

**TITLE: 2006/116
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
FERNLEA SERVICE STATION, ROCHDALE ROAD, BACUP**

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 5 APRIL 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

APPLICANT: MATTHEWS HAULAGE

DETERMINATION EXPIRY DATE: 2ND MAY 2006

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 approval for residential development of the above site. The application is in principle, all matters of detail reserved for later consideration. The number of dwellings to be constructed is not specified in the application.

This application relates to a broadly L-shaped site having an area of approx 0.3 hectares. The site is situated on the south side of Rochdale Road (A671), near to its junction with New Line. The site is currently occupied in part by a petrol filling station, in part by a haulage vehicle yard, and is in part open land and gives views from the highway over open land to the rear.

Whilst most of the application site falls within the Urban Boundary, that part of the site projecting furthest back from the main road is Green Belt.

Relevant Planning History

2005/599 - Outline Application for Residential Development
at Fernlea Service Station, Rochdale Road, Bacup
REFUSED

Notification Responses

None

Consultation Responses

County Highways

No objection.

United Utilities

No objection.

RBC Forward Planning

The proposed development should be refused as it will contribute unacceptably to an over-supply of housing in the Borough.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

Policy DS1 (Urban Boundary)

Policy DS3 (Green Belt)

Policy DC1 (Development Criteria)

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 (General Policy)

Policy 2 (Main Development Locations)

Policy 5 (Development Outside Principal Urban Areas, Etc)

Policy 6 (Green Belts)

Policy 7 (Parking)

Policy 12 (Housing Provision)

Policy 20 (Lancashire's Landscapes)

Other Material Planning Considerations

PPS1 (Sustainable Development)

PPG2 (Green Belts)

PPG3 (Housing)

PPS7 (Rural Areas)

PPG13 (Transport)

PPS23 (Pollution Control)

RSS for the North West

LCC Parking Standards

RBC Housing Position Statement

Bacup, Stacksteads & Britannia AAP

Planning Issues

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

In dealing with this application the main issues to consider are : 1) Principle; 2) Housing Policy; 3) Traffic/Parking; & 4) Contamination.

Principle

Insofar as the proposed development is located within the Urban Boundary it complies, in principle, with Policy DS1 of the Rossendale District Local Plan. However, as Britannia is not one of the Main Development Locations within the

Borough which the more-recently adopted Structure Plan identifies the proposal needs to be considered in the context of Policy 5.

Policy 5 of the Joint Lancashire Structure Plan states generally of development that it must be “...of a scale and nature appropriate to its location and will mostly take place in villages and other settlements identified in Local Plans/Local Development Frameworks”. Further, that if it would result in the loss of local shopping, leisure, service or employment provision to other uses it ought not to be permitted unless it can be demonstrated that the use is no longer needed by the community. With respect specifically to housing development Policy 5 states that it must “...support rural and urban regeneration by meeting an identified local need”.

Whilst the part of the application site occupied by the petrol filling station, and immediately adjacent areas of hardstanding within the Urban Boundary, can be said to be ‘brownfield’, the residential development of the application site would result in a level of built-development that extends the ribbon of residential properties on the south side of New Line which will make this land, and the area generally, more urban in character. In short, it will serve to extend the extent of the village and, as such, not be of a scale and nature appropriate to the location. There being another petrol filling station within 500m I do not consider the loss of this local service to warrant refusal of the application. However, the applicant has submitted no information to demonstrate that the loss of employment provision the proposal will entail is no longer needed by the community, stating only that volatility in the price of crude oil is impacting heavily on the operating margins of many petrol filling stations. Nor has the applicant demonstrated satisfactorily how the proposed development will support rural and urban regeneration by meeting an identified local need for housing; see the section below regarding Housing Policy.

Insofar as the proposed development will be located within Green Belt the erection of new dwellings would contravene national policy and Policy DS3 of the adopted Local Plan, together with Policy 5 of the Structure Plan. The very special circumstances required to outweigh the Green Belt presumption against such a proposal have not been made.

Housing Policy

I am satisfied that the application site could be developed in a manner that would provide occupiers of the proposed dwellings with the amenities they could reasonably expect and without causing undue detriment for any neighbours.

The major housing issue associated with this application is whether there is a requirement for new housing in the Borough. The Joint Lancashire Structure Plan specifies a dwelling provision in the period 2001 to 2016 for Rossendale of 1,920 dwellings. There have been housing completions in the relevant period of 992 dwellings, giving a remaining provision for 928 units. There are existing planning permissions for 1,268 dwellings. Having regard also to the number of dwellings for which permission has lapsed, there is an over-supply of 255 dwellings. Therefore, it is considered that there are sufficient residential planning permissions to meet Rossendale Borough Council’s housing requirement to 2016 and that the proposed development would be contrary to Policy 12 of the Joint Lancashire Structure Plan (2001-2016).

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. The Council’s Housing Position Statement accepts the contention that the Borough will

over-shoot its housing allocation unless the circumstances in which permissions are now granted are limited to those set out in its Housing Position Statement :

"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."*

Having regard to the above criteria, I would advise that :

- the application will result in a net gain in dwellings;
- the application site does not lie within the boundaries of the Bacup, Stacksteads & Britannia Area Action Plan;
- no indication has been given of how the proposal will meet in perpetuity a recognised local need for housing.

As the application is in outline, it is not that easy to assess the proposed development in relation to the other criteria . Whilst I am satisfied that the site could be redeveloped for housing without causing detriment to the setting of any Listed Building or Conservation Area, development of the application site would result in a level of built-development that extends the ribbon of residential properties on the south side of New Line in a manner which will make this land, and the area generally, more urban in character. In short, it will serve to extend the extent of the village and, as such, erode the openness of the application site and adversely affect views from the main road through to open land to the rear. I am not persuaded by the applicant's argument that residential redevelopment of the application site as a whole is preferable, following the intended closure of the petrol filling station, to its use by "transient uses" of a nature that may impact negatively on the image of the area and possibly on highway safety. Nor am I persuaded that the proposal will assist in the regeneration of the area of Britannia generally. A large development of new housing has begun to the other side of the village and to grant permission for further new houses to be built will make it less likely that there will be investment in Britannia in the conversion of existing buildings/redevelopment of sites the emerging Area Action Plan has identified as the priority for regeneration.

Consequently, the application is recommended for refusal on the grounds that the proposal is contrary to Policy 12 of the Joint Lancashire Structure Plan (2001-2016) and to the Council's Housing Position Statement.

Conclusion

Reference by the applicant to an increase in the Borough's housing allocation that may result from the review of the Regional Spatial Strategy for the North West, and recent decisions on applications elsewhere in the Borough, do not provide the

grounds for granting permission to the proposed development, that contravenes both Green Belt and Housing policy.

Recommendation

That planning permission is refused for the following reasons:

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 being made.
2. The proposed development would result in the provision of dwellings outside the Main Development Locations identified by Policy 2 of the adopted Joint Lancashire Structure Plan, and it has not been adequately demonstrated that the proposal will support the rural and urban regeneration of the site and the area and will meet an identified local need for housing, contrary to Policy 5 of that plan.
3. The proposal would result in the erection of dwelling units on a site which is partially in the Green Belt as identified in the adopted Rossendale District Local Plan, contrary to PPG2 and Policy DS3 of that plan, undermining the purposes for having included the land in Green Belt and eroding the essential openness of the area.

