

ROSSENDALE LOCAL PLAN 2019 – 2034

EXAMINATION

MATTER 8 – HEARING STATEMENT

CLIENT:
Brilie Properties Ltd.

DATE:
28 August 2019

RESPONDENT REFERENCE NUMBER:
5193

Report Drafted By	Report Checked By	Report Approved By
DC	DC	DC
26.08.19	28.08.19	28.08.19

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1. INTRODUCTION

BRIEF

- 1.1 Hourigan Connolly is instructed by Brilie Properties Limited having regard to Wavell House, Helmshore (proposed employment allocation EE20).

SCOPE

- 1.2 This Hearing Statement has been prepared in respect of Matter 8 of the Local Plan (LP) 2019–2034 Examination and responds to the Inspector’s questions regarding employment need and supply as set out in the Schedule of Matters, Issues & Questions.

FORMAT

- 1.3 Each of the Inspector’s questions (where relevant to our originally submitted written representations in respect of the Submission Local Plan) are dealt with in a separate chapter of this Hearing Statement. Accordingly, not all questions posed by the Inspectors are addressed in this Hearing Statement.
- 1.4 In the conclusion Chapter we address whether the Council’s approach to employment provision is sound in accordance with the Planning and Compulsory Purchase Act 2004 and associated regulations.
- 1.5 The National Planning Policy Framework (2019) (the “Framework”) sets out the criteria for determining soundness; namely that the plan is positively prepared, justified, effective and consistent with national policy.

2. QUESTION 8V

ARE THE IDENTIFIED B USE CLASSES ON THE EMPLOYMENT ALLOCATIONS (AS SET OUT IN POLICY EMP2) JUSTIFIED AND SUPPORTED BY ROBUST EVIDENCE?

- 2.1 Site EE20 is proposed for allocation as an existing employment use. The use is in single occupancy and Notice has been served of their intention to vacate the premises. Despite a robust marketing exercise, which has taken place since the start of 2019 and has included the Council's Economic Development team, the site has attracted no interest for continued employment use, primarily due to the significant investment required to bring the premises up to standard.
- 2.2 The site is no longer a viable employment location.
- 2.3 The applicants have now received positive feedback from Officers following a pre-application submission for the residential development of the site. A copy of the submission is included at **Appendix 1**, whilst the Response is included at **Appendix 2**.
- 2.4 In light of this information, we would respectfully request that the site be allocated for housing for in the region of 14 homes.

3. CONCLUSION

- 3.1 In our view the LP is not sound as submitted.
- 3.2 The proposed employment allocation at Wavell House (site EE20) will not be delivered; therefore, the LP will not be effective.
- 3.3 In order for the LP to be found sound, site EE20 should be deleted and replaced by a new housing allocation. It would appear that the Council intend to delete the allocation given its omission from the sites listed in Table 2 of their response to Question 5E and we would concur.

Appendix 1

OFFICES

Capricorn House, Capricorn Park,
Blakewater Road, Blackburn BB1 5QR
blackburn@tdawson.co.uk

FOR SALE/TO LET

**MODERN TWO-STOREY OFFICE PREMISES WITH CAR PARKING
FOR APPROXIMATELY 125 CARS**

23,713 SQ. FT.



WAVELL HOUSE
HOLCOMBE ROAD
HASLINGDEN
BB4 4NB

LOCATION

Occupying a substantial frontage to Holcombe Road on the edge of Helmshore village in a predominantly residential area. Access to the A56, which connects directly with the M66 and the motorway network, is within ten minutes' drive.

DESCRIPTION

A two-storey purpose-built office building constructed in reconstituted stone with a pitched tiled roof. Large tarmac surfaced car park to the rear for approximately 125 cars. The site is fully enclosed.

Internally the office accommodation is largely open plan off a central corridor with impressive reception. A number of cellular offices have been created within the overall space which is well served with toilets and kitchen facilities.

The accommodation is fully fitted with suspended ceilings, the offices incorporating floor boxes and air conditioning to part. A gas fired central heating system serves panel radiators with good natural light throughout.

ACCOMMODATION

<u>Ground floor</u>	9,232 sq. ft.
Offices, incorporation reception	
Single-storey warehouse	3,292 sq. ft.
Storage, kitchen and canteen	2,883 sq. ft.

<u>First floor</u>	
Offices	8,306 sq. ft.

Total floor area approximately **23,713 sq. ft.**

SERVICES

Mains services are connected to the property. However, it is the ingoing tenant's responsibility to verify that all appliances, services and systems are in working order, are of adequate capacity and suitable for their purpose.

RATING

The property is listed as having a rateable value of £123,000 (2017).

PLANNING

B1 Offices. It is the ingoing tenant's responsibility to verify that their intended use is acceptable to the local Planning Authority.

LEASE TERMS

A full repairing and insuring lease for a minimum term of five years.

RENTAL OFFERS INVITED.

PRICE OFFERS ARE INVITED FOR THE FREEHOLD INTEREST.

VAT

VAT will be charged on the price and rental at the current prevailing rate.

ENERGY PERFORMANCE CERTIFICATE

Two Energy Performance Certificates have been commissioned which confirm Energy Performance Asset Ratings as follows:

Wavell House Offices EPC Rating C (68)

Warehouse EPC Rating G (382)

The certificates are available upon request.

LEGAL COSTS

Each party to be responsible for their own legal costs incurred in the preparation and completion of the lease.

VIEWING STRICTLY BY APPOINTMENT WITH SOLE AGENTS TREVOR DAWSON LIMITED OF CAPRICORN HOUSE, CAPRICORN PARK, BLAKEWATER ROAD, BLACKBURN, BB1 5QR.

OUR REF CEJ LMH 1901.12237.

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21st May 2019

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Email

Dear Daniel

WAVELL HOUSE, HOLCOMBE ROAD, HASLINGDEN

I refer to the above premises and have pleasure in providing a progress report on marketing.

When the opportunity went on the market in early February 2019 all the usual marketing tools were employed, including the preparation of marketing particulars with internal and external photographs, the erection of a board and exposure through our website. In addition, extensive mailing has taken place and a press release issued to local press.

With regard to enquiries, without exception there have been no enquiries for a continuation of the existing use as offices. All the enquiries, of which there have been four specifically directed to us, have been for conversion to residential use. There may well have been further enquiries through the website but to date these have not been taken any further.

We will continue to market the premises as we have over the last three months but we do not expect to receive any enquiries for office use, which not only reflects the limited demand for offices generally but also the fact that this is not a recognised office location.

We trust this is all you require for your present purposes.

Yours sincerely

CAROLINE E JAMES BSc (HONS) MRICS

ROSSENDALE BOROUGH COUNCIL

DRAFT LOCAL PLAN

REGULATION 19 CONSULTATION

CLIENT:

Brilie Properties Ltd.

SITE:

Wavell House, Holcombe Road, Helmshore, Rossendale

DATE:

03 October 2018

Report Drafted By	Report Checked By	Report Approved By
NM	DC	DC
30.09.18	02.10.18	03.10.18

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Appendices

Appendix 1	Letter from Rossendales to Brilie Properties dated 31 July 2018.
Appendix 2	Illustrative layout for residential development
Appendix 3	Appeal Decision for Land at Holcombe Road APP/B2355/A/11/2159598

1. INTRODUCTION

- 1.1 Rossendale Borough Council (RBC) is preparing a new Local Plan which will guide the future planning and development of the area. This Representation is in relation to the Council's Publication Pre-Submission version of the Plan (Regulation 19). The consultation period ran from Thursday 23 August 2018 to Friday 5 October 2018. Once adopted the Local Plan will replace the Core Strategy (2011).
- 1.2 Within the draft Local Plan, sites have been proposed for development (for housing, employment, retail uses etc), for environmental protection and for recreation uses as identified on the draft Policies Map. Changes are also proposed to the existing Green Belt and the Urban Boundary. Also, four additional Conservation Areas, along with an extension to an existing Conservation Area, are being considered.
- 1.3 There are a number of documents which form part of the Evidence Base in support of the Council's Publication Pre-Submission version document and where relevant, these have been considered and referred to in this Representation.

BACKGROUND

- 1.4 Hourigan Connolly is instructed by Brilie Properties Ltd, the owners of the subject site, to review and comment on the emerging Local Plan in relation to the site known as Wavell House on Holcombe Road, Helmshore. The site is proposed for allocation as 'Existing Employment' under site reference EE20 in draft Policy EMP2 Employment Site Allocations.
- 1.5 The site is currently in office use, occupied solely by Rossendales Ltd. under a contractual lease with an initial break in 2021. Unfortunately, Rossendales have recently served Notice on the owners indicating that the company is relocating and that they intend to leave site by December 2018. Thereafter, the site will become completely vacant.
- 1.6 The owners of the site may consider the Change of Use of the building and car park to residential use under Permitted Development via the Prior Notification Procedure but also wish to promote the site for a housing allocation in the emerging Local Plan. This Representation will demonstrate its suitability for residential use.
- 1.7 It should be noted that the land owner only became aware that Rossendales were vacating the site in July 2018, otherwise they would have engaged with the Council during the previous consultation stages of the Local Plan.

SITE CONTEXT

- 1.8 The 0.48 hectare site lies on the western side of Holcombe Road to the south west of Helmshore. The site comprises Wavell House, a two storey building and a large car park to the rear. A further building is located in the car park area. The building adjoins a mill building to the north which reaches four storeys in height and is currently being converted to dwellings. To the east and south are residential dwellings and to the west, set above the site, is open countryside. An aerial view of the site is shown below.

