

Application No: 2008/114	Application Type: Full
Proposal: Additional 3 houses and revised plot layout & substitution of house types	Location: Land off Rochdale Road/ East of Stack Lane Bacup
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 2 June 2008
Applicant: Wainhomes Developments	Determination Expiry Date: 19 June 2008
Agent: MPSL Planning & Design	

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:
Reason for Call-In:

More than 3 objections received

Other (please state)**DEPARTURE/MAJOR**

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. Background

This application relates to a site forming part of a large parcel of land designated as Countryside in the adopted Local Plan, but currently being developed by Wainhomes for residential purposes.

The parcel of land is roughly rectangular in shaped. Of approximately 7.7 hectares in area, it lies on the southern side of Rochdale Road, and is dissected by Stack Lane.

This poorly-surfaced/sloping track connects Rochdale Road with New Line and also serves Lower Stack Farm.

2. Relevant Planning History

1975/605 - Erection of 190 dwellings at Stack Lane, Rochdale Road, Bacup

This permission remains valid by reason of an accepted commencement of development within the original life of the permission following a legal challenge by Melham Holdings Limited. Wainhomes re-commenced work on the construction of houses on that part of the land situated to the west side of Stack Lane.

2005/142 - Erection of 162 dwellings at land off Rochdale Road, Bacup

Not wishing to complete the development in full accordance with the old permission, Wainhomes submitted an application in March 2005 proposing the erection of 162 dwellings.

Despite the Local Plan designation of the land as Countryside/the issue of housing over-supply, Officers considered the proposed development had certain distinct advantages over its 1975 predecessor permission. These related principally to :

- a) the introduction of a less formal layout both in terms of internal highway layout and the adoption of more varied house types and plot/dwelling positioning;
- b) the adoption of a proper frontage treatment and orientation of properties to Rochdale Road;
- c) the provision within the development of additional public open space;
- d) a financial contribution in order to promote more sustainable transport options than use of the private car.

Furthermore, completion of the development in accordance with the proposed scheme would have reduced the number of dwellings and thereby go a small way towards addressing the housing over-supply issue the Council was faced with as a result of the reduction in the Borough's housing allocation with adoption of the new Structure Plan in March 2005.

In accordance with the Officer recommendation, Committee was minded to grant permission subject to referral of the application as a 'departure' to the Government Office for the North West. As it indicated no wish to call-in the application the decision notice granting permission was issued in February 2006. Work on the construction of houses on that part of the land situated to the west side of Stack Lane is now well advanced.

2005/547 - Erection of 2no additional houses & amended house-type on Plot 70

This application sought permission for the erection of two additional houses and an amended house type for Plot 70. Officer delegation powers were exercised to grant permission. Whilst it was acknowledged that this proposal would add to the total number of dwellings on the site permitted by Planning Permission 2005/142 (thus raising the issue of over-supply), in its favour it was said that : 1) the number of dwellings on the site would still not exceed 190, the figure permitted by Planning Permission 1975/605; & 2) this proposal would not detract from visual or neighbour amenity. Furthermore, one of the proposed units was to be adapted for occupation by a family with a child with special needs.

2007/60 - Erection of 2no additional houses

2007/72 - Erection of 2no additional houses

Each of these applications proposed the erection of 2 additional houses on parts of the land to the west side of Stack Lane. These applications were refused permission in August 2007, not least because both proposals would have resulted in loss to built-development of land which Planning Permission 2005/142 required to be landscaped and retained as open/amenity areas, thereby providing residents of the estate with ornamental/informal play space and 'softening' of the edge of built-development with the adjacent Countryside Area. Furthermore, these proposals were considered to contribute to housing oversupply without regenerative benefits. The Public Inquiry to consider the Appeals lodged against these refusals is to be held on 5 August.

3. The Proposal

With the development of the land to the west of Stack Lane nearing completion Wainhomes has submitted this application in respect of the land to the east side of the lane.

The documentation submitted in support of this application states that :

- The scheme submitted has to be considered in relation to the fact that the previous application (2005/142) has already been approved. This development totaled 100 plots and formed the second phase of a larger development under construction. This proposal maintains this figure.
- The layout of this part of the scheme remains fundamentally the same; the highways and footpath links remain unchanged and the general orientation of the dwellings remains unchanged.
- A general substitution of house types across the site is proposed in response to current marketing feedback. The overall scale of the units remains as previously. The proposed house types are of a similar design to those previously approved elsewhere on the development, albeit that is now proposed to introduce split-level house types to the southern boundary to accommodate the existing topography. This has been designed to reduce the overall impact on existing adjacent dwellings.
- There is a small scale effect on the proposed landscaping on the site. However, within the context of the overall scheme, the effect would not be so significant as to be detrimental.

