

Application Number:	2012/0588	Application Type:	Outline, including Access
Proposal:	Demolition of existing buildings & erection of up to 49 dwellings, with vehicular access off Albert St & 6-space car park to rear of 1 Albert St	Location:	Former Albert Mill, Site of Sunnyside Mill & Sunnyside Works, Market Street, Whitworth
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	25 March 2014
Applicant:	Leonard Curtis LPA Receivers of DE & DH Lever LLP	Determination Expiry Date:	18 March 2013
Agent:	Euan Kellie Property Solutions		

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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):	Contrary to Development Plan / Major / Council land

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 Outline Permission subject to completion of a S.106 Obligation and the Conditions set out in Section 9.

2. The Site

The former Albert Mill site has been in the hands of receivers Leonard Curtis since mid 2009, when they were appointed by Allied Irish Bank (UK) Ltd after it exercised its security over the site originally in the ownership of DE and DH Lever LLP. This site is accessed from Albert Street via a track that runs to the side of No 1, the buildings upon it demolished (apart from an electricity sub-station), leaving in place floor slabs and extensive areas of hardstandings which cover the River Spodden.

As part of the strategy for disposal of its site Leonard Curtis are seeking to purchase several adjoining parcels of land to maximise site value and marketability. Accordingly, the application which has been submitted includes the adjacent Sunnyside Mill and Sunnyside Works, a 5-storey building fronting Market Street, together with land near the access track to the side of 1 Albert Street and land towards the southern/western boundary in the ownership of Rossendale BC.

Thus the application site extends to just over 1.45 ha (3.58 acres) of which 1.01 ha (2.49 acres) is under the control of Allied Irish Bank.

The site is bounded to the north by extended gardens and an under-utilised garage-court, beyond which are terraced houses that front George Street and Albert Street. To the east is Market Street (A671), Coppice Drive descending to join it, the houses here having view of the derelict and increasingly dilapidated multi-storey mill building that remains. To the west of the site (and at a higher level) is the cul-de-sac head at the end of Massey Croft, which is fronted by elderly persons bungalows and 2-storey blocks of flats, and the old railway line which has been landscaped/laid out as a long-distance recreational route (forming part of Cycleway No 92) giving access to Healey Dell Nature Reserve/Rochdale to the south and Whitworth town centre to the north. Towards its southern boundary the land again rises up by 6m to a Multi-Use Games Area and a footpath extending from the Wallbank housing estate to Market Street.

Whilst debris and hardstanding cover a large proportion of the site there is a length of the River Spodden towards the western boundary that is un-culverted, with shrub/tree cover bounding it and rising up the bank on the southern boundary of the site.

Most of the application site lies within the Urban Boundary of Whitworth. However, that part of the application site towards the south-western corner - lying beyond the area used for employment purposes - is designated as Green Belt.

3. The Proposal

The application is to secure Outline Planning Permission. Therefore the final details of the design do not form part of the application. However, permission is being sought at this stage for the means of Access.

Sunnyside Mill and Sunnyside Works are to be demolished.

The Design and Access Statement includes an Illustrative Layout and Birds-eye View. The Applicant advises that :

- They show a range of dwelling types to meet local need and demand. Having regard to the Council's spacing standards and 200% parking provision, a total of 49 dwellings is shown, with a mix of 13 x 2-bedroomed 2-storey houses and 36 x 3-bedroomed 3-storey houses, arranged in terraces of two to four properties.

- The residential layout is constrained by the River Spodden (the existing culverted section of the river is to be opened up) and the easement associated with the United Utilities sewer running on a N-S axis through the site.
- Part of the site is presently located within Flood Zone 3 (high risk). There is a need to provide the proposed houses with a higher floor level than the previous buildings in order that they are located in Flood Zone 1 (at low risk).
- Nevertheless, the development will not appear unduly prominent as a large proportion of the site lies within a 'bowl' - there is a 6m drop from the access point to the north, off Albert Street, to the lowest part of the site, and a rise in level of 6m up to the footpath to the south of the site, with an even greater drop from Market Street to the east.
- A landscape structure has been suggested which retains existing trees, most particularly those near to site boundaries, including those that restrict public view in to the site from the south.

