

Application Number:	2014/0078	Application Type:	Outline, inc Access & Layout
Proposal:	Demolition of existing buildings and residential redevelopment, including construction of new access from Market Street	Location:	Sunnyside Mill & Sunnyside Works, Market Street, Whitworth
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	2 September 2014
Applicant:	KGG Associates	Determination Expiry Date:	18 September 2014
Agent:	Mr T Dust		

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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):	Needs to be considered in the context of redevelopment of the wider site recently considered by committee

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. Background

Members will re-call that I reported to the meeting of Committee in March 2014 upon Application 2012/588, which sought Outline Permission for residential re-development of a site of just over

1.45ha comprising of land occupied by Sunnyside Mill/Sunnyside Works (fronting Market Street) and the land to the rear formerly occupied by Albert Mill.

In accordance with the Officer Recommendation, Committee was minded to grant Outline Permission to Application 2012/588 for erection of up to 49 dwellings, all to take vehicular access from an up-graded road running to the side of 1 Albert Street, subject to completion of a S.106 Obligation to secure Affordable Housing and financial contributions towards Public Open Space/Play Provision, Transport, Education & Refuse Bins Provision (unless the Developer could demonstrate that this would make the development financially unviable). The Decision Notice has not been issued as the S.106 Obligation has not been completed by the landowner(s).

A copy of the Report to Committee relating to Application 2012/588 is appended.

3. The Site

This application relates to the part of the site of Application 2012/588 occupied by Sunnyside Mill/Sunnyside Works.

The site has an area of 0.3ha and is of broadly rectangular shape. Midway along the frontage to Market Street is to be seen a substantial stone building which is vacant and in a dilapidated state. As viewed from Market Street it appears 3-storey but as viewed from the rear appears 5-storey, due to the way in which the land falls steeply down from Market Street. To its north side is a small area of hardstanding once used for parking/loading, whilst attached to its south side is a 1-storey building at a level sufficiently below the main road that it is largely hidden from public view.

On the footway fronting the site is a speed-camera, whilst on the opposite side of the main road is a grassy bank between Coppice Drive and Bar Terrace that rises up to the gables of houses. To the west of the site are floor slabs remaining after demolition of buildings on the Albert Mill Site, which extend over the River Spodden. To the south side is wooded open land, with a path connecting Market Street with the Wallbank Housing Estate and the long-distance recreational route on the former railway line.

The application site is located within the Urban Boundary of Whitworth, whilst the open land to its south side is Countryside designated as Green Belt.

4. The Proposal

Outline Permission is sought, together with Means of Access & Layout; the matters of Scale / Appearance / Landscaping are reserved for later consideration.

Having regard to the Application Form, and the accompanying Design & Access Statement and drawings/illustrations, the proposed development is as follows :

- Demolition of the existing buildings.
- Erection of a building, on piled-foundations, appearing 3-storey as viewed from Market Street and 4-storey as viewed from the rear. It will accommodate 12 2-bedroomed flats over 3 floors, with undercroft parking accessed from the rear. Whilst the 3-storey building it replaces abuts Market Street and has a 25m frontage width, the proposed building is to be constructed with a slight setback from Market Street and have a frontage width of 27.5m, its southern elevation terminating at a point approximately 20m south of the building it replaces.

- Construction of an access road to the north side of the proposed building, which will slope down from Market Street from a point opposite Coppice Drive and then run to the rear of the building to give access to 7 undercroft parking spaces and a car park on the south side of the building (a total of 19 spaces being proposed).

The Applicant advises that :

- The Sunnyside Mill/Sunnyside Works site does not contain the River Spodden and is at a level it is not at risk of flooding. The Phase I Ground Condition Report has not revealed contamination or stability issues that preclude residential redevelopment.
- Whilst formation of the proposed access will result in loss of some vegetation on the existing embankment the site does not contain any trees or hedges of significance. Whilst the surrounding area is well used by bats, bats were not found to be present in the buildings to be demolished and they have low potential for roosts.
- The access-point has been designed in order that it can provide access to development on the Albert Mill Site of approx. 40 dwellings, whilst the existing mill wall is to be retained and reinforced to support the roadway giving access to the parking spaces to serve the proposed flats. The proposed roadway terminates with a turning-head to enable a refuse-collection vehicle to turn around.
- The proposed layout allows for redevelopment of this site without prejudicing the separate redevelopment of the Albert Mill site, though enabling its development without the need for traffic to use Albert Street.

