

Application Number:	2015/0024	Application Type:	Full
Proposal:	Erection of 22 houses and access courts, together with landscaping, stables and access to adjoining farm land	Location:	Kearns Mill & adjacent Lodge, Cowpe Road, Cowpe
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	21 April 2015
Applicant:	Skipton Properties Ltd	Determination Expiry Date:	19 May 2015
Agent:	Walton & Co		

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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):	Departure / Major

HUMAN RIGHTS

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

Article 8

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

Article 1 of Protocol 1

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

1. RECOMMENDATION

That Committee be minded to grant Permission subject to completion of a S.106 Obligation and the Conditions set out in Section 10.

2. THE SITE

The application site lies towards the southern end of Cowpe Road and is occupied by what remains of the complex of buildings making-up the former Kearns Mill and includes the mill lodge on its south side. The site has an area of approximately 1.7ha and has a 140m

frontage to road on the north side and 190m frontage to road on the west side and to the south/east bounds to fields.

The mill chimney and some of the buildings have been demolished, leaving others of traditional design/materials that are in a state of decay and dereliction. The most substantial building remaining is of 3+storeys in height, sits over the outflow channel from the lodge that connects to Cowpe Brook (to the opposite side of Cowpe Road) and is visible as one approaches the site from the north down Cowpe Road. Another of its buildings is attached to the gable of the terraces of houses 1-11 Moor View. Other buildings that abut Cowpe Road have houses immediately opposite.

The buildings and their associated hardstandings are at a level significantly below the road running to the west side but are open to public view from Cowpe Road and of unattractive appearance, in stark contrast to the lodge; some of the trees near the western boundary of the site have the protection of a Tree Preservation Order.

The site is located in the Countryside.

3. RELEVANT PLANNING HISTORY

2005/519 Creation of 39 dwellings (by way of conversion/extension of the main mill building & building attached to 11 Moor View, and the demolition of other buildings & erection of 20 houses)

Notwithstanding that the site is located within the Countryside, and the County Council advised that there was then an oversupply of housing land in the Borough, permission was granted due to the regeneration benefits the redevelopment of the site would deliver.

Permission was granted subject to a S.106 Agreement to secure payment of sums offered by the Applicant, namely :

- £39,000 towards Dial-a-Ride bus services
- £12,314 towards improvement of the Community Hall in Cowpe
- £19,000 towards traffic safety/calming works

2010/092 To extend the time limit by which implementation of Planning Permission 2005/519 must commence

In light of the increased annualised housing allocation for the Borough, and desire for a greater proportion of new housing to be on previously-developed land, arising from replacement of the Lancashire Structure Plan with the Regional Spatial Strategy, there was then a stronger case for permitting the residential development of this site.

The Council's Interim Housing Policy at that time indicated that 30% of the units proposed should be provided as Affordable Housing. However, Planning Permission 2005/519 did not require the provision of any Affordable Housing and Officers concluded that in the economic climate then prevailing it would not be appropriate for viability reasons to seek such provision. Accordingly, permission was granted for an extension to the date by which Planning Permission 2005/519 needed to be commenced to February 2012, the accompanying Legal Agreement providing for payment of the contributions previously agreed.

2013/0090 Erection of 22 houses and access courts, together with landscaping, stables and access to adjoining farm land

The new owner of the site, Skipton Properties Ltd, advised that :

- they had recently purchased the site from the Receiver.

- previous permissions were granted prior to the recession and lapsed as unviable.

This application sought permission for a different scheme that entailed :

- Conversion of the building attached to 11 Moor View to a 3-bedroomed dwelling and demolition of all other buildings on the site.
- Erection of 21 detached and semi-detached houses of 4 or more bedrooms, of varying house-types, to be arranged around two mews courts taking access directly from Cowpe Road - one of the access-points is a reconfiguration of the existing main entrance and the other is to be just to the east of the area of hardstanding to remain available as parking for houses on the opposite side of Cowpe Road. The proposed houses are to be constructed of natural stone, with artificial stone slate roof tiles, some of 2-storey (with integral, attached or detached garages) and others providing 2 floors of accommodation over garages.
- Erection towards the eastern boundary of the site of a 1-storey building that will provide stabling for two of the houses, to be constructed using the same facing materials as the houses and to take access from an existing steeply-sloping track. This track presently gives access to the adjacent fields, of 2.8ha, which are in the applicant's ownership.
- The lodge is to be retained and provided with a new spillway near to the western boundary. It and the land that bounds it are to be enhanced in terms of wildlife value and as a recreational resource available to residents of the proposed houses and local community.

