



TITLE: 2005/082 : (OUTLINE) ERECTION OF FIVE DETACHED DWELLINGS AND FORMATION OF ACCESS, LAND ADJACENT TO DEARDEN CLOUGH AND DEARDEN BROOK, EDENFIELD.

TO/ON: DEVELOPMENT CONTROL COMMITTEE 28 APRIL 2005

BY: TEAM MANAGER: DEVELOPMENT CONTROL

DETERMINATION EXPIRY DATE: 5 APRIL 2005

APPLICANT: P.CASEY DEVELOPMENTS

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 1.25 hectares in area. It is located approximately 60 metres south east of the junction of Rochdale Road and Dearden Fold in an area of predominantly residential development. The land along the north western boundary of the site is relatively level and is occupied by a public footpath. The remainder forms a small valley occupied by self seeded trees

Outline planning permission is sought to erect five dwellings on this site. The means of gaining vehicular access to these properties is being sought as part of this application but all other matters are reserved at this stage.

The north eastern portion of the site falls within the Urban Boundary and is specifically identified as being suitable for housing in the Rossendale District Local Plan. The remainder is identified in that Plan as forming part of a Countryside Area.

Relevant Planning History

1998/173 – (Outline) Residential development on 1.11 hectares including access to Bury Road – Approved 18 August 1998

1994/138 – Reserved Matters approval for 12 dwellings – Approved 8 July 1994

1993/615 – Reserved Matters approval for 15 dwellings and site access – Approved 18 February 1994

1993/145 – Junction improvements to residential site – Approved 23 April 1993

1992/568 – (Outline) Erection of 25 dwellings with access from Bury Road – Approved 22 February 1993

Notification Responses

19 letters of objection, including one from Edenfield Residents Association, have been received to this proposal. The objections are:-

- a) that the development would detract from the appearance of the area
- b) that an approval of this proposal would be contrary to adopted planning policy and Government advice – this is not 'brownfield' land and the housing density proposed by this application falls well short of the required 30 dwellings per hectare. It has been suggested that as the site has become very overgrown in recent years it should be wholly re-designated as Countryside in the Development Plan
- c) that vehicles would be unable to enter Bury Road via the proposed access without detriment to their own safety or that of other vehicular and pedestrian users of that highway
- d) that the proposal would exacerbate on-street parking problems in the area
- e) that the proposal would lead to conflict between pedestrians using the public footpath crossing the site and vehicles using the new access
- f) that the proposal would lead to the loss of trees to the detriment of the visual amenity of the area
- g) that noise generated by the development would unduly disturb local residents
- h) that the land is unsuitable for development as it is liable to flood
- i) that the development of this land is likely to lead to structural damage to adjoining properties, and to subsidence
- j) that the development would adversely affect the habitat of bats and other wildlife
- k) that in order to allow satisfactory vehicular access to and from the site it would be necessary to re-site the existing bus stop. This would be inconvenient for current bus users
- l) that insufficient information has been submitted with this application to enable the implications of the proposal to be properly judged
- m) that the application has not been properly advertised.

One letter of support for this proposal has been received from a local resident. They argue that approval should be given because it would improve the appearance of the site and prevent 'fly tipping'.

The applicant's agent has also submitted a letter in support of their proposal arguing that it should be approved because:-

- a) it proposes residential development on 'brownfield' land, and
- b) the proposed access road is capable of satisfactorily serving a development of this nature and scale.

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 Joint Lancashire Structure Plan as it has not been demonstrated that the development is required to meet an identified local housing need.

County Highways

No objections provided that adequate sight lines can be achieved at the site access.

County Archaeology Unit

No objections subject to conditions

Environmental Health

No objections subject to conditions.

Environment Agency

Object. The site is liable to flood. However, 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.

United Utilities

No objections subject to conditions.

Architectural Liaison Officer

No observations received

English Nature

The development may affect the habitat of bats and Great Crested Newts but insufficient information has been submitted with this application to properly determine this. Recommend that surveys are undertaken, before the application is determined, in order to properly ascertain whether or not this proposal will affect the habitat of such wildlife in this instance.

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 H.3 (Land for Residential Development) specifically identifies sites that are deemed suitable for housing in the Borough. These include the north eastern part of the application site.

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.

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 5 states, in part, that outside of Principal Urban Areas, Main Towns and Key Service Areas (Market Towns) development of an appropriate scale and nature will normally take place in identified villages and other settlements. Such development should support rural and urban regeneration by meeting an identified local need for

housing, employment or community services that maintain or strengthen the local economy (including proposals that aid farm diversification and sustainable tourism). Outside of villages and other settlements, conversion and re-development of existing buildings for employment purposes will be viewed as acceptable in principle. Limited 'new build' to meet identified local employment needs will also be viewed as acceptable but not within the Green Belt.

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.

The parking standards require a maximum of one car parking space to be provided in conjunction with dwellings with only one bedroom, two spaces to be provided in conjunction with dwellings with 2 to 3 bedrooms and three spaces to be provided in conjunction with dwellings with four or more 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.

