

Application No: 2007/016

Application Type: Full

Proposal:	Erection 48 Dwellings	Location:	Land off Oaklands Drive & Lower Cribden Avenue, Rawtenstall
Report of:	Head of Planning, Legal & Democratic Services	Status:	For Publication
Report to:	Development Control Committee	Date:	10 th April 2007
Applicant:	Hurstwoods	Determination Expiry Date:	13 APR 2007
Agent:	N/A		

REASON FOR REPORTING

Outside Officer Scheme of Delegation	Yes
Member Call-In	No
Name of Member:	
Reason for Call-In:	
More than 3 objections received	Yes

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

1.1 **The Site**

The site lies to the north and east of Oaklands Drive and to the east and south-east of Lower Cribden Avenue. The site is steeply sloping and is enclosed to

the south and west by dense residential development. To the east stands Mickledore, a large detached dwelling house with substantial grounds and to the north stands Mickeldore Barn and the start of the Green Belt. Parts of the site have been used as a builders yard for several years.

For a more detailed description of the background and site please refer to the previous Committee reports, which are appended.

1.2 Relevant Planning History

1986-171	Outline – Erection of 5 Houses – Approved
1986-315	Outline – Erection of 27 Dwellings – Approved
1987-514	Reserved Matters (one plot) – Approved
1987-226	Reserved Matters (one plot) - Approved
1988-468	Erection of a detached house – Plot 15 Lower Cribden Avenue – Approved
1991/685	Outline - Erection of 16 no dwellings – Withdrawn
1992/149	Erection of 15 no dwellings – Approved
1997/155	Erection of 31 dwellings – Refused following reconsideration in July 2006 by Development Control Committee
2006/485	Erection of 31 dwellings – Refused

BACKGROUND

This application is a revised application following the refusal of Application 2006/485, itself a revised submission of Application 1997/155 which was refused by Development Control Committee on 10 July 2006. The reason for refusal was as follows:

The proposed development would contribute towards an inappropriate excess in housing supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale Borough Council Housing Position Statement (August 2005). In this instance the case has not been advanced to warrant an exception to policy being made.

Essentially application 1997/155 was an application which was recommended for approval by the Development Control Committee in 1997 subject to a S.106 Agreement .The Agreement was not signed and in July 2006 the application was brought back before this Committee in light of the significant change in policy position since the resolution to grant was determined. When the application returned to Committee in July 2006, the planning policy context had changed so significantly that the application was refused on the grounds of housing-oversupply.

Following the 10 July 2006 Committee decision to refuse the 1997/155 scheme, pre-application discussions were held between the Interim Spatial Development Manager and the applicant in late July 2006 prior to the submission of the current application. The applicant was asked to provide a reasoned justification for discounting a mixture of uses on the site, also to provide a reasoned justification in relation to housing oversupply. It was highlighted to the applicant that to meet the Structure Plan requirements in Policy 12 a significant level of affordable housing over and above the recommended level of 30% might present a justification in terms of housing over-supply.

2006/485 proposed 31 houses, offered no affordable housing and was refused by the Development Control Committee at its 29 November 2006 meeting on the following grounds:

- 1. The proposed development would contribute towards an inappropriate excess in housing supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale Borough Council Housing Position Statement (August 2005). In this instance the case has not been advanced to warrant an exception to policy being made.*
- 2. The proposed development, by reason of its size, height, design and position would be a dominating and incongruous feature in the street scene and surrounding area which would be detrimental to the visual amenities of the surrounding area. As such the proposed development conflicts with Policy DC1 – Development Criteria of the Rossendale Local Plan.*
- 3. The proposed development, by reason of its size, height and position would be detrimental to the residential amenities of the occupiers of the existing dwelling adjacent to the site and the future occupiers of the proposed dwellings. As such the proposed development would conflict with Policy DC1 – Development Criteria of the Rossendale Local Plan.*
- 4. The applicant has not made adequate contributions towards public transport improvement or affordable housing and thus the application conflicts with the Lancashire County Council Planning Obligations in Lancashire policy paper and Policy 12 of the Joint Lancashire Structure Plan.*

1.3 The Proposal

The application has been amended following negotiations with Officers, so that the current application seeks full consent for the erection of 48 dwellings comprising 29 detached and 4 semi-detached dwellings houses and 15 apartments.

