

Application No: 2007/014	Application Type: Outline
Proposal: Redevelopment of the works for a 7no apartment block	Location: Clough End Works, Clough End Road, Haslingden
Report of: Head of Planning, Legal and Democratic Services	Status: For Publication
Report to: Development Control Committee	Date: 13 February 2007
Applicant: Mr N Grimshaw	Determination Expiry Date: 29 March 2007
Agent : Hartley Planning & Development Associates Ltd	

REASON FOR REPORTING Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Members:	Cllr Joyce Thorne and Cllr Duncan Ruddick
Reason for Call-In:	A similar application was considered recently by Committee and it is appropriate for changes to the scheme and regeneration implications to be considered.

3 or more objections received No

Other (please state)

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.

APPLICATION DETAILS

1. THE PROPOSAL AND THE SITE

This application is a re-submission following the refusal in October 2006 of Outline Planning Application 2006/390 for a larger building containing 9 apartments.

The applicant now seeks consent for the redevelopment of the works to create a new block of 7 apartments. The site contains old mainly brick and sheet-clad buildings, which are in poor condition. The site is separated by a back street from the rear of terraced houses fronting Blackburn Road to the west. There are also houses, including a converted coach house at higher level to the east.

The application is in outline and deals with the matters of siting, design, external appearance and means of access, with only landscaping reserved for later consideration. Access would be from the existing back street. It is intended to tarmac the back street. The building would be three storeys high with the main frontage and projecting entrance facing north towards the rear of a terrace of 4 houses, numbers 1 to 4 Park View.

The previous application proposed 9 flats in a 3 storey block measuring 12.5 metres by 16.4 metres. The current application is for a building of similar appearance but measuring 16.9 metres by 10.8 metres. The number of car parking spaces is maintained at 14.

The application is accompanied by a detailed planning statement which addresses the reasons for refusal on the previous application. It is stated that the site owners are seeking alternative premises and do not wish to leave it in an unsatisfactory state. It is claimed that the proposal has support from surrounding property owners and 11 letters of support are included. Reference is made to policies in the Rossendale District Plan, the Housing Position Statement, Draft Regional Spatial Strategy, the Joint Lancashire Structure Plan and Planning Policy Guidance Note 3 to try and make a case that the development is acceptable in principle in terms of policy and regeneration. The design is justified, including separation distances from surrounding property, and reference is made to disabled access. A contaminated land survey concludes that further intrusive investigation is required. A bat survey concludes that the presence of bats is unlikely.

2. RELEVANT PLANNING HISTORY

2006/390 – Outline application for 9 apartments refused in October 2006. This application was refused for the following reasons :

- 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 and the Housing Policy Position Statement.*
- 2 *The scheme would represent an inappropriate overdevelopment of the site that would fail to comply with the provisions of Policy 1 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the adopted Rossendale District Plan.*
- 3 *The proposed development fails to provide an appropriate number of parking spaces to serve the development consistent with the requirements of the Lancashire County Council Parking Standards.*

3. POLICY CONTEXT

Rossendale District Local Plan
Policy DS.1 (Urban Boundary)
Policy DC.1 (Development Criteria)
Policy DC.4 (Materials)

Joint Lancashire Structure Plan
Policy 1 (General Policy)
Policy 2 (Main Development Locations)
Policy 12 (Housing Provision)

Other Material Planning Considerations
PPS 1
PPS3
PPG13
RPG13
Draft RSS

LCC Parking Standards
RBC Revised Interim Housing Position Statement 2007
RBC Housing Land Position Monitoring Report 2006.

4. CONSULTATIONS

LCC (Highways)

No reply to date

RBC Drainage

Finished floor levels for the block should take account of possible flooding from an existing culvert.

RBC NEAT Team

Request a condition requiring provision for storage and disposal of waste.

5. REPRESENTATIONS

Surrounding neighbours have been notified and site notices posted.

Three objections have been received.

- There is concern about the condition of the existing site including the presence of asbestos and rats.
- Some form of development would be welcome but not 3 storey flats.
- It is considered that the car parking is inadequate and that there will be danger to children.
- Increased traffic will be dangerous to residents and pedestrians during and after construction. The Council should consider safety with a controlled crossing and extended pavements being considered.
- The position of the flats will lead to overlooking and loss of privacy in the garden and house.
- The proposed use of natural stone is criticised.
- There will be noise from construction and residents of the flats.
- The site smells and attracts vermin.
- The building will restrict sunlight and daylight to the house and garden.

- The layout and density is no appropriate to the area.
- The proposal will add nothing to the landscape.
- There is concern about contamination of the site and possible effect on the objector's natural water supply.

11 copies of the same letter of support from different addresses were received with the application. It is stated that there would be benefits in terms of amenity for the residents and that the existing buildings and use are not n keeping with the area.

6. ASSESSMENT

The main issue is whether the changes to the scheme have overcome the 3 reasons for refusal on the previous application, namely housing policy; over development of the site; and inadequate car parking. The number of apartments has been reduced from 9 to 7, but the building is still 3 storey and located in a similar position to that in the previous application. Its depth has been reduced, but it is slightly longer.

