

**TITLE: 2005/274 - ERECTION OF TWO DWELLINGS (OUTLINE)
FREEHOLDS MILL, MARKET STREET, SHAWFORTH**

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 2 AUGUST 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

APPLICANT : MR & MRS C ALDERSON

DETERMINATION EXPIRY DATE : 4 JULY 2005

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.

The Site

This application relates to land which was formerly part of Freeholds Mill, the mill site having an 80m frontage to Market Street and depth of 55m-80m. The site rises steeply towards the rear, land beyond the rear boundary lying within the Green Belt

When the mill site is viewed from Market Street there now appear to be two bungalows on the site frontage, one to each side of the shared drive, with a house to the rear of one of them. The north-east corner of the site remains undeveloped and is of poor appearance.

Relevant Development Control History

In August 2001 permission was granted to erect in the south-west corner of the mill site a Day Centre (for adults with learning difficulties), the proposed building to have the appearance of a bungalow (14/01/164). In October 2002 permission was granted for the erection of 3 dwellings on the remainder of the mill site, to share a private drive with the Day Centre (14/02/411).

Rather than erect the bungalow in the north-east corner of the site permitted by Planning Permission 2002/411, permission was sought and granted in October 2003 for the erection of a split-level bungalow (14/03/564). To have 5 bedrooms over a double-garage and store, it would have a 2-storey gable facing towards (and visible from) the main road, broadly similar to the house erected on the site.

Rather than proceed with implementation of either of the permitted schemes for one dwelling, Outline Permission was sought in December 2004 for the erection of 2 dwellings in the north-east corner of the mill site, to be served off the shared access (14/04/854). This application was refused on the grounds that the proposal entailed an increase in the number of dwellings to be erected on the site and, as a consequence, contribute to an over-provision of housing in the Borough.

The Proposal

This application is being reported to Committee at the request of a Councillor.

The application is a re-submission of Application 14/04/8545 and seeks outline permission for the erection of 2 dwellings in the north-east corner of the former mill site, with the matters of siting/design/external appearance/ landscaping reserved for later consideration.

In support of the proposal, the applicant advises that :

- the current application will provide much –needed investment in the regeneration of Whitworth and serve to add only one more dwelling than is presently permitted on the site;
- other local authorities operating restraint policies to guard against the over-supply of housing usually and sensibly incorporate exceptions for small windfall developments on brownfield sites;
- the application site is a brownfield site, is within the urban core, is specifically allocated for housing development in the Rossendale District Local Plan, and is well served by public transport;
- in order that there is more efficient use of land PPG3 encourages the development of housing sites to a higher density.

Consultation Responses

LCC (HIGHWAYS)

The Highway Authority raises no objection in principle, but is critical of various details of the access now to be seen.

ENVIRONMENT AGENCY

No objection in principle.

Notification Responses

No comments have been received.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

DS1 - The Council will seek to locate most new development within a defined urban boundary - the urban boundary - and will resist development beyond it unless it complies with policies DS3 and DS5.

H3 - The following site (amongst others) has been allocated to meet the housing needs of the borough: Freeholds Mill (0.58ha)

NOTE : Policy H3 does not conform with the recently adopted Structure Plan.

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 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 5 states (amongst other things) that outside of Principal Urban Areas, Main Towns and Key Service Areas (Market Towns) development of an appropriate scale and nature will normally take place in identified villages and other settlements. Such development should support rural and urban regeneration by meeting an identified local need for housing, employment or community services that maintain or strengthen the local economy, including proposals that aid farm diversification and sustainable tourism.

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.

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 minimise 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.

Planning Issues

In dealing with this application the main issues to consider are : 1) Principle; 2) Traffic; 3) Ground Conditions; 4) Landscape Impact; 5) Neighbour Amenity.

PRINCIPLE

Since permission remains alive for the erection of one dwelling on the site, the issue of principle raised by the current application relates to whether it is appropriate to allow a second dwelling to be erected.

In relation to Application 14/04/854 LCC(Planning) advised that the erection of the additional dwelling unit would be contrary to policies of the emerging Replacement Joint Structure Plan in that :

- a) it seeks to concentrate new development in Principal Urban Areas, Main Towns, Key Market Towns and identified Strategic Locations. As Shawforth is not one of these locations the additional unit of accommodation would be contrary to policy unless for specialist housing to meet the specific needs of a section of the local community or affordable housing to meet a recognised local need.
- b) although a small proposal in itself, the approval of it and other similar proposals likely to arise would materially exacerbate the amount of over-supply of housing over the plan-period within the Borough when looked at cumulatively.

