

TITLE: 2005/715 ERECTION OF DWELLING AND DETACHED DOUBLE GARAGE ON LAND ADJACENT TO BROOK HOUSE, COAL PIT LANE, BACUP

TO/ON: DEVELOPMENT CONTROL COMMITTEE 7TH FEBRUARY

BY: TEAM MANAGER DEVELOPMENT CONTROL

DETERMINATION EXPIRY DATE: 9th FEBRUARY 2006

APPLICANT: MR J A MCGUIRE

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 and Proposal

The applicant seeks planning permission for the erection of a single dwelling and a detached double garage on the above land.

The site is within the urban boundary and the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative Area.

This proposal was requested to be heard by this Committee by a ward Councillor.

Relevant Planning History

2005/162 - Erection of dwelling and detached double garage at land adjacent to Brook House, Off Coal Pit Lane, Bacup. REFUSED

2005/478 - Erection of one dwelling and detached double garage at land adjacent to Brook House, Off Coal Pit Lane, Bacup. REFUSED

Notification Responses

Site notices were posted and no letters have been received.

The applicant has submitted a supporting letter, which states as follows:

- The reason for the application is based upon my family needs and is not for profit.
- We are a close family that has always lived and worked within Bacup. Without this family support, my daughter would be unable to hold down a part time job, which she currently does.
- I live in a beautiful, safe part of Bacup and intend to stay here. My daughter cannot afford to buy a property here and therefore, has to rent less favourable accommodation in a troubled area.
- By building an other house within the grounds of my existing property, seems the only affordable way of to enable her to move to a safe and secure environment. Here she can bring up her own family, with our support, and continue to live and work within Bacup.
- I would like to add that my neighbours support the application, as it will improve the immediate environment and there will be adequate parking available.

Consultation Responses

County Highways

No objections.

County Archaeology Service

The 1st Edition 1:10560 OS Survey surveyed 1844-7 shows the proposal site to be the former site of Vale Mill. Information concerning the layout and development of the mill is limited, and the level of demolition is not known. There is, however, still a potential for surviving belowground remains to be encountered by the development.

Should the local planning authority be minded to grant planning permission to this or any other scheme, the Lancashire Archaeology Service would recommend that the applicants be required to undertake an archaeological watching brief during development, and that such works be secured by means of a condition on any planning permission. This is in accordance with PPG16 para 30 and Local Plan Policy HP6.

RBC Forward Planning

A objection as the proposed development does not meet the criteria set out in the Housing Policy Position Statement or Policy 12 of the Joint Lancashire Structure Plan as there are already sufficient planning permissions to achieve the target of 1920 homes by 2016.

Environment Agency

The Agency has responded as follows:

“The Agency has no further comments to add to the previous letter dated 26th April 2005. These comments are below:

The Agency has no objection in principle to the proposed development subject to the inclusion of conditions which meet the following requirements:

The plans as submitted indicate that the proposed dwelling and garage would be sited within 8 metres of Greave Clough Brook, which is main river watercourse. The siting as proposed would be unacceptable to the Agency, and would have resulted in an Agency objection to the scheme.

Stephen Hague, the agent acting for the applicant, was informed of the Agency’s concerns, and that we were minded to object to the proposed scheme due to the proximity of the proposal to the culverted watercourse. An amended plan and letter dated 14th April 2005 (and these plans have formed the basis of this application) were subsequently received from Stephen Hague, and the revisions indicate that the proposed dwelling and garage will be no closer than 8 metres from the line of Greave Clough Brook culvert, and this is acceptable to the Agency.

Consequently we have no objection in principle to the proposed development, but we recommend the inclusion of conditions on any subsequent approval.”

Development Plan Policies

Rossendale District Local Plan

Policy DS1 (Urban Boundary) of the Rossendale District Local Plan states “*the Council will seek to locate most new development within a defined boundary – the urban boundary – and will resist development beyond it unless it complies with Policies DS3 and DS5.*”

Policy DC1 (Development Criteria) of the Rossendale District Local Plan
The policy states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

Policy DC4 (Materials) of the Rossendale District Local Plan states that *local natural stone (or an alternative acceptable natural substitute which matches as closely as possible the colour, texture, general appearance and weathering characteristics of local natural stone) will normally be required for all new development in selected areas. Within those areas roofs shall normally be clad in natural stone slab or welsh blue slate, or, in appropriate cases, with good quality substitute slates.*

Joint Lancashire Structure Plan

Policy 1 (General Policy) of the Joint Lancashire Structure Plan states that:

Development will be located primarily in the principal urban areas, main towns, key service centres (market towns) and strategic locations for development and will contribute to achieving:

- a) the efficient use of buildings, land and other resources;
- b) high accessibility for all by walking, cycling and public transport, with trip intensive uses focussed on town centres;
- c) a balance of land uses that helps achieve sustainable development;
- d) accelerated rates of business development in the regeneration priority areas;
- e) appropriate development at Blackpool airport, ports and regional investment sites;
- f) urban regeneration, including priority re-use or conversion of existing buildings, and then use of brownfield sites;
- g) enhanced roles for town centres as development locations and public transport hubs;
- h) rural regeneration;
- i) a high quality built environment.