As first submitted the application proposed that vehicles be able to access/exit the site via a road to the side of 1 Albert Street up-graded to adoptable standard, and also exit to Massey Croft. As a result of the recent amendment of the scheme vehicular access from/to Massey Croft is not proposed and a 6-space car park is proposed on land to rear of 1 Albert Street (for use by those who would otherwise park on that part of Albert Street near its junction with Market Street).

The Transport Statement accompanying the application concludes that :

- The site is situated in an area with good links to the wider pedestrian network/cycleway network and to Whitworth town centre and bus services on Market Street (A671) that run regularly between Rochdale and Accrington.
- Unlike the previous employment use, the proposed use will not generate HGV traffic or a level of car movements that cannot be safely accommodated on local roads.

With respect to policy requirements/consultee requests for Contributions, the Agent advises that the proposed development is marginal in viability terms due principally to the abnormal costs associated with the adverse ground conditions; building demolition and site assembly (due to there being multiple landowners). Indeed, to achieve viability has resulted in the inclusion of a small area of land which is currently located within the Green Belt / outside the designated Urban Boundary. It should be noted that less than 10% of the proposed dwellings will be located on the Green Belt part of the site, but these units are critical to ensuring that the proposals are viable.

In summary the Applicant advises that :

- The site is redundant, partly demolished and currently occupied by two semi-derelict buildings.
- The site has been promoted by RBC for almost two decades as a suitable location for development.
- The site recently been identified by RBC as one that is considered to be deliverable for housing development.
- The proposals will comply with a number of policy requirements outlined in the NPPF and Council's Core Strategy.

- The proposals mitigate key site constraints including Flood Risk, Easement and Access.
- The proposals provide a range of dwelling types which accommodate local need and demand.
- The layout is designed with care in relation to the scale of the immediate residential environment.
- The design proposals provide a place with its own identity which respects the principles of the local vernacular and built form.

4. Policy Context

National

National Planning Policy Framework (2012)

Section 1	Building a strong, competitive economy
Section 4	Promoting Sustainable Transport
Section 5	Supporting high quality communications infrastructure
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

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 10	Provision for Employment
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change & 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 Planning Obligations in Lancashire (2008)

RBC Open Space & Play Equipment Contributions SPD (2008)

5. Consultation Responses

RBC Policy

The site is predominantly previously developed and the proposed development is to be built at a density of about 35 dwellings per hectare.

Most of the site (though not all) is within the Urban Boundary at Whitworth on the Proposals Map (as saved by Policy 1 of the Adopted Core Strategy), and is shown as being an Employment Area,

albeit this policy was not saved. Part of the proposed site is actually designated on the Proposals Map as being Green Belt. There is a presumption against 'inappropriate' development (which includes new housing) within the Green Belt as articulated in the National Planning Policy Framework (NPPF) and the Adopted Core Strategy, which is 'by definition, harmful ... and should not be approved except in very special circumstances' (para 87). These very special circumstances will not exist unless the potential harm is clearly outweighed by other considerations.

The Area Vision Policy for Whitworth (AVP1) as contained in the Core Strategy identifies Albert Mill "for alternative uses – preferably mixed use, where they are no longer viable for their existing use" (p36).

This site is located in Whitworth, a Tier 2 settlement according to Policy 3 of the Adopted Core Strategy, where additional housing will be encouraged. The Policy notes that approximately half of the required housing provision for Rossendale (over the plan period 2011 to 2026) will take place in the towns of Bacup, Haslingden and Whitworth.

The applicants state that additional land will be needed to purchase to 'maximise the site value and marketability'. This includes some land that is within Green Belt, noting 'the application marginally encroach on Green Belt land to the south but not have any impact on its openness, nor will it have an adverse impact on the five purposes of the Green Belt, outlined in paragraph 80 of the NPPF'. The Green Belt was drawn tightly around the existing building and by developing this area, and using the contour line and boundary with the Multi Use Games Area (MUGA) it is considered that a small amount of Green Belt can be released here to aid the redevelopment of the disused, derelict site.

