

**TITLE: APPLICATION NUMBER 2004/513  
EXTENSION, ALTERATION AND CONVERSION OF MILL TO FORM 25  
RESIDENTIAL APARTMENTS INCLUDING FORMATION OF PASSING  
BAYS ALONG EDENWOOD LANE  
AT: EDENWOOD MILL, EDENWOOD ROAD, RAMSBOTTOM**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE / 10<sup>th</sup> JULY 2006**

**BY: DEPUTY CHIEF EXECUTIVE/HEAD OF LEGAL AND DEMOCRATIC  
SERVICES**

**STATUS: FOR PUBLICATION**

**APPLICANT: TURNBULL AND STOCKDALE LTD**

### **Human Rights**

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

#### **Article 8**

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

#### **Article 1 of Protocol 1**

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

### **Background**

This application was received 13<sup>th</sup> July 2004. This application was considered by the Development Control Committee on the 13<sup>th</sup> January 2005 where it was minded to approve the application subject to the provision of a legal agreement. A chronology of the key dates is attached at Appendix 1.

The application proposes to alter and convert the existing mill buildings to form 25 apartments. Elements of the existing buildings would be demolished including the chimney and the part of the brick range extending over the watercourse. The proposals include the removal of the existing pitched roof to the brick range, and its replacement with a more modern structure to provide additional floorspace/accommodation.

The Council has not drafted the S106 legal agreement. Recent changes to the Development Plan require that the application be reconsidered against prevailing policies in order to determine whether the application is acceptable and in accordance with these new policies.

Members should also note that other similar applications, which have also been considered previously by this committee, appear on this agenda. Although the various resolutions were passed at different times they were all passed before the adoption of the current Joint Lancashire Structure Plan and the Council's Housing Policy Position Statement. The decision whether or not to grant planning permission must be made in accordance with the development plan policies in force at the time unless material considerations indicate otherwise. Members resolved to approve this application at the previous committee in January 2005 but a formal decision notice has not been issued and planning permission has not been granted as the S 106 agreement has not been completed. There have been significant material changes in the policy position since the resolution to grant planning permission was made. In such a circumstance, legal advice received requires that the decision to grant planning permission should be reconsidered. Furthermore as the Committee did not delegate anything other than the issuing of the decision notice on completion of a satisfactory S106 agreement it is necessary to refer, the reconsideration of this matter back to Committee. It is not for officers to take the reconsidered decision.

The Development Plan within Rossendale comprises the Rossendale District Local Plan (adopted 12<sup>th</sup> April 1995), the Joint Lancashire Structure Plan 2001-2016 (adopted 31<sup>st</sup> March 2005) and RPG 13 (which became RSS and part of the development plan on 28<sup>th</sup> September 2004). It can be observed that the Local Plan is now over 10 years old whereas the other two elements of the development plan are much more recent in origin. A statement of non-conformity with the Adopted Structure Plan with respect to certain Local Plan policies was issued on 6<sup>th</sup> July 2005. One of the policies which is considered to be not in conformity with the Structure Plan by the County Council is policy H3 which allocates housing sites.

Given that the application relates to a residential scheme the most relevant changes to the development plan, therefore, relate to the provision of housing. I will discuss the prevailing policy framework below and other relevant material planning considerations in respect of housing which have arisen since Members were minded to approve the application in January 2005. The report does not re-reconsider other aspects of the application which are unaffected by changes to the development plan. The previous committee report is included and a chronology is included at Appendix 1.

### **Additional Information**

The applicant's agent has provided additional information to support this planning application. I have summarised the key material considerations below:

- The chronology does not provide a full picture of attempts made by the applicant to secure the provision of the Section 106 agreement. Therefore, with regard to fairness, the weight attached does not reflect the circumstances of this case.
- The current state of the building is not taken into consideration.
- Members were minded to approve the application previously in a position of oversupply when the Structure Plan was in draft form, therefore, they should approve the application again even with the adoption of the Structure Plan.
- The applicant does not agree that an appeal against non-determination was a viable option and would have resulted in further delay and expense to all parties.
- The applicant has drawn members' attention to relevant circulars which advise that the preparation of legal agreements should not delay the planning process.

- The applicant's agent does not agree with the weight which has been afforded to documents referred to in the report.
- The applicant does not agree with the audit of housing figures and considers that Policy 12 of the Structure Plan is discredited. In any event the proposal (constructed over a three year period) would only result in 8 completions per year.
- There is no parallel assessment of housing figures based on the figures contained in the draft RSS.

### **Regional Spatial Strategy**

Regional Planning Guidance was adopted in March 2003 and following the commencement of the new Planning and Compulsory Purchase Act is now the Regional Spatial Strategy for the North West (RSS). RSS has formed part of the Development Plan for Rossendale since 28<sup>th</sup> September 2005.

