

TITLE: 2005/278 (OUTLINE) ERECTION OF 4 DWELLINGS (RESUBMISSION OF PLANNING APPLICATION 2005/010) AT GREENHILL GARAGE, ROCHDALE ROAD, BACUP

TO/ON: DEVELOPMENT CONTROL COMMITTEE 2nd AUGUST 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

DETERMINATION EXPIRY DATE: 4TH JULY 2005

APPLICANT: MR T CROSS

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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 applicant seeks outline approval for the erection of four natural stone/natural blue slate dwellings (two pairs of semi-detached houses) on this land. The applicants have requested that the proposed siting of this development is formally considered as part of this application.

The site falls within the Urban Boundary as defined by the Rossendale District Local Plan.

This proposal was requested to be heard by this Committee by a ward Councillor.

Relevant Planning History

2005/010 – (Outline) Erection of four dwellings at Greenhill Garage, Rochdale Road, Bacup - REFUSED

Notification Responses

Site notices were posted and no response has been received.

The applicant's agent has submitted a letter in support of this application in which they argue that outline planning permission should be granted for this proposal because:-

- a) the proposal meets the requirements of PPG3 (this is 'previously developed' land; the site is conveniently located close to Bacup Town Centre, on a bus route and within the defined urban area; and the proposal seeks to make more efficient use of urban land),
- b) it will improve the appearance of the locality by removing an unsightly industrial building and replacing it with development more appropriate to the area,
- c) it is acceptable in highway safety terms - it makes adequate provision for the off-street parking and turning of vehicles, and for allowing those vehicles to safely enter Rochdale Road from the site.
- d) it will assist the Council in meeting its identified housing targets
- e) it will aid in the regeneration of this part of the Borough.

Consultation Responses

County Highways

No objections but would prefer to see a central parking facility as this would reduce the likelihood of vehicles parking on Rochdale Road and obscuring the visibility available to vehicles emerging from the parking area.

RBC Forward Planning

Whilst this development has followed the broad remit of government policy and the application is for a relatively small scale development, it is important to highlight the context to which permission should be granted, in particular in relation to the transitional period of planning system reform. The statement makes considerable reference to national policy, without taking the primary policy that Rossendale should refer to, that being Policy 12 of the Joint Lancashire Structure Plan 2001 – 2016. The Structure Plan was adopted in March 2005 and provides the most recent policy Rossendale has as a material consideration for residential development. Subsequently, advice from Lancashire County Council has been for Rossendale to refuse applications for residential use that contribute a net gain, even if the application is for just a single dwelling as they have a cumulative effect on the housing numbers and Rossendale already has sufficient extant planning permissions to meet the target of 1,920 homes by 2016.

Further to this, in accordance with Regulation 35 (c) of the Town and Country Planning Act 1990 the council has received a Statement of Non-Conformity from Lancashire County Council dated 06/07/2005 identifying that Policy H3 of the Rossendale District Local Plan is not in general conformity with the adopted Structure Plan. Therefore it is identified that the council has an over allocation of housing supply. This issue is being addressed through the emerging Housing Policy Position Statement.

The statement also makes reference to the positive regeneration it would contribute "in housing choice/quality in part of the borough which is recognized as being in dire need of such investment and now benefits Elevate status". The status of the

planning system is currently one of reform brought about by the Town Planning and Compulsory Purchase Act 2004. Rossendale is currently in a transitional period whereby, it has prepared a Local Development Scheme to ensure the preparation of the Local Development Framework (LDF) is achieved. The development of the LDF is based on an "Evidence Base", this comprises a range of national, regional and local policies, strategies, studies and demographic information etc to which it must then develop its spatial vision and objectives, future allocations and development control policies on etc.

One of the key elements of the LDF is the emerging Bacup, Stacksteads and Britannia Area Action Plan that forms part of the Elevate East Lancashire Pathfinder and has been identified as a Housing Market Renewal Area. The emerging Area Action Plan (currently at its issues and options stage) has outlined that for the regeneration of the HMR areas there must be focus on provision of affordable housing and that development follows an Eco Homes/ Eco Valley concept.

Therefore any residential development is required to take these principles into material consideration and will be further reflected in the emerging Housing Policy Position Statement (see below). In relation to housing numbers (primarily net gain), At present Policy 12 of the JLSP will remain the overriding policy for residential development. Rossendale is in discussion with Government Office and the ODPM to ascertain the status of HMR areas in relation to overall housing numbers. In addition, a Housing Market Assessment is also being finalised to provide a foundation to which the correct provision of housing tenure, type etc. can be derived to ensure that the right balance of housing is achieved to aid the wider economic, social and environmental regeneration of the HMR areas.

In reference to these considerations the decision would be to recommend refusal of the application for residential development based on the application being contrary to Policy 12 of JLSP through which there are already sufficient planning permissions to achieve the target of 1,920 homes by 2016.

Development Plan Policies

Rossendale District Local Plan

Policy DS1 (Urban Boundary) of the Rossendale District Local Plan states that the Council *will seek to locate most new development within a defined boundary - the urban boundary- and will resist development beyond it unless it complies with Policies DS3 and DS5.*

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 T4 (Car Parking) of the Rossendale District Local Plan states that *Development proposals will be required to provide, normally within the curtilage of the development, sufficient space to meet both operational and non operational parking requirements.*

Joint Lancashire Structure Plan 2006 - 2016

Policy 1 (Development framework) states that development should be located primarily within the principal urban areas, main towns, key service centres (market towns) and strategic locations for development. Development outside of these areas will be deemed acceptable in principle if it meets an identified local need or supports rural regeneration. In all cases the proposals must satisfy certain specified criteria.

