

Application No: 2006/609

Application Type: Full

Proposal: Erection of 13 Town Houses

Location: Land adj 368 Rochdale Road,
Britannia

Report of: Development Control
Team Manager

Status: For Publication

Report to: Development Control
Committee

Date: 9 January 2007

Applicant: Boundary Edge

Determination Expiry Date:
1 February 2007

Agent: Bradshaw Gass & Hope

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:

Reason for Call-In:

3 or more objections received

X

Other (please state)Major/Departure

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.

APPLICATION DETAILS

1.1 The Site

This application relates to a broadly L-shaped site, of approximately 0.3 hectares in area, that fronts Rochdale Road (A671).

It is bounded to the west by a poorly-surfaced road that gives access to Meadow View, a bungalow that faces the site, and the complex of buildings at Higher Stack, approximately 200m to the north. The land to the north of the site is agricultural. To the east of the site is a pair of houses (368/370 Rochdale Road) which are all that remains of what was once a longer terrace) and land fronting to Lees Street.

As viewed from Rochdale Road, the site is of poor appearance, natural regeneration having done little to obscure areas of hardstanding remaining from its former use; I understand the site to have been cleared of residential properties by the late 1980's. The part of the site behind 368/370 Rochdale Road has become more overgrown, while a small portion of the site which lies beyond a post-and-wire fence presently forms part of the adjacent field.

1.2 Relevant Planning History

2000/538

On 30 January 2001 permission was granted for the erection of 13 dwellings on a site which essentially embraced the site of the current application and the land fronting Lees Street. This permission is now time-expired.

2004/449

On 21 July 2004 permission was granted for the erection of eight 2-storey houses on the site of the current application. Amendments to the originally-submitted scheme were obtained to avoid the any of the houses having their rear elevations/rear gardens facing Rochdale Road. This permission remains valid and its implementation would result in the erection of a terrace of four houses fronting the main road and four detached houses to the rear, all to be served off an access way extending from the existing roadway giving access to Meadow View.

2006/189

In May 2006 Committee granted Outline Permission for the erection of four houses on the land fronting Lees Street; Reserved Matters Approval for this development was granted by Committee at its meeting on 29 November 2006 (2006/393).

2006/406

Permission was sought to erect on the site of the current application 13 Town Houses. Prior to consideration of the report in respect of this application at its meeting on 10 October 2006 the application was withdrawn by the applicant.

In short, that scheme proposed the up-grade of the first 30m of the existing roadway giving access to Meadow View, in order that it may serve an accessway around which would be arranged thirteen dwellings of 3 or more bedrooms. There would be three blocks of terraced houses, each of 2 ½-storeys in height, with slated-roofs. The front and sides of each block were to be of stone, the rear elevation of stone at ground-level, with render above. Each of the dwellings was to have the facility to park 1 or 2 cars on its forecourt.

The block nearest to Rochdale Road was to contain 5 houses, stand at an angle to the main road, with the rendered-finish of its rear elevation open to public view over the 2m stone wall to be erected to screen rear gardens. The other two terraces were to

stand 5.5m from the rear boundary of the site, not differing greatly in terms of their design/facing materials, but incorporating first-floor balconies on the rear elevation.

Officers did not consider this proposal to be acceptable. The terrace block proposed on the Rochdale Road frontage was to have its rear elevation face the main road and be of a height/design/facing materials which were not altogether in-keeping with its setting. To provide privacy within rear gardens a 2m high wall of 27m in length was proposed on the main road frontage. As a consequence of this terraced block being angled to the main road its construction would leave fully exposed to view the gable of 368 Rochdale Road (which has been left of rather poor appearance as a result of the removal of the attached building). Furthermore, it would result in the two terraced blocks to the rear standing only 5.5m from the rear boundary of the site. By reason of their siting, and the intended height/design/facing materials, these terraced blocks would result in the development impinging to a far greater extent on the essentially open and rural character of the Countryside Area to the rear than would implementation of Planning Permission 2004/449.

Whilst there was considered to be no objection in principle to the residential development of the application site, the submitted scheme was not considered to be acceptable in terms of its Townscape and Landscape impact. For these reasons the 'regeneration' credentials of that proposal were not considered to warrant permission being granted as an exception to the policy of restraint on housing development arising from Policy 12 of the Joint Lancashire Structure Plan and the Council's own Housing Position Statement. Accordingly, the report in respect of this application appearing on the Agenda for the meeting of Committee on 10 October 2006 recommended refusal 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 5/12 of the Structure Plan and Policies DS1/DS5 of the adopted Rossendale District Local Plan and Housing Position Statement.
2. The proposed development will detract to an unacceptable extent from the townscape of Britannia and the Countryside Area to the rear of the site, contrary to PPG1/PPG3/PPS7, Policies 1/20 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 & Policies DC2/DC4 of the adopted Rossendale District Local Plan. Most particularly, the siting/orientation/size/design/facing materials of the terraced block nearest to Rochdale Road, and the boundary treatment of the rear gardens of these houses, will detract unacceptably from the character and appearance of the street-scene. Furthermore, the siting/size/design/facing materials of the terraced blocks to the rear will detract unacceptably from the essentially open and rural character of the Countryside Area to the rear of the site.