The application was reported to the meeting of DC Committee on 23 July 2013. In accordance with the Officer Recommendation, Committee was minded to grant Permission subject to :

- The Environment Agency withdrawing its objection.
- The completion of a S.106 Obligation to secure :
 - a) payment of £10,000 for off-site traffic calming/ traffic safety works;
 - b) payment of a sum up, to but not exceeding, the Affordable Housing requirement of Policy 4 of the Core Strategy in the event of 'additional profit' calculated on the basis of a Viability Appraisal and formula to be agreed; &
 - c) suitable arrangements being agreed upon for the long-term management and maintenance of the mill lodge and its surrounds for the benefit of wildlife and as a recreational resource for residents of the development and locally.
- The Conditions set out.

Subsequent to the meeting of Committee the Environment Agency did withdraw its objection. After protracted discussions with the Applicant agreement could not be reached upon the contents of the S.106 Obligation, most particularly in relation to the Viability Appraisal and the point at which a contribution towards Affordable Housing would be triggered.

Accordingly, the decision notice was issued on 16/7/14 refusing Planning Permission for the following reason :

The applicant has not secured the completion of a Section 106 obligation providing for:

- a) *Payment of £10,000 for off-site traffic calming/traffic safety works*
- b) *Payment of a sum up to but not exceeding, the affordable housing requirement of policy 4 of the Core Strategy in the event of 'additional profit' calculated on the basis of a viability appraisal and formula which has been agreed with the Local Planning Authority, and*
- c) *Suitable arrangements being agreed upon for the long-term management and maintenance of the mill lodge and its surrounds for the benefit of wildlife and as a recreational resource for residents of the development and locally.*

In the absence of the Section 106 Planning Obligation, the proposed development fails to provide adequate affordable housing provision, safe and satisfactory access arrangements and adequate public open space / play space.

Accordingly, the proposal is considered contrary to the National Planning Policy Framework and National Planning Policy Guidance and policies 1, 4, 9, 22 and 24 of the adopted Rossendale Core Strategy 2011 and the adopted Open Space & Play Equipment Contributions SPD (2008).

The Applicant has lodged an Appeal against this decision and the Planning Inspectorate has set a date for commencement of the Public Inquiry to consider it of 21 July 2015.

4. PROPOSAL

This application is a re-submission of the scheme of conversion/new-build proposed in Application 2013/0090, but is accompanied by a different Site Valuation Report and Viability Appraisal.

The latest Site Valuation Report (dated January 2015) places a market value on the site of £320,000 and this is the figure carried forward into the latest Viability Appraisal, rather than the figure of £600,000 referred to in the documentation that accompanied Application 2013/0090.

The Applicant has indicated that they are willing to enter into a S.106 Obligation that will ensure :

- a) payment of £10,000 for off-site traffic calming/ traffic safety works; &
- b) suitable arrangements being agreed upon for the long-term management and maintenance of the mill lodge and its surrounds for the benefit of wildlife and as a recreational resource for residents of the development and locally.

However, the Applicant argues that for viability reasons the proposed development cannot make any contribution towards Affordable Housing in the form of on-site provision or payment to enable off-site provision by the Council.

The Application is once again accompanied also by :

- Planning Statement
- Financial Appraisal
- Statement of Community Involvement
- Transport Statement
- Flood Risk Assessments
- Structural Report
- Remediation Report
- Design and Access Statement
- Landscaping Plan
- Archaeological Report
- Tree Report
- Ecology Reports

Structural Report

It concludes the main building on the site to now be beyond economic repair, having suffered considerably from the ingress of water, general weathering and lack of effective restraint between floors/roof and walls; the major culvert running beneath it and the culvert running parallel to its front elevation present major risks to it, and there is photographic evidence that flood water backs up against the rear wall and floods the rear of the building. With respect to the buildings that abut Cowpe Road it is said they too are now beyond economic repair; parts have already collapsed; the roof is no longer watertight and timbers supporting the roof and floors are in an advanced state of decay.

Remediation Report

Ground investigations identified elevated concentrations of inorganic contamination in made ground across the site as well as a number of localised areas of hydrocarbon contamination, generally presenting no significant risk to controlled waters or human health if left in situ and with a 0.6m cover of clean soil but in localised areas (with elevated concentrations of benzene) will require excavation and either treatment or removal from site.

Design & Access Statement

It states :

- Kearns Mill forms an enclave of urban development within a rural area. The submitted scheme will result in a development of no greater scale and will respect the immediate context provided by the nearby houses.
- The development is separated into two courtyard areas, with some houses also split-level, to reflect the topography of the site.
- Whilst providing to Cowpe Road a strong street-frontage, the Council's spacing standards are respected.
- Although the re-aligning the point at which the main entrance meets Cowpe Road in accordance with LCC Highways' wishes they will look to re-use/replicate the existing stone piers and "Kearns of Waterfoot" metal entrance gates.
- Regenerative vegetation that has grown-up within the site will be removed but the best of the mature trees that line boundaries are being retained.