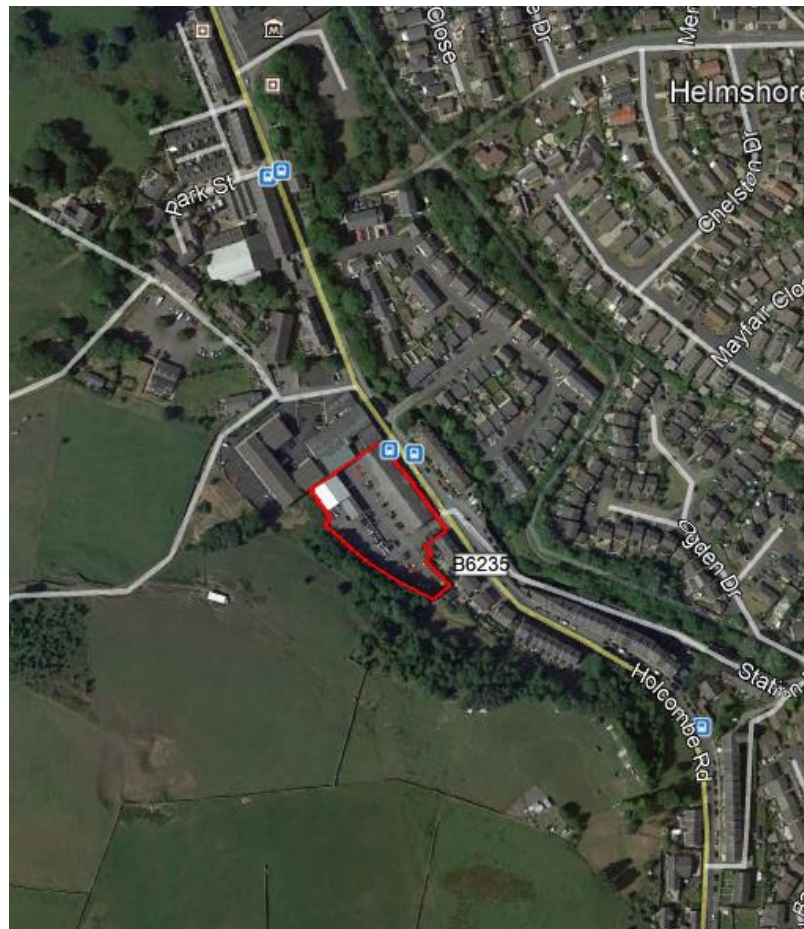


Figure 1.1 Location of subject site, Wavell House, Holcombe Road.



Figure 1.2 Street view showing Wavell House (looking north west along Holcombe Road).

SCOPE

- 1.9 In preparing these submissions we have reviewed the documents forming the evidence base that underpins the emerging Local Plan.

OVERVIEW

- 1.10 The starting point for consideration of the emerging Local Plan document is the well-established principle embodied in Paragraph 158 of the National Planning Policy Framework (hereafter referred to as the Framework) that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.

2. LEGISLATIVE & POLICY CONTEXT

INTRODUCTION

- 2.1 In this Chapter we set out the relevant legislative and policy context before going on to examine the Council's Local Plan document.

LEGISLATIVE CONTEXT

- 2.2 Part 2 of the Planning & Compulsory Purchase Act 2004 (As amended) deals with Local Development.
- 2.3 The RBC Local Plan is being brought forward following changes to the Development Plan making system in England which are set out in the Localism Act 2011. Part 6 Sections 109 – 144 of the Localism Act deal with Planning.
- 2.4 Following revocation of the North West Regional Strategy (RS) in May 2013, Council's such as RBC will set their own housing and employment targets against objectively assessed needs.
- 2.5 The Town & Country Planning (Local Planning) (England) Regulations (SI No. 767) came into force on 6 April 2012 and guide the preparation of Local Plans.

MINISTERIAL STATEMENTS

- 2.6 In his Written Statement of 23 March 2012 the then Minister for Decentralisation and Cities the Rt. Hon Greg Clark MP referred to a pressing need to ensure that the planning system does everything it can to help England secure a swift return to economic growth. He urged local planning authorities to make every effort to identify and meet the housing, business and other development needs of their areas.
- 2.7 The Framework (see below) was subsequently published on 27 March 2012 and urges local planning authorities to boost significantly the supply of housing.
- 2.8 In his Written Statement of 6 September 2012 the Secretary of State for Communities and Local Government the Rt. Hon Eric Pickles MP noted an increase in house building starts between 2009 and 2011 but said that there was far more to do to provide homes to meet Britain's demographic needs and to help generate local economic growth.
- 2.9 There can be no doubt that house building is a driver of the local economy besides providing homes for local people.

FRAMEWORK REQUIREMENTS

- 2.10 It is noted that a new Framework was published in July 2018 however this section refers to the Framework published in 2012 as we understand from the Council that the Plan will be submitted to the Inspector before 24 January 2019.¹ Should that position change, we reserve the right to make further representations.
- 2.11 Paragraphs 150 to 185 of the Framework deal with Plan-making. The importance of the Local Plan is identified as the key to delivering sustainable development and a cornerstone of the development management process (Paragraph 150 refers).
- 2.12 The requirement for Local Plans to be prepared with the objective of contributing to the achievement of sustainable development is embodied in Paragraph 151 of the Framework and stems from the requirements set out under Section 39(2) of the Planning & Compulsory Purchase Act 2004. Local Plans must also be consistent with the principles and policies of the Framework.
- 2.13 Paragraph 152 of the Framework requires local planning authorities to seek opportunities to achieve and secure net gains for each of the three dimensions of sustainable development. These three dimensions are defined in Paragraph 7 of the framework as economic, social and environmental. According to Paragraph 7 of the Framework these dimensions give rise to the need for the planning system to perform a number of roles:
- *“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
 - *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
 - *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.*

¹ Paragraph 214 of the 2018 Framework states that policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.

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- 2.14 Paragraph 8 of the Framework states that the roles mentioned in Paragraph 7 should not be undertaken in isolation, because they are mutually dependant and should be sought jointly and simultaneously through the planning system.
- 2.15 The importance of Local Plans taking into account local circumstances is highlighted in Paragraph 10 of the Framework to ensure that they respond to the different opportunities for achieving sustainable development.
- 2.16 Paragraph 152 of the Framework goes on to deal with adverse impacts on any of the dimensions of sustainable development and sets out three tests:
- Firstly significant adverse impacts on any of the dimensions should be avoided, and where possible, alternative options which reduce or eliminate such impacts should be pursued.
 - Where adverse impacts are unavoidable, measures to mitigate the impact should be considered.
 - Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
- 2.17 Paragraph 154 of the Framework requires Local Plans to be aspirational but **realistic** and address the spatial implications of economic, social and environmental change.
- 2.18 The requirement for local planning authorities to set out strategic priorities for their areas in their Local Plans is established in Paragraph 156 of the Framework. Such policies are required to deliver:
- *“the homes and jobs needed in the area;*
 - *the provision of retail, leisure and other commercial development;*
 - *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
 - *the provision of health, security, community and cultural infrastructure and other local facilities; and*
 - *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape”.*
- 2.19 The importance of using a robust and proportionate evidence base for Plan making is dealt with in Paragraphs 158 to 177 of the Framework. Paragraph 158 is of particular relevance to these submissions:

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“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”.

2.20 A number of topics are discussed and for the purpose of this document we will focus on housing (Paragraph 159) business (Paragraphs 160), infrastructure (Paragraph 162) and environment (Paragraph 165).

HOUSING

2.21 Paragraph 159 outlines the importance of preparing a Strategic Housing Market Assessment (SHMA) to assess **full** housing needs and a Strategic Housing Land Availability Assessment (SHLAA) to establish **realistic** assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

2.22 Of particular importance is the requirement for the SHMA to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the Plan period which:

- *“meets household and population projections, taking account of migration and demographic change;*
- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand”.*

BUSINESS

2.23 Paragraph 160 of the Framework outlines the importance of local planning authorities having a clear understanding (from a robust evidence base) of business needs within the economic markets operating in and across their area.

2.24 Paragraph 161 of the Framework establishes the importance of understanding business needs (both quantitative and qualitative) and ensuring that sufficient suitable land (both existing and future) is available to meet needs.

INFRASTRUCTURE

2.25 An objective of government policy is the delivery of growth. Central to this objective is ensuring that infrastructure has the capacity or can be enhanced to deliver growth. A number of factors are outlined in Paragraph 162 of the Framework which need to be considered at a local level including transport, water, foul drainage, energy, telecommunications, waste, health, social care, education, flood risk and coastal change management.

ENVIRONMENT

2.26 Paragraphs 165 to 168 of the Framework deal with environmental matters and set out the requirement that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

SOUNDNESS

2.27 Paragraph 182 of the Framework deals with the examination of Local Plans. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. Local planning authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- ***“Positively prepared*** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- ***Justified*** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- ***Effective*** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- ***Consistent with national policy*** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.*

NATIONAL PLANNING PRACTICE GUIDANCE – LAUNCHED 6 MARCH 2014

2.28 On 28 August 2013 the government launched its draft National Planning Practice Guidance (NPPG). The draft NPPG was subject to consultation for 6 weeks and was launched on 6 March

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in its final form. The NPPG replaces some 230 planning guidance documents but will result in no amendments to the Framework.