Other development to meet an identified local need or support rural regeneration outside principal urban areas, main towns, key service centres (market towns) and strategic locations for development will be acceptable in principle.

Policy 2 (Main Development Locations) of the Joint Lancashire Structure Plan states Development in the following main towns (Rawtenstall, including Haslingden and Bacup) will be at levels sufficient to support:

- (a) their role as key centres for public transport, employment and services; and/or
- (b) their regeneration role within regeneration priority

Policy 12 (Housing Provision) of the Joint Lancashire Structure Plan states that provision will be made for the construction of 1920 dwellings within the Borough within the plan period (2001-2016) 220 per year between 2001 and 2006 and 80 per year between 2006 and 2016.

Parking standards require the provision of a maximum of two car parking spaces for dwellings with between two and three bedrooms, and three spaces for dwellings with in excess of 4 bedrooms.

Other Material Planning Considerations

PPS1 (General Policy and principles)

Government guidance in the form of PPS1 emphasises that development should be sustainable and states that there is a need to achieve a balance between promoting economic prosperity and protecting the natural and built environment. It also identifies ways in which mixed use development can be promoted, and provides advice on design matters.

Paragraph 7 states that “Urban regeneration and re-use of previously- developed land are important supporting objectives for creating a more sustainable pattern of development. The Government is committed to:

- a) concentrating development for uses which generate a large number of trips in places well served by public transport, especially in town centres, rather than in out of centre locations; and
- b) preferring the development of land within urban areas, particularly on previously-developed sites, provided that this creates or maintains a good living environment, before considering the development of Greenfield sites.”

PPG3 (Housing)

Government guidance in the form of PPG 3 (Housing) states that sites for housing should be assessed against a number of criteria namely the availability of previously-developed sites, location and accessibility, capacity of existing and potential infrastructure, ability to build communities and the physical and environmental constraints on development of land.

Paragraph 22 states that *“The Government is committed to maximizing the re-use of previously-developed land...in order both to promote regeneration and minimize the amount of greenfield land being taken for development”*.

Paragraph 31 highlights the importance of the location and accessibility of housing sites to jobs, shops and services by modes of transport other than the car.

PPG13 (Transport)

Government guidance in the form of PPG13 states in paragraph 19 that *“A key objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling.”*

PPG16 (Planning and the Historic Environment)

In cases when planning authorities have decided that planning permission may be granted but wish to secure the provision of archaeological excavation and the subsequent recording of the remains, it is open to them to do so by the use of a negative condition i.e. a condition prohibiting the carrying out of development until such time as works or other action, e.g. an excavation, have been carried out by a third party. In such cases the following model is suggested: "No development shall take place within the area indicated (this would be the area of archaeological interest) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority."

(Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme).

The use of this model is also advocated in the CBI Code of Practice for Mineral Operators. The advice on the use of the above condition should be regarded as supplementary to that contained in DOE Circular 1/85 relating to archaeology.

Housing Policy Position Statement

The applicant has submitted the following in support of the application:

Planning Issues

The location for the proposed development is within the urban boundary and therefore the proposal is in accordance with Policy DS1 of the Rossendale District Local Plan.

The proposed development is to take place within the residential curtilage of Brook House and this land is classed as brownfield land, which is in accordance with PPG3: Housing. The location for the proposed development is within walking

distance of a bus stop and is in a sustainable location, thereby according with PPG3: Housing.

The site for the proposed development is believed to be the former site of Vale Mill. Information concerning the layout and development of the mill is limited, and the level of demolition is not known, but there is still the potential for surviving below-ground remains to be encountered by the development. Therefore, it is proposed to ensure that an archaeological watching brief is carried out during development, in accordance with the recommendation of the County Archaeologist.

The Environment Agency have no objection to the proposed development subject to the inclusion of a condition and supplementary informatives.

The proposed development is in accordance with the Council's adopted car parking standards which state that for a dwelling with four bedrooms, a maximum of three car parking spaces should be provided. Two spaces have been allocated next to the double garage and therefore, four spaces can be accommodated within the site, and therefore the proposed development is in accordance with the Council's adopted car parking standards.

The proposed development consists of a three storey dwelling, which may impact adversely upon the amenity of the neighbouring dwelling, Brook House. The proposed balcony, which will be situated on the south-western and south-eastern elevations will impact in terms of overlooking into the rear curtilage of No. 1 Coal Pit Lane. However, the balcony will be approximately 25 metres from the edge of the rear curtilage and therefore, is considered that it will not have a significantly adverse affect. The proposed balcony will be approximately 16 metres away from Brook House, and will not have a significantly adverse impact in terms of overlooking into the curtilage of the property. Therefore the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

One issue associated with this application is whether there is a requirement for new housing in the borough based on the figures in the Joint Lancashire Structure Plan (2001-2016). The Joint Lancashire Structure Plan specifies an annual average dwelling provision in the period 2001 to 2006 equivalent to 1,090 dwellings. Total housing completions 2001-September 2003 amounted to 431 dwellings. At the 1 April 2003 there were existing planning permissions for 1,606 dwellings. Therefore the County Planning Officer has concluded that there are sufficient residential planning permissions to meet Rossendale Borough Council's housing requirement to 2006 and that the proposed development would be contrary to Policy 12 of the Joint Lancashire Structure Plan (2001-2016).