The overriding aim of RSS is to promote sustainable development. The key objectives of RSS include:

- achieve greater economic competition and growth with associated social progression;
- to secure an urban renaissance in the cities and towns of the north west;
- to ensure active management of the Region's environmental and cultural assets;
- to secure a better image for the Region and high environmental and design quality; and
- to create an accessible Region with an efficient and fully integrated transport system

Policy DP1 requires that development plans adopt the following sequential approach to meet development needs, taking into account local circumstances, the characteristics of particular land uses, and the spatial development framework; the effective use of existing buildings and infrastructure within urban areas particularly those which are accessible by public transport, walking or cycling; the use of previously developed land particularly that which is accessible by public transport walking or cycling; and thirdly development of previously undeveloped land that is well related to houses, jobs and so on and can be made accessible by public transport, walking or cycling.

Policy DP2 requires an enhancement in the overall quality of life experience in the Region. It states that the overall aim of sustainable development is the provision of a high quality of life, for this and future generations.

Policy DP4 states that economic growth and competitiveness, with social progress for all is required. Local authorities and other should set out, in their regional strategies and development plan policies, guidance to ensure that development and investment will, to the fullest extent possible, simultaneously and harmoniously:

- help grow the Region's economy in a sustainable way; and
- produce a greater degree of social inclusion

Policy UR4 sets a target for Lancashire of reaching, on average, at least 65% of new housing on previously developed land.

Policy UR6 states that local authorities should develop an understanding of local and sub-regional housing markets in order to adopt a concerted and comprehensive approach to influencing housing supply. It goes on to state that this would be especially important in Rossendale. A comprehensive approach to housing renewal, clearance and urban regeneration, particularly in Regeneration Priority Areas, is required.

Policy UR7 states that Local Planning authorities should monitor and manage the availability of land identified in development plans to achieve the annual average rates of housing provision.

### **Joint Lancashire Structure Plan 2001-2016**

Previous consideration of this application pre dates the adoption of the Joint Lancashire Structure Plan. I consider that policies 1 and 12 are most relevant in this instance.

Policy 1 states that development will be located primarily in the principal urban areas, main towns, key services centres (market towns) and strategic locations for development and will contribute to achieving and number of improvements including (a) and (f) below.

Policy 1b (General Policy) requires development to contribute to achieving high accessibility for all by walking, cycling and public transport.

Policy 1f (General Policy) states development proposals should contribute to achieving *“urban regeneration, including priority re-use or conversion of existing buildings and then use brownfield sites”*

Policy 5: Development Outside of Principal Urban Areas, Main Towns and Key Service Centres (Market Towns) states *“Development outside of the principal urban areas, main towns and key service centres (market towns) will be of a scale and nature appropriate to its location and will mostly take place in villages and other settlements identified in local plans/local development frameworks. Development will support rural and urban regeneration by meeting an identified local need for housing”*.

Paragraph 6.1.17 states: *“Most housing development outside of Principal Urban Areas, Main Towns and Key Service Centres (Market Towns) will be affordable housing or accommodation to meet the specific needs of a section of the local community. Districts will determine the necessary amount of affordable housing development based on an assessment of local need. Preference will be given to brownfield sites, infill plots and conversion of redundant buildings.”*

Policy 12 states *“that provision will be made for the construction of 1920 dwellings within the Borough within the plan period (2001-2016) 220 per year between 2001 and 2006 and 80 per year between 2006 and 2016”*.

Paragraph 6.3.13 states *“Where there is a significant oversupply of housing permission, planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project. Any such project should be compatible with, and help achieve, the regeneration objectives of the Local Authority. Districts may identify, through the*

*Local Plan/Local Development Framework process, other circumstances where it may be appropriate to approve residential development in a situation of housing oversupply, such as the conversion benefits of maintaining an existing building worthy of retention.”*

## **Rossendale District Local Plan**

Key policies from the Local Plan against which the proposal was previously assessed but which have now been declared not to be in conformity with the Structure Plan are DC1 and H3.

Policy DC1 (Development Criteria) of the Rossendale District Local Plan states that all applications for planning permission will be considered on the basis of

- a) location and nature of proposed development,
- b) size and intensity of proposed development;
- c) relationship to existing services and community facilities,
- d) relationship to road and public transport network,
- e) likely scale and type of traffic generation,
- f) pollution,
- g) impact upon trees and other natural features,
- h) arrangements for servicing and access,
- i) car parking provision
- j) sun lighting, and day lighting and privacy provided
- k) density layout and relationship between buildings and
- l) visual appearance and relation to surroundings,
- m) landscaping and open space provision,
- n) watercourses and
- o) impact upon man-made or other features of local importance.

Policy H3 (Land for Residential Development) of the Rossendale District Local Plan allocates the site to meet the housing needs of the Borough.

