



TITLE:	2005/093 – ERECTION OF FOUR TOWNHOUSES AT LAND AT HILL END LANE RAWTENSTALL ROSSENDALE
TO/ON:	DEVELOPMENT CONTROL COMMITTEE - THURSDAY 28 APRIL 2005
BY:	TEAM LEADER - DEVELOPMENT CONTROL

APPLICANT: A & J WALSH

DETERMINATION EXPIRY DATE: 7 APRIL 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.

This application has been requested to be heard by this Committee by the ward Councillor.

Site and Proposal

This proposal seeks consent to erect four townhouses on a portion of land off Hill End Lane, Rawtenstall. To the south of the site are six terraced properties and the remainder of the surrounding site is predominantly business uses. The application site is currently used as a builder's yard and is a fenced compound accessed of an unmade track which also serves the neighbouring property.

Consultation Responses

County Planning Officer – Raises a policy based objection
Environment Directorate (Highways) – No objection
English Nature – No objection

Notification Responses

Site and press notices were posted. Six letters of representation have been received which make the following summarised points:

- Mature trees would be affected by the development
- Japanese knotweed exists on the site
- Additional traffic and parking created by the development
- Increased danger to children in the vicinity
- Potentially contaminated land

Development Plan Policies

The following policies are considered relevant:

Rossendale District Local Plan

Policy 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 DS.3 and DS.5. The urban boundary is indicated on the proposals map”.

Policy DC1 – “The Council aims to ensure that all new development is in accordance with the objectives and policies set out in the district plan. In general, all development proposals will be expected to provide a high standard of building and landscape design, to contribute to environmental quality, and not to be detrimental to existing conditions in the surrounding area. After taking into account any likely future extension, developments should not take more land than is reasonably necessary, nor should they prejudice the future development of any wider area. All applications for planning permission will be considered on the basis of the following criteria: location and nature of proposed development including its relationship to existing and other proposed land uses size and intensity of proposed development c) relationship to existing services and community facilities relationship to road and public transport network likely scale and type of traffic generation likely level of air, water and other environmental pollution including noise nuisance and the possible creation of any risk or hazard to surrounding land uses likely effect on existing trees and other natural features of the development site arrangements for servicing and access to proposed development including access for pedestrians, disabled people and emergency services car parking provision sunlighting, daylighting and privacy provided density, layout and relationship between buildings visual appearance and relation to surroundings landscaping and open space provision the needs of watercourses the impact upon man-made or other features of local importance”

Policy DC 4 (Materials) of the Rossendale District Local Plan 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 12 of the Adopted Joint Lancashire Structure Plan 2001-2016 requires the provision of 1,920 dwellings over the plan period. The Policy specifies an annual average dwelling provision in the period 2001-2006 equivalent to 1,100 dwellings. Total housing completions 2001-September 2003 amounted to 431 dwellings. Additionally, the County comments that as at 1 October 2003 there were existing planning permissions for 1,606 dwellings and based on these figures it concludes that there are sufficient residential planning permissions to meet the Borough Council's housing requirement to 2006.

Other Material Planning Considerations

PPG 3: (Housing)

Government guidance in the form of PPG 3: Housing (March 2000) sets out the Government's aims and objectives relating to housing. Paragraph 32 states that "*the presumption will be that previously developed sites (or buildings for re-use or conversion) should be developed before greenfield sites*".

Planning Issues

The first issue for consideration is the land use designation. The site is located within the urban boundary and is allocated as an employment area on the Rossendale District Local Plan. If Members are minded to approve this application, it would be necessary to refer the matter to the Government Office for the North West as a departure from the Development Plan. It is also a brownfield site and therefore complies with PPG3 (Housing) in this particular respect.

The County Planning Officer comments that the proposal is not required to meet the Council's housing figures and is contrary to Policy 12 of the Adopted Joint Lancashire Structure Plan 2001-2016 which makes clear that the Council has sufficient housing provision until April 2006. Further, the application does not demonstrate very special circumstances or need and is therefore contrary to the Adopted Joint Lancashire Structure Plan 2001-2016.

English Nature raise no objection to the application but make reference to the existence of Japanese Knotweed on the site. Separate legislation exists to address this matter.

The views of the residents are acknowledged.

Recommendation

That planning permission is refused for the following reasons:.

The proposed development is not required to meet the identified housing provision for the borough, and therefore does not comply with Policy 12 of the Adopted Joint Lancashire Structure Plan 2001-2016.

Background Documents

Lancashire County Structure Plan

