

<b>Application No:</b> 2004/272	<b>Application Type:</b> Full
<b>Proposal:</b> Mixed use Residential and Office Development	<b>Location:</b> Land off Holcombe Road, Helmshore
<b>Report of:</b> Development Control Team Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 29 <sup>th</sup> November 2006
<b>Applicant:</b> Bellway Homes Ltd & Manchester Land & Buildings Ltd	<b>Determination Expiry Date:</b> 14 <sup>th</sup> June 2004
<b>Agent:</b> Development Planning Partnership	

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
More than 3 objections received	<input checked="" type="checkbox"/>
Other (please state) .....	Departure/Major

**APPLICATION DETAILS**

**1.1 The Proposal and the Site**

The application seeks approval for the erection of office accommodation and 89 dwellings (a mixture of apartments, detached, semi-detached and terraced residential units) in artificial stone and at different heights ranging from two and half storeys set into the bank of the north-east boundary of the site to three storey office block and adjacent apartment block either side of the entrance road at Holmfield House, Holcolme Road, Helmshore.

The scheme has been amended to increase the proposed office provision to provide 24 serviced apartments. They would be provided in two blocks, each would be three storey in height and would provide 850m<sup>2</sup> of internal floorspace per block, 1,700m<sup>2</sup> of Class B1 office provision in total. Each office would have kitchen facilities and would utilise communal toilets, lifts and staircases.

The existing bridge will continue to serve as the sole means of vehicular access.

The application site (approximately 2 hectares) is defined as an employment area in the adopted Rossendale District Local Plan.

The site was last used by Airtours for office purposes. To the east is an area of established semi-detached houses along Gregory Fold and to the south lie more traditional terraced properties and a mill shop (Musbury Fabrics) which front onto Holcombe Road. An 8 metre easement strip along the River Ogden (including the retention of trees) is proposed.

A tree survey (prepared by Trevor Bridge Associates) has been submitted with the application with recommendations relating to the removal, retention and protection of trees during the course of the development.

## 1.2 Relevant Planning History

Members will recall that outline consent has recently been granted for a mixed use scheme on this site. Application 2006/17 was approved by this committee in October of this year. The key components of the approved scheme were:

- 1,110sq m of industrial space
- 2,432sq m of office space
- 53 apartments
- 18 houses

Moreover, the applicant in that particular case was willing to provide 25% affordable housing provision and £172,584 towards the up-grade of bus services.

Application 2003/594 – A mixed use residential and office development was refused on 4<sup>th</sup> February 2004. This application, 2004/272, is similar to application 2003/594 in that 89 dwellings and 24 office units (1,700m<sup>2</sup> of floorspace). The layout of both this scheme and application 2003/594 are generally the same.

The reason for refusal states:

1. *The applicant has failed to raise any special circumstances for overriding the loss of a defined employment site. For these reasons the proposed development does not accord with Policy J3 of the Rossendale District Local Plan that states “in existing and proposed employment areas the needs of industry and commerce will usually be given priority over housing, specifically in the determination of planning applications”*
2. *Having regard to Paragraph 47 of PPG1 (General Policy and Principles) the release of this site would be premature pending the preparation and adoption of a Local Development Framework and the interim housing statement, and as such any decision on this site may prejudice decisions*

*on sustainable patterns of development for housing, employment and regeneration in Rossendale.*

3. *Having regard to Government guidance in the form of PPG3 (Having) this application site does not perform well in respect of sustainability criteria having regard to the fact that the site is not well served by a choice of means of non-car transport and therefore encourage car dependency.*
4. *There are sufficient residential planning permissions to the Borough Council's housing requirement to 2006, based on the Proposed Changes to the Draft Joint Lancashire Structure Plan (Policy 12), with provision for meeting the Borough's 5 year housing supply.*
5. *The early release of this site for 86 dwellings would reduce the Council's freedom to promote the development of more sustainable brownfield sites, including conversions, elsewhere in Rossendale as part of the preparation and adoption of a Local Development Framework.*

Application 2003/594 was subject to a Public Inquiry in September 2004 (APP/B2355/A/04/1140578). Prior to the inquiry two of the five stated reasons for refusal of planning permission were withdrawn by the Council. Therefore, the main issues considered by the Inspector were:

- a. The effect of the proposed housing development on the availability of land for employment purposes;
- b. The suitability of the site for housing having regard to national policy guidance regarding access by modes other than the car;
- c. The effect of development on the supply of housing land.

It was confirmed during the appeal that the Council had no objection to the proposed layout of the site, to the design of the dwellings or the proposed office units, or to the proposed access arrangements.