- 2.29 The Housing and Economic Land Availability Assessment section of the NPPG is worthy of specific mention in relation to this Report, in particular paragraph 030 (reference ID: 3-030-20140306 confirms):

“Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.”

- 2.30 The NPPG deals with deliverable sites as follows at paragraph 031 (Reference ID 3-031-20140306):

“WHAT CONSTITUTES A ‘DELIVERABLE SITE’ IN THE CONTEXT OF HOUSING POLICY?”

Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgments on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust five-year housing supply.”

- 2.31 In regards to how often a Local Plan should be reviewed, the NPPG states at paragraph 008 of the section titled ‘Local Plans’ (Reference ID 12-008-20140306) that:

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“HOW OFTEN SHOULD A LOCAL PLAN BE REVIEWED?”

To be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within five years of the date of adoption.”

GOVERNMENT CONSULTATION ON STANDARDISED METHODOLOGY FOR HOUSING NEED (SEPTEMBER 2017)

- 2.32 On 14 September 2017 the Government announced a consultation on a Standardised Methodology for Assessing Local Housing Need, the basis of which was included in the White Paper (February 2017) and is aimed at helping local authorities plan for the right homes in the right places.
- 2.33 As the consultation document sets out, the root cause of the dysfunctional housing market in the UK is that for too long we have not built enough homes. The Government is aiming to deliver 1.5 million new homes between 2015-2022 and is attempting to create a system which is clear and transparent for local authorities. The new methodology will apply to all future plans, with the exception of those which were submitted before 31 March 2018.
- 2.34 The standard methodology is principally aimed at tackling problems of affordability as the proposed formula simply uplifts the household projections figure, based on market signals.
- 2.35 For Rossendale the proposed standard methodology has little impact on the annual housing requirement (which, it is suggested should be 212 rather than the current 265 dwellings per annum). However, it should be noted that the proposed standard methodology is currently on consultation and may therefore be subject to changes in due course. It is also worth noting the heavy speculation that the proposed methodology focuses on growth in the south east to the detriment of other parts of the UK, in particular the north west.
- 2.36 Crucially the link between housing growth and economic activity must be recognised and therefore the current consultation is considered to be relevant to this Representation in relation to land at Wavell House.

3. POLICIES PROPOSED IN THE DRAFT LOCAL PLAN

PROPOSALS MAP

- 3.1 The below image shows the site in the draft Proposals Map. The proposed employment allocation is annotated as EE20 (light purple). Our client's land sits within that allocation. The balance of the allocation is being converted into residential use by others via the Prior Notification Procedure (PN Ref: 2013/0426).



Figure 3.1 Extract from Draft Proposals Map.

- 3.2 As well as being allocated for employment, the site falls within the Urban Boundary (red line).
- 3.3 A new conservation area is proposed in Helmshore (dashed black line) however Wavell House is outside this boundary. We fully support the site being excluded from the conservation area as it offers no contribution to the special character of the area.

POLICY EMP2: EMPLOYMENT SITE ALLOCATIONS

- 3.4 Draft Policy EMP2: Employment Site Allocations identifies all sites within the Borough which have been allocated for employment development. For each site allocated, site area and proposed use class is set out within the allocations table.

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- 3.5 Wavell House is identified as part of an employment allocation under reference EE20 as shown below. It is classed as an ‘Existing Employment’ site and is considered suitable for B1, B2 and B8 uses.

Employment Allocation Ref.	Site name	Gross Area (ha)	Estimated Net Developable Area (ha)	Use Class	Policy
EE20	Wavell House	0.48	0.00	B1, B2, B8	EMP2

Figure 3.2 Extract from Employment Site Allocations Table (Policy EMP2).

- 3.6 We support the general aims of the Local Plan to identify key development sites which are central to the delivery of the overall strategy for new and existing employment assets and the Borough’s economy. The delivery of appropriate uses in the right locations is crucial to the economy. However, in this instance, part of the proposed allocation has already changed to residential use and the balance, our client’s site, is soon to become vacant with no realistic prospects of re-use for employment.

EMPLOYMENT LAND REVIEW 2017

- 3.7 The table below, taken from the Council’s Employment Land Review (2017), shows how the Council scores the site against the various employment criteria.

Site reference	Site name	Gross area (ha)	Net area (ha)	Status and recommendation	Strategic road access	Local accessibility	Proximity to urban areas and local services	Compatibility of adjoining uses	Developmental and environmental constraints	Market attractiveness	Overall site rating
EMP22	Wavel House	1.01	0	Existing Site - retain	Average	Good	Good	Average	Average	Poor	Average

Figure 3.3 Extract from Employment Land Review 2017.

- 3.8 Whilst the site is given an overall rating of “Average”, the site scores poorly against “Market Attractiveness.” The Employment Land Review recommends that the site is retained for employment use, however, as discussed below, we do not consider this to be a positive strategy in the Local Plan.
- 3.9 As presented previously, the site is currently in office use, occupied solely by Rossendales Ltd. Despite being tenants at the site for some time, and being significant employers in the area, Rossendales have recently informed the land owner that they will be relocating and will be seeking an early break by 31 December 2018.² This is due to Rossendales deciding to centralise their business and as such Wavell House no longer serves their needs. We have been informed that no redundancies will be made as part of this change, however Wavell House will become totally vacant when Rossendales leave the site.

² Refer to letter in Appendix 1 dated 31 July 2018 from Rossendales.

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- 3.10 With the site due to become unoccupied, it is highly likely it will remain vacant for the foreseeable future given its unattractiveness to the market. Wavell House is outdated and requires significant modernisation to be brought up to modern office standards, the cost of which would not be viable for the landowner. For these reasons, it is our view that the site should not be retained as an employment allocation under draft Policy EMP2. Indeed, the whole allocation is no longer appropriate.

FALL BACK POSITION

- 3.11 Given that the site will soon become vacant, our clients have considered the future of the site owing to its limited attractiveness to the market (as acknowledged by the Council in their own ELR) and the likely cost associated with bringing the outdated offices up to modern standard. One option are those Permitted Development rights conferred under Class O of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which would allow the change of use of the land and buildings at Wavell House to residential use without the need for Planning Permission. This represents the landowner's **fall-back position**. Whilst the right would be subject to a Prior Approval Procedure requiring the submission of details relating to transport and highway impacts, contamination risk and flooding risks, it is our view that this would most likely be a formality, particularly in light of the Permitted Development Right already exercised and being implemented in the adjacent property to the north. In the spirit of proper planning, our client's preferred course of action would be to secure an allocation for residential use and work with the Council to deliver a suitable residential scheme.
- 3.12 The site comprises brownfield land, in a sustainable location, within the urban area and is therefore considered to be an entirely appropriate site to contribute towards the Borough's housing need over the Plan Period. This is considered in further detail in Section 5 of this Representation.

4. SOUNDNESS ASSESSMENT

INTRODUCTION

4.1 As mentioned in Chapter 2 Paragraph 182 of the 2012 Framework deals with the examination of Local Plans. Local Planning Authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.

4.2 In this section we consider the soundness of the Draft Local Plan Policies against the four key tests set out under Paragraph 182 of the 2012 Framework. It should be noted that for a Plan to be found sound it must comply with **all** of the four tests set out under Paragraph 182 of the Framework.

POLICY EMP2: EMPLOYMENT SITE ALLOCATIONS

POSITIVELY PREPARED

4.3 As demonstrated in Chapter 3 the site is soon to become completely vacant with the sole tenant due to leave at the end of the year. Whilst the site has benefited from Rossendales being long term tenants, with their departure the building would have to be completely modernised to attract a new tenant. The costs to modernise the building is not viable for the landowner. Therefore, it is our view that Policy EMP2 has not been positively prepared as it allocates the site for employment use where there are no real prospects of this use continuing. If the landowner had been aware of this impending change in circumstances they would have made Representations to this effect during the consultation period of the Regulation 18 version of the draft Local Plan and promoted the site for housing.

JUSTIFIED

- 4.4 Policy EMP2 is not justified as it allocates the site for employment use where there is no reasonable prospect of the site being used for employment use once the existing tenants vacate Wavell House at the end of the year.

EFFECTIVE

- 4.5 The preceding sections of this document have explained how Wavell House is not suitable for employment use; it is therefore not effective. With the existing tenants due to leave the landowner no longer wishes to use the site for employment as it would not be viable. The landowner is aware of their permitted development rights to convert the building to residential use which they will pursue if necessary (as done by the landowner of the adjoining building to the north). This further renders the employment allocation ineffective. However, as discussed previously, a more positive and Plan-led approach would be to remove the employment allocation and reallocate the site for housing.

CONSISTENT WITH NATIONAL POLICY

- 4.6 As we have set out that there is no reasonable prospect the site being used for employment use therefore Policy EMP2 is not consistent with Paragraph 22 of the Framework:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

PROPOSED MODIFICATION

- 4.7 The Council is respectfully requested to remove the current employment allocation EE.20 from Policy EMP2 and allocate the site for residential development under draft Policy HS2. Appendix 2 contains an illustrative layout which shows that 14 dwellings can easily be accommodated on the site, however to allow some flexibility we request that the allocation allows for **up to 16 dwellings**. Residential development in this location is considered appropriate in order to facilitate the viable regeneration of the site.
- 4.8 We contend that this would properly reflect Paragraph 22 of the Framework which seeks to avoid the long term protection of employment uses where there is no reasonable prospect of a site being used for that purpose. In such circumstances, more appropriate and viable uses, such as housing, should be acceptable.

