

TITLE: 2004/826: ERECTION OF THREE BUILDINGS HOUSING 15 FLATS (OUTLINE), LAND OFF HEALD LANE/OFFICE ROAD, WEIR, BACUP.

TO/ON: DEVELOPMENT CONTROL COMMITTEE 17 MARCH 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

DETERMINATION EXPIRY DATE: 16 FEBRUARY 2005

APPLICANT: WORDSWORTH HOMES

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 derelict land of approximately 0.21 hectares in area. It is located approximately 180 metres east of the junction of Heald Lane and Office Road on land forming part of a Countryside Area as defined by the Rossendale District Local Plan.

The application site forms part of a larger land area that currently has full planning approval for the erection of 56 dwellings. This application seeks Outline planning permission to replace three detached dwellings, approved under the current planning approval, with fifteen flats housed within three separate buildings. The applicants are seeking approval of the siting and means of vehicular access to this development.

Relevant Planning History

2000/134 – Outline planning permission for residential development (larger site including the application site) - Approved 17 January 2002

2003/154 – Reserved matters approval for the erection of 56 dwellings (larger site including the application site) – Approved 22 July 2003

Notification Responses

11 letters of representation have been received from local residents. The objections are:-

- a) that the development would be out of keeping with, and thus detrimental to, the appearance of the area,
- b) that an approval of this proposal would be contrary to the Local Planning Authority's current embargo on new housing in the Borough
- c) that should the dwellings, approved under the terms of the previous planning approval, be erected the new flats would adversely affect the amenities of the future occupiers of those properties
- d) that the surrounding road network can not satisfactorily accommodate the additional vehicular use likely to be generated both by this development and other as yet unimplemented developments in the locality
- e) that noise and dirt, generated by vehicles entering and exiting the development site, would unduly disturb surrounding local residents
- f) that the future occupiers of the flats would be at risk from both flooding and from contaminants within the site
- g) that the proposal would lead to the loss of a valuable wildlife habitat
- h) that the existing community facilities can not currently cope with existing demand and would therefore be unable to cope with the additional demand put upon them by this development
- i) that the view currently enjoyed by the occupiers of local residents would be adversely affected if this development was to go ahead
- j) that the increased vehicular use of the Office Road/Beaufort Road junction could lead to damage to a culvert which lies directly underneath
- k) that flats are an inappropriate form of development to locate within this semi-rural area.

The applicants have submitted a letter in support of their application. They state that the apartments will be affordable and thus realistically available for purchase by first time buyers. By providing accommodation of this nature they will be helping to meet an identified local demand for affordable properties and will be helping to prevent the 'drain' of local people from the area.

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. Also consider that the proposal would be contrary to policy 5 of the Draft Replacement Joint Lancashire Structure Plan.

County Highways

No objections subject to conditions

RBC Highways

No objections subject to amendments to the width and layout of the road serving the development, and suitable parking provision.

Environmental Health

No objections subject to conditions.

Environment Agency

No objections subject to conditions

Lancashire Wildlife Trust

No observations received

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 DS.5 (Development outside the Urban Boundary and the Green Belts) states that *“outside the urban boundary and the green belts, shown on the proposals map, development will be restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area, or the rehabilitation and re-use of buildings provided that they comply with policies DC.1 and C.6”*

Policy C.1 (Countryside Areas) states that *“to enhance rural landscapes, known as countryside areas, with major programmes of tree planting and landscape management, with priority being given to locations adjoining the urban fringes. Any development will be required to be in scale and keeping with the character of the landscape and of a standard of design appropriate to the area”*

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.

Lancashire Structure Plan 1991-2006:

Policy 1 (Development in Rural Areas) states, in part, that 'new build' development in rural areas will generally be restricted to specified settlements. Outside of those settlements, development will be limited to that related to agriculture, forestry or other uses deemed appropriate to a rural area subject to that development meeting certain specified criteria.