5. Policy Context

National

National Planning Policy Framework (2012)

- Section 1 Building a strong, competitive economy
- Section 4 Promoting sustainable transport
- Section 6 Delivering a Wide Choice of High Quality Homes
- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
- Section 10 Meeting the Challenge of Climate Change, Flooding & Coastal Change
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan

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

6. Consultation Responses

LCC (Highways)

No objection.

The proposed 12 x 2 bedroom apartments would require 24 off street parking spaces and 19 have been proposed with 7 located within the basement of the building and 12 external spaces. I would recommend that the spaces are allocated per apartment to ensure that the potential residents are aware of the parking spaces that are available to them. It will not be necessary to allocate visitor spaces.

Each apartment will be required to have access to a secure cycle store. This can be a communal store for 12 cycles or be located individually.

A contribution of £1,500 will be required for Lancashire County Council to pursue a TRO on Market Street and the new access road. This is to ensure visibility at the junction to improve highway safety.

I would recommend that a contribution of £1,000 is made for additional bus stops to be provided in both directions on Market Street directly outside the proposed development. This will mitigate the shortfall in parking spaces at the development and improve the sustainability of the development with easy access to the bus service to Rochdale and Rawtenstall.

The access road serving the proposed development of 12 apartments will not be formally adopted by the County Council.

Should the land to the west of the site become available for a residential development of approximately 50 houses, then the access road for its first 15m (approx.) from its junction with Market Street (edge of carriageway) with a carriageway width of 5.5m and footways on both sides of 2m wide would be suitable to accommodate the traffic. However due to the difference in level between the adjacent site and the proposed access road off Market Street it is not possible to confirm if there is a viable route from the access road to the red edge of the site which would subsequently lead to the adjacent site.

Should the future development of 50 houses be proposed using this access point onto Market Street, Lancashire County Council would seek to formally adopt the access road and therefore it would be in the interest of the applicant to build the first section (described above) to adoptable standards.

United Utilities

No objection.

In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Building Regulations H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

- a) an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practical
- b) a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable
- c) a sewer (approval must be obtained from United Utilities)

To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

Drainage Conditions :

Condition 1 - Foul Water

Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.

This development shall be completed maintained and managed in accordance with the approved details.

Condition 2 - Surface Water

Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

Lancashire Constabulary (Architectural Liaison Officer)

In order to reduce the opportunity for crime and disorder at the development such as burglary the following security recommendations are made :-

1. The communal entrance doorset into the apartments should be a door of enhanced security such as LPS 1175 SR2 fitted with laminated glazing. The main entrance doorset should have access control arrangements and consideration given to CCTV coverage particularly inside the main entrance lobby area. Individual apartment doorsets should be treated as exterior doorsets, tested and certificated to PAS 23/24 Security standards with a key/thumbturn locking mechanism.
2. I recommend that the developers consider building the apartments in accordance with the principles of the Secured By Design security scheme in particular, Windows should be PAS

24 2012 tested and certificated. Glazing in ground floor side and rear windows should be laminated and fitted with restrictors to prevent opportunist crime.

3. At this stage detailed plans and elevations are not available, I would however recommend that the exterior of the apartment block is protected with an even spread of dusk till dawn lighting units to deter potential offenders and reduce the fear of crime. A unit above external doorsets is recommended. The overall development should be well lit with British Standard 5489 lighting columns in particular communal parking areas.
4. The communal parking areas should be afforded maximum natural surveillance and should be well lit. Rear parking court arrangements are discouraged as these introduce access to the vulnerable rear of dwellings, they can create areas of concealment which can encourage anti-social behaviour and if left unlit can increase the fear of crime.