Flood Risk Assessment

- The mill lodge and Cowpe Brook present a flood risk to the site and this needs to be adequately mitigated if housing development is to go ahead. To that end it recommends most importantly :
- Inspection and repair prior to development, and regularly thereafter, the lodge embankment.

- Diversion of the existing taking water from the lodge through the site as it appears in poor structural condition.
- For houses on Plots 1-9 a minimum floor level 0.3m higher than the surrounding ground, and for the other plots a minimum floor level 0.15m higher.

Tree Report

The site possesses 8 individual trees and 13 groups of trees. Of these 3 individual trees and 5 groups are recommended for removal for arboricultural reasons. Additional tree removal is proposed within the northern half of the site to enable construction of the proposed houses. However, the majority of the trees warranting retention (including the 3 trees with TPO protection are situated close to site boundaries and are proposed for retention; suitable protection should be given to them during construction works.

Ecology Reports

The part of the site to be redeveloped for residential purposes is largely of low ecological value, although bats were found to be roosting in 2 buildings and possibly the culvert. The southern half of the site is of high ecological value, the lodge and its surrounds designated a County Biological Heritage Site. Before demolition/development can proceed a European Protected Species Licence will need to be obtained in relation to the bats; alternative bat-roost provision will need to be made available in the building to be converted to a dwelling prior to demolition of other buildings. A range of bird and bat boxes could also be incorporated into the other houses proposed. Clearance of vegetation and buildings will need to avoid harm to nesting birds. Precautions will need to be taken to avoid badgers entering the development site during works. The mill lodge will require protection during construction works and its ecological interest should be enhanced through the implementation of a long-term management plan.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 3 Supporting a Prosperous Rural 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 3 Waterfoot, Lumb, Cowpe & Water
- 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 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 21 Supporting the Rural Economy and Its Communities

- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

LCC Planning Obligations in Lancashire (2008)

RBC Open Space & Play Equipment Contributions SPD (2008)

6. CONSULTATION RESPONSES

LCC Highways

The comments of the Highway Authority on the current application are awaited. In respect of Application 2013/0090 it advised as follows :

No objection on highway grounds subject to the following amendments.

There should be a turning head to the west of plots 3 and 4 to allow a refuse vehicle to turn and exit in forward gear; the current layout would mean that a refuse vehicle has to reverse a distance of approximately 50m which is not acceptable.

A footway should be provided along the south side of Cowpe Road between the new access points to provide a refuge for pedestrians at the narrowest section of Cowpe Road.

Conditions

The roads should be built to adoptable standards and the palette of materials should be agreed with the Highway Authority.

There should be nothing erected or planted within the visibility splay higher than footway level.

The construction details of the proposed culvert beneath the new access road should be submitted to and approved by the Highway Authority prior to any construction works. The applicant should make early contact with the Highway Authority to seek advice on the fees, timescales and legal agreements.

Contributions

A contribution of £64,550 is requested to improve safety/accessibility for pedestrians and cyclists from the site to Waterfoot.

Understanding that the applicant is seeking to argue that for viability reasons they are unable to meet all requests for contributions, it would advise that in the interest of highway safety it would request a contribution of £10,000. This would cover the provision of new 'pedestrians in road' warning signage on Cowpe Road and a 20mph speed limit order on part of Cowpe Road and the development access roads. The 20mph speed limit will be subject to a statutory process including a public consultation and its implementation cannot be guaranteed.

LCC Contributions

The above application has been assessed by the LCC Education team, and has not resulted in a request for a planning contribution.

There may be a request for a contribution from the LCC Highways and Sustainable Transport teams in relation to this proposal. However, the level of such a contribution has not yet been determined, and will be submitted in due course.

LCC Archaeology

No objection.

RBC (Environmental Health)

No objection.

Agree with the recommendations of the contaminated land study that further investigations are required in order to determine the remediation measures required and ensure they are followed.

Recommend hours of work during demolition/remediation/construction and deliveries be limited to:

- Monday to Friday 0800 -1800
- Saturday 0800 - 1300
- At no times on Sundays or Public Holidays

Recommend a dust management plan is in place and that no burning takes place on site during the development phase.

