

Application Number:	2014/0232	Application Type:	Full
Proposal:	Construction of Two Storey Building Comprising Twelve, one Bedroom Flats and Four Two Bedroom Flats (Amended Scheme Following Withdrawal of Planning Application Ref 2014/0077)	Location:	Land Adjacent 123 Burnley Road Rawtenstall BB4 8HH
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	17 June 2014
Applicant:	Green Vale Homes	Determination Expiry Date:	20 th August 2014
Agent:	Bernard Taylor Partnership Ltd		

Contact Officer:	Richard Elliott	Telephone:	01706-238639
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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	
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 approve Permission subject to a S.106 Obligation to secure payment of Contributions and the Conditions set out in Section 10.

2. SITE

The application site comprises a vacant site of approximately 0.25 hectares located to the east side of Burnley Road Rawtenstall and approximately 750m north of Rawtenstall Town Centre.

The site, which has one vehicular access point from Burnley Road, was previously a bleach works, and following that a care home which was subsequently demolished in around 2006. The land is now made up of areas of hardstanding, some trees and patches of vegetation, with security fencing to its Burnley Road frontage.

To the opposite side of Burnley Road are traditional stone and slate terraced housing, and one commercial property. To its north is an electricity substation and an garage/store, beyond which is an adjacent stone dwelling which has its gable facing the site.

The River Irwell is located immediately to the rear of the site, running on a north-south axis. Trees are located along its bank and which overhang the site. Beyond, the land rises to residential properties on Lee Brook Close, screened significantly by the trees.

To the south of the site is St James the Less RC Church, set back from the road frontage and with its side facing the site. It is separated from the site by a brick wall to a height of approximately 2m and contains a number of mature trees close to its boundary.

Listing Description:

“Church, 1845, said to be by Augustus Welby Northmore Pugin. Sandstone random rubble, steeply-pitched slate roof with large gable copings. Nave, small north-west tower with pyramidal top, chancel with side offices; small building in simple Early English style. Gable to road. Three stage tower incorporating porch has angle buttresses, slightly projecting gabled porch which has moulded arched doorway with shafts and hoodmould with figured stops, a niche containing a statue above the door, and gable coping with carved stops; single-light windows to 2nd stage, set-back top stage with plate-traceried 2-light belfry louvres and corbel table with figured corners (lean-to stair turret in angle to rear). West gable of nave has large triple lancet window flanked by single lancets, a wheel window above. Buttressed 5-bay nave with a lancet in each bay except 2nd on south side which has a gabled porch with moulded arched doorway and hoodmould with figured stops, and 4th and 5th which have modern office attached. Two-bay chancel has triple lancet east window and above this a circular window containing 3 trefoils; attached on south side a vestry with triple lancet window and very tall gable chimney. Interior: very simple.”

3. RELEVANT PLANNING HISTORY

2014/0077 Construction of Two Storey Building Comprising Twelve, one Bedroom Flats and Four Two Bedroom Flats

Withdrawn in order to resolve concerns raised by the Environment Agency

4. PROPOSAL

Following withdrawal of the previous application the applicant has provided an amended plan and up to date Flood Risk Assessment (FRA) to the Environment Agency for comments.

Following receipt of a positive response in relation to the amended plans and FRA, planning permission for the construction of a building Comprising Twelve, one Bedroom Flats and Four Two Bedroom Flats has been resubmitted.

As described by the Case Officer in respect of the previous application:

The building would be set back from Burnley Road by approximately 16m and set in from the southern boundary with the Church by 4.8m. The building would be raised by approximately 2m having regard to the submitted Flood Risk Assessment, would have an eaves height of approximately 7m and a ridge height, to its highest point, of 12m. The building would be roughly rectangular in shape, constructed in artificial stone and tile, with three front gables and windows with stone surrounds.

To the north of the building a total of 16 parking spaces and a turning facility are proposed, accessed utilising the existing access point off Burnley Road. Bin storage and bike storage would be to the north eastern corner of the building.