## **Other Material Planning Considerations**

### **Fairness**

As already noted, this application was previously considered by the Development Control Committee in January 2005 when it was minded to approve the application subject to a section 106 agreement. I have attached for members' information a chronology of key dates at appendix 1 in relation to the process of this application and the preparation of the section 106 agreement. However, I take the view that, in the light of the change in circumstances which has occurred since January 2005 and which has not been considered by members, it would not be appropriate for officers simply to issue the decision notice without reference back to members.

The legal position is that the Council must have considered all material considerations affecting the application as at the date when the decision notice is issued. In this case, as I have already explained, significant changes both to the development plan and to other material considerations which bear on housing development in the Borough have occurred since the Development Control Committee considered this application in January 2005. It is necessary now for members to reconsider the application in the light of these changes.

It is in the nature of this case that the application was made and originally considered by the Development Control Committee in different circumstances. To the extent that delay in progressing the completion of the section 106 agreement and thus issuing the decision notice has allowed the opportunity for the subsequent changes to occur, it is right to consider fairness to the applicant before arriving at a decision now. It is not, however, a question of whether it is fair to take the changed circumstances into account. The Council must take them into account and would be in breach of statutory duty were it not to do so. Rather, the question is how fairness to the applicant should weigh in the balance against other material considerations.

I consider that, whilst fairness should certainly be taken into account, it is not a matter which should prove decisive in arriving at a conclusion unless the planning merits are otherwise reasonably equal in respect of whether to grant or refuse. I also consider that, in approaching the issue of fairness to the applicant, it should be borne in mind that it has always lain in the power of the applicant to counteract any delay by appeal to the Secretary of State for non-determination and, if thought appropriate, by submitting a unilateral planning obligation as part of such appeal.

In this case I consider that, given the housing oversupply, the current policy position in relation thereto and the absence here of any of the limited circumstances where further housing may be permitted notwithstanding such oversupply, the planning merits clearly point to refusal. I do not consider that fairness to the applicant should outweigh such a conclusion.

### **Housing Position Statement**

The final version of the Housing Position Statement was issued by Rossendale Borough Council on 17<sup>th</sup> August 2005. However, it should also be noted that neither the draft nor final version constitutes a statutory document and does not therefore form part of the development plan for Rossendale. However, the document provides interpretation of the reasoned justification of policy 12 of the Structure Plan and should be used as guidance in the assessment of applications for residential development in conjunction with policy 12 of the Structure Plan unless any other limited circumstances can be demonstrated as set out in the Structure Plan.

The policy document states that '*applications for residential development in Rossendale will be refused, on housing land supply grounds, in all but the following limited circumstances:*

- a) *In any location where the proposal is a like for like replacement i.e. for replacement of an existing residential dwelling resulting in no net gain in dwelling numbers and which conforms to relevant policies of the development plan and other material considerations; or*
- b) *The proposal will positively contribute to the urban regeneration of the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative area or Rawtenstall Town Centre Masterplan (Area Action Plan); and*
- c) *The proposal will not harm the character of the adjoining areas such as conservation areas; and*
- d) *The proposal will assist the regeneration of the site; and*
- e) *The proposal meets an identified local housing need.'*

In considering this application previously, members were mindful that housing development was necessary to meet the annual housing rates for future housing provision within the Borough. However, the audit of housing permissions has demonstrated that the number of dwellings constructed coupled with the number of extant permissions over the plan period exceeds 1,920 for the Borough as identified in the Structure Plan.

The proposal does not seek to replace existing housing on a like for like basis as defined by part a) of the position statement. The site is not located in either the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative area or Rawtenstall Town Centre Master Plan area and cannot be considered to be in accordance with parts b - e) of the position statement.

Moreover, the applicant has not demonstrated any other limited circumstances set out in Policy 12 of the Structure Plan that allows for housing permissions in circumstances of oversupply.

Therefore, I do not consider that the proposal accords with any of the limited circumstances identified where housing development would be considered acceptable in positions of housing over supply as set out in Policy 12 of the Structure Plan.

### **Audit of Housing Figures**

Given the changes to the Development Plan an audit of planning permissions granted has been undertaken to clarify the position of oversupply in the Borough. The scope of the audit considered applications for residential development during the period of the Structure Plan and any other extant permissions which were capable of adding to the level of supply.

Following a six week consultation period on the audit the Housing Land Position Monitoring Report was prepared and taken to Cabinet for members' information on the 7<sup>th</sup> June 2006. The Report includes an estimate of anticipated completions likely to the period 2011, obtained in consultation with developers and agents.