The Inspector's decision letter deals with each of the issues highlighted above. The first section of the letter considers '*Employment Land Availability*', paragraph 13 concludes "*I therefore consider that Policy J.3 does not support the Council's first reason for refusal.*" The second employment issue raised during the appeal considered that the need to safeguard employment land provision and the surplus within the Borough. The Inspector concludes at paragraph 16 "*On the first issue I therefore conclude that although there is a surplus of employment land, there is insufficient evidence to show whether or not this particular site could be deleted without causing harm to the future interests of the local economy.*"

The second of the issues considered by the Inspector related to the accessibility of the site from other modes of transport other than the private motor car.

A planning obligation under Section 106 of the Town and Country Planning Act 1990 was submitted with the previous scheme for the provision of a payment of

£30,000 to subsidise the daytime bus service along Holcombe Road at existing levels.

During the appeal concerns were raised regarding the future of the existing bus service in the area. The Inspector states *“In my opinion, the site would not be sustainable for housing development without at least the present level of bus provision and, although the additional housing might be expected to generate more passengers, I do not consider that the Obligation goes far enough to ensure that services are maintained for the foreseeable future.”*

Having considered all the issues the Inspector concluded on balance the appeal proposal fails to meet the requirements of Policy 1 of the Deposit Joint Lancashire Structure Plan.

The final issue considered by the Inspector related to the provision of housing and whether the granting of the appeal scheme would result in an unacceptable addition to the over supply of housing in Rossendale. At paragraph 28 the Inspector concluded that *“on the third issue I conclude that planning permission on the appeal site would add unnecessary to the short term supply of housing land in Rossendale and would be contrary to Policy 12 of the Deposit Joint Lancashire Structure Plan to which I attached considerable weight.”*

Overall the Inspector concluded *“Drawing together my conclusions I consider that, although there is a surplus of employment land, there is insufficient evidence to show whether or not this particular site could be deleted without causing harm to the future interests of the local economy. I consider that, on balance, the distances to local services are not so great as to rule out housing development although I also consider that uncertainties about the future bus services are not adequately addressed by the Planning Obligation. Finally, I consider that planning permission on the appeal site would add unnecessarily to the short term supply of housing land in Rossendale.”*

Therefore, having regard to the history of planning decisions on this site, I consider that the main issues to consider in this application relate to:

- whether sufficient information has been provided to demonstrate that this particular site could be deleted without causing harm to the local economy,
- whether sufficient information has been provided regarding the future provision of public transport;
- whether the proposal would unnecessarily add to the supply of housing in Rossendale; and
- whether the proposal accords with the policies contained within the adopted development plan.

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 lead mixed use scheme the most relevant changes to the development plan, therefore, relate to the provision of housing. However, given the reason for refusal on the previous scheme includes the loss of employment land and having regard to the Inspectors comments it is necessary to consider the employment land issue in this appraisal. I will discuss the prevailing policy framework below and other relevant material planning considerations in respect of housing since the Inspector dismissed the previous appeal relating to this site.

Given that this scheme is nearly identical to the previous scheme which included three reasons for refusal at the time of appeal, the report does not re-consider other aspects of the application which were considered to be acceptable previously such as the layout, design, access and impact upon trees.

### **1.3 Policy Context**

#### 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 others 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, 12 and 14 are most relevant in this instance.

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 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.”*

Policy 14 (Business and Industrial Land Provision) states that 25 hectares of will be made available for business and industrial land within Rossendale over the period 2001 to 2016.

### 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.

Policy J3 (Existing Employment Areas) In existing and proposed employment areas the needs of industry and commerce will usually be given priority over housing, specifically in the determination of planning applications.

## **1.4 Other Material Planning Considerations**

## **2. INTERNAL CONSULTATIONS**

### **2.1 EXTERNAL CONSULTATIONS**

#### County Planning

*“Based in formation supplied by the County Council regarding the current housing situation in Rossendale and in the absence of information to justify any overriding consideration in support of the proposal I conclude that this*

*development proposal is not required to meet the housing provision set by aLSP, dJLSP and PCdJLSP to 2006 at this time.*

Should you conclude that it is unlikely that sufficient existing planning permissions for residential development will be completed in April 2006 to satisfy the annualised average provision figures contained in Policy 12 it may be necessary to give approval to additional site(s) provided such sites have the ability to satisfy that provision.

*In order to determine if the proposed office development is acceptable alternative sites for office development should be identified within the sequence before establishing the site's suitability"*

*"The site has poor accessibility" and does not accord with Policy 1b of the dJLSP. Accessibility should be enhanced if the development is to meet the requirements of Policy 1b).*

Whilst the Structure Plan has been adopted since the response from County Planning the policy has not changed since the deposit draft. Therefore, I still consider that the advice provided is appropriate in the context of adopted policies 1 and 12 of the adopted Joint Lancashire Structure Plan.

Moreover, LCC (Planning) is still of the view that this Council should rigorously enforce a policy of restraint on proposals coming forward that will create additional dwelling units.

