

**RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE
DEFERRED AND DELEGATED TO THE DIRECTOR OF COMMUNITY
SERVICES SUBJECT TO LEGAL AGREEMENT**

DATE: 16 AUGUST 2012

REF: SW/CMS

CHECKED BY:

APPLICATION NO: 3/2012/0379/P (GRID REF: SD 373742 440826)
PROPOSED MATERIAL AMENDMENTS TO APPROVED SCHEME (3/2010/0897/P) FOR
DEMOLITION OF PRIMROSE MILL SITE FOR RESIDENTIAL DEVELOPMENT FOR 12
APARTMENTS AND 2 DWELLINGHOUSES (THIS APPLICATION RELATES TO 12
APARTMENTS ONLY) AT PRIMROSE MILL, WOONE LANE, CLITHEROE

TOWN COUNCIL: No objections.

**ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):** No objection in principle on highway safety grounds.

UNITED UTILITIES: No comments received at the time of report preparation.

ENVIRONMENT AGENCY: No comments received at the time of report preparation.

**ADDITIONAL
REPRESENTATIONS:** No comments received at the time of report preparation.

Proposal

This application takes the form of a full submission for material alterations to a scheme approved previously under 3/2010/0897/P for a replacement building to thea mill to accommodate 12 apartments.

The scheme put forward here details a four-storey building roughly 'L' shaped in appearance with an overall footprint of approximately 18.9m x 16.5m and optimum height of approximately 13.5m. Its design has been revised since initial submission in order that the structure would have a natural stone finish to all elevations and not the expanses of brick and render to the elevations facing into the site as originally put forward. The roofing material would be slate under which would be uPVC windows and steel doors painted black.

Site Location

The site (0.2 hectare) lies to the west of Woone Lane within the identified settlement limit of Clitheroe. To its immediate west are presently commercial buildings, which together with this site and land extending towards the railway line to the north-west form part of a wider approved housing scheme. To the south lies a commercial business with public footpath no 17 passing between that and the application site. The mill building which occupied this site was demolished earlier this year.

Relevant History

3/2012/0394/P – Reserved matters consent for the design and appearance of proposed residential units including adjacent access ways, roads and footpaths, plus ancillary landscaping (78 units) – approved with conditions.

3/2012/0392/P – Proposed amendment of previously approved reserved matters application 3/2010/0756/P at site of Rectella Works – approved with conditions.

3/2010/0897/P – Proposed demolition of existing mill site for residential development for 12 apartments and 2 dwellinghouses, amendment to approved residential scheme 3/2008/0526/P – approved with conditions.

3/2010/0472/P – Adjustment of site access – approved with conditions 8 October 2010.

3/2008/0526/P – Regeneration of site around and including Primrose Mill for residential development (maximum 162 units) including improved site access, highway improvements and provision of public open space – approved with conditions 24 March 2010.

Relevant Policies

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy A1 - Primrose Area Policy.

National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

The principle of a replacement mill structure has been approved previously under 3/2010/0897/P and thus the matters for consideration under this material amendment scheme are visual and residential amenity, highway safety and how the proposals should be considered against the Section 106 Agreement that covers the wider site.

The mill that has recently been demolished was considered a heritage asset under the terms of PPS5 which was the National Heritage Policy document in force when the previous scheme was considered. The building was neither listed nor within a conservation area and the approach taken in considering the previous scheme was that the wider regeneration benefits of the scheme carry significance and thus the demolition of the mill whilst regrettable was acceptable in principle. The design of the new building was reflective of the commercial architectural style of the mill and combined both the tradition style with more contemporary style fenestration detailing in the use of large expanse of glazing and flat roof sections. The design put forward for consideration under this scheme has been amended since first submission in order to secure the use of natural stone on all elevations – previously the elevations within the body of the site were to have been a mix of render, brickwork and smaller areas of natural stonework. The footprint of the building is slightly reduced from the previous detailed scheme and at an optimum height of approximately 13.5m is approximately 2m below the optimum ridge of the previously approved scheme. Fenestration details now shown provide a more domestic proportion to window openings but I am of the opinion that the scheme shown would still remain sympathetic to the history and heritage of the former mill which occupied this site. Thus in design and visual amenity terms the scheme is considered appropriate.

In assessing residential amenity it is important to have regard to the relationship of the proposed apartment block with surrounding development both existing and proposed. In terms of distances to proposed dwellings under other approvals the relationship between this apartment block and apartment block 2 would provide distances between habitable rooms at less than the 21m advocated in our SPG when considering extensions and alterations to dwellings. The distance would be approximately 17m. However the 21m is an indicative figure when considering extensions on properties which already exist whereas this is a new residential development where purchasers will be aware of the layout as approved and resultant relationship between properties. This is a distance which has been considered acceptable elsewhere on the wider primrose redevelopment and is also reflective of the characteristics of the surrounding area where facing distances between terrace dwellings can be as little as 12m. I am also mindful of the relationship with the commercial premises operated by Lodematic to the opposite side of the public footpath and the proposed apartment building. In considering the previous outline submission and subsequent detailed replacement mill building application it was deemed appropriate to impose a condition requiring the submission of noise mitigation measures on units on the southern side of the site in order to protect their amenities. I would consider it equally relevant to this submission and subject to this proviso would not conclude there to be any significant residential amenity issues resulting from this scheme.

