



**TITLE: 2005/066: RESIDENTIAL DEVELOPMENT OF 55 UNITS, LAND OFF GREENSNOOK LANE, BACUP.**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE 21<sup>st</sup> JUNE 2005**

**BY: DEVELOPMENT CONTROL MANAGER**

**DETERMINATION EXPIRY DATE : 2 MAY 2005**

**APPLICANT: BROTHER DEVELOPMENTS LTD.**

### **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 application site is an irregularly shaped field of approximately 1.53 hectares in area. It is located to the immediate east of the junction of Greensnook Lane and Todmorden Old Road in an area of predominantly residential development.

Planning permission is sought to erect 55 residential units on this site in the form of 10 semi-detached and 39 terraced properties, and a two storey apartment building housing six flats. These are to be constructed of artificial stone and concrete tiles.

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

### **Relevant Planning History**

1998/090 – (Outline) Residential Development – Approved 28 October 1998

2001/425 – (Reserved Matters) Residential Development – Refused 3 July 2002.  
Appeal Dismissed 14 March 2003.

2003/530 – Residential Development of 34 units – Refused 4 December 2003 on  
housing supply and density grounds. Appeal submitted but withdrawn.

2004/177 – Erection of two storey building containing 6 apartments with associated  
car parking – Approved 2 June 2004.

### **Notification Responses**

The application was advertised by way of site notices. 24 letters of objection, including submissions from the Ramblers Association and the Bacup Consortium Trust, have since been received. The objections are:-

- a) that the proposal fails to fully satisfy the requirements of PPG3. The development would not be sustainable as existing bus services in the vicinity are infrequent. This is also a 'greenfield' site.
- b) that the additional housing, proposed by this application, is not currently required to meet the housing needs of the Borough,
- c) that the development of this peripheral site for residential purposes would be contrary to the aims of Elevate, who are seeking to focus development on Bacup Town Centre in the interests of regeneration,
- d) that the surrounding road network is incapable of satisfactorily accommodating the additional vehicular traffic generated both this development and other residential development approved in the locality,
- e) that the development would lead to 'on-street' parking on the surrounding roads. This problem would be especially acute in winter when, due to the steepness of the proposed access road, vehicles would have difficulty in accessing the development. Vehicles parked 'on street' would obscure the visibility of drivers entering Greensnook Lane from Windermere Drive,
- f) that vehicles would be unable to safely enter Greensnook Lane via the proposed access due to its close proximity to a 'blind' bend,
- g) that the development would detract from the character and appearance of the area and would adversely affect the setting of Christ Church, a Grade II Listed Building,
- h) that development of this site in the manner proposed would lead to the loss of a valuable area of open space which is currently used by the local community,
- i) that the development would adversely affect the level of privacy currently enjoyed by, and would appear unduly overbearing when viewed from, surrounding residential properties,
- j) that noise, fumes and light from the development would unduly disturb the occupiers of surrounding residential properties,
- k) that the proposal would lead to the loss of protected trees to the detriment of the visual amenity of the area,
- l) that the development would unduly disturb the habitat of local wildlife,
- m) that the existing drainage infrastructure is incapable of satisfactorily accommodating the additional foul and surface water generated by the proposed development,
- n) that the development would exacerbate problems of flooding in the area,
- o) that there is no need for more 'affordable' properties in this area. The dwellings proposed by this application would not, in any case, be 'affordable',

- p) that the views currently enjoyed by the occupiers of surrounding residential properties would be adversely affected if the site was to be developed as proposed.

The applicant's agents have submitted a statement in support of this application. They argue that approval should be given for the proposal because:-

- a) it meets the requirements of PPG3 (the site is sustainably located close to local infrastructure, community facilities and a bus route; the land is located within the defined urban area; and the application proposes a mix of housing types at a density of in excess of 30 dwellings per hectare),
- b) it meets the requirements of all other relevant planning policies and Government Guidance,
- c) the dwellings will be in keeping with the character and appearance of the locality and will be sited so that they do not adversely affect the setting of the adjoining Listed Church,
- d) it makes adequate provision for the 'off-street' parking of vehicles,
- e) it makes provision for public open space thus allowing for public access to the site,
- f) it should be possible for the proposed development, and those trees that are in an acceptable condition, to satisfactorily co-exist,
- g) it will assist the Council in meeting its identified housing targets, and
- h) it will aid in the regeneration of a part of the Borough that is identified as being in need of regeneration. In particular it will help to meet the perceived need for new housing types in the locality.

