

<b>Application No:</b> 2007/555	<b>Application Type:</b> Full
<b>Proposal:</b> Erection of detached house	<b>Location:</b> Former Scout Hut, New Line, Bacup.
<b>Report of:</b> Executive Director of Regulatory Services	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 11 December 2007
<b>Applicant:</b> Mr. D Graham	<b>Determination Expiry Date:</b> 1 November 2007
<b>Agent:</b> Hartley Planning & Development Assocs Ltd	

**REASON FOR REPORTING**                      **Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**                      **x**  
 Name of Member: **Cllr Eaton**  
 Reason for Call-In: **The former Scout Hut site is currently in a very unsatisfactory state for the residents. All planning aspects including issues concerning regenerations within this part of the Action Area need to be considered.**

**3 or more objections received**

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.

**1. APPLICATION DETAILS**

1.1 The application site is located on the opposite side of New Line to St Saviour's Church, a Grade II listed building. The site is of an irregular shape and measures approximately 0.2ha in area. The part fronting New Line is flat and is occupied by the former scout hut. A timber structure with flat roof, it has been vacant for 5+ years and is in a very poor condition. To the front, the site is bounded by a 1.5m high stone wall

and a row of mature and semi-mature trees. To the rear the site slopes down by 5 to 6 metres towards the New Line Industrial Estate, trees and shrubbery growing on this slope. A public footpath runs along the easterly boundary of the site.

1.2 The proposal entails the demolition of the former scout hut and construction of a two storey detached house. Due to the topography of the site, the proposed dwelling would be split level. It is to be constructed in natural stone, with an artificial-slate roof, and is to possess 3 bedrooms and an integral garage. The existing access-point is to be utilised to serve the proposed house, whilst still serving the house to the east of the site.

In support of the application, the Applicant states:

- The existing wooden building contrasts sharply with the predominance of stone buildings in the vicinity.
- The hut has remained vacant for the last 5 or more years and is in a rapidly deteriorating condition.
- The site is a major eyesore for people using Stubblelee Lane to gain access to the Park opposite, detracts from the group of nearby Listed Buildings and the amenities of the occupiers of houses adjoining it.
- This is not within a flood plain or contaminated land.
- The site is sustainably located, being on a bus route and within walking distance of Bacup town centre.
- The proposal does not contravene Greenlands policy as this is a brownfield site and does not link the urban area to the countryside.
- Whilst it is not accepted that there is a position of housing oversupply in the Borough, this site is in any case within the boundary of the Bacup, Stacksteads & Britannia AAP and the proposed scheme will deliver the regeneration benefits to warrant a permission.

## **2. Relevant Planning History**

2.1 In July 2001 Outline Application 2001/209, for the construction of two semi-detached houses on broadly the same site, was Refused by Committee. The subsequent Appeal was dismissed by the Planning Inspectorate in May 2002; a copy of the Inspectors decision letter is appended. In dismissing the Appeal, the Inspector made the following observations:

1. In summer the foliage of trees on the appeal site screens much of the view northwards towards the town centre, while in winter the tree branches would filter these views and form a skyline silhouette. These trees thus seem to have a considerable impact on the street scene, and give the site a generally undeveloped character.
2. The youth centre building is fully seen from the road; although not attractive, it is visually unassertive, and to my mind detracts from the open, quasi-natural character of the site to only a small degree.
3. The proposal would also be likely to result in the need to remove some existing trees, thus reducing the collective contribution the trees make to the street scene, as well as bringing to much of the site a developed, residential character.
4. I accept that the houses (two semi-detached) would be separated from the existing terrace by a wide gap, formed by land now in residential use at the end of the terrace,

and by an access track leading to the rear of these properties. However, they would extend the development along this side of New Line, with the result, in my opinion, that this strip of Greenlands would appear to be predominantly in housing use, especially as the eastern part of the strip beyond the terrace, is little seen from the road, being at a much lower level. Thus the present open, undeveloped character of this Greenlands strip would be considerably eroded.