The submission differs from the previous application in the following ways as described by the agent:

- “1. The position of the building has been moved forward of its original position of 6500mm from Limey water Course to a distance of 8000mm to meet the requirements of the EA comments which states that an 8 Meter easement/ undeveloped buffer zone must be adhered to.*
- 2. The bin store has been stated by the EA as a future pollution risk to the water course and ecological receptor. We have relocated the bin store to a position that is remote of the 8 Meter buffer zone and river corridor. We have also repositioned the cycle store to further adhere to the 8 meter buffer zone.*
- 3. A 900mm high demountable fence now replaces the original 2100mm high close boarded timber fence which will run across the boundary to the water course allowing ease of access making provision for maintenance access to the bank top of Limy Water.*
- 4. The buffer zone now includes planting with locally native species to ensure that the river corridor forms part of green infrastructure as advocated In Rossendale Core Strategy, policies 17 & 18*
- 5. Minor amendments have been made to the general landscaping and ramped access as a result of the repositioning of the building. Similarly the car parking spaces have been amended to suit the movement of the bin store and building.”*

To be funded by the Homes and Community Agency (HCA), the houses would be let as affordable rent units to those over the age of 55 (let at a reduced market rate no more than 80% of the local market rent), and would be managed by Green Vale Homes. The applicant advises that the houses would meet Code for Sustainable Homes Level 3 and they would be Lifetime Homes compliant.

A landscaping scheme has been proposed for the site, providing for lawns to the front and rear, retaining all but one tree to the boundary with the Church and felling 4 trees to the north-west corner of the site.

The applicant has stated that due to the costs of delivering the scheme it is considered that it is not financially viable to make a financial contribution towards public open space provision. The proposed scheme is for the use of over 55's and will have no impact on the existing play area, and will have no impact on education capacity. It is also close to all local amenities and scores highly on the accessibility questionnaire.

Two community consultation events were held prior to the submission of the original application, where residents were able to provide feedback and leave comments. The scheme has been designed having regard to the comments received.

5. **POLICY CONTEXT**

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a Wide Choice of High Quality Homes
- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
- Section 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 4 Rawtenstall
- 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 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

- National Planning Practice Guidance (2014)
- LCC Planning Obligations in Lancashire (2008)
- RBC Open Space & Play Equipment Contributions SPD (2008)

6. **CONSULTATION RESPONSES**

Environment Agency

Having reviewed the revised layout shown on Drawing no. 2482/C103/B, we are able to withdraw our previous objections.

The comments regarding the FRA made in our previous response of the 22 April 2014 remain valid, particularly in relation to the safe evacuation and the need to agree this with your emergency planner.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Paul Waite Associates Ref:12156/V01 rev B and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off to the rates as outlined in table 5 of the FRA;
2. Provision of compensatory flood storage in accordance with section 5.9 of the FRA;
3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven; and
4. Finished floor levels are set no lower than 181.0m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To reduce the risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site;
2. To prevent increased flood risk elsewhere by ensuring that compensatory storage of flood water is provided;
3. To ensure safe access and egress from and to the site; and
4. To reduce the risk of flooding to the proposed development and future occupants.

Biodiversity

The proposed development layout which integrates and protects main landscape and green infrastructure asset of Limy Water corridor is acceptable.

Advisory

It is recommended ecological consultants advice (Capita, November 2013, Section 6 and 7) be incorporated into new riparian development, where practically feasible, to help protect and enhance the biodiversity value of site and achieve improved CSH ecological standards.

Existing well established native riparian vegetation should be retained and enhanced as recommended in extended Phase One survey (Capita, Nov 2013) and be incorporated into the 8m easement, subject to our Consent.

RBC (Environmental Health)

No objection subject to a condition regulating construction working hours and that no waste shall be burned on site.

RBC (Strategic Housing)

No objection

LCC (Highways)

I would raise no objections to the above planning application subject to the following condition and contribution to the pursuance of a TRO.

No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours

A Traffic Regulation Order is required on Burnley Road on both sides of the site access to ensure adequate visibility is maintained for drivers exiting the site. A contribution of £1,500 is necessary for Lancashire County Council to pursue and ultimately implement the parking restriction (subject to the resolution of objections).

LCC (Education)

No contributions required in this instance.

United Utilities

Awaiting Comments

Lancashire Constabulary

Recommend the applicant's make contact to discuss Secure by Design related matters.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 30/05/2014, a site notice was posted on 28/05/2014 and letters were sent to 19 neighbours on 28/05/2014.

No comments have been received to date.

8. ASSESSMENT

The main considerations of the application are :

1) Principle) 2) Flood Risk; 3) Visual Amenity/Heritage Impact; 4) Neighbour Amenity; 5) Access/Parking; 6) Ecology; & 7) Planning Contributions.

Principle

The land is sustainably located on previously developed land within the Urban Boundary of Rawtenstall.

Land Contamination:

A phase one contaminated land report has been provided and which does highlight issues with contaminants on the site. It recommends a phase 2 intrusive survey be carried out. It is considered that this and any subsequent remediation/verification works can be appropriately conditioned.

Flood Risk:

The site is located within Flood Risk Zone 3 and is therefore at a high risk from flooding.

As set out in the National Planning Policy Framework, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

A sequential test is required to steer new development to areas with the lowest probability of flooding.