Policy 43 (General Housing Provision) sets out the number of new residential units needed between mid 1991 and mid 2006 to adequately house the County's population. The number stipulated for Rossendale is 2,500 dwellings.

Joint Lancashire Structure Plan 2001-2016 Proposed Changes to Deposit Edition

Policy 1 states that development should be located primarily within the principal urban areas, main towns, 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, in part, that outside of Market Towns most rural development will take place in villages and other settlements. Such development should support rural regeneration by either providing for farm diversification or by meeting an identified local need for employment, community services or housing. Outside of villages other settlements and the green belt, conversion, re-development and limited 'new build' development to meet identified local employment needs will be viewed as acceptable in principle.

Policy 12 stipulates the annual average rates for future housing provision. For Rossendale 220 houses per year are required between 2001 and 2006 and then 80 house per year between 2006 and 2016.

The parking standards require a maximum of one car parking space to be provided in conjunction with dwellings with only one bedroom, and two spaces to be provided in conjunction with dwellings with 2 or 3 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 43 of the adopted Structure Plan states that 2500 dwellings are required to be built within the Borough between mid 1991 and mid 2006 in order to adequately house the Borough's population. 1,983 had been constructed by September 2003. Policy 12 of the Draft Deposit Structure Plan states that, for the same reason, 1920 dwellings need to be constructed between the period 2001 and 2016 at the rate of 200 properties per year until 2006 and 80 per year thereafter. 431 were constructed between 2001 and September 2003. On the basis of these figures alone it would seem reasonable to assume that there is currently a shortfall of dwellings in the Borough, 517 based on the adopted Structure Plan figures and 669 based on those contained within the Draft Deposit Structure Plan (assuming a construction rate of 1100 properties by 2006) . 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 2006 can reasonably be met.

This application proposes the replacement of three approved dwellings with 15 flats. It would, if approved, result in the creation of 12 additional dwellings within the Borough. With this in mind, given the current position as outlined above, it is considered that, despite the views of the applicant, the development is not currently required to meet the housing land provision of the Borough.

Other Issues

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

- a) no details of the height or design of the proposed buildings have been submitted at this stage there being no requirement to submit them as part of an outline planning application. It is not therefore currently possible to assess the likely effect that the development may have upon the appearance of the area.
- b) as indicated above, only limited details have been submitted with this application it having been submitted in outline form only. However, it is considered unlikely that, sited in the positions proposed, the new buildings would unacceptably overlook, or adversely affect the level of sunlight and daylight that would be received by, the dwellings to be erected immediately adjacent to them
- c) it is considered that the surrounding road network could satisfactorily accommodate the increased level of vehicular use that the additional 12 dwellings and the unimplemented planning permissions would likely generate. For Members information County Highways raise no objections to the proposal subject to conditions
- d) it is contended that the increase in vehicular use of the surrounding road network, that would likely arise should this application be approved, would not result in a significant increase in noise and fumes
- e) it is contended that future occupiers of the flats would not be at risk of flooding provided that the measures, outlined in the flood risk assessment agreed as part of the larger development of the site, were to be implemented. Furthermore, measures could reasonably be required to be undertaken, as part of any planning approval, to ensure that future residents were not at risk from any contaminants that may or may not exist within the site
- f) the site is not known to be the habitat of any protected wildlife
- g) concerns about potential damage to a culvert, the likely effect that the development may have upon existing views and community facilities, and about the appropriateness of locating flats in this area are not planning matters and can not therefore be taken into consideration when determining this application.

Other Issues

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 policy concern outlined above outweighs all other considerations in this instance. Accordingly refusal of this application is recommended.

Recommendation

That outline planning permission be refused for the following reason:

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 43 of the Lancashire Structure Plan 1991 -2006 and policy 12 of the Proposed Changes (Deposit Edition) Joint Lancashire Structure Plan 2001 – 2016.

Local Plan Policies

DS.1
DS.5
DC.1
C.1

Structure Plan Policies

1
43

Draft Joint Structure Plan Policies

1
5
12