As the scheme progresses through the planning process, further more detailed security advice is available from the above office. Should Secured By Design accreditation for the site be progressed checklists can be provided by the Police Architectural Liaison Officer or at www.securedbydesign.com.

Whitworth Town Council

Its Clerk advises that the council meets too late to consider 2014-0078 at a council meeting, accordingly members were invited to submit their individual comments to me.

Six town councilors have commented, all of which endorse the view that the application gives the best result for what is the last major eyesore on Market Street, Whitworth. The only proviso should be a condition that the access from Market Street is suitable to serve the whole of the site so that no other access is required via Albert Street or Masseycroft. On this basis, the six members that responded feel the application should be supported.

5. Notification Responses

To accord with the General Development Procedure Order 4 site notices were posted on 27/7/14 and letters were sent to neighbours on 24/7/14.

The following comments have been received :

3 Albert Street

As a resident of Albert Street I would be relieved if this application were passed, as it would remove the awful prospect of the street being used for access to the proposed housing development on the Albert Mill site.

Longfield Cottage, Market Street

Strongly support the application, most particularly with regard to the proposed access from Market Street - residents already have to put up with congestion in Albert Street and at its junction with Market Street.

5 Bar Terrace

Object as it is proposed that the new building be further south - this will restrict light into the kitchen, bedroom & bathroom at the back of my house.

Secondly, I do not think the main road can cope with a new access opposite Coppice Drive - it is already difficult to exit from Bar Terrace to Market Street due to the volume and speed of cars; in March 2013 a speeding car crashed into the gable end of Bar Terrace.

174 Bar Terrace

The additional traffic will be detrimental to Whitworth - there is only one main road after all. At peak times, it is already difficult exiting Bar Terrace on to Market Street, without the additional traffic that this revision would create. The inclusion of a roadway on to Market Street will also impact on traffic flow and behaviours, and the bend in Market Street by Bar Terrace has already been the scene of several bad road accidents.

The inclusion of flats into the plans for the Sunnyside/Albert Mill and the density of accommodation they bring will severely impact upon traffic and noise for that area of Market Street. At the moment it is one of the few areas along Market Street with limited accommodation.

New Brighton Cottage, Back Shed Street, Whitworth

In full support of the proposed plan to access the site directly from Market Street - use of Albert Street for access would cause more congestion, if not chaos.

6. 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 lies 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 (including this site) "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.

Land beyond the southern boundary of the site is Countryside designated Green Belt. I do not consider the proposed development will unduly affect its essentially open and rural character.

Accordingly, the proposal is considered appropriate in principle.

Ground Contamination / Flood Risk

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 the

Phase I Ground Condition Report gives no reason to preclude residential redevelopment of the site due to the nature/scale of contamination or for ground stability issues.

Likewise, I am satisfied that the proposed development will not be at risk of flooding.

Housing Policy

The Core Strategy indicates Whitworth to be a settlement in which additional housing will be encouraged. The application proposes a density of development and housing type/size that is considered appropriate.

Policy 4 indicates that Affordable Housing should be provided at a rate of 20% of units on brownfield sites for which 15 or more units are proposed. Twelve units are proposed by this application, but it forms part of a larger site. Accordingly, it is appropriate to consider whether 20% of the units on this site are provided as Affordable Housing (or a sum equivalent to this provided for spend off-site). 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 (with a view to securing their refurbishment).

The application proposes 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 in respect not just of the proposed building but of retaining structures and the levels and landscaping of external areas.

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 this site for residential purposes in the manner proposed will detract to an acceptable extent from the amenities any neighbours. The proposed building will be of no greater height than the building it replaces and is not to be sited so much further south it will be opposite the houses on the corner of Bar Terrace/Market Street. Accordingly, I am satisfied that it will not unduly affect outlook/light/privacy for occupiers of any neighbouring properties.