5. PROPOSED HOUSING ALLOCATION: WAVELL HOUSE

DRAFT POLICY HS1 – MEETING ROSSENDALE’S HOUSING REQUIREMENT

- 5.1 Draft Policy HS1 sets out the Council’s approach to ‘*Meeting Rossendale’s Housing Requirement*’. It states that at least 3,180 additional dwellings will be provided over the plan period (2019-2034). The draft policy also seeks to deliver over 30% of new dwellings on previously developed land across the Borough.
- 5.2 In this context, land at Wavell House could make an important contribution towards meeting the Borough’s residential development needs, particularly as it is recognised within the explanatory text that brownfield sites within the urban area are limited. This would be in accordance with Paragraph 47 of the Framework which requires Councils to “**significantly boost the supply of housing**”.

SUSTAINABLE HOUSING ALLOCATION

- 5.3 The site is very sustainable being brownfield land located in the urban boundary and within easy access to a range of amenities. In allowing an appeal for 74 dwellings on the opposite side of Holcombe Road to the east of the site³, the Inspector dealt with the sustainability credentials of that site as follows:

“9. The site lies on the western limits of the built up area in the valley adjacent to the Ogden river. The land rises to the east to what appears to be the centre of the settlement at the roundabout crossroads of Helmshore Road and Gregory Fold/Broadway with its shops and schools nearby. There is a convenient footpath to the north of the site linking the site to Gregory Fold. It is only a short 5-10 minute walk to the shops/primary schools. The National Cycle Route 6 adjacent to the eastern boundary of the site means journeys by bicycle are also convenient. Access to these facilities by road is, however, rather more circuitous. It involves travelling south on Holcombe Road before turning north at the B6214 Helmshore Road.

10. For a short stretch the footpath to Gregory Fold is rather steep and this would discourage journeys on foot to the shops/schools by some people who are either unable or unwilling to tackle the slope. However there is also a shop along Holcombe Road which can be reached without any steep inclines and the No.11 bus would provide access by public transport (a couple of minutes ride) to those facilities on higher ground and also to the wider bus network operating along Broadway and Helmshore Road.

³ Appeal reference APP/B2355/A/11/2159598 - Land at Holcombe Road, Helmshore

**Rossendale Borough Council – Draft Local Plan (Regulation 19) Consultation
Submission on behalf of Brilie Properties Ltd**

11. *In addition, information provided by the appellants indicates a range of services/employment is available within easy reach of the appeal site which can be accessed by a variety of means of transport and those which are not, such as health facilities and a supermarket are within a reasonable travel distance in Haslingden. It has been said that health facilities and the like are oversubscribed, but no empirical evidence was submitted to the inquiry to substantiate that view.*

12. *The Council's Interim Housing Policy 2010 encourages the provision of housing within the defined urban area of Haslingden (which includes the appeal site) if, amongst other things, the development would reuse brownfield land, would contribute to affordable housing and would be built at an appropriate density. The appeal scheme satisfies these criteria. It uses previously developed land and would provide 15 affordable units and would have a density of 34dph.*

13. *The combination of the above leads to the conclusion that because the site is a brownfield one within the built up area which has reasonable access to a variety of goods and services by different modes of transport, its redevelopment would, in principle be, acceptable for residential development.”*

5.4 The same conclusions on sustainability grounds should be reached in relation to the Wavell House site. As mentioned previously, it should be noted that the entire site could be converted to residential use under Permitted Development rights subject to a Prior Approval procedure. However we would prefer for the site to be allocated for housing to allow a flexible redevelopment of the site.

5.5 The site is not identified in the SHLAA 2018 Update. There is a reference to Wavell House (SHLAA16298) in Table 1 as a site being excluded due to having planning permission. However, it is assumed that this relates to the adjoining site to the north which benefits from Prior Notification Approval to be converted to apartments.

ILLUSTRATIVE LAYOUT

5.6 The below illustrative layout shows how the site could be redeveloped for housing. This demonstrates that 14 dwellings could comfortably be delivered within the site with access taken off Holcombe Road.



Figure 5.1 Illustrative Layout for residential development at Wavell House.

DELIVERABILITY OF DEVELOPMENT

- 5.7 Once the existing tenants leave the site at the end of the year, the site will be available for development, subject to the employment allocation being removed.
- 5.8 As discussed above the site is suitably placed to access shops and services on foot, by cycle and by bus thereby helping to reduce reliance on a car.
- 5.9 There are no environmental or statutory designations or other technical considerations that would prejudice the residential development of the site.
- 5.10 To conclude, for the reasons discussed above, in our view the site at Wavell House should be allocated for housing in the emerging Local Plan.

6. CONCLUSIONS

- 6.1 The starting point for consideration of the Council's Local Plan is the well-established principle embodied in Paragraph 158 of the Framework that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 6.2 The Framework is clear at Paragraph 22 that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Paragraph 160 outlines the importance of local planning authorities having a clear understanding of business needs within the economic markets operating in and across their area.
- 6.3 It has been highlighted in this Representation that the Wavell House is going to become vacant with Rossendales terminating their lease at the end of 2018. As a result, and in order to future-proof the site, removal of the proposed employment allocation is recommended, and a residential allocation should be considered in order to promote sustainable residential development. Land at Wavell House has an opportunity to contribute to the delivery of housing over the Plan period on a site which comprises previously developed land within the Urban Boundary.
- 6.4 In conclusion, Local Plan Policy EMP2 should be modified to remove reference to EE20 Wavell House and the site should be allocated for housing for up to 16 dwellings under Policy HS1. The Proposals Map should be amended to reflect this
- 6.5 The site is available, deliverable and achievable, subject to the above provisions.

Appendix 1

Mr Brian Jones
Brillie Properties Limited

31 July 2018

Dear Brian,

Wavell House, Holcombe Road, Helmshore BB4 4NF

Further to our phone conversation, I am writing to request that Rossendales is permitted to terminate its Wavell House lease on 31 December 2018. This is due to changed business requirements.

Apologies for the short notice, but I would be grateful if we can meet to negotiate terms for an early surrender.

I hope that you will look favourably on our request. In any event, we will not be in a position to extend the current lease on expiry.

I look forward to hearing from you in due course.

Best wishes,

Gareth Hughes
Chief Executive

Appendix 2



Weir

Musbury
Fold
Cottage

Carr
Lane
Cottage

Garage

LB

YARN AVENUE

HOLWEGE ROAD
Bus Shelter

Pipe

182.5m

1 to 42
The Loom

1 to 21
The Power Mill

172.5m

Weir

STATION ROAD

414

Appendix 3



Appeal Decision

Inquiry held on 6 March 2012

Site visit made on 6 March 2012

by D L Burrows DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 March 2012

Appeal Ref: APP/B2355/A/11/2159598

Land at Holcombe Road, Helmshore, Rossendale BB4 4NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Calvert/Mr Richard Lever, Taylor Wimpey/Urban Regen against the decision of Rossendale Borough Council.
 - The application Ref 2011/0046, dated 25 January 2011, was refused by notice dated 20 July 2011.
 - The development proposed is a change of use from an existing derelict warehouse to a residential development consisting of 74 dwellings made up of 2 bedroom apartments and 2, 3 and 4 bedroom houses.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from an existing derelict warehouse to a residential development consisting of 74 dwellings made up of 2 bedroom apartments and 2, 3 and 4 bedroom houses on land at Holcombe Road, Helmshore, Rossendale BB4 4NB in accordance with the terms of the application, Ref 2011/0046, dated 25 January 2011, subject to the conditions set out in the schedule attached to this decision.

Application for costs

2. At the inquiry an application for costs was made by Taylor Wimpey and Urban Regen against Rossendale Borough Council. This application is the subject of a separate decision.

Background/Clarifications

3. During the Council's consideration of the proposal various amendments were made to the scheme as originally proposed and a number of plans were superseded by the time the application was refused. The Council's decision was based on the amended plans.
4. The day before the inquiry the appellants sought to make further minor changes to the development. The changes relate to the substitution of 4 dwellings in the centre of the site. The alterations do not affect the number or nature of the houses. The four units would remain a pair of semi-detached and 2 detached houses. The layout would also remain the same. Given these circumstances it seems to me that consideration of these additional amendments would not prejudice the interests of any party. The plans are numbered 02-01K and 10082(PI)115, 116, 250A, 260. As a consequence the

conclusions below are based on the development proposed at the time of the Council's decision as changed by the 5 plans listed above.

5. By the time of the inquiry the Council had withdrawn its reasons for refusal and did not oppose the granting of planning permission for the development. It produced no evidence against the proposal and only participated in the inquiry proceedings to provide factual information and discuss conditions and the s106 undertaking provided by the appellant. During the course of the Council's determination of the proposal letters objecting to the scheme were received from members of the public. There were more written representations in response to the inquiry notifications and at the inquiry itself concerns about the development were also expressed by a number of local people. These have all been taken into account in reaching the conclusions below.

Main issue

6. Given the circumstances of the appeal, it seems to me that the main issue to consider is whether the proposal accords with national and development plan policies which seek to promote sustainable development including matters such as the principle of the development and the effects of it on the character, appearance and services of Helmshore.