In respect of highway safety this scheme, as with its predecessor, reduces the total number of residential units on this part of the overall site from that envisaged in the initial outline application. Parking provision is provided in the form of a courtyard parking area to the rear of the building with the County Surveyor commenting that the 12 spaces provided is the minimum acceptable provision for this aspect and that he is satisfied it would not have a detrimental impact on highway safety within the site or on the adjacent local highway network. Having regard to these comments and the phasing mechanisms of the outline consent and requirements for highway improvements, it is important to ensure that this scheme again secures those works.

Turning to Section 106 Agreement issues, it is important to remember that the Agreement contains trigger mechanisms for the payment of money towards open space, highway works and affordable housing with the first two contributions linked towards the legal completion of sale of set numbers of housing units be it market or affordable. Should committee be minded to approve this application, some mechanism will need to link into that Legal Agreement in order that the trigger points previously agreed are still activated at certain points of the overall development. This has been discussed with one of the Council's Legal Officers and a Deed of Variation can be drafted in order to achieve this.

Therefore having carefully considered all the above, I am of the opinion that the design put forward would not prove significantly detrimental to visual amenity, nor would it prove detrimental to residential amenity or highway safety. There is a need to ensure that the scheme is linked to the existing Section 106 Agreement for the wider site and subject to this I recommend accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity, nor would it have an adverse visual impact or be to the detriment of highway safety.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services subject to drafting a Deed of Variation within 6 months of the date of this decision, to the existing Section 106 Agreement and subject to the following conditions:

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. apt3/001 – apartment type 3 elevation 1 amended 19 July 2012.
apt3/002 – apartment type 3 elevation 2 amended 19 July 2012.
apt3/003 – apartment type 3 elevation 3 amended 19 July 2012.
apt3/004 – apartment type 3 elevation 4 amended 19 July 2012.
apt3/005 – apartment type 3 ground floor plan, amended 10 July 2012.
apt3/006 – apartment type 3 first floor plan, amended 10 July 2012.
apt3/007 – apartment type 3 second floor plan, amended 10 July 2012.
apt3/008 – apartment type 3 third floor plan, amended 10 July 2012.
csp/002 – coloured site plan.
loc/002 – location plan.
matbound/002 – materials and boundary treatment plan.
SD/SW7 1200mm high screen wall and railings.
3244.001 – landscaping specification.
D3244.001 – landscaping layout plan.
D3244.002 – planting plan.
3. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

4. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation which shall have first been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policies G1, ENV14 and ENV15 of the Ribble Valley Districtwide Local Plan.

5. Prior to the commencement of development a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and thereafter retained in perpetuity.

REASON: In order to encourage renewable energy and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. Prior to commencement of development approved by this planning permission (or such other date or stage in development as maybe agreed in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority.

1. A site investigation scheme, based on desk study report, Primrose Mill, Primrose Road, Clitheroe, Lancashire for Beck Developments Ltd, GEA, June 2008, Ref J07352 to provide information for a detailed assessment of the risk to all receptors that maybe affected, including those off site.
2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

REASON: To prevent the pollution of controlled waters from potential contamination on site in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

REASON: To reduce the increased risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

8. The new estate road will be constructed in accordance with the Lancashire County Council Specification for Construction of Estates Roads prior to occupation of any of the dwellings.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and to ensure that satisfactory access is provided for the site before the development hereby permitted is occupied.

9. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) a scheme for recycling/disposing of waste resulting from construction works.

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

10. The parking bays for the apartments as shown on drawing csp/002 shall be provided and made available for use prior to occupation of any of the apartments.

REASON: In the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

11. The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

12. Prior to commencement of development a scheme detailing noise mitigation measures to be incorporated into the design of the apartment building shall be submitted to and approved in writing by the Local Planning Authority. The measures so submitted and approved shall thereafter be fully implemented prior to the first occupation of the apartment units to which they relate and thereafter retained.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan in the interests of safeguarding the amenity of occupiers of the new units.

13. No development shall take place until details of the provisions to be made for building dependent species of conservation concern artificial bird nesting boxes and artificial bat roosting sites have been submitted to and approved in writing by the Local Planning Authority.

The details shall be submitted on a building dependent bird/bat species development site plan and include details of plot numbers and the numbers of per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated [north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats] and type and make of bird boxes and bat roof tiles i.e. Ibstock.

The artificial bird/bat boxes shall be incorporated into those dwellings/buildings during the construction of those individual plots identified on the submitted plan in accordance with the approved details and under the supervision of the local RSPB Swift/Swallow Officer in liaison with the Council's Countryside Officer.

REASON: To enhance nesting/roosting opportunities for bird/bat species of conservation concern and reduce the impact of development in accordance with Policy ENV7 of the Ribble Valley Districtwide Local Plan and to ensure that bird and bat species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and the Lancashire Biodiversity Action Plan.

14. This permission shall relate to the S106 Agreement dated 24 March 2010 and Deed of Variation dated.....which include triggers for highway improvements and contributions towards the off-site delivery of public open space.

REASON: For the avoidance of doubt as the application is the subject of a legal agreement that covers the wider Primrose re-development area.

INFORMATIVES

1. The units hereby approved should achieve a minimum Level 3 of the Code for Sustainable Homes.
2. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpath 17 abuts the site.
3. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.