However, given that the scheme proposes a 'More Vulnerable' use as described within the NPPF Technical Guidance it would only be suitable if the further test – The Exceptions Test - is passed.

"For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and

- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Given the site is sustainably located, would provide and meet a need for 100% affordable housing, has previously had residential accommodation upon it and following demolition does have a rather unkempt run down appearance, I am satisfied that there are substantial benefits to the community that would occur.

I am now satisfied that subject to the development being carried out in accordance with the submitted plans as amended from the previous scheme, and compliant with the recommendations of the EA, that the development as proposed will be safe for its lifetime having regard to flood risk and would not increase flood risk elsewhere.

Accordingly I consider the scheme acceptable in principle.

Housing Policy

The scheme is compliant with the Council's Housing Policy; the land constitutes previously developed land within the Urban Boundary of Rawtenstall and the scheme would provide for 100% affordable rent housing for over 55's, a tenure considered appropriate in this location by the Council's Housing Manager.

Visual Amenity/Heritage Impact

S.66 (1) of the T&CP (Listed Buildings & Conservation Areas) Act 1990 states that in the determination of applications affecting Listed Buildings, and their settings, the Council must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.

Paragraph 131 of the NPPF states:

"In determining planning applications [that affect heritage assets], account should be taken of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness."*

Paragraph 132 states *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be."*

Paragraph 134 states *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

Consistent with the NPPF, Policy 16 of the Council's Core Strategy seeks to ensure that all development is:

- Located in a way that respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context
- Of a high standard of design, reinforcing local distinctiveness of Rossendale.

The proposed building would be significant in terms of its size, height and position. I am satisfied that what is now proposed would, with that in mind, not cause substantial harm to the significance of the adjacent listed building, particularly so having regard to the retention of the trees to that boundary, which do act as a significant buffer, and the development on the site previously which encroached further towards the road and nearer to the boundary with the Church. The building would be set back from Burnley Road, so as not to be unduly dominating within the street scene and the mass of the building is broken up by various front gables.

The proposed facing materials are to be artificially stone and tile, and the proposed visualisations do show the building as being somewhat bright and discordant; almost all of the buildings along that immediate area of Burnley Road being natural stone and natural slate. In my opinion, if not using natural materials, artificial materials that very closely replicate those should be used.

In terms of landscaping, I am satisfied that the trees to be removed are not individually of particular amenity value such that their loss would cause harm to the area, and those outside of the site boundaries would not be harmed. However, the overall scheme of landscaping could be improved, particularly when viewed from the Burnley Road frontage. I consider that a more robust landscaping scheme should be provided.

Subject to the above the scheme is considered acceptable in terms of visual amenity/heritage impact.

Neighbour Amenity

Separation distances between neighbouring properties are considered acceptable. Taking into account the proposed scheme and previous developments on site I do not consider that there would be a material increase in noise and disturbance that would be unduly detrimental to existing residents in the area. The scheme is considered acceptable in terms of neighbour amenity.

Access / Parking

There has been no objection from the Highway Authority. I am satisfied that that area can readily absorb any increase in traffic resulting from the development and that there is sufficient parking and adequate turning within the site to accommodate residents / visitors / refuse wagons.

The Highway Authority has expressed concerns with regards to visibility splays along that stretch of Burnley Road either side of the site access. It is considered appropriate and necessary that the applicant should contribute towards the investigation into a Traffic Regulation Order for that area to ensure that there are acceptable vicinity levels upon exiting and entering the site. Subject to the above, and a construction method statement the scheme is considered acceptable in terms of highway safety.

Ecology

Subject to additional planting and a robust landscaping scheme I am satisfied that the scheme would be acceptable in terms of its ecological impact.

Planning Contributions

No contributions have been sought by LCC Education.

Having regard to the Council's SPD there would be a requirement to make a contribution of £21,856 towards Open Space and Play provision.

The contribution towards the investigation into a Traffic Regulation Order would be approximately £1500.

There would also be a contribution of £1600 towards bin provision (£100 per unit).

The applicant has stated that they would, for viability reasons, having regard to the costs associated with redevelopment of the site not be in a position to provide such a contribution, and that in any case the scheme would bring about significant regeneration benefits.

I am satisfied with the scheme providing for 100% affordable housing for the over 55's, and which would redevelop a prominent, vacant site in a sustainable location, that it would not be necessary in this instance that a public open space contribution be sought. I do however, consider that the TRO contribution is necessary and that monies are provided for the provision of bins.

9. RECOMMENDATION

That Committee be minded to grant Permission subject to :

- a) A S.106 Obligation to secure payment of Contributions of £1500 to cover the cost of a Traffic Regulation Order and £1600 towards the cost of providing waste bins to each property; &
- b) The Conditions set out below.