The Boundary Review (undertaken by the Council in late 2012/early 2013) identified some land in this area for release from Green Belt, identified as WH(GB)11, slightly more than is actually shown within the red edge of this application. The Council's assessment of this land notes the boundary to be amended "to follow the edge of the woodland area, to follow a more robust and permanent boundary on the ground [and notes the] Green Belt boundary has been drawn close to the former mill building, allocated for employment". The Council based the proposed change on the contour levels in order to ensure that it would not adversely impact on local or longer distance views, or on the openness of the Green Belt, as required by the assessment Criteria which was drawn up by which to assess proposed changes. A further criteria concerned 'not hindering the urban regeneration of derelict, vacant and /or PDL in adjacent or neighbouring settlements'. It is considered that the release of this land would actually encourage the redevelopment of a vacant, degraded site within the urban boundary. This consultation exercise was undertaken to help inform the Site Allocations and Development Management DPD, but was undertaken at a very early stage in the preparation of the emerging DPD, so has only little weight, if any at this stage. The Council's response to the representations received on the proposed amendments is yet to be published.

Although not saved, the site is shown as falling within an employment area and is recorded in the NLP Employment Land Study (site E55) as of [poor quality, that does not contribute towards employment provision in the Valley, does not meet modern requirements, is surrounded by residential, and has very constrained access, so would be suitable for alternative type of development. Furthermore the 2008 Study shows an over-supply of employment land in Whitworth.

On balance, having taken into account the Green Belt designation on the south western part of the site, and the harm resulting from inappropriate development in the Green Belt, as well as the need to deliver housing, particularly in such a location as this in Whitworth, and the redevelopment of a

degraded, vacant site, I consider this application could be supported. Impacts on the openness of the Green Belt, and the purposes of Green Belt, are not considered to be significantly adverse.

However, I do consider that landscaping needs to be properly considered, especially on the south western boundary, given the adjoining Green Belt. Furthermore, although I appreciate that this is a previously developed site, with abnormal development constraints, I also acknowledge that this is an outline application so I consider that full section 10 obligations should be requested, unless the applicant is able to demonstrate satisfactorily that such provision would make the scheme unviable. In particular I note this in respect to public open space (and contributions to the Cycleway), as well as affordable housing (with Policy 4 requiring 20% of houses to be affordable), and potentially highways, education, youth and community and recycling.

RBC Environmental Health

No objection subject to the following Condition :

Working hours

Works shall not be permitted outside the following hours-

Monday to Friday 08:00 to 18:00

Saturday 08:00 to 13:00

Demolition hours shall not be permitted on Sundays or Bank or Public Holidays.

Dust management

Prior to the commencement of the development, the developer shall submit a Dust management plan for the written approval of the LPA. The Dust Management plan shall identify all areas of the site and the site operations where dust may be generated and further identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented and maintained at all times. Should any equipment used to control dust fail, the site shall cease all material handling operations immediately until the dust control equipment has been repaired or replaced.

Fires

No burning of materials shall take place at the site.

Contaminated land

Accompanying the application for consideration of Reserved Matters, the developer shall submit a site investigation report for the approval of the LPA. The investigation shall address the nature, degree and distribution of ground contamination and ground gases on site and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on risks to human health and controlled waters.

The investigation shall also address the implications of ground conditions on the health and safety of site workers, on nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property.

The sampling and analytical strategy shall be approved by the LPA prior to the start of the site investigation survey. Recommendations and remedial works contained within the approved report shall be implemented by the developer prior to occupation of the site.

Prior to discharge of the Contaminated Land Condition, a Site Completion Report shall be submitted to the Local Planning Authority for approval. The Site Completion Report shall validate that all works undertaken on site were completed in accordance with those agreed.

Landfill Gas

No development shall take place until an investigation of the site has been undertaken to ascertain whether the site is affected by the presence of landfill gas. The investigation shall be undertaken in accordance with a brief which shall first be submitted to and approved in writing by the Local Planning Authority. The brief shall include the Local Planning Authority's stipulations as to the

methodology of the investigation and the points at which and the depth of which any survey of the site is to be taken. The results of the investigation shall be provided to the Local Planning Authority and shall include a scheme for precautionary measures to ensure that no build up or ingress of gas occurs within the development. The Local Planning Authority may require further investigatory works to be carried out and results submitted to them if the results are inconclusive. No development shall take place until the Local Planning Authority have approved a scheme for precautionary measures. The scheme once approved by the Local Planning Authority shall be implemented in full and written evidence to confirm the completion of the work provided to the Local Planning Authority before the development is occupied.

Piling

The contractor shall assess the impact of all piling operations with regard to noise and vibration in accordance with British Standard BS5228 'Code of practice for noise and vibration control applicable to piling operations'. Wherever practicable pile driving shall be by jacking. The use of conventional impact hammers should be avoided wherever possible. Any pile driving is to be carried out by plant equipped with a recognised noise reducing system.

