

Application Number:	2018/0030	Application Type:	Full
Proposal:	Erection of six houses, associated mews court and landscaping, together with works to change the former mill lodge area to a wetland area with paths and new planting	Location:	Former Kearns Mill, Cowpe Road, Cowpe
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	26 March 2018
Applicant:	Skipton Properties Ltd	Determination Expiry Date:	30 March 2018
Agent:	JO Steel Consulting		

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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):	At the request of the Planning Manager, in anticipation that 3 or more objections may be received.

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

Grant Planning Permission subject to Conditions & a S.106 Deed of Variation.

APPLICATION DETAILS

2. SITE

The Kearns Mill site (of approximately 1.7ha) lies towards the southern end of Cowpe Road. Until Skipton Properties began to undertake its re-development the site comprised of a substantial complex of buildings, together with the mill lodge to their south side. As such the site is previously-developed.

The site is located in the Countryside.

3. RELEVANT PLANNING HISTORY

2015/0024 Creation of 22 houses and access courts, together with landscaping, stables and access to adjoining farm land

This application was submitted by Skipton Properties and sought permission for redevelopment of the site, to entail :

- conversion/extension of the Gatehouse (formerly offices attached to the house at 11 Moor View);
- erection of 21 houses to be arranged around to mews courts;
- erection of stables associated with two of the houses towards the east side of the site; and
- re-filling of the mill lodge with water (following its draining-down in order to do works to provide suitable flood-mitigation for the site by replacement of an existing culvert between it & the watercourse to the other side of Cowpe Road) and provision of a new spillway near to the western boundary of the site, the lodge and the land that bounds it to then be enhanced in terms of wildlife value and as a recreational resource available to residents of the proposed houses and the local community.

At its meeting in April 2015 Committee decided that Permission should be granted to the submitted scheme, subject to Conditions and a S.106 Obligation to secure :

- a) payment of £10,000 for off-site traffic calming/ traffic safety works; &
- b) suitable arrangements 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; and
- c) payment of a Contribution equal to the cost of the works eligible for Land Remediation Relief up to £122,200 (£120k for Affordable Housing & £2,200 for Refuse Bins).

Since implementation of this permission was begun various applications have been submitted and approved for modest changes to the intended house-types, ground-levels and other details. The most far-reaching of these applications was Application 2015/0454 which granted Permission for an alteration of layout/house-types on Plots 16-18, and alteration of levels for houses, and was subject to a Deed of Variation to ensure the development had still to be completed in compliance with the terms of the previous S.106 Obligation.

The redevelopment of the site has progressed to the point that the Gatehouse attached to 11 Moor View has been converted/extended and the houses to be built around the most easterly mews court (the 'upper courtyard') and adjacent stables have been completed. Of the 11 dwellings to be built around the most westerly mews court (the 'lower courtyard') the house on the 3 plots nearest to the Gatehouse are complete/nearly complete. The buildings which have been erected have

external walls of natural random coursed stone, with artificial stone slates to the roofs and black upvc rainwater goods.

The mill lodge has also been drained-down.

4. PROPOSAL

Rather than implement the permitted scheme for the rest of the plots around the lower courtyard, and in respect of the mill lodge & flood mitigation, the current application has been submitted.

The submitted Design & Access Statement explains the reason for this application as follows :

“As part of the detailed & Technical approvals process, further consultation, debate and exchange of calculations have taken place between Developer, Local Authority representatives and The Environment Agency relating to the treatment of the existing Mill pond and spillway / Culvert.

The previous approval from 2015 suggested that the existing Culvert be diverted and a new spillway closer to the site boundary be introduced, however, following the above negotiations and reappraisal the developer is now proposing to retain the existing culvert line through the centre of the site. In order to accommodate the existing route and related easements it has become necessary to relocate some of the new build footprints.”

Whilst the road layout for the lower courtyard is to remain as previously permitted there are now to be 9 new-build dwellings arranged around it. Permission is being sought for the 6 dwellings that will differ from the approved scheme, 2 of which will be detached houses and the others in a terrace. The Design & Access Statement states :

“Each of these new units will be of a split level arrangement to deal with the site topography and will adopt the same architectural styling, language and materials to the recently constructed houses elsewhere on the Kearns Village development.”

