

Application Number:	2022/0015	Application Type:	Outline
Proposal:	Outline application (all matters reserved) for up to 6 dwellings.	Location:	Land Adjacent 59 Blackburn Road, Edenfield
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	15/03/2022
Applicant:	Mr Richard Nuttall	Determination Expiry Date:	05/04/2022
Agent:	Mrs Melanie Lawrenson		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	N/A
Member Call-In Name of Member: Reason for Call-In:	Yes Cllr Anne Cheetham Requests a discussion of details of application, scale, appearance, access.
3 or more objections received	N/A
Other (please state):	N/A

HUMAN RIGHTS

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

Article 8

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

Article 1 of Protocol 1

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

1. RECOMMENDATION

Refusal.

APPLICATION DETAILS

2. SITE

The application relates to around 0.19 hectares of agricultural land, situated on the western side of Blackburn Road, opposite the junction with Esk Avenue. The site is greenfield. The southern boundary of the site marks the end of the field adjacent to an access track leading towards the rear of 59 Blackburn Road. A small woodland is situated to the northern end of the site, and there is a terrace of two-storey stone-built dwellings to the south of the site.

The application site has a frontage onto Blackburn Road of around 60 metres and a projection back from the road of around 30 metres.

The entire site is within the defined urban boundary as set out in the Council's adopted Local Plan, and is contained within a Housing Allocation (H66).

3. RELEVANT PLANNING HISTORY

2020/0477 - Outline application (all matters reserved) for up to 6 dwellings (refused prior to Local Plan adoption).

4. PROPOSAL

Outline planning permission (with all matters reserved) is sought for the erection of up to 6 no. new dwellings on the site. The submitted statement indicates that this would take the form of two rows of three terraced cottages – however, this is only an indicative statement and the scale, layout and appearance of the development does not form part of this application.

The application is a re-submission of application 2020/0477, which was refused due to conflict with Green Belt policy (the site was allocated as Green Belt at the time) and encroachment of built development into an area of countryside (the site was also allocated as countryside at the time).

5. POLICY CONTEXT

National Planning Policy Framework

Section 2	Achieving Sustainable Development
Section 4	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 13	Protecting Green Belt Land
Section 15	Conserving and Enhancing the Natural Environment

Development Plan

Local Plan Policies

SS: Spatial Strategy

SD1: Presumption in Favour of Sustainable Development

SD2: Urban Boundary and Green Belt

SD4: Green Belt Compensatory Measures

HS1: Meeting Rossendale's Housing Requirement

HS2: Housing Site Allocations

H66 – Land West of Market Street, Edenfield

ENV1: High Quality Development in the Borough

ENV2: Historic Environment

ENV3: Landscape Character and Quality

ENV4: Biodiversity, Geodiversity and Ecological Networks

ENV6: Environmental Protection

ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality

TR4: Parking

Other material considerations

National Planning Practice Guidance

National Design Guide

RBC Alterations and Extensions to Residential Properties SPD

6. CONSULTATION RESPONSES

Cadent	No objection
Ecology	No objection subject to conditions
Environment Agency	No comments received
Land Contamination Consultant	No objection subject to conditions
LCC LLFA	No comments to make
LCC Highways	No objection subject to conditions
RBC Environmental Health	No comments to make
United Utilities	No objection subject to conditions

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted and neighbour letters were sent out.

Two letters of objection been received raising the following issues:

- Contrary to local Development Plan
- Not part of a masterplan
- Does not accord with site specific Local Plan policy
- Inaccuracies in submitted information
- Submitted ground investigation report is out of date
- Harm to visual amenity
- Harm to neighbour amenity

- Harm to biodiversity
- Harm to highway safety

8. ASSESSMENT

The main considerations in this case are as follows:

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access, Parking and Highway Safety; 5) Affordable Housing

Principle

The site is within the defined urban boundary, and forms part of Housing Allocation H66 under the adopted Local Plan. Normally, residential development would be considered acceptable in principle within the urban boundary.

However, Policy H66 of the Local Plan is relevant to this application. It is a site-specific policy for applications made on land contained within the wider Housing Allocation H66.

Although the Council can demonstrate a five-year supply of deliverable housing land, it cannot currently demonstrate that it is achieving the required level of housing delivery. As such, paragraph 11 (d) of the Framework is triggered and the amount of weight to be afforded to Local Plan policies most important to the determination of the application is a matter for the decision maker.