Neighbours have commented favourably and unfavourably upon the access arrangements being proposed. This matter is addressed in the Section below.

Access / Parking

As first submitted Application 2012/588 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 amended that proposal to omit vehicular access to/from the site via Massey Croft and rely on an up-graded road running to the side of 1 Albert Street.

A number of the local residents commenting on that application indicated redevelopment of the site should incorporate a vehicular entry/exit direct from Market Street. The Highway Authority advises that for a development of approaching 50 dwellings to be served solely by an up-graded road running to the side of 1 Albert Street was far from ideal but it would not be able to substantiate a refusal of that proposal on highway safety grounds.

The Highway Authority has no objection to the 12 flats now proposed for the Sunnyside Mill/Sunnyside Works site being served off the access intended directly from Market Street at the point opposite the junction with Coppice Drive. It is also satisfied with the parking provision proposed subject to a contribution of £1,500 in order that it can pursue a Traffic Regulation Order on Market Street and £1,000 for additional bus stops to be provided in both directions on Market Street directly outside the proposed development.

Planning Contributions

To accord with policy requirements / consultee requests the following Contributions were required in respect of Application 2012/588 :

- 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 current application relates to only a small part of that site. Consequently not all contributions previously sought are required if this site is looked at in isolation.

Although the applicant has not submitted details of the costs that would be incurred in addressing contamination/ground stability issues, other construction costs and selling prices for the proposed flats it is acknowledged that this will not be an easy or cheap site to develop. However, in the interests of highway safety, I consider it appropriate to require the contributions requested by LCC Highways of £1,500 (for a Traffic Regulation Order on Market Street) and £1,000 (for additional bus stops) if the proposed development is to proceed. With respect to the other matters, I consider that 20% of the units proposed should be provided as Affordable Housing (or an equivalent sum for spend off-site) and the other contributions proportionate to this site and the development proposed for it, unless the Developer demonstrates that this would make the development financially unviable.

7. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle within the Urban Boundary and, subject to the Conditions and accompanying S.106 Obligation, will not 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 / 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).

8. RECOMMENDATION

That Committee be minded to grant Outline 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 contributions requested by LCC Highways] if a Viability Assessment is submitted with the application for Reserved Matters approval for Scale / Appearance which demonstrates to the Council's satisfaction that for viability reasons a relaxation from these contributions is necessary.
- the Conditions set out below.

9. Conditions

1. Approval of the details of 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. The application for approval of Scale/Appearance shall be accompanied by a scheme to deal with the risks associated with contamination of the site, for approval in writing by the Local Planning Authority, comprising the following components :

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 adopted Core Strategy.

5. The application for approval of Scale/Appearance shall be accompanied by details of the proposed floor and external levels, and associated retaining structures, for approval in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved details.

Reason: In the interests of visual amenity, highway and public safety, in accordance with Policy 24 of the Council's adopted Core Strategy.

6. The application for approval of Appearance shall be accompanied by an assessment of the external noise levels from the surrounding roads that the proposed residential elements will be subjected to, together with the steps to be taken to mitigate the disturbance. The assessment and mitigation measures shall be submitted for the approval of the Local Planning Authority and the approved measures shall be implemented.

Reason : In the interests of public health, in accordance with Policy 24 of the Council's adopted Core Strategy.

7. 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 Council's adopted Core Strategy.

8. Prior to first occupation of the building hereby permitted the access and vehicle parking & manoeuvring areas shown on the approved drawings shall be constructed/drained/surfaced/delineated and thereafter kept freely available for use as such.

Reason: In the interests of highway safety, to accord with Policy 24 of the Council's adopted Core Strategy.

9. 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 Council's adopted Core Strategy.

10. Prior to the commencement of development (including demolition) a Site Construction & Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The 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 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 highway safety, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy.
11. 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, unless otherwise first agreed in writing by the Local Planning Authority. Furthermore, any piling shall be undertaken using the shell-and-auger method, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To safeguard the amenities of neighbours, in accordance with Policy 24 of the Council's adopted Core Strategy.