1.3 The Proposal

The application for erection of the 13 Town Houses has now been re-submitted with amended drawings that seek to address the Townscape and Landscape which Officers had about Application 2006/406.

The scheme for which permission is now sought proposes the up-grade of the first 30m of the existing roadway giving access to Meadow View, in order that it may serve an accessway around which will be arranged thirteen dwellings of 3 or more bedrooms. There will be three blocks of terraced houses, each of 2 ½-storeys in height. Each building is to have all elevations constructed of stone, with a slated-roof. Each of the dwellings was to have the facility to park 1 or 2 cars on its forecourt.

The block proposed nearest to Rochdale Road has been turned round so that its front elevation will face the main road. It is not to stand at an angle to the main road, thereby going some way towards hiding from view the gable of 368 Rochdale Road (which is of rather poor appearance). Furthermore, this has enabled the other two terraces to stand further from the rear boundary of the site.

1.4 Policy Context

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- DS5 - Development Outside Urban Boundary & Green Belt
- E4 - Tree Preservation
- E7 - Contaminated Land
- DC1 - Development Criteria
- DC2 - Landscaping
- DC4 - Materials

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 5 - Development Outside Principal Urban Areas, Etc
- Policy 7 - Parking
- Policy 12 - Housing Provision
- Policy 20 - Lancashire's Landscapes

Other Material Planning Considerations

- PPS1
- PPS3
- PPG13
- PPG23
- RPG13

- Draft RSS
- LCC Parking Standards
- LCC Planning Obligations Policy Paper
- LCC Landscape & Heritage SPG
- RBC Housing Position Statement (Aug 2005)
- RBC Housing Land Position Monitoring Report (May 2006)
- RBC Housing Needs & Market Assessment 2004/2005
- RBC Bacup, Stacksteads & Britannia Emerging AAP

2. CONSULTATIONS

LCC(Planning) advises that the proposal is contrary to Policy 12 of the Structure Plan and ought to be refused as it will contribute to housing over-supply. It states : "*While the proposed development is small, with an increase of 5 dwellings from the 8 dwellings already approved under application no. 14/04/449, I am concerned that the cumulative impact of this increase, together with other proposals that are likely to come forward, will materially exacerbate the amount of over supply*".

With respect to other matters, it advises that the submitted scheme appears to accord with the adopted Parking Standards, but considers that the developer should make a financial contribution of £15,990 to address specific transport and accessibility issues.

LCC(Highways) has no objection in principle, but would wish conditions to be imposed to ensure compliance with the appropriate standards in terms of visibility-splays, construction of roads, drives, footways, etc.

United Utilities raises no objection in principle.

RBC Drainage raise no objection in principle, but would wish a condition to be imposed in respect of drainage details.

3. REPRESENTATIONS

Thirteen letters have been received from local residents, objecting to the proposal on The following grounds :

- The application entails a significant increase in the number of dwellings permitted on the site by permission 2004/449.
- The proposal does not accord with Policy 12 of the Structure Plan or the criteria of the Council's own Housing Position Statement.
- The two terraced blocks proposed towards the rear of the site lie outside the Urban Boundary, pushing into the surrounding open countryside.
- The proposed buildings are of a height that will cause unacceptable overbearing/overshadowing and loss of light/outlook/privacy for existing residents.
- By reason of their height and facing materials, the proposed buildings will not be in-keeping with the character of the village, dwarfing neighbouring properties and being only partially of stone.
- The proposed parking facilities are inadequate and will result in parking on Rochdale Road, to the detriment of highway safety.
- United Utilities have a number of supply-pipes that run through the site.

4. ASSESSMENT

In dealing with this application the main issues to consider are :

- 1) principle of the development;
- 2) housing policy;
- 3) ground contamination;
- 4) highway/transport issues;
- 5) landscape/townscape impact; &
- 6) residential amenity.

Principle

The application site is, for the most part, 'brownfield' land that lies within the Urban Boundary of Britannia. As it fronts to Rochdale Road, along which run relatively frequent bus services, and has the post office opposite and other local services nearby, it is reasonably accessible by means of travel other than the private car. To this extent the re-development of the site is appropriate in principle.