Noise - Neighbours

The applicant shall submit for approval, in writing, an assessment of the impact of the proposed development on neighbouring sensitive premises. The assessment shall address the potential for any noise nuisance to occur which may impact upon the amenity of neighbouring sensitive premises both during the demolition/construction phase. The assessment shall identify fully all control measures which are required to control the impact of the nuisance.

All approved measures identified shall be implemented and retained throughout the duration of any works.

Noise - Future Residents

Prior to commencement of the development; the developer shall undertake an assessment to determine the external noise levels from the surrounding roads that the proposed residential elements will be subjected to (day time and night time). The developer shall detail what steps have to be taken to mitigate the disturbance from the above. The assessment shall have due regard to the Department of the Environment Guidance PPG 24- Planning and Noise, achieving BS8233:1999 in all habitable rooms. Alternative means of ventilation may be necessary in order to achieve adequate summer cooling and rapid ventilation for some aspects of the site without compromising the proposed acoustic protection measures. The assessment and mitigation measures shall be submitted for the approval of the Local Planning Authority prior to commencement of the development. Once agreed, all identified noise control measures shall be implemented and thereafter retained.

Environment Agency

In respect of the application as first submitted it advised that :

We are supportive of proposals to de-culvert this section of the River Spodden. However, we would raise significant concerns with the submitted indicative site layout Drawing (9-)-01 Revision A (Halliday Meecham, Oct 2012) and **OBJECT** to the proposed development as submitted for the reasons outlined below.

The current illustrative layout indicates new built encroachment of key ecological network and main green infrastructure asset of the site, some within only 1-2m of the channel, be that new access roadway, car parking or residential development.

Further proposals include a number of rear facing dwellings with private amenity gardens backing onto the channel which can lead to long term maintenance and potential pollution

issues.

Current proposals indicate raising of existing river walls and further canalising the River Spodden channel to accommodate this existing riparian development, which is contrary to what we seek through new statutory River Basin Management Plan for this currently failing heavily modified waterbody.

The current indicative proposals also indicate three crossings of the river over only a relatively short 50m section of channel, which seems excessive.

The proposed new pond immediately adjoining the river should be omitted as it may hinder access to the channel during maintenance operations.

We are disappointed with the current submitted ecological assessment (Scott Fitzgerald, July 2012), which has failed to identify the River Spodden as an important brown trout fishery, Lancashire BAP habitat, and key ecological network through the proposed development site, and has made no recommendations in regards to the schemes proposal to deculvert the river and the best design for integrating and enhancing this key ecological network and wildlife corridor.

We would recommend any such newly proposed riparian development better integrate with the main ecological asset of the River Spodden, by providing undeveloped greenspace buffers, creating new front facing dwellings that look onto watercourse, minimise number of new crossings. It would also be preferable to locate new greenspace along the river corridor linking with downstream Healy Dell LNR and adjoining greenspace to south rather than locating this near the busy Market Street roadway, thereby truly integrating the main landscape and ecological asset of the riparian site, and providing a valued green infrastructure asset both people and wildlife.

The River Spodden is designated "Main River" and is subject to Byelaw Control. In particular, no works may take place within 8 metres from the bank top of the watercourse without our prior written consent. Our consent is also required under the Water Resources Act 1991, for the erection of any structures on, over or within the channel of the watercourse, including construction of surface water outfalls.

Removal of objection : We may be able to remove our objection to the proposed development if the indicative site layout Drawing. (9-)-01 Revision A (Halliday Meecham, October 2012) is revised to address our concerns as outlined above particularly to show a minimum 5 - 6 metre wide undeveloped buffer zone around the River Spodden.

As a result of recent discussions - and on the basis that approval is not being given to the Illustrative Layout - **it has withdrawn its objection.** Its latest comments read as follows :

We have no objections to the principle of the development providing the mitigation measures in the FRA by Scott Hughes (5th Dec 2012 issue 2) are implemented in the detailed design proposals put forward. The design of the new open channel section of the River Spodden will be a key part of ensuring that fluvial flood risk to the proposed development is managed. Plan 2515-C-SK02/P1 in the FRA refers to construction of flood walls along the newly formed open channel. It is not clear why this would be required in association with the mitigation measures associated with raising floor levels. If the application is approved, we would recommend that this issue should be clarified at reserved matters stage. In terms of the submitted indicative masterplan, the proposed new pond

immediately adjoining the river should be omitted as it may hinder access to the channel during maintenance operations.