Principle

The location for the proposed development is within the Urban Boundary and therefore the proposal complies with Policy DS1 of the Rossendale District Local Plan. The proposed development is located within one of the main development locations, as described in Policy 2 of the Joint Lancashire Structure Plan.

National, regional and Structure Plan policy encourage re-use of previously developed (ie 'brownfield' land). In this respect the proposal accords with policy. The site is also accessible by foot and bus from the key service centre of Haslingden and its redevelopment would, to this extent, be viewed as sustainable.

Housing Provision

The main issue which needs to be considered in relation to Housing Policy is that of housing over-supply.

The Officer's Report on the previous application analysed the proposal in the light of Structure Plan policy and the Housing Position Statement approved in August 2005 by this Council. The current application was submitted after the Revised Interim Housing Position Statement was approved by Cabinet on 24 January 2007, to have immediate effect in respect of newly-submitted planning applications. The report below reflects this change.

Consistent with housing policy contained in national and regional guidance, Policy 12 of the Joint Lancashire Structure Plan (adopted March 2005) has resulted in a housing allocation requiring a reduced rate of provision for several Lancashire Districts over the period 2001-2016, including Rossendale. Policy 12 states that 1,920 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 220 dwellings per year until 2006 and 80 per year thereafter. Having regard to the number of dwellings which have been built since 2001, and to the number for which permission exists, LCC (Planning) is of the view that this Council should rigorously enforce a policy of restraint on proposals coming forward that will create additional dwelling units.

In the supporting statement following Policy 12 of the Structure Plan it states that:
“Where there is a significant oversupply of housing permissions, planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project”.

The Council’s Housing Position Statement (August 2005) accepted the contention that the Council would over-shoot its housing allocation and that permissions henceforth granted should be limited to particular circumstances.

At its meeting in June 2006 Cabinet received a Housing Land Monitoring Report, setting out the latest position in relation to provision of housing. The report to Cabinet says of the Monitoring Report : *“It shows that the number of dwellings which have a valid planning approval exceed the requirements of the Joint Lancashire Structure Plan (JLSP). Anticipated completions have also been considered and this will significantly exceed the provision of just 80 that the JLSP requires on an annual basis for the period 2006 to 2016. The situation has not changed since the Housing Policy Position Statement, approved in August 2005”.* Nor has the Draft Regional Spatial Strategy progressed to the stage that its contents can have greater weight than Policy 12 of the adopted Structure Plan and the Regional Guidance it was founded upon.

At its meeting on 24 January 2007 Cabinet approved (with immediate effect in respect of newly-submitted planning applications) a Revised Interim Housing Position Statement . It states that applications for residential development in Rossendale will be acceptable in the following circumstances :

- a) The replacement of existing dwellings, providing that the number of dwellings is not increased.
- b) The proposal can be justified in relation to agricultural and forestry activities.
- c) In relation to listed buildings and important buildings in conservation areas, the applicant can demonstrate the proposal is the only means to their conservation.
- d) Conversion or change of use of buildings within the urban boundary of the main development location within the Borough (ie Rawtenstall including Bacup and Haslingden) where the number of units is 4 or less.
- e) The conversion to 5 units or more, or for new build developments of 1 unit or more on previously developed land, where it can be demonstrated the proposal lies within and will deliver regeneration benefits within the Regeneration Priority Areas of Rawtenstall Town Centre or Bacup, Stacksteads and Britannia (Elevate) Pathfinder.

Accordingly, it is appropriate to consider the application in relation to these criteria. The application proposal:

- Does not replace existing dwellings.
- Cannot be justified in relation to agricultural and forestry activities.
- Does not relate to a Listed Building or Conservation Area.
- Does not relate to conversion or change of use of existing buildings.
- Does not lie within either of the identified Regeneration Priority Areas.

Thus, the proposal is contrary the criteria of this Council’s Revised Interim Housing Position Statement. Nor does the proposal make “an essential contribution to the

supply of affordable or special needs housing or form a key element within a mixed use regeneration project”, as referred to in relation to Policy 12 of the Structure Plan.

This application proposes significantly more dwellings. However, the recent appeal decision in respect of a proposal for a single dwelling at 4 Daneswood Avenue, Whitworth is also worthy of note; a copy of the Planning Inspectorate’s decision letter is to be found below, appended to the Appeals Update Report. In short, Application 2006/182 proposed erection of a 3-bed detached house, with a single garage, within the Urban Boundary of Whitworth. The application was refused permission for 2 reasons : 1) housing over-supply; & 2) lack of the facility to park 2 cars clear of the highway. The appeal against this decision was dismissed by the Planning Inspectorate on 5 February 2007. Having considered the case of the appellant about why the proposal ought not to have been refused on the grounds of housing over-supply the Inspector states : *“...neither that, nor the previous outline permission for a dwelling on the appeal site which has lapsed, would justify overriding the approach adopted by the Council to manage the supply of housing. Whilst it could be argued that permission for a single dwelling would not compromise the overall level of provision, the cumulative effect of such decisions would prejudice the housing strategy and I conclude on this issue that the proposal would be contrary to Policy 12 of the Structure Plan and Policy 1 of the Revised Interim Housing Position Policy.”*

The site is currently occupied by a construction yard and works that stand to the rear of a row of terraced houses fronting Blackburn Road. Nevertheless, to permit the residential development proposed would, at this time, be contrary to approved policy and would set an undesirable precedent for other residential applications, prejudicing the regeneration aims and objectives of the Council.

