

TITLE: 2004/813 : RESIDENTIAL DEVELOPMENT (OUTLINE), LAND ADJACENT BROADCLOUGH FARM, BURNLEY ROAD, WEIR, BACUP.

TO/ON: DEVELOPMENT CONTROL COMMITTEE 3 FEBRUARY 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

DETERMINATION EXPIRY DATE: 8 FEBRUARY 2005

APPLICANT: MR. W. RIGG

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 elongated plot of land of approximately 1.6 hectares in area which is located due north of the junction of Burnley Road and Bacup Old Road. Whilst the extreme northern end currently appears to be used as domestic garden and for parking purposes, most of the site is agricultural.

Outline planning permission is sought to develop this site for residential purposes. The means of gaining vehicular access to the development is being sought as part of this application, but all other matters are reserved at this stage.

Details have been included with the application which show extended gardens and parking spaces located to the rear, and for the use of the occupiers, of 1 to 7 Plantation View. 14 car parking spaces are also proposed for use in conjunction with the adjoining school. Members should be aware that these details have been included for illustrative purposes only and do not at this stage form part of the formal application.

The site is identified as forming part of a Countryside Area as defined by the Rossendale District Local Plan.

Relevant Planning History

None relevant

Notification Responses

31 letters of objection have been received from local residents. Their objections are:-

- a) that the development will lead to the loss of countryside/an area of natural beauty to the detriment of the appearance of the area (which is an important tourist amenity)
- b) that an approval of this proposal would be contrary to adopted planning policy and would contravene the Local Planning Authority's current embargo on new housing in the Borough
- c) that this is not 'brownfield' land as it has largely not been previously developed or built upon in the recent past
- d) that an approval of this proposal would set an unwelcome precedent for other similar housing development in the area
- e) that vehicles would be unable to enter Burnley Road via the proposed access without detriment to their own safety or that of other vehicular users of that highway
- f) that it would not be possible for vehicles to enter any of the surrounding roads from the site, at any point, without detriment to their own safety or that of other vehicular and pedestrian users of those highways
- g) that Burnley Road can not safely accommodate the additional vehicular use likely to be generated by this proposal
- h) that the proposal will exacerbate on-street parking problems in the area despite the proposal to provide some spaces for the school and certain of the adjoining residential properties
- i) that the proposal will lead to the loss of trees, some of which are the subject of Tree Preservation Orders, to the detriment of the visual amenity of the area
- j) that the land is unstable and therefore not suitable for development
- k) that the development of this land would lead to subsidence and flooding of adjoining properties
- l) that the existing infrastructure is unable to cope with existing demand and would therefore be unable to cope with the additional demand generated by this development
- m) that there are already enough residential properties in Weir
- n) that the new school parking area would attract vandals and anti-social activity
- o) that the view currently enjoyed by the occupiers of adjoining residents would be adversely affected if this development was to go ahead, and
- p) that the values of surrounding properties would be adversely affected if this proposal was to go ahead.

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 particularly on this 'greenfield' site. Also consider that the proposal would be contrary to Policy 5 of the Draft Joint

Lancashire Structure Plan as it seeks approval for development, unrelated to employment, located within the countryside.

RBC Engineers

Consider that a Transport Impact Assessment should be submitted with this application to enable the full implications of the proposal to be properly judged. Otherwise no objections subject to conditions.

County Highways

No objections provided that access to and from the proposed school car park is gained solely through the development site and not via the access track to the north of 7 Plantation View.

Environmental Health

No objections subject to conditions.

Environment Agency

No objections subject to conditions

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.

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*”.

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.

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 reasons.

Policy

The application site forms part of a Countryside Area as defined by the Rossendale District Local Plan. Within such areas new housing development, unrelated to agriculture, forestry and other appropriate rural uses, is not normally viewed as appropriate. It has not been demonstrated that the housing, proposed by this application, is reasonably required in connection with any of these uses.

In view of this it is considered that the proposal fails to fully satisfy the requirements of policies DS.1 and DS.5 of the Rossendale District Local Plan, and policy 1 of the Lancashire Structure Plan, and that an approval thereof would therefore be contrary to adopted planning policy.

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 unspecified number of additional dwellings, it is considered that the development is not currently required to meet the housing land provision 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 a very small portion of this site could reasonably be classed as 'brownfield', namely that used for domestic garden purposes, most of the land is clearly 'greenfield' forming part of an agricultural field enclosed by treed banking. In view of this it is contended that this proposal fails to fully satisfy the requirements of PPG3.

Tree Issues

In order to form the proposed vehicular access to the site it will be necessary to remove a number of trees. The trees in question are located in a very prominent position along the site frontage to Burnley Road and are the subject of a Tree Preservation Order. It is therefore felt that they currently afford considerable amenity value. With this in mind it is contended that their removal would not be in the best interests of the visual amenity of the area.

Other Issues

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

- a) all applications are judged on their individual merits having regard to the planning policies and material considerations that are deemed relevant to the case in question. Consequently approving development in one instance does not necessarily set a precedent for approving similar development elsewhere unless it can be demonstrated that circumstances are exactly the same.
- b) it is contended that it would be possible, in pure highway terms, to construct a satisfactory vehicular access in the position proposed. Vehicles would therefore be able to enter Burnley Road from the site without detriment to their own safety or that of other vehicular users of that highway.
- c) the site is considered to be large enough to accommodate a degree of housing development, satisfactory associated car parking and turning facilities and even a degree of 'off street' parking provision for the school and local residents if desired.
- d) it is considered that Burnley Road can satisfactorily accommodate the increased level of vehicular use that the proposed development would likely

generate. For Members information County Highways raise no objections to the proposal subject to conditions and the proviso set out above.

- e) works can be undertaken to unstable land to render it stable and therefore suitable for development.
- f) concerns about potential flooding of/damage to property, the likely effect that the development may have upon property values, existing views and infrastructure, and about potential crime/anti-social activity arising as a result of the development (in the way they have been expressed) 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. The proposed development is to be located within a Countryside Area outside of the defined Urban Boundary and the Green Belt; is unrelated to agriculture, forestry or any other use deemed appropriate to a rural area; and does not involve the rehabilitation and/or re-use of a building/buildings. Furthermore, in the view of the Local Planning Authority, there is no proven overriding need for the development. The proposal is therefore considered to be contrary to the provisions of policies DS.1 and DS.5 of the Rossendale District Local Plan, and Policy 1 of the Lancashire Structure Plan 1991 – 2006.
2. 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.
3. It is contended that the proposed development would not be sustainable seeking the 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.
4. It is considered that the removal of protected trees, in order to form the new vehicular access to the development, would not be in the best interests of the visual amenity of the area. The proposal is therefore considered to be contrary to the provisions of policies DC.1 and E.4 of the Rossendale District Local Plan.

Local Plan Policies

DS.1

DS.5
DC.1
C.1
E.4

Structure Plan Policies

1
43

Draft Joint Structure Plan Policies

1
5
12