

Application Number:	2012/538	Application Type:	Outline
Proposal:	Erection of 13 dwellings	Location:	Land adj 368 Rochdale Road, Britannia
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	19 March 2013
Applicant:	Boundary Edge Developments Ltd	Determination Expiry Date:	27 March 2013
Agent:			

Contact Officer:	Neil Birtles	Telephone:	01706-238645
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input type="checkbox"/>
Other (please state):	Major Application

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. RECOMMENDATION

That Permission be Granted subject to a S.106 Obligation and the Conditions set out in Section 9.

2. 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) and land fronting to Lees Street upon which a row of 4 houses is being erected.

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.

The application site lies within the Urban Boundary of Britannia except for a strip of land on the northern boundary, amounting to approximately 15% of the total site area, which is designated as Countryside.

3. RELEVANT PLANNING HISTORY

2000/538

In 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.

2004/449

In July 2004 permission was granted for the erection of eight 2-storey houses on the site of the current application.

2006/189

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

2006/609

Permission was sought to erect on the site of the current application 13 Town Houses.

In short, the 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 were to be three blocks of terraced houses, each of 2 ½-storeys in height. Each building to have all elevations constructed of stone, with a slated-roof, with the facility to park 1 or 2 cars on its forecourt.

The block proposed nearest to Rochdale Road was to have its front elevation face the main road, with parking to the rear. It would thereby go some way towards hiding from public view the gable of 368 Rochdale Road (which is of rather poor appearance).

Officers advised Committee as follows :

"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 [prior to its withdrawal by the Applicant]. 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, this is now a finely balanced case in terms of whether there

are 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 an exception to Policy 12."

In accordance with the Officer Recommendation the application was refused but in November 2007 was granted on Appeal. The Inspectors decision letter states :

"It seems clear to me that in considering previous applications on the site and adjoining land, the Council regarded the townscape and landscape impact of proposals as contributing to the regeneration of the area. This was the reason it gave for allowing four dwellings on the adjoining land on Lees Street.....In my opinion, given its present condition, the development of the site as proposed would significantly contribute to the regeneration of the Britannia area.

I consider that in terms of increasing the sustainability of the development in line with Structure Plan policy, and in accordance with the adopted Lancashire County Council Planning in Lancashire Policy Paper (PLPP), it is necessary to improve public transport and provide alternative means of access to the car. I agree that the most appropriate way to achieve this would be to upgrade the nearest bus stop to 'Quality Bus Standard' and to contribute towards the development of a nearby cycle route. The appellant has submitted a signed and dated unilateral undertaking dated 20 July 2007 agreeing to contribute [£15,990] to this provision in accordance with the PLPP.

Subject to appropriate conditions relating to materials and landscaping (including consideration of existing trees on the site), I am satisfied that the layout and design of the proposed development would complement the character and appearance of the area including the adjoining countryside. In my view the incursion into the countryside is relatively small and no greater than development to the west. Again, subject to conditions relating to parking and manoeuvring areas, I am also satisfied that the proposal makes proper provision for car parking and the creation of a safe access onto Rochdale Road. From my observations, I do not consider the proposed town houses would cause any significant loss of light, privacy or outlook to existing nearby properties given the distances between them."

This permission has become time-expired.

4. PROPOSAL

Outline Permission is now sought to erect upon the site 13 dwellings.

Although all matters of detail are reserved for later consideration, the application is accompanied by a Design & Access Statement which proposes development of the site will be undertaken in essentially the form permitted by Planning Permission 2006/609. That is to say :

"The proposed buildings shall take their cue from nearby terraced buildings that have up to a 2½ storey height appearance, having tall ceilings and high eaves lines. The application is outline so further detail is reserved, but general appearance would be as the previously approved scheme (see attached views)

These shall be modern terraces that re-visit a successful tradition and are to be of high quality construction, using stone facades and details.

Access to the site would be via the existing road crossing, improved as required by Highways and a new entry from that access into a courtyard, very similar to the more recently approved plan (see attached)

Terraces would probably be arranged in two ranges with parking spaces directly in front of each property. 2 spaces per property would be provided.”

The application is accompanied by Ground Condition reports that conclude that the site is capable of development for residential purposes without the need for remediation due to contamination or incorporation of landfill gas prevention measures. However, it indicates that piled foundations rather than traditional shallow foundations as houses that formerly occupied the site may have had foundations and there is made-ground towards the rear of the site.