Residential Amenity

It is considered that the development would not have a significantly increased impact upon residential amenity than that which currently stands on the site. Issues of noise and disruption were raised by objectors to the previous application. However, whilst it is recognised that during construction this may be an issue, the end use would be much more fitting in a predominantly residential area.

Privacy

Loss of privacy was another issue which was previously raised by neighbours. As before, the windows which would directly face those on the rear of existing properties on Blackburn Road are to serve kitchens. The distance between windows will be approximately 13m and, should the application be approved, could be conditioned to ensure the proposed windows are obscure-glazing. It is considered that this would afford the residents of Blackburn Road an appropriate level of privacy. There would be no direct overlooking of the properties to the east. The separation distance between main windows in the apartment block and windows in the rear of the 4 houses on Park View has been increased to 21.5 metres which is considered to be adequate.

Traffic/Parking

The access to the development is off a narrow back street, the entrance of which is close to existing traffic-lights. Having regard to the traffic-generation of the authorised use of the site this arrangement was previously considered accepted to serve 9 apartments, rather than the 7 now proposed.

The application proposes a 14-space car park, which conforms with LCC's Parking Standards that require no more than two spaces be provided for every two-bedroom dwelling. Accordingly, the reason for refusal of the previous application on parking grounds is no longer appropriate.

Overdevelopment of the Site

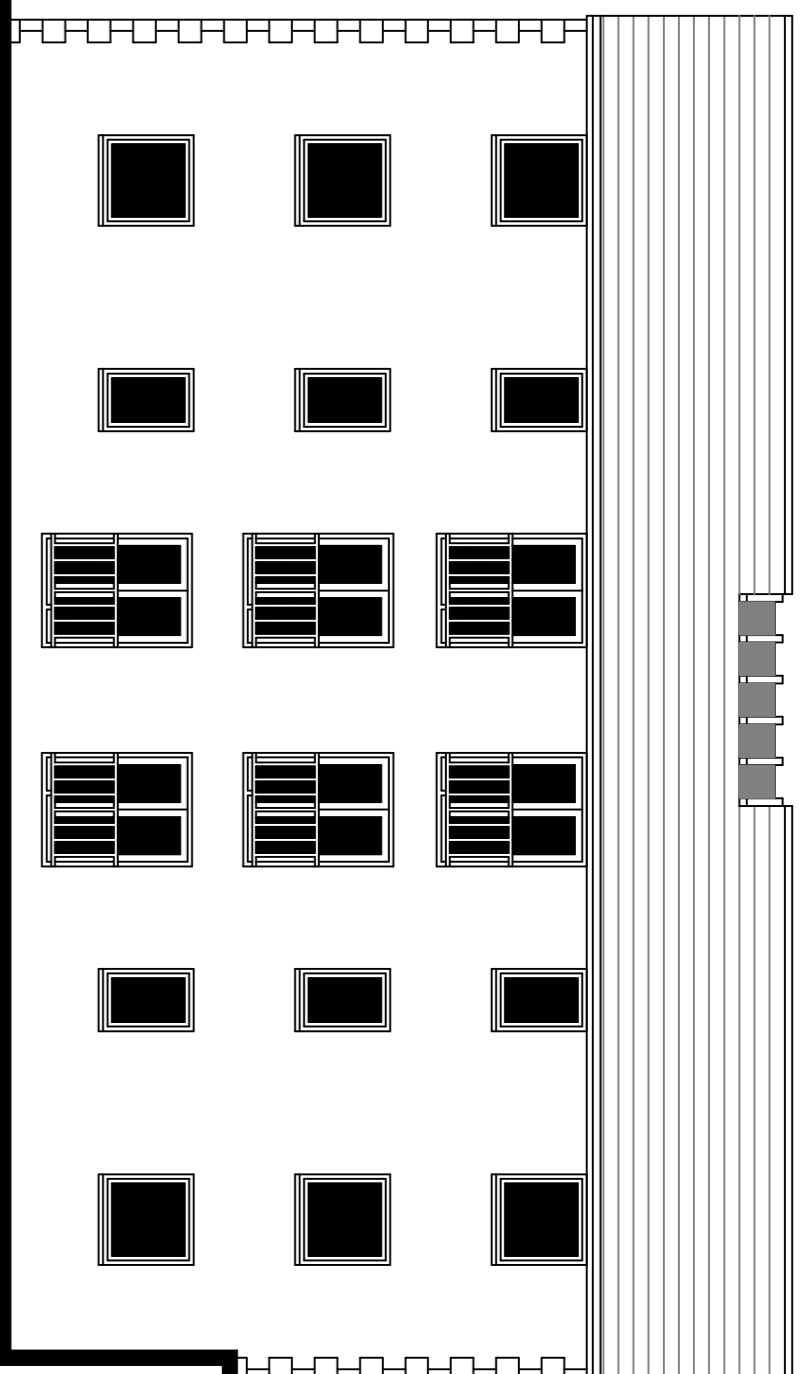
The previous application was refused on the grounds of overdevelopment of the site contrary to Structure Plan and District Plan policies. The new block would be reduced in depth by 1.7m, but it would be 0.5m longer. The footprint of the previous block would be 205 sq m. The current proposal is for a block with a footprint of 182.5 sq m, a reduction of less than 10%. Although the number of apartments has been reduced from 9 to 7, all but one of them would be larger than before. There are limited areas of landscaping but the majority of the site is devoted to car parking with no usable amenity space for residents to sit out or hang washing. The reason for refusal in respect of this matter is still considered appropriate.

