

Application No: 2010/458

Application Type: Outline

Proposal: Outline Application for residential redevelopment of an industrial site of approx 0.25ha

Location: Land off Station Road, Whitworth

Report of: Planning Unit Manager

Status: For Publication

Report to: Development Control Committee

Date: 8 November 2010

Applicant: Mr P Eaton

Determination Expiry Date:
2 December 2010

Agent: Mr M Illsley

REASON FOR REPORTING

Tick Box

Member Call-In

Name of Member:

Reason for Call-In:

3 or more objections received

Other (please state)

X

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.

APPLICATION DETAILS

1. SITE

The application relates to a plot of land of approximately 0.25ha in area which fronts Station Road, to the other side of which are brick-faced houses and an electricity sub-station.

To the east side of the site is a ramped vehicular access, which serves it and the extensive complex of industrial/commercial premises to the south (part of which are owned by the Applicant). To the west side is a bungalow and a garage-court; the River Spodden runs in culvert through the garage court.

The mill buildings that formerly occupied the site have been demolished. It is now enclosed by a 2m high timber fence to the front and high walls to other sides. While the north-east corner of the site is used for the display and sale of garden sheds, the bulk of the site (which is at a significantly lower level than Station Road) is used for the storage of vehicles).

The site lies within the Urban Boundary of Whitworth, as designated in the Rossendale District Local Plan. On the Proposals Map it forms part of an Existing Employment Area, although Policy J3 (giving priority to the needs of industry and commerce over housing) is not a 'saved' policy. The south-western third of the site lies within a Flood Risk Area.

2. RELEVANT PLANNING HISTORY

2006/424 Erection of 6no Light Industrial Units
On 14/9/07 permission was granted to the Applicant for the erection of a series of industrial units (of approx 640sq m) on land to the south of site of the current application. (Unimplemented)

2007/33 Provision of 12no Storage Container
On 23/3/07 permission was granted to the Applicant for the northern half of the site of the current application to be occupied by 12 metal containers, each to measure 6.1m x 1.7m x 2.4m. (Unimplemented)

3. THE PROPOSAL

The applicant seeks Outline Permission to redevelop the site for residential purposes. At this stage the only matter of detail for which approval is sought is the Means of Access.

Whilst the matters of Layout / Scale / Appearance / Landscaping have been reserved for later consideration, the Design & Access Statement and illustrative drawings accompanying the application indicate the site is to be developed in the following manner:

- The erection of a terrace of seven houses with their fronts facing towards Station Road. As viewed from the front they will appearing of 2-storeys in height. When viewed from the rear the houses will be seen to sit over garages that are fronted by drives served off a short cul-de-sac which is to be formed. By utilising space within the roof void it is envisaged that each of the houses can contain 3 bedrooms.

- The cul-de-sac is to extend from a point midway down the existing ramped vehicular access to the east of the site, use of which will be shared with the neighbouring industrial/commercial premises.
- To the south side of the new cul-de-sac, and at a right-angle to it, are to be two short terraces of bungalows, each with a gable tight to the southern boundary of the site. In total there are to be seven 1-bedroomed bungalows that face onto a courtyard containing their car parking.

4. POLICY CONTEXT

National

PPS1 Sustainable Development
 PPS3 Housing
 PPS4 Economic Growth
 PPG13 Transport
 PPG14 Unstable land
 PPG17 Sport & Recreation
 PPS23 Pollution Cont
 PPG24 Noise
 PPS25 Flood Risk

Development Plan

Rossendale District Local Plan (1995)

DS1 Urban Boundary
 E6 Ground Instability
 E7 Contaminated Land
 DC1 Development Criteria
 DC3 Public Open Space
 DC4 Materials

Other Material Planning Considerations

RSS (2008) & its Evidence Base
 LCC Parking Standards
 RBC Emerging Core Strategy (2010)
 RBC Employment Land Study by NLP (2009)
 RBC Interim Housing Policy Statement (May 2010)
 RBC Strategic Housing Land Availability Assessment (2009)
 RBC Strategic Housing Market Assessment (2009)
 RBC Affordable Housing Economic Viability Assessment (2010)
 RBC Open Space & Play Equipment Contributions SPD

5. CONSULTATION RESPONSES

Whitworth Town Council

Object on the basis that :

1. it removes another site that needs to be retained for small industry in the town;
2. there is already a surplus of unsold residential properties within the town which have been on the market for some considerable time; and

3. the proposed development is not in-keeping with the local area.