4. Policy Context

National Planning Guidance

PPS1	-	Sustainable Development
PPS3	-	Housing
PPS7	-	Rural Areas
PPS9	-	Biodiversity & Geological Conservation
PPG13	-	Transport
PPG17	-	Sport & Recreation

- PPS23 - Pollution Control
- PPS25 - Flood Risk

Development Plan Policies
RPG13

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 2 - Main Development Locations
- Policy 5 - Development Outside of Principal Urban Areas, etc
- Policy 7 - Parking
- Policy 12 - Housing Provision
- Policy 20 - Lancashire's Landscapes
- Policy 21 - Lancashire's Natural & Manmade Heritage
- Policy 24 - Flood Risk

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- DS5 - Development Outside the Urban Boundary & Green Belt
- DC1 - Development Criteria
- DC3 - Public Open Space
- DC4 - Materials
- E7 - Contaminated Land

Other Material Planning Considerations

- Draft RSS
- LPOS Planning Obligations Paper
- LCC Landscape & Heritage SPG and Landscape Strategy for Lancashire
- LCC Access & Parking SPG and Parking Standards
- RBC Core Strategy
- RBC Bacup, Stacksteads & Britannia Emerging AAP
- RBC Interim Housing Policy Statement (December 2007)
- RBC Housing Market Assessment (September 2007)
- RBC Draft Open Space & Play Equipment Contributions SPD
- RBC Draft Open Spaces Strategy

5. CONSULTATIONS

LCC(Highways)

No objection in principle. However, properties with 4 or more bedrooms should have three off-road parking spaces, and those with 3 bedrooms should have two such spaces. The minimum drive length fronting garages should be 6m.

Environment Agency

It has no comments to add to those made in respect of Application 2005/142. (It then raised no objection in principle to residential development of the 7.7ha site as a whole, subject to conditions relating to resolution of any contamination issues and regulation of the rate of run-off of surface water.

6. REPRESENTATIONS

The Application has been publicised by way of site notices and a newspaper notice,

together with letters to neighbours.

Letters have been received from the residents of 3 properties that bound the side (2 on New Line & 1 on Cobden Street), objecting to the proposal for the following reasons :

- The split-level properties proposed are close to the site boundary, incorporate first-floor Juliette-balconies and are elevated above their own properties, as a consequence of which they will overshadow / restrict sunlight & daylight / reduce privacy.
- As the proposed dwellings are also so closely packed together they will restrict views and appear unduly imposing and out of character with the surrounding area.
- Have problems already with water drainage and would not wish further land disturbance.
- Increased noise, traffic and smells.

7. ASSESSMENT

Notwithstanding what the Applicant has said, the approved layout drawing accompanying Planning Permission 2005/142 shows only 97 houses are to be built on this phase of the development. Consequently, to approve the current application on the basis of the layout drawing now submitted would result in the erection of an additional three houses. Furthermore, these additional dwellings are to be accommodated on the site by building upon a significant proportion of the open space which the approved layout drawing accompanying Planning Permission 2005/142 shows would be provided towards the southern boundary of the site/to the east side of Lower Stack Farm.

Accordingly, the main issues to be considered in respect of the current application are :

- 1) Principle
- 2) Housing Policy
- 3) Design & Appearance
- 4) Neighbour Amenity
- 5) Traffic/Parking

Principle

In the adopted Local Plan the application site lies within a Countryside Area, between the Urban Boundaries of the settlements of Bacup and Britannia, wherein Policy DS5 would preclude development other than for the purposes of agriculture, forestry or other uses appropriate to a rural area. However, it is necessary to have regard for the development permitted by Planning Permission 2005/142. Whilst it granted permission for built-development upon the greater part of the site of the current application, there is not an extant permission which allows built-development of that part of the site towards the southern boundary of the site/to the east side of Lower Stack Farm and which is now to be occupied by the three additional dwellings (Plots 112-114). To this

extent the current application is proposing development which is not, in principle, appropriate development. Furthermore, the erection of these three dwellings upon land which Planning Permission 2005/142 requires to be provided/retained as a landscaped area will not only result in it ceasing to be open/rural in character, but diminish erode greening/softening of the edge between built-development permitted by Planning Permission 2005/142 and the adjacent Countryside Area.

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”*.

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.

A Revised Interim Housing Position Statement and an Affordable Housing Position Statement were approved by Council in January 2007. However, the need to continue to constrain the supply of housing land was considered again in December 2007 by Cabinet and these documents have now been revised as the Interim Housing Policy Statement. This document sets out somewhat wider criteria for making an exception to Policy 12 of the Structure Plan.