7. RECOMMENDATION

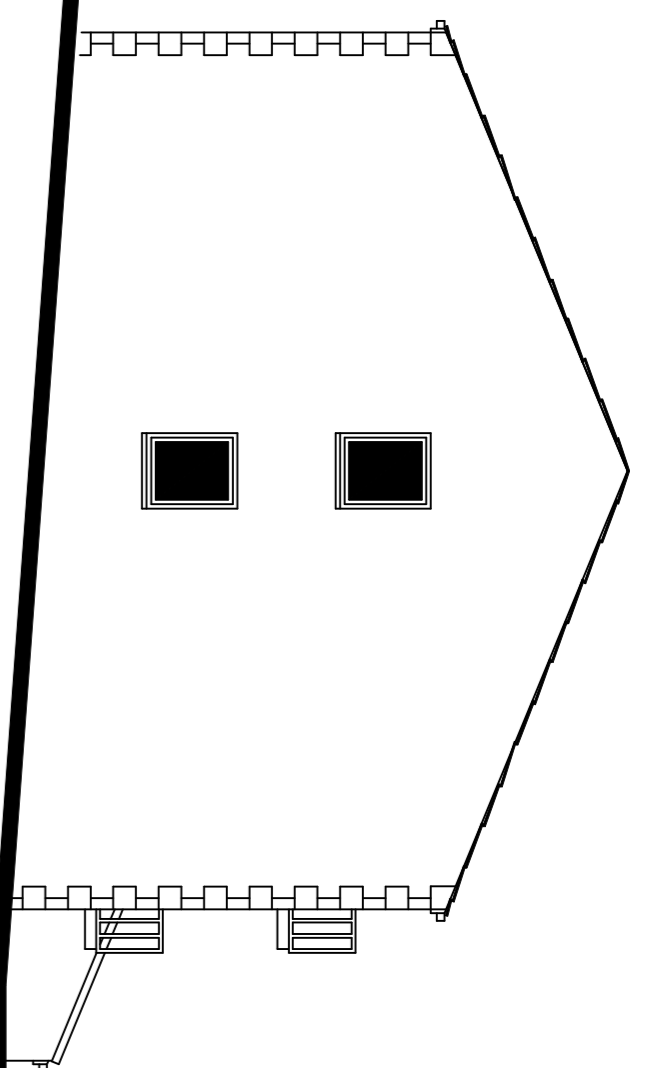
That the application is refused for the following reasons:

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 PPS3 and Policy 12 of the adopted Joint Lancashire Structure Plan 2001 – 2016 and the Council's Revised Interim Housing Position Statement (2007).
2. The scheme would represent an inappropriate overdevelopment of the site that would fail to comply with the provisions of Policy 1 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

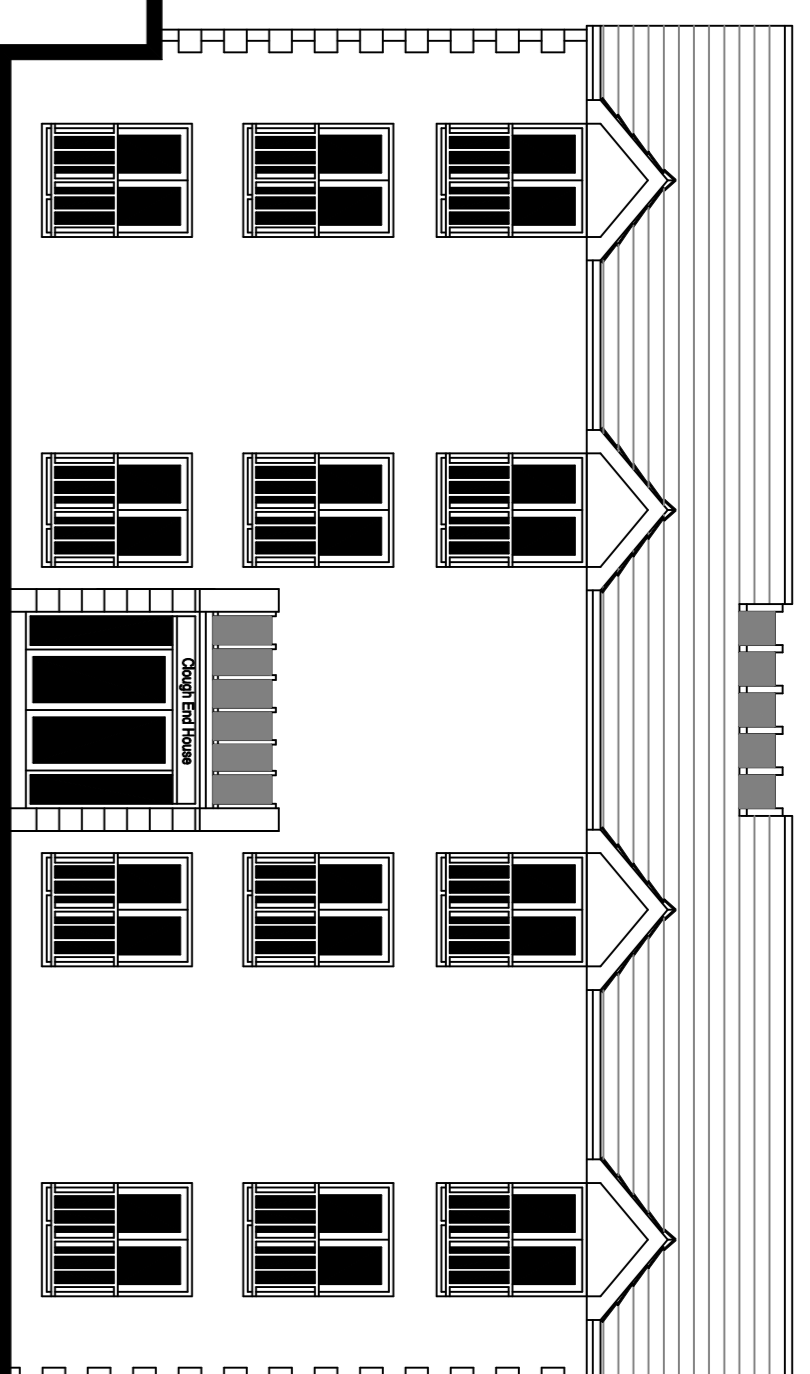
Contact Officer	
Name	John Hodkinson
Position	Planning Consultant
Service / Team	Development Control
Telephone	07772085221
Email address	planning@rossendalebc.gov.uk