It is also necessary to note the recent appeal decisions within the Borough before the audit of housing figures was undertaken. In considering an outline housing scheme for 6-10 houses on land at Manchester Road and Laneside Road the Inspector considered two main issues. Firstly, the lack of evidence to confirm the position of oversupply and secondly, that the actual housing completion rates prior to 2004 fell below the annual average rate set out on Policy 12. The Inspector stated *"This would suggest that insufficient planning permissions are being implemented to achieve the required housing provision, and casts doubt on the validity of the housing supply figures quoted above. LCC itself has suggested that if insufficient dwellings are completed, additional sites for housing may need to be approved."*

The audit of housing figures now provides the validity and robustness needed to determine applications for residential development in positions of oversupply and is a material consideration in the consideration of this application and any other applications for residential development. The audit of housing figures has been through a public consultation exercise.

The audit of housing figures confirms that the number of dwellings constructed coupled with the number of extant permissions over the plan period exceeds 1920 for the Borough as identified in the Structure Plan.

Furthermore, as the annualised completions rate from 2006 onwards has now fallen to 80 dwellings per year, it is expected that completions will be significantly higher than the JLSP annual build rate, resulting in over supply. Taking the actual number of completions since 2001 into account, the residual provision to the end of the plan period is 548. However, anticipated completions (based on existing extant permissions coming forward) are likely to be 832. This represents an over supply of 284. Anticipated completions were established through discussions with developers and agents and do not take account of any approvals granted subject to S106 Agreement.

There is a need, therefore to refuse further applications for residential development where they would clearly result in an oversupply. Paragraph 6.3.13 of the Structure Plan states *“Where there is a significant oversupply of housing permissions, planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project. Any such project should be compatible with, and help achieve, the regeneration objectives of the Local Authority. Districts may identify, through the Local Plan/Local Development Framework process, other circumstances where it may be appropriate to approve residential development in a situation of housing oversupply, such as the conservation benefits of maintaining an existing building worthy of retention.”*

Therefore, it is necessary to assess whether there are any exceptions to the presumption against the development of this site for residential purposes. This site is not located in the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative area or the Rawtenstall Town Centre Masterplan area. The applicant has not stated or provided any evidence to suggest that the development is necessary to make a positive contribution to the supply of affordable or special needs housing.

Planning Policy Guidance (PPG) Note 3: Housing does support the re-use of existing buildings and the re-use of brownfield sites. This proposal would result in the reuse of an existing building. However the audit of the housing supply does demonstrate that RBC is in a state of oversupply. I do not consider the reuse of this existing building, whilst in accordance with the general thrust of PPG3 to represent any exceptional circumstances necessary to outweigh policy 12 of the adopted Structure Plan in a position of housing oversupply.

Therefore I do not consider that the proposal to be in accordance with the policies 12 of the adopted Structure Plan.

### **National Planning Guidance**

Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development states that sustainable development is the core principle underpinning planning. Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by: making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; contributing to sustainable economic development; protecting and enhancing the natural and historic environment, the quality of the countryside and existing communities; ensuring high quality development; and supporting existing



communities and contributing to the creation of safe, liveable and mixed communities with good access to jobs and key services for all. On sustainable economic development, local authorities should recognise that economic development can deliver environmental and social benefits; that they should also recognise the wider sub regional and regional economic benefits and that these should be considered alongside any adverse local impacts.

Paragraph 28 of PPS1 advises that planning decisions should be taken in accordance with the development plan unless other material considerations indicate otherwise.

Paragraph 29 of PPS1 acknowledges that in some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated or compensated for.

### **Emerging Policy**

#### **Submitted Draft Regional Spatial Strategy (RSS) for the North West (2006)**

RSS is currently under review. The Draft RSS ('The North West Plan') was published for its first formal public consultation exercise in January 2006 and will cover the period from 2003 to 2021. Examination will take place later this year.

Draft RSS focuses on the needs of the region as a whole but highlights those areas that need more specific guidance or a different approach. This is intended to improve the coordination and delivery of regional policy and sustainable development

Draft policy L4 Regional Housing Provision identifies a new housing provision of 4000 for Rossendale 2003 – 2021 (net of clearance replacement). The annual average rates of housing provision (net of clearance replacement) is identified as 222. The current annual provision identified in the adopted Structure Plan is 220 between 2001-06 and 80 between 2006-16).

#### **Core Strategy (Preferred Options Report March 2006)**

I consider the following policies to be most relevant.

L1: Housing Development. Provision is made in the Regional Spatial Strategy (RSS) for 4,000 dwellings between 2003 and 2021. Annual planning permissions will be limited to annual completion rate up to 10% above the annual rate for Rossendale in the RSS, less the number of existing commitments for the RSS period. Five yearly reviews of permissions will be undertaken to monitor housing permissions to ensure they do not exceed the overall RSS figure.

Priority will be given to residential developments on previously developed sites. Residential developments will only be permitted on greenfield sites where there is evidence of local need and it can be demonstrated that there are no alternative appropriate previously developed sites. Priority will be given to residential developments in the Key Service Centres and Local Service Centres.

Comprehensive regeneration strategies may be developed in areas with significant housing market issues and specific housing needs.