Policy H66 states:

“Development for approximately 400 houses would be supported provided that:

1. The comprehensive development of the entire site is demonstrated through a masterplan with an agreed programme of implementation and phasing;

2. The development is implemented in accordance with an agreed design code;

3. A Transport Assessment is provided demonstrating that the site can be safely and suitably accessed by all users, including disabled people, prior to development taking place on site. In particular:

i. safe vehicular access points to the site are achieved from the field adjacent to no. 5 Blackburn Road and from the field opposite nos. 88 – 116 Market Street. Full details of access, including the number of access points, will be determined through the Transport Assessment work and agreed with the Local Highway Authority;

ii. agree suitable mitigation measures in respect of the capacity of Market Street to accommodate additional traffic. Improvements will be needed to the Market Street corridor from Blackburn Road to the mini-roundabout near the Rawstron Arms. Measures to assist pedestrian and vulnerable road users will be required;

4. A Heritage Statement and Impact Assessment is provided and suitable mitigation measures are identified and secured to conserve, and where possible, enhance the setting of the Church, the non-designated heritage assets which include Chatterton Hey (Heaton House), Mushroom House,

and the former Vicarage, and the other designated and non-designated heritage assets in the area;

5. Specific criteria for the design and layout needs to take account of:

- i. Retention and strengthening of the woodland enclosures to the north and south of the Church*
- ii. The layout of the housing parcels should be designed to allow views to the Church to continue*
- iii. The relationship of the new dwellings to the Recreation Ground to ensure safe non-vehicular access is provided*
- iv. Public open space to be provided along the woodland area south of the brook/Church enclosure*
- v. Landscaping of an appropriate density and height is implemented throughout the site to 'soften' the overall impact of the development and provide a buffer to the new Green Belt boundary*
- vi. Materials and boundary treatments should reflect the local context*

6. An Ecological Assessment is undertaken which identifies suitable mitigation measures for any adverse impacts particularly on the Woodland Network and stepping stone habitat located within the site.

7. Compensatory improvements must be provided to the Green Belt land in proximity of the site in accordance with Policy SD4

8. Geotechnical investigations will be required to confirm land stability and protection of the A56, and consideration paid to the suitability or not of sustainable drainage systems on the boundary adjoining the A56

9. Provision will be required to expand either Edenfield CE Primary School or Stubbins Primary School from a 1 form entry to a 1.5 form entry primary school, and for a secondary school contribution subject to the Education Authority. Land to the rear of Edenfield CE Primary School which may be suitable is shown on the Policies Map as 'Potential School and Playing Field Extension'. Any proposals to extend the schools into the Green Belt would need to be justified under very special circumstances and the provisions of paragraph 144 of the NPPF;

10. Noise and air quality impacts will need to be investigated and necessary mitigation measures secured;

11. Consideration should be given to any potential future road widening on the amenity of any dwellings facing the A56."

The submitted application for outline planning permission does not form part of a masterplan, and has not been submitted with any information relating to a design code for the wider Allocation.

Furthermore, no information has been submitted to demonstrate compliance with any of the points contained within Policy H66.

In the absence of any such information or masterplan, it is considered that the proposals would be a piecemeal form of development within Housing Allocation H66 – a situation which Policy H66 has been specifically worded to avoid. It is questionable whether an outline application (with all matters reserved) is an appropriate form of application for residential development on this site within H66 – as more detail is required to demonstrate compliance with Policy H66 than would typically accompany a bare outline application.

As such, whilst the site is within the defined urban boundary, the application has not demonstrated compliance with Policy H66 (a policy which was specifically worded to support the release of the wider Allocation from Green Belt under exceptional circumstances within the Local Plan, including wording to secure compensatory measures are delivered through development on the site). The requirements of Policy H66 are comprehensive and necessary to mitigate / compensate to a degree for the release of the land from Green Belt.

The amount of weight afforded to this policy is therefore substantial, as development on the site otherwise would be unacceptable.

The proposed scheme is therefore inappropriate in principle.

Visual Amenity and Countryside Impact

Approval of matters relating to the appearance, layout, scale and landscaping of the development is not sought at this stage. However, it is nonetheless important to ascertain at this stage whether the development can be delivered without having a significant adverse impact on the character and appearance of the site and the wider countryside.

Paragraph 127 of the Framework states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Given that the site is no longer within a defined area of countryside, refusal of the application on the grounds of encroachment of built development into an open area of countryside cannot be substantiated.

Even though the site is now within the defined urban boundary, Policy H66 is in place to ensure control over any residential development on the site – amongst other things to ensure that such development harmonises with the wider development of Housing Allocation H66.

As detailed above, the application has not demonstrated compliance with Policy H66 and there is little certainty provided by the submitted information that the development would be carried out as

part of a wider masterplanned development approach to H66. It cannot therefore be concluded that the development of the site will be carried out in such a way as to avoid visual conflict with the development of the wider application.

However, given that this is an outline application (with all matters reserved), it cannot be reasonable to refuse the application based on as-yet-unknown appearance / design (which would be addressed at Reserved Matters stage). The conflict with Policy H66 is an 'in principle' consideration at this stage.