5. POLICY CONTEXT

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
- Section 10 Meeting the challenge of climate change, flooding & coastal change
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Regional Spatial Strategy for the NW (2008)

- DP1-9 Spatial Principles
- RDF1 Spatial Priorities
- W1 Strengthening the Regional Economy
- L1 Health, Sport, Recreation, Cultural & Education Services Provision
- L4 Regional Housing Provision
- L5 Affordable Housing
- RT2 Managing Travel Demand
- RT4 Management of the Highway Network
- RT9 Walking and Cycling
- EM1 Environmental Assets
- EM2 Remediating Contaminated Land
- EM3 Green Infrastructure
- EM5 Integrated Water Management
- EM18 Decentralised Energy Supply

Rossendale Core Strategy DPD (2011)

- AVP2 Bacup, Stacksteads, Britannia & Weir
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 4 Affordable & Supported Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Designed Spaces

Other Material Planning Considerations

LCC Landscape Strategy for Lancashire (2006)

LCC Planning Obligations in Lancashire (2008)

RBC Open Spaces & Play Equipment Contributions SPD (2008)

6. CONSULTATION RESPONSES

LCC (Highways)

No objection.

It advises :

- The visibility splay of the proposed access to Rochdale Road maybe obscured by the bus shelter and the applicant would be required to cover the cost of moving the bus stop to a suitable position or replacing the bus shelter with a more suitable alternative. The estimated cost of this at £6,000.
- A Traffic Regulation Order should also be investigated to prevent parking on Rochdale Road, to ensure that adequate sightlines are maintained for drivers exiting the new access road. The estimated cost of this is £1,500.
- No driveways should be directly off Rochdale Road, where vehicles would have to reverse out onto Rochdale Road.
- LCC parking policy requires 2 spaces per 3 bedroom dwelling and 3 spaces per 4 bedroom dwellings, therefore the total number of spaces required for 11 x 3 beds and 2 x 4 beds is 28.
- The accessibility score for the development generates a contribution request of £15,710. An email has been received from a member of the public about the lack of signage to the cycle / greenway on the former railway line south of New Line from Rochdale Road; a sum of £3,000 would cover the cost of new signage to Britannia Greenway.
- The scheme must preserve or enhance Public Footpath 483, which runs down the westerly side of the land.

LCC Education

Latest projections for the local primary schools (within 2 miles of the application site) show there to be a 210-place shortfall in 5 years' time having regard to existing school capacity and existing housing and implementation of other residential schemes already permitted. The 13 houses proposed can be expected to have a primary school age population of 5. Therefore, a contribution to add to primary school capacity in the local area is sought of £59,402.

Latest projections for the local secondary schools (within 3 miles of the application site) show there to be 400+ places available in 5 years' time. The 13 houses proposed can be expected to have a secondary school age population of 3. Therefore, no contribution towards secondary school capacity in the local area is sought.

United Utilities

Object. Two trunk mains cross the site . As we need access for operating and maintaining them we will not permit development in close proximity : for the one of 300mm diameter an access strip of 5m in width is required and for the other of 400mm in . to the proposal provided that the following conditions are met :

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a SUDS system, as stated in the application, and not either directly or indirectly to the combined sewer network.
- No building over the public sewer which crosses this site or within an access strip 3 metres either side of the centre line of the sewer in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

A domestic water supply can be made available to the proposed development.

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice on 11/1/13 and a site notice was posted on 16/1/13 and letters sent to the relevant neighbours on 2/1/13.

A resident of Ernest Street has indicated that they have no objection to any development that will improve the appearance of this area, but seek assurance regarding surface-water drainage as significant water run-off from Railgate/Lees Street has in the past caused flooding of/in the vicinity of Ernest St/William St properties.

Another response requests Section 106 monies be used to develop the Britannia Greenway and cycle facilities/signage to this cycleway from Rochdale Road.

8. ASSESSMENT

The main considerations of the application are :

- 1) Principle; 2) Housing Policy; 3) Design (inc Neighbour/Visual Amenity & Parking);
- 4) Access; & 5) Contributions.

Principle

The site is located for the most part within the Urban Boundary of Britannia, with a post office/other town centre services opposite and is on a main road frontage along which runs a 'quality' bus route, with bus stops nearby. Whilst the rear of the site lies within the Countryside this has not precluded permission for residential development being granted for it.

The most recent permission (2006/609) was granted on Appeal in November 2007, when there was a situation of housing over-supply, the Inspector concluding "*...given its present condition, the development of the site as proposed would significantly contribute to the regeneration of the Britannia area*".

Accordingly, given that there is not now a situation of housing over-supply and the site is of no better appearance, I consider it appropriate in principle to grant permission to the current application.