Reasons

7. The development plan consists of the North West of England Plan Regional Spatial Strategy to 2021 (RSS) and the Rossendale Core Strategy Development Plan Document 2011-2026 (CS) together with the amended proposals map November 2011. I note that insofar as the main issue in this appeal is concerned there is no fundamental conflict between RSS and national policy.
8. Whilst the A56/M66 corridor is rural in character it is straddled by substantial settlements. Helmshore lies to the west of the A56 dual carriageway which separates it from Haslingden which is mostly to the east of the A road. Helmshore contains a range of housing and employment opportunities and an assortment of local facilities and services. On the amended proposals map it is shown within the settlement boundary. It is a large, vacant and somewhat neglected rectangular piece of land with a 2 storey brick office building at the front, facing Holcombe Road and a smaller warehouse/workshop building along the rear (eastern) boundary.
9. The principle of development - The site lies on the western limits of the built up area in the valley adjacent to the Ogden river. The land rises to the east to what appears to be the centre of the settlement at the roundabout crossroads of Helmshore Road and Gregory Fold/Broadway with its shops and schools nearby. There is a convenient footpath to the north of the site linking the site to Gregory Fold. It is only a short 5-10 minute walk to the shops/primary schools. The National Cycle Route 6 adjacent to the eastern boundary of the site means journeys by bicycle are also convenient. Access to these facilities by road is, however, rather more circuitous. It involves travelling south on Holcombe Road before turning north at the B6214 Helmshore Road.
10. For a short stretch the footpath to Gregory Fold is rather steep and this would discourage journeys on foot to the shops/schools by some people who are either unable or unwilling to tackle the slope. However there is also a shop along Holcombe Road which can be reached without any steep inclines and the No.11 bus would provide access by public transport (a couple of minutes ride)

to those facilities on higher ground and also to the wider bus network operating along Broadway and Helmsshore Road.

11. In addition, information provided by the appellants indicates a range of services/employment is available within easy reach of the appeal site which can be accessed by a variety of means of transport and those which are not, such as health facilities and a supermarket are within a reasonable travel distance in Haslingden. It has been said that health facilities and the like are oversubscribed, but no empirical evidence was submitted to the inquiry to substantiate that view.
12. The Council's Interim Housing Policy 2010 encourages the provision of housing within the defined urban area of Haslingden (which includes the appeal site) if, amongst other things, the development would reuse brownfield land, would contribute to affordable housing and would be built at an appropriate density. The appeal scheme satisfies these criteria. It uses previously developed land and would provide 15 affordable units and would have a density of 34dph.
13. The combination of the above leads to the conclusion that because the site is a brownfield one within the built up area which has reasonable access to a variety of goods and services by different modes of transport, its redevelopment would, in principle be, acceptable for residential development. The proposal would therefore be in accord with the objectives of national policy guidance in particular PPS 1: Delivering Sustainable Development and PPS3: Housing, development plan policies RSS policies DP1, DP4, DP5 and L5, CS policies 1, 3 and 4 and the Council's Interim Housing Policy 2010. In reaching this view I have taken account of the frequency of buses and their routes.
14. Education provision - The Council's second reason for refusal related to the predicted shortage of primary school places to serve the proposed development. The full correspondence between the parties in respect of education provision was not provided to the inquiry. However it appears that the situation in respect of school places changed during the Council's dealings with the application. Briefly, before the application was submitted it was not considered there would be a shortage, but by the time of the decision a shortfall had been identified and financial contributions to assist in their provision were sought, whilst after submission of the appeal further information indicated there would be no shortfall. As a result of these circumstances the reason for refusal was withdrawn.
15. At the inquiry it was still the view of some parties that there would be a problem with accommodating children from the development in local schools. However there was no substantive evidence from any party to seriously challenge the County Council's figures/conclusions that spaces would be available.
16. Evidence was submitted by the appellants which sought to demonstrate that the County Council's figures were flawed and at no time would there have been a shortfall. However by the time of the inquiry there was no longer an issue. By whatever means both parties had reached the conclusion that there would not be a shortfall of spaces. No detailed information from the County Council was available at the inquiry itself to indicate how it had arrived at this conclusion. As a result it is not possible to come to any meaningful conclusion about whether its methodology was flawed. Nor in my view is it necessary to do this, given the agreement by the parties that there would not be a problem

in relation to the availability of school places. From the information before me I am satisfied that the proposal would not overburden the education system by the demand for primary school places and would accord with RSS policy L1.

17. Employment land – The appeal site is shown as an existing employment area on the proposals map. In order to foster the economy, amongst other things, CS policy 10 seeks to safeguard/encourage the reuse of existing employment sites. The policy sets out criteria which must be met to justify the loss of existing sites. I am told that the appeal site has been vacant and/or marketed for about 8 years. In that time there has been some interest shown in developing the site, but nothing has come to fruition. A 2006 application (2006/17) for residential, industrial and commercial development was approved, but was not proceeded with.
18. Evidence provided by the appellant demonstrates why the site has and will continue to prove unattractive to the market for employment purposes. It is in a poor location both in terms of surrounding uses and distance from the main arterial roads in the locality. There is also ample other, better located land available. The Rossendale Employment Land Study 2009 commissioned by the Council generally supports the appellants' findings. At paragraph 9.19 it recognises that the appeal site has limited market attractiveness and recommends that a flexible approach to redevelopment for various uses including residential (paragraph 9.22).
19. From the information before me I see no reason to differ from the tenor of views expressed in the various reports. I appreciate that a number of residents believe the land could be put to a variety of other uses, but I have seen no information which supports the view that there is either serious interest in such uses or that they would be financially viable on the appeal site. I am satisfied that the loss of the site for employment purposes would generally meet the criteria in CS policy 10 and the objectives of RSS policies DP1, DP4 and W3 and those in PPS3 and PPS4: Planning for Sustainable Economic Growth.
20. Character and appearance - Holcombe Road is characterised by variety. There are strong reminders of the industrial heritage of the area with the Textile Museum (which is a listed building) to the north of the appeal site and the rows of stone terrace houses set at back of pavement or built very close to the road. These houses are interspersed with more modern residential units and there are former mills and other commercial/industrial units scattered along the roadside. The buildings vary in height and number of storeys and the external materials extend from stone, through brick to render. The building at the appeal site is of no particular merit, but the river frontage fringed by vegetation is a major positive factor in the street scene which links into the open landscaped land to the north around the museum.
21. To the south of the site, at the southern end of 352-374 Holcombe Road, the riverside with its greenery is again clearly seen from Holcombe Road and Station Road. There is a green corridor on all sides of the appeal site and this would remain. The footpath/cycleway to the east of the river loops round the southern and eastern sides of the site linking into the footpath from Holcombe Road to Gregory Fold.
22. The appeal scheme would retain and enhance the river frontage. Behind the frontage landscape, instead of an office building and car park would be

detached, semi-detached and terraced houses. They would generally face Holcombe Road and be served by a combination of minor pedestrian/vehicular accesses, not the main estate road. The houses would be primarily faced in artstone with the terrace of 5 properties at right angles to the road built in brick. In my view the public perception of the scheme would be of a modern development which reflects aspects of the existing built form without slavishly mirroring the existing properties in the locality. Along the north, south and eastern boundaries, with the exception of 3 units there would be garden/green areas between the properties and the boundaries. Moreover, the raised footpath/wooded slope to the east of the site would remain.

23. The proposal would undoubtedly change the appearance of the locality and I acknowledge that some of the views across the site would be lost. However I do not believe the changes proposed would result in a degree of change which would materially harm the visual amenity of the area.
24. It has been suggested that the proposal would result in overdevelopment of the site, but the proposed density would be 34 units per hectare. This would be an acceptable compromise between seeking to make the most efficient use of land which is required by policy at all levels whilst remaining sympathetic to the character and appearance of the locality. It is evident from the numbers and ages of properties that Helmsore has over the years become accustomed to new development. It is a relatively large settlement which to my mind can satisfactorily absorb the proposed number of units, even when taking into account the recent building which has taken place. There is no substantive evidence which demonstrates that the proposed development would fundamentally change the character of the settlement. It would replace employment use with residential, but the information before the inquiry indicates that the likelihood of redevelopment or reuse for employment purposes would be extremely remote. The combination of the above leads to the conclusion that the proposal would be in accord with the objectives of PPS1 and PPS3, RSS policies DP2, DP7 and EM3 and CS policy 23 in this respect.
25. Living conditions - The proposed layout would meet the Council's standards for space about buildings and would have an acceptable relationship with neighbours. I have looked in particular at 300 Holcombe Road. The front of this property faces south along Holcombe Road. Its garden abuts the footpath to Gregory Fold. Whilst there would be residential units to the south of the footpath, they would be set much further away from Holcombe Road. There would be no direct overlooking and the eastern elevation of the proposed block would have no openings. Given the separation, design and orientation of the existing house and the proposed units, I do not consider there would be an unacceptable impact in terms of privacy, light or overbearing impact between neighbours.
26. Similarly the existing properties to the east and south of the appeal site are at a higher level. The significant difference in ground levels between them and the proposed units, together with the rear boundary treatment of the existing properties would ensure a satisfactory relationship with these dwellings. The backs of the houses in the terrace numbered 352-374 Holcombe Road look out over the appeal site across the river Ogden. In terms of the Council's standards the separation between the new dwellings and the existing houses would be tight. However, there would only be 3 new units behind the terrace. And whilst the house to the north and south would front the backs of the

existing houses, they would only partially overlap the terrace and there would be the river in between. The middle unit would only have a side gable facing the terrace. There would also be large gaps between the new dwellings. Given these circumstances I do not consider the proposal would have an unacceptable impact on the living conditions of these residents. I find the proposal would comply with the objectives of CS policy 24.