Proposed Policy Response L2: Housing Types. In order to diversify the range of dwelling types within the Borough, in major residential schemes at least 33% of dwellings should be flats and no more than 40% of dwellings should be terraced properties, unless a housing needs assessment provides evidence of the need for an alternative composition of dwellings in any particular area/community.

Proposed Policy Response L4: Affordable Housing. Within all residential developments a minimum of 30% of dwellings should be affordable, of which 20% should be of intermediate tenure. A higher minimum percentage for affordable housing or intermediate tenure may be required in areas of significant housing need based on local evidence of affordable housing needs. A lower percentage of affordable dwellings may be acceptable where it can be demonstrated that this would not be viable due to wider regeneration benefits. A lower percentage may be acceptable in the conversion of vacant residential or non-residential buildings. Types of affordable housing provided should be related to local needs.

Whilst I accept that these emerging policies will have a significant bearing on applications for residential development in the future, I do not consider that sufficient weight can be afforded to them at present to outweigh the adopted development plan.

### **Conclusion**

The audit of housing figures confirms that the Rossendale is in a position of oversupply in that the number of extant permissions and number of dwellings built exceed the provision set in the adopted Joint Lancashire Structure Plan.

In positions of over supply, applications for residential development should not be approved unless the proposal accords with any of the exceptional or limited circumstances where residential development would be considered appropriate. Whilst I am mindful of the previous resolution it is necessary to consider applications for development in accordance with the development plan policies in force at the time. It is clear that the application does not accord with the development plan framework in this instance and I do not consider that there are any other material considerations which outweigh this view.

I recommend therefore, that the committee refuse the proposal for the following reason:

**The proposed development would contribute towards an inappropriate excess in housing supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale Borough Council Housing Position Statement (August 2005). In this instance the case has not been advanced to warrant an exception to policy being made.**

The previous report to Committee is provided for Members' information below.

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## **Human Rights**

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

### **Article 8**

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

### **Article 1 of Protocol 1**

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

## **Site and Proposal**

The application proposes to alter and convert the existing mill buildings to form 25 apartments. Elements of the existing buildings would be demolished including the chimney and the part of the brick range extending over the watercourse. The proposals include the removal of the existing pitched roof to the brick range, and its replacement with a more modern structure to provide additional floorspace/accommodation.

A detailed Design Statement, as recommended in national planning guidance [PPG 1] has been submitted with the application. An accessibility questionnaire has been completed and the site is judged to have medium accessibility. A Marketing Report has been produced by the applicant's marketing agents, Paul Nolan & Co. The site was marketed for employment purposes in December 2002.

## **Applicant's Submission**

Common areas would be managed and maintained via the mechanism of a Management Company. The applicant does not intend that any parts of the access arrangements to the development be adopted by the local highway authority including the passing bays. Land to be used for passing bays has been acquired by the applicant and the applicant or their successors in title have unrestricted legal rights to use Edenwood Lane.

Until recently the buildings were in full, active and productive use for industrial purposes for traditional dyeing and printing.

The applicant states that the proposed development would generate 150 average daily traffic movements (25 x 6 movements) compared to 176 traffic movements linked to the previous hand block printing business.

## **Relevant Planning History**

None

## **Notification Responses**

Site and press notices posted. The following summarised comments have been received from the Woodford Group, Arundel House, Chorley:

- Increased traffic generation

- The proposed road construction from Rosebank Lodge to the Mill would be in the region of 9 metres whereas standard highway requirements are 5 metres

## **Consultation Responses**

### County Highways

No objection

### RBC Highways

No objection subject to Edenwood Lane being traffic calmed

### RBC Contaminated Land

No objection

### United Utilities

No objection

### Environment Agency

The site lies in an area prone to flood risk. The flood risk assessment submitted relates to a site downstream. A relevant flood risk assessment needs to be submitted having regard to PPG 15. The agency would require floor levels of the proposed dwellings to be set at 600 mm above the calculated 1 in 100 year flood level with a 20% increase for climate change, as outlined in PPG 25.

### County Planning

The proposal is not considered to conflict with Greenbelt Policy

The development proposal is contrary to Policy 43 of the adopted Lancashire Structure Plan and Policies 1, 5 and 12 of the draft Joint Lancashire Structure Plan and Proposed Changes Joint Lancashire Structure Plan. Based on available data the County Planning Authority concludes that "in the absence of information to justify any overriding consideration in support of the proposal, I conclude that this development is not required to meet the housing provision set by the aLSP, dJLSP and PCdJLSP to 2006 at this time. The proposed conversion is for residential use and is, therefore, also contrary to policy 5 of the dJLSP and PCdJLSP".

## **Development Plan Policies**

Policy DS1 (Urban Boundary) states *"the Council will seek to locate most new development within a defined boundary – the urban boundary"*

Policy DC1 (Development Criteria) of the Rossendale District Local Plan  
The policy states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between

buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance..