The Council's Interim Housing Policy Statement (December 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 settlements within the Borough (i.e. Rawtenstall including Bacup and Haslingden) where the number of units is 4 or less.*
- e) New build proposals on previously developed land (PDL) within the urban boundary of the main development location (Appendix C) but excluding the Action Plan Areas; where the number of units is 20 or less. These proposals will only be acceptable where they make an essential contribution to the supply of affordable housing as interpreted in Appendix B.*
- f) Proposals on previously developed land (PDL) within the regeneration priority areas of Rawtenstall Town Centre AAP or Bacup, Stacksteads and Britannia AAP that will deliver regeneration benefits. Where proposals are for 15 or more dwellings, the Council will seek to obtain 30% affordable housing (where there is a clear need as demonstrated through the Housing Needs Assessment). A reduction in the affordable housing requirements will only be acceptable where the applicant pays for the Council to approach an independent specialist to test their arguments on viability.*
- g) Developments that are solely for affordable or special needs housing will be supported where they address local need and are appropriate in terms of their scale and location.*
- h) Within the urban boundary of the main development location or the regeneration priority areas where residential development is part of a mixed-use scheme that will have essential regenerative benefits for the Borough. Where proposals include 15 or more dwellings, the council will seek to obtain 42% affordable housing (where there is a clear need as demonstrated through the Housing Needs Assessment). A reduction in the affordable housing requirement will only be acceptable where the applicant pays for the Council to approach an independent specialist to test their arguments on viability.*

As the current application proposes the erection of three houses more on this site than permitted by Planning Permission 2005/142 it neither satisfied the previous Revised Interim Housing Position Statement or the criteria of the latest Interim Housing Policy Statement.

In amplification, I consider it appropriate to make the following points :

- The Applicant has not shown how the provision of the additional houses meets an identified local housing need. Nor has the applicant given any indication that the intended dwellings will be provided/retained as affordable or special needs housing (as defined in PPG3 and the Structure Plan).
- In favour of the application it can also be said that the site does lie within the Study Area boundary of the emerging Bacup, Stacksteads & Britannia AAP, but is not identified as a Key Site for regeneration, nor lies within the boundary of a Cluster Area (wherein there is seen to be a particular need for investment to secure regeneration).
- It needs to be recognised that the number of additional dwellings specifically proposed by this application is not great - totalling three. However, the Council needs to be mindful of the cumulative impact of proposals.
- I propose taking a report to the meeting of Cabinet on 18 June 2008, to provide an up-date on the Draft RSS in respect of housing (in terms of the allocation it is proposing for the Borough and the weight that this should now be given in the determination of planning applications) and the forward supply of land which is immediately developable in the Borough for housing. Arising out of this, it will be necessary for Cabinet to consider whether the Interim Housing Policy Statement it approved in December 2007 should be amended.

The other matter which needs to be considered in relation to Housing Policy is that of the mix of dwellings. Planning Permission 2005/142 proposed for the part of the site the subject of the current application the erection of 97 dwellings of 8 designs, with 37 (38%) to be 3-bedroomed houses and 60 (62%) 4-bedroomed houses.

Implementation of the scheme for which permission is now sought will produce 100 houses of 9 designs, with 16 (16%) 3-bedroomed and 84 (84%) 4-bedroomed. Thus the current proposal will result in a greater proportion of the units on the land to the east side of Stack Lane being of 4-bedrooms. However, when the site the subject of Planning Permission 2005/142 is looked at as a whole the scheme is not so skewed towards the larger units.

Design & Appearance

If the additional three houses proposed towards the southern boundary of the site/to the east side of Lower Stack Farm were to be deleted the current scheme would not cause significantly greater harm to the general character and appearance of the area as viewed from any public vantage point than would implementation of Planning Permission 2005/142; houses and their associated drives/gardens are proposed unnecessarily/unacceptably tighter too the Public Footpath running between 293 Rochdale Road and 248 New Line, but this can be remedied by the applicant without the loss of any units.

The addition of the three dwellings on Plots 112-114 will result in loss of a significant portion of the landscaped area Planning Permission 2005/142 requires to be provided towards the southern boundary of the site/to the east side of Lower Stack Farm. This area was to be the principal ornamental/informal play space provided for the benefit of residents of houses built east of Stack Lane and form a green/soft edge between built-development permitted by Planning Permission 2005/142 and the adjacent Countryside Area. The provision of such open spaces was one of the distinct advantages of Application 2005/142 over its 1975 predecessor permission prompting Officers to recommend its approval despite the Local Plan designation of the land as Countryside/the issue of housing over-supply. The loss of this land to built-development will leave an area to be landscaped not only of diminished size, but of a shape which diminishes its usability as an informal play space and surveillance of it from the public highway. Narrowing with built-development the gap through which the remaining open space can be viewed from the estate road will also diminish the ability of future residents to view the open countryside beyond. The three additional houses protrude between the open space remaining on the site and the open land around the complex of buildings at Lower Stack Farm, resulting in the built-development having less of a green/soft edge with the adjacent countryside.

Neighbour Amenity

For the most part the current scheme does not propose changes to the siting/design/appearance of dwellings that will have materially greater detriment for neighbours than will implementation of Planning Permission 2005/142. Indeed, in some instances the changes will result in buildings standing further off the boundary with existing residential properties.

For existing terraced houses fronting Rochdale Road with a party-boundary with the site the principal change is to the rear of 319 Rochdale Road where a house type is being introduced with a dormer in its rear roof-plane and a detached garage in its rear garden; undue detriment for neighbours will not arise from this such is the height of hedges/trees on the party-boundary at this point.