27. Highways - Holcombe Road (B6235) is a minor road running from north to south and linking to Helmshore Road (B6214) in the south and Grane Road (B6232) in the north. The appellants carried out a traffic survey for 3 days in November 2011 which indicates that even in the peak hours (08.00-09.00 hours and 17.00-18.00 hours) the two way traffic flow on Holcombe Road was in the region of 350 vehicles. This is a relatively low level of traffic for a road of the nature of Holcombe Road. And given that the estimated number of trips generated by a development of 74 houses would add in the region of some 45-50 additional vehicles in the peak periods, the total usage of the road would remain relatively low.
28. Concerns have been raised about the impact of additional traffic on the junctions of Holcombe Road with the B6214 and the B6232. I do not doubt that at peak times it can be difficult to make turning movements at these junctions. However, it is not uncommon to have queues at junctions at peak times. The accident statistics for the past 5 years provided by the appellants indicate that there were 4 accidents at the Grane Road/Holcombe Road junction within that period. Three of them involved cars where the injuries were recorded as slight and the fourth a single pedal cyclist where the injuries were serious. There was also anecdotal evidence of an accident along Grane Road which involved a fatality in the summer months of last year, but no details were available as to the exact location or what vehicles were involved.
29. At the junction with the B6214 there were 2 accidents recorded, 1 involved 2 cars and 1 involved 1 car. In both the injuries were recorded as slight. I do not doubt that there have also been a number of bumps and scrapes which have gone unrecorded within that period. It is a matter of fact that there is always the potential for accidents when travelling by car and that at junctions when drivers have to exercise a degree of judgement there is room for human error, even when all relevant standards of road configuration are met.
30. I have also looked at the location of and the sight lines at the entrance to the appeal site together with its proximity to the drive at 352 Holcombe Road. Manual For Streets 2 recognises that whilst the Y distance at a junction should be based on the stopping sight distance, unless there is local evidence to the contrary, and a reduction in visibility below the recommended levels would not necessarily lead to significant problems. There is therefore flexibility in what is considered satisfactory visibility for drivers.
31. I saw at my visits that unrestricted on-street parking in the locality at times obscures visibility for some drivers when joining Holcombe Road. The vicinity is therefore one where visibility is already restricted for motorists and the accident statistics show it has not resulted in a high risk of collisions. It is the intention, as part of the development, to secure the restriction of on-street parking to both the north and south of the site entrance and this would ensure sight lines were not obscured by parked cars. Moreover in this case Lancashire County Council, as highway authority, were consulted on the development and they had no objections to the proposals in terms of highway safety. From my

- inspections of the site and the nearby road junctions at different times of day, the present and predicted traffic flows together with the recorded accident statistics, I am satisfied that approval of the proposal would not result in material harm to highway safety.
32. The proposal would therefore accord with the objectives of PPG13: Transport, RSS policies RT1, RT2 and RT4, and CS policy C8. I note that the proposed use would generate less traffic than the former offices and the previously permitted mixed use scheme.
33. Other material considerations - I acknowledge that a previous appeal on the site for a mixed use office and residential development was dismissed in 2004, but from reading that decision it appears that the situation has changed somewhat since then. In particular, in the present appeal, the site has been vacant for 8 years, there is no uncertainty about the bus services nor is there any suggestion that the proposal would add unnecessarily to the short term supply of housing land. Moreover it has been demonstrated that the site is unattractive and poorly located for employment uses and that there is ample better located land available.
34. I am required to assess the merits of the scheme before me, that is, whether or not the proposed development is acceptable in planning terms. My remit cannot include making a judgement on vague/non-specific alternative schemes which take account of individuals' preferences for different housing layouts/lower density nor any scheme which is not before me for determination. A number of other concerns raised about land contamination, drainage/flooding and the like could be addressed by appropriate conditions. There have been no objections from the Environment Agency on these counts. Similarly the provision sufficient/adequate open space, improvements to cycle, walkways and bus facilities, ensuring safe visibility at the access and providing affordable housing is dealt with by the legal undertaking provided by the appellant. As a consequence these matters would not preclude approval of the proposal. Factors such as the impact on property values are not planning matters.
35. The Council suggested a number of conditions which for the most part were agreed by the appellant in principle before the inquiry. I have looked at and amended those conditions in the light of Circular 11/95. I consider them all to be necessary apart from removing permitted development rights to convert garages into ancillary domestic accommodation. It is not necessary because alternative parking would be generally available at properties and any on-street parking would be likely to be within the confines of the estate. It would not cause congestion or impede the free flow of traffic on Holcombe Road.
36. For the avoidance of doubt it is necessary to specify the approved plans. Approval of materials would be in the interests of visual amenity, as would the protection of retained trees, implementation of the landscaping scheme and a riverside buffer together with details of future management including the treatment of Japanese knotweed. Site investigations and remediation of possible sources of land contamination would safeguard public health and approval of floor/ground levels together with surface water details would reduce the risk of flooding. Provision of parking and a satisfactory standard of road/footpath construction would be necessary in the interests of highway safety and orderly site development, as would the provision of suitable wheel washing facilities during construction. Improvements to the footpath/cycleway

- on the eastern boundary of the site, together with a travel plan will encourage travel by sustainable means of transport.
37. The provision of a fish pass would protect and enhance ecological interests and bat activity surveys would ensure the development did not harm this protected species. Providing for an element of renewable energy/reduction in energy consumption within the scheme would be in the interests of sustainable development, whilst restricting the hours of use would safeguard the living conditions of neighbours.
38. The appellants have produced a s106 unilateral undertaking dealing with various matters. Such undertakings must be necessary to make a development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. CS policy 22 sets out the types of matters which are likely to be included in an undertaking when there is an acknowledged deficiency or improvements need to be made. It also says that where the proposals involve the development of previously developed land, only those contributions deemed essential to help deliver the site and/or provide benefits to the immediate community. Guidance on such matters is set out in a variety of documents including the County Council's Planning Obligations in Lancashire Policy (updated September 2008) and the Council's Open Space and Play Equipment Contributions SPD 2008.
39. In terms of encouraging sustainable travel and highway safety, the s106 undertaking includes provision for the upgrading of the bus stop (providing a shelter) outside the appeal site together with a contribution towards its future maintenance, a contribution towards the running of the No.11 bus and a contribution towards a traffic regulation order to limited on-street parking near the access to accord with the objectives of CS policies 1 and 9; the provision of 15 affordable housing units to meet the requirements of the Council's Interim Housing Policy Statement 2010 and CS policy 4; and a contribution towards the provision of open space commensurate with the scale of the development. I am told the expenditure would be used in Helmshore in accord with the Council's open space strategy. I consider the provisions of the s106 are necessary to meet the requirements of planning policy, directly related to the development and commensurate in scale.
40. Conclusion – I have taken account of all the other matters raised including wildlife interests and the appellants' conclusions on the 5 year supply of housing land. I note in respect of the latter that the issue of oversupply of housing land was not raised as an issue by the Council either in its reasons for refusal or its inquiry statement. When taken together none change the overall conclusion that the proposal would, subject to appropriate conditions and the s106 undertaking, be acceptable and would meet the general requirements of national and development plan policies in so far as they seek to encourage sustainable development, ensure the infrastructure of an area is not overburdened, and protect interests of acknowledged importance such as the character and appearance of an area, the living conditions of neighbours and the like. I shall allow the appeal.

D L Burrows

INSPECTOR

APPEARANCES

Rossendale Borough Council did not oppose the granting of planning permission. The extent of its participation in the inquiry was limited and it set out below.

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Leader	Counsel (in relation to the session on conditions /s106 undertaking and to respond to the costs application)
Mr S Stray	Planning Manager Rossendale BC (in relation to the conditions/s106 undertaking)
Ms C Ridge	Assistant Planner Rossendale BC (in relation to the conditions/s106 undertaking)

FOR THE APPELLANT:

Mr P Village	Queens Counsel
He called	
Mr B O’Herlily	Preston O’Herlily
Mr C Self	CSa Environmental Planning
Mr D Boswell	David Boswell and Associates Ltd
Mr R Barton	HOW Planning LLP

INTERESTED PERSONS:

Mr D Williams	Local resident
Mr A Woods	Local resident
Mrs G Garriff	Local resident
Mr J McManus	Local resident
County Councillor P Evans	Lancashire County Councillor

DOCUMENTS

- 1 Attendance list
- 2 Notifications of inquiry 29 December 2011 and 19 January 2012
- 3 Planning Obligations in Lancashire Policy
- 4 Open Space and Play Equipment Contributions SPD
- 5 Breakdown of transport contributions requested by RBC
- 6 5 March 2012 HOW letter to RBC requested plan amendments and new condition
- 7 S106 undertaking
- 8 Mr Williams email 8 February 2012
- 9 Emails submitted with RBCs response to costs application
- 10 Papers submitted with appellant’s final submissions on costs application
- 11 RBC response to costs application

PLANS

- A 5 plans submitted with 5 March 2012 HOW letter 02-01K, 10082(PI)115, 116, 250A and 260A

**SCHEDULE OF CONDITIONS for planning permission
APP/B2355/A/11/2159598**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the annex attached to this permission.
3. Notwithstanding the details shown on the approved plans and prior to development commencing, samples of the facing materials to be used in the construction of the external elevations and roofs of the buildings/walls hereby permitted shall be submitted to and approved in writing by the local planning authority. The buildings/walls shall be constructed using the approved materials.
4. No development shall take place until a site investigation of the nature and extent of contamination of the site has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The methodology shall incorporate measures for a verification plan to validate all aspects of the remediation works. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site (including timing of works) to render it suitable for the development permitted shall be submitted to and approved in writing by the local planning authority before development begins. The site shall be remediated in accordance with the approved measures. If, during the course of development, any contamination is found which has not been identified in the site investigation, construction/development works on the contaminated area shall cease until such time as additional measures (including timing of works) for the remediation of this source of contamination have been submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
5. No development shall take place until details of the proposed floor and ground levels have been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved floor/ground level details.
6. No development shall take place until details of the drainage of the site have been submitted to and approved in writing by the local planning authority. The submitted details shall include a surface water regulation system and a separate foul water system. The development shall be carried out and completed in accordance with in accordance with the timing of provision included in the approved drainage details.
7. Prior to occupation of any dwelling the associated drive and/or parking space(s) to serve it shall be surfaced with a hard permeable material and shall thereafter be kept available for the parking of vehicles.
8. Development shall not commence until details of the estate roads construction and improvement of the bridge crossing of the river Ogden to a standard to enable them to be adopted by Lancashire County Council have been submitted to and approved in writing by the local planning authority.

