

**TITLE: APPLICATION 2005/535
DEMOLITION OF EXISTING WORKS AND ERECTION OF 11 HOUSES
LAND AT ANVIL STREET, STACKSTEADS**

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 6 DECEMBER 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

APPLICANT : B & E BOYS LTD

DETERMINATION EXPIRY DATE : 14/12/05

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

This application relates to a rectangular site of approx 0.2ha, which fronts to Anvil Street, a narrow and un-made/unadopted access. Anvil Street can be reached from Newchurch Road via Rushton Street, or one of three other short un-made/unadopted accesses.

The eastern half of the site is occupied by commercial buildings (of 380 sq m floor-area), comprising of 2-storey stone buildings on the frontage of Anvil Street, with more modern additions to the rear. The western half of the site is more open in character. This unkempt area of sloping land is largely hidden from view from Anvil Street by a high stone wall, but contains within it a number of mature trees and bushes.

Whilst 121-123 Newchurch Road is occupied by Lea Mill Furnishings, the properties surrounding the site are otherwise in residential use. There are terraced houses to the south and west of the site. The application site impinges little upon the outlook of the more modern houses to the north (fronting Fernhill Way and Fernhill Park) due to

their elevation above the level of Anvil Street by more than 15m and the mature trees on the northern boundary of the site. Running along the eastern boundary of the site is a public footpath.

Proposal

Permission is sought to demolish the existing buildings and erect on the site two terraces, one to contain five houses and the other six.

Each of the houses will have three bedrooms, appearing to be of three-storey construction as viewed from Anvil Street and of two-storey construction as viewed from the rear. Each house will have an integral garage, fronted by a drive taking access from Anvil Street. The proposed layout means vehicles associated with the development are most likely to make use of Rushton Street to pass to/from Newchurch Road. The rear gardens of the houses will be terraced. The proposed houses will be constructed of re-constructed stone, with grey tiled roofs. The submitted drawings indicate that the trees on the northern boundary of the site will be retained, but a handful within it are to be removed.

A flight of steps is proposed between the two blocks of houses, providing an alternative means by which the public can pass between Fernhill Park and Anvil Street.

Relevant Development Control History

This application is a re-submission of Application No 2004/690, which the applicant withdrew having been made aware that LCC (Planning) and LCC (Highways) objected. The former considered the proposal would contribute unacceptably to housing over-supply. The latter objected on the basis of highway safety as the submitted scheme did not provide for the widening of Anvil Street to accommodate 2-way traffic/for cars to back satisfactorily of certain drives, or for the making-up to adoptable standard of it or the other roads connecting it to Newchurch Road).

Consultation Responses

LCC(Highways)

The Highway Authority accepts the applicants contention that the proposed development is unlikely to result in a significant increase in the volume of traffic visiting the site. It has no objection to the proposal so long as : 1) Anvil Street is widened to the side of 6 Rushton Street to enable 2 vehicles to pass; & 2) sections of Anvil Street and Rushton Street are brought up to adoptable standard.

Environment Agency

No objection in principle, subject to a condition to ensure any contamination of the land resulting from its previous uses is identified and appropriately dealt with.

United Utilities

No objection in principle. However, it advises that there will be a need for buildings to stand at least 3m clear of a sewer which crosses the site and avoid adverse affect for an electricity sub-station.

Notification Responses

Letters have been received from the occupiers of 11 residential properties in the vicinity. One expresses support for the application on the grounds that it will provide much-needed housing, be a visual improvement on the existing buildings and do away with the potential health hazard associated with fly-tipping of the open part of the site. The other ten letters object to the proposal for the following reasons :