5. Although the proposed houses might be partially screened by any retained trees, these are deciduous, providing little screening in winter and any eventually planted would take many years to mature. The dwellings themselves and their cartilages would therefore still, in my opinion, be likely to be clearly apparent. Such development would link the industrial estate at the foot of the site with the church and the existing terraced housing, to my mind seriously eroding the landscape contribution that the site currently makes to the more central areas of the town, and adversely affecting the present well-wooded setting of St Saviour's Church.

### **3. Policy Context**

#### National/Regional Guidance

PPS1  
PPS3  
PPG13  
PPG15  
PPG17  
RPG13

#### Joint Lancashire Structure Plan

Policy 1  
Policy 7  
Policy 12  
Policy 20  
Policy 21

#### Rossendale District Local Plan

Policy DS1 – The Urban Boundary  
Policy E1 – Greenlands  
Policy E4 - Tree Preservation  
Policy HP2 - Listed Buildings  
Policy DC1 – Development Criteria  
Policy DC4 – Materials

#### Other Material Planning Considerations

Draft RSS  
LCC Parking Standards  
RBC Core Strategy  
RBC Revised Interim Housing Position Statement (January 2007)  
RBC Affordable Housing Position Statement (January 2007)  
RBC Housing Needs & Market Assessment

### **4. CONSULTATIONS**

LCC (Highways) – No objection in principle. Vehicular crossings to adoptable standard are required at both access points. Wall to either side of access points should be less than 1m high. The integral garage is sub standard (not 6m x 3m) but there would still appear to be parking for up to three vehicles.

## 5. REPRESENTATIONS

5.1 A site notice was posted on 14 September 2007 and the relevant neighbours were notified by letter on 6 September 2007 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

No responses have been received.

## 6. ASSESSMENT

In dealing with this application the main issues to consider are: 1) Principle/Greenlands Policy; 2) Landscape Impact; 3) Housing Policy; 4) Neighbour Amenity; & 5) Highway Safety.

### Principle/Greenlands Policy

The site is located within the Urban Boundary, wherein Policy DS1 of the Local Plan seeks to locate most development, and is reasonably well-served by public transport/town centre facilities. However, the site is identified as being within Greenlands in the Local Plan and, thus, subject to Policy E1. Policy E1 reads as follows:

*“The Council will seek to protect and enhance the Greenlands - a comprehensive network of public and private land - within urban areas and linking with the countryside and other recreational features, where only development appropriate to the functions of the Greenlands will be permitted.”*

The text accompanying Policy E1 states (amongst other things) that : *“These Greenlands respond to the need to prevent town cramming and to retain valuable open space in the Borough.....In order to maintain the open character of these areas the Council will protect them from development, particularly urban type development .....a limited amount of development will be allowed where the retention of the open character of the land will still predominate, the development being in all cases ancillary to the use of the land: for example extension to school buildings, new changing facilities on a sports field.....Open space within and around the urban areas is essential to the quality of life; it provides a breathing space; it is the most important means of providing recreational opportunities in built up areas : it complements private open space close to homes, especially for terraced housing and it provides a link out into the countryside. The Greenlands will include land in private ownership and therefore not open for public access and it is not intended that all areas will be planted with trees.....Many of these sites form part of linear belts of often steep, sometimes wooded, open areas within the existing settlement pattern. Together they form a significant landscape element and this particular feature should be retained and, where possible, enhanced.*

The Local Plan pre-dates issue of PPS1, PPS3 and PPG17. However, Policy E1 accords with the thrust of Government policy contained within these documents in that it seeks to ensure developments are of 'good design' and contribute positively to making places better for people by provision/protection/enhancement of greens, open-amenity and recreational spaces.