As stated in the previous email, it is likely that the FRA will require some revision with the changes to the layout and design of the scheme that are being discussed as a result of our objection.

The proposed development will only meet the National Planning Policy Framework policy to reduce flood risk if the following Condition is included :

The development hereby permitted shall not be commenced until such time as a scheme to ensure finished floor levels are set no lower than 208.52m above Ordnance Datum (AOD) has been submitted to and approved in writing by the local planning authority.

United Utilities

No objection subject to the following conditions being met :

- No surface water to discharge either directly or indirectly to a combined sewer.
- Only foul drainage to be connected into the foul sewer.
- Building over the public sewer crossing the site, or within 5m of its centre line, will not be permitted.
- A domestic water supply can be made available to the proposed development.

Electricity North West

No objection.

There are Electricity NW Low Voltage and High Voltage cables and a distribution Substation on the site. The applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. Should there be a requirement to divert the apparatus because of the proposed development the cost would usually be borne by them.

LCC Archaeology

Sunyside Mill is a non-designated heritage asset, recorded on the Lancashire Historic Environment Record. Formerly known as part of Albert Mill, the building was originally built in 1862-67, with a fifth floor added in 1874.

The textile mills of the north west are of great historical significance, shaping the landscape and communities in which they were built and which surround them. Consequently, it requests a Condition to secure archaeological recording before demolition.

LCC Highways

In respect of the application as first submitted it advised that it had **Objection** :

Massey Croft is unsuitable to accommodate additional vehicular traffic.
If Albert Street could be widened between the access-point and Market Street would consider withdrawing the objection.

The site has an accessibility score of 21. If development proceeded on the basis of 13 x 2-bed and 36 x 3-bed dwellings a contribution of £78,201 should be sought to enable improvements to accessibility; the contribution would fund upgrade of Public Footpath 126

to a shared cycle/footway and a bus shelter on Market Street at the nearest northbound stop.

Its response to the recent amendment of the scheme to omit vehicular access from Massey Croft & provide a 6-space car park to rear of 1 Albert Street is awaited.

LCC Ecology

On the basis of the ecological information submitted it is not able to fully assess the likely ecological impacts of the proposed development. Prior to determination of the application further information is needed most particularly to establish :

- whether bats are making use of the buildings/walls & culverts/trees on the site and what potential they have to support bats;
- what potential the existing buildings have to support nesting birds;
- whether there is any suitable riparian habitat to support water voles &/or otters;
- the implications resulting from loss of habitat suitable for amphibians (including great crested newts) and removal of broad-leaved woodland, pond, scrub, semi-improved grassland and piles of rubble.

LCC Education

This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a planning obligation. The contribution described is directly linked to the development proposed and would be used in order to provide education places within 3 miles of the development for the children expected to live on the development.

The latest information available at this time was based upon the 2012 annual pupil census and resulting projections. Based upon this assessment, LCC would be seeking a contribution for 17 primary school places. However, LCC would not be seeking a contribution for secondary school places.

Projections for the local primary schools show there to be a shortfall of 13 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission.

With an expected yield of 17 places from this development the shortfall would increase to 30. Therefore, it seeks a contribution of £201,968 from the developer in respect of the full pupil yield of this development of 17 places.

LCC Constabulary

Crime within the immediate area over the last 12 months includes burglary, theft from and criminal damage to vehicles, and criminal damage to dwellings.

It would wish the development built to full 'Secured by Design' standards.

Where parking courts are absolutely necessary it is essential the properties they serve overlook them and visitors bays along the road should be avoided where they have no natural surveillance. Natural surveillance must also be considered in landscaping and lighting plans.

Rear gardens should be bounded by fences/lockable gates of at least 1.8m in height, and rear alleys avoided wherever possible. Blank gables to houses should be avoided to maximize natural surveillance and front porches/canopies designed so as not to aid climbing to first floor windows.

The provision of access points, both vehicular and pedestrian, should be kept to the minimum required.

Whitworth Town Council

It has no objection to the site being redeveloped for housing, but is not confident that the access and egress proposed is appropriate due to the potential impacts on residents of George Street, Albert Street & Massey Croft and would ask that this is revisited.