#### County Highways

*"The structural integrity of the bridge will need to be assessed by the County Council's Bridges Section to ensure that it is suitable for adoption. Any modifications etc. will be at the developers' expense.*

*I have previously raised concern regarding the provision of parking spaces off the access road (spaces 26-30 on the easterly side and 39-41 on the westerly side), which will necessitate vehicles having to reverse to/from the highway. If these parking spaces were widened to say three metres and in groups of no more than two which would aid movement to/from the highway they would be acceptable.*

*Parking spaces numbered 7-17 on the westerly side and 15-19 on the easterly side are accessed directly from the carriageway. To delineate the footway area, I would suggest that a textured footway material is used although this would be subject to a S.38 agreement with the Borough Council who would be responsible for the adoption of the estate roads.*

*Whilst I would not wish to raise an objection to the proposal, the issue of the provision of public transport past the site is a major concern and in the event of the day time service being withdrawn and funding from the developer not forthcoming then I would have to recommend that the application be refused on the grounds that the site would become unsustainable".*



Whilst the Structure Plan has been adopted since the response from County Highways the issues relating to car parking provision and public transport improvements have not significantly changed since the deposit draft.

#### RBC Highways

The following planning comments have been made:

“Private driveways and car park shown on the housing layout would need to be constructed using hard surface material (any not loose chippings) in accordance with requirements of the Planning Manager”.

#### Coal Authority

No objection.

#### United Utilities

No objection subject to a condition relating to the provision of an access strip (6 metres wide) for maintenance or replacement of the sewer.

#### Environment Agency

The agency objects to the proposed development as submitted on the grounds of flood risk.

However, they have stated that the objection could be overcome by the submission of a revised layout showing the floor levels at the upstream end of the site increased to 174.3 metres AOD. I am satisfied that an appropriate condition requiring finish floor levels to be agreed in writing would be sufficient to overcome the concerns raised by the Environment Agency.

Moreover, given that the previous scheme did not include a reason to refuse planning permission on the grounds of flood risk and given that the scheme could be conditioned to raise the height of the finish floors levels by approximately 600mm, I do not consider that it would be appropriate to recommend a further reason to refuse planning permission at this time on the grounds of flood risk.

### **3. REPRESENTATIONS**

#### **3.1 REPRESENTATIONS**

Objections to the application have been received from Helmshore Residents Association and 29 local residents, on the following grounds:

- There are sufficient houses/housing permissions
- It is an industrial site/loss of local job opportunities
- The site is poorly served by public transport
- The site is liable to flooding
- Availability of local shops/school places/dentists
- Noise/disruption during building
- Extra traffic/adequacy of access
- Height/density of the proposed development is out of character with the area

## 4. REPORT

### 4.1 Loss of Employment Provision

The Inspector concluded that there is a surplus of employment provision within Rossendale but did not consider that sufficient information had been provided to justify the removal of the allocation.

He also concluded that Policy J3 of the local plan does not embody a *“presumption in favour of keeping land available for employment use rather, it is concerned with existing and potential conflicts between employment use and other uses, particular housing... I therefore consider that Policy J3 does not support the Council’s first reason for refusal.”*

With regard to the issue of the allocation of the site, the applicant has provided a commercial property report prepared by Paul Nolan & Co. The report considers the size of the site and the likelihood of any conversion the length of time that the site has been vacant and a number of other sites which have been unable to attract a commercial operator.

However, it appears that there are a number of vacant commercial units which were vacant at the time of the survey. It is also clear that some of the commercial units identified in the appendices have now been taken up such as the King Fisher Centre in Bacup. Moreover, this site does not appear on this list nor is there any supporting information as to the marketing that may have been undertaken which I consider to be necessary to demonstrate that there is no demand for this site.

I would expect the applicant to demonstrate that all reasonable efforts had been made to attract a viable alternative employment use for the site. This should include brochures, boards as well as entries on listings of available premises. Moreover, to be completely satisfied that there is no current demand the applicant should include further details of the marketing that has been undertaken. This would include details on the length of the marketing period, whether this was at a price that reflects its current value and that no reasonable offer was refused. In addition it should be demonstrated that:

- the land/premises has been regularly advertised in the local and regional press (e.g. The Free Press, Manchester Evening News, property press (e.g. Estates Gazette)), specialist trade papers and any free papers covering relevant areas;
- the land/premises have been registered by the Economic Development Officer;
- local property agents and specialist commercial agents have been regularly sent mail shots or hard copies of particulars to find out whether there is a demand for business premises in the area; and
- local businesses have been contacted and sent mail shots or hard copies of particulars to explore whether they can make use of the premises (or part of) as alternative or additional accommodation.

Therefore, I am still of the opinion that insufficient information has been provided to warrant the removal of this allocation from the plan and that the provision of 1,700sq m of replacement floorspace to be sufficient to safeguard against harm to the future interests of the local economy.