- Existing residents would be caused nuisance/inconvenience during construction of the proposed development, and require felling of trees of visual/wildlife value.
- The 3-storey houses proposed will cause a loss of light/privacy for neighbours.
- The traffic generated by the development (during construction and subsequently) will cause the surface of the roads leading to the site to quickly deteriorate and are so narrow existing residents will cease to be able to play safely or park within them.
- The proposed public footpath is unnecessary and will result in parking on Fernhill Way/Fernhill Park, and provide a place for youths to congregate and make noise/trouble.
- The foul-sewer which crosses the site frequently blocks.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- E4 - Tree Preservation
- E7 - Contaminated Land
- DC1 - Development Control
- DC2 - Landscaping
- DC4 - Materials

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 5 - Development Outside of Principal Urban Areas, etc
- Policy 7 - Parking
- Policy 12 - Housing Provision
- Policy 21 - Lancashire's Natural & Man-Made Heritage

Other Material Planning Considerations check

- PPS1 - Sustainable Development
- PPG3 - Housing
- PPG4 - Industrial & Commercial Development
- PPG13 - Transport

RSS for the North West
LCC Parking Standards
Rossendale BC Housing Position Statement

Planning Issues

The main issues to consider are : 1) Retention as Employment Site; 2) Housing Policy; 3) Neighbour Amenity; 4) Townscape/Trees; 5) Access/Parking; & 6) Regeneration Benefit.

RETENTION AS EMPLOYMENT SITE

Having regard to the surrounding uses and standard of the approach roads I do not consider that there are grounds for resisting the redevelopment of the site for residential purposes in order that the site can be retained/redeveloped in employment use.

HOUSING POLICY

I have no reason to doubt that this site can be developed safely for residential purposes, and in a manner that would provide its occupiers with the amenities they could reasonably expect to enjoy. That is to say :

- The past use of the site is not considered likely to have resulted in contamination which will prohibit its residential re-development.
- The size/shape/topography of the site is such that occupiers of the proposed development will have the amenities they could respect.

The principal issue which needs to be considered in relation to Housing Policy is that of housing over-supply. 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. Having regard to the number of dwellings which have been built since 2001, and to the number for which permission exists, LCC (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. The Council's Housing Position Statement accepts the contention that the Council will over-shoot its housing allocation unless the circumstances in which permissions are now granted are limited to those set out in its Housing Position Statement :

"Applications for residential development in Rossendale will be refused, on housing land supply grounds, in all but the following limited circumstances:

- a) In any location where the proposal is a like for like replacement of an existing residential dwelling resulting in no net gain in dwelling numbers and which conforms to relevant policies of the development plan and other material considerations; or*
- b) The proposal will positively contribute to the urban regeneration of the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative areas or the Rawtenstall Town Centre Masterplan (Area Action Plan); and*
- c) The proposal will not harm the character of the adjoining areas such as conservation areas and the setting of listed buildings; and*
- d) The proposal will assist the regeneration of the site; and*
- e) The proposal meets an identified local housing need."*

The application site :

- Does result in additional dwelling units.
- Does not lie within the boundaries of either of the identified urban regeneration areas.
- Will not harm the character of any Listed Building or Conservation Area, etc.
- The "regeneration" credentials of the proposal will be dealt with separately below.
- The Applicant has not shown how the proposal meets an identified local housing need, and has given no indication that any of them will be provided/retained in perpetuity as affordable housing.

Thus, the proposal is contrary to the criteria of the Position Statement.

NEIGHBOUR AMENITY

I do not consider the proposed use to be incompatible with the interests of neighbours. With regard to the details of the submitted scheme I would advise that the change in levels across the site (and with the neighbouring land) are being utilised in a way which makes it possible to accommodate the proposed split-level houses without undue detriment for occupiers of neighbouring houses to the north, west and east in terms of overbearing affect/loss of light & outlook/privacy, etc.

Likewise, the Council's normal spacing standards are adhered to between the most eastern of the terraces proposed and the existing housing to the south of it, the latter not having the principal windows to habitable rooms facing towards the application site.