6. Notification Responses

To accord with the General Development Procedure Order a press notice was published on 18/1/13, 6 site notices were posted and letters were sent to neighbours on 10/1/13 in respect of the proposal as first submitted.

A petition of objection bearing 94 signatures, principally from Albert Street & Massey Croft residents, has been received. The covering letter explains that they have objection to the proposed access arrangements, in short :

- Due to the narrowness of Albert Street, and parking of residents vehicles that presently occurs, it will be difficult (if not impossible) for any other vehicles to use it.
- The part of Massey Croft nearest to the site is a narrow cul-de-sac that provides access to older peoples bungalows and flats (many residents in their 80's & 90's) and they should not be subject to additional traffic movements, noise and personal safety risks.

Letters/emails have also been received from 9 individuals, some objecting others supportive of redevelopment of the site but objecting to the proposed access arrangements. The following points are made :

- The land behind the houses fronting Albert Street is virtually land-locked, the existing access to the side of No 1 inadequate and in private/local authority or unknown ownership.
- Exit of vehicles from Albert Street to Market Street is not safe due to parked vehicles interfering with visibility. This junction is an accident waiting to happen if there are more cars trying to turn right towards Rochdale at peak times when traffic on Market Street is extremely heavy.
- It is already difficult for existing residents to get out onto Market Street due to heavy traffic on the side roads - Albert Street is already used by some people as a rat-run in order to avoid the Hall Street junction, and will become worse as more houses on the Orama Mill site are completed.
- Residents of the terraced houses on Albert Street, George Street & Victoria Street do not have off-street parking of their own and consequently park on Albert Street, as do customers of the nearby public house and hairdressers on Market Street. Albert Street is so narrow cars commonly park on pavements, making it necessary for those with invalidity & children's push-chairs to go down the road, but is still too narrow for council vehicles and emergency services.

- Opening up Massey Croft cul-de-sac will be a danger for not only existing residents but the many pedestrians that use it (including children) going to schools and Healey Dell and on bikes (it forming part of Route 92 of the East Lancs Cycleway).
- The derelict and dangerous buildings on the site need urgent demolition, but any redevelopment of it should have entry and exit directly from Market Street.
- Is it not possible to consider retaining Albert Mill as part of the new development, as achieved with Ilex Mill.

As a result of the recent amendment of the scheme (to omit vehicular access from Massey Croft & provide a 6-space car park to rear of 1 Albert St) neighbours and others who had previously commented were re-notified by letter on 7/3/14. No further comments have been received.

7. ASSESSMENT

The main considerations of the application are :

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

Principle

The site is for the most part within the Urban Boundary of Whitworth, is previously developed land and is near to Whitworth Town Centre and a 'quality' bus route. To this extent the redevelopment of the site is appropriate in principle. Indeed, given its lack of use/poor appearance, its redevelopment is to be encouraged.

Though formerly used for employment purposes, there is no shortfall in employment sites/land within Whitworth and difficulties in providing an access to modern standards that would serve a B2 Industrial &/or B8 Warehousing development. Although the Area Vision Policy for Whitworth in the Core Strategy identifies Albert Mill "for alternative uses – preferably mixed use", this is neither an easy or cheap site to redevelop. Accordingly, I do not consider the current proposal for only residential use should be resisted in the hope of securing a mixed use of the site.

The application site includes land towards the south-western boundary that is designated Green Belt. The residential development of this land is contrary to NPPF and Core Strategy policy. However, the Agent advises that the proposed development is marginal in viability terms and the units proposed in the Green Belt are critical to ensuring that the proposals are viable. I give some credence to this. I am also mindful that this land was considered as part of the Boundary Review undertaken by the Council in late 2012/early 2013 and it was considered appropriate to remove it from Green Belt - the current boundary does not now reflect any feature on the ground and would more appropriately follow the edge of the woodland area to the south. As a result of this change none of the proposed houses or their gardens would lie within Green Belt and retention of planting bounding/beyond the application site would screen the development from the Green Belt land to the south (being some 6m lower in level).

Accordingly, the proposal does not fully accord with policy but there is good reason to not to refuse permission for the proposed development on Green Belt grounds.

Ground Contamination / Flood Risk

The Environmental Health Unit concurs with the report and recommendations on Ground Conditions submitted with the application. In short, the former uses of the site mean that there is need for further intrusive investigation to define the remediation works necessary before residential development of the site can proceed, but no reason to believe that contamination of a nature/scale to preclude residential use of the site will be found.