Environment Agency

We have no objection in principle to the proposed development and would like to offer the following comments :

FLOOD RISK

With reference to the Flood Risk Assessment (FRA) prepared by Paul Waite Associates (11162/V01/B), the assessment has outlined the potential risks associated with development of the site. It has also proposed mitigation measures that will reduce the risk to the proposed development. As outlined in the FRA, the reduction of risk to the proposed development will be reliant on provision of a new spillway to the adjoining mill reservoir and also a new culvert through the site. Detailed design should be based on the content of the FRA and satisfy the following recommended conditions:

Condition

Before any development is commenced, details of a scheme for the replacement of Cowpe Brook culvert through the development and beneath Cowpe Road shall be submitted to and approved by the local planning authority. Such details shall include the route, size, materials, depth, levels and method of construction as outlined in the Flood Risk Assessment by Paul Waite Associates (11162/V01/B). The works shall be constructed and completed in accordance with the approved plans.

Condition

Before any development is commenced, details of a scheme for the inclusion of the tributary culvert that enters the site from the west between plots 3 and 4 shall be submitted to and approved by the local planning authority. Such details shall include the route, size, materials, depth, levels and method of construction. The works shall be constructed and completed in accordance with the approved plans.

Condition

Before any development is commenced, details of a scheme for the lodge spillway widening and drawdown provision shall be submitted to and approved by the local planning authority. Such details shall include plans, sections, levels and method of construction. The information should also clarify the structural integrity of the existing mill lodge embankment. The works shall be constructed and completed in accordance with the approved plans.

Condition

Before any development is commenced, details of a scheme for the drainage of surface water run-off from the site shall be submitted to and approved by the local planning authority. Such details shall include confirmation of the existing and proposed run-off rates from the site. The works shall be constructed and completed in accordance with the approved plans.

Reasons

To ensure that flood risk to the development is reduced and that risk is not increased elsewhere. To ensure that no dwellings are situated above the culvert.

Advice to Applicant

Cowpe Brook is designated "Main River" and is subject to Byelaw Control. In particular, no works may take place within 8m from the bank top of the watercourse without the prior consent of the Agency. 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. Any works to the tributary culvert ("ordinary watercourse") may require the prior written approval of the Lead Local Flood Authority under s.23 of the Land Drainage Act 1991.

LAND QUALITY

The following document has been submitted to support this application:

Outline Remediation Strategy - Kearns Mill, Cowpe (Ref: No 5972/RS), Encial Consulting Ltd, February 2007.

The following reports have also been issued but have not been submitted:

Environmental Desk Study Report, for Cowpe Mills, Waterfoot", Report No. 5972, dated March 2004;

Interpretative Report for a Site Investigation of Kearns Mill, Cowpe", Report No. 5972/SI, dated May 2004; and

Supplementary Site Investigation of Kearns Mill, Cowpe", Letter Report Ref: 5972/IJH, dated 28th February 2007.

Any Remediation Strategy cannot be reviewed without the previous supporting data so this will need to be submitted to the local planning authority. Given that the report was undertaken in 2007 there will need to be an addendum report covering the site history to the present date.

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition

Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the local planning authority), shall take place until a scheme that includes the following components 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:

1. 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; and
- potentially unacceptable risks arising from contamination at the site.

2. 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.

3. 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.

4. 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.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition

If contamination not previously identified is found to be present at the site during development then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

To prevent the pollution of controlled waters from potential contamination on site. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

United Utilities

With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

Drainage Comments

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

Building Regulation 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 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 practicable
- 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.

Conditions

No objection to the proposal provided that the following conditions are attached to any approval :

- no surface water from this development is discharged either directly or indirectly to the combined sewer network
- this site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the nearby watercourse to meet the requirements of the National Planning Policy Framework (PPS 1 (22) and PPS 25 (F8)) and part H3 of the Building Regulations

Water Comments

A domestic water supply can be made available to the proposed development.

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

Water pressures in the area will be generally low due to proximity of the development to the supply reservoir. I recommend that the applicant provides boosted water supply and storage of 24 hours capacity to guarantee an adequate and constant supply.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

Electricity North West

The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 - Avoiding danger from underground services.

GS6 - Avoidance of danger from overhead electric lines.

Other points, specific to this particular application are :

- There are a number of ENWL high voltage and low voltage cables on the proposed construction site as well as an ENWL substation. A safe working distance from these must be maintained. It may be advisable to divert some or all of these before works take place.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night.

Lancashire Constabulary Architectural Liaison Office

The following report was submitted in relation to planning application 2013/0090. The content of the report is relevant to this application and is resubmitted for consideration.

Within the immediate area, crime levels in the last 12 month period are low however they include burglary, criminal damage, theft, and auto crime.

- Parking is situated to the front of the properties which reduces the risk of auto-crime.
- The properties are orientated in such a way that natural surveillance is optimised.
- Access to the stables between plots 19/20 should be restricted to safeguard anyone working alone in this area. It may be advisable, depending on ground levels, to take the rear garden boundary fence up to the stable building shell rather than have a fenced pathway around it, as natural surveillance in this area is dramatically reduced by the fencing and an intruder could get easy access to this area unseen.
- Good street lighting is essential to enhance natural surveillance within the development, dark areas and pooling should be avoided. The stable area would benefit from some lighting for safe use during the winter months.
- Access to the side elevations should be restricted as this provides a concealed approach to the rear where most burglaries are committed. Restricting free access to this area is likely to make attempts to enter this area more visible and therefore less likely.
- Intruder alarms should be installed, or a 13 amp non switched fused spur.