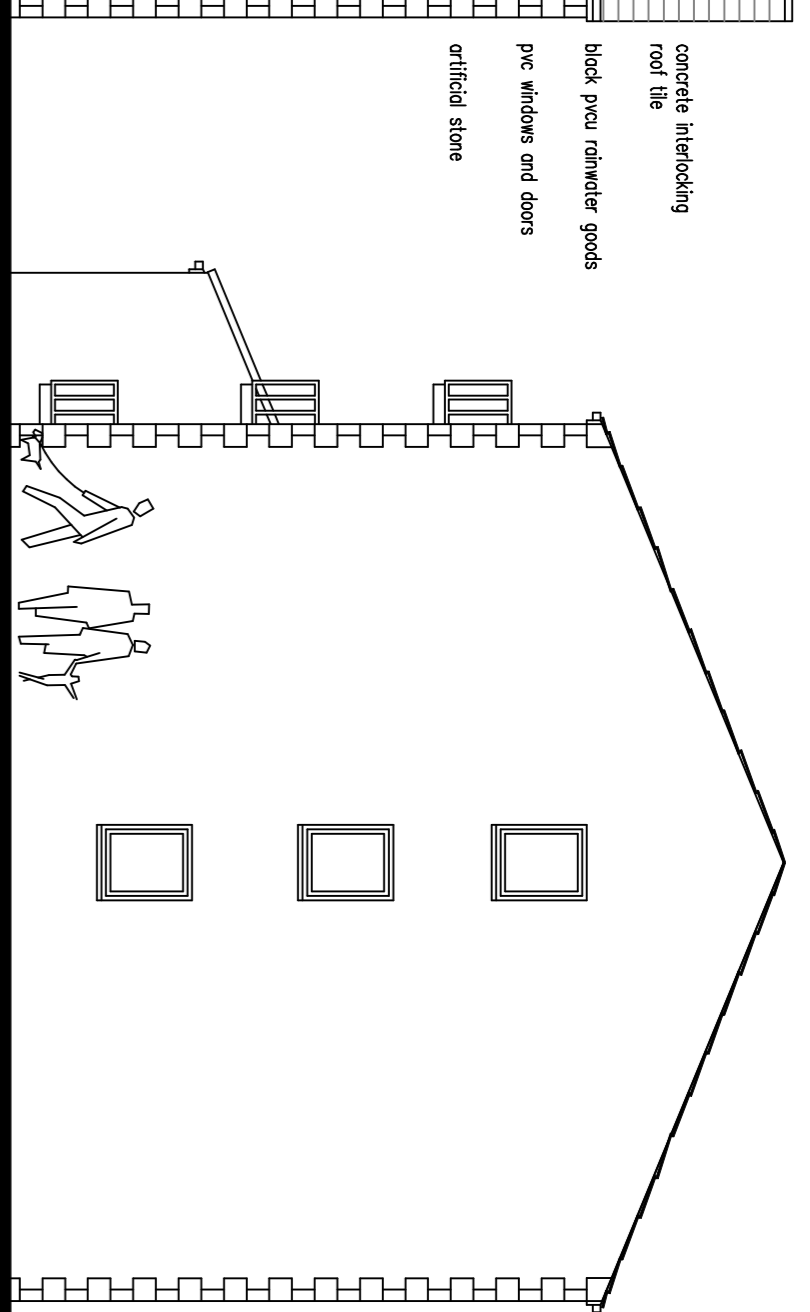
rear elevation



side elevation

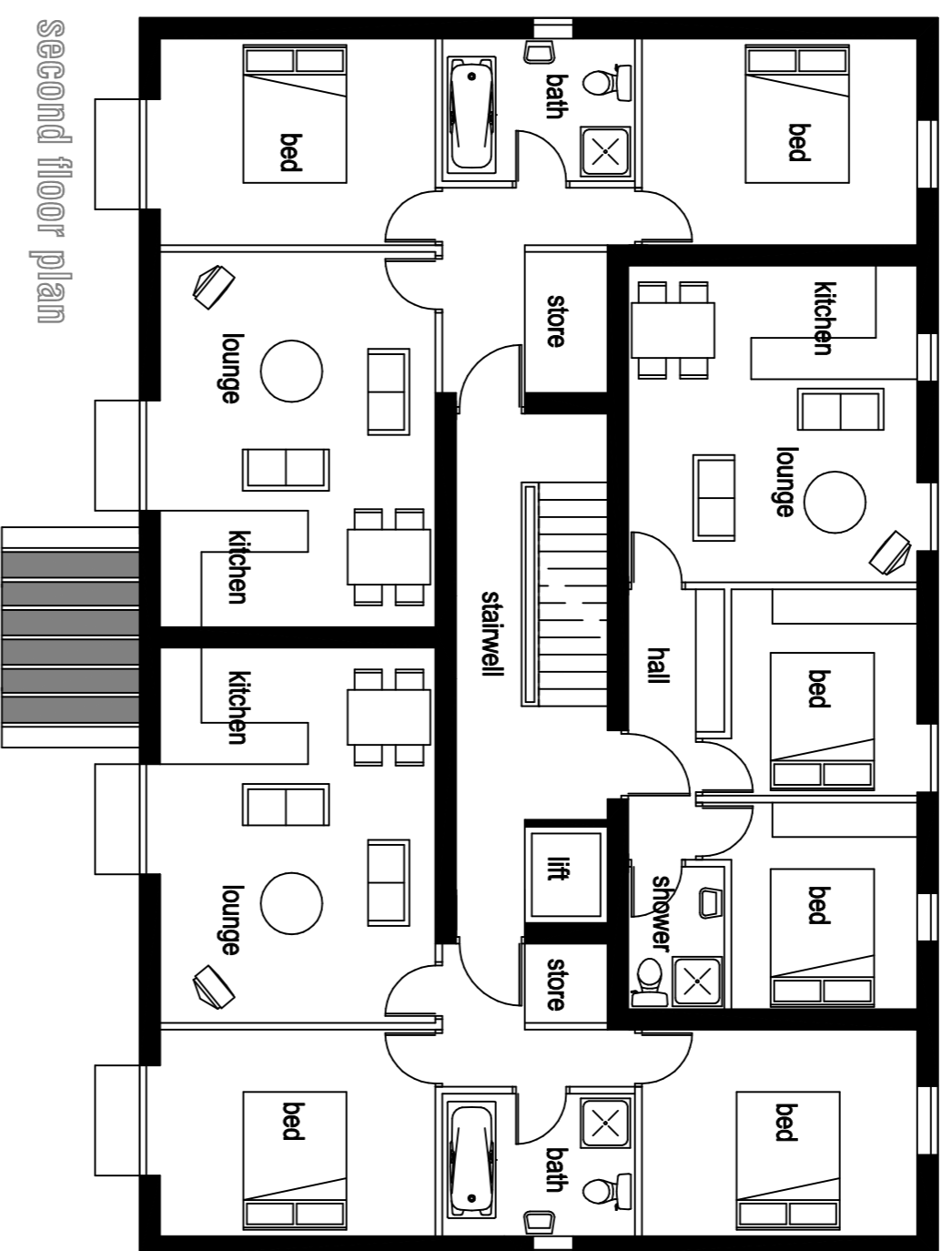