Policy DC3 (Public Open Space) of the Rossendale District Local Plan states that *“in areas of new residential development the Council will expect appropriate public open space to be provided by the developers”*

The R/E of the policy states that there is a requirement for *“developers to provide a minimum of 6 acres of open space per 1000 population being housed, of which four acres should be for playing fields, one and a half acres for amenity space and half an acre for children’s play areas.....The Council will expect developers to enter into an agreement with them to ensure the proper future maintenance of such areas. If the amenity space is to be dedicated to the Council they will normally expect to receive a commuted sum equivalent to the cost of 10 years maintenance. ”*

Policy DC 4 (Materials)of the Rossendale District Local Plan states that *“local natural stone (or an alternative acceptable natural substitute which matches as closely as possible the colour, texture, general appearance and weathering characteristics of local natural stone) will normally be required for all new development in selected areas. Within those areas roofs shall normally be clad in natural stone slab or welsh blue slate, or in appropriate cases, with good quality substitute slates”.*

Policy DS3 of the Rossendale District Local Plan is relevant in that *“within Green Belts planning permission will not be given except in very special circumstances, for the erection of new buildings and for the change of use of other buildings other than for the purpose of agriculture, forestry, outdoor sport and recreation, cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area”.*

Policy E7 (Contaminated Land)

### **Adopted Lancashire Structure Plan (1991-2016)**

Policy 4 of the Lancashire Structure Plan is relevant and states that *“planning permission will not be given except in very special circumstances for the erection of new buildings, other than for the purposes of agriculture, forestry, essential facilities for outdoor sport and recreation, for cemeteries and for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, or limited extension, alteration, or replacement of existing dwellings”*

Policy 43 (General Housing Provision) states that Rossendale requires about 2500 dwellings for the period 1991-2006

### **Proposed Changes Draft Joint Lancashire Structure Plan (2001-2016)**

Policy 1 (General Policy) states that *“development will be located primarily in the principal urban areas, main towns, market towns and strategic locations for development”*

Policy 5 (Development in Rural Areas) states *“outside market towns, most rural development will take place in villages and other settlements. Development will support rural regeneration by either meeting an identified local need for employment, community services or housing or by providing for farm diversification”*

Policy 12 (Housing Provision) states that Rossendale requires about 1,920 dwellings for the period 2001 - 2016 of which an annual average provision of 220 should be provided between 2001-2006 and 80 between 2006 -2016.

### **Other Material Planning Considerations**

#### **PPG 2**

Government guidance in the form of PPG 2: Green Belt (1995) sets out the Government's aims and objectives relating to development in the Green Belt. The guidance (paragraph 3.4) essentially re-affirms the Local Plan policy but excludes institutions standing in excessive grounds.

Paragraph 1.4 of the guidance states that *"the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness"*.

Paragraph 3.2 of the guidance states that *"inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations"*

#### **PPG 3**

Government guidance in the form of PPG 3: Housing (2000) sets out the Government's aims and objectives relating to housing. Paragraph 32 states that *"the presumption will be that previously developed sites (or buildings for re-use or conversion) should be developed before Greenfield sites"*

Paragraph 22 states that *"the Government is committed to maximizing the re-use of previously developed land and empty properties and the conversion of non-residential buildings for housing, in order both to promote regeneration and minimize the amount of Greenfield land being taken for development"*.

### **Draft Supplementary Planning Guidance – An Interim Policy for the Release of Land for Housing in Rossendale**

This draft SPG which was the subject of public consultation in the summer will be the subject of revision early in 2005 following the publication of a Housing Needs Survey. It is accordingly given proportionally less weight in the determination of applications at present than adopted policy or draft policies that have passed through the Examination in Public.

#### **PPG 25 (Development and Flood Risk)**

This guidance relates to sites and proposed developments that may be subject to flooding.

#### **Appeal Decision**

As reported elsewhere in this agenda the Council has received the Inspector's decision for the planning appeal (planning application ref: 2003/594) at Holmefield House, Holcombe Rd, Helmshore (the former Airtours site), proposed for mixed

residential and office development. In his decision letter the Inspector concludes that “planning permission on the appeal site would add unnecessarily to the short term supply of housing land in Rossendale”. It is considered that this decision has ramifications for other proposed housing developments within the Borough.

The Inspector took into account the emerging Joint Lancashire Structure Plan which makes provision in Policy 12 for 1,920 dwellings in Rossendale between the period 2001 to 2016. (This is based on meeting an annual housing provision on a yearly basis as closely as possible of 220 in the period 2001 to 2006, followed by 80 completions for the remaining period 2006 to 2016).

At the time of determination of the planning application in *Jan 2005* both the Council and the appellants agreed that the number of completions over the period April 2001 to September 2003 amounted to 431 dwellings, leaving a requirement to 2016 (the end of the plan period) of 1469 dwellings. It was also agreed that sites with extant planning permission could accommodate 1497 dwellings, after an allowance for unreasonable sites that are considered highly unlikely or unable to come forward for development.

