

**TITLE: 2005/320 DEMOLITION OF EXISTING CONSERVATORY & (OUTLINE) ERECTION OF TWO SEMI-DETACHED HOUSES ON LAND ADJACENT TO 1 PARROCK DENE, TODMORDEN ROAD, SHARNEYFORD**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE 2<sup>nd</sup> AUGUST 2005**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**DETERMINATION EXPIRY DATE: 19<sup>TH</sup> JULY 2005**

**APPLICANT: MR J FORD**

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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 permission for the demolition of a conservatory and subsequent outline approval for the erection of two semi-detached properties on the above plot of land. The applicants have requested that the proposed siting of the dwellings be formally considered as part of this application.

The site falls outside of 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**

2005/209 – Demolition of existing conservatory & (Outline) erection of 2 three bedroomed semi-detached houses on land adjacent to 1 Parrock Dene, Todmorden Road, Sharneyford - REFUSED

### **Notification Responses**

Site notices were posted and one letter has been received which has raised the following comments:

- The proposed development would result in a loss of light to the ground floor of No. 254 Todmorden Road.

## **Consultation Responses**

### **County Highways**

No objection, but would refer to the comments for the previous application (2005/209). The following notes are for the attention of the applicant.

1. There should be a minimum of 2 parking places for each dwelling.
2. Facilities should be provided within the site to permit vehicles to enter and leave in a forward gear.

### **RBC Forward Planning**

A policy based objection, referring to Policy C1 of the Rossendale District Local Plan and Policy 12 of the Joint Lancashire Structure Plan.

### **RBC Drainage Engineer**

No objections, but the following comments are for the attention of the applicant: Any culverted watercourses/land drains severed or located during the development must be picked up and reconnected or diverted. Details will be required and should include the route, size, materials, depth, levels and method of construction. Consideration should be given to providing cut-off drainage at the higher extent of the development to prevent the passage of water from higher ground onto the development.

### **Environment Agency**

No objections.

## **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 C1 (Countryside Areas) of the Rossendale District Local Plan states that to enhance rural landscapes, known as countryside areas, with major programmes of tree planting and landscape management, with priority being given to locations adjoining the urban fringes. Any development will be required to be in scale and keeping with the character of the landscape and of a standard of design appropriate to the area.

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.

### Joint Lancashire Structure Plan 2001 – 2016

Policy 1 (General Policy) of the Joint Lancashire Structure Plan states that: Development will be located primarily in the principal urban areas, main towns, key service centres (market towns) and strategic locations for development and will contribute to achieving:

- a) the efficient use of buildings, land and other resources;
- b) high accessibility for all by walking, cycling and public transport, with trip intensive uses focussed on town centres;
- c) a balance of land uses that helps achieve sustainable development;
- h) rural regeneration;

Other development to meet an identified local need or support rural regeneration outside principal urban areas, main towns, key service centres (market towns) and strategic locations for development will be acceptable in principle.

Policy 5 (Development outside of principal urban areas, main towns and key service centres (market towns)) of the Joint Lancashire Structure Plan states that:

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 or community services or by providing for local employment opportunities that maintain, or strengthen and diversify the local economy, including farm diversification and sustainable tourism development.

Policy 12 (Housing provision) of the Joint Lancashire Structure Plan stipulates the annual average rates for future housing provision. For Rossendale 220 houses per year are required between 2001 and 2006 and then 80 house per year between 2006 and 2016. In each district, priority will be given to the re-use or conversion of existing buildings, and then the use of previously developed land at locations listed in Policies 2, 3 and 4 in preference to greenfield land.

### **Other Material Planning Considerations**

#### PPS1 (General Policy and principles)

Government guidance in the form of PPS1 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 outside of the urban boundary. Therefore, the proposed development is not classed as an appropriate use for a site outside of the urban boundary and the proposal is not in accordance with Policies DS1 and C1 of the Rossendale District Local Plan.

Based on the information submitted, it is considered that there is no evidence to suggest that the proposed development is required to meet an identified local need for housing and will not provide employment opportunities. Therefore, the proposed development is contrary to Policy 5 of the Joint Lancashire Structure Plan.

The proposed development is to take place within the residential curtilage of 1 Parrock Dene and this land is classed as brownfield land, which is in accordance with PPG3 (Housing).

However, the location for the proposed development is not sustainable, as it has no access to a bus service and would create a reliance on the car, which is contrary to PPS1 (General Principles) in terms of concentrating development for uses which generate a large number of trips in places well served by public transport.

The siting of the two proposed houses has been moved to create a distance of 3 metres between the proposed houses and No. 254 Todmorden Road. Although

there is a larger distance between the two properties, it is considered that the proposed development will still have a significant adverse impact upon the amenity of the occupiers of the neighbouring property, No. 254 Todmorden Road, in terms of loss of light. As a result of the new siting of the proposed dwellings, which will be closer No. 1 Parrock Dene, there will be a adverse impact upon the amenity of the occupiers of 1 Parrock Dene, in terms of loss of light. The proposed development would have an adverse impact upon the amenity of the neighbouring residents and is therefore 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 that the additional 2 dwellings proposed by this application are not currently required to meet the housing land provision of the Borough and is contrary to Policy 12 of the Joint Lancashire Structure Plan.

### **Recommendation**

That planning permission be refused for the following reasons:

### **Reasons**

1. The proposed development is not an appropriate use for a site outside of the urban boundary and therefore, the proposal is contrary to Policy DS1 of the Rossendale District Local Plan.
2. The proposed development would by virtue of its height and close proximity to No. 254 Todmorden Road and No. 1 Parrock Dene will have (i) an unreasonably enclosing and overbearing impact and (ii) lead to a material loss of light and privacy 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".
3. The proposed development would result in the provision of a dwelling in a rural area, which will not support rural regeneration or has no identified local need and therefore does not comply with Policies 1 and 5 of the Joint Lancashire Structure Plan.
4. 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.

### **Local Plan Policies**

DS1

DC1  
DC4

**Joint Lancashire Structure Plan**

Policy 1  
Policy 5  
Policy 12