- The submitted details shall include the timing of the proposed road works. The works shall be carried out in accordance with the approved details.
9. Development shall not commence until details of improvement works to the footpath situated adjacent to the northern boundary of the site have been submitted to and approved in writing by the local planning authority. The approved works shall be completed prior to occupation of the first dwelling.
 10. Prior to the occupation of the first dwelling hereby permitted, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented, updated and audited in accordance with the approved details.
 11. Development shall not commence until all the trees within or overhanging the site (with the exception of those trees clearly shown to be felled on approved plans c-673-01 and 02) have been protected in accordance with tree protection measures which have been previously submitted to and approved in writing by the local planning authority. The approved measures shall remain until the development is complete and no work, including any form of drainage or storage of materials, earth or top soil shall take place within those areas unless first approved in writing by the local planning authority.
 12. A programme for the implementation of the approved landscaping scheme (including fences, walls, gates and hardstandings) shall be submitted to and approved in writing by the local planning authority before development commences. The approved programme shall be implemented concurrently with the development. Any trees or shrubs removed, dying or becoming severely damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of similar size or species to those originally required to be planted, unless the local planning authority has agreed otherwise in writing.
 13. Development shall not commence until details of a buffer zone alongside the river Ogden have been submitted to and approved by the local planning authority. The details shall include a schedule of works and their timing, a detailed method statement for the removal and long term management/eradication of Japanese knotweed and a riparian management plan. The riverside buffer shall be provided and managed in accordance with the approved details.
 14. Development shall not commence until details of a new fish pass (as identified on approved plan 02-01K) have been approved in writing by the local planning authority. The details shall include long term management and maintenance schedules, together with a programme for construction of the pass. The development shall be carried out in accordance with the approved details.
 15. Prior to the demolition of the existing buildings on the site a bat activity survey shall have been carried out between May and October and the results of the survey provided to the local planning authority. If signs of bats are found, details of demolition including timing of such works shall be submitted to and approved in writing by the local planning authority. Demolition shall take place in accordance with the approved details.

16. Development shall not commence until details of the facilities within the development to provide for 10% of total energy usage from renewable sources or a 10% reduction in energy usage through energy efficiency measures, or a combination of the two have been submitted to and approved by the local planning authority. The details shall include the timing of the provision of these measures. The development shall be implemented in accordance with the approved details.
17. Prior to the commencement of demolition, remediation and/or construction works, facilities for the washing/cleaning of the wheels of vehicles using the site shall be provided and maintained on the site until the development is complete.
18. Demolition, remediation and/or construction works in connection with the development hereby permitted shall only take place only between 07.00 to 19.00 hours Mondays to Fridays, 08.00 to 13.00 hours on Saturdays and at no time on Sundays, public or bank holidays.

ANNEX

approved plans

1. Site plan 10082(PI)010
2. Planning Layout 02-01K
3. Massing diagram 10082(PI)020
4. Gable detail diagram 10082(PI)021A
5. Materials, fencing and bin store diagram 10082(PI)030A
6. Survey of existing TPO trees c-673-01
7. Tree protection and special construction details c-673-02
8. Soft landscaping proposals c-673-03
9. Typical bin store detail BST-01
10. Plans D1227V-WD 10082(PI)101
11. Plans D1251-WD 10082(PI)102
12. Plans D1216-WD 10082(PI)103
13. Plans AA22 10082(PI)104
14. Plans AA31 10082(PI)105
15. Plans AB41 10082(PI)106
16. Plans PA32M 10082(PI)107
17. Plans PA34 10082(PI) 108
18. Plans PA42 10082(PI)109
19. Plans PD41 10082(PI)111
20. Plans PD43 10082(PI)112
21. Plans H908 10082(PI)114

22. Plans H1089 10082(PI)115
23. Plans PD41 10082(PI)116
24. Elevations AA22 Art Stone River 10082(PI)201
25. Amended elevations AA22 Brick 10082(PI)202D
26. Amended elevations AA31 Brick 10082(PI)203D
27. Amended elevations AB41 Brick 10082(PI)204D
28. Amended elevations D1227V-WD Art Stone 10082(PI)205B
29. Amended elevations D1227V-WD Art Stone River 10082(PI)206B
30. Amended elevations D1227V-WD Brick 10082(PI)207D
31. Amended elevations D1251-WD Art Stone River 10082(PI)208B
32. Amended elevations D1251-WD Brick 0082(PI)209D
33. Amended elevations H908 Art Stone 10082(PI)210A
34. Amended elevations H1216-WD Brick 10082(PI)211C
35. Amended elevations H1216-WD Brick 10082(PI)212A
36. Amended elevations PA32M Art Stone River 10082(PI)213A
37. Amended elevations PA32 Art Stone River 10082(PI)214A
38. Amended elevations PA32 Brick 10082(PI)215D
39. Amended elevations PB32 Brick 10082(PI)217C
40. Amended elevations PS 32 Brick 10082(PI)218A
41. Amended elevations PD41 Art Stone 10082(PI)219A
42. Amended elevations PD43 Art Stone 10082(PI)220A
43. Amended elevations PD43 Brick 10082(PI)221C
44. Amended elevations PD46 Art Stone River 10082(PI)223A
45. Amended elevations PD46 Brick 10082(PI)224D
46. Amended elevations H1089 Art Stone 10082(PI)250A
47. Amended elevations PD410 Art Stone 10082(PI)260A
48. Apartment block A Floor Plans 10082(PI) 141
49. Apartment Block A Option 10082(PI) 242A
50. Apartment Block A Elevations 10082 (PI)241D
51. Street scenes 10082(PI) 281B
52. External Plans 02-01DH
53. Additional Landscape Proposals c-673-04
54. External Screening Details – Fence 4 (Fence 4)
55. Planning Layout/Parking Provision 02-03

Appendix 2

Daniel Connolly
Hourigan Connolly

Business Directorate
Planning
The Business Centre
Futures Park
Bacup
OL13 0BB

Sent by email to:

This matter is being dealt with by:
Telephone: 01706 238637
Email:

Our reference: 2019/0028PREAPP

Date: 19/07/2019

Dear Daniel,

Reference No: 2019/0028/PREAPP

Proposal: Pre Application Enquiry: Outline (with access) Demolition of buildings and replacement with residential development

Location: Wavell House, Holcombe Road, Helmshore, Rossendale, BB4 4NB

Introduction

Thank you for your enquiry. I write to summarise the key points discussed within the meeting of 18 July 2019 with you and your client Brian Jones who is the site owner. All content and advice are as at the date of this letter, and you are asked to note that matters may be subject to change.

Please note that a full assessment of the proposal can only be made as part of a planning application. Comments made in this letter are for general guidance only and are made without prejudice to the determination of any future planning application.

Site and context

The site extends to 0.48 hectares and is located on the western side of Holcombe Road, to the south west of Helmshore and around 1.8km from Haslingden Town Centre. The site lies to the east of a network of public rights of way.

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The site itself comprises Wavell House, which is a two storey building in office use, and a large car park to the rear. There are two further smaller buildings located in the car park, to the rear of the main building.

Access into the site is taken from Holcombe Road, to the south side of the building, directly opposite the Station Road / Holcombe Road junction.

The surrounding area is characterised predominantly by residential uses. To the east and south are residential dwellings, and to the west is open countryside. Planning permission for change of use from offices to 48 residential apartments was approved with conditions in 2014 (2014/0297) on the adjoining mill building immediately to the north. The permission was implemented and some of the apartments are now occupied.

The site is currently leased by Rossendales Ltd who use the premises for B1 office purposes. The lease terminates in 2020 however the tenant has expressed an interest with the landlord in an early release. As such the building owner is required to find either a new tenant or consider alternative options for the site. Your client explained that his preference would be to secure a new tenant and so instructed Trevor Dawson to bring the site to market for all enquiries in January of this year.

The site is shown on the Adopted Proposals Map (1995) as an 'Employment Site' however this policy was not saved by the adopted Core Strategy (2011). The site is within the Urban Boundary and is 'brownfield' in planning terms. It is not within a Conservation Area nor does it contain listed buildings or Tree Preservation Orders. The site lies within Flood Zone 1.