For existing residents of the bungalows fronting Cobden Street the principal change is to the rear of 12 Cobden Street where a split-level house-type is being introduced; undue detriment for this neighbour will not result from the increase in gable height towards the back corner of the proposed house as the neighbouring bungalow is skewed and, consequently, does not have its rear windows directly facing the gable.

For a significant proportion of the residential properties fronting New Line with a party-boundary with the site the proposal introduces split-level properties to their rear. The existing properties vary greatly in terms of type (ranging from detached bungalows to terraced houses) and in terms of the extent to which they are screened from the site by screening on the party-boundary (ranging from nothing to the rear of the terraced houses at the east end and high hedges/trees at the west end). However, the existing dwellings are situated at a lower level than the site and generally have rear gardens/yards of limited length. Whilst I would preclude use of split-level house-types entirely upon the site, a number of those proposed to the rear of the existing dwellings fronting New Line will actually be sited nearer to the party-boundary than the conventional 2-storey dwellings permitted here by Planning Permission 2005/142. As a consequence of their design/level/stand-off from the party-boundary, the split-level

units proposed here will cause a significant number of the existing residents materially greater harm, most particularly by reason of their height/bulk/overlooking.

Traffic/Parking

The application entails no change to the previously-permitted road layout, nor will the addition of three more dwellings significantly alter the traffic on the local road network. Accordingly, Highway Authority has raised no objection in principle to the proposal. It has asked for drive lengths fronting garages to be of no less than 6m. A number are only 5.5m in length, which reflects the permitted layout in respect of Planning Permission 2005/142.

8. Recommendation

That the application be refused for the following reasons :

1. This proposal would result in the erection of three more dwellings on the application site than would implementation of Planning Permission 2005/142, occupying land which the extant permission requires to be landscaped and retained as the principal ornamental/informal play space to be provided for the benefit of residents of houses built east of Stack Lane and to form a green/soft edge between the permitted houses and the adjacent open countryside. The erection of the additional dwellings proposed is not appropriate development for a Countryside Area and is, thus, contrary to PPS7 and Policy 5 of the adopted Joint Lancashire Structure Plan and Policy DS5 of the adopted Rossendale District Local Plan.
2. This proposal would result in the erection of three more dwellings on the application site than would implementation of Planning Permission 2005/142, occupying land which the extant permission requires to be landscaped and retained as the principal ornamental/informal play space to be provided for the benefit of residents of houses built east of Stack Lane and to form a green/soft edge between the permitted houses and the adjacent open countryside. Accordingly, the proposal is contrary to PPS1, PPS7 & PPG17, Policy 1 & 20 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 and Policies DC3/DC4 of the adopted Rossendale District Local Plan.
3. This proposal would result in the erection of three more dwellings on the application site than would implementation of Planning Permission 2005/142, occupying land which the extant permission requires to be landscaped and retained as the principal ornamental/informal play space to be provided for the benefit of residents of houses built east of Stack Lane and to form a green/soft edge between the permitted houses and the adjacent open countryside. Accordingly, it 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 Interim Housing Policy Statement (December 2007). In this instance, the case has not been advanced to warrant an exception to policy being made.

4. By reason of the siting/size/level/design/appearance of the split-level units proposed to the rear of existing residential properties 216-268 New Line, the proposed development will detract to an unacceptable extent from the amenities these residents could reasonably expect to enjoy, contrary to PPS1, Policy 1 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

Contact Officer	
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Position	Principal Planning Officer
Service / Team	Development Control
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Rochdale Road, Bacup.

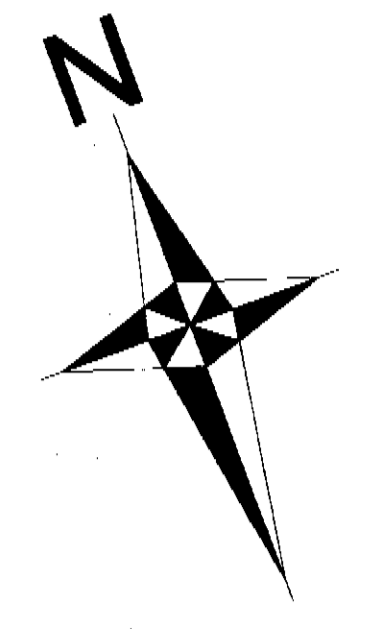
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Do not scale from this drawing - Work to figured dimensions only. All dimensions to be checked on site prior to the execution of any work.

For the avoidance of doubt all dimensions are measured to wall structure and not the finishes unless otherwise stated.

Where any discrepancy is found to exist within or between drawings and/or documents it should be reported to the architect immediately.

MP&L Planning & Design Ltd. shall not be liable for any use of drawings and documents for any purpose other than for which the same were prepared by or on behalf of MP&L Planning & Design Ltd.