front elevation

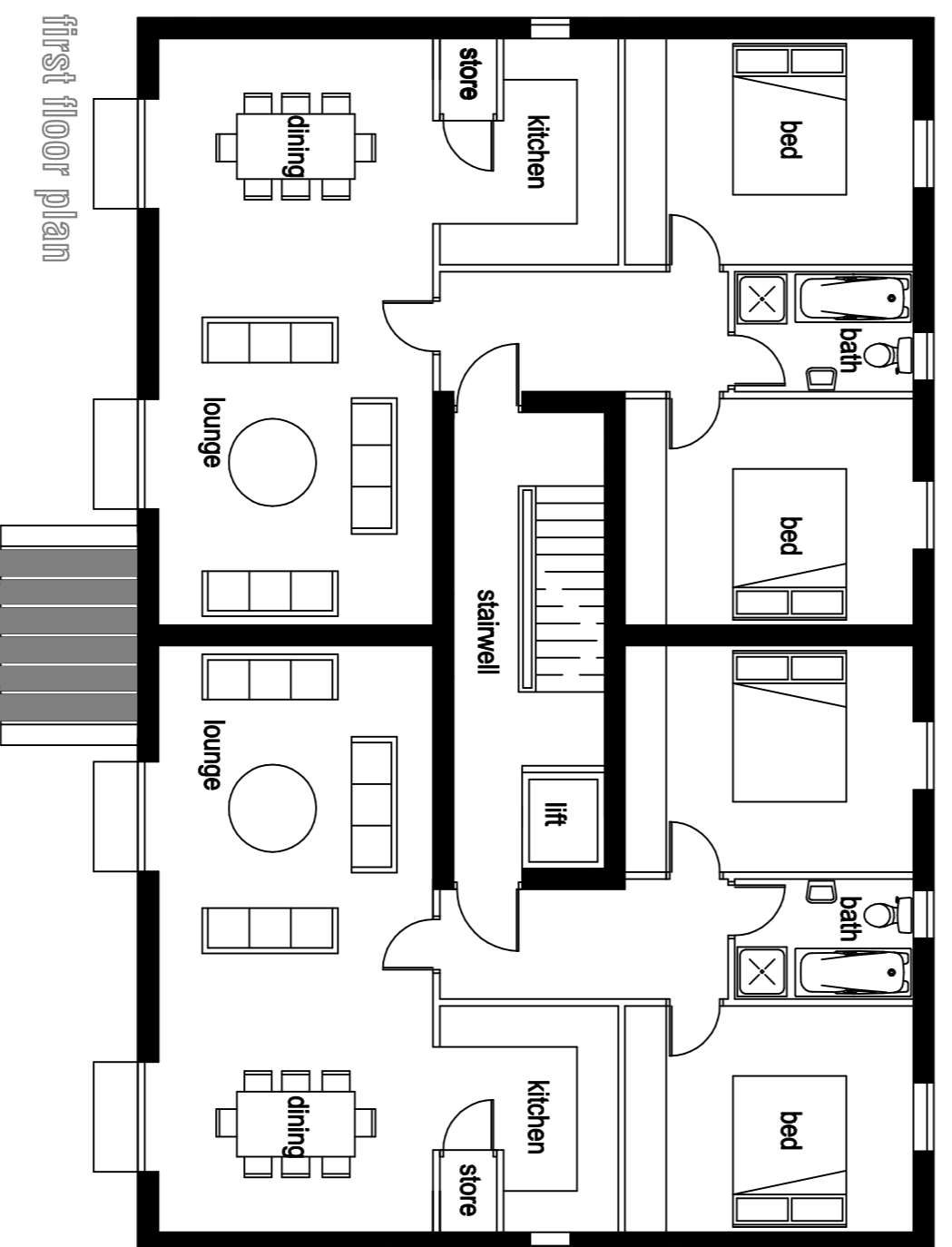


side elevation

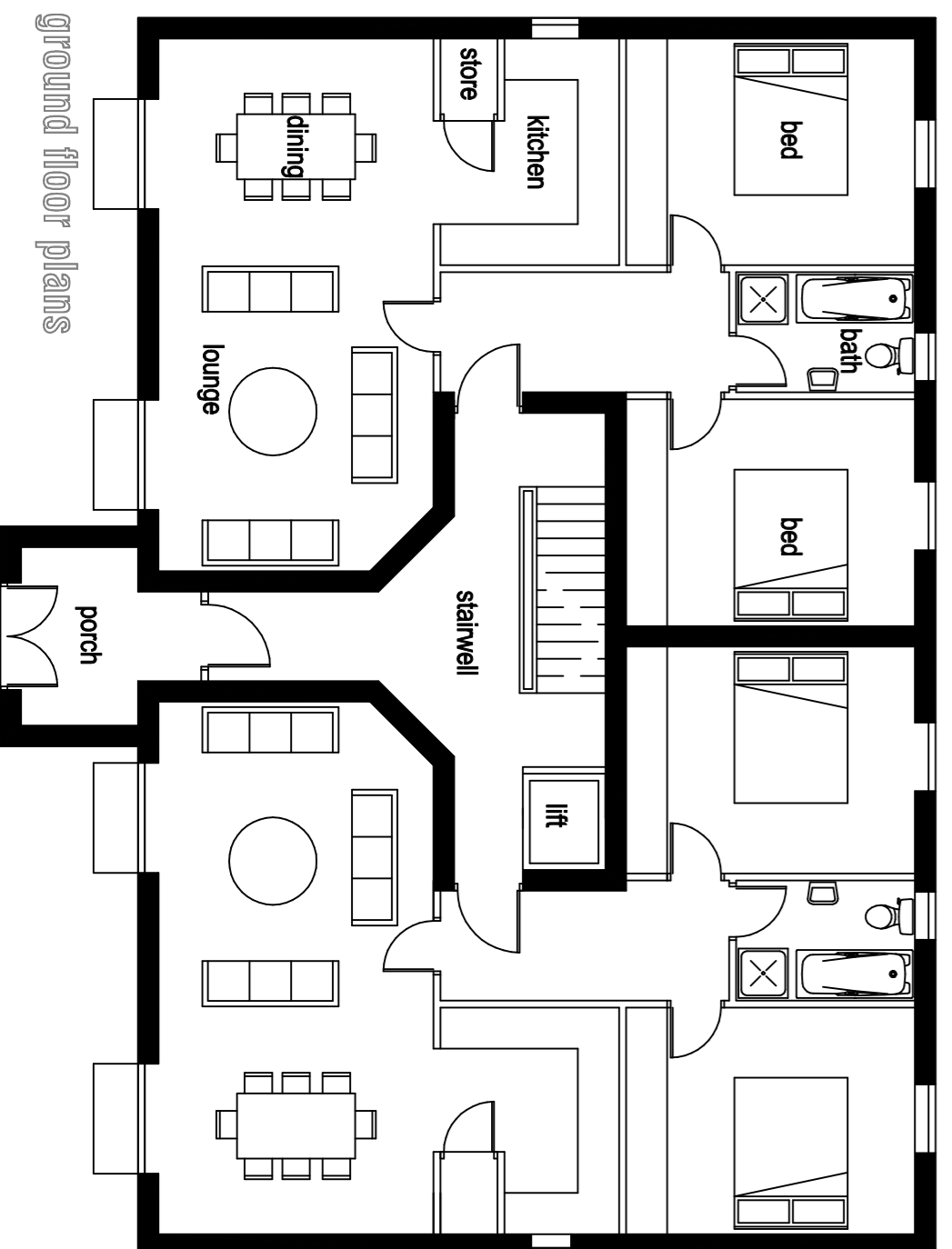
concrete infill cladding
 roof tile
 black grey exterior goods
 pvc windows and doors
 artificial stone



