

**TITLE: 2004/877: ERECTION OF TWO STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 16 NO. TWO BEDROOM APARTMENTS IN THREE BLOCKS (OUTLINE), LAND TO SIDE AND REAR OF EXISTING PETROL STATION, MANCHESTER ROAD, HASLINGDEN.**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE 17 MARCH 2005**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**DETERMINATION EXPIRY DATE : 14 MARCH 2005**

**APPLICANT: BONUSVILLE LIMITED**

### **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 0.38 hectares in area. It is located approximately 30 metres south east of the junction of Bury Road and Manchester Road in an area of predominantly residential development. The site is partly occupied by a petrol filling station, the remainder is currently vacant.

Outline planning permission is sought to erect 16 two bedroom apartments on the site housed within three separate buildings. The applicants are seeking approval of the siting of, and means of gaining vehicular access to, this development as part of this application.

The site is located wholly within the Urban Boundary as defined by the Rossendale District Local Plan.

## **Relevant Planning History**

2004/402 – (Outline) Erection of two storey residential development comprising 10 no. 2 bedroom apartments – Refused 14 July 2004 on highway safety grounds.

## **Notification Responses**

The application was advertised by way of site notices. No representations have since been received.

The applicants have submitted a letter in support of their application. They argue that it now overcomes the concern that led to the refusal of the previous application (that potential conflict would arise between vehicles emerging from the proposed development and those emerging from the filling station). This is because the current proposal involves the demolition of the existing petrol station and the redevelopment of that land.

## **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

No objections in principle but consider the proposed access point to be too close to the junction of Bury Road/Manchester Road. In the event of this application being approved would want the applicants to enter into a Section 106 Obligation requiring them to contribute towards public transport infrastructure in the locality.

### RBC Highways

No objections subject to the provision of satisfactory visibility at the site accesses and amendments to the internal highway layout.

### Environmental Health

No objections subject to conditions.

### Environment Agency

No objections subject to conditions

### County Archaeology Unit

No comments

## 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”*

### Lancashire Structure Plan 1991-2006:

Policy 5 (Main Urban Areas) states, in part, that development should normally be located within identified main urban areas (which include Haslingden).

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 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 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**

The proposal is considered to be unacceptable for the following reason.

### **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. With this in mind, and since this proposal involves the creation of an additional 16 dwellings, it is considered that the development is not currently required to meet the housing land provision of the Borough.

### Other Issues

The proposal is considered to be acceptable in all other respects. The site is located within the urban boundary within which proposals for new development are normally viewed as acceptable; the proposal largely satisfies the requirements of PPG3; the site is considered to be large enough to satisfactorily accommodate the proposed dwellings, and suitable associated parking and turning facilities, without adversely the amenities of adjoining residents; and it is not envisaged that the proposal would give rise to any undue highway safety problems.

The County Highways' concerns about the proximity of the site access to the Bury Road/Manchester Road junction have been considered. However, as this access already exists and serves a petrol filling station it is contended that it is currently more intensively used than it would be were it to be used purely to serve 16 flats. This being the case it is considered that it would be difficult to justify a refusal of this application on such grounds. For Members information this proposal overcomes the highway concern that led to the refusal of the previous application (see 'Notification Responses' section above) as it proposes the demolition of the filling station.

Despite the above, it is considered that the 'housing need' issue 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

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  
DC.1  
T.4

**Structure Plan Policies**

5  
43

**Draft Joint Structure Plan Policies**

1  
12