J	03/08	Title boundary revised to plots 103-114.
H	12/07	Plot 109 revised 109-129-132, 134-137, 147-158, 164, 167-171, 177-181, 183.
G	29/10/07	Replan to Phase 2 incorporating Layout Rev E.
F	12/02/08	Replan to Phase 2 incorporating split level house types.
E	15/02/08	Plot 58 substituted & re located. Plots 116 & 118 rotated. Plot 117 moved adjacent to plot 110. Plots 20-23 accessed via Private Drive instead of Access Way.
D	14/02/08	Turning head shown to the private drives of Plots 57-58 & 128-132. Turning Provision made for plots 134 & 163 as per highways comments.
C	23/06/08	Scheme Redesigned with approved parcel incorporated.
B	01/04/08	Plots 142, 144 & 154 substituted & adjacent house types repositioned.
A	14/03/05	Garages Removed From Titton House Type
Rev	Date	Reason



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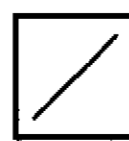


Project: Rochdale Road, Bacup.

Title: PHASE 2 PLANNING LAYOUT

Job No: 7233 Stage: Preliminary

Scale: 1:500 @ A1 Date: February 05 Drawn: ac Rev: J

House Type	Mix	Phase 2
Bowmere	@ 1242	11No.
Conway	@ 871	16No.
Jenner	@ 1099	9No.
Marbury	@ 1014	15No.
Nelson	@ 1300	6No.
Newbury	@ 1225	11No.
Salisbury	@ 1340	3No.
Sandown	@ 1255	19No.
Trispen	@ 1261	10No.
Total	114,449 SqFt	100No.

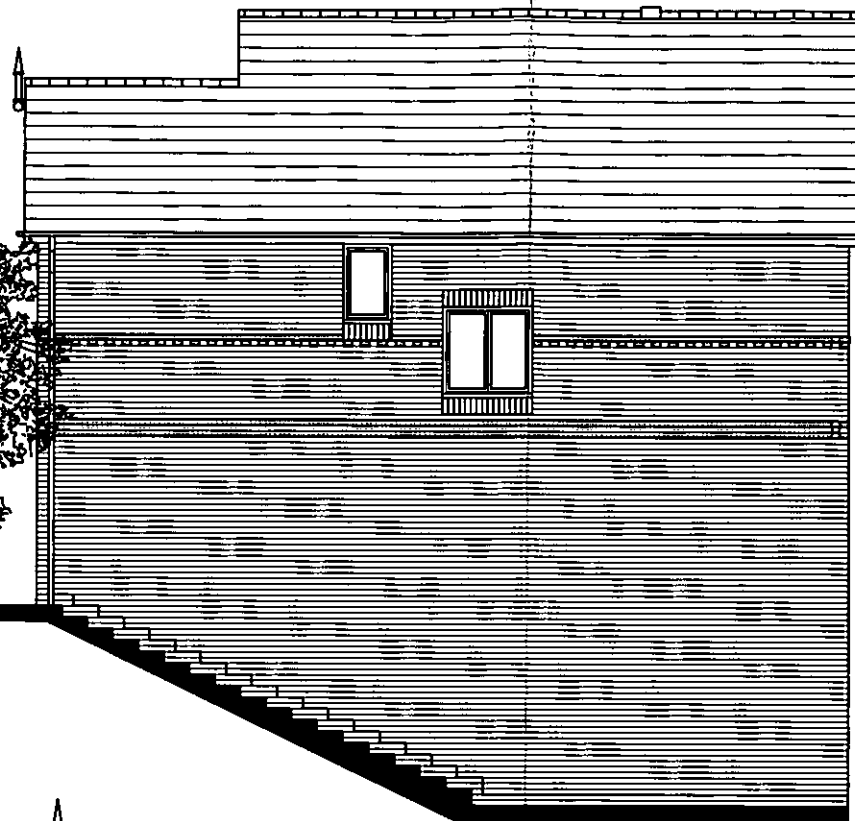
-  Denotes 1.8m High Close Boarded Screen Fence
-  Denotes 1.8m High Brick Screen Wall
-  Denotes Contrasting Surface Treatment To Shared Drives
-  Denotes 0.9m High Post and Rail Plot Divisional Fencing