Policy 12 (Housing Provision) 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.

Parking standards require the provision of a maximum of two car parking spaces for dwellings with between two and three bedrooms, and three spaces for dwellings with in excess of 4 bedrooms

Other Material Planning Considerations

PPG1 (General Policy and principles)

Government guidance in the form of PPG1 emphasises that development should be sustainable and states that there is a need to achieve a balance between promoting economic prosperity and protecting the natural and built environment. It also identifies ways in which mixed use development can be promoted, and provides advice on design matters.

Paragraph 7 states that “Urban regeneration and re-use of previously- developed land are important supporting objectives for creating a more sustainable pattern of development. The Government is committed to:

- a) concentrating development for uses which generate a large number of trips in places well served by public transport, especially in town centres, rather than in out of centre locations; and
- b) preferring the development of land within urban areas, particularly on previously-developed sites, provided that this creates or maintains a good living environment, before considering the development of Greenfield sites.”

PPG3 (Housing)

Government guidance in the form of PPG 3 (Housing) states that sites for housing should be assessed against a number of criteria namely the availability of previously-developed sites, location and accessibility, capacity of existing and potential infrastructure, ability to build communities and the physical and environmental constraints on development of land.

Paragraph 22 states that *“The Government is committed to maximizing the re-use of previously-developed land...in order both to promote regeneration and minimize the amount of greenfield land being taken for development”.*

Paragraph 31 highlights the importance of the location and accessibility of housing sites to jobs, shops and services by modes of transport other than the car.

PPG13 (Transport)

Government guidance in the form of PPG13 states in paragraph 19 that “A key objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling.”

Planning Issues

The location for the proposed development is within the urban boundary and therefore the proposal is in accordance with Policy DS1 of the Rossendale District Local Plan.

The location for the proposed development currently houses a vehicular repair garage and the site is therefore classified as a ‘brownfield site’. The site is sustainably located as it is on a good bus route and is within walking distance of Bacup town centre. Therefore the proposed development is in largely accordance with PPG3 (Housing).

In the previous application, there were concerns about the siting of the proposed dwellings in relation to other properties on Rochdale Road. The applicant has addressed this issue and the proposed dwellings now face the highway and will not look out of place within the locality and will not detract from the appearance of the street scene. It is considered that the proposed dwellings will not have a significantly adverse impact upon the amenity of the neighbouring properties in terms of overlooking. Therefore the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

The proposed development is in compliance with the Council’s adopted car parking standards, with 1.5 off-road car parking spaces provided per dwelling. The highways authority have no objections to the proposed access and parking, but would prefer the access to be centrally located within the site. Therefore, the proposed development is in accordance with Policy T4 of the Rossendale District Local Plan.

As stated previously, the siting of the dwellings has been amended, so the dwellings face the highway. As a result of this, there is a distance of 0.7m between the proposed dwellings and No. 111 Rochdale Road at the front and a distance of 1m at the rear of the dwellings. Currently there is a window on the gable elevation of No. 111 Rochdale Road and therefore the proposed development will result in a significant loss of light to the occupiers of No.111 Rochdale Road, due to the close proximity of the proposed dwellings. As a result, the proposed development is contrary to Policy DC1 of the Rossendale District Local Plan.

One major issue associated with this application is one of housing supply. Policy 12 (Housing Provision) of the Structure Plan states that 1920 dwellings are required to be built within the Borough between 2001 and 2016 in order to adequately house the Borough’s population. It further states that these are to be provided at the rate of 200 properties per year until 2006 and 80 per year thereafter. In view of this, and on the basis that only 431 properties were constructed between 2001 and September 2003, it would seem reasonable to assume that there is currently a shortfall of some 1489 dwellings in the Borough. However, at 1 April 2003 there were 1606 planning permissions that were, and still are, capable of implementation. In view of this it is

contended that the Council's current housing targets for 2016 can reasonably be met. With this in mind it is contended, despite the applicant's agents views to the contrary, that the additional 4 dwellings proposed by this application are not currently required to meet the housing land provision of the Borough.

The proposed development is considered to be acceptable in most respects, it is considered that the concerns relating to the loss of light to the occupiers of No. 111 Rochdale Road and primarily housing supply outweigh all other considerations at this time.

Recommendation

That planning permission is refused for the following reasons:

Reasons

1. It is considered that the development is not currently required to meet the housing requirements of the Borough. The proposal is therefore considered to be contrary to the provisions of Policy 12 of the Joint Lancashire Structure Plan 2001 – 2016.
2. The proposed development would by virtue of its height and proximity to No. 111 Rochdale Road have an unreasonably enclosing and overbearing impact, leading to a material loss of light to this property to the detriment of residential amenity. To this extent the proposal does not accord with Policy Dc1 of the Rossendale District Local Plan, which states that development proposals should "contribute to environmental quality and not be detrimental to existing conditions in the surrounding area".

Local Plan Policies

DS.1
DC.1
T.4

Structure Plan Policies

Policy 1
Policy 12