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| Application Number: | 2014/0427 | Application Type: | Full |
| Proposal: | Erection of 15 no. detached dwellings, including formation of an access from Burnley Road and landscaping. | Location: | Land opposite 1019 Burnley Road, Loveclough |
| Report of: | Planning Unit Manager | Status: | For publication |
| Report to: | Development Control Committee | Date: | 29 January 2015 |
| Applicant: | Mr K Howieson | Determination Expiry Date: | 09 February 2015 |
| Agent: | GL Consultancy | | |

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| REASON FOR REPORTING | |
| Outside Officer Scheme of Delegation | |
| Member Call-In Name of Member: Reason for Call-In: | |
| 3 or more objections received | Yes |
| Other (please state): | Departure / 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.

BACKGROUND INFORMATION

Members will recall the following planning applications:

2013/0256

“The construction of 15 detached dwellings with a new access from Burnley Road. Access and infrastructure works to resident’s allotments and infrastructure and facilities including growing houses and a community education building for a community allotment and garden scheme “. That application was refused by Members at the 09 October 2014 Development Control Committee for the following reason:

“The scheme would result in the development of an un-allocated Greenfield site within the Countryside for housing. The Applicant has not advanced the case to outweigh the harms arising from the proposal in terms of inappropriate development within the Countryside, lack of Affordable Housing and the contribution to accord with the Council’s adopted Open Space & Play Equipment Contributions SPD (2008), and detriment to the essentially open and rural character of the area. The development is considered contrary to Sections 3, 6, 7, 8, 10, and 11 of the National Planning Policy Framework, and Policies 1, 2, 3, 4, 18, 22, 23 and 24 of the Council’s adopted Core Strategy DPD (2011).”

2013/0537

“The construction of 15 detached family dwellings with a new access to be incorporated from Burnley Road. The development also to include access and infrastructure works to the proposed residents allotment, together with the infrastructure and facilities required for the community allotment and garden scheme.”

That application was refused by Members at the 09 October 2014 Development Control Committee for the following reason:.

“The scheme would result in the development of an un-allocated Greenfield site within the Countryside for housing. The Applicant has not advanced the case to outweigh the harms arising from the proposal in terms of inappropriate development within the Countryside and detriment to the essentially open and rural character of the area. The development is considered contrary to Sections 3, 6, 7, 8, 10, and 11 of the National Planning Policy Framework, and Policies 1, 2, 3, 4, 18, 22, 23 and 34 of the Council’s adopted Core Strategy DPD (2011).”

In addition, at 10 December Committee, Members granted planning permission on land immediately to the west of the site for “Allotments, with associated communal allotment building, hardstanding for 7 cars, site access improvement, pond, fencing & landscaping” (Ref 2013/0461). Works are progressing on the implementation of this scheme.

1. RECOMMENDATION

That Committee refuse Permission for the reasons set out in Section 10.

2. SITE

The site essentially remains as per the previous two planning applications less the areas to the west that were previously included (the ‘Loveclough community garden facility’ and the allotments).

3. PROPOSAL

The applicant seeks planning permission for the construction of 15 detached dwellings in stone and slate.

In addition to the amendments to the site as described in section 2 of this report, there is also a slight internal modification to the layout within the site and house type 4A on Plot 15 would now have its attached garage to its rear and facing west.

In respect of planning contributions the applicant has agreed to provide the following:

- Four of the houses to be Affordable Units in line with the Council’s Core Strategy
- £20,490 to meet the requirements of the Council’s Open Space and Play Provision SPD
- £60,148 for five primary school places
- £1500 towards bin provision for the dwellings.

It remains that as part of the scheme the applicant proposes to construct a pelican-crossing to the north of the residential site access, to provide safe crossing facilities for those on foot travelling to/from the houses and other facilities being proposed.

The applicant states that the site has been classed as Seriously Disadvantaged Land by the Ministry of Agriculture and should not be considered as Greenfield due to its past historic use as a coal staith until the 1950s.