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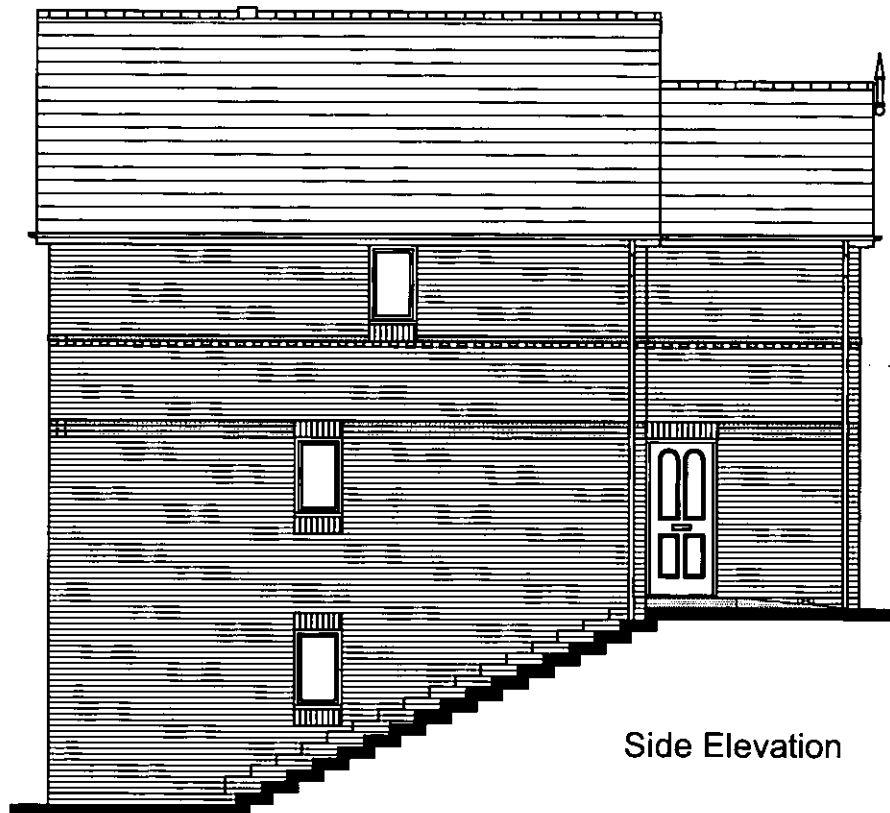
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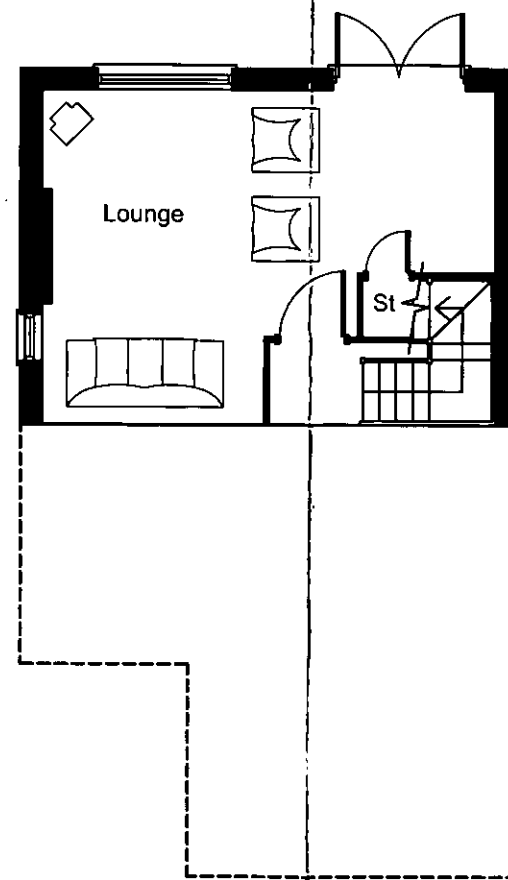
Side Elevation