The Inspector placed great weight on Paragraph 8 of Planning Policy Guidance Note 3, which stresses reviewing housing requirements, and how they are to be met, at least every 5 years. The Inspector agreed that even if small sites (with permission for fewer than 4 dwellings) are deleted and a further deduction made for slippage there would still be significantly more than a 5 year supply of housing land with planning permission.

5 year housing land supply	= 2.5 years at 220 p.a.	= 550
	= 2.5 years at 80 p.a.	= 200
Total		= 750 new dwellings.

The Inspector was quite clear that the emerging Structure Plan sets the overall housing figure (ie 1920) as well as the figures up to and beyond 2006 as maximum requirements (ie 220 to 2006 then 80 per year to 2016) which are not to be exceeded.

### **Planning Issues**

The proposed development would make efficient use of a vacant building (30 dwellings to the hectare) bringing such a building back into use.

The site is not defined as an employment site in the adopted Rossendale District Local Plan. Adequate car parking provision is proposed for the site.

The application site is fairly well located having regard to the proximity of the site to employment facilities, bus routes, local schools and convenience stores. The site does not fall within a “priority area” as defined in the Council’s housing policy and indeed falls outside the defined urban boundary for Edenfield (Policy DS1 of the Rossendale District Local Plan).

The proposed development does not accord with Policy 5 of the Draft Joint Lancashire Structure Plan in so far as the proposal is not required to meet an “*identified local need for employment, community services or housing, or by providing for farm diversification*”.

In respect of housing land supply policies (Policy 12 of the Draft Joint Lancashire Structure Plan) the Council's Forward Planning Department are of the view that there is an oversupply of housing land in Rossendale and this proposal is not required to assist the Council in meeting annualised completion rates. The proposed development is not in accordance with Policy 12 of the Draft Joint Lancashire Structure Plan.

The Council's Highways Engineer considers the proposed development to be acceptable in principle but would require the lane to be traffic calmed. This lane does not fall within the ownership or control of the applicant and as such conditional control could not be recommended. For these reasons the proposed development is not judged to suitably accord with Policy DC1 of the Rossendale District Local Plan from a highway safety point of view.

It is not considered that the proposed development would materially prejudice the openness or visual amenities of the green belt thereby according with Government guidance in the form of PPG 2. In this respect more weight may be given to PPG 2 than Policy DS3 of the Rossendale District Local Plan and Policy 4 of the Lancashire Structure Plan. Nonetheless it is noted that the County Planning Authority did not consider that the proposal had an adverse effect upon the Green Belt.

The proposed development whilst introducing contemporary design solutions would not compromise visual amenity thereby according with Policy DC1 of the Rossendale District Local Plan. The proposed scheme suitably blends "old" with "new" materials without compromising character.

It is considered, having regard to Policy DC3 of the Rossendale District Local Plan, that existing levels of public open space provision within the locality are acceptable. Furthermore the site is within easy reach of large areas of open countryside. In this case, therefore, it is judged, if the scheme were otherwise acceptable in policy terms that the applicant should be required to contribute towards improving a local community facility particularly as the proposed development would directly impact upon existing community facilities some of which are in need of improvement. In such circumstances the applicant would be required to enter into a section 106 agreement with the Council relative to the payment of £28,975 towards improving local community facilities.

However, the applicant has raised no special circumstances (ie circumstances that could not be repeated elsewhere) that would outweigh the policy objections to this proposal. The housing policy provisions of the approved and emerging Structure Plans point to a current oversupply of housing permissions. This was accepted by the Inspector in his decision letter upon the Holmefield House appeal and it is considered that this appeal decision further re-enforces the policy arguments against the grant of planning permission for this development.

### **Recommendation**

That planning permission is refused for the following reasons:

### **Reasons**

01 The proposed development does not accord with Policy 1 (General Policy) of the Draft Joint Lancashire Structure Plan which states that "*development will be located*



*primarily in the principal urban areas, main towns, market towns and strategic locations for development”*

02 The proposed development does not accord with Policy DS1 of the Rossendale District Local Plan which states that the *“Council will seek to locate most new development within a defined urban boundary.”*

03 The proposed development does not accord with Policy 5 (Development in Rural Areas) of the Draft Joint Lancashire Structure Plan which states that *“outside market towns, most rural development will take place in villages and other settlements. Development will support rural regeneration by either meeting an identified local need for employment, community services or housing or by providing for farm diversification”*

04 There are sufficient residential planning permissions to meet the Borough Council’s housing requirement to 2006 including a further potential supply to last until 2020. The development proposal is not required to meet the housing provision set by the adopted Lancashire Structure Plan (Policy 43), the Draft Joint Lancashire Structure Plan (Policy 12) and the Proposed Changes Draft Lancashire Structure Plan (Policy 12).