That element of the application site - approaching 30% of the total site area - which projects further north than the plot occupied by Meadow View forms part of a Countryside Area and is outside the Urban Boundary. Consistent with national and Structure Plan policy, Policy DS5 of the Local Plan states that within this area development will be restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area. However, I am mindful that the site of the current application extends beyond Urban Boundary no more than does the application site for Permission 2004/449 and is consistent with the more recent Permission 2006/189 for erection of 4 houses fronting Lees Street.

Accordingly, I do not consider this encroachment of the site into the countryside in itself to warrant refusal of the current application. However, it is appropriate for the current proposal to be considered in terms of whether the visual amenities of the countryside will be unduly affected by the particulars of the scheme; this assessment is dealt with in the section below under Landscape/Townscape Impact.

Housing Policy

The main 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. 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 200 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, 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.

In the supporting statement 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 or special needs housing or form a key element within a mixed use regeneration project".

The Council's Housing Position Statement (August 2005) 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 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."*

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 provision of just 80 that the JLSP requires on an annual basis for the period 2006 to 2016. The situation has not changed since the Housing Policy Position Statement, approved in August 2005."*

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

- Does result in an increase in number of dwellings to be erected on the site - from 8 to 13.
- Does lie within the boundary of the emerging Bacup, Stacksteads & Britannia AAP. Whilst this particular site is not identified as a Key Site for regeneration, it does lie (entirely) within the boundary of the Cluster Area of sites in Britannia for regeneration. Furthermore, it has a main road frontage, with the Post Office immediately opposite and bus-stops and other local facilities nearby. This being the case, to my way of mind this is such a centrally-located site within the settlement of Britannia that there is a strong case for seeking to encourage its re-development.
- 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 provision of these additional terraced houses meet an Identified local housing need, beyond stating that the proposed dwelling type has been selected to broaden the range of house-types generally available in the area and to differ from the 3/4-bedroom detached houses-with-garages on the nearby Wain Homes development . The applicant has not 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).

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

Ground Contamination

The applicant has submitted a desk-top study which concludes that there is a low likelihood of significant ground contamination beneath the site as records have revealed no potentially contaminative land uses to have used the site or the adjacent land.

Highway/Transport Issues

I consider the local highway network capable of accommodating the traffic likely to be generated by this development and concur with the Highway Authority that, subject to conditions, satisfactory access/parking provision will be provided.

To accord with the Planning Obligation Policy Paper a contribution of £15,990 should be paid by the developer to address specific transport and accessibility issues, most particularly to improve the bus services/ facilities in the vicinity of the site. This figure is arrived at having regard to an assessment of the accessibility of the site by means of travel other than the private car and the nature/scale of the proposed development. The applicant has agreed to pay this sum.

Landscape/Townscape Impact

The appearance of that part of the site which lies within the Urban Boundary is such that it does not presently make a positive contribution to the character and appearance of the area.

Implementation of Planning Permission 2004/449 would result in the construction of a terrace of four houses fronting Rochdale Road, to be of traditional 2-storey design and faced with natural stone and slate. The current proposal would result in a terrace of somewhat greater height/bulk facing towards the main road. However, I am satisfied that it will not appear unduly prominent or intrusive in the street-scene. The terraces proposed to the rear will now stand away from the rear boundary of the site a broadly comparable distance to the dwellings permitted under Permission 2004/449. Although they are to be of somewhat greater height/bulk, I am satisfied that they will not detract unacceptably from the essentially open and rural character of the Countryside Area to the rear of the site.

Residential Amenity

The proposed development will impinge upon the amenities of occupiers of neighbouring residential properties (both existing and proposed) to a greater degree than would implementation of Planning Permission 2004/449. However, I do not consider the current proposal would result in such a loss of amenity for neighbours that refusal for this reason could be substantiated.

6. CONCLUSION

There is a valid permission enabling the erection of eight houses on the site. Whilst the submitted scheme will increase the number of dwellings to thirteen, it satisfactorily addresses the Townscape and Landscape concerns that prompted the recommendation to refuse Application 2006/406. By addressing these concerns the 'regeneration' credentials of the proposal have been enhanced.

As the site is in the middle of Britannia/fronting a main road, and is within the Bacup, Stacksteads & Britannia AAP, makes this now a finely balanced case in terms of whether there are now sufficient grounds to warrant permission being granted as an exception to the policy of restraint on housing development arising from Policy 12 of the Joint Lancashire Structure Plan and the Council's own Housing Position Statement. Having regard to the extent of housing oversupply which presently exists I have concluded that the case has not been made for permitting this proposal as exception to Policy 12.

7. RECOMMENDATION

That permission be refused for the following reason :

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. In this instance, the case has not been advanced to warrant an exception to policy being made.

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