The development would be accessed by two roads which would continue from Oaklands Drive and Lower Cribden Avenue. Essentially the access roads follow the contours of the land with houses and the apartment blocks running to the north or south of the access road, with shared access-ways at the head of road after the hammer-head turning areas.

The apartment blocks would form the entrance to the development from Oaklands Drive and would at their highest be 2 storey. The blocks would be split level and do rise above the height of the previously approved dwellings under the 1992/149 permission. The blocks include 6 and 15 parking spaces for the block of 6 and 9 apartments respectively, which each include 1 disabled parking space as well as a detached bin store.

The 4 semi-detached houses proposed would be adjacent to the apartment block to the south of the continuation of Oaklands Drive. These houses would be two storeys high, providing 1 parking space per property on the driveway in front of the houses.

The remainder of the proposed dwelling houses would be a mixture of 2, 3 and 4 storeys high across the site. With the exception of plots 1, 11 and 27, all the dwellings would not stand closer to the existing dwellings than those previously approved under 1992/149. In the case of plots 1 and 11 the properties would be parallel to the existing dwellings on Lower Cribden Avenue, so would stand side by side. Plot 27 whilst it would be closer to existing dwellings, the separation distance would exceed the 21 metre guideline.

The application does not now proposed 3 metre high boundary treatment to rear gardens of properties along Oaklands Drive and would represent a density of 32 dwellings to the hectare.

Following negotiations with Officers, the applicant is offering to make 9 apartments and 4 semi-detached houses available on an affordable basis and £48, 000 contribution towards the maintenance of public open space in the vicinity.

1.4 Policy Context

- PPS 1 – Delivering Sustainable Development
- PPG13 - Transport
- PPG 17 – Planning for Open Space, Sport and Recreation
- PPS 22 – Renewable Energy
- PPS23 – Planning and Pollution Control
- PPG24 – Planning and Noise

Regional Spatial Strategy for the North-West

Joint Lancashire Structure Plan

- Policy 1 – General Policy
- Policy 2 – Main Development Locations
- Policy 7 - Parking
- Policy 12 – Housing Provision
- Policy 18 – Major Hotel Development
- Policy 21 – Lancashire’s Natural and Manmade Heritage

Rossendale Local District Plan

- DS1 – Urban Boundary
- E7 – Contaminated Land
- E12 – Noise Attenuation
- DC1 – Development Criteria
- DC2 - Landscaping
- DC3 - Public Open Space
- DC4 - Materials

Other Material Planning Considerations

- Interim Housing Position Statement - August 2005
- Revised Interim Housing Position Statement – January 2007
- Interim Affordable Housing Position Statement – January 2007

2. INTERNAL CONSULTATIONS

Forward Planning – The proposal is acceptable in principle in relation to PPS3, Policy 12 of the Structure Plan and the Interim Housing Position Statement, Interim Affordable Housing Statement as well as DC3 on public open space.

Strategic Housing – consider the scheme is acceptable in terms of affordable housing provision subject to satisfactory completion of the legal agreement.

Environmental Health – final comments awaited and will be reported via the Late Items Report.

Street-scene and Liveability

Bins – 2 x 240-litre bins need to be accommodated for each house and more accessible bin storage made for the blocks of flats.

Open Space – a contribution of £1,000 per dwelling should be made towards maintaining the existing local park facilities in the area.

Drainage – highlight the presence of a culvert passing through the site to the east of plots 21 & 22. A condition should be imposed requesting details of foundations to be submitted to and approved in writing by the Local Planning Authority.

2.1 EXTERNAL CONSULTATIONS

Lancashire County Council :

Highways – the proposal is acceptable in principle subject to finalising details. Any adverse comments will be reported via the Late Items Report.

Ecology – state that on top of the already submitted bat survey a method statement should be agreed with the developer. Also, that any trees lost on the site as a result of the development should be replaced by “good-sized” replacements to allow bats to roost and feed.

Strategic Planning – comments awaited any adverse comments will be reported via the Late Items Report.

Lancashire Constabulary – no comments received; any adverse comments will be reported via the Late Items Report.

United Utilities – No comments received; any adverse comments will be reported via the Late Items Report.