Housing Policy

Policy 4 of the Core Strategy indicates that on 'brownfield' sites for which more than 15 dwellings are proposed 20% of the units should be provided as Affordable Housing. As the submitted scheme is for 13 dwellings, and the site is for the most part previously-developed, there is no requirement any of the dwellings are provided as Affordable Housing.

Design (including Neighbour /Visual Amenity & Parking)

Having regard to Full Permission having been granted for 13 family houses in November 2007, and the current Outline application proposing the same number of houses and accompanied by a Design & Access Statement proposing a scheme broadly in accordance with the scheme then permitted, I am in no doubt that the resulting houses will provide their occupiers with the amenities/parking they could reasonably expect to enjoy.

Likewise, I am satisfied that this number of houses can be accommodated on the site without unacceptable detriment for neighbours or the character & appearance of the area - the Reserved Matters application which will need to be submitted and approved before development can proceed must accord with the parameters and principles of the submitted Design & Access Statement.

Access

The means by which the proposed development will be accessed is the same as that permitted by Planning Permission 2006/609. LCC Highways has no objection to it subject to a S.106 Obligation to secure payment by the Developer of the £7,500 necessary to modify/relocate a bus shelter and limit on-street parking that would otherwise interfere with driver visibility in a manner detrimental to highway safety in the vicinity of the junction.

I do not consider that it would be appropriate for permission to be granted for the proposed houses in the absence of the monies to address these highway safety issues.

Contributions

In addition to the sum of £7,500 to mitigate highway danger, LCC Highways has also requested payment of £15,710 to address accessibility issues (a sum calculated in accordance with the Planning Obligations Policy) and has suggested £3,000 be expended on new signage to Britannia Greenway.

LCC Education has requested payment of £59,402 to add to primary school capacity in the local area (equivalent to the cost of providing building space for the primary school age population of the development). To accord with the Council's approved Open Spaces & Play Equipment Contributions SPD the Developer should also be making a contribution of £1,366 per dwelling, making for a total of £17,758.

In respect of Application 2006/609 the Applicant submitted a S.106 Obligation offering a contribution of £15,990.

The Applicant has not proposed any financial contribution with the current proposal, the Agent stating :

"This site was purchased by the current owners prior to the housing crash in 2008 when land prices were at their highest level and a subsequent site investigation has revealed that abnormal foundations will be required at a much greater cost than standard strip footings. I should also point out that the site is likely to be developed for a Housing Association to provide affordable homes. With these three factors alone the development costs will be

above the norm and the site would not be capable of carrying any extraneous costs. I would therefore request that the financial burdens of a) Transport/Accessibility; b) Play Provision/Open Space; & c) Primary School places not be applied to this site.”

In this instance a full Viability Appraisal has not been submitted by the Applicant to demonstrate that the current proposal would be unviable with any contribution. However, the previous permission was granted at a time when the housing market was more buoyant and was not then implemented, despite its accompanying S.106 Obligation requiring payment of £15,990 rather than the £100,370 now sought/required by policy.

I am also mindful that since consideration of the earlier application monies have already been expended to :

- provide modern bus shelters along that part of Rochdale Road in the vicinity of the site in accordance with the ‘quality’ bus route standard and LCC Highways has not indicated how the proposed accessibility contribution it now seeks would be expended in full in a manner closely related to the development
- up-grade the equipped play area and provide the multi-use games area adjacent to Britannia Community Primary School, approximately 100m to the east of the site.
- at its meeting in January 2013 Committee considered a report in respect of a proposal from Harron Homes for construction of 30 houses on the Deansgreave Road/New Line site (at the other end of Cobden Street, approximately 120m to the south). For viability reasons, Permission was granted without securing the 6 Affordable Housing to accord with policy OR the other contributions requested/required by policy of :
 - £ 55,000 - LCC Highways (for enhancement of Britannia Greenway)
 - £127,992 - LCC Education (for provision of primary school capacity)
 - £ 40,980 - RBC Open Spaces & Play Equipment Contributions SPD

In the present economic climate the Agent advises that if the site is to be developed at all it is likely to be developed for a Housing Association. There is a recognised need for Affordable Housing units in the area and there is no policy requirement for this site to provide any Affordable Housing such is the size of the proposed development. If the site is developed by a Registered Provider it would deliver sufficient ‘benefit’ it could not reasonably be expected able to carry also further financial contributions.

Accordingly, I consider it appropriate to require a S.106 Obligation to secure :

- a) Payment of the £7,500 necessary to modify/relocate a bus shelter and limit on-street parking that would otherwise interfere with driver visibility in a manner detrimental to highway safety in the vicinity of the site access.
- b) Payment of £17,758 only in the event that none of the proposed dwellings are provided as Affordable Housing, these monies to be expended by the Council on the provision/improvement of recreational/play facilities &/or provision/improvement of access thereto on foot or cycle.