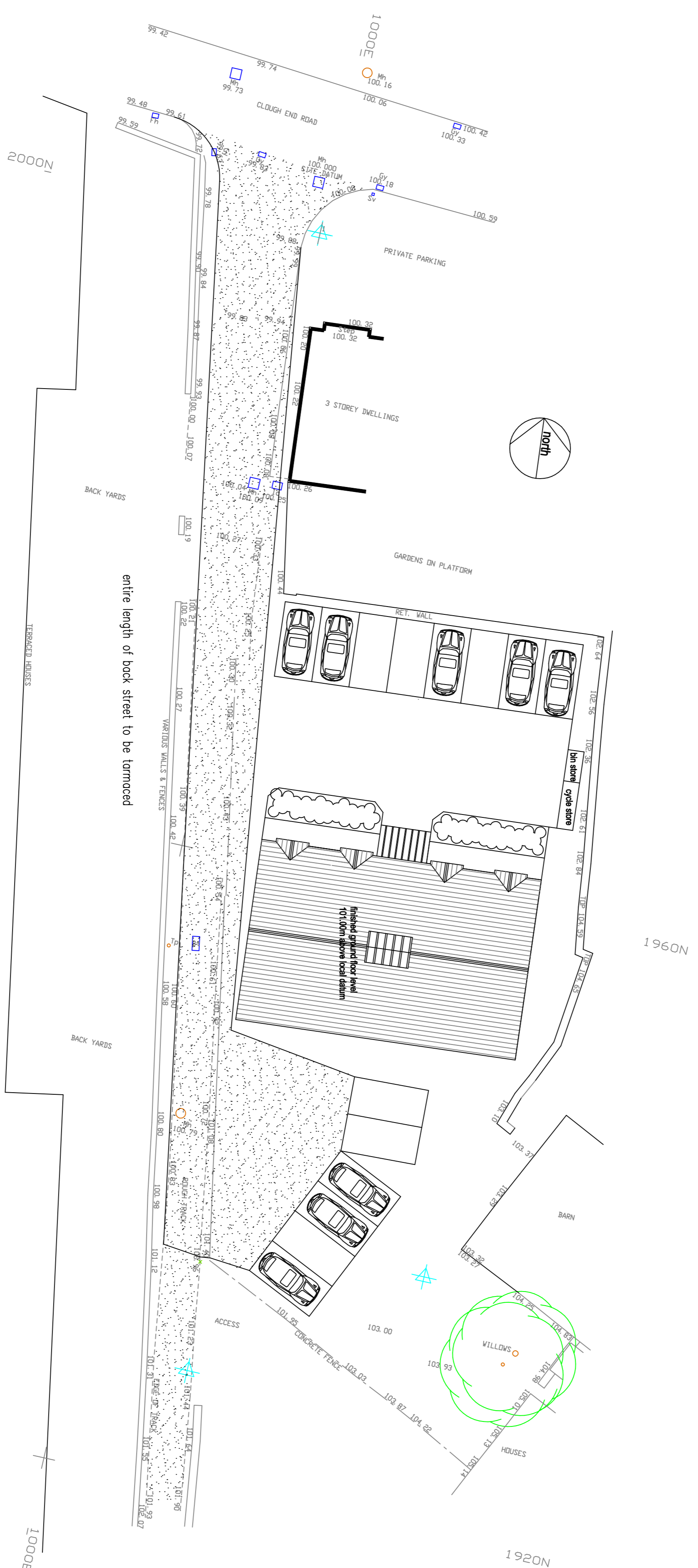
second floor plan



first floor plan



ground floor plans



site plan

entire length of back street to be tarmaced

proposed development of 7 no 2 bed apartments
 on the site of
Clough End Works
Clough End Road
Haslingden

scale 1:100 1:200 @ A1



linear scale 1:100

Rae Connell Associates Building Design and Planning Consultants
 214 Burnley Road Bacup Lancashire
 01706 873000