3. REPRESENTATIONS

3.1 Press advertisement placed 21/01/2007; site notice posted and neighbour notification letters sent. 24 letters received from 21 addresses objecting to the proposal on the following grounds:

- Increase in traffic on narrow roads
- Houses not needed

- Loss of woodland
- Housing over-supply
- Design of dwellings out of keeping with the area
- Access to the site during construction
- Recent bat survey findings are considered a historical
- Water pressure
- Hours of operation should be limited
- Loss of privacy
- The site is Greenfield land
- Materials are not in keeping
- Concern over the accuracy of the accessibility questionnaire
- Concern for wildlife on the site
- Loss of light gardens
- Impact of developing the site in the wider landscape

4. **REPORT**

- 4.1 The main considerations are the acceptability of the proposal in principle and whether the form and layout of the development are acceptable. Also whether the planning contributions towards affordable housing and public open space are acceptable.
- 4.2 The proposed development would be on land part of which has been used previously. Whilst the remainder of the site is not previously developed land, the site does benefit from an extant planning permission. This means that if the current application were to be refused the previously approved scheme for 15 dwellings under 1992/149 could be constructed. In addition the current scheme represents a much higher density of development at 32 dwellings to the hectare which represents a more efficient use of land and accords with PPS1 and PPS3.
- 4.3 In terms of housing supply, the reasoned justification to Policy 12 of the Joint Lancashire Structure Plan explains:

“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...”

The proposal makes a contribution of 9 apartments and 4 semi-detached houses to be made available on an affordable basis. This represents a contribution of 27%. If only apartments had been sought/offered the percentage would have been higher. By including 4 semi-detached houses the housing-mix on offer is improved. The application was submitted prior to the adoption of the Interim Affordable Housing Position Statement and so has not been measured against this policy. As such the contribution is considered to constitute a significant contribution towards affordable housing provision in the Borough. The application has been determined against the August 2005 Interim Housing Position as the application was submitted prior to the adoption of the January 2007 Revised Interim Housing Position Statement and the Affordable Housing Position Statement. Whilst the proposal does not fully accord with the 2005 Interim Housing Position Statement, the scheme does conform the strategic level policy which the 2005 Housing Position Statement issues from. As such,

the development is considered to conform to Policy 12 of the Joint Lancashire Structure Plan and the proposal is acceptable in principle.

- 4.4 The form of the proposed development in terms of the relationship between the existing and proposed dwellings would exceed the standard 21 metre separation distance. Where dwellings do stand closer than the dwellings previously approved under 1992/149, the properties stand side by side (plots 1 & 11) and in the case of plot 27 the separation distance is well in excess of 21 metres. The height of the proposed dwellings would not exceed the height of those previously approved on the site and would be sufficiently distant to properties within and outside of the site. The roof types of the proposed dwellings would be acceptable and the materials are recommended to be controlled by condition to ensure use of natural stone for the elevations and a natural slate for the roof. The proposed development would not incur an unacceptable loss of light, privacy or outlook. As such the form of the proposed development is considered acceptable.
- 4.5 The layout of the scheme makes adequate provision for car parking in terms of numbers, parking bay dimensions and driveway lengths, also for bin storage and spacing between buildings. The proposal makes adequate provision for landscaping and screening and whilst an ecology assessment has been submitted a method statement needs to be submitted and agreed which can be secured via condition. The scheme would also include CCTV around the apartment blocks which would also have an audio-visual control entry system. In terms of levels of traffic and highway safety, the Highway Authority have been involved throughout the consultation period and raise no concern with proposal. As such, the proposed development is considered acceptable in terms of layout.
- 4.6 A condition is recommended to be attached to mitigate the ecological impact on the site.
- 4.7 The applicant is considered to have made an appropriate contribution towards affordable housing by the provision of 9 apartments and 4 semi-detached dwelling houses which together with the public open space contribution of £48,000 towards the maintenance of existing recreation facilities in the vicinity. Taken together, these are significant benefits in favour of approval of the application.
- 4.8 In relation to the points raised by local residents not already covered by the preceding discussion :
- a) the site is not covered by woodland;
 - b) the design of the proposed houses, whilst not identical to some of the existing dwellings, would draw upon some of the design traits of Lower Cribden Avenue, as well as taking account of the local topography;
 - c) it is not the role of the planning system to control highway access matters;
 - d) Lancashire County Council's Ecology Officer does not consider the findings of the bat survey to be incorrect;
 - e) water pressure is not normally a material planning consideration;
 - f) it is recommended that the hours of construction are limited by condition;

- g) whilst the applicant's answers to the accessibility questionnaire may be a slightly more favourable interpretation than otherwise might be the case, the site is considered to be located in a sustainable location; &
- h) in respect of the impact of the development in the broader landscape, when viewed from the A56 between Edenfield and Rawtenstall, it is possible to see the site and the construction machinery currently upon it. The site is surrounded on 3 sides by residential development with the hillside rising behind. It is therefore considered that impact of the proposal on the wider landscape would not be unduly harmful.