Neighbour Amenity

It is not considered that the outline scheme now proposed would necessitate any unacceptable impact on the daylight, privacy or outlook enjoyed by the occupants of any neighbouring residential properties subject to appropriate design, scale and layout. Such matters would be assessed at Reserved Matters stage.

Despite comments raised to the contrary by objectors, it is considered that scope exists for the applicant to ensure that unacceptable harm to neighbour amenity does not occur, through appropriate design of the scheme's layout, scale and landscaping at reserved matters stage.

The applicant's attention is drawn to the separation distances specified in the Council's Alterations and Extensions to Residential Properties SPD, which would need to be met in order for the development to be considered acceptable. If these are not met, then any Reserved Matters application would not be approved.

The outline scheme is considered acceptable in terms of neighbour amenity in so far as it would not necessitate harm to neighbour amenity subject to appropriate design at Reserved Matters stage.

Access, Parking and Highway Safety

The Local Highway Authority has no objection to the proposed outline scheme subject to conditions including the following:

- Submission of a Construction Management Plan
- Limits on the times of deliveries to the site
- Use of wheel washing facilities on site
- Full details of site access to be submitted and approved at Reserved Matters stage

Subject to the above conditions, the scheme is considered acceptable in terms of access and highway safety.

Affordable Housing

Policy HS3 of the Local Plan contains a requirement for affordable housing to be provided on larger developments of ten or more dwellings. Whilst it is recognised that the current application is only for six dwellings, Policy HS3 contains wording to avoid piecemeal development of larger sites (such as the H66 Allocation) avoiding contributing towards affordable housing provision. It states:

"Within larger housing developments, the affordable housing will be evenly distributed throughout the development. Where a site has been divided and brought forward in phases, the Council will consider the site as a whole for the purposes of calculating the appropriate level of affordable housing provision."

The application proposes entirely market housing, with no affordable units. No information has been submitted to demonstrate that affordable housing has been considered for the site as part of the delivery of the wider H66 Allocation.

As such, the scheme conflicts with the requirements contained within Policy HS3.

Balancing Exercise

In line with paragraph 11 of the Framework, it is necessary to carry out a balancing exercise to ascertain whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme when considered against the Development Plan and the policies contained within the Framework.

Such a balancing exercise is carried out in this case in the context of the Council not currently being able to demonstrate the required level of housing delivery. As such, the amount of weight to be afforded to Local Plan policies is a matter for the decision maker.

Benefits of the Development

The development would provide up to 6 new dwellings towards the borough's housing need – representing a limited benefit. The Council cannot demonstrate the required level of housing delivery currently, and six new houses would assist in a limited way in meeting the required housing delivery. Accordingly, limited weight is attached to this benefit.

Harm Caused by the Development

The development has not demonstrated compliance with Policy H66 of the Local Plan, and would fail to contribute towards a holistic development approach for the wider Allocation. Furthermore, no compensatory measures to the Green Belt have been identified, as required by Policies H66 and SD4 of the Local Plan.

As such, it is considered that significant harm would be caused by the development as it would result in piecemeal development outside of the required masterplanned approach to Allocation H66. Accordingly, substantial weight is afforded to this harm.

The development would fail to contribute towards the delivery of affordable housing on Allocation H66, in conflict with the requirement contained in Policy HS3. This form of piecemeal development would cause significant harm to the ability of the Council to deliver the required level of affordable housing on an identified Housing Allocation (H66). Accordingly, substantial weight is afforded to this harm.

Other Considerations

It is not considered that the proposed scheme will have any unacceptable impacts in terms of neighbour amenity, highway safety, flood risk, pollution or ecology subject to the inclusion of conditions requested by the consultees who have provided advice on such matters, and subject to appropriate design at Reserved Matters stage. As such, the impact of the scheme in respect of these matters is considered to be neutral.

Conclusion

It is considered that the harm identified above clearly and demonstrably outweighs the benefits of the proposed development. As such, planning permission should be refused in this case.

9. RECOMMENDATION

Refusal.

10. REASONS FOR REFUSAL

1. The development has not demonstrated compliance with Policy H66 of the Local Plan, and would fail to contribute towards a holistic development approach for the wider Allocation. Furthermore, no compensatory measures to the Green Belt have been identified, as required by Policies H66 and SD4 of the Local Plan. As such, the scheme conflicts with the Development Plan.
2. The development would fail to contribute towards the delivery of affordable housing on Allocation H66, in conflict with the requirement contained in Policy HS3 of the Local Plan. This form of piecemeal development would cause significant harm to the ability of the Council to deliver the required level of affordable housing on an identified Housing Allocation (H66). As such, the scheme conflicts with the Development Plan.

11. INFORMATIVES

1. The proposal would not comply with the development plan and would not improve the economic, social and environmental conditions of the area. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.