Instead of replacing the existing culvert between the lodge and Cowpe Road it is now intended that it be retained, the submitted Culvert Remedial Works Report indicating that the section of it nearest the lodge is of suitable structural condition and the other part capable of being made so by use of proprietary sprayed concrete system to the interior which is itself used by the Environment Agency. Instead of construction of a new spillway towards the western boundary of the site (to avoid water over-topping the lodge embankment wall after an exceptional down-pour) a grassed-over spillway is to be provided over that length of the existing culvert between the lodge and the roadway to serve the houses around the lower courtyard, necessitating reduction in the number of houses to be built. The Design & Access Statement concludes *“the revised scheme is more cost effective, less intrusive and maintains current exceedance routing whilst providing a development that meets requirements in terms of flood risk”*.

It is no longer intended that water be returned to its former level within the mill lodge area after completion of flood mitigation works. It is instead intended to create within this area a channel which carries water that presently enters from a watercourse to the south and exits by means of the culvert, with permanent ponds to each side and new planting within and around this basin that provides a variety of wildlife habitats, together with a circular path for use by residents of the proposed houses and the local neighbourhood.

The application is accompanied by a Biodiversity Enhancement Plan and Deed of Variation to the previous S.106 Obligation. The latter is to ensure the long-term management and maintenance of the mill lodge area and its surrounds for the benefit of wildlife and as a recreational resource for residents of the development and locally, together with the other requirements of the original Obligation.

5. POLICY CONTEXT

National

National Planning Policy Framework

- 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 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan

RBC Core Strategy DPD (2011)

- AVP 3 Area Vision for 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

6. CONSULTATION RESPONSES

Environment Agency

No objection subject to Conditions.

United Utilities

No objection subject to Conditions.

LCC Drainage

Comments awaited.

LCC Highways

No objection subject to Conditions.

RBC Contaminated Land Consultant

No objection subject to Conditions.

RBC Ecology Consultant

No objection.

7. REPRESENTATIONS

To accord with the General Development Procedure Order, neighbours were notified by letter and site notices were posted.

The following objection has been received from a local resident :

- I live within 200m of the lodge, overlooking the Skiptons site.
- I wish to object strongly to these changes and the desire to renege on the original plans by not reinstating the lodge / lake, instead trying to turn it into a wetland.
- Development proposals need to be considered very carefully - more buildings, in filling and loss of the lodge could overwhelm/ruin the character of the area.
- The locals and dog walkers were assured the lodge would be reinstated and houses have been sold off plan with this guarantee.
- The protection of the lodge's visual, historical and archaeological qualities is surely supported by the Council.

8. ASSESSMENT

Implementation of the current proposal will differ from that permitted most noticeably in relation to the mill lodge area. After completion of flood mitigation works the previously permitted scheme provided for return of a single large body of water, whereas the current proposal will result in a watercourse running on a N-S axis through the area and series of permanent ponds.

In views from the roadway running to the west side of the site, and more distant/elevated positions around the site, loss of this body of water will be evident. However, the scheme now proposed for this area will not itself be unattractive or out of keeping with its surroundings, but will not provide such a prominent feature in the wider landscape. The Environment Agency and the Council's own Ecology Consultant have assessed the submitted drawings, and the Biodiversity Enhancement Plan which accompanies them, and have concluded that the current proposal has the potential to provide a greater range of wildlife habitats. In amplification, the Council's Ecology Consultant has stated :

"The scheme includes areas of permanent standing water (the dominant habitat type originally) and also incorporates high-quality habitats including fen, carr woodland, hedgerow and species-rich grassland. It is understood that the wetland habitats in the 'basin' may be subject to periods of inundation; the habitats to be created in this area are resilient and ought to be able to withstand inundation. I therefore have no objection to the proposals on nature conservation grounds. The Plans should now be implemented as described."

The scheme proposes a circular path for use by residents of the proposed houses and the local neighbourhood in the same way as does the previously-approved scheme.

Accordingly, it is concluded that, on balance, implementation of the current proposal for the mill lodge area will not cause such detriment as to warrant refusal of the application.

In dealing with Application 2015/0024, for redevelopment of the site as a whole, the main issues to be considered were :

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

Each of these matters is considered below in relation to the current application :

1) Principle

The site lies within Countryside, wherein there is a presumption against the erection of housing except in limited circumstances.

Telling in favour of the previously permitted scheme 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. Application 2015/0024 provided an opportunity to secure removal of buildings of deteriorating condition and appearance, remediation of a contaminated site and long-term management of the mill lodge in the interests of wildlife and removal of future flood risks arising from it.

No addition to the permitted number of dwellings is proposed and the same case can still be made for permitting the current scheme. That the Council cannot presently demonstrate that it has a 5-year supply of deliverable housing sites also now weighs in favour of the proposal.

As such the proposed development is acceptable in principle.