Below is the applicant’s case as concluded within their supporting Planning Statement:

- The site received the highest allocation in the Council’s SHLAA.
- It is supported by the planning precedent on the Working Men’s Club that was also outside the development boundary.
- The Council’s own allocation of sites recognises that there should be new housing development in Loveclough, but all of the sites within the development boundary have been developed and none outside it have been allocated for residential development.
- Were this site to be considered then it would virtually prevent any other residential development in Loveclough as it would take up virtually all of the housing allocation.
- It is a Brownfield site within the Countryside, but **not** in open Countryside as the site is in a sustainable location.
- The houses will be constructed to a much higher level of the code for sustainable homes than those in that area or indeed the majority of new housing within Rossendale.

4. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 3 Supporting a Prosperous Rural 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 Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 4 Loveclough
- 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 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

LCC Planning Obligations in Lancashire (2008)

RBC Open Space & Play Equipment Contributions SPD (2008)

5. CONSULTATION RESPONSES

RBC (Forward Planning)

An argument is contained within the Planning Statement about the lack of alternative housing allocations within Loveclough and the high score within the SHLAA. The Core Strategy does not include allocations as it is a strategic document; this will be dealt with via the “Lives and Landscapes” Site Allocations DPD but this is not programmed for adoption before January 2017. It is recognised that the application site does perform well within the SHLAA but this document does not have any status with respect to allocations.

Furthermore, further site assessment has shown that the site is predominantly Greenfield (with the exception of the Garage Colony), the land having rejuvenated back to Greenfield from any previous historic use some time ago, accordingly, it is considered the SHLAA record should be revised in this respect. The site was not taken forward as part of the recent “Boundary Changes” consultation for “Lives and Landscapes” due to its location on the west of Burnley Road (contrary to AVP4) and its visual impact. A thorough appraisal of all potential housing sites within the urban boundary will be undertaken as part of the next stage of the plan preparation process.

The Council currently does have a 5 year land supply plus 5% which has been upheld on appeal. The “Lives and Landscapes” Site Allocations DPD will provide a sustainable long term supply. The Council is of the view that this site is not necessary as part of its supply needs.

LCC Highways

I would raise the following points in relation to the development which can all be resolved with amendments to the plan.

Internal works

- The turning head needs extending to meet LCC specification and there is scope within the layout to accommodate this.
- The gradient of the estate road should not exceed 6% (1:16) and the first 12 metres of the access road measured from the give way line of Burnley Road should be of a significantly shallower gradient for reasons of highway safety.
- The proposed gabion retaining structures to Burnley Road will require amending to show a structure of solid construction that will be acceptable to retain the highway for the future. It will be necessary to enter into a structural agreement alongside the agreement for the adoption of the access road.
- Each 4 bedroom property requires 3 off street parking spaces, with a maximum of 2 spaces in line. There is plenty of scope to extend the driveways to accommodate this.

Highway works

- The re-location of the northbound bus stop should be agreed and shown on the plan to give the nearby residents the opportunity to raise any comments. The southbound bus stop can remain in its current position.
- The pelican crossing should be deleted from the scheme. The crossing cannot be provided alongside parking bays due to regulation under the Road Traffic Regulation Act. Therefore a pelican crossing in this position would result in the extensive loss of

on-street parking which would be unacceptable to the neighbours who have no alternative parking places.

- An alternative pedestrian crossing measure can be installed between the access road and Goodshaw Avenue North in the form of a central refuge which will better serve the wider community on a daily basis to access the bus stops, recreation ground and potential allotment site.

LCC (Education)

The latest information available at this time is based upon the 2014 annual pupil census and resulting projections.

Based upon the latest assessment, LCC will be seeking a contribution for 4 primary school places. However LCC will not be seeking a contribution for secondary school places.

Calculated at the current rates, this would result in a claim of:

Primary places:

$(£12,257 \times 0.9) \times \text{BCIS Indexation } (314.50 / 288.4 = 1.090499)$

= £12,029.62 per place

£12,029.62 x 4 places = **£48,118**

NB: If any of the pending applications listed in the attached are approved prior to a decision being made on this development the claim for primary school provision could increase up to maximum of 5 places.

