part of the affordable provision from a previous permission and the affordable unit from this position, and will be offered at 70% discount market sale.”

I consider it appropriate for permission to be granted on this basis.

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 to secure 2 additional Affordable House and an additional £9,562 to be expended on off-site Public Open Space/Play Provision &/or access thereto; &
- 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) unless an application for planning permission to do otherwise has first been submitted and approved.

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 it shall thereafter be 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/footways within the site shall be improved/constructed to the standards and specifications to enable adoption by LCC (Highways).

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/PL2 rev A, unless otherwise required by the above conditions or first agreed in writing by the Local Planning Authority.

Reason : For the avoidance of doubt.