2) Housing Policy

Policy 4 of the Council's Core Strategy states that 20% of the proposed units on the site as a whole should be provided as Affordable Housing. Having regard to the relatively remote location of the site the Council's Health and Housing Manager favoured receipt of monies to provide Affordable Housing elsewhere rather than receipt of affordable units on-site. The Applicant doubted that the scheme would be viable if required to make such a contribution and the S.106 Obligation accompanying Planning Permission 2015/0024 then entered into reflected this.

A Deed of Variation of that S.106 Obligation was agreed by the Applicant in respect of Application 2015/0454, which proposed changes to layout/house-types for part of the site.

The current application is accompanied by a draft Deed of Variation to ensure payment of the financial contributions in the circumstances previously agreed. As this application will not add to the number of dwellings on the site as a whole, or materially alter their size/value, there is considered to be no need to re-negotiate the terms of that Obligation.

3) Visual Amenity

Three of the houses previously permitted around the lower courtyard have been completed and the current application does not seek to alter the position of the roadway/shared drive previously permitted. The 2/3 storey houses now proposed are considered appropriate having regard to the changes in levels across the Kearns Mill site as a whole and the buildings previously permitted/built-out already.

In terms of design the house-types for which permission is now sought are in-keeping with the houses now to be seen on the site, and are also to be constructed with external walls of natural random coursed stone and roofs of artificial stone slates.

4) Neighbour Amenity

The current scheme will continue to provide satisfactory separation distances between houses on the Kearns Mill site and with the houses neighbouring it. For occupiers of 2 The Linney, the end house in a terrace to the other side of Cowpe Road, the proposal will result in a house which is not so off-set from its front elevation and 1m higher in level than the 2 detached houses previously proposed here, but is to be setback from Cowpe Road by 6.5m rather than the 2m that would result from implementation of the permitted scheme. Accordingly, no greater loss of light/outlook/privacy/overbearing will result for this or any other neighbour.

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.

5) Access/Parking

The current application proposes no change to the position of the roadway/shared drive previously permitted to serve the houses around the lower courtyard. LCC Highways has no objection to the proposal subject to conditions to ensure that prior to first occupation of the houses for which permission is now sought their garages and drives are provided, together with access road and footways to serve them.

6) Contamination/Drainage

With respect to Application 2015/0024 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) require excavation and either treatment or removal from site.

Permission was granted subject to conditions requiring approval of a detailed scheme of remediation and development of the site has to date progressed in accordance with the approved scheme of remediation. The Council's Contaminated Land Consultant has no objection to permission being granted to the current application subject to standard contaminated land conditions.

With respect to Application 2015/0024 the Environment Agency was satisfied that implementation of the recommendations of the Flood Risk Assessment then submitted would adequately mitigate flood risks whilst still allowing a large body of water within the mill lodge area as then being proposed. In accordance with its wishes, Conditions were attached to that Permission to secure submission and approval of full details of the scheme of flood mitigation/surface-water drainage and for return of water to the mill lodge area and the scheme for enhancement of biodiversity. In Applications were subsequently submitted for approval of these details and, in accordance with the advice received from the Environment Agency, it was granted. The Environment Agency and LCC Drainage also gave their Consents.

Having considered the Flood Risk Assessment that accompanies the current application the Environment Agency has advised that the scheme of flood mitigation/surface-water drainage now being proposed (entailing use of a proprietary sprayed-concrete system to the interior of the existing culvert) can be granted Planning Permission, subject to a condition requiring only submission and approval of further details of ground levels above the culvert between plots 7 & 8 and to ensure completion of the scheme. Comments are awaited from LCC Drainage; it has previously advised that its involvement is with the connection of the ordinary watercourse that runs to the west of the site with the main-river culvert (which is the responsibility of the Environment Agency) on the development site, the developer having not constructed an off-site manhole upstream of the ordinary watercourse as per the Consent it has granted. With regard to drainage matters LCC Highways has requested a condition to secure further details of the sprayed-concrete system which the developer has already employed to repair that part of the culvert which runs under Cowpe Road.

7) Planning Contributions

As indicated above, under Housing Policy, the current application is accompanied by a draft Deed of Variation to ensure payment of the financial contributions in the circumstances previously agreed. The Deed of Variation also provides for the long-term management and maintenance of the mill lodge area and its surrounds for the benefit of wildlife and as a recreational resource for residents of the development and locally.

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 or ecology. It is considered that the development accords with the National Planning Policy Framework and Policies AVP3 / 1 / 2 / 4 / 8 / 9 / 17 / 18 / 19 / 21 / 22 / 23 / 24 of the Council’s adopted Core Strategy DPD (2011).