Calculated at the current rates, this would result in a maximum primary claim of:

$(£12,257 \times 0.9) \times \text{BCIS Indexation } (314.50 / 288.4 = 1.090499)$

= £12,029.62 per place

£12,029.62 x 5 places = **£60,148**

The additional applications listed are:

2014/0355 Whinberry View:

Demolition of all buildings and structures and the erection of 29 no. dwellings and associated works, including provision of off-street parking facilities to rear of 1 - 27 Wheatholme Street

2014/0232 123 Burnley Road:

Construction of Two Storey Building Comprising Twelve, One Bedroom Flats and Four, Two Bedroom Flats (Amended scheme following withdrawal of Planning Application Reference 2014/0077)

LCC (Ecology)

The main ecological issues arising from the proposal include potential impacts on

- Amphibians, including Great Crested Newt (European Protected Species) and Common Toad (Species of Principal Importance)
- Breeding birds (including Species of Principal Importance)

Along with the loss of approximately 0.7ha of semi-natural habitat (tall herb fen)

The results of initial ecological surveys have been submitted (*Ecological Survey and Assessment*, ERAP Ltd, March 2013, ref: 2013_035). However at this stage the surveys are incomplete and are not adequate to fully establish the ecological value of the site and likely ecological impacts.

The applicant has not demonstrated that the proposals would be in accordance with the relevant legislation, planning policy and guidance.

At this stage Rossendale Borough Council does not have sufficient information on which to base a planning decision.

United Utilities

No objection

Police Architectural Liaison Officer

Good natural surveillance to the fronts of the dwellings is achieved on this development by varying the orientation of the houses.

The cul-de-sac arrangement helps deter intruders to the front as they would be more likely to stand out and have only one approach and one escape route.

I have concerns that the rear garden fencing, show as 1.2m timber post and rail, is not sufficient to protect the rear of these dwellings from intruders. The plots most at risk from burglary are the properties that back onto the track, the allotments and open land. Here an intruder could approach and escape without detection. Most burglaries occur at the rear of dwellings and this area must be protected from the increased risk. I acknowledge that hawthorn hedging is to be planted but this would not (until fully established) be of a sufficient height to protect the rear of the properties. I would always advise that a boundary treatment of at least 1.8m is required, a compromise in this rural area would be to ensure that mature hawthorn specimens are used which would provide immediate protection from intruders where small plants would have to become established to do so.

I cannot find detail showing the height of the existing stone wall to plots 3 and 15. If the height is less than 1.8m, I would recommend adding a trellis topper.

The dividing fences in rear gardens should be 1.5m in height. This could be achieved with 1.2m fencing with a 300mm trellis topper to increase natural surveillance between properties.

Access into the rear gardens from the front should be restricted by a 1.8m lockable (from the inside) gate. This should be located as close to the front elevation as possible to restrict access to the less visible side of the properties.

Garages should be devoid of any windows as they would allow a view of any valuables stored inside.

Letter box deflector plates should be fitted to prevent hook and cane burglary offences.

Should planning permission be granted, I ask that the above recommendations be made a security condition.

RBC (Environmental Health)

No objection subject to an hours of construction condition

Rossendale Civic Society

Object

The site forms part of an important, open landscape, area of land to the west of the A682 Burnley Road, Loveclough, Rossendale, It is outside a section of Urban Form Boundary, which is not proposed for change in the current Review. RCT also have concerns about it being called previously developed land, both in this application, and in the SHLAA of 2010.

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 21/11/2014, site notices were posted on 28/11/2014 and letters were sent to neighbours on 12/11/2014.

One hundred and ninety six letters of objection have been received, including representation from the Limey Valley Residents Association. The main points of objection are summarised below:

- What is proposed is merely a superficial re-working of the applicant's previous submissions
- The scheme conflicts with the Council's Core Strategy in that it proposes housing outside of the Urban Boundary / to the west of Burnley Road
- The houses are out of character with the surroundings and do not enhance the area
- The A682 is a very busy main road and the additional traffic will have both environmental and safety implications
- The local primary school is already full
- The sewerage system is already under pressure

7. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; 5) Access/Parking; Ecology, & 6) Planning Contributions.