In respect of Application 2001/209 the Appeal Inspector attached great importance to Policy E1 and concluded that the proposal then before him would contravene it as it would considerably erode the largely open, undeveloped character of this Greenland strip. He acknowledged that the part of the site occupied by the scout hut to be brownfield and said of this building *"although not attractive, it is visually unassertive, and to my mind detracts from the open, quasi-natural character of the site to only a small degree"*. The current proposal similarly conflicts with Policy E1, and the applicants arguments that the site is brownfield/the building is of poor appearance carry no more weight than was then the case.

#### Landscape Impact

The application site forms part of a wooded area located on the perimeter of the Park Road Industrial Estate. It acts as a valuable open space to prevent town cramming and helps provide a green-screen between the Industrial Estate and New Line/residential properties fronting New Line.

The Applicant acknowledges that to erect the house in the position proposed will result in the loss of 3 trees in the centre of the site. I also have a concern about how formation of hardstanding between the proposed house and New Line will impact upon the health and life-expectancy of the frontage trees, the requirement of the Highway Authority that the frontage wall be lowered for reasons of highway –safety further exposing the proposed house to public view. Thus, the development will significantly diminish the effectiveness of the tree-screen and erode the essentially undeveloped character of the site as experienced by users of the public footpath skirting the site and when on New Line. As this footpath and New Line provide access to Stubbylee Park the proposed development would result in the loss of amenity in the area and the link it provides with the countryside and other recreational features, contrary to the purposes of Policy E1.

The Appeal Inspector also said that, as St Saviour's Church stands considerably above the level of New Line, the trees on the Appeal site are presently seen in front of, but below, the church in many views of it. He went on to conclude that *"although the proposed houses might be partially screened by any retained trees....the dwellings themselves and their curtilages ....seriously eroding the landscape contribution that the site currently makes to the more central areas of the town, and adversely affecting the present well-wooded setting of St Saviour's Church"*. The proposed development will similarly affect the townscape and setting of this Listed Building, contrary to the development criteria of Policy DC1 and Policy HP2 of the Local Plan.

#### Housing Policy

The main issue which needs to be considered in relation to Housing Policy is that of housing over-supply.

PPS3 sets out Government guidance on a range of issues relating to the provision of housing. Paragraph 3 states that *"One of the roles of the planning system is to ensure*

*that new homes are provided in the right place and at the right time, whether through new development or the conversion of existing buildings. The aim is to provide a choice of sites which are both suitable and available for housebuilding. This is important not only to ensure that everyone has the opportunity of a decent home but also to maintain the momentum of economic growth". Paragraph 8 goes on to say "It is an essential feature of the plan, monitor and manage approach that housing requirements and the ways in which they are to be met, should be kept under regular review. The planned level of housing provision and its distribution should be based on a clear set of policy objectives, linked to measurable indicators of change...Reviews should occur at least every five years and sooner, if there are signs of either under or over-provision of housing land".*

Consistent with housing policy contained in national and regional guidance, Policy 12 of the Joint Lancashire Structure Plan (adopted March 2005) has resulted in a housing allocation requiring a reduced rate of provision for several Lancashire Districts over the period 2001-2016, including Rossendale. Policy 12 states that 1,920 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 220 dwellings per year until 2006 and 80 per year thereafter. Having regard to the number of dwellings which have been built since 2001, and to the number for which permission exists, Lancashire County Council (Planning) is of the view that this Council should rigorously enforce a policy of restraint on proposals coming forward that will create additional dwelling units.

In the supporting text following Policy 12 of the Structure Plan it states that:

*"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 housing or special needs housing or form a key element within a mixed use regeneration project".*

Members will recall that a Revised Interim Housing Position Statement and an Affordable Housing Position Statement were approved by Council in January of this year. Both documents set out that applications received on or after the approval date will be considered against the criteria set out in these position statements. The application was submitted after the approval of these documents and will therefore be assessed against their provisions.