As per the policy, contained within the Housing Policy Position Statement (as approved at Executive Committee on 17th August 2005), the proposed development is located within the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative Area. The proposed development may positively contribute to urban regeneration within the Bacup, Stacksteads and Britannia areas, which is in accordance with the Housing Policy Position Statement. However, the proposed development will result in the net gain of dwellings and insufficient evidence regarding the local housing need has been submitted. Therefore, the proposed development is contrary to the Housing Policy Position Statement.

Recommendation

That planning permission is refused for the following reasons:

Conditions

1. It is considered that the development is not currently required to meet the housing requirements of the Borough. The proposal is therefore considered to be contrary to the provisions of Policy 12 of the Joint Lancashire Structure Plan 2001 – 2016 and the Housing Policy Position Statement.

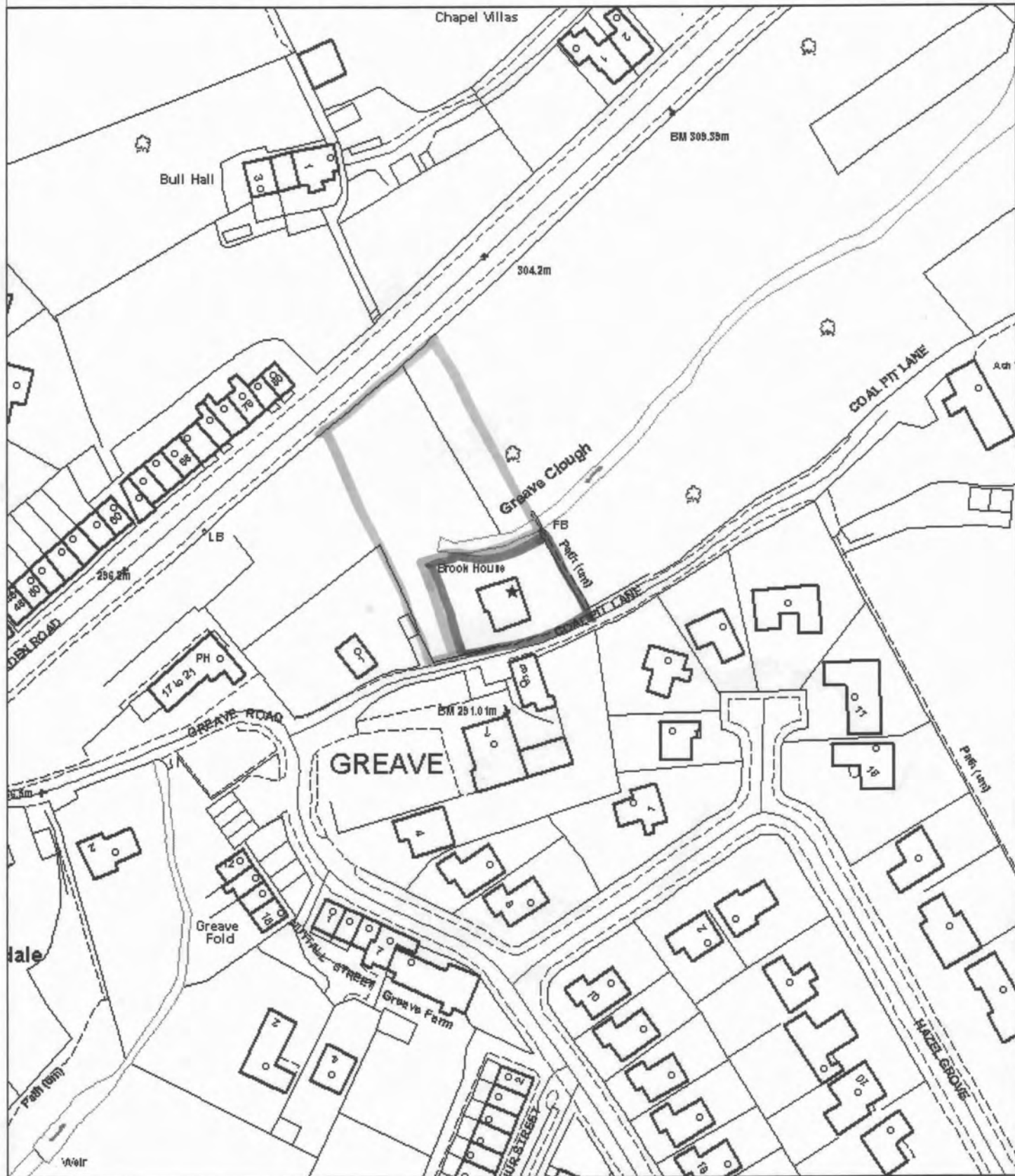
Local Plan Policies

DS1
DC1
DC4

Structure Plan Policies

Policy 1
Policy 2
Policy 12

BROOK HOUSE, OFF COAL PIT LANE, BACUP



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