Principle

There has been no policy change since refusal of the previous application and the applicant's supporting statements have not been altered in any significant way to further advance the case for the development. Officers maintain the view that the site, with the exception of the garage plots is greenfield and not brownfield.

Residential development in this area of Countryside outside of the Urban Boundary of Loveclough remains unacceptable in principle.

Housing Policy

The scheme does not accord with any of criteria expressed within Policy 2 of the Council's Core Strategy.

The applicant is willing to provide four affordable units which would satisfy Policy 4 of the Council's Core Strategy, but this in my opinion is a policy requirement of any such application and does not outweigh the in principle objection to the scheme and the harm it would cause to the essentially open and rural character of the countryside.

Visual Amenity

The area forms part of a distinctive open gap between traditional terraced housing with the land clearly open and rural in character, and allowing views from Burnley Road to the wider countryside beyond. The garage colony doesn't enhance the character and appearance of the area, but the proposed development would impinge upon the essentially open and rural character of the area to a far greater extent.

The proposed layout of the dwellings, including their scale, massing and design, is very 'suburban' and does not pay any real respect to the traditional character of that area.

The scheme would erode to a significant extent the essentially open and rural character of the area and is considered unacceptable in terms of visual amenity.

Neighbour Amenity

I am satisfied that occupiers of the proposed houses would have the amenities they could reasonably expect to enjoy and the separation distances between them and existing dwellings (at over a 25 metres) would ensure neighbours are not unduly affected by the scheme in terms of light, privacy or outlook.

Access / Parking

The revisions to the scheme in respect of the internal works and off site highway works as requested by LCC Highways have now forwarded to the applicant's agent and amended plans are awaited.

Ecology

Although consulted on previous applications, LCC Ecology did not provide any responses. A response has, however, been provided to this application and further surveys are requested in respect of Great Crested Newts and other amphibian species.

The Ecology section also consider that the submitted ecological survey was carried out at a time when many plant species would not have been apparent and that LCC's own records indicate that the site may be of botanical interest with a number of herb species indicative of wet soils/fen habitat having previously been recorded.

They also consider that the site may have the potential to be of value for a range of breeding birds, including Species of Principal Importance, and that the submitted assessment of the suitability of the site for besting birds is not adequate.

Accordingly the ecology section consider it necessary that a phase 2 survey is carried out in addition to an appropriate breeding bird surveys in order to establish the value of the habitat and the value for breeding birds and likely ecological impacts. Following the above surveys the applicant would need to submit measures to demonstrate avoidance of impacts, and if unavoidable, measures to demonstrate adequate mitigation/compensation for losses.

The comments from LCC Ecology have been sent to the applicant's agent for comment and feedback will be provided within an Update Report.

Planning Contributions

Based on the most recent (2014) annual pupil census and resulting projections LCC Education has requested a contribution of £48,118 for four primary school places and have stated that this would rise to a maximum of five spaces (a contribution of £60,148) if either or both of the Whinberry View and 123 Burnley Road applications are approved.

As both these applications have now been approved (Whinberry View subject to the signing of a S.106) I am satisfied that a contribution of £60,148 should be sought) and the applicant has agreed to provide the contribution.

No contributions have been sought by LCC Highways and the provision of the crossing and bus stop relocation could be conditioned.

Having regard to the Council's SPD there would be a requirement to make a contribution of £20,490 towards Open Space and Play provision to which the applicant has agreed.

The applicant has also agreed to a contribution of £1500 towards bin provision for the dwellings.

9. RECOMMENDATION

That the application be refused.

10. REASON FOR REFUSAL

The scheme would result in the development of an un-allocated Greenfield site within the Countryside for housing. The Applicant has not advanced the case to outweigh the harms arising from the proposal in terms of inappropriate development within the Countryside and detriment to the essentially open and rural character of the area. The development is considered contrary to Sections 3, 6, 7, 8, 10, and 11 of the National Planning Policy Framework, and Policies 1, 2, 3, 4, 18, 22, 23 and 24 of the Council's adopted Core Strategy DPD (2011).