### **Consultation Responses**

#### County Planning Officer

Object. Consider that the Council's housing target for 2006 can reasonably be met through the implementation of existing residential planning permissions.

#### County Highways

Are concerned that siting units 54 and 55 as currently proposed would likely lead to vehicles reversing from those properties onto the access road in close proximity to a bend. Are also concerned that the apparent lack of pedestrian access into the rear of the apartment building would likely lead to 'on street' parking on Greensnook Lane. Otherwise no objections subject to conditions.

#### Crime Prevention Officer

No observations received.

#### Rossendale Leisure Trust

No objections.

#### Environmental Health

No observations received

## RBC Drainage

No objections subject to conditions.

## United Utilities

No objections subject to conditions.

## Environment Agency

No objections subject to conditions

## **Development Plan Policies**

### Rossendale District Local Plan

Policy DS.1 (Urban Boundary) 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. The urban boundary is indicated on the proposals map”*

Policy DC.1 (Development Criteria) 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 DC.4 (Materials) states that *“Local natural stone (or an alternative acceptable natural substitute which matches as closely as possible the colour, texture, general appearance and weathering characteristics of local natural stone) will normally be required for all new development in selected areas. Within those areas roofs shall normally be clad in natural stone slab or welsh blue slate, or in appropriate cases, with good quality substitute slates”*.

Policy HP.2 (Listed Buildings) states that:-

*“a) the Council will safeguard Listed Buildings and structures by strict control of development proposals in relation to such buildings or structures and development of neighbouring sites.*

*b) the Council will not grant Listed Building Consent for the demolition of a Listed Building other than in the most exceptional circumstances.*

*c) the Council will not grant planning permission for alterations or additions to a Listed Building unless there is no adverse effect on its architectural or historic character”*

Policy T.4 (Car Parking) 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*”

Policy E.4 (Tree Preservation) states that “ *The Council will encourage the conservation of existing woodland, individual trees and hedgerows and will control development so that significant examples of each are protected from unnecessary damage or destruction*”.

### Joint Lancashire Structure Plan 2001-2016

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 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.

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**

### Housing Supply

Policy 12 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 agent's views to the contrary, that the additional 55 dwellings proposed by this application are not currently required to meet the housing land provision of the Borough.

### Amenity Issues

The rear (south western) elevations of the new houses, to be erected on plots 50 to 53, are shown as containing a number of main and secondary aspect windows. These windows would directly face the rear garden boundary of an existing property (32 Greensnook Lane) at a distance of between 8 and 11 metres. Whilst distances of 10 metres and beyond would normally be sufficient to prevent problems of overlooking from occurring, the new dwellings would, in this instance, occupy an elevated position above the existing property due to the topography of this site. With this in mind it is contended that the new dwellings, to be erected on plots 50 to 53, would look at close quarters down into the rear garden 32 Greensnook Terrace thus unacceptably reducing the level of privacy currently enjoyed by the occupiers of that property.

### Highway Issues

The proposal makes adequate provision for the 'off street' parking of cars in conjunction with the new dwellings but, with the exception of the new apartments, makes no provision for the turning of such vehicles within the curtilages of the respective properties. Whilst for the most part the lack of turning facilities would not lead to any significant highway safety problems it is contended that a problem would arise in the case of the dwellings to be erected on plots 54 and 55. This is because, due to the proposed position and orientation of those dwellings and their associated accesses, it is likely that vehicles would be reversed from them onto the new access

road, or vice versa, within 20 metres of a 'blind' bend. Such manoeuvres would not, it is contended, be in the best interests of highway safety, a view supported by County Highways.