Proposed development

Advice is sought on the demolition of all existing buildings and the redevelopment of the site for a residential development. You propose to submit an outline application with all matters reserved except for access, within the next two months. An indicative layout has been submitted which demonstrates how the site can be redeveloped to accommodate 14no. dwellings, however I understand that you do not seek comments on the layout as part of this enquiry.

Planning history

x/1993/508 – Construction of car park and erection of gate house. Approved.

2014/0297 - External works (including changes to elevations of building & landscaping) to facilitate the change of use from offices to 48 no residential apartments. Approved.

2016/0202 - Variation of Condition 2 of Planning Permission 2014/0297 (to vary external alterations/appearance of buildings). Approved.

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 5	Strategy for South-West Rossendale
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement

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Policy 3	Distribution of Additional Housing
Policy 4	Affordable Housing
Policy 7	Social infrastructure
Policy 8	Transport
Policy 9	Accessibility
Policy 10	Provision for Employment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

National

National Planning Policy Framework (2019)

Achieving sustainable development

Decision-making

Section 5 Delivering a sufficient supply of homes

Section 6 Building a strong, competitive economy

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the Challenges of Climate Change, Flooding, etc

Section 15 Conserving and Enhancing the Natural Environment

Other material considerations

RBC Alterations and Extensions to Residential Properties SPD

LCC Planning Obligations in Lancashire (2008)

RBC Open Space & Play Equipment Contributions SPD (2008)

Emerging Local Plan

The acceptability of the proposal

Principle

Loss of employment

The site is shown on the Adopted Proposals Map (1995) as an 'Employment Site' however this policy was not saved by the adopted Core Strategy (2011). The site is within the Urban Boundary and is 'brownfield' in planning terms. The site is currently in active employment use and therefore Policy 10 of the Core Strategy is relevant. It states that the loss of existing employment sites and buildings to non-employment generating uses will only be supported where certain criteria are met:

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*“(a) re-development for employment uses has been adequately demonstrated to the satisfaction of the Council to be economically unviable and the site is unlikely to be used for existing or future employment purposes, or
(b) the access to the site is poor and cannot be adequately improved, or
(c) the current, or any alternative employment, use has a significant adverse impact on the neighbouring land uses, or
(d) the site and/or buildings are significant heritage assets and their re-use or development is the most appropriate means to secure and maintain an acceptable and viable use that is consistent with their conservation, and in all cases:*

*(e) the site has been marketed for 12 months, or less in exceptional circumstances, using a methodology agreed by the Council, and
(f) the development will have no unacceptable adverse impacts on surrounding land uses.*

The re-use and retention of suitable buildings, including those in rural areas, for appropriate employment generating uses will be supported where:

- it assists diversification of the existing employment base, or*
- it supports the creation or growth of a local business, or*
- it retains buildings of significant architectural, historic or artistic interest, or*
- it contributes to a wider regeneration initiative, and in all cases*
- The proposal promotes the enhancement of the environment and accessibility provision, minimises transport impacts and makes best use of the existing space.”*

Policy 10 contains two main elements. Firstly an application will need to satisfy one of the criteria (a) to (d). I envisage that only (a) would be of relevance here, and you will need to ensure that this is fully explained in your application. Secondly, you will need to demonstrate compliance with (e) and (f). I understand that Trevor Dawson was instructed to market the site for “all enquiries” in January of this year, and to date (7 months) no enquiries have been received. As the policy requires 12 months of marketing to be undertaken, if you do not have this at the time of submission, you will need to explain why. Please ensure that the Marketing Statement explains the methods of marketing used i.e. boards, brochures, emails, mailshots etc. and the price being sought, as well as details of any offers received and if they were rejected, an explanation of why. Has it been added to the Council’s Property Register? The Statement shall provide details of all enquiries made i.e. by who, for what uses / businesses, and what was the outcome, were the enquiries followed up etc.

It is positive that marketing is currently underway however it will only be possible to reach a conclusion on the acceptability of the loss of employment on this site upon receipt and review of the marketing statement.

Proposed residential development

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The Council cannot currently demonstrate a five-year supply of deliverable housing sites based on Full Objectively Assessed Need (FOAN), and therefore certain Core Strategy policies concerned with the supply of housing cannot be considered up-to-date (in line with paragraph 49 of the Framework). Notwithstanding this, Policy 1 directs new development to the Urban Boundary (the site is within this area) and requires individual planning applications to make the best use of under-used, vacant and derelict land and buildings. Policies 2 and 3 are supportive of housing development on previously developed land within the Urban Boundary.

A Planning Statement / Design and Access Statement should identify the sustainability of the site, giving details of public transport links, proximity to schools, services etc. and whether any are accessible on foot.

A scheme of around 14 dwellings would contribute to reducing the shortfall in housing supply for the Borough over the plan period. Officers would attach moderate weight in favour of a residential scheme at this site in respect of its contribution to housing supply.

Other material considerations

Emerging Local Plan

The site is noted as an existing employment use, and is proposed to be allocated (ref EE20) and therefore protected for employment uses (B1, B2 and B2) by Policy EMP2.

Fall-back position

You have asked me to comment on what you consider to be your client's "fall-back" position which is that permitted development rights exist in Class O of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows the change of use of the buildings and land at this site (B1 a offices) to residential dwellings (C3). Development under this class is permitted subject to an application first being made to the Local Planning Authority for a determination as to whether prior approval will be required as to: a) transportation and highways impacts; b) contamination; c) flooding; and d) impacts of noise from commercial premises. Finally, development under Class O must be completed within 3 years from the prior approval date.

You consider that this permitted development right represents your client's fall-back position. Given that the site is likely to become vacant during 2020 unless a new tenant is secured, it is reasonable to assume that your client will need to fully explore alternative options for this site. By engaging in pre-application discussions with the Local Planning Authority, it is clear that your client intends one way or another, to redevelop this site. As such I would agree that exercising the permitted development rights under Class O could be a realistic option in this case, and therefore this fall-back position weighs in favour of a proposal for residential development.

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Highway matters

Access will be a matter for approval in the outline application and as such details of accessibility to and within the site for vehicles, cycles and pedestrians will need to be provided. From the draft layout submitted with this enquiry, access is proposed to be at the approximate centre of the site. I note that there are bus stops located outside of the site on Holcombe Road which would need to be taken into account when designing a suitable access.

The outline planning application shall be accompanied by a Transport Statement, adoption details and details of the construction of the road. I recommended that a suitably qualified highway consultant should design the proposed site access and you have already informed me that you will be engaging with Lancashire County Council Highways prior to submission.

Planning contributions

In accordance with the Planning Practice Guidance (paragraph 034), information about the proposed use and the amount of development proposed for each use is necessary to allow consideration of an application for an outline planning permission. This shall be expressed as “up to x no. of dwellings” in the description of development, and this will enable an assessment to be made as to whether the scheme triggers the following planning contributions:

- Public open space (Policy 22); and
- There may be a requirement for a contribution towards education provision should a need arise from the development. This would be confirmed once an application is submitted (Policy 22).
- Affordable housing (Policy 4).

If the above is relevant, in order to avoid delays during the determination of the application, please include the following with any application:

- Confirmation of the applicant’s agreement to provide the contributions;
- Details of the applicant’s solicitor; and
- The applicant’s agreement to pay the necessary fees to the Council’s Legal Team to draft a Section 106 Agreement.

Community consultation

In accordance with the adopted Statement of Community Involvement (February 2019), consultation with local residents and councillors should take place prior to the submission of an application. For a scheme of this scale I would suggest that this could entail the circulation of leaflets with draft proposals; and / or on-line and / or on-site information on draft proposals. Feedback should be requested within a specified time-scale to allow changes to be made. A Consultation Statement shall be submitted with the planning application, which describes the community consultation

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that has been undertaken, sets out the comments received and whether / how they have been taken on board.

The site lies in Helmshore ward and the elected councillors are Councillor Brian Essex, Councillor Tony Haworth and Councillor David Stansfield.

Submission requirements

Please have regard to the Council's Validation Checklist (December 2016) which can be viewed at:

http://www.rossendale.gov.uk/news/article/499/planning_validation_checklist

In particular, please ensure the application is accompanied by the following:

- Design and Access Statement
- Energy Statement (see Policy 19 of the Core Strategy)
- Planning Statement
- Consultation Statement (this can be incorporated within the Planning Statement)
- Proof of Marketing Statement
- Transport Assessment
- Adoption Statement
- Full details of the access and road, footways etc into and within the site
- Phase 1 Contamination Report
- Arboricultural Impact Assessment including Tree Survey (trees are located immediately to the west)
- Drainage scheme

Scheme of delegation

Given the number of dwellings proposed, an application would be determined by Development Control Committee. The forthcoming meeting dates are: 5 November 2019, or 10 December 2019.

Conclusion

The key consideration in the determination of a planning application for residential development at this site is whether a case can be made to demonstrate compliance with Policy 10 of the Core Strategy, as the site is in active employment use as B1a offices. An application must be accompanied the necessary evidence to demonstrate that the site is no longer suited to modern employment needs. There are factors weighing in favour of the application such as the lack of a 5 year supply of housing, the sustainability credentials of the site, and the fall-back position. All matters will be considered in the planning balance.

If you do not submit a planning application straight away please be advised that planning policies / legislation may have changed and I would advise contacting the Planning Section who can advise on the current planning policy situation.

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I hope this answers your queries, please do not hesitate to contact me if you require any further assistance.

Yours sincerely,

Lauren Ashworth
Principal Planning Officer
Development Management

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