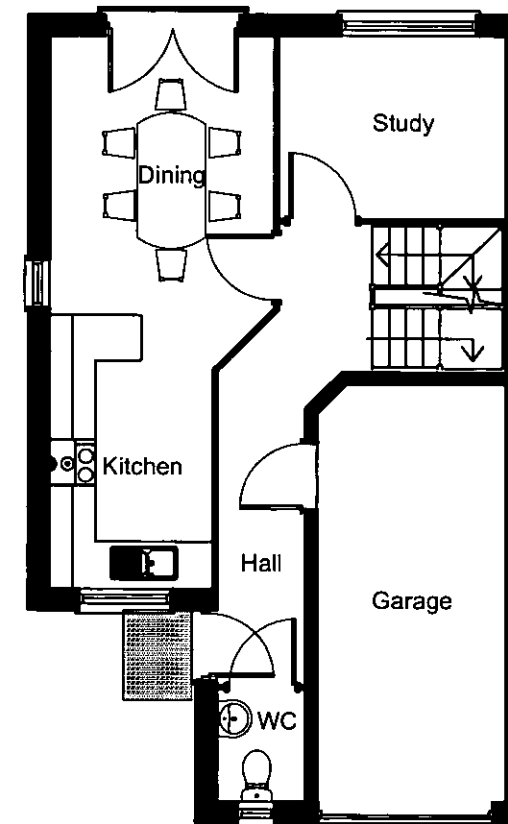
Rear Elevation



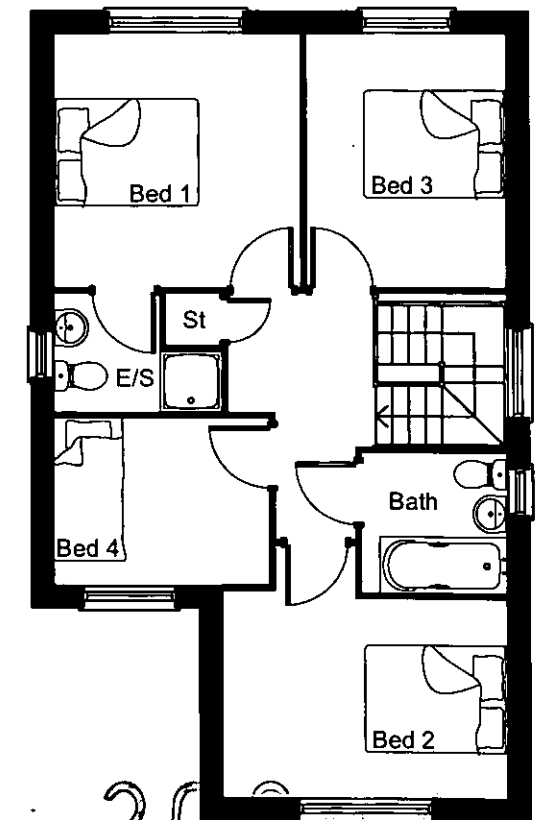
Side Elevation



Lower Ground Floor Plan



Ground Floor Plan



First Floor Plan

Nelson +
PLANS & ELEVATIONS

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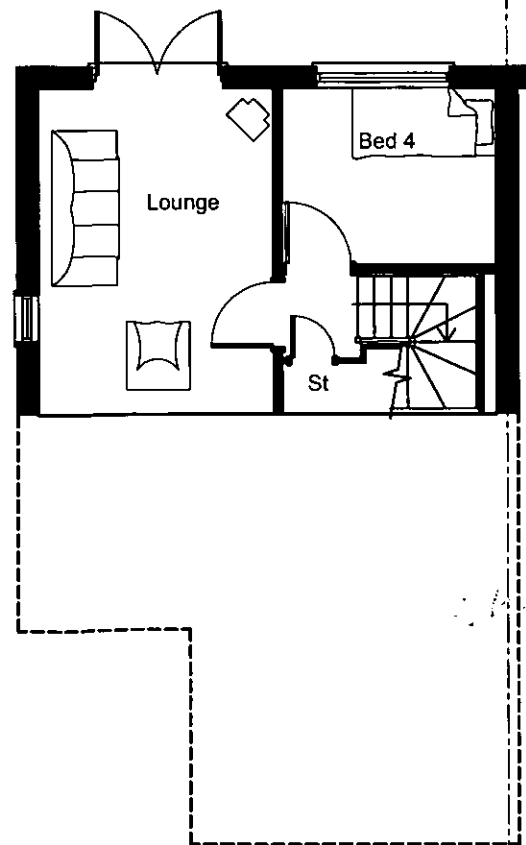
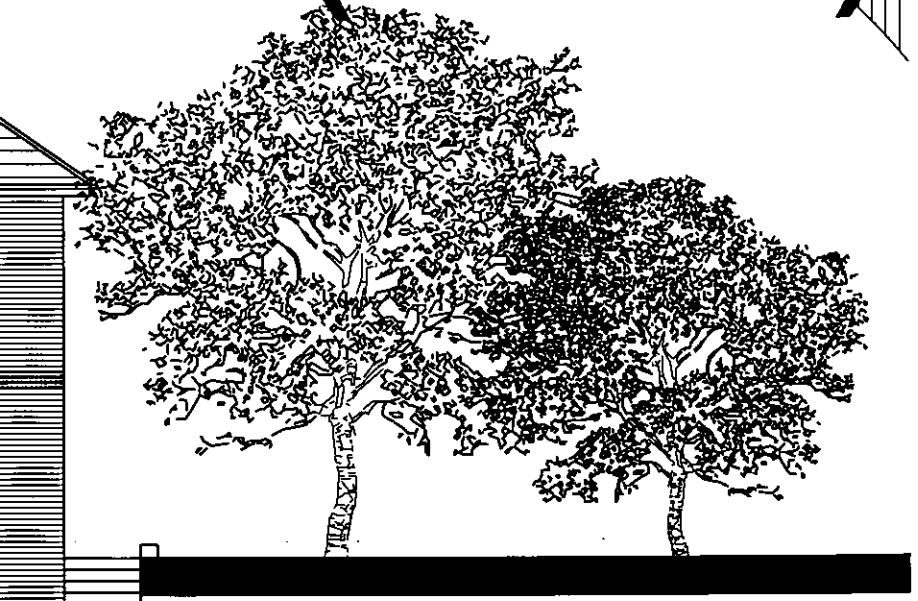
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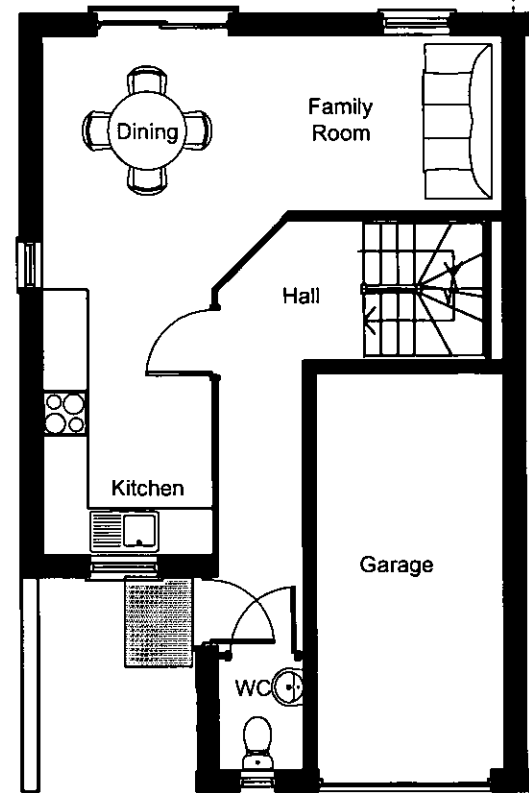
Front Elevation