As such, the objections raised are insufficient to outweigh the recommendation for approval.

5. CONCLUSION

- 5.1 In this instance the case has been advanced that the proposal conforms with the Structure Plan in that it provides a significant element of affordable housing and in doing so, falls within a category for exemption when considering housing over-supply. The applicant is also offering a commuted sum towards the maintenance of the local play area. The application form and layout of the scheme are also considered acceptable.

6. RECOMMENDATION

- 6.1 That the Committee be Minded to Approve the application subject to the satisfactory completion of section 106 legal agreement to secure the provision of affordable housing and public open space contribution referred to above.
- 6.2 Members are requested to delegate authority to the Head of Planning, Legal & Democratic Services to refuse the application if the section 106 legal agreement is not satisfactorily completed by 13 April 2007.

7. RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
2. This decision relates to the drawings date stamped 20 MAR 2007 and the development shall not be carried out except in accordance with the drawings hereby approved or as subsequently amended and approved in writing by the Local Planning Authority.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the adopted Joint Lancashire Structure Plan and adopted Rossendale District Local Plan.

3. Notwithstanding any details shown on the previously submitted drawings and specifications, the development hereby approved shall not commence until full details of the natural stone and natural slate to be used in the construction of the external facings and surfaces to the proposed development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved external facing and surfacing materials.
REASON: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
4. Prior to the commencement of development on site, a landscaping scheme, including details of boundary treatment, street furniture, rainwater goods and surface materials to the shared access areas at the end of Oaklands Dive and Lower Cribden Avenue, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for soft and hard landscaping shall be implemented not later than 12 months from the date the building(s) is first occupied; and any materials, trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted unless the Local Planning Authority has otherwise agreed in writing.
REASON: In the interests of visual amenity and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
5. The garages forming part of the development hereby approved shall not be converted to additional living accommodation without the written approval of the Local Planning Authority.
REASON: To ensure adequate car parking provision is retained, in the interests of highway safety and accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
6. A minimum hardstanding of 5.5m measured between the highway boundary and any proposed garage doors shall be provided to the written satisfaction of the Local Planning Authority and thereafter maintained.
REASON: To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway, In the interests of highway safety and to accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order amending or revoking & re-enacting that Order), no development shall be carried out within the terms of Classes A, B, C, D, E, F, G, H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order, without the prior consent of the Local Planning Authority.
REASON: To ensure that future inappropriate alterations or extensions do not occur, to accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

8. Prior to the commencement of development on site, the applicant shall submit and have had approved by the Local Planning Authority a scheme/timetable detailing the renewable energy facilities to be provided within the development. The renewable energy facilities shall be implemented in accordance with approved scheme/timetable and thereafter maintained.

REASON: In order to encourage the use of renewable energy sources, in accordance with the aims and objectives of PPS1 and PPS22 and Policy 1 of the adopted Joint Lancashire Structure Plan.

9. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

REASON : To safeguard the amenities of nearby residential properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

10. Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, a scheme detailing the security measures to be included in the development hereby approved. The approved shall be implemented prior to the development hereby approved first being occupied and shall thereafter be maintained.

Reason: In the interests of security for the future occupiers of the dwellings

11. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and; The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.

REASON: To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 – Planning and Pollution Control and Policy E7 – Contaminated Land of the Rossendale District Local Plan.

12. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.

REASON: To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy

*Statement 23 – Planning and Pollution Control and Policy E7 –
Contaminated Land of the Rossendale District Local Plan..*

13. Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, a method statement that should include details, inter alia, of “good sized” replacement trees for any lost to allow bats to roost and feed. Mitigation measures in accordance with the approved scheme shall be completed prior to the development hereby approved and where applicable shall thereafter be maintained.

Reason: In the interest of protecting biodiversity pursuant to PPS9 – Biodiversity and Geological Conservation and Policy 21 Lancashire’s Natural and Manmade Heritage of the Joint Lancashire Structure Plan.

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INSERT LOCATION PLAN HERE