However, it must be said that the most westerly of the terraces proposed is somewhat 'tight' in relation to the existing houses on its south side, the latter having the principal windows to habitable rooms in their rear elevations which face towards the application site. There will be a distance of 19m between the front windows of the five properties in the proposed terrace and the first-floor windows of six existing terraced-houses. In a couple of instances single-storey extensions to the existing houses slightly reduce this distance. However, I am mindful that the ground-floor windows and yards of these houses are presently restricted in terms of their outlook and the light they receive by reason of the 3m high retaining wall that now runs along the north side of Anvil Street, the topography of the site and trees. Furthermore, the room-layout of the proposed houses is such that they will not have any habitable room windows facing towards the existing houses. Thus, such loss of privacy as will occur will result from people standing in the elevated area fronting the proposed houses. In my view, the loss of privacy arising from this will not be so great as to warrant refusal of the application.

TOWNSCAPE

The proposed buildings are of satisfactory design, and the intended facing-materials are appropriate. The principal concern I have in this regard relates to trees.

The trees within the site are not of significant visual amenity or wildlife value. However, I consider it important that the line of mature trees running along the frontage to Fernhill Way/Fernhill Park are retained as they form such a prominent and attractive feature in the street-scene. Despite the submitted drawing showing that they are to be retained in my view the retaining-walls/steps required to form the terraced-rear gardens will cause significant root-damage to a high proportion of these trees.

ACCESS/PARKING

Each of the proposed dwellings will have adequate off-street parking and the site layout could be amended to address the Highway Authority's concern about the deficient width of Anvil Street adjacent to the gable of 6 Rushton Street.

The applicant contends that the proposed development will not result in additional traffic seeking to pass between Newchurch Road and the site (and in all likelihood will entail a reduction in van/lorry movements), consequently Rushton Street can satisfactorily serve it. I concur with the view of the Highway Authority that Anvil Street and the accesses connecting it to Newchurch Road are sub-standard. Furthermore, residents of the existing terraced houses, having no other place to park their cars, do so on these accesses. Traffic associated with the proposed development is more likely to wish to pass between the site and the main road at hours when this on-street parking is occurring. To avoid the likelihood of

conflict/congestion/highway endangerment arising from this it is not considered sufficient simply for Anvil Street and Rushton Street to be relied upon, nor with only their improvement.