Rosendale Cycling Forum

The proposed development is directly adjacent to the Peninne Bridleway and is also very close to Bacup & Rawtenstall Grammar School and Waterfoot Primary School. Safe cycling access is therefore important. The developer's supporting documents make no mention of cycling. The application states that there will be new roadways, including a link to the existing road - will these be subject to a safety audit which includes cycle access ?

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a press notice was published, 4 site notices were posted and letters were sent to neighbours on 18/2/15.

Three responses have been received :

7 Spring Gardens

Whilst wishing some future development of the mill site, my main concern is the volume of traffic this application may cause. Cowpe Road is very narrow for most of its length, withold crumbling wall enclosing it in many areas. Large houses will attract families, who will most likely end up with an average of three vehicles, probably adding between 40 and 60 extra vehicles on to the road. In previous years I personally have been hit twice on what we call the bad bend, by drivers who have had no respect for the condition of the road, or the layout of it. A 20 m.p.h. enforceable speed limit would reduce this risk if there is an increase in the traffic. Without this, more accidents will happen.

Also, the condition of many of the walls that enclose the road will not survive an increase in traffic without major rebuild. The potential damage caused by construction traffic alone is frightening. Who will be liable for any damage caused by the vibration of the traffic. We live in a quiet friendly neighbourhood, and do not want a gated enclave within the village. The new residents should be encouraged to join in with local community, not gate themselves off.

6 Springside

Objection to this application because of increased traffic. Probably 2 car families on narrow badly maintained road with sharp bends. Flooding is also an issue as the drains cannot cope at this moment in time when there is heavy rainfall. The traffic has increased due to development of barns and farms higher up and we do not need another village within a village creating more problems.

Cutler Green Farm, Stacksteads

This application should be given due to the fact that the mill has been in a state of disrepair and in a Dangerous condition for some time now, from what i have read they will be sympathetic towards the environment & wildlife, and in keeping with the surrounding area, it can only improve the area.

8. **ASSESSMENT**

The main considerations of the application are :

- 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity;
- 5) Access/Parking; 6) Contamination/Drainage; & 7) Planning Contributions.

Principle

The site lies within Countryside, wherein there is a presumption against the erection of housing except in limited circumstances. The previous permissions provided for conversion of existing buildings to dwelling units that were not contrary to this presumption. They also provided for erection of broadly the same number of new houses as now proposed. Telling in favour of the earlier proposals was not simply that the land to be occupied by the new houses was 'brownfield', but that it was occupied by derelict buildings of unsightly appearance. I have no reason to doubt that the building then to be converted, and the other buildings proposed for demolition, have further deteriorated and are now beyond economic repair.

This application provides an opportunity to secure removal of buildings of deteriorating condition and appearance, remediation of the site and long-term management of the mill lodge in the interests of wildlife and remove future flood risks arising from it.

The site was not designated as an Employment site in the Local Plan and is not protected as such by the Core Strategy. Having regard to the standard of the approach road, and relatively remote/rural area in which the site is located, I do not consider that there are grounds for resisting residential redevelopment in order that the site is available for employment purposes.

Housing Policy

Policy 4 of the Council's Core Strategy states that 20% of the proposed units on 'brownfield' sites to be developed with more than 15 dwellings should be provided as Affordable Housing. Having regard to the relatively remote location of the site the Council's Health and Housing Manager advises that they would favour receipt of monies to provide Affordable Housing elsewhere rather than receipt of units on-site.

The Applicant has indicated that for viability reasons no Affordable Housing can be provided and has submitted a Viability Appraisal to substantiate this; this matter is returned to below.

Contamination / Flood Risk

Officers concur with the recommendations of the submitted Ground Condition Report that further investigations are required in order to determine the remediation measures/foundation design required. Likewise, the Environment Agency is satisfied that implementation of the recommendations of the submitted Flood Risk Assessment will adequately mitigate flood risks, subject to conditions.

Visual Amenity

Erection of 2/3 storey houses on the site, at the density proposed, is considered appropriate having regard to the scale and form of the buildings to be demolished. Likewise, the intended Layout is generally considered appropriate, resulting in no greater spread of buildings than previously permitted and similarly proposes houses be served off 2 accesses from Cowpe Road. The proposal will materially alter the appearance of the site, particularly as viewed at close-quarters from Cowpe Road (and the terrace of houses opposite), but will result in buildings with greater setback from the highway. The development could not do otherwise than change the industrial character and appearance of the site to residential. However, in terms of design & facing materials, and the boundary treatments intended, seeks to respect the locality.