10. CONDITIONS

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

Reason : To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following unless otherwise required by the conditions below.

Title	Drwg No	Date Recd
Location Plan	3901-005 PL02 A	16/01/18
Proposed Site Plan	3901-005 PL03 U	24/01/18
Proposed House Type C	3901-005 PL12 C	16/01/18
Proposed House Type M	3901-005 PL23	16/01/18
Proposed Site Sections Phase 2	3901-005 PL24	16/01/18
Proposed Culvert Arrangement	11162-C-67 F	16/01/18
Proposed Security Screen	120015/2001 C	16/01/18
Lodge Restoration Proposal	GL0472 06	16/01/18
Mill Pond Illustrative Sections	GL 0-472 07	16/01/18
Design & Access Statement	-	16/01/18
Culvert Remedial Works	-	16/01/18
PWA Remediation Works	LTR/11162/21/LP/V1	16/01/18
PWA Flood Risk Assessment	11162/FRA/01D	16/01/18
Biodiversity Enhancement Plan	10642g/DB	16/01/18

Reason : To define the permission and in the interests of the proper development of the site.

3. Notwithstanding any information submitted with the application with respect to ground contamination and remediation, no development (except development/demolition works approved in writing by the Local Planning Authority) shall take place until an investigation and risk assessment has been submitted to an approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall comprise : a revised appraisal of remedial options and

proposal of the preferred option(s) to form a remediation strategy for the site. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy.

Reason : For the protection of human health and the water environment from risks arising from land contamination.

4. If, during development, contamination not previously identified is found to be present at the site 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 : For the protection of human health and the water environment from risks arising from land contamination.

5. 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 : For the protection of human health and the water environment from risks arising from land contamination.

6. Notwithstanding any information submitted with the application with respect to surface-water drainage arrangements/flood mitigation works, the development hereby permitted shall not be commenced until such time as details of ground levels above the culverted Cowpe Brook between plots 7 & 8 and above the new culvert inlet has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason : To reduce the risk of flooding to the proposed development.

7. Notwithstanding any information submitted with the application with respect to surface-water drainage arrangements/flood mitigation works, within 3 months of commencement of the development hereby permitted a detailed scheme and timetable of works shall be submitted for the section of culvert which runs under the public highway Cowpe Road and the new footway on the south side of Cowpe Road. The works shall be constructed and completed in accordance with the approved scheme and timetable unless otherwise agreed in writing by the Local Planning Authority prior to the first occupation of any dwelling.

Reason : To reduce the risk of flooding to the proposed development and avoid harm to the structural integrity of the highway.

8. 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.

9. Prior to occupation of the development hereby permitted a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason : To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

10. The dwellings hereby permitted shall be constructed with facing materials, and with their external hard-surfaced areas and walls/fences/gates, to match the materials used in the implementation of the development permitted on Plots 1-3. The soft-landscaping shall be completed within the first planting season available and any shrubs or trees that are removed, die or become seriously damaged or diseased within 2 years of planting shall be replaced by others of the same siting/ size/ species in the next available planting season.

Reason : To ensure that the development is of satisfactory appearance.

11. The access road and footways serving the dwellings hereby permitted and the new 2m wide footway to the south side of Cowpe Road shall be constructed, drained, surfaced and illuminated in accordance with the approved scheme and completed prior to the first occupation of any dwelling.

Reason : In the interests of pedestrian and highway safety.

12. The driveways and garages serving the dwellings hereby permitted shall be constructed, drained and surfaced in accordance with the approved scheme and completed prior to the first occupation of the dwelling. Thereafter these driveways and garages shall be kept freely available for the parking and manoeuvring of cars at all times.

Reason : In the interests of pedestrian and highway safety.

13. No development shall take place until a Landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements :

- a) a detailed method statement for removing, or the long-term management / control of Himalayan balsam, identified on the site
- b) details of the extent and type of new planting, including planting schedule, for all new habitats (including fen, species rich grassland, and diverted stream corridor) created within former lodge, and this be based on native species
- c) details of the maintenance regimes
- d) details of any new habitat created on site
- e) details of treatment of site boundaries and/or buffers around water bodies
- f) details of paths and other facilities for informal recreational use of the area

g) details of management responsibilities over long term, including adequate financial provision and named body responsible for management plus production of detailed management plan.

Reason : To ensure the protection of wildlife and supporting habitat and secure enhancement of the nature conservation value of the site consistent with its use for informal recreational use.

14. 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.