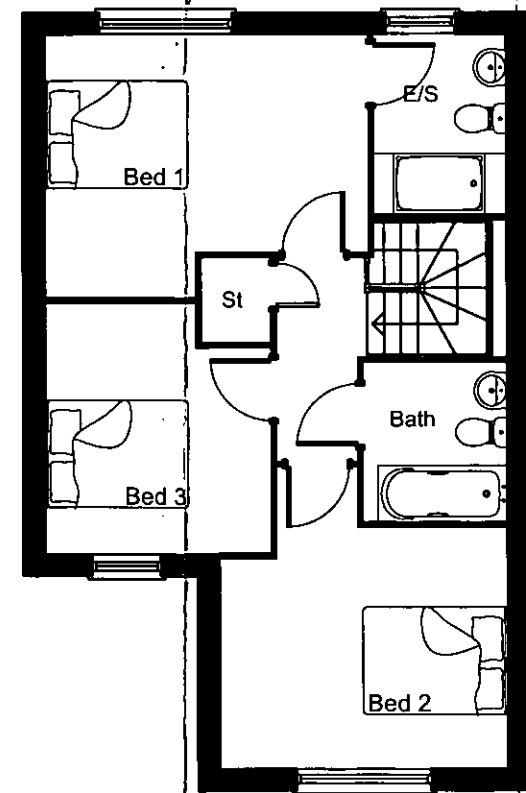
Rear Elevation



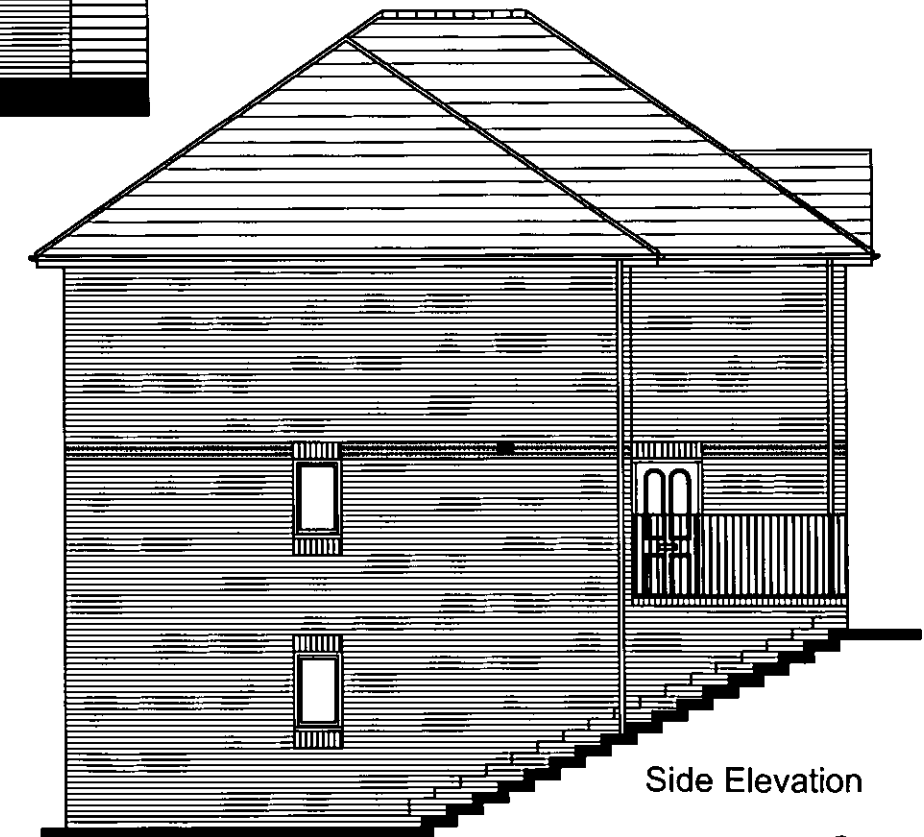
Lower Ground Floor Plan



Ground Floor Plan



First Floor Plan



Side Elevation

2008/114

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