With respect to the current application, the applicant has not sought to argue that the proposed dwellings are for specialist housing to meet the specific needs of a section of the local community or affordable housing to meet a recognised local need. Since refusal of Application 14/04/854 it must also be borne in mind that the Joint Lancashire Structure Plan has been adopted, making it necessary to afford greater weight to its policies.

Accordingly, the case for refusing the current application is stronger than was the case when Application 14/04/854 was refused in January 2005. However, for the reasons given below, I consider this to be a finely balanced case :

1. The site was specifically allocated for residential development in the adopted Local Plan;
2. The greater part of the allocated site has already been so developed, with permission existing for the residential redevelopment of the remainder of it
3. Commercial use of the application site has ceased and it would not be appropriate to permit its resumption in light of the erection of the Day Centre and dwellings on the rest of the mill site.
4. The mill site, having a main road frontage along which bus services run, is relatively accessible for a site away from the main built-up areas in terms of travel by means other than the private car.
5. The proposed development of the application site will not entail use of 'greenfield' land or serve to extend the built-up extent of the settlement/ impact adversely upon the essentially open and rural character of the Green Belt land to the east of the application site.

On balance I consider the application should be refused. There are two matters in particular which, in my view, tip the balance towards a refusal. Firstly, the proposal will result in such a significant increase in dwelling numbers for the site. Secondly,

this is not such a sustainable location that development to a higher density is to be particularly encouraged/welcomed.

In amplification, the proposal entails a 100% increase in the number of dwellings proposed for the application site. Even if the increase in dwelling numbers resulting from the proposal is assessed in relation to the number of dwellings permitted on the allocated site as a whole the application entails a 33% increase. Whilst it is the case that PPG3 gives encouragement to residential development at higher densities, it does so in the interests of sustainability, ie to minimise the need to develop greenfield sites and to minimise travel. The Borough's housing-supply position is not such that the Council is under pressure to allocate greenfield sites to meet the need for housing provision set out in the recently adopted Joint Lancashire Structure Plan. Shawforth sits low down in the hierarchy of settlements established in the Structure Plan and Rossendale District Local Plan, possessing a limited number of the services and facilities to be found in the centres of the main urban areas of the Borough. Consequently, the development of the application site to a higher density would not yield the same reduction in the need to travel as would the same development in/close to the centre of one of the main urban areas, where such a development would further the objective of urban renewal.

TRAFFIC

I am satisfied that the shared-access presently serving the Day Centre and two dwellings is capable of accommodating the traffic likely to be generated by the two dwellings now proposed.

GROUND CONDITIONS

In terms of its area the application is undoubtedly of ample size to accommodate two dwellings. However, the Coal Authority has previously advised that there is an old mineshaft within the site, and the Environmental Health Manager that there may be a need for remediation of the site as a result of its former industrial use. Neither of these matters makes erection of two dwellings on the site insuperable, although regard will need to be given to them in the siting and design of the proposed dwellings.

LANDSCAPE IMPACT

To ensure that the proposed development will not detract to an unacceptable extent from the street-scene or Green Belt to the rear of the site I consider it appropriate to ensure that the proposed dwellings do not have an eaves or ridge-height exceeding those of the house standing on the south side of the application site and are constructed with the same facing materials.

NEIGHBOUR AMENITY

So long as the proposed dwellings do not exceed the height limit referred to in the preceding paragraph, and are constructed in such a way that first-floor windows to habitable rooms face either to the north-east or south-west, I am satisfied that two dwellings can be accommodated on the site without unacceptable detriment for neighbours.

Summary of Reasons for Refusal

The proposed development will contribute to the over-provision of housing in the Borough, contrary to Policy 12 of the recently adopted Joint Lancashire Structure Plan, and there are no other material considerations of sufficient weight to tip the balance in favour of a permission.

Recommendation

That the application be refused for the reason given below.

Reason for Refusal

The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan. No or insufficient justification has been advanced to otherwise warrant the grant of permission for the proposed development.