Likewise, the Environment Agency broadly concurs with the report and recommendations on Flood Risk submitted with the application - whilst not enamoured with the proposed layout, so long as it is to be treated as for 'illustrative purposes' and not approved, it does not object to Outline Permission being granted subject to conditions.

Housing Policy

The Core Strategy indicates Whitworth to be a settlement in which additional housing will be encouraged. The illustrative Layout proposes a density of development and mix of house sizes that is considered appropriate.

Policy 4 indicates that on a site of this size Affordable Housing should be provided at a rate of 20% of units for the brownfield element of the site and 30% for the greenfield element. This matter will be returned to in the Section of the Report below entitled Planning Contributions.

Visual Amenity

The site is presently of poor appearance and the buildings which remain upon it are not of such architectural or historic interest that their demolition should be resisted.

The Illustrative Layout and Birds-eye View show a form and scale of development that would not be unduly prominent or intrusive as viewed from beyond the site's boundaries, subject to submission of suitable details at the Reserved Matters stage and, most particularly to :

- suitable handling of the frontage to Market Street and the part of the development that will be seen from it
- retention of sufficient of the planting on the bank rising up to the southern boundary and its reinforcement

Neighbour Amenity

The site is presently of poor appearance and has been a source of complaint from local residents for some years.

I do not consider redevelopment of the site for residential purposes with the number of 2 & 3-storey dwellings proposed inappropriate in terms of maintaining/providing acceptable outlook/light/privacy for occupiers of neighbouring properties.

The principle concern raised by neighbours relates to the access arrangements being proposed. This matter is addressed in the Section below.

Access / Parking

As first submitted the application would have resulted in vehicle movements on both Albert Street and Massey Croft.

Reflecting local sentiments, Whitworth Town Council advised that it had no objection to the site being redeveloped for housing, but was not confident that the access and egress proposed is appropriate due to the potential impacts on residents of George Street, Albert Street & Massey Croft and would ask that this is revisited. LCC Highways objected to the intention for vehicles to make use of Massey Croft.

Accordingly, the Applicant has amended the proposal to :

- omit vehicular access to/from the site via Massey Croft; &
- provide a 6-space car park on land to rear of 1 Albert Street (for use by those who would otherwise park on that part of Albert Street near its junction with Market Street).

A number of the local residents commenting on the application indicated that redevelopment of the site should incorporate a vehicular entry/exit direct from Market Street. The Highway Authority advises that, though not necessarily technically impossible for such an access for cars to be formed, the difference in levels between Market Street and the Albert Mill site is so great such a solution would be difficult/expensive to construct and occupy a not inconsiderable chunk of the developable area of land.

The formal response of LCC Highways to the amended access/parking arrangements is awaited.

I anticipate that it will advise that, subject to the Applicant securing ownership of the land to provide up-grade of the existing access to the side of 1 Albert Street to adoptable standard/a Traffic Regulation Order to restrict parking in the vicinity of its junction with Albert Street, it will not object to the proposal, considering this the best available arrangement, though far from ideal.

Planning Contributions

To accord with policy requirements / consultee requests the following Contributions should be made :

- a) Affordable Housing - 20% of units for the brownfield element of the site and 30% for the greenfield element
- b) Public Open Space /Play Provision - £1,366 per dwelling
- c) Provision of Refuse Bins - £100 per dwelling
- d) Transport - £1,200 for a TRO & £78,201 for accessibility improvements
- e) Education - £201,968 for additional primary school capacity

The Agent advises that the proposed development is marginal in viability terms due principally to the abnormal costs associated with the adverse ground conditions; building demolition and site assembly (due to there being multiple landowners).

I do not doubt that this is a difficult/expensive site to redevelop. However, until such time as the site layout and intended house number/types is the subject of an application for Reserved Matters approval I do not consider that the abnormal costs &/or sales receipts from development can be calculated with sufficient certainty to agree upon the extent (if any) of any Contributions to be made [beyond that required for safety reasons in any case for the TRO].

Accordingly, I consider it appropriate to require that the Applicant enter in to a S.106 Obligation to provide all of the above contributions unless they submit a Viability Assessment with the

application for Reserved Matters approval for site layout and intended house number/types which demonstrates to the Council's satisfaction that for viability reasons a relaxation from these contributions is necessary.