LCC (Highways)

On the basis of the submitted scheme recommend refusal of the application for the following reason:

- The shared access road from Station Road is not wholly included within the red edge. It needs to be so to a point beyond the site access as it and the proposed cul-de-sac need to be constructed to an adoptable standard (including a 2m wide service strip/footway, drainage & street lighting).

NOTE: The Applicant has now submitted a new Location Plan and Illustrative Site Layout. The new Location Plan has the red-edge extended to embrace the full width of the shared access road. The new Illustrative Site Layout indicates a footway is to be formed down the side of the shared access road to a point beyond the site access.

With respect to matters of detail, it advises :

- Front walls/railings should be less than 1m high so that sight lines for drivers are not obstructed.
- The drives to some houses are too close to the junction of the shared access road / proposed cul-de-sac.
- There is an overprovision of parking for the houses - 3-bedroomed properties should have a maximum of two parking spaces (ie garage + 1 space on drive, not 2).
- The turning-head may not be required as there is an adequate turning facility elsewhere within the site.

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order the application has been publicised by way of a press notice on 9/9/10, site notices posted on 6/9/10 and letters sent to the relevant neighbours on 6/9/10.

No comments have been received.

7. PLANNING ISSUES

The main issues to be considered in the determination of this application are as follows:

1. Principle
2. Employment Policy
3. Housing Policy
4. Visual Amenity
5. Neighbour Amenity
6. Flood Risk / Land Contamination
7. Public Open Space/Play Space
8. Access/Parking

Principle

The site lies within the Urban Boundary of Whitworth. It is located relatively near to Market Street, along which runs a 'quality' bus service. To this extent the site is in a sustainable location and the proposal accords with Policy DS1 of the Local Plan.

However, in recent years a number of employment sites in Whitworth of significant size have been re-developed for residential purposes, and other employment sites of significant size have unimplemented permissions for residential re-development (eg Eastgate) or are in the offing (eg Orama Mill). This being the case, in the assessment of the current application it is also appropriate to consider the impact of the proposal in terms of:

- whether the proposal is an unsustainable form of development in that it fails to maintain an appropriate balance between housing numbers and employment sites/opportunities in the settlement of Whitworth, thereby resulting in unacceptable and unnecessary travel.
- whether the proposal is unsustainable in that Whitworth is not identified as a Main Development Location or a Regeneration Priority Area, and to permit this proposal makes it less likely that development will take place within those areas or on sites within Whitworth were permissions for residential development has been granted/is in the offing and is to be preferred.

These two questions are addressed below.

Employment Policy

On the Proposals Map of the Local Plan the application site forms part of an Existing Employment Area. Although Policy J3 of the Local Plan (giving priority to the needs of industry and commerce over housing) is not a 'saved' policy, as part of the preparation of the Local Development Framework the Council commissioned Nathaniel Lichfield & Partners to carry out an Employment Land Study across the Borough to inform decisions upon the retention of existing employment sites/allocation of new employment sites. With respect to the employment site the application site forms part of it recommends retention. This is unlike (for example) the Orama Mill site, for which the Report recommends release for an alternative use.

Whilst the current application relates to less than half the existing employment site served off Station Road to permit the current proposal would, in my view, make it difficult to resist any future application for land accessed via the shared access road for an alternative use.

The applicant has not demonstrated that it would be inappropriate to retain the application site for employment use/that there is no prospect of securing its use/development as such.

Housing Policy

The application site is located within the Urban Boundary of Whitworth, wherein the Council's Interim Housing Policy Statement (May 2010) states new residential development will be encouraged where :

1. It uses existing buildings/previously developed land; and
2. It makes an essential contribution to affordable housing; and
3. It is built at a density of not less than 30 dwellings per hectare; and
4. It will not undermine the focus for most residential development to be in the Main Development Locations and Regeneration Priority Areas; OR
5. It is solely for affordable and/or special needs housing.

Considering the application in relation to these criteria :

1. The site constitutes previously developed land.
2. For a development of up to 15 dwelling units on a brownfield site there is no requirement for Affordable Housing. The Applicant envisages erecting 14 dwelling units on the application site. However, the Applicants ownership extends over adjacent employment land served off the shared access road and, as stated in the Employment Policy section above, to permit this proposal would make it difficult to resist any future development of the adjacent land with housing.
3. The proposal is not considered to be of inappropriate density if built-out with the 14 units proposed on the Illustrative Site Layout.
4. The number of units the applicant envisages constructing on the application site is not huge. However, I am concerned that to permit the current application will undermine the focus for most residential development to be in the Main Development Locations and Regeneration Priority Areas, and also the likelihood that development will take place on sites within Whitworth were permissions for residential development has been granted/is in the offing and is to be preferred.
5. The applicant has not indicated the development will comprise of solely affordable and/or special needs housing.