Neighbour Amenity

Separation distances between the proposed houses and all houses neighbouring the site are acceptable. The building intended for conversion, which is attached to 11 Moor View, will not result in materially greater overlooking/loss of light than does the existing building. For houses on the opposite side of Cowpe Road that face towards the site, new development will site behind their own parking area. Accordingly, whilst outlook from these properties will markedly change I do not consider this change to be for the worse.

Access / Parking

The Highway Authority is satisfied that the local highway network can accommodate the additional traffic the development will generate and with the intended road layout and parking provision, subject to Conditions and off-site works costing £10,000. I concur with its view about the need for these off-site highway works.

This figure reflects the costs of traffic calming/traffic safety works it considers necessary, rather than the £64,550 initially sought in respect of Application 2013/0090 to also address accessibility issues (calculated in accordance with the LCC Planning Obligations in Lancashire).

Planning Contributions

In respect of Application 2013/0090 the Agent advises that, for viability reasons, the Applicant was unable to provide any Affordable Housing, or other contributions beyond the £10,000 sought by LCC Highways for off-site traffic calming/ traffic safety works, as this would make an already marginal scheme unviable. However, the Applicant was willing to enter into a S.106 Obligation that included an 'overage' clause that would mean any profit above 20% would then be shared equally between them and the Council.

In respect of Application 2013/0090 I advised that :

"To fully accord with Policy & requests for contributions would require the following :

- *20% of the units as Affordable Housing*
- *£30,052 as Open Space & Play Equipment Contribution*
- *£64,550 as requested by LCC Highways to improve safety/accessibility*
- *£95,044 as requested by LCC Education for 8 primary school places*

Having regard to the buildings to be demolished, need for site remediation and to address flood risks arising from the mill lodge & Cowpe Brook, this was/is never going to be an easy or cheap site to redevelop.

Accordingly, I do not doubt the Agent when they say that to require all the above contributions would make the scheme unviable. The cost of meeting all the above requirements far exceeds the cost of meeting the S.106 requirements of the previous Planning Permissions (as they did not involve Affordable Housing or an Education contribution) and those permissions were allowed to lapse without implementation.

I do not consider it necessary for the Applicant to pay the sum of £30,052 as an Open Space & Play Equipment Contribution so long as the Applicant is willing to commit themselves to long-term management and maintenance of the mill lodge and its surrounds for the benefit of wildlife and as a recreational resource for residents of the development and locally.

Likewise, with respect to LCC requests for contributions I do not consider it appropriate to require payment of more than the £10,000 LCC Highways says is necessary for off-site traffic calming/traffic safety works.

However, having considered the submitted Viability Assessment, the Council's Regeneration Delivery Manager has queried the price it suggests the proposed houses will be sold (considering it low) and at present there remains uncertainty about the costs which will be incurred in site remediation and addressing flood risks (Environment Agency comments on the proposed solution are still awaited). This being the case, there is reason to doubt the profit figures contained within the submitted Viability Assessment. Whilst the offer of an 'overage' agreement would in principle address this matter, to split any additional profit over 20% on an equal basis is not considered appropriate - Officers consider the lion's share of any additional profit should be paid to the Council as it is being asked to grant permission with a relaxation from the contributions that would otherwise be required."

With respect to the current application I would advise that to fully accord with Policy & requests for contributions would require the following :

- 20% of the units as Affordable Housing
- £30,052 as Open Space & Play Equipment Contribution
- £64,550 as requested by LCC Highways to improve safety/accessibility
- £2,200 towards the provision of Refuse Bins

LCC Education has indicated that it no longer requires a contribution to make-good a shortfall in primary school places which the development would cause.

With respect to LCC Highways' requests for contributions, I remain of the view it would not be appropriate to require payment of more than the £10,000 it says is necessary for off-site traffic calming/ traffic safety works. The Applicant has indicated that they are willing to pay this sum.

Nor do I consider it necessary for the Applicant to pay the sum of £30,052 as an Open Space & Play Equipment Contribution so long as they are willing to commit themselves to long-term management and maintenance of the mill lodge and its surrounds for the benefit of wildlife and as a recreational resource for residents of the development and locally.

With respect to Affordable Housing, the Council's Health and Housing Manager advises that they would favour receipt of monies to provide Affordable Housing elsewhere rather than receipt of units on-site.