PPG9 (Nature Conservation)

This guidance sets out the Government's objectives for nature conservation and the framework for safeguarding the Country's natural heritage under domestic and international law; describes the key role of local planning authorities and English Nature; emphasises the importance of both designated sites and undesignated areas for nature conservation; advises on the treatment of nature conservation issues in development plans; states development control criteria particularly for Sites of Special Scientific Interest and sites with additional national and international designations; contributes to the implementation of the E.C. Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive); elaborates on minerals development and nature conservation, and on the development control implications of species protection.

Paragraph 47 states that *'the presence of a protected species is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in harm to the species or its habitat. Local Authorities should consult English Nature before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the protection of the species, particularly if a species listed in Annex IV to the Habitats Directive would be affected. They should also advise developers that they must conform with any statutory species protection provisions affecting the site concerned.'*

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 Issue

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, and despite the fact that part of the site is specifically identified as being suitable for housing development in the Local Plan, it is contended that the additional 5 dwellings proposed by this application are not currently required to meet the housing needs of the Borough.

Sustainability

PPG3 advises that 'Previously developed' ('brownfield') land should be developed for housing in advance of 'greenfield' land unless it can be satisfactorily demonstrated that there is a need for housing in a particular locality that can not reasonably be met through development of the former. It is contended that there is currently no need for additional housing in the Borough for the reasons given above. Furthermore, whilst accepting that this site would once have been classed as 'brownfield', having previously been occupied by buildings, these buildings have been removed some time ago and the land has since reverted to nature. PPG3 makes it clear that in those circumstances such land should be treated as 'greenfield' despite the views of the applicant's agent to the contrary.

PPG3 also advises that in order to make the best use of land Local Planning Authorities should seek to ensure that proposals for new housing development achieve a density of between 30 and 50 dwellings per hectare. In this instance the density falls well short of that target equating to approximately 4 dwellings per hectare.

In view of the above it is contended that this proposal fails to fully satisfy the requirements of PPG3.

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 of surrounding properties. It may be possible, in this instance, to avoid such problems and erect five detached dwellings on the site but 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.

Wildlife Issues

The development may affect the habitat of bats and Great Crested Newts, both of which are protected species. However, insufficient information has been submitted with this application to properly determine this. In the absence of such information it is not considered possible to properly assess the likely effect of this proposal upon such wildlife.

Other Issues

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

- a) it would not be necessary to develop the whole of this site in order to satisfactorily accommodate five detached dwellings. This being the case it is contended that it would, on balance, be possible to develop the land for this purpose without causing undue detriment to the appearance of the surrounding area.
- b) this application must be considered having regard to the site allocations as currently set out in the Rossendale District Local Plan given that this is a statutorily adopted plan. Any request to change them would be beyond the remit of this application but could of course be considered as part of the process of formulating the forthcoming replacement Local Development Framework.
- c) it is contended that it would be possible for vehicles to enter Bury Road from the site, via the proposed access, without detriment to their own safety or that of other vehicular users of that highway (previous applications for the residential development of this site have been approved with vehicular access from Bury Road). For Members information County Highways raise no objections to the proposal subject to conditions.
- d) the site is considered to be large enough to accommodate five detached houses and satisfactory associated 'off street' car parking. The proposal should not therefore exacerbate any existing 'on street' parking problems in the locality.
- e) it is considered possible to design the access road so that it incorporates a footpath (the submitted details appear to show it designed in this way). It is contended that this would prevent any conflict from arising between pedestrians and vehicles.
- f) development of the site may lead to the loss of trees. However these are generally not considered to be worthy of retention being largely self seeded.
- g) it is contended that five houses would not generate a level of noise that would unduly disturb surrounding local residents
- h) whilst the site is liable to flood it may still be possible to erect five dwellings upon it without detriment to future occupiers of those dwellings or the occupiers of the surrounding properties. The application is being recommended for refusal, in part on flood risk grounds, because in this instance it has not been demonstrated how this will be achieved
- i) it may be possible to develop the site without adversely affecting the habitat of local wildlife. However this has not been demonstrated by the applicants hence the recommendation for refusal on such grounds.

- j) it is contended that sufficient information has been submitted with this application given that, at this stage, it has been submitted in outline form only. In the event of this application being approved a condition could reasonably be imposed requiring all outstanding details to be submitted for approval before development commences.
- k) it is contended that the application has been properly advertised. Under the terms of the current planning legislation, it is acceptable to advertise applications of this nature either by the posting of site notices around the application site or by sending out individual letters to the occupiers of surrounding properties. In this instance the application has been advertised by way site notices.
- l) concerns about subsidence and damage to property, and about relocating the bus stop, are not planning matters and can not therefore be taken into consideration when determining this application.

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. Accordingly 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 contended that the proposal would not be sustainable seeking low density development of 'greenfield' land without any overriding justification being put forward for so doing. The proposal is therefore considered to be contrary to the advice contained within Government guidance PPG3.
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.
4. It is considered that insufficient information has been submitted with this application to enable the wildlife implications of the proposal to be properly judged. The proposal is therefore considered to be contrary to the advice contained within Government Guidance PPG9.

Local Plan Policies

DS.1
DS.5
H.3

DC.1
C.1
E.4

Structure Plan Policies

1
5
12