The Council's Revised Interim Housing Position Statement (January 2007) accepted the contention that the Council would over-shoot its housing allocation and the permissions now granted should be limited to those it set out:

*"Applications for residential development in Rossendale will be acceptable in the following circumstances:*

- a) The replacement of existing dwellings, provided that the number of dwellings is not increased.*
- b) The proposal can be justified in relation to agricultural and forestry activities.*

- c) *In relation to listed building and important buildings in conservation areas, the applicant can demonstrate the proposal is the only means to their conservation.*
- d) *Conversion or change of use of buildings within the urban boundary of the main development location within the Borough (ie Rawtenstall including Bacup and Haslingden) where the number of units is 4 or less.*
- e) *The conversion to 5 units or more, or for new build developments of 1 unit or more on previously developed land, where it can be demonstrated the proposal lies within and will deliver regeneration benefits within the Regeneration Priority Areas of Rawtenstall Town Centre or Bacup, Stacksteads and Britannia (Elevate) Pathfinder.”*

At its meeting in June 2006, Cabinet received a Housing Land Monitoring Report, setting out the latest position in relation to provision of housing. The report to Cabinet says of the Monitoring Report: *“It shows that the number of dwellings which have a valid planning approval exceed the requirements of the Joint Lancashire Structure Plan (JLSP). Anticipated completions have also been considered and this will significantly exceed the provisions of just 80 that the JLSP requires on an annual basis for the period 2006 to 2016”*. The Draft Regional Spatial Strategy has not progressed to the stage that its contents can have a greater weight than Policy 12 of the adopted Structure Plan and the Regional Guidance it was founded upon.

Accordingly, it is appropriate to consider the application in relation to the criteria of the Revised Interim Housing Position Statement. The application proposal:

- Does not represent the replacement of existing dwellings.
- Is not in relation to agricultural or forestry activities.
- Will harm the character of a Listed Building.
- Does not relate to conversion or change of use of a building within the urban boundary of the main development location within the Borough (ie Rawtenstall including Bacup and Haslingden).
- Does lie within the Study Area boundary of the emerging Bacup, Stacksteads & Britannia AAP or Rawtenstall Town Centre AAP. However, it is not considered that the scheme will deliver adequate regeneration benefits to warrant permission being granted as an exception to Policy 12 of the Structure Plan in this instance.

#### Neighbour Amenity

The site is of adequate size to accommodate the proposed dwelling without causing unacceptable loss of light/outlook/privacy for neighbours.

#### Highway safety

The Highway Authority is satisfied that the proposed access and the car parking facilities are satisfactory. It is proposed that the site would be accessed from New Line and would have two off-street parking spaces in addition to the integral garage.

## **7. CONCLUSION**

7.1 The Inspector concluded that the appeal proposal he considered in May 2002 was unacceptable because it would:

- a) result in the removal of trees, thus reducing the collective contribution the trees make to the street scene/area of Greenlands.
- b) extend the development along the side of New Line, with the result that this strip of Greenlands would appear to be predominantly in housing use and the present open, undeveloped character of the Greenlands would be eroded.
- c) Detrimental to the wider townscape and the setting of a Listed Building.

7.2 The current application is for the construction of a detached house, rather than the pair of semis the subject of the previous application. However, in terms of the policy context and implications, the proposed development is broadly similar to the proposal dismissed on appeal. The proposed development would be contrary to Policy E1, E4, HP2 and the criteria of Policy DC1. Whilst this application does not raise concerns about the adequacy of its access/off-street parking facilities, it does raise an additional concern in relation to housing over-supply.

## 8. RECOMMENDATION

It is recommended that the planning permission is refused for the following reasons:

1. The application site lies within an area designated as Greenland and the proposed development would be inappropriate to the purposes of the Greenlands, contrary to Policy E1 of the adopted Rossendale District Local Plan.
2. The proposed development would result in the loss of trees of detriment to the character and appearance of the site, its surroundings and the setting of a Listed Building (St Saviour's Church), contrary to Policy E4, HP2 and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
3. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to the provisions of PPS3, Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Revised Interim Housing Position Statement (January 2007). In this instance, the case has not been advanced to warrant an exception to policy being made.

<b>Contact Officer</b>	
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