#### 4.2 Site Accessibility

In dismissing the appeal the Inspector concluded, *“I consider that, on balance, the distances to local services are not so great as to rule out housing development although I also consider that uncertainties about the future bus services are not adequately addressed by the Planning Obligation.”*

The applicant has not provided any additional information or put forward any additional funds to secure the provision of public transport from that which was considered insufficient during the appeal.

Therefore, given that the Inspector concluded that £30,000 was not sufficient to maintain the existing bus service and considering that the most recent application on this site has secured (through negotiation with County Highways) a financial contribution of £172,583 towards public transport improvements, I do not consider that the differences between this scheme from that dismissed on appeal and without any financial contribution, to warrant a different view to that reached by the Inspector regarding the accessibility of the site.

Therefore, I am still of the opinion that, having regard to Government guidance in the form of PPG3 (Housing) this application proposal on this site does not perform well in respect of sustainability criteria having regard to the fact that the site is not well served by a choice of means of non-car transport and therefore encourage car dependency.

#### 4.3 Housing Supply

I consider that the main issue to consider in this instance with regard to housing provision is whether circumstances have changed since the previous scheme was dismissed.

The Inspector concluded that Rossendale is in a position of oversupply against the provision set out in the draft Structure Plan. The Inspector attached significant weight to at that time to the draft policies set out in the draft Structure Plan. Since that time 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.

It is clear, therefore, that Rossendale is still in a position of oversupply and therefore policy and that the residential element if the scheme should be assessed against policy 12 of the Structure Plan. I also consider that the Interim Housing Position Statement and the Audit of Housing Figures is a material consideration in this instance.

Paragraph 6.3.13 of policy 12 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.”*

LCC (Planning) is of the view that this Council should rigorously enforce a policy of restraint on proposals coming forward that will create additional dwelling units.

#### 4.4 Interim Housing Position Statement

The final version of the Interim 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.

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 areas 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.*

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, I do not consider that the applicant has 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.

#### 4.5 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.*"

I consider that 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 and adds to the position reached by the Inspector dismissed the previous appeal on the Holmefield House site (APP/B2355/A/04/1140578).

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)

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 or material changes in circumstance since the Inspector dismissed the previous appeal. 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.

I do not consider that this proposal represents sufficiently exceptional circumstances to justify the approval of additional dwellings outside of any defined regeneration area in a position of significant housing oversupply nor do I consider that there are any material change in circumstances since the Inspector dismissed the previous appeal to warrant a recommendation to approve planning permission in this instance.

Therefore I still do not consider the proposal to be in accordance with the policy 12 of the Structure Plan which has been adopted since the Inspector dismissed the previous appeal.

#### **4.5 Other Material Planning Considerations**

##### National Planning Guidance

Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development was issued in February 2005. The policy document 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.

#### **4.6 Emerging Policy**

##### Draft Regional Spatial Strategy (RSS)

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 coordinated 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).

Moreover, paragraph 9.19(b) notes that in the East Lancashire Housing Market Renewal Area it may be appropriate to develop a wider range of housing types (including high quality market housing) while ensuring local and affordable housing needs can be met elsewhere.

#### **4.7 Core Strategy**

The Preferred Options Report identifies in Proposed Policy Response DS1: Hierarchy of Towns that Rawtenstall (with Bacup and Haslingden) is a "Key Service Centre. Other relevant Proposed Policy Responses include:

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 at present to outweigh the adopted development plan.

## **5. HUMAN RIGHTS**

- 5.1 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.



## **6. CONCLUSION**

- 6.1 The audit of housing figures confirms that the Borough of 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 mindful of the previous recommendation 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 no longer accords with the development plan framework in this instance and that there are no other material considerations which outweigh this view.

Moreover, I am still of the opinion that insufficient information has been provided to warrant the removal of this allocation from the plan and that the provision of 1,700sq m of replacement floorspace to be sufficient to safeguard against harm to the future interests of the local economy.

I am still of the opinion of the opinion that having regard to Government guidance in the form of PPG3 (Having) this application site does not perform well in respect of sustainability criteria having regard to the fact that the site is not well served by a choice of means of non-car transport and therefore encourage car dependency.

## **7. RECOMMENDATION(S)**

- 7.1 I recommend therefore, that the committee refuse the proposal.

## **8. REASONS FOR REFUSAL**

1. 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.
2. Having regard to Government guidance in the form of PPS1, PPG3 and Policy 1 of the adopted Joint Lancashire Structure Plan this application site does not perform well in respect of sustainability criteria having regard to the fact that the site is not well served by a choice of means of non-car transport and therefore encourage car dependency.
3. Insufficient information has been provided to demonstrate that the proposal would not result in an unacceptable shortfall in employment land as required by policy J3 of the Rossendale District Local Plan

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