8. SUMMARY REASON FOR APPROVAL

Notwithstanding that a small part of the proposed development encroaches upon the Green Belt, the Council is satisfied that the very special circumstances exist to make this appropriate, thereby making viable redevelopment of a more substantial area of previously developed land within the Urban Boundary that is presently derelict and unlikely to otherwise be brought forward for development such are the abnormal costs/land assembly costs likely to be incurred. Furthermore, the topography of the area and the vegetation on and surrounding the site mean that the 2 & 3-storey buildings proposed can be accommodated without unduly affecting the essentially open and rural character of the Green Belt extending to the south of the site. Residential development of the site at the density and with the access arrangements proposed is not considered likely to result in unacceptable detriment to visual and neighbour amenity, biodiversity, flood risk, highway or public safety. The application has been considered most particularly in relation to Section 1 / 4 / 5 / 6 / 7 / 8 / 10 / 11 of the National Planning Policy Framework (2012) and Policies AVP1 / 1 / 2 / 3 / 4 / 8 / 9 / 10 / 18 / 19 / 22 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

9. RECOMMENDATION

That Committee be minded to grant Permission subject to :

- a S.106 Obligation to secure the Contributions referred to in the Section of the Report above entitled Planning Contributions, but including provision also for relaxation from those Contributions [in whole or in part, other than the TRO] if a Viability Assessment is submitted with the application for Reserved Matters approval for site layout and intended house number/types which demonstrates to the Council's satisfaction that for viability reasons a relaxation from these contributions is necessary.
- the Conditions set out below.

Conditions

- 1 Approval of the details of Layout, Scale, Appearance and Landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is in outline only and is not accompanied by details of these matters.

- 2 Application for reserved matters shall be made not later than the expiration of two years beginning with the date of this permission and the development must be begun not later than the expiration of three year from approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason : In order to comply with Section 92 of the Town and Country Planning Act 1990.

3 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.

4 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 surface and ground waters, in accordance with Policy 24 of the Council's Core Strategy DPD.

5 The application for approval of Layout shall be accompanied by details of the proposed floor and external levels for approval in writing by the Local Planning Authority. No dwelling shall have a finished floor levels are set no lower than 208.52m above Ordnance Datum (AOD). 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.

6 No development approved by this permission shall be commenced until a scheme for the provision and implementation of the foul and surface-water systems 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 ensure satisfactory drainage arrangements and reduce the risk of flooding, in accordance with Policy 24 of the Core Strategy DPD

7 The application for approval of Layout shall provide for development of the site at a density not less than 30 dwellings per hectare, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : To secure development of the site at a satisfactory density, in accordance with Policies 1, 2 & 24 of the Council's Core Strategy DPD.

- 8 Prior to first occupation of any dwelling vehicular access from Albert Street shall be provided to it in accordance with Drwg No CBO-0059-002 rev Band to standards & specifications of LCC Highways for adoptable highways, unless otherwise first agreed in writing by the Local Planning Authority.
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
- 9 The application for approval of Landscaping shall be accompanied by a scheme for the provision and management of a buffer zone alongside the River Spodden for approval 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 the 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.
- 10 Prior to the commencement of development on site the applicant shall submit the Local Planning Authority for their approval a scheme detailing energy-saving / renewable energy facilities within the development hereby approved. The approved scheme shall be implemented in accordance with approved scheme and thereafter maintained.
Reason : In order to encourage the use of renewable energy sources in accordance with Policy 19 of the Council's adopted Core Strategy DPD (2011).
- 11 No works shall take place until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work, comprising both building recording & analysis and below-ground archaeological investigation. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority.
Reason To ensure and safeguard the recording and inspection of matters of archaeological/ historic importance associated with the building/site, in accordance with Section 12 of the National Planning Policy Framework and Policy 16 of the Core Strategy DPD.
- 12 Prior to the commencement of development a Site Construction & Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Construction Plan shall include details of : the vehicle wheel-cleaning facilities; construction traffic off-loading/parking facilities; construction compound/material storage location; & dust suppression measures. The approved Site Construction & Management Plan shall be implemented and adhered to throughout the demolition/ remediation/construction period.
Reason: To protect the amenities of neighbours and in the interests of pedestrian/highway safety, in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.
- 13 Any demolition works, ground contamination remediation works or construction works associated with the development hereby approved, and HGV movements

to/from the site associated therewith, 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