The latest Site Valuation Report (dated January 2015) places a market value on the site of £320,000 and this is the figure carried forward into the latest Viability Appraisal, rather than the figure of £600,000 referred to in the documentation that accompanied Application 2013/0090. The latest Viability Appraisal (with no contributions other than the £10,000) is said to demonstrate that implementation of the development would provide them with a profit of 13.88%. The Applicant has further advised that they will not be able to proceed with the development unless it will yield a 20% profit, reflecting the general lending criteria of banks.

The comments of the Council's Health and Housing Manager were sought upon the latest Viability Appraisal as the Applicant appeared to be seeking planning permission for a scheme of development they claimed would not yield the profit necessary for them to implement, the reduction in site value from £600,000 to £320,000 having not significantly altered their assessment of likely profit.

In relation to viability, there are four main components :-

- a) Existing open market value of site
- b) Sales values of the properties being built
- c) Costs incurred in undertaking the development
- d) Developer Profit

Whilst the final comments of the Health and Housing Manager on viability are awaited their interim response is as follows :

- a) Existing open market value of site
The latest Site Valuation Report having brought site value down from £600,000 to £320,000 there is no longer disagreement on this matter.

- b) Sales values of the properties being built
The sales values for the dwellings to be built on the site are also agreed.
- c) Costs incurred in undertaking the development
There are a number of costs of significant scale within the latest Viability Appraisal which has been submitted the Health and Housing Manager has questioned, further information to substantiate them has been sought from the Agent, has been submitted and is presently being assessed.
- d) Developer Profit
Having regard to the buildings to be demolished, need for site remediation and to address flood risks associated with the mill lodge & Cowpe Brook, scale and bespoke nature of the scheme it is not unreasonable in the present economic/financial climate for a Bank asked to bank-roll a housing development of this nature/scale to wish the scheme to deliver a Developer Profit of 20%. In this instance the Applicant is proposing to proceed with the development although their own Viability Appraisal shows it will yield them only a 13.88% Developer Profit.

If the Health and Housing Manager concludes that the costs incurred in undertaking the development contained within latest Viability Appraisal are correct it will be the case that the proposed scheme will not be able to support any contributions beyond the £10,000 offered towards off-site traffic calming/ traffic safety works. Accordingly, Officers would recommend that permission be granted.

If the Health and Housing Manager concludes that the costs incurred in undertaking the development contained within latest Viability Appraisal are so incorrect it has not been demonstrated that the proposed scheme will not be able to support any contributions beyond the £10,000 offered towards off-site traffic calming/ traffic safety works, or a Developer Profit of less than 20% is appropriate, this will be reported in the Update Report. Officers may then recommend that permission be refused.

9. SUMMARY REASON FOR APPROVAL

Notwithstanding that the application proposes the erection of houses in the Countryside, subject to the Conditions and accompanying S.106 Obligation, the Council is satisfied that the proposal will have overriding cumulative remediation/regeneration benefits and would not unduly detract from the character and appearance of the Countryside, neighbour amenity, public and highway safety, archaeology or ecology.

10. RECOMMENDATION

That Committee be minded to grant Permission subject to :

- The completion of a S.106 Obligation to secure :
 - a) payment of £10,000 for off-site traffic calming/ traffic safety works; &
 - b) suitable arrangements being agreed upon for the long-term management and maintenance of the mill lodge and its surrounds for the benefit of wildlife and as a recreational resource for residents of the development and locally.
- The Conditions below.

That Officers have authority to Refuse the application in the event that the S.106 Obligation has not been completed in a satisfactory form by 19 May 2015.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the local planning authority), shall take place until a scheme that includes the following components 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; and
 - potentially unacceptable risks arising from contamination at the site.
 - ii A site investigation scheme, based on (i) 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 (ii) 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 (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason : To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Site Remediation Report, the advice of the Environment Agency/United Utilities and to accord with Policies 1& 24 of the Council's adopted Core Strategy.

3. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason : To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Site Remediation Report, the advice of the Environment Agency/United Utilities and to accord with Policies 1& 24 of the Council's adopted Core Strategy.

4. If contamination not previously identified is found to be present at the site during development then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
Reason : To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Site Remediation Report, the advice of the Environment Agency/United Utilities and to accord with Policies 1& 24 of the Council's adopted Core Strategy.

5. Before any development is commenced details of a scheme for the replacement of Cowpe Brook culvert through the development and beneath Cowpe Road shall be submitted to and approved by the local planning authority. Such details shall include the route, size, materials, depth, levels and method of construction as outlined in the Flood Risk Assessment by Paul Waite Associates (11162/I/01/B). The works shall be constructed and completed in accordance with the approved scheme.
Reason : To reduce the danger from flooding, and to accord with the submitted Flood Risk Assessments, the advice of the Environment Agency, and Policies 1 & 24 of the Council's adopted Core Strategy.