### Other Issues

Local residents have raised a number of concerns about the proposal (see 'Notification Responses' section above). Concerns (b) and (i) are accepted for the reasons given above. The remaining concerns are not for the reasons given below:-

- a) it is accepted that this is a 'greenfield' site and that, as such, its development for residential purposes would not be strictly in accordance with the requirements of PPG3. However, despite this, planning permission was recently granted allowing for the erection of an apartment block on part of this site. Furthermore, although planning permission was previously refused for the erection of 34 dwellings on this land in 2003, that application was not refused on the grounds of the land being viewed as 'greenfield'. With this in mind, and as the current proposal essentially satisfies the requirements of PPG3 in all other respects, it is considered that it would now be difficult for officers to justify recommending refusal of this application on PPG3 grounds,
- b) it is contended that the new dwellings would not unduly detract from the appearance of the surrounding area. It is also contended that, sited in the positions proposed, they would not adversely affect the setting of the nearby Listed church,
- c) it is contended that, apart from the highway issue outlined above, the proposal would not give rise to any other undue highway safety concerns. It is contended that the surrounding road network could satisfactorily accommodate the additional vehicles generated both by this development and by other approved residential development in the vicinity. It is also contended that the proposal makes adequate provision for the 'off street' parking of vehicles and as such should not lead to problems 'on street' parking along adjoining streets. It is considered that vehicles would be able to safely enter Greensnook Lane from the new site access road subject to the provision of suitable sight lines. Finally, the County Highway Authority would be responsible for adopting the new access road and as such would be in a position to require that it be constructed to a suitable gradient thus allowing vehicular access to the development all year around,
- d) whilst it may be that this site has previously been used as communal open space by local residents it is not a condition of any planning approval that it be retained as such nor are there any planning policies that currently require that it be retained in this use. In view of this, and as some public open space is proposed as part of the submitted scheme, it is contended that a refusal of this application, on the grounds that it would potentially lead to the loss of amenity space, could not reasonably be sustained,
- e) it is contended that, sited in the positions proposed, the new dwellings would not appear unduly overbearing when viewed from properties surrounding the site,
- f) it is contended that the proposed development would not generate a level of noise, or create a level of light, that would unduly disturb surrounding local residents. Furthermore, whilst accepting that some fumes and dirt would probably be generated whilst the development was being constructed it is unlikely that such problems would occur once building works had been completed,

- g) it is contended that the development of this site, in the manner proposed, would not lead to the loss of trees of any merit,
- h) the site is not known to be the habitat of any protected wildlife,
- i) it is contended that the existing drainage infrastructure would be capable of accommodating the additional foul and surface water generated by this development. Furthermore it is not envisaged that the proposal would give rise to any problems of flooding in the area. For Members information, neither United Utilities nor the Environment Agency, who control such matters, raise any objections to the proposal,
- j) concerns about the 'affordability' of the proposed dwellings (in the way in which they have been expressed), and about loss of view, are not planning matters and can not therefore be taken into consideration when determining this application.

### **Conclusion**

The proposal is considered to be acceptable in all other respects or could be rendered so through the imposition of suitable conditions. Nevertheless it is considered that the concerns outlined above outweigh all other considerations in this instance. In view of this refusal of this application is recommended.

### **Recommendation**

That planning permission be refused for the following reasons:

### **Reasons for Refusal**

- 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) It is considered that the dwellings to be erected on plots 50 to 53, because of their design and position, would look at close quarters directly over the rear garden of 32 Greensnook Lane to the detriment of the amenities currently enjoyed by the occupiers of that dwelling. The proposal is therefore considered to be contrary to the provisions of policy DC.1 of the Rossendale District Local Plan.
- 3) It is considered that the proposal would likely lead to the reversing of vehicles from plots 54 and 55 onto and/or off the new access road in close proximity to a 'blind' bend. This would not be in the best interests of highway safety in the area. The proposal is therefore considered to be contrary to the provisions of policy DC.1 of the Rossendale District Local Plan.

### **Local Plan Policies**

DS.1  
DC.1  
DC.4  
HP.2  
E.4  
T.4



## **Structure Plan Policies**

Policies 1 and 12