



**TITLE: 2005/163: (OUTLINE) ERECTION OF TWELVE DWELLINGS, LAND OFF BACUP ROAD, HAREHOLME, RAWTENSTALL.**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE 21 JUNE 2005**

**BY: DEVELOPMENT CONTROL MANAGER**

**DETERMINATION EXPIRY DATE : 15 JUNE 2005**

**APPLICANT: UNITED UTILITIES PLC**

### **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 plot of land of approximately 0.58 hectares in area. It is located due north east of the junction of Bacup Road and Highfield Road in an area of predominantly residential development. The site is derelict and is currently occupied by the remains of Rostron's Buildings and self seeded trees.

Outline planning permission is sought to erect twelve dwellings on the land. The applicants have requested that the siting of those dwellings, and the proposed means of gaining vehicular access to them, be formally considered as part of this application.

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

## **Relevant Planning History**

2003/607 – Use of site as a temporary compound and construction of a permanent highway access – Approved 4 December 2003

## **Notification Responses**

The application was advertised by way of site notices. Two letters of objection have since been received. The objections are:-

- a) that the proposal would reduce the level of parking space currently available for existing residents and lead to 'on street' parking on Bacup Road. This would not be in the best interests of highway safety,
- b) that noise from the development would unduly disturb local residents,
- c) that the closure of Gilbert Street would prevent proper access to wheelie bins.

One resident has stated that if Gilbert Street is to be 'closed' it needs to be 'stopped up' in an appropriate way i.e. by way of an appropriately designed wall or suitable planting rather than by bollards or fencing.

The applicant's agent has submitted a letter in support of their proposal in which they state the following:-

- a) the development of this unsightly land for residential purposes would significantly improve the appearance of the surrounding area, and
- b) the development would benefit highway safety in part by providing parking for the surrounding residential properties.

## **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. There is therefore no need for further housing at present.

### **County Highways**

Object. Consider that vehicles would be unable to enter Bacup Road from the site, via the access in its currently proposed form, without detriment to their own safety or that of other vehicular users of that highway. Are also concerned about the proximity of parking spaces to the new junction.

### **County Archaeology Unit**

No observations

### **Environment Agency**

Object. The site is liable to flood. Insufficient information has been submitted with this application to properly determine to what extent future occupiers of the proposed housing would be at risk from such flooding or to what extent the development would increase the flood risk to occupiers of surrounding properties.

## Trees Officer

No objections subject to the imposition of conditions requiring a tree survey to be carried out in order to ascertain whether trees of any value exist on the site and requiring the carrying out of replacement tree planting should any trees of value be removed.

## **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 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.”*

### **PPG25 (Development and Flood Risk)**

This guidance states that susceptibility to flooding is a material planning consideration; that the Environment Agency has the lead role in providing advice on flood issues in relation to planning applications; that policies in development plans should outline the considerations that will be given to flood issues, recognising the uncertainties that are inherent in the prediction of flooding and that flood risk is expected to increase as a result of climate change; that planning decision authorities should apply the precautionary principle to the issue of flood risk, using a risk-based search sequence to avoid such risk where possible and managing it elsewhere; that planning decision authorities should recognise the importance of functional flood plains, where water flows or is held at times of flood, and avoid inappropriate

development on undeveloped and undefended flood plains; that developers should fund the provision and maintenance of flood defences and warning measures that are required because of the development; and that planning policies and decisions should recognise that the consideration of flood risk and its management needs to be applied on a whole-catchment basis and not restricted to flood plains.

## **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 that the additional 12 dwellings proposed by this application are not currently required to meet the housing land provision of the Borough.

### **Highway Issues**

It is proposed to gain vehicular access to the new development via a new access formed from Bacup Road. There is no objection in principle to this element of the proposal as planning permission already exists for the formation of a new vehicular access to the site (see 'Relevant Planning History' section above). It is contended, however, that the level of visibility that the currently proposed access would afford to drivers of vehicles entering Bacup Road would not be satisfactory. In order to satisfy the Council's normal requirements for accesses onto roads of this nature, visibility splays of 2.4 metres x 90 metres would need to be provided on either side. In this instance sight lines of 2.4 metres x 70 metres are proposed to the north west and 2.4 metres x 32 metres to the south east. In view of this it is contended that vehicles would be unable to enter Bacup Road via this access without detriment to their own safety or that of other vehicular and pedestrian users of that highway. An approval of this proposal, in its current form, would not therefore be in the best interests of highway safety, a view supported by County Highways.

### **Flood Issues**

The site is liable to flood and consequently future occupiers of the new properties may be at risk from flooding. The erection of those properties may also increase the risk of flooding to surrounding properties. It may be possible, in this instance, to erect twelve dwellings on the site without such problems from occurring. However, insufficient information has been submitted with this application to demonstrate how this might be achieved. In the absence of such information it is contended that it is not currently possible to properly assess the flood risk implications of this proposal.

### **Special Circumstances**

Consideration has been given as to whether or not the Special Circumstances, put forward by the applicant's agents, justify approving this proposal despite the

concerns outlined above. However, it is contended that they do not for the following reasons.

It is accepted that a substantial part of the site is in an untidy and derelict condition. However the untidy part of the site is set back from Bacup Road, the main public vantage point from which it is viewed, and it is screened from that highway, to some degree, by existing buildings and a quite attractive strip of amenity land containing trees. This being the case, whilst accepting that re-development of the site in the manner proposed would undoubtedly improve its appearance, it is contended that it would not afford sufficient of an improvement overall to justify approving the proposal despite the concerns outlined earlier.

The agent also argues that an approval of their proposal would improve highway safety in the locality. However, this is also not accepted for reasons set out in the Highway Issues section above. Accordingly it is contended that this would not represent a justifiable reason for allowing this proposal either.

### Other Issues

Local residents have raised a number of concerns about the proposal (see 'Notification Responses' section above). However these are not accepted for the reasons given below:-

- a) the site is considered to be large enough to accommodate twelve dwellings, satisfactory associated car parking and turning facilities, and suitable 'off street' parking provision for local residents,
- b) it is contended that twelve dwellings would not generate a level of noise that would unduly disturb surrounding local residents,
- c) the closure of Gilbert Street would not necessarily prevent access for wheelie bin collection. It would still be possible for refuse vehicles to park on Bacup Road and for refuse collectors to access dwellings on Gilbert Street on foot. Furthermore, although submitted for illustrative purposes at this stage, the plans show vehicular access to Gilbert Street as being retained through the development site itself,
- d) in the event of this application being approved, it would be possible to control the means of 'closing off' Gilbert Street through the imposition of a planning condition,
- e) concerns about the proposed location of car parking spaces within the site can not be taken into consideration in the determination of this application. The application has been submitted in outline form only and formal approval of these details has not been sought at this stage.

### 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 outline 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 having regard to the substandard visibility that would be available on either side of the proposed access, vehicles would be unable to enter Bacup Road from the site without detriment to their own safety or that of other vehicular and pedestrian users of that highway. 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 insufficient information has been submitted with this application to enable the flood risk implications of the proposal to be properly judged. The proposal is therefore considered to be contrary to policy DC.1 of the Rossendale District Local Plan and the advice contained within Government Guidance PPG25.

### **Local Plan Policies**

DS.1  
DC.1  
E.4  
T.4

### **Structure Plan Policies**

Policies 1 and 12