6. Before any development is commenced details of a scheme for the inclusion of the tributary culvert that enters the site from the west between Plots 3 & 4 shall be submitted to and approved by the local planning authority. Such details shall include the route, size, materials, depth, levels and method of construction. The works shall be constructed and completed in accordance with the approved scheme.
Reason : To reduce the danger from flooding, and to accord with the submitted Flood Risk Assessments, the advice of the Environment Agency, and Policies 1 & 24 of the Council's adopted Core Strategy.

7. Before any development is commenced details of a scheme for the lodge spillway widening and drawdown provision shall be submitted to and approved by the local planning authority. Such details shall include plans, sections, levels and method of construction. The information should also clarify the structural integrity of the existing mill lodge embankment. The works shall be constructed and completed in accordance with the approved scheme.
Reason : To reduce the danger from flooding, and to accord with the submitted Flood Risk Assessments, the advice of the Environment Agency, and Policies 1 & 24 of the Council's adopted Core Strategy.

8. Before any development is commenced, details of a scheme for the drainage of surface water run-off from the site shall be submitted to and approved by the local planning authority. Such details shall include confirmation of the existing and proposed run-off rates from the site. The works shall be constructed and completed in accordance with the approved plans.
Reason : To reduce the danger from flooding, and to accord with the submitted Flood Risk Assessments, the advice of the Environment Agency, and Policies 1 & 24 of the Council's adopted Core Strategy.

9. No surface water from this development shall discharge either directly or indirectly to the combined sewer network, with only foul drainage connected into the foul sewer.

Reason: To ensure satisfactory foul drainage arrangements, and to accord with the advice of United Utilities, and Policies 1 & 24 of the Council's adopted Core Strategy DPD (2011).

10. 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 satisfactory manner, having regard to the findings of the submitted Ecology Report/Bat Survey, the advice of LCC Ecology and to accord with Policies 1 & 24 of the Council's adopted Core Strategy.

11. No development shall take place until samples of the facing materials to be used in the construction of the buildings 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 & 24 of the Council's adopted Core Strategy.

12. Prior to commencement of construction of the stables building hereby permitted full details of its floor level, design, facing materials and any associated hardstandings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason : In the interests of visual and neighbour amenity, in accordance with Policies 1 & 24 of the Council's adopted Core Strategy.

13. 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 and removal or the long-term management /control of Japanese knotweed; trees to be retained and proposed planting; & for protection of the mill lodge during construction works and enhancement of its ecological interest/recreational value through the implementation of a long-term management plan. 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 retaining walls/boundary walls/fences/gates/hard-surfaced external areas forming part of the approved scheme shall be completed prior to first occupation of the dwelling they relate to or as otherwise first agreed in writing with the Local Planning Authority. Any planting forming part of the approved scheme shall be carried out in the following planting season or as otherwise first agreed in writing with the Local Planning Authority, 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 & 23 of the Council's adopted Core Strategy.

14. Prior to first occupation of any of the dwellings hereby permitted the accesses, roads and associated footways shall be constructed, drained, surfaced and illuminated in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority, unless otherwise first agreed in writing by the Local Planning

Authority. Notwithstanding what is shown on Drwg No 3901-005 PL03, a footway shall be provided on the site frontage to Cowpe Road to the west side of the access to serve Plots 13-21, and a turning head to the west of Plots 3 & 4 (to allow a refuse vehicle to turn and exit in forward gear), in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason : In the interests of pedestrian and highway safety, in accordance with the advice of LCC Highways and Policies 1 & 24 of the Council's Core Strategy.

15. Prior to first occupation of any of the dwellings hereby permitted the proposed parking areas/private drives shall be constructed, drained and surfaced in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority, unless otherwise first agreed in writing by the Local Planning Authority. Thereafter these parking areas/private drives shall be kept freely available for the parking and manoeuvring of cars at all times.

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

16. 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 : a) the vehicle wheel-cleaning facilities; b) the construction traffic parking area; & c) the construction compound location. The approved Site Construction Plan shall be implemented and adhered to throughout the remediation/construction period.

Reason: To protect the amenities of neighbours and in the interests of pedestrian/highway safety, in accordance with Policies 1 & 24 of the Council's Core Strategy.

17. Prior to the commencement of development a Dust Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall include details of the measures to be taken to avoid/mitigate disturbance of local residents by dust during any ground works / construction works associated with the development hereby approved. The approved Dust Management Plan shall be implemented and adhered to throughout the development phase.

Furthermore, no burning shall take place on site during the development phase.

Reason : To safeguard the amenities of neighbours, in accordance with Policies 1 & 24 of the Council's Core Strategy.

18. Any ground works / construction works associated with the development hereby approved shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. Any piling for foundations shall be by 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 Policies 1 & 24 of the Council's Core Strategy.