SUMMARY REASON FOR APPROVAL

The scheme would provide for affordable rent housing on a brownfield site within the Urban Boundary of Rawtenstall, and as such is considered acceptable in principle, and subject to conditions would not have a detrimental impact on the setting of the adjacent Grade II Listed Building, visual amenity, neighbour amenity and highway safety.

The development is considered to accord with Sections 1, 4, 6, 7, 8, 10, 11 and 12 of the National Planning Policy Framework, and Policies 1, 2, 3, 4, 8, 9, 16, 18, 19, 22, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

10. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
2. The development shall be carried out in accordance with the submitted plans dated 21 May 2014 by the Local Planning Authority and shall be constructed to meet Lifetimes Homes Standard and to achieve Code for Sustainable Homes Level 3, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

3. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Paul Waite Associates Ref:12156/V01 rev B and the following mitigation measures detailed within the FRA:
 1. Limiting the surface water run-off to the rates as outlined in table 5 of the FRA;
 2. Provision of compensatory flood storage in accordance with section 5.9 of the FRA;
 3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven; and
 4. Finished floor levels are set no lower than 181.0m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding in accordance with Policies 1,19, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

4. No development shall take place until samples of the facing materials to be used in the construction of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason : In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

5. Prior to commencement of development the following shall be submitted to the Local Planning Authority:
 - a) A Contaminated Land Phase II Report to assess the actual/potential contamination risks at the site for approval by the Local Planning Authority.
 - b) Should the approved Phase II Report indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.
 - c) The remediation scheme in the approved Remediation Statement shall then be carried out and a Site Completion Report detailing the action taken at each stage of the works (including validation works) shall be submitted to and approved in writing by the Local planning Authority prior to first occupation of any part of the development hereby approved.

Reason: To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Contaminated Land Phase I Report, to accord with Policies 1and 24 of the Council's adopted Core Strategy DPD (2011).

6. Prior to commencement of development full details of the measures to be taken for the avoidance/mitigation of harm to wildlife shall be submitted to the Local Planning Authority. Development shall not commence until details of the measures to be taken have been approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Ecology Report/Bat Survey and to accord with Policies 1and 24 of the Council's adopted Core Strategy DPD (2011).

7. All the residential units hereby permitted shall be Affordable Rented Housing as defined within Annex 2 of the National Planning Policy Framework (2012) or any future guidance that replaces it, and be 'for renting to over the age of 55 residents', unless otherwise approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the following details have been submitted to and approved by the Local Planning Authority : The occupancy criteria to be used for determining the identity of occupiers of the affordable housing, which will be subject to a local lettings policy through

the Council's Choice Based Lettings System and will provide a cascade clause which pertains to Rawtenstall first and the means by which such occupancy criteria shall be enforced. The development shall be maintained as such and shall not be varied unless otherwise first agree in writing by the Local Planning Authority.

Reason : To secure the provision of Affordable Housing, in accordance with the application submission, to contribute to meeting housing needs within the area and Policy 4 of the Council's adopted Core Strategy DPD (2011).

8. Prior to first occupation of any of the flats hereby permitted all the car parking and turning spaces shown shall be constructed, drained, surfaced and delineated in accordance with the submitted details prior to first occupation of any of the houses hereby permitted, and thereafter kept available for use as such, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

9. Prior to commencement of development a scheme of landscaping and boundary treatment shall be submitted to the Local Planning Authority to include details of : retaining walls/boundary walls/fences/gates/hard-surfaced external areas; measures for the protection of trees to be retained; the size, siting and species of trees/shrubs to be planted. Any retaining walls/boundary walls/fences/gates/hard-surfaced external areas forming part of the approved scheme shall be completed prior to first occupation of any of the flats hereby approved. Any measures for the protection of trees to be retained forming part of the approved scheme shall be complied with for the duration of ground works / construction works associated with the development hereby approved. Any planting forming part of the approved scheme shall be carried out in the following planting season and any trees or shrubs removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policies 1 and 23 of the Council's Core Strategy DPD (November 2011).

10. This site must be drained on a separate system, with only foul drainage connected into the foul sewer.

Reason: To prevent flood risk, in accordance with comments received from United Utilities and Policies 1 and 24 of the adopted Core Strategy DPD (2011).

11. Prior to the commencement of development a Site Construction 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 parking; & construction compound location. The approved Site Construction 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 adopted Core Strategy DPD.

- 11 Any ground / construction works associated with the development hereby approved, including deliveries to the site, 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 Policies 1 and 24 of the Council's Core Strategy DPD.