Accordingly, I do not consider the proposal to accord with the Council's Interim Housing Policy Statement.

Visual Amenity

I am satisfied that this site can be developed for residential purposes without causing unacceptable harm to the street-scene or the character and appearance of the area generally.

The application seeks permission in principle for residential development, with the matters of Layout / Scale / Appearance / Landscaping reserved for later consideration. Accordingly, I will not comment at length on the Illustrative scheme beyond stating that : 1) the dwellings to front Station Road will need to read as 2-storey in the street-scene; & 2) if they are to stand so near to this road as illustrated it may be more appropriate for them to be constructed in stone/slate rather than brick/concrete tile.

Neighbours Amenity

I am satisfied that this site can be developed for residential purposes without causing unacceptable harm to the amenities residential neighbours could reasonably expect to enjoy.

However, I am concerned about the relationship which will exist between the proposed dwellings and the neighbouring employment area, considering there to be a significant risk of future residents having cause to complain about nuisance/disturbance from the adjacent industrial/commercial premises as now operating or wishing to develop. Such piecemeal development should in my view be resisted.

Flood Risk / Land Contamination

The application relates to land which is (in part) in a Flood Risk Area and proposes re-development of an industrial site for a more sensitive after-use. Having regard to the advice in PPG23 and PPS25, I do not consider it appropriate to grant permission in the absence of a Flood Risk Assessment and Contaminated Land Report to demonstrate whether/on what basis residential after-use is acceptable.

Public Open Space/Play Space

As the development of the site is likely to create 10 or more dwelling units the Council's Open Space & Play Equipment Contributions SPD states that the Applicant should enter into a S.106 Obligation to secure a financial contribution proportionate to the number and size of dwelling units proposed towards open space/play facilities. At this point in time such an Obligation has not been provided.

Access/Parking

The Highway Authority initially had objection in principle to the development (as the application did not allow for improvement of the shared access road). The Applicant having extended the red-edge to include the shared access road within the application site it has withdrawn that objection. The other matters of detail it raises could be the subject of conditions/addressed at the Reserved Matters stage.

9. RECOMMENDATION

Refusal

Reasons

1. The settlement of Whitworth is not identified as a Main Development Location within the Borough or one of the Council's Regeneration Priority Areas. The proposal is an unsustainable form of development in that it will result in an employment site being re-developed for residential purposes and thereby fails to maintain an appropriate balance between housing numbers and employment sites/opportunities in the settlement of Whitworth, and will thereby result in unacceptable and unnecessary travel. Furthermore, to permit this proposal makes it less likely that development will take place within Main Development Locations/Regeneration Priority Areas or on sites elsewhere within Whitworth where permissions for residential development have been granted/are in the offing and on which development is to be preferred to secure remediation/re-

use of derelict land. Accordingly, the proposal is contrary to PPS1 / PPS3 / PPS4, the Council's Emerging Core Strategy (2010), approved Interim Housing Policy Statement (2010) and Employment Land Study by NLP (2009).

2. The application proposes piecemeal development that will result in an unacceptable relationship between the proposed dwellings and the neighbouring employment area, with a significant risk of future residents having cause to complain about nuisance/disturbance from the adjacent industrial/commercial premises as now operating or wishing to develop. Accordingly, the proposal is contrary to PPS1 / PPS3 / PPS4 / PP23 / PPG24, the Council's Emerging Core Strategy (2010), and Employment Land Study by NLP (2009).
3. The application relates to land which is (in part) in a Flood Risk Area and proposes re-development of an industrial site for a more sensitive after-use. In the absence of a Flood Risk Assessment and Contaminated Land Report to demonstrate whether/on what basis residential after-use is acceptable it is not considered appropriate to grant permission for the proposed development, in accordance with PPG23 and PPS25 and Policy DC1 of the Rossendale District Local Plan (1995).
4. Insufficient evidence has been provided to demonstrate that adequate provision for public open space either within the site or through an off-site financial contribution would be provided. As such, the proposed development is contrary to Policy DC3 of the Rossendale District Local Plan (1995) and the Council's approved Open Space & Play Equipment Contributions SPD (2008).

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