9. RECOMMENDATION

That Permission be Granted subject to :

- A S.106 Obligation to secure payment of :
 - a) £7,500 necessary to modify/relocate a bus shelter and limit on-street parking that would otherwise interfere with driver visibility in a manner detrimental to highway safety in the vicinity of the site access.

- b) £17,758 only in the event that none of the proposed dwellings are provided as Affordable Housing, these monies to be expended by the Council on the provision/improvement of recreational/play facilities &/or provision/improvement of access thereto on foot or cycle.

The Conditions below.

Conditions

1. The development hereby permitted shall be begun before the expiration of 1 year from final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason : To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made not later than 2 years from the date of this Outline Permission.

Reason : To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The “reserved matters” are Access, Layout, Scale, Appearance and Landscaping. The reserved matters application(s) shall accord with the parameters and principles of the submitted Design & Access Statement, most particularly :

“The proposed buildings shall take their cue from nearby terraced buildings that have up to a 2½ storey height appearance, having tall ceilings and high eaves lines. The application is outline so further detail is reserved, but general appearance would be as the previously approved scheme (see attached views)

These shall be modern terraces that re-visit a successful tradition and are to be of high quality construction, using stone facades and details.

Access to the site would be via the existing road crossing, improved as required by Highways and a new entry from that access into a courtyard, very similar to the [most] recently approved plan (see attached)

Terraces would probably be arranged in two ranges with2 spaces per property would be provided.”

Furthermore, the submitted Layout shall provide for :

- No driveways directly off Rochdale Road
- The houses bounding Rochdale Road having their front elevations face towards it.
- Diversion of the public sewers crossing the site or avoidance of them and their associated access strips.

Reason : To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The reserved matters application for approval of the Layout shall be accompanied by :
- a) Details of existing and proposed ground levels, and the levels for any proposed building, related to buildings/features surrounding the site.
- b) Details of a scheme to preserve or enhance the pedestrian link which runs down the westerly side of the site from/to Rochdale Road and Public Footpath 483.

The development shall not be undertaken other than in accordance with the details approved in writing by the Local Planning Authority.

Reason : In the interests of visual and neighbour amenity and pedestrian safety, in accordance with Policies 1 / 24 of the Council’s Core Strategy DPD (2011).

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order amending or revoking and re-enacting that order, there shall not at any time be permitted, erected or planted, or allowed to remain upon the land hereinafter defined, any wall fence, hedge, tree, shrub or other device which shall obstruct the view above a plane of 1m above the crown level of Rochdale Road. The area of land affected by this condition shall be that land within the application site in front of a line drawn from a point 4.5m measured along the centre line of the site access from the carriageway of Rochdale Road to points measured 90m in both an easterly and westerly direction along the nearest edge of the carriageway of Rochdale Road from the intersection of the centre line of the site access.

Reason : In the interests of highway safety, in accordance with Sections 6 / 7 of the National Planning Policy Framework (2012), and Policies 1 / 24 of the Council's Core Strategy DPD (2011).

6. Prior to the commencement of development a scheme and timetable shall be submitted to and approved in writing by the Local Planning Authority detailing the facilities to be provided within the development to provide for 10% of total energy usage from renewable sources or a 10% reduction in energy usage through efficiency measures; or a combination of the two. The renewable energy facilities shall be implemented in accordance with approved scheme/timetable.

Reason: In order to encourage the use of renewable energy sources/energy efficiency, in accordance with the aims and objectives of Policy 19 of the Council's adopted Core Strategy DPD (2011).

7. Prior to the commencement of the development hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority in respect of :

- i. The siting of the construction /material storage compound, and vehicular access thereto; &
- ii. The facilities to be provided for the cleaning of the wheels of lorries associated with the development.

Development shall proceed in accordance with the agreed details, unless a variation is first agreed in writing by the Local Planning Authority.

Reason : To protect the amenities of neighbours and in the interests of highway safety, in accordance with Policies RT2 / RT4 of the Regional Spatial Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (2011).

8. The shell-&-auger method shall be used to form any piled-foundations, unless a variation is first agreed in writing by the Local Planning Authority.

Reason : To protect the amenities of neighbours, in accordance with Policies 1 / 24 of the Council's Core Strategy DPD (2011).

9. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason : To safeguard the amenities of nearby residential properties, in accordance with the Policy 1 / 24 of the Council's Core Strategy DPD (2011).