REGENERATION POLICY

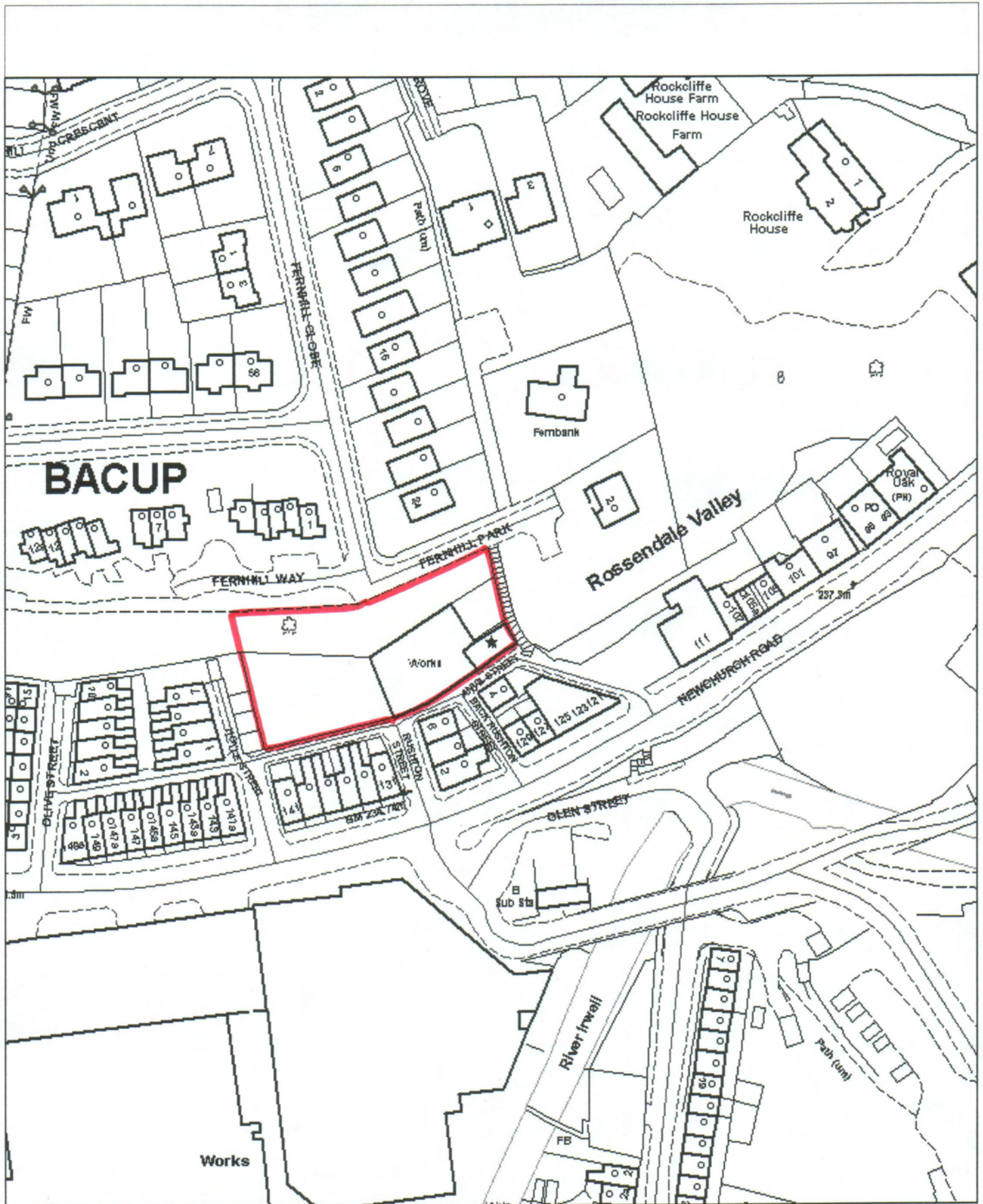
To conclude, there are grounds to refuse the submitted scheme as it will contribute to housing over-supply, result in harm to trees of significant visual amenity value and for reasons of access/highway safety.

The emerging Bacup, Stacksteads & Britannia Area Action Plan seeks to encourage investment/renewal. However, as presently drawn its boundary excludes the application site; it presently embraces land to the south of Newchurch Road but, at this point, not the land to the north of it. Whilst recommending refusal of the current application I consider it appropriate to ask the consultants preparing the AAP on the Council's behalf to review its boundary. If there is sufficient benefit in the AAP boundary embracing the application site, and the terraced-housing lying between it and the main road, there would then be a case for looking (with the applicant) at how the application site could be developed for residential purposes in a manner which will secure not only its regeneration but sufficient improvement of the surrounding accesses to meet its own needs and significantly enhance its regeneration credentials. At the present time the regeneration credentials of the submitted scheme are not such to outweigh the matters leading me to recommend refusal of the application.

Recommendation

That permission be refused for the following reasons :

1. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Housing Position Statement (August 2005). In this instance the case has not been advanced to warrant an exception to policy being made.
2. The proposed development does not provide satisfactory access arrangements and is likely to result in parking and manoeuvring of vehicles in the immediate vicinity of the site which is detrimental to highway safety and will inconvenience existing residents and other road users, contrary to PPS1, PPG13, Policy 7 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
3. The proposed development will result in loss/harm to trees fronting Fernhill Way/Fernhill Park which are a visually prominent and an attractive feature of the street-scene, contrary to PPS1, Policy 20 of the adopted Joint Lancashire Structure Plan, and Policy E4 and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.



Scale 1:1250 Date: 29/11/2005

Map Center: 386209.8,421870.2

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