

Application No: 2007/636

Application Type: Reserved Matters Application

Proposal: Demolition of existing garage building and redevelopment with 3 storey block of 12 apartments and parking

Location: Packhorse Garage, Market Street, Edenfield

Report of: Executive Director of Regulatory Services

Status: For Publication

Report to: Development Control Committee

Date: 11 December 2007

Applicant: R Nuttall

Determination Expiry Date: 14 January 2008

Agent: Hartley Planning and Development Associates Ltd

REASON FOR REPORTING

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:
Reason for Call-In:

More than 3 objections received

Major Development.....

APPLICATION DETAILS

1. The Site

1.1 The site is occupied by a large brick building with a sheeted roof previously used as a base for the applicant's haulage business and currently for car repairs. The building is set back from Edenfield's main street with a forecourt in front used for vehicle parking. There are stables attached to the rear of the building included within the boundary of the planning application. To the east is grazing land in the applicant's ownership but not within the application boundary. To the north of the forecourt is the gable of an end terraced house. To the south is a former public house now converted into flats.

2. Relevant Planning History

- 2.1 The application is for reserved matters following the granting of outline planning permission (2005/543) on 14 December 2005. All matters were reserved for future consideration. The consent expires on 14 December 2007.

3. The Current Proposal

- 3.1 It is proposed to demolish the existing buildings and to erect a new 3 storey building in approximately the same location. Construction would be in natural stone and slate. There would be 12 car parking spaces in front of the building, a small communal garden at the rear and a bin store and bike store at the side. The application is accompanied by a Design and Access Statement.
- 3.2 Revised plans have been prepared moving the building forward and reducing the number of apartments to 10. Access to the parking spaces at the rear would be through an arch in the building. The plans have not been accepted as they would constitute more than a minor amendment and the applicant's agent has been informed that a new application is required.

4. Policy Context

4.1 National Planning Guidance

PPS1 - Sustainable Development
PPS3 - Housing

4.2 Development Plan Policies

Regional Spatial Strategy for the North West

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy
Policy 2 - Main Development Locations
Policy 7 - Parking
Policy 12 - Housing Provision
Policy 21 - Lancashire's Natural & Man-Made Heritage

Rossendale District Local Plan (Adopted 1995)

DS1 - Urban Boundary
E7 - Contaminated Land
DC1 - Development Control
DC4 - Materials

4.3 Other Material Planning Considerations

Rossendale BC Revised Interim Housing Position Statement (January 2007)
Rossendale BC Affordable Housing Position Statement (January 2007)

Lancashire CC – Planning Obligations Paper
Lancashire CC - Parking Standards

5. CONSULTATIONS

5.1 INTERNAL CONSULTATIONS

Environmental Health – Comments awaited and will be reported through late items report.

5.2 EXTERNAL CONSULTATIONS

Lancashire County Council

Highways – A separate pedestrian access through the parking area to the entrance to the apartments is required to prevent conflict between vehicles and pedestrians and provide better access to the cycle parking. Any front boundary treatment must be at low level to ensure visibility. The layout needs to be amended to address the issue of refuse collection.

6. REPRESENTATIONS

6.1 A site notice was posted on 31 October 2007 and letters were sent to neighbours. One letter has been received objecting to the proposal on the following grounds:

- The amount of traffic in the village is already too great.
- Access onto the main road will be dangerous due to speeding vehicles trying to beat the traffic lights and vehicles trying to turn round in the access area.
- The land is used by residents as an overflow car park.
- There are already problems at school time and with customers parking for the Coach and Horses public house which is opposite the site.
- There is concern about the style and design of the building and flats are not considered appropriate for Edenfield village.

Edenfield Residents Association support the application provided that any approval is conditioned to ensure that the building is constructed in stone.

The applicant's agent has provided copies of 8 letters from near neighbours supporting the application on the basis that it will be redevelopment of a brownfield site and a visual improvement, improving the outlook and removing heavy vehicles.

7. REPORT

7.1 The site is not in an area of the Borough where a new application for residential development would currently be acceptable based on current Government Policy as expressed in Policy 12 of the Joint Lancashire Structure Plan and Rossendale Council's Revised Interim Housing Position Statement. However, the site has a valid outline approval and residential development is therefore acceptable in principle. The outline application did not include any details and

all matters were reserved with no approval for any element of the scheme, including siting, external appearance, layout, access and landscaping.

- 7.2 Therefore, the main considerations of the application are whether the type of development proposed is acceptable for the site and its location within Edenfield village. Issues include the number of units, the size and scale of the development, the relationship of the building to the street and other buildings, design and materials.
- 7.3 The applicant's agent has pointed out that there is an identified need for one bedroom apartments in Eden Ward and this is accepted. However, the form of development needs to be appropriate to its village setting where other buildings are close to the street and 2 storey in height.
- 7.4 The building is sited at the rear of the site and close to boundaries. There would be overlooking of the rear of the terrace, 166 to 172 Market Street. The layout makes no provision for the retention of the existing pedestrian access to the rear of the terrace.
- 7.5 The layout does not make adequate provision for pedestrian access, cycle parking, servicing or refuse collection and there are no details of landscaping, levels or boundary treatments. There is only one car parking space per unit with no provision for visitor parking.
- 7.6 The application has not adequately addressed the issues of contamination, equal access for all, crime prevention or energy conservation. Although the applicant has provided copies of letters in support of the application there is no reference to a Statement of Community Involvement. There is a limited area of private amenity space within the site for residents but no provision for Public Open Space either off site or elsewhere.
- 7.7 The building would be constructed in natural stone and slate but its design, including 3 small gables on the front, French windows with Juliet balconies and a canopy supported by Grecian columns is not appropriate to the village.

8. HUMAN RIGHTS

- 8.1 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.

9. CONCLUSION

Although the site does have outline planning permission, the proposed development is not considered to be appropriate for the site as explained above. If the form of development was acceptable, additional information would be required as set out in the recommended reasons for refusal.

10. RECOMMENDATION(S)

That Committee refuse the application in accordance with the following reasons.

11. REASONS FOR REFUSAL

1. By reason of its size, position and design the proposed building would be inappropriate to its village setting and therefore seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with saved Policy DC1 – Development Criteria of the adopted Rossendale District Local Plan.
2. The proposed development would be seriously detrimental to the residential amenities of occupiers of the adjacent property by reason of its height, size, position and degree of overlooking. The proposed development therefore conflicts with saved Policy DC1 – Development Criteria of the adopted Rossendale District Local Plan.
3. The proposed layout does not make adequate provision for pedestrian access, car and cycle parking, servicing the site, or refuse collection. There are no details of landscaping, levels or boundary treatments. There is insufficient information for the application to be adequately assessed contrary to saved Policy DC1 – Development Criteria of the adopted Rossendale District Plan.
4. The application does not include sufficient details relating to contamination, community involvement, equal access for all, secured by design, or renewal energy and energy efficiency measures preventing it from being properly assessed.
5. The applicant has failed to complete a Section 106 Agreement for the provision of Public Open Space contrary to saved Policy DC3 of the adopted Rossendale District Local Plan.

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*LOCATION PLAN TO BE PROVIDED
ATTACH ALL APPENDICES*