05 The flood risk assessment submitted relates to a site downstream. A relevant flood risk assessment has not been submitted with the application and as such the proposed development cannot be properly assessed relative to the potential for the site to be flooded having regard to PPG 25.

## **Appendix 1**

### **Chronology of application 2004/513**

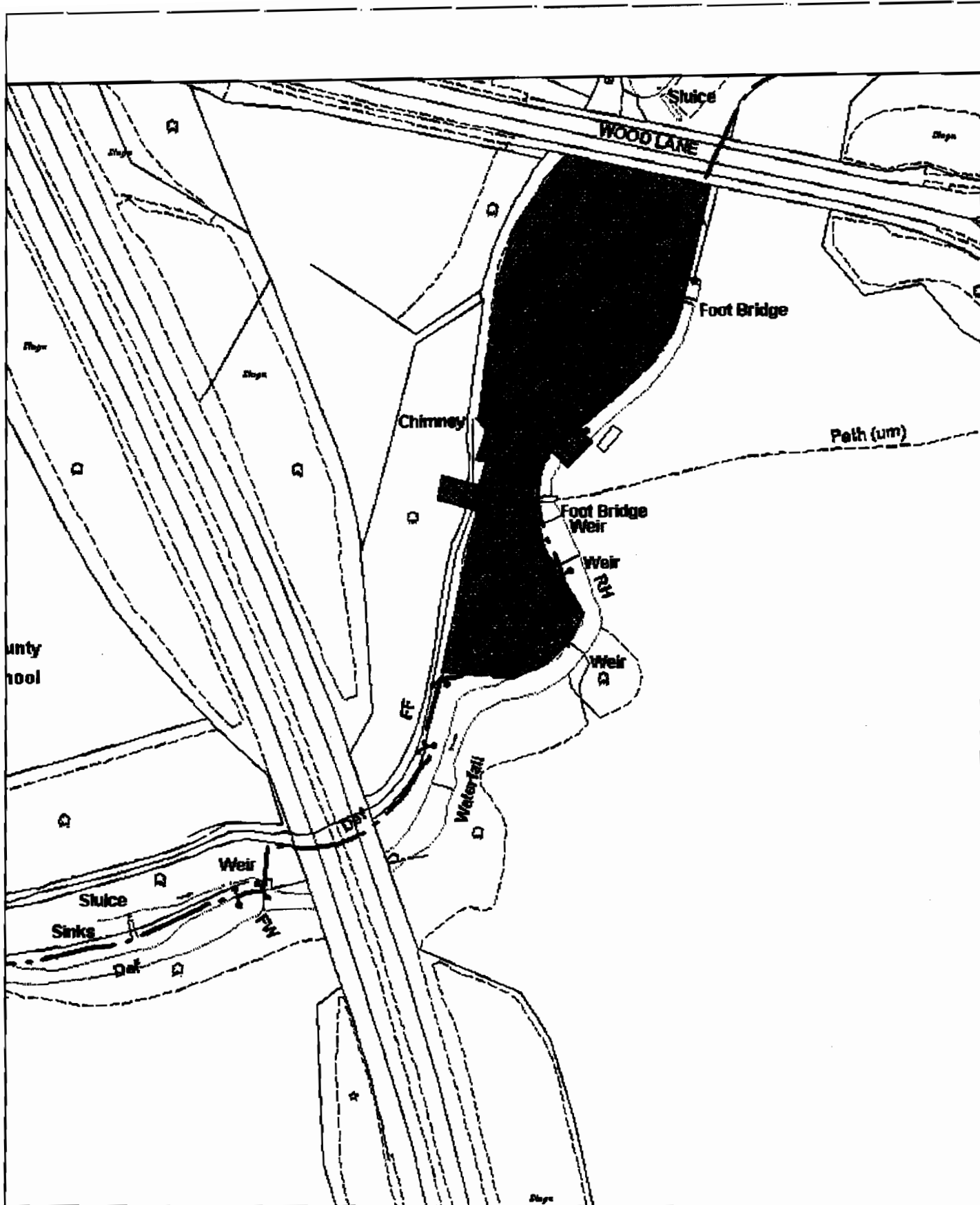
This application was received 13<sup>th</sup> July 2004.

The application was considered by the Development Control committee on the 13<sup>th</sup> January 2005 where it was minded to approve the application subject to the provision of a legal agreement.

14<sup>th</sup> January 2005 letter from the applicant's agent regarding the advice provide to members of the planning committee.

11<sup>th</sup> May 2005 letter from Government Office North West stating that the 21 day period for the Secretary of State's consideration will expire on the 31<sup>st</sup> May 2005.

N.B. Please note that any correspondence held on legal files is not available for public